



Province of Newfoundland and Labrador

FORTY-EIGHTH GENERAL ASSEMBLY
OF
NEWFOUNDLAND AND LABRADOR

Volume XLVIII

SECOND SESSION

Number 33

HANSARD

Speaker: Honourable Perry Trimper, MHA

Tuesday

November 14, 2017

The House met at 1:30 p.m.

MR. SPEAKER (Trimper): Order, please!

Admit strangers.

Today in the Speaker's gallery I recognize Chief Justice Derek Green, who will be the subject of a Ministerial Statement. He is joined by Mrs. Trudy Green, Mrs. Susan Green and Mrs. Gillian Lye.

A very big round of welcome.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: In the public gallery I'd like to welcome Mr. Kirk Smith, school principal for Octagon Pond Elementary, who will be referred to in a Ministerial Statement today.

Also in the public gallery, I'd like to welcome three students visiting from the College of the North Atlantic in Qatar, who are here with faculty members today. They will be competing in the College of the North Atlantic's Newfoundland and Labrador Business Case Competition at the Grand Falls-Windsor campus from November 16-18, 2017. They are Maryam Al-Bader, Ghanem Al-Kaabi and Ruqaia Zarea.

Shukran.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

MR. SPEAKER: Today we'll hear statements from the hon. Members for the Districts of Harbour Grace – Port de Grave, Fortune Bay – Cape La Hune, Conception Bay South, St. George's – Humber, St. John's Centre and Torngat Mountains.

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

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

I'm very proud to recognize the Trinity-Conception-Placentia family support group, a local chapter of the Autism Society of the Newfoundland and Labrador network. As we know, there has been an increase in the number

of children diagnosed with autism across our province in recent years. We also know that autism simply isn't about an individual but, rather, an entire family.

Well, the TCP support group considers itself to be just that: a large family which comes together with a goal of helping and empowering its members. This organization is comprised of volunteers providing resources to families, including hands-on workshops and programs pertaining to various autism topics such as transitions, social thinking, adult leisure, social clubs and community-based therapeutic recreation.

The team is a completely family-directed group, meaning its moms, dads, grandparents and siblings who roll up their sleeves fundraise and orchestrate all activity. The Trinity-Conception-Placentia team is growing each year. There are members as young as 18 months to members who are in their 30s.

This local organization certainly is an asset to those living with autism and their loved ones. Please join me in recognizing them on their dedication and success.

Thank you.

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 to pay tribute to Miawpukek First Nation for the successful ratification vote on the Miawpukek First Nation Land Code, which took place on September 29, 2017. With this historical vote, community residents decisively chose that authority over land governance be restored to Miawpukek First Nation.

I offer congratulations to band council and Chief Misel Joe for your tremendous commitment to self-sufficiency. I am honoured to quote Chief Joe's words to sum up the significance of this momentous accomplishment and let Miawpukek members know how much we share in your great pride for this milestone in your history.

“Land governance will now reflect the unique needs and traditions of the community, provide sound and environmental protection for our reserve, and accelerate progress in generating sustainable economic development opportunities. We are a progressive and proud people, striving for self-sufficiency through education, economic development, social development and participation in the regional economy while protecting our reserve lands and resources.”

I ask that all hon. Members join me in congratulating Miawpukek First Nation for the extraordinary strides they have made in establishing their community as an amazingly credible, vibrant, culturally diverse gem on our South Coast.

Thank you, 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, on October 11, my colleague the MHA for Topsail – Paradise and I attended the Canada 150 Leadership Award ceremony acknowledging the significant contribution of the Conception Bay South Monument of Honour Committee.

During this event, the unveiling of a commemorative book dedicated to the Monument of Honour was showcased and released. The Honourable Frank F. Fagan presented copies to students and representatives from our local schools. Wayne Miller, who spearheaded this initiative, hopes to keep the memory of all veterans and first responders alive and to educate our youth on the sacrifices made by local residents for the freedom we enjoy every day.

I would like to acknowledge the members of the Monument of Honour Committee: Wayne Miller, Jim Power, Gerry Kelly, Paul Dawe, Woody French, Jerry Farrell, Adrian Power, Art Dawe, Daphne Dawe, Jennifer Hutchings, JoAnne Stone, Sandra Baggs, Greg Coates,

Richard Murphy, Todd Brophy, Jim Hapgood and Harry Pride.

Mr. Speaker, I ask all hon. Members to join me in commending the Monument of Honour Committee for their great work and dedication to the Monument of Honour project. Congratulations on receiving the Canada 150 Leadership Award. I want to thank them all for their commitment to our community.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. REID: Mr. Speaker, recently, the Canadian political science community and Memorial University lost one of Canada’s foremost scholars.

Dr. Christopher Dunn’s career at Memorial spanned nearly three decades. He developed a reputation for quality research and scholarship. His publications about Cabinets, deputy ministers, federalism and government have been widely read across Canada.

One of his significant contributions to public policy in this province and to this House of Assembly was as a political advisor for the Review Commission on Constituency Allowances and Related Matters – or the Green Report as it’s commonly known – in 2007.

He taught many students over the years and had a significant impact on many young people’s lives. He will be remembered by many as a kind and caring man.

Dr. Dunn was an esteemed scholar. He had written and edited several books, numerous journal articles and conference presentations on politics and public policy over the years.

I ask all Members to join with me in recognizing the tremendous contribution of Dr. Dunn and also in extending condolences to his wife, Hilda, and his sons, Christopher and James.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Before I continue, I would like to recognize Jessica, Jane and Susan Rendell from Heavenly Creatures. They're also in the gallery here for a Member's statement which is about to be read.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Thank you, Mr. Speaker.

Sixteen years ago, three passionate animal lovers founded Heavenly Creatures, the province's first no-kill, foster-based animal rescue organization. Jessica Rendell, Elaine Johnson and Thomas Ozon had a dream that together they could build an organization dedicated to the rescue, rehabilitation and finding homes for unwanted and abandoned animals in Newfoundland and Labrador.

Heavenly Creatures has grown steadily since then. They discovered there's a home out there for just about every animal, even if the animal is old or has a medical condition. Their foster program allows them to keep animals for months if necessary, caring for them and rehabilitating them, readying them for permanent homes.

Today, Heavenly Creatures has over 100 animals in foster care; it runs Heavenly Bargains, a thrift store on the corner of Cashin and Mundy Pond Extension, and a pet food bank to help people who have a tough time feeding their animals. This is especially true for seniors whose pets provide companionship.

None of this work would be possible without the many incredible volunteers and the vision and dedication of their director, Jessica Rendell.

Congratulations and thank you to the good people of Heavenly Creatures for their ongoing work in our community.

Bravo, Mr. Speaker!

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. EDMUNDS: Thank you, Mr. Speaker.

In addition to my hon. colleague for Topsail – Paradise, I, too, wish to congratulate athletes who represented the province at the World Dwarf Games held in Guelph, Ontario in August. In particular, I would like to recognize 10-year-old Brooklyn Woolfrey of Rigolet on her accomplishments. Brooklyn actually preformed her ancestral Inuit drum dance at the opening ceremonies of these prestigious international games.

Brooklyn competed in many events and, at times, played against males in her own age group. She also played doubles badminton with young Nicolas O'Quinn from Paradise. They placed fourth in this competition.

Brooklyn won gold medals in swimming and floor hockey. She also placed fourth in track and field, missing out on a medal by tenths of a second, which is quite an accomplishment considering she only ran track once in her life prior to the games.

Brooklyn totally enjoyed the experience and had so much fun representing her culture and our province. Hopefully, she will consider competing in the next World Dwarf Games in 2021 at a location to be determined.

Brooklyn, you did your community proud and your province.

I ask all Members to join me in congratulating Brooklyn Woolfrey on her accomplishments.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Statements by Ministers.

Statements by Ministers

MR. SPEAKER: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: Mr. Speaker, I rise in this hon. House today to recognize the career and

contributions of the hon. J. Derek Green, Chief Justice of the Supreme Court of Newfoundland and Labrador, Court of Appeal. With 17 years as Chief Justice and over 43 years of experience, dedication and commitment to the justice system of this province, Chief Justice Green has had a tremendous impact on the provincial legal system.

Chief Justice Green is a great legal mind and jurist. His extensive legal career included private practice, chairing the Newfoundland Law Reform Commission and acting as counsel to two commissions of inquiry in the 1980s. He was appointed as a Justice in 1992 and was then appointed Chief Justice of the Supreme Court, Trial Division, in 2000. In 2009, he was appointed Chief Justice of Newfoundland and Labrador, Court of Appeal.

Mr. Speaker, very notably, in 2007, Chief Justice Green served as sole commissioner of a public inquiry into constituency allowances and spending practices relating to Members of the provincial legislative assembly. The recommendations from his report are what guide us in the Legislature today.

Throughout his time in the justice system in this province, Chief Justice Green has been involved in advancing the courts and making them more open and accessible. He has been a champion for access to justice and has even spoken on aspects of reform of judicial discipline procedures and court reform at events around the world.

Mr. Speaker, these will be enormous shoes to fill. I ask all hon. Members to join me in thanking Chief Justice Green for his many years of service. The justice system in this province has been strengthened due to his contributions and his commitment.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Order, please!

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

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

I thank the minister for an advance copy of his statement today. We join with the minister in

welcoming our special guest to the House today and congratulating him on a stellar career for Newfoundland and Labrador.

Mr. Speaker, 17 years of service as chief justice and 43 years in a career of contributions to our province's justice system is certainly worth and deserving of his recognition here today.

As a parliamentarian, I'd also like to join with other MHAs in recognizing how Chief Justice Green and his work around House management and also expectations and conduct that's expected of Members of the House of Assembly and how that was transformed.

His impact not only here in our Legislature and governance, but also on our province is to be commended. I thank him personally for his dedication and commitment, and we wish him and his family all the very best.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Thank you, Mr. Speaker.

I thank the minister for an advance copy of his statement. Among all of Chief Justice Green's many, many accomplishments stands his work to rebuild the confidence in this House of Assembly. His report, *Rebuilding Confidence*, and his legislation, the *House of Assembly Accountability, Integrity and Administration Act*, has had incredible influence on our House; its effects can be felt daily.

His incredible work in modernizing our justice system and insisting it be accessible to all people is a lasting legacy.

Chief Justice Derek Green, the people of Newfoundland and Labrador thank you. You are a justice superhero.

Bravo!

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further statements by ministers?

The hon. the Minister of Education and Early Childhood Development.

SOME HON. MEMBERS: Hear, hear!

MR. KIRBY: Mr. Speaker, I rise today in this hon. House to pay tribute to the late Sergeant Donald Lucas, member of the 2nd Battalion, Royal Canadian Regiment, who was killed during active duty in Afghanistan in 2007.

Last week, I had the honour of participating in a Remembrance Day assembly and special dedication ceremony held at Octagon Pond Elementary School. Following the assembly, invited guests, family and friends gathered to witness the official naming of the school's library, now known as the Sergeant Donald Lucas Commons.

Mr. Speaker, the Sergeant Donald Lucas Commons is a welcoming space that builds community. It is a meeting place for students and a portal to the preservation of knowledge, creativity and discovery.

Sergeant Lucas was known to many as a dedicated soldier, a devoted family man and a committed member of the community. His service and commitment to our country will forever be remembered.

Mr. Speaker, the dedication of the library was initiated by Octagon Pond Elementary School Principal Kirk Smith. Mr. Smith has a distinguished career as a teacher and administrator, and also serves as a Lieutenant Colonel with the Canadian Forces Army Reserves as Deputy Commander of 37 Brigade and Commanding Officer of 37 Signal Regiment.

Mr. Speaker, the newly mounted poster in the Sergeant Donald Lucas Commons reads:

They shall not grow old, as we that are left grow old:

Age shall not weary them.

Nor years condemn.

At the going down of the sun and in the morning
We will remember them.

Mr. Speaker, I invite my fellow hon. Members to join with me in acknowledging the family of

Sergeant Lucas and in thanking our courageous men and women in uniform – both home and abroad – who put their lives in harm's way every day in service of our province and our country.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Topsail – Paradise.

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

I thank the minister for an advance copy of this statement today as well. I had the honour of being invited to attend last week's ceremony and assembly. I thank Principal Kirk Smith for the invitation.

I've gotten to know Principal Smith or Lieutenant Colonel Smith since the new school opened. I can tell you, Mr. Speaker, he's becoming very well recognized, not only in the school, but in the community at large for the great work that he does with the students and children of the area.

This dedication last week, dedication and recognition of Sergeant Donald Lucas, was very sincere and moving; truly a moving day for me I can tell you, Mr. Speaker. His wife, Natasha, his son, Matthew, his daughter, Mackenzie, as well as family and friends were also in attendance, and also to recognize that Octagon Pond school is actually located on Sgt. Donald Lucas Drive. So not only is the school located on Sgt. Donald Lucas Drive, but to have the Commons named in recognition of Sergeant Donald Lucas I know was truly important for those in attendance.

I thank the minister for recognizing this today. I thank Principal Smith for the work that he's done as well. Mr. Speaker, we will remember him.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. 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. Congratulations to the Octagon Pond Elementary community on the dedication of their new library. Those who put their lives in harm's way do so to protect and preserve our rights and freedoms, which include the pursuit of knowledge.

What a better way to commemorate Sergeant Lucas's memory. I hope the new library will be a source of inspiration, peace and knowledge to all who use it.

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 Official Opposition.

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

My question today is for the Premier – my first question. Mr. Speaker, according to the fiscal update this morning, the Liberal's so-called fiscal plan is failing. Today's fiscal update encased the projected deficit has risen from \$788 million to \$852 million, while taxes and fees continue to strangle the economy.

I ask the Premier: What is your plan to reduce the deficit moving forward, which is continuing to grow under the Liberal watch?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, I have a chance to stand in this House of Assembly today and to say that *The Way Forward* is indeed working.

SOME HON. MEMBERS: Hear, hear!

PREMIER BALL: I'm not so sure when the Leader of the Opposition got a 99 per cent grade in matching targets, but I can assure you it

wasn't in 2015 when he refused to even do a mid-year update.

This is the very person that's standing up today and questioning the Minister of Finance on the delivery of a mid-year update that the person opposite forgot about – deliberately forgot about it, did not give it to the people of our province just a few days before the election. For some reason, I just find it astounding today that the Member would get up and say that a 99 per cent meeting target is not a good number. In my view, it is a good number.

SOME HON. MEMBERS: Hear, hear!

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

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

Well, as I said, the deficit continues to grow beyond what they had projected. Housing starts are lower than what they had projected. Unemployment rates are higher than what they projected – very significant to Newfoundlanders and Labradorians.

Premier, my question was very simple: What's your plan to reduce the deficit, which is growing under your watch? It's a simple question.

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

In 2015, when we came into government, the deficit was forecast to be – which the Leader of the Opposition deliberately forgot to tell the people of the province – again, \$2.7 billion.

Why does this individual stand in this House today and question this government when in 2015, just less than 24 months ago, this person deliberately hid information from the people of this province that would have led to a \$2.7 billion deficit?

Mr. Speaker, in the forecast today, that is significantly reduced, working with the people of our province, some just \$852 million deficit. It is a significant deficit, Mr. Speaker. *The Way Forward* outlines much of this. Our plan is

working. Any time you meet 99 per cent of your target, that plan is working.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

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

I've twice asked the Premier what his plan is and apparently he doesn't have one because he's failed to comment or tell us what the plan is.

So I'll ask the Minister of Finance, because he stated this morning on VOCM that we're out of crisis, is what he said this morning on VOCM; yet, the provincial deficit grows and all the indicators, as I just mentioned, are going in the wrong direction. They haven't met the target, those very important targets that impact people, Mr. Speaker.

The former minister of Finance in April stated that we're still in a fiscal crisis. While they haven't met their targets, the minister says we're out of the fiscal crisis.

I ask the minister: What is it? Are we in a fiscal crisis or are we not?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, I'm sure the Minister of Finance will have ample opportunity to answer some more questions for the Member opposite.

When he talked about *The Way Forward*, Mr. Speaker, which, just a year ago *The Way Forward* vision was announced, presented to the people of the province, which is for growth and sustainability. We have already announced our industry sector work plan with agriculture, with aquaculture. The technology sector is coming, Mr. Speaker. People on the Burin Peninsula with CFI are currently working. The White Rose extension is providing some 5,000 jobs to Newfoundlanders and Labradorians. We've been able to secure those just in this one year, Mr. Speaker, so that's considerable improvement.

Mr. Speaker, if you go back to the PC government, go back to what they outlined, one of the challenges that we faced is with Nalcor. That is a legacy of the –

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

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

Three questions and three answers with blame game, which we know that the Members opposite are very well known for. Instead of laying out what their plan is, instead of talking about answering questions about who is correct, because we know they don't like to provide information over there, Mr. Speaker. We know they don't like to answer questions and provide information.

The minister in April said the province was in a fiscal crisis. They haven't met their targets, things have gotten worse. The minister this morning says we're no longer in crisis. I know people are in crisis.

I ask the minister: Is there a crisis or is there not?

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: Mr. Speaker, one more time I'm going to get up again and then we'll let the Minister of Finance do his job.

Mr. Speaker, the Member opposite just talked about blame game. Mr. Speaker, this is not a blame game. This is a reality check. The Leader of the Opposition fails to recognize and accept the responsibility of his government, which is laying the burden of the financial situation of this province. It is clearly on the feet of the Leader of the Opposition and the PC Party that had \$25 billion to secure the future of this province. They failed to do it. This is not a blame game, Mr. Speaker; this is a reality check. Accept your responsibility.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I remind all hon. Members that I only want to hear from the Member that I've addressed.

The hon. the Leader of the Official Opposition.

Thank you.

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

They're getting heated over there today. They are getting very defensive is what's happening over there today, very defensive, as you can see, Mr. Speaker, even while the Premier continues to chirp at me while I'm asking his next question.

It was 2015 when they finally rolled out their plan, just days before the election campaign. It was referred to as gibberish, magical, pixie dust, is what people looked at it and said. That's what it is, Mr. Speaker. They promised a 10,000 per cent return on diversification and it was called gibberish, Mr. Speaker. The Premier had the road ahead. He promised a stronger tomorrow and *The Way Forward*.

Well, Premier, your way forward has brought us in the wrong direction. How are you going to turn it around?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Finance and President of Treasury Board.

SOME HON. MEMBERS: Hear, hear!

MR. OSBORNE: Mr. Speaker, at the risk of saying that I'm using the blame game, our fiscal target here, our royalties were off by 1 per cent. Their deficit projection of \$1.1 billion when the reality was \$2.7 billion is almost three times, almost 300 per cent, almost, that they were off. I'll tell you that our plan is working because government's expenses are \$22 million less than what we projected.

We don't control the price of a barrel of oil. We were off, Mr. Speaker, on oil revenues by \$147 million. Our deficit projection was only \$75 million. I think we're doing pretty –

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

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

The minister thinks they're doing a good job. He should talk to Newfoundlanders and Labradorians that are leaving this province and moving away like we haven't seen in years, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. P. DAVIS: He should talk to people who are paying taxes and fees like never before. Even the previous minister acknowledged tax fatigue in April and they can't meet their tax revenue targets.

I ask the minister: What's your plan on a go-forward basis? How are you to fix this mess that you've created over the last year?

MR. SPEAKER: The hon. the Minister of Finance and President of Treasury Board.

MR. OSBORNE: Mr. Speaker, I'm going to try not to laugh because I need to answer the question. How are we going to fix the mess we created? We didn't leave the province with a \$2.7 billion deficit. We didn't leave the province, Mr. Speaker, with borrowing on average to meet that projected deficit, a projected \$4.38 million a day just to meet the deficit. Mr. Speaker, I think he needs to have a good look in the mirror.

What I will say, as the Member knows, your projections in 2014-15 called for job reductions in this province because you knew that three major projects were going to wind down. That's why there are not as many people working.

SOME HON. MEMBERS: Hear, hear!

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

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

This coming from a former Health minister that I think, while under his watch, had a 10 per cent increase in health spending in one year, Mr. Speaker. He talks about what we've done.

Mr. Speaker, the Finance Minister makes a good point in pointing out what we said back in '14 because we were reducing the cost to government in 2013, 2014 and 2015. We campaigned on reducing the cost to government and not putting the economy in a tailspin, which is exactly the mess I'm talking about because that's what they did with their 300 tax increases and fees. They might not be in crisis, but people are in crisis, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. P. DAVIS: I ask the Premier: What are you going to do about the crisis that people are facing in our province?

MR. SPEAKER: The hon. the Minister of Finance and President of Treasury Board.

MR. OSBORNE: I tell you what a crisis would have been. When the bond-rating agencies found out that the actual deficit was \$2.7 billion and the very real risk of a significant downgrade in our ratings, that would have been a crisis.

A crisis is when our lending agencies find out that even though he went through the campaign continuing to promise more and more spending and refused to tell the people of the province that the deficit was almost three times what he was telling them it was – the lending agencies not lending money to the province, that would have been a crisis.

What would we have to shut down if we didn't take quick and decisive action to get the province headed back in the right direction? I'll ask you that.

SOME HON. MEMBERS: Hear, hear!

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

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

I don't know how to tell the Minister of Finance this, but only to tell him that his job is about the

people of our province. People are in crisis, Mr. Speaker. They can't afford to live in our province anymore. They can't afford to pay the taxes and fees that that crowd over there imposed on them. They can't do it.

They're only dealing with half the balance sheet. They promised a stronger tomorrow. They promised a way forward. They promised a road ahead. They promised the world to Newfoundlanders and Labradorians and they failed to deliver.

I've asked the Premier four or five times – he lets the Finance Minister answer, but I'll ask him again: What is your plan to reduce the deficit, the growing deficit you talked about this morning, the deficit that's growing under a Liberal watch?

MR. SPEAKER: The hon. the Minister of Finance and President of Treasury Board.

MR. OSBORNE: Mr. Speaker, again, this is a tale of two stories because the Member opposite says you shouldn't have increased taxes. Well, to tackle a \$2.7 billion deficit – the gift you left the province – to tackle that, I ask: What services do you suggest we should have cut?

We have focused on people in this province. We haven't had major layoffs and we haven't had major public service cuts in this province, I say to the Member opposite. But we did have to take quick and decisive action to ensure that our bond ratings didn't decrease and to ensure that our lending continued, so that we could continue to provide those services to the people that need them.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, over the past 18 months I've asked the Minister of Natural Resources on the creation, approval and release of new royalty regulations, but I've been told they were not available.

Can we finally have an update from the minister on exactly what's happening?

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

MS. COADY: Thank you, Mr. Speaker.

The Member opposite is indeed correct; he has asked me in this House of Assembly. I'll remind him that throughout the past year, I was saying the regulations were under development. As late as August, Mr. Speaker, I reminded him that those regulations would be in place this fall.

The regulations are now in place to support a previously announced generic oil royalty regime, Mr. Speaker. Industry was well aware of this as we were developing those regulations. They were apprised all the way through this.

They were paying attention, Mr. Speaker. They understood that they were released. I do have copies of letters to show that we had indicated to the industry that was so.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, the last time I asked the question was August 8 here in the House. I asked the minister at that time where the generic oil regime was and when could we expect it. Her response was: "It is important to the people of this province to understand where we are with the generic oil royalty regime."

Minister, why did you not tell the House of Assembly that Cabinet had approved the royalty regime in May? Why the secrecy?

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

MS. COADY: Mr. Speaker, I will say to the Member opposite, as I said in August, those regulations were under development. I went on to talk about, throughout the last year, how

important it was to our competitiveness and how other work is ongoing. I'll say again it's continuing. We're working with industry on our competitiveness.

Those regulations are now in place for the generic oil royalty regime that was announced, and to great fanfare, I would say, in November of 2015. Those regulations are now announced.

We're going to continue to work with industry and stakeholders, Mr. Speaker, to ensure the competitiveness of our oil and gas industry. It's very important to the people of the Province of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, in November of 2015, our administration announced a new royalty regime following consultation with industry. Now we've found out that the Liberal government announced a new royalty regime in a May 2017 Cabinet deal.

I ask the minister: Were there any differences in the announcement we made in November 2015 by our government and what you secretly just recently let out that you had approved it by Cabinet in May. Was there any difference between the two of them?

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

MS. COADY: Mr. Speaker, the Member opposite keeps using the word "secretive," which is incorrect completely.

Perhaps he wasn't paying attention. All throughout the last year I've been saying these regulations were under development. All throughout the last year I've been telling him about the competitiveness review that we're undertaking that looks at the entire ball of value. All throughout the last year, including as late as August, I told him it was going to be ready this November.

Mr. Speaker, the industry has been very engaged in this process. We'll continue to ensure our competitiveness. The generic oil royalty is exactly the same as was released in November of 2015. The regulations are now around that regime.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

So the minister just said the regulation regime was the same, yet we've had two years that have elapsed. She indicated that in the House here she was doing consultation and we find out that in May the actual regulations were approved by Cabinet.

If they were the same and they were approved by Cabinet in May, why didn't you announce them? Why didn't you let the House of Assembly know and the people of the province know when you were asked?

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

MS. COADY: Thank you, Mr. Speaker.

Perhaps I need to be a little bit slower in my delivery. Allow me to say to the Member opposite as I've said repeatedly: what's really important to our industry is our competitiveness globally.

As he will recognize, as will everybody in this House and everyone in Newfoundland and Labrador, industry has changed significantly over the last number of years because of a decline in price. We wanted to make sure we did our due diligence.

We met again with the company that helped to deliver the generic oil royalty regime. We asked them to review in light of the new circumstances in the oil and gas industry. We met repeatedly with our partners and stakeholders in the industry to make sure that what we were doing was correct.

That's why, Mr. Speaker, we're doing the entire review.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, the minister has acknowledged that the regulatory regime announced in November 2015 is the same one that was just consented recently.

I'll ask the minister: How much money did you spend on consultants reviewing your regime that already was approved two years ago? What was the cost of that?

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

MS. COADY: I'm going to remind the Member opposite it's not the regulations that he announced in 2015, but the regime. This government put the regulations, the backfilling of all of what's required to ensure that regime was put in place.

We've done that now, Mr. Speaker. It was done and approved and put out there on the 1st of November in a very public process, the public gazetting. The industry was all aware.

Mr. Speaker, we did have a small consultation project with Wood Mackenzie, the company that did do the initial work. I'll find out how much it cost, but it was very small dollars.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: I just remind the minister, she's the one that indicated that the 2015 royalty regime that was announced was the same one that was just gazetted recently.

Mr. Speaker, I'll ask the Premier: Do you think it is okay to waste almost two years, hide decisions that were made by your Cabinet, which you lead, and spend money into a royalty regime already approved in 2015?

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

MS. COADY: Mr. Speaker, we did say, during the last year in this House, it was important for the competitiveness of the oil and gas industry to do a full review. The regime that was put in place in November of 2015 was the same regime that industry was using during the last two licence rounds.

We clearly indicated that to the industry. They were fully apprised; they were fully aware, Mr. Speaker. We did our due diligence.

Mr. Speaker, the generic oil royalty regime is for future development of production. We are not in negotiations with anyone at this point, but this new generic oil royalty regime gives clarity and certainty to the industry.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, the latest land bids for the offshore are a fraction of what they were in prior years. In 2015 I think they were up over \$1.2 billion; this year they're about \$15 million. Industry flees from uncertainty.

The climate of uncertainty you've created is taking a toll on opportunities and investment in jobs. Will you acknowledge that you may have compromised one of the most important industries and thousands who depend on it by creating a climate of uncertainty, unpredictability and mistrust that can chase investors away?

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

MS. COADY: Mr. Speaker, that is unbelievable. For him to equate what this government has done in supporting and developing the oil and gas industry, to having it uncertain, is clearly wrong.

We have attracted seven new entrants into our oil and gas industry, \$3 billion of exploration. Mr. Speaker, we've had the largest 3-D seismic program in the world happening off our coast.

I'll remind the Member opposite that the generic oil royalty regime is for future production. Now he's referring to the amount that was available under the land tenure and I'll be happy to answer that question at the next opportunity.

SOME HON. MEMBERS: Hear, hear!

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

MR. HUTCHINGS: Thank you, Mr. Speaker.

I remind the hon. minister it was our seismic project that we invested millions of dollars, that we've seen the benefits in land sales over the past number of years. That's a fact. That's reality.

I'll ask the minister, finally, for a question that she hasn't been able to answer. The royalty regime was the same two years past. In May it was passed by Cabinet. She didn't tell us. We asked here in the House and it wasn't until it was gazetted a few days ago that we found out about it.

Why is it, Minister, once and for all, you didn't notify Newfoundlanders and Labradorians about the new royalty regime? It's very simple.

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

MS. COADY: Let me answer the question that the Member opposite asked about the difference in the land tenure from this year to last year, and why there was a significant difference in dollar value.

Mr. Speaker, this year we offered expansion lands in the Jeanne d'Arc Basin. We were very pleased to have two proponents come forward to

say they wanted to do extra expansionary work and exploratory work in the Jeanne d'Arc Basin.

It wasn't frontier lands that were available. They will be available in 2018, Mr. Speaker. We're hoping to go back to some of those incredible bids that we've had over the last number of years in exploration.

I will say to the Member opposite, I advised in August that these regulations were coming this fall. They're here for the generic oil royalty regime. We're going to continue to make sure we're the most competitive jurisdiction.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

Minister, in another email chain concerning a constituency school busing issue with the Member for Placentia West – Bellevue you stated: If elected trustees cannot stand by the decision of the school district and properly explain them, then they are probably better suited to do other volunteer opportunities.

Minister, is this an appropriate way to treat volunteers in the school district?

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

MR. KIRBY: Mr. Speaker, let me repeat one more time: It was our party in Opposition that stood against that government when they decided to get rid of all of our school boards. It was our party in Opposition that stood against their government when they decided to fire all of the duly elected trustees at four different school districts. It was our government that stood against them when they appointed all of their hand-picked trustees to fill the vacant positions that they had created.

We have brought elected school trustees back into the school system in this province, returned that right to elect trustees to the people of

Newfoundland and Labrador. So I'll take no lectures from the Member opposite.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: So democracy and due diligence by volunteers only works for the Opposition and this minister when it suits his needs, Mr. Speaker. It's not acceptable.

Mr. Speaker, the Minister of Education has stood on his feet for years and claimed to be an advocate for inclusion education.

I ask the minister: We are well into the current school year; why has there been no update on the education action plan?

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

MR. KIRBY: Mr. Speaker, I provided an update to the House of Assembly the last time the Member asked the very same question almost, just a few weeks ago when we were here talking about special ballot legislation. I told the Member at that time the report of the task force wasn't released until July. I don't know how he thought that we were supposed to transform the education system in a couple of months.

Staff are working very hard at implementing the recommendations. I look forward to telling the Member all about our plans once they go through all of the internal processes, the budget processes that they have to go through. But I assure him, we're doing a heck of a lot more over here to support kids with special needs than your government ever did.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Is a review of the inclusive education model included in the education action plan? That's what people want to know, one way or the other. Is it being offered?

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

MR. KIRBY: Mr. Speaker, the education action plan will be released in the spring. It has not been created yet; it has been committed to. The education action plan will be overseen by a committee of stakeholders in the education sector in this province.

I can't say there's something in it because it actually doesn't exist at the moment, Mr. Speaker. The Member should pay more attention.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

The Finance Minister said today his plan is to target agencies, boards and commissions, including health authorities and school boards, regarding their spending.

I ask the minister: Will he come clean and tell the people of the province that his plan will force more cuts to jobs and to services that people need?

MR. SPEAKER: The hon. Minister of Finance and President of Treasury Board.

MR. OSBORNE: I'd like to ask the Member what jobs and services we've cut in departments, Mr. Speaker, because I'm not aware. Other than the deputy ministers and some managers, most of what we've achieved, upwards to 600 positions in government, we've practiced attrition. That's what we're asking agencies, boards and commissions to do.

We haven't cut services in departments, I say to the Member, but we're asking agencies, boards and commissions to become more efficient, to find savings, to cut the fat and deliver programs more effectively and efficiently to the people they deliver them to.

SOME HON. MEMBERS: Hear, hear!

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

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

I ask the minister to listen to our questions carefully day after day after day and he'll hear about the services that have been cut.

Mr. Speaker, government says Nalcor's expenditures are separate from government, but over the past five years we have given Nalcor billions of dollars without proper oversight. We might have spent much less on Nalcor all those years if there had been more scrutiny of the amounts paid to embedded contractors.

I ask the Premier: When is government going to intervene with Nalcor to see that these exorbitant embedded contractor costs are reined in?

MR. SPEAKER: The hon. the Minister of Finance and President of Treasury Board.

MR. OSBORNE: First question: We don't need this legislation. Second question: We need this legislation.

I say to the hon. Member, if you want us to get at embedded contractors we need the legislation we're bringing in so we have oversight of the money Nalcor is spending. We need this legislation, Mr. Speaker, so that agencies, boards and commissions can find efficiencies the way government has in departments. That's why we need the legislation.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Mr. Speaker, the Minister of Finance says he wants to take a balanced approach to fiscal management. That's a good thing. All we've seen, though, is government balancing on the backs of the most vulnerable with cuts to over-the-counter drug coverage, home care, dental care and other services that people need, impoverishing our people further.

I ask the Premier: Does his government have a long-term fiscal management plan that does not include hurting the most vulnerable people in our society?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Finance and President of Treasury Board.

MR. OSBORNE: Thank you, Mr. Speaker.

I can tell you what our fiscal management plan doesn't include: continuing to borrow \$2.3 million every day, Mr. Speaker, just to fund the deficit. That's not including money borrowed to build buildings or money for other purposes.

Mr. Speaker, \$2.3 million – it was \$4.38 million. We've gotten it down to \$2.3 million, trying to inflict the least amount of pain we can on the people of this province, but we need to cut costs. Unfortunately, some people will have some effects, but we've done it with the least impact we could possibly find.

I ask you how we can do it any softer.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Mr. Speaker, fewer and fewer seniors have access to dental programs, to teeth. How many seniors are calling our office saying they have no teeth?

Government saves money on the backs of seniors by tying the provincial seniors' drug card to the federal GIS. For example, if a senior is late submitting their tax return, they lose the GIS and their drug card. It takes six months to get the GIS back and their drug costs continue to rise.

I ask the Minister of Health: Will he eliminate the unfair practice of tying the 65Plus drug card eligibility for seniors to a federal program and base it simply on income like all the other drug programs?

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

MR. HAGGIE: Thank you very much for the question, Mr. Speaker.

I think it's worth making a couple of observations. One of those is that the issue of financial eligibility for Health and Community Services programs we've committed to in *The Way Forward* as a policy through health to try and rationalize those and make it into a seamless and uneventful process.

The other comment I'd like to make reference to expenditures in health care and simply point out that they rose by 37 per cent in the previous 10 years of the previous government, and that's the legacy we have to deal with. We need to get better value for those dollars, Mr. Speaker, and I think that comment from before needs to be challenged.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The time for Oral Questions has ended.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

The hon. the Member for Baie Verte – Green Bay.

MR. WARR: I move, Mr. Speaker, seconded by the Member for St. George's – Humber:

WHEREAS safety for all students is an important priority; and

WHEREAS speeding in school zones is still a prevalent issue in the province; and

WHEREAS according to the World Health Organization setting and enforcing speed limits are two of the most effective measures in reducing road traffic injuries;

THEREFORE BE IT RESOLVED that this hon. House supports the Government of Newfoundland and Labrador in setting a

maximum speed limit of 30 kilometres per hour in school zones.

Thank you, Mr. Speaker.

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

MR. A. PARSONS: Yes, Mr. Speaker, pursuant to Standing Order 63(3), the private Member's resolution just entered by the Member for Baie Verte – Green Bay is the private Member's resolution to be debated tomorrow.

Thank you.

MR. SPEAKER: Further notices of motion?

Answers to Questions for which Notice has been Given.

Petitions.

Petitions

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

MR. K. PARSONS: 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 the Indian Meal Line and the Bauline Line are maintained by the Department of Transportation and Works; and

WHEREAS these roads have very narrow shoulders particularly for pedestrian traffic; and

WHEREAS excessive speed is an issue on these roads;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to implement traffic calming measures such as speed bumps, electronic signage, et cetera, to reduce speed to ensure the safety of the residents.

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

Mr. Speaker, this is a very important issue. I know in some roads right around the province, which are maintained by the provincial government, a lot of these roads are very narrow roads. Years ago on the Indian Meal Line, there were probably about 40 or 50 homes. Right now on the Indian Meal Line there are probably up to 400 or 500 homes, so there's a lot more traffic. It's a real, serious issue because the roads are really, really narrow.

I have different petitions here and I have over 300 names just from the Indian Meal Line alone that are very concerned with this. We had a meeting with the Minister of Transportation and Works – and I thank him for that – with a group from the Indian Meal Line. We're looking at doing some calming issues, but I think it's the responsibility of government to ensure our roads are safe.

We spoke in legislation here last week about safe roads in our province. It's very important that while I know there are calming things that will slow it down, a police presence is very important. It's very important to the people who live along these roads, that they can walk and ensure their safety and there isn't speeding there. These are different effects that we want government to implement on provincial roads and I'm hoping that they will.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further petitions?

The hon. the 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 there has been an identified lack of mental health services in our province's K to 12 school system; and

WHEREAS the lack is having a significant impact on both students and teachers; and

WHEREAS left unchecked, matters can, and in many cases, will develop into more serious issues;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to increase mental health services and programs in our province's K to 12 school system.

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

Mr. Speaker, I've had the opportunity over the last number of weeks to present this a couple of times. It was important for me to get it out there because from my own knowledge of the school system and talking to educators and that, it's been identified as an issue.

Reading the report from the all-party committee, they talk about early interventions and supportive services are key to ensuring that either people get proper diagnosis or get early interventions so that the issues around mental health don't develop into something more chronic, more encompassing and more restrictive and have a major impact on their lives and their ability to be productive citizens.

Since I presented it, sometimes we have queries here whether or not there's anybody out there watching this or listening to it or see the significance of what we're presenting, knowing that it's the citizens of Newfoundland and Labrador who signed these petitions, who obviously have a stake in what we're trying to present and what we're trying to argue to.

I had two responses. One was from an email from a former educator who talked about thanking us for presenting this and hoping that the House would look at implementing programs and services in the school system that she said, as an educator, she would identify that there were issues with particular students and she knew they were around mental health.

That was a couple decades ago when the whole mental health process wasn't understood and the interventions weren't taken as seriously as they should be. And that people didn't understand that early intervention is the key to longevity and to success as adults. She didn't understand why at the time, had she had some of the programs and services that could easily be implemented now and the process, how she could have helped some of those students who now are dealing with chronic mental health issues.

A second I got was a Facebook from an individual who had said they now realized when they've been reading up on mental health issues in schools that they have some challenges in school, but nobody identified them. They just took them as a kid who was being disruptive, who was a slow learner, who had some issues around that, but it had nothing to do with that. Very competent – this individual tells me he's very successful, but had a challenge, had to go a different lifestyle to be able to get to this point to make this successful.

So, Mr. Speaker, I want to talk more about this over the next number of weeks about the importance of implementing programs and services in the early intervention in our K-12 school system around mental health.

Thank you, Mr. Speaker.

MR. SPEAKER: Further petitions?

Orders of the Day

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

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

I would call Order 4, second reading of Bill 3.

MR. SPEAKER: The hon. the Minister of Justice and Public Safety.

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

I move, seconded by the Minister of Natural Resources, that Bill 3, An Act Respecting An Independent Court Of Appeal In The Province, be now read a second time.

MR. SPEAKER: It is moved and seconded that Bill 3, entitled, An Act Respecting An Independent Court of Appeal In The Province, be read a second time.

Motion, second reading of a bill, "An Act Respecting An Independent Court Of Appeal In The Province." (Bill 3)

MR. SPEAKER: The hon. the Minister of Justice and Public Safety.

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

I'm very happy to stand here today in this House of Assembly and to speak to Bill 3, which is entitled the *Court of Appeal Act*. As I said on numerous occasions when I stand in this House, in many cases we're able to debate amendments to legislation and certainly we have some amendments that we deal with every day. We have some today, but today we're also dealing with a brand new piece of legislation.

What I'd like to do prior to commencing, I had an opportunity during the Ministerial Statements to recognize Chief Justice Green who will be retiring from his post in the very near future. I guess I'd like to say a couple of things, if I could be indulged here today.

First of all, this province has benefited greatly from having Chief Justice Green as its chief justice, both of the Trial Division and the Court of Appeal. The fact is this legislation that we're dealing with here today, this very piece of legislation is very much something that the chief justice has advocated for, has discussed. So I'm very proud and pleased to be able to stand here today, prior to Chief Justice Green retiring, and announce this Court of Appeal. Certainly the thanks and a lot of the hard work goes to him.

While I do this, I'd also like to thank the staff of the Department of Justice because when you create a new piece of legislation, when you make a substantive change that we are doing here today, it requires work for many people. So while certainly the chief and his staff deserve a significant amount of credit, I'd also like to thank the solicitors and drafts people within the Department of Justice who put a lot of time and a lot of effort into this.

This is a concept that I think has been around the department for some time and was discussed for many years and for various reasons it did not move forward. So I am happy to stand here today, and I need to give credit to Chief Justice Green for advocating it, for making this happen, for convincing me that this was the right thing to do. I would add that Chief Justice Green is a very convincing individual; I have to give him a lot of credit there.

On a personal note, I have to thank the chief here in the House today for everything that he's done and certainly, as a brand new minister, it's been very important that I have the wisdom of the chief justice of our Court of Appeal, to be able to consult with him, to meet with him and speak to him about issues of justice and to have his input and his oversight in many ways, to have that experience. That's one of the things that I've been very grateful for.

We know that it's huge shoes to fill and I'm sure that whoever assumes this role will also do a wonderful job. I'd also like to think that, even though the chief is retiring from that position, I have no doubt that he'll be able to continue to make contributions to the system. I hope I can still rely on him from time to time when I have pressing issues.

I don't know if I've seen anybody who is the researcher that Chief Justice Green is. I've been very lucky to have him contribute to me information and insights, decisions from the past, and it's amazing how some of the things that we discussed today were the same things that were discussed a century ago. I had the benefit of the chief who has been to take his time and energy and put that into educating me as well.

In fact, my introduction into the legal system was from the chief. The chief actually oversaw my call to the bar a few years back. So it certainly has been an interesting run and to have him there, I'm very thankful for that.

If there's one drawback to me standing here and debating this today is that unfortunately the chief is not allowed on the floor to debate this. He would do a much better job of explaining this bill today. It would certainly be more interesting and entertaining but, unfortunately, this House

will have to deal with me trying my best to put it forward.

We may have to amend the act to allow strangers on the floor to help debate legislation better than the legislators. I'll try my best because this is not a simple topic. It's one that's quite complicated because – actually, when this was introduced back in the spring session, I actually received calls from the media saying: What's going on here? You have an independent Court of Appeal. What does this mean?

I'm going to try my best to go through this a little bit and explain some of the nuance and intricacies here that make this – in many ways it's a very significant change, but at the same time many people may not notice an actual difference, and that's important for people to understand.

In this province, we have our three levels of court. We have our Provincial Court, which is established under the *Provincial Court Act, 1991*, and they have locations throughout the province. We have our Supreme Court Trial Division. Now, they are commonly referred to – when we say Supreme Court, what we're referring to is Trial Division. That's established under the *Judicature Act*. Finally, we have our Supreme Court Appeal Division, which if you ask people, they'll just refer to it as the Court of Appeal. That is also established under the *Judicature Act*, under Part I; previous, the Trial Division under Part II.

The Provincial Court is created and the judge is appointed by the provincial government whereas the Supreme Court, both divisions, is a federally appointed court under section 96 of the *Constitution Act*. So there is a significant difference just there in and of itself.

Now, the current legislation that we have, as it stands, has the Trial Division and the Court of Appeal described as divisions of the Supreme Court under the *Judicature Act*. It's a structure that has evolved over time from when an appeal was heard by three Trial Division judges. I think the term would be sitting together, or sitting on en banc. So this didn't change. This is how it was done here in this province. This didn't change until 1975.

The *Judicature Act*, the amendment act came in 1974 and it created a separate appeal division. It basically created Part I of that piece of legislation. There has been a concern expressed over time that this linked structure – the fact that it is linked together by virtue of legislation, it fails to recognize the very distinct roles and responsibilities that these two courts have. It certainly fails to recognize the distinct responsibility that our Court of Appeal has. When you think the Court of Appeal hears decisions, hears appeals from decisions made by the Trial Division, yet they are linked together.

There can be and it has been said – and it is something I certainly subscribe to, given the fact I'm standing here today leading this legislation – that it prejudices the perception of it being an entirely separate level of court review. Someone could look and say, well, they're actually linked together; there is no difference. Now, in practice, that has not been the case but, as we all know, in many cases perception is reality. What we're doing today is basically bringing in a different piece of legislation, an entirely separate piece of legislation to eliminate that perception.

One might say, is this such a big deal? Well, the fact that we are the last province to have this type of structure, we are the last province where the Court of Appeal is recognized as a separate court, I would suggest that we are moving in the right direction. I'm happy to stand here today and to bring us up to speed with the rest of Canada. I can't explain why this has not happened to date, but I'm not as worried about that. What I worry about is what we are in control of, and we're in control today leading second reading to make sure we have an independent Court of Appeal.

The distinctions we have here – obviously, we have separate rules. We actually have a Court of Appeal rules that came into effect October 2016 of which Chief Green played, obviously, a very significant role in that. We have different sources of proceedings that as a matter may end up before the Court of Appeal, so it could be an appeal from the Trial Division. Sometimes they can go directly through the legislation, for instance, the Public Utilities Board and sometimes there can be a reference from a Lieutenant Governor in Council or from

Cabinet, which is also something we have seen recently. It's fairly rare, but we have seen that.

When I go back to the point about us catching up, the fact is that some provinces have done this through their *Judicature Act* or whatever their equivalent is, some have created independent Court of Appeal legislation. In our case, we've decided to go the route of an independent *Court of Appeal Act*.

This *Court of Appeal Act* will separate the Court of Appeal from Trial Division. The sections of the *Judicature Act* relating to the Court of Appeal will be moved to the new *Court of Appeal Act* and they will be restated and modernized. In many cases, the rules that we follow aren't stated explicitly. In many cases, they evolve over the years and what becomes practice is not actually dictated in the rules. So in many cases, given the fact that we are here today and we are bringing in a new piece of legislation, we've taken an opportunity – and again Chief Justice Green and his staff and support have played a large role in helping us modernize.

So sections 8 and 9 – sorry, I'm getting ahead of myself there. We have the new *Court of Appeal Act*. The name now will be the Court of Appeal of Newfoundland and Labrador and our Trial Division will now go to the Supreme Court of Newfoundland and Labrador. So there's that distinction there, very clear to everybody.

A lot of the *Judicature Act* which applies here, a lot of it has been carried over unchanged. You won't see any substantive change there; it's been carried over. That's been a part of this entire process.

The new and modernized provisions include section 8 and 9. These are versions of a list of the powers of the Court of Appeal that was previously only found in the old Court of Appeal rules. I have here – I'm just going to refer to section 8. This is explicitly stating the powers.

Section 8(1): “The court may give any judgment which ought to have been pronounced, and may make further or other orders that it considers just.

“(2) The powers of the court include the following: (a) the court may draw inferences of fact not inconsistent with any finding of fact that is not set aside and, if satisfied that there is before it all the material necessary for finally determining the matters in controversy, or any of them, or for awarding any relief sought, may give judgment accordingly; (b) notwithstanding paragraph (a), if the court is of the opinion that there is not sufficient material before it to enable it to give judgment, the court may direct the appeal to stand over for further consideration, and may direct that those issues or questions of fact be tried and determined, and those accounts be taken, and those inquiries be made, as are considered necessary to enable it, on those further considerations, to dispose finally of the matters in controversy; (c) the court may, in its discretion, receive further evidence upon questions of fact by oral examination in court, by affidavit, or by deposition taken before an examiner or a commissioner; and (d) where judgment has been given, a judge may, on terms the judge considers appropriate, order that proceedings, including execution, in the cause or matter from which the appeal was taken be stayed in whole or in part.

“(3) The powers conferred by subsection (2) may be exercised (a) notwithstanding that the appeal is as to part only of the judgment, order, decision, or verdict; and (b) in favour of all or any of the parties, although they have not appealed.”

Under section 9 which is titled “Further powers,” “For all the purposes of, and incidental to, the hearing and determination of any cause or matter, and the amendment, execution, and enforcement, of any judgment or order, and for the purpose of every other authority expressly or impliedly given to it by this Act, the court has the power, authority, and jurisdiction, vested in the court appealed from.”

We also see changes to section 29, Mr. Speaker. Representation now has to be made subject to the agreement of the Attorney General, recognizing that the courts cannot dictate rates paid to counsel – now that, in and of itself, could form an entirely different debate, one that I've been very involved in, but that's an actual substantive change that we see there.

We also have paragraph 37, which sees a number of changes clarifying the scope of the power of the rules committee. There will be subsequent consequential amendments to the *Judicature Act*, other than the repeal of Part I, but most notably there are changes to references to the Court of Appeal, the Supreme Court, to match the new changes. A lot of that is just the consequential amendments that have to follow.

The chief executive officer – now, this was something that was introduced in 2013; in fact, I remember being a part of this debate while on the other side – as part of the administrative overhaul of the *Judicature Act* will continue to be the CEO of both the Supreme Court and the Court of Appeal. That does not change.

One thing, I'd like to point this out because this is something else I think we should be very, very proud of. Amendments to section 21 of the *Judicature Act* are being restated to increase the number of Supreme Court justices in the province from 20 to 22. These were only proclaimed this fall.

What I'd like to point out is that when we started, we've had a lot of conversations with the chief justice of the Trial Division and certainly I've had a lot of conversations with the federal minister of Justice Jody Wilson-Raybould. In fact, I'd like to think that in the less than two years since we've been in government, we've seen a lot of positive changes as it relates to our federal relationship, changes that we never saw for a few years before that.

I only have to go back last year, just under a year ago, when we had our first Supreme Court of Canada justice appointed by the federal government, the first one from Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. A. PARSONS: I think that's very significant.

I'd also like to point out that we've had the number of judicial positions increased in this province from 20 to 22. I can take this opportunity right now to congratulate our latest justice appointed by the federal government, Mr. Sandy MacDonald, Q.C., who is now Justice

MacDonald of the Supreme Court, Trial Division. Again, that appointment was just made Friday – another appointment made here in this province. We have another great member to what is already a deep bench and what I would say, Mr. Speaker, is we're not done yet.

We are continuing to advocate. I've already written letters to the federal minister of Justice advocating for more positions, especially for our Family Court here in this province. We need more. We've already been successful in having that increased.

I'm meeting with the federal Minister of Justice in just a few weeks. In fact, I just had a very significant phone call with her less than a week ago. I'm willing to bet there's been no provincial minister and federal minister that have had more conversations and meetings than I've had with our federal minister now in the last number of years. We have a very good relationship, one where we're not always going to get along.

In fact, we do need to remind them of their duties. We do need to remind them of what we are deserving of here. That's witnessed by the fact – going back to the Supreme Court of Canada when Justice Cromwell announced his upcoming retirement and we needed to have a new justice appointed to the Supreme Court of Canada. Two days later we wrote to the federal minister and said that justice should be from Newfoundland and Labrador.

We advocated, and at the end of the day, I'm glad to say the justice came from Newfoundland and Labrador; and, more importantly, the justice is from Newfoundland and Labrador because it's a merit-based appointment. In fact, I'm very confident in saying we have a number of justices that could sit on the highest Court of Canada. I'm very confident in saying that.

We're very lucky in this province to have a very strong, intelligent, experienced legal community. That shows by the fact that we have a very strong, experienced judicial community. We have a strong number of jurists.

Again, I'm going to be asking – in fact, I wrote a letter. I indicated this to the minister. I'm going to be writing another letter because I would like to see more judicial positions created here for

Newfoundland and Labrador to the benefit of Newfoundlanders and Labradorians.

SOME HON. MEMBERS: Hear, hear!

MR. A. PARSONS: Mr. Speaker, on that note, I look forward to the debate. I will be adjourning this debate today to allow for more review of this piece of legislation. I look forward to hearing the comments and questions from my colleagues across the way on what I think is a very important and significant debate, certainly a very important piece of legislation.

Before I conclude, what I would like to restate is my sincere congratulations to Chief Justice Green on his upcoming retirement from the Court of Appeal. I think we all join together in offering him our thanks and our appreciation for all the work he has done for Newfoundlanders and Labradorians.

As it was stated here in the House today, it's not just the work on the bench. Actually, it was only last year that I popped down to the court one night and Chief Justice Green, very late at night, was doing a free presentation to average Newfoundlanders and Labradorians trying to illustrate how the Court of Appeal works. These are things that he doesn't have to do. He didn't have to do it. He wanted to do it. He wanted to ensure that Newfoundlanders and Labradorians understood the justice system, that they had access to the justice system. Our system now is better for it.

I'm very happy to say that I've been able to work with him over the last couple of years in achieving some of his goals and achieving some of our goals. They are the same common goal, which is to make the system better than what it was when we found it.

On that note, I again express my extreme gratitude to the chief for all that he's done. I will let him know that I will continue to be calling him for his advice. He can retire, but that phone will still be ringing from time to time. We can't let a body of knowledge like that go untapped.

On that note, Mr. Speaker, it's been an honour and a privilege to stand here and speak to this today. I will adjourn debate at this moment on Bill 3.

SOME HON. MEMBERS: Hear, hear!

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

MR. A. PARSONS: Thank you.

I would call from the Order Paper, Order 5, second reading of Bill 13.

MR. SPEAKER: The hon. the Minister of Justice and Public Safety.

MR. A. PARSONS: Yes, I'm just waiting for the clock, Mr. Speaker.

MR. SPEAKER: You have time remaining in your –

MR. A. PARSONS: I have time remaining. I don't know if I have three hours but –

MR. SPEAKER: Nine minutes.

MR. A. PARSONS: I was near the end of my remarks on Thursday when we last debated Bill 13. What I'd like to reiterate – and I'm unsure if there will be any other comments coming from Members on the other side.

I'd like to congratulate the Minister of Service NL and her predecessors for the great work they've done in introducing legislative change to this province to increase safety on our roadways. It's something that I know the minister takes very seriously. In fact, we had another meeting today to debate more change that she'd like to see to our roadways because safety of travelling Newfoundlanders and Labradorians is something that is on her mind every single day in the role that she carries.

I've been happy to speak to this. I'm very proud to be a part of a government that's willing to make change to ensure safety for all Newfoundlanders and Labradorians. I look forward to her closing remarks.

Thank you.

MR. SPEAKER: If the hon. Minister of Service NL speaks now, she will close the debate.

The hon. the Minister of Service NL.

MS. GAMBIN-WALSH: Mr. Speaker, the proposed amendments we have introduced here today will result in significant increases to a number of offences under the *Highway Traffic Act* that are currently less than \$100. These amendments help us continue the dialogue of enhancing public safety and help ensure our roadways are as safe as they possibly can be.

While the *Highway Traffic Act* is amended frequently, a thorough review of the penalties under the act had not been conducted in a number of years. It is an important piece of legislation, Mr. Speaker, which includes 215 sections, plus a Schedule of penalties.

Over time, this resulted in a number of offences that have monetary penalties so insignificant that there is no deterrent to committing the offence. Some individuals may be willing to take the chance of being ticketed and may even view it as a cost of doing business, as has been relayed to me by a number of people. Increasing fines has been shown to serve as a deterrent and, in many cases, has resulted in a significant decrease in offences. That is the purpose of fines, Mr. Speaker, to encourage changes in behaviour and safe driving practices.

I'd like to close debate by looking more closely at a number of the offences and associated fines we are addressing here today. Driving with an invalid or no driver's licence is an immediate risk to public safety. The requirement to hold a driver's licence to operate a specific class of vehicle is based on nationally developed standards. These standards give consideration to such things as a driver's age, their level of qualification, minimum testing standards and medical suitability.

Failure to comply with the requirement to hold a valid driver's licence for the proper class of motor vehicle demonstrates a disregard for public safety. The penalty is intended to be a deterrent to persons who chose to operate a motor vehicle without having met the standards and obtained a driver's licence, or whose licence is invalid for a given reason. The current penalties are low in relation to the potential seriousness of the offence and a higher penalty will be a greater deterrent.

Mr. Speaker, there is also a high prevalence of people operating motor vehicles without insurance in our province. Operating a motor vehicle without insurance is a serious offence and already carries significant fines from \$2,000 to \$5,000; however, failure to provide proof that a policy is enforced only carries a fine from \$25 to \$100 today. Offenders of insurance laws are contributing enormous, unnecessary costs to law-abiding citizens. An increase in fines related to this issue would act as a great deterrent.

We also know that driving with an obstructed windshield poses an immediate threat to public safety, which impacts the vehicle operator, the passengers and the pedestrians. It is an offence that is very commonly committed. The current fine is not a sufficient deterrent and does not reflect the seriousness of the potential outcomes, such as serious bodily harm or even death.

Mr. Speaker, operating a vehicle without proper equipment or one of improper construction is also an offence under the *Highway Traffic Act*. Along with the potential to place the public at risk, modifications of vehicles and their equipment can also generate nuisance situations, such as excess noise from a modified exhaust system, such as a motorcycle.

This offence can apply to defective equipment on any category of vehicle, regardless of the nature of the defect. A vehicle found to have defective brakes, bald tires or a school bus picking up and discharging children with defective safety equipment also presents a very serious public safety issue.

Mr. Speaker, this also leads to another serious matter we're addressing with the amendments: namely, failure to comply with vehicle inspection requirements. Vehicle inspections ensure that vehicles operating on public roadways are mechanically fit and it reduces the risk of vehicle failure. Failure to comply with the requirements of inspection creates an unsafe condition for the motoring public.

So, Mr. Speaker, you can see the potential for serious harm, which these offences pose to every single one of us who travel the roadways in our towns and communities. Any deterrent we can bring forward is a step in the right direction. We chose the \$100 minimum to balance the need to

increase deterrents against any perception of unfairly raising fines too high. Certainly, all of us in this hon. House will agree that the price we pay with a serious injury or a death is too high a price to pay for not complying with the law. Since I became Minister of Service NL, many individuals and many organizations have made representation to me regarding the safety on our highways. I have met with individuals and families who have lost loved ones or suffered great injury. I have met with law enforcement officers, taxi operators, the insurance industry and representatives of the legal community, who all know how important it is to deter the offences being committed on our roadways.

We have also included our commitment to increasing public safety in the Speech from the Throne, my department's strategic plan and announced to review of the auto insurance industry, which has a focus on identifying opportunities to strengthen highway safety in an effort to prevent accidents from happening.

The amendments we have introduced here today will help us continue to deliver our commitment to ensuring the safety of people in our province. And I hope to announce further improvements to the act in the very near future.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

The motion is that Bill 13 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.'

This motion is carried.

CLERK (Barnes): A bill, An Act To Amend The Highway Traffic Act. (Bill 13)

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

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

MS. COADY: Now.

MR. SPEAKER: Now.

On motion, a bill, "An Act To Amend The Highway Traffic Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 13)

MR. SPEAKER: The Acting Government House Leader.

MS. COADY: Mr. Speaker, I move, seconded by the Minister of Service NL, that the House resolve itself into a Committee of the Whole to consider Bill 13.

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

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

This motion is carried.

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

Committee of the Whole

CHAIR (Warr): Order, please!

We are now considering Bill 13, An Act To Amend The Highway Traffic Act.

A bill, "An Act To Amend The Highway Traffic Act." (Bill 13)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The hon. the Member for Cape St. Francis.

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

These, indeed, are important amendments to the *Highway Traffic Act*. I just have some questions to the minister. During debate I mentioned that when we met with staff and had our briefing it was mentioned that you referred to a jurisdictional scan. I was wondering what jurisdictions you scanned, because when I asked that question they said there was neither jurisdictional scan done.

CHAIR: The hon. the Minister of Service NL.

MS. GAMBIN-WALSH: Mr. Chair, a jurisdictional scan was done with Nova Scotia, PEI, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan, Alberta, BC, Yukon, Northwest Territories on invalid and no driver's licence, failure to produce proof that it's the policy in force, driving motor vehicles with windshields covered, operating a vehicle without proper equipment and failure to comply with vehicle inspection requirements.

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

MR. K. PARSONS: Yes. I ask the minister if you could table those scans, too, because that's what I asked for over in the briefing.

Minister, a question I'd like to ask you is – when I looked at Ontario's legislation, they have fixed pricing. If someone's licence plate is covered with snow or is dirty, we look at doing anywhere between \$100 and \$175. Theirs is at \$85.

Just for the general public and my own concern, I'd like to know why is there a variance in such things? Either your licence plate is dirty or it's not dirty. Why would there be a variance from \$100 to \$175?

CHAIR: The Chair recognizes the hon. the Minister of Service NL.

MS. GAMBIN-WALSH: We increased the fines for the minimum to be \$100. These 17

offences that we're increasing fines in, they were down to \$20, the majority of them, so there was no deterrent. We put in the \$100 to \$175 to allow the RCMP the opportunity to be discretionary on how the plate was presented.

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

MR. K. PARSONS: When I looked at Ontario's legislation, they have fixed values of \$85 or \$150 or \$300, whatever. If you have a cracked windshield, you have a cracked windshield and the fine should be the same. That's just my opinion – it should be the same.

Minister, also, can you let us know how you determined the amount of money? How you went from the parts – how did you get to the \$100 from \$25 to \$100 or move the ones for no driver's licence from \$300 to \$1,100?

CHAIR: The hon. the Minister of Service NL.

MS. GAMBIN-WALSH: As I mentioned earlier, the fines were so low they did not present sufficient deterrent. The fines were chosen by reviewing the current fines structure in comparison to inflationary and economic increases, conducting a jurisdictional scan, considering what level of fine would be appropriate to achieve greater deterrents and consultation with law enforcement.

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

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

Minister, I'm wondering if there are going to be significant resources available for enforcement, prosecution and collection of these fines.

CHAIR: The hon. the Minister of Service NL.

MS. GAMBIN-WALSH: That's a very valid question.

What I did so I could check and see what the difference is when enforcement is available was the previous administration had put in some changes regarding speeding in construction zones and school zones, and in May 2016 we

introduced the ability to charge registered owners.

So what we have noted for the year '16-'17, with increased enforcement and with the ability to charge the registered owner, we do have the capacity. The number of people we've pulled in and charged has increased dramatically in '16-'17.

I'm hoping now that this deterrent will cause the numbers to go down and the revenue we're getting to go down. That's the whole idea.

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

MR. K. PARSONS: I agree with you also, Minister, that any time we can deter it. Again, last week in the news we heard of something, I think it was around \$80,000 owed in fines. I mean, that's a very serious problem that most residents in this province have a major concern about.

What resources are you going to put in place to ensure for enforcement and also collection? Are we looking at more police officers on the road? Is there a different way to collect? How are we collecting the fines right now? As I spoke when I spoke on the bill itself, it's a huge issue that people are really upset about when they look and see people owing so much in fines.

CHAIR: The hon. the Minister of Service NL.

MS. GAMBIN-WALSH: Yeah, it's a very valid question.

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

MS. GAMBIN-WALSH: In actual fact, the individual that was last pulled in with that excessive amount of fines, what I learned was they were not just highway traffic violations. In actual fact, they were tobacco violations.

What I didn't know previously was when those fines are announced, they include –

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

Thank you.

MS. GAMBIN-WALSH: When those fines are put forward by the media, they include other things besides highway traffic violations.

Secondary, we have the fluid ability within the department for inspectors to move about and enforcement officers to move about. So when they're not needed in one area, we will move them into another area. We've also been in discussion with the RNC around ways to hopefully be able to work to get more officers out on the ground.

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

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

Minister, with our RNC, I spoke to some officers. They told me the only way to do it for enforcement and to have more people on the road is to move them from one area to another. So I hope the management of the RNC will work with your department to do that.

During your preamble a few minutes ago, you mentioned about vehicle inspections. Is your government planning on bringing back motor vehicle inspections?

CHAIR: The Chair recognizes the hon. the Minister of Service NL.

MS. GAMBIN-WALSH: All commercial vehicles must be inspected once a year now. Whenever a passenger vehicle is resold it must be inspected. The RNC and the RCMP presently have the capacity to pull any vehicle off the road and issue an inspection.

CHAIR: The Chair recognizes the hon. the Member for Topsail – Paradise.

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

I appreciate the information from the minister; however, the question was about reinstating inspection requirements that existed before. In the past, there was a regular schedule for

inspections that were required. Now it happens when a vehicle transfers ownership.

We know, I think, taxis are inspected once a year. Some commercial vehicles – buses are inspected sometimes, I think, three times a year. For passenger vehicles on the road, have you considered strengthening the requirements for vehicle inspections?

CHAIR: The Chair recognizes the hon. the Minister of Service NL.

MS. GAMBIN-WALSH: Yes, we did evaluate it, but we came to the determination that we would not be changing. We will be continuing on with the policy that exists today.

CHAIR: The hon. the Member for Topsail – Paradise.

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

Mr. Chair, during second reading debate there was commentary from Members on the government side of the House that the changes in these fines were to create safer roads. I don't fully understand how increasing a fine for failure to produce a vehicle licence – a vehicle licence is your registration, essentially, and the registration comes with a tag, a licence plate with a sticker attached and also includes a printed document, paper document, that shows the specifics of the vehicle, the VIN number, the vehicle identification number, attached to that vehicle and who the registered owner is and so on. Failure to produce that particular document used to be a fine of \$25 and the minister has increased it to \$100.

I just ask the minister if she can explain to me how that increases safety on our highways.

CHAIR: The hon. the Minister of Service NL.

MS. GAMBIN-WALSH: Mr. Chair, when a police officer pulls someone over and the individual is unable to produce the driver's licence, the officer can, no doubt, go back and check and see if the vehicle is registered and who it is registered to, but what the officer cannot do is verify that the person who is driving is, in actual fact, the person whom they say they are. It takes the driver's licence with the picture

to empower the officer to be able to identify that person.

CHAIR: The hon. the Member for Topsail – Paradise.

MR. P. DAVIS: Thank you very much.

Maybe I should be clearer, Mr. Chair, because there are two different kinds of licences: one is a driver's licence, which legally enables a person to legally operate a motor vehicle; the other one is the vehicle licence. The vehicle, under law, has to be registered and it has a licence attached to it. Under section 29, failure to produce a vehicle licence, the fine went from \$25 to \$100.

My question was about someone who doesn't produce that paper document of who actually owns the vehicle, which an officer can check the information anyway. Very quickly, you can bring up on the system who is the registered owner of a vehicle, but under law you're required to actually produce that paper document.

My question was pertaining to that part, Minister: How does increasing that fine from \$25 to \$100 improve safety? Maybe it just went along with the rest of them because it's a non-hazardous moving violation.

CHAIR: The hon. the Minister of Service NL.

MS. GAMBIN-WALSH: He's correct; it is a non-hazardous violation. However, the safety lies in the fact that it is imperative that the officer be able to verify that the individual whom they are speaking to and who says that they own the vehicle is, in fact, that person.

CHAIR: The hon. the Member for Topsail – Paradise.

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

But that's a driver's licence. I'm not asking about the driver's licence; I'm asking about the vehicle licence because there are no identifying matters on a vehicle licence, other than a person's name and address. It doesn't show their photograph or their height and eye colour and so on; that's on your driver's licence.

In failing to produce that printed document, increase the fine – so I'm just wondering, is that part of this movement for safer highways or was that done for some other reason? That's my question.

CHAIR: The hon. the Minister of Service NL.

MS. GAMBIN-WALSH: Yes, I guess he's pertaining to number – what it is, in fact, is deterrence. The fine was \$20, so we've increased it to ensure people will, in fact, follow the law. There was no deterrent. People were seeing that as a cost of doing business by not doing due diligence and having it available.

CHAIR: The hon. the Member for Topsail – Paradise.

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

I fully appreciate the concept of deterrence, and they're all valuable points in deterrence. If we had increased the failure to produce a driver's licence to \$1,000, I'm sure people would go, uh-oh, I better put mine in my vehicle right away because that would be a deterrence, but I'm not sure how even that would improve safety on highways.

Let me run down through some of these, if I can, Mr. Chair; I know I have a few minutes there. Identification plates not securely fastened is not a moving hazardous violation. Failure to keep identification plates clean has nothing to do with how you operate a vehicle. Notify the registrar of change of name; operating a vehicle contrary to paragraph 10 – and that's 42(a)(iii). That's the registration or failing to transfer the registration, I think that one is; I'll have to have another look, if I remember correctly.

Mr. Chair, 43, no licence for class of motor vehicle, that would be safety. That would improve safety. Invalid or no driver's licence would improve safety.

Failing to produce a driver's licence upon request, there's some merit that may improve safety. Failure to return or deliver a licence, that one in particular, I had lots of experience over the years and maybe you did as well, Mr. Chair, when sometimes we're under order to obtain or see someone's licence and they've lost it. It's

hard to charge someone for losing their licence if they can't return it.

Anyway, then there is failure to notify the registrar of a lost driver's licence. I don't think there are too many tickets given out for that one. Failure to produce proof that a policy is in force, that one is interesting. I'm going to talk about that one in a little bit, shortly.

Some of these are somewhat hazardous moving violations, such as slow driving and so on. I'm just trying to grasp and understand how increasing those fines would be a deterrent for the conduct of drivers on our highways, how they make people drive safer on our highways.

Maybe I'm missing it, Minister, but maybe you could comment on that for me.

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

MR. K. PARSONS: I'd just like to ask the minister to answer a question. You look at driving too slow, you can see that being a deterrent to road safety, but some of the ones that my colleague just asked there that time were just about proof of registration and stuff like that.

So I'm just asking the difference between the two and why they're here on this list.

CHAIR: The hon. the Minister of Service NL.

MS. GAMBIN-WALSH: Mr. Chair, they're on the list because a fine of \$20 means nothing today. A fine of \$100 means something. We're trying to increase highway safety as a whole and trying to increase compliance with the law. So by increasing them up to \$100, people will think twice and hopefully will start to obey the law.

CHAIR: The hon. the Member for Topsail – Paradise.

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

I don't disagree with that. It's just on the aspect of when something's not a hazardous moving violation – like if the police, for example, had identified an issue that we have a lot of issues of people not carrying their vehicle permit in their

vehicle. As an example, if the police said we come across that a lot and we're issuing a lot of tickets on it, we need to send a deterrent so that people think about carrying their vehicle licence with them or their proof of insurance. I stand to be corrected, but I think under proof of insurance you have 72 hours to produce it anyway. You don't have to produce it right away, unless that's changed.

That probably would have increased safety, Mr. Chair, if they're required to produce it right away, but I stand to be corrected on that if I'm not, but on slow driving, as an example – and my colleague for Cape St. Francis just mentioned slow driving. You've increased the fine from \$45 to \$100. I fully understand the seriousness sometimes of slow driving. The Minister of Transportation and Works talked about it last week here in the House, on serious slow driving, talked about Veterans Memorial Highway and I agree with him.

I went over Veterans on the weekend, not for that purpose, but I did travel on Veterans Memorial Highway and going over from the Trans-Canada, going north, I guess, on Veterans, I experienced a vehicle travelling at a slow speed with a long line of traffic behind it. I could feel it myself while I was driving. I was conscious, and we're talking about a vehicle as an issue, but I could feel it myself. That little bit of frustration that someone is driving so slow, and there were probably eight or 10 cars behind the slow-moving vehicle. Finally, it pulled off on one of the exits and the traffic sped up to the highway speed.

Later in the evening, returning from – do you call it, Minister, down the bay or up the bay?

MS. GAMBIN-WALSH: Down the bay.

MR. P. DAVIS: Is it down the bay? It's going up on the map but you're going down the bay.

On the way back from Upper Island Cove where I was and going back towards the Trans-Canada, going south, I experienced the same thing again. Except this time the vehicle in the front was travelling at 50 to 60 kilometres an hour. This time there were like 25, 30 vehicles or more stacked up behind this one vehicle. So there's no doubt it's a serious matter.

My question, I think, for the minister is that under speeding, there's a graduated kind of process of fines under speeding. The faster you're going, the higher the fine. The more times you're convicted, the higher the fine. So it stacks on top of you. If you get stopped for doing between one and 10 over the speed limit, the fine is \$50 and no point loss. If you get stopped for 11 and 20 – and I don't have the fines here in front of me, but it is maybe \$75 or \$100 and so many points lost. If it's your second offence it's higher. So it's kind of a graduated process.

My question for the minister is the subsequent speeding fines are higher than they are for slow driving, and slow driving no doubt is a serious matter. Did you consider some kind of a graduated process or higher fines for slow driving knowing that it can certainly create a hazard on the highways?

CHAIR: The hon. the Minister of Service NL.

MS. GAMBIN-WALSH: Mr. Chair, we evaluated everything and we put minimum and maximum fines in place. Chances are if it's your first offence you will be charged with a minimum fine. If it's your second and therefore after, you'll be charged with a maximum fine, and it is discretion. The officers have discretion, and it is discretion based on the individual situation at the time.

CHAIR: The hon. the Member for Topsail – Paradise.

MR. P. DAVIS: Sorry, Minister, I didn't catch that. You say it is \$100 fine, but then there's an increase in fine for subsequent charges and you said officers had discretion. What discretion is it?

AN HON. MEMBER: (Inaudible.)

CHAIR: The hon. the Member for Topsail – Paradise.

MR. P. DAVIS: Thank you.

So, Mr. Chair, 111(1) is on page 5 in my copy of the bill. Slow driving, \$100 minimum fine, \$235 maximum fine was the amendment. I know under speeding, which is not included – there are

no changes included under this particular bill, but in speeding there's kind of a stacking, I suppose. The faster you go, the more charges you have, then the higher the fine.

I'm just wondering if the minister, knowing that slow driving is relevant to speeding, except it can be quite as serious and frustrating for drivers around you. Is that something they considered in slow driving?

CHAIR: The hon. the Minister of Service NL.

MS. GAMBIN-WALSH: Get me right; I think the Member is asking me if we considered to equate slow driving with speeding because both were equally as frustrating?

MR. P. DAVIS: Equally dangerous.

MS. GAMBIN-WALSH: Equally dangerous.

A person shall not stop or impede or park, and sometimes slow driving has a tendency to frustrate people and cause them to pass. So slow driving is going to be a new offence. We don't think the consequences could be as devastating as driving 151 kilometres on a highway. So I'm not sure that in fact you can measure the consequences of 151 kilometres with slow driving.

CHAIR: The hon. the Member for Topsail – Paradise.

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

It was a good response, an honest response from the minister on her position on it. My position would be that this was raised recently in the House with the Minister of Transportation. I know I spoke to it here in the House. I believe it was under questioning when we talked about highway safety and the number of fatalities we've seen in recent weeks, in recent months.

I have to be careful because I don't want to specifically suggest any particular collision, but we were talking about Veterans Memorial Highway and the devastation that's happened out there. One of the comments from that discussion was the serious issue of slow driving. The minister went as far as to say they're

considering erecting a minimum speed limit sign on the highway.

A few years ago when we were in government, we identified an issue on the Outer Ring Road where heavy equipment such as backhoes were travelling across the Outer Ring Road in peak traffic. We know there can be upwards and over 40,000 vehicles a day travelling the Outer Ring Road on some days, and you're travelling at your 100 kilometre an hour speed limit and you know that most of the traffic there is doing more than that. Sometimes they're 110 or 112, 115, sometimes even faster than that, Mr. Speaker. The point was that then you'd have a backhoe trucking along on the Outer Ring Road probably at 30 or 40 or 50 kilometres an hour and it created a very dangerous circumstance of a bottleneck and backup and so on.

There was legislation brought in to prevent that from happening on highways with speeds, I think, over 80 kilometres an hour, so slow-moving vehicles that couldn't drive the speed of traffic weren't permitted on those roads. That's on the books today. Slow driving has been an issue.

I respected the Minister of Transportation when he talked about that and as I just talked about experiencing it myself. My question to the minister was – it's a serious matter. Is that something maybe you can consider in the future, that when I look at – and I'll put it to you this way, Minister. Failing to produce your vehicle permit, vehicle licence, failure to keep your identification plate clean, so if your licence plate got dirt or snow on it, you could be charged \$100 ticket. Failing to produce your vehicle licence is a \$100 ticket. Licensee failing to produce their driver's licence upon request is a \$100 ticket and slow driving is also a \$100 ticket.

In my mind, driving slow on a highway is much more serious than failing to produce your registration or your driver's licence. That's where I'm going, Minister. I'm thinking slow driving is much more serious than that and the fine should be more consistent with the speeding. Is that something you thought about, or can you explain to me maybe why you kept it at \$100?

CHAIR: The hon. the Minister of Service NL.

MS. GAMBIN-WALSH: Mr. Speaker, if it goes to court, the fine can be as high as \$235. The obstruction of the plate, in actual fact, is to help our police officers so they can carry out the duties to enforce the law safely.

Mr. Chair, \$100 to \$235 if it goes to court. So it's not stacking. We figure that's a good fine consistent with the first time putting this forward.

CHAIR: The hon. the Member for Topsail – Paradise.

MR. P. DAVIS: Thank you again, Mr. Chair.

Yeah, it was a \$45 ticket and increased to \$100. I think if the minister was to have another look at that one, I think you'd probably find support for it here in this Legislature and also publicly. Slow driving can be so frustrating, especially if you're driving kilometre after kilometre.

Sometimes you can go 10 or 15 or 20 kilometres behind someone who's driving half the speed of the speed limit. That causes a serious matter, especially if the second driver doesn't want to pass, maybe the third driver doesn't want to pass, but the fourth or fifth decides I'm going to pull out now and give it to her to try and get around.

I do appreciate the fact the maximum fine is \$235. For failing to produce a vehicle licence it is \$175, which is – \$60 in the difference is all the difference in the maximum fine there.

Mr. Chair, I also want to ask about operating a vehicle without proper equipment or of improper construction under section 187(5). I'll give the minister a chance to go to 187(5). It's on page 6 of the copy of the bill I have in front of me. Section 187(5) under the penalties section is: "Operating vehicle without proper equipment or of improper construction."

I'll just ask the minister if she could just elaborate on that one a little bit. What was your thought process on increasing section 187(5) from \$20, which was very, very low? I'm sure it costs more than that just to process; it probably costs more than that to print the ticket book. But

\$20 for operating a vehicle without proper equipment or improper construction and move to \$100, maybe she can just make some commentary for us on that one.

CHAIR: The hon. the Minister of Service NL.

MS. GAMBIN-WALSH: Operating a vehicle without proper equipment or improper construction, meaning if you jack up these big trucks and if you have a collision with one of these big trucks, it can cause significant damage and death even, to people in the oncoming vehicle. It changes the balance of the vehicle on the road.

There's classification of vehicles for safety reasons. Jacking up your truck with the big tires is a violation; therefore, we will be issuing tickets and fines for people who are not following the *Highway Traffic Act*.

CHAIR: The hon. the Member for Mount Pearl – Southlands.

MR. LANE: Thank you, Mr. Chair.

I just have one question for the minister. It relates to people who have built up all these fines. We can increase the fines, no doubt, as a deterrent. I support that.

Although I would agree with the Member for Topsail – Paradise there that not everything that's being raised here is a road safety issue, a lot of them are, but there are a few that arguably are not. That's neither here nor there. It's \$20, it's very low and I understand the rationale for it.

The bigger issue is people who – regardless of how high you raise the fines, those people are going to continue to break the law anyway. That's probably the biggest issue, when we hear about these people in the media periodically, someone who owes \$10,000 or \$20,000 or \$30,000 in fines and so on.

I guess the question is in an effort to deter that, as opposed to simply more enforcement, which enforcement is good, but I think it would make it a lot easier if we had, like we have in other provinces where the licence plate goes with the person and not the car. Therefore, somebody

who breaks the law, owes all these fines, gets hauled over, they lose their licence plate. They can't buy another piece of junk down the road next month, wait until they get hauled over again and continue that cycle if the licence plate was with the person as opposed to the car.

So I'm just wondering, is there any thought within the department, has anyone looked at or given any consideration to doing like they do in some other provinces and having the licence plate go with the person and not the car?

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

MR. A. PARSONS: Yes, thank you, Mr. Chair.

I just wanted to stand up and speak to this because even though it is a Service NL bill, it's something that actually deals with the Department of Justice as well, as Fines Administration is something that falls under the Department of Justice.

What I would say to the Member is that I'm sure it's an idea that is worth consideration. Again, I'm unsure myself as to the resources it would take to implement such a program. There's a lot of good stuff that we're seeing out of other provinces that we're hoping to take advantage of and try to implement here. But, again, in many cases, there are different investments that you have to make, whether it's resources, time. There's no good idea that shouldn't go unchecked, so I would say that.

When we talk about that issue of fines outstanding, it's something that we all see. It ticks us all off. It certainly ticks me off, not just as the person in charge of the Department of Justice; it ticks me off as somebody that follows the rules and is a taxpayer. That boils my blood to no end.

The good news is that 80 per cent of people are paying their fines on time. The vast majority, I think, wait until they're about to renew their licence. That's when they go and pay it again.

I've noticed that even with the solution that the Member proposed – and, again, assuming it all worked out, assuming everything is fine – there's a subset of people out there that no

matter what you do they will find ways to try to evade the rules, evade the laws. So I don't know if there's ever going to be coverage here or a solution that will fix this.

The issue when it comes to fines is something that's been around for some time. In fact, I was checking with Fines Administration and some of the money – a vast majority, a lot of the money – that is owing is decades old, from the early '80s. A lot of it is virtually uncollectable. It's people that are deceased, there's just no way of getting it. In fact, you have to find a way to write it off because it's money that will not ever be collected.

That's not blaming anybody, there have been multiple administrations there, but it is something that is a priority for me. What I would suggest is I'm happy, actually, to take the idea that the Member suggests. I think if I listened correctly the Member is saying he agrees in theory with this amendment to the act, but this is an idea. Can it work or not?

What I would say is I'm open to any positive idea; I know the minister is also open to that. Maybe it's something that we can report back on the House because if there's one thing for sure is that the *Highway Traffic Act* is something that's constantly amended. In fact, I know the minister as well as her predecessors just in the last couple of years have brought multiple amendments to improve road safety.

If this is one we can do that will help cut down on people with fines outstanding, I can guarantee you if there's something that can be done, I'm certainly supportive of that as well.

CHAIR: The Chair recognizes the hon. the Member for Mount Pearl – Southlands.

MR. LANE: Yes, I thank the minister for the response. Obviously, I'm not looking for that solution right now; I just wanted to put it on the record. It's not a new idea; it's something that is being done in other places.

For me, it's not about the collection of the fines. Just to be clear, it's not so much about the money; it's about the fact that you have individuals, as the minister has alluded to, some of them who will never – they have no intentions

of ever paying those fines. In most cases, they don't have the ability to pay the fines. It's a case of you can't get blood from a turnip.

What happens, of course, is that they go out on the road with an unsafe vehicle. They don't have a licence. They don't have a registration. They don't have it registered. The police will haul them over at some point in time, once they catch them, probably for committing some other offences under the *Highway Traffic Act*. In a lot of cases, the cars get taken from them and they rack up \$3,000 or \$4,000 worth of fines to go on the already \$10,000 or \$15,000 or \$20,000 they owe.

Then, two weeks later or a month later or whatever, they get a few bucks together and they buy another piece of junk that somebody's selling for a few hundred bucks. They go out on the road again in another unsafe vehicle doing the same thing all over again. Until the police actually catch them committing another offence of some sort, then they're out on the road with no licence, no insurance and putting the public at risk. Whereas if the licence plate went with the person, not with the car, then what would end up happening is a person wouldn't be able to go out on the road.

If you're on the road you'd be going with a car with no licence plates, so the police would see you immediately or the public would see you immediately, report it and get this person off the road. In theory, they can buy an old heap of junk and drive around for a year before they finally get stopped again. In the meantime, they have an accident with some poor citizen who has been following the rules, has their insurance. They cause all kinds of damage and they have no insurance and so on.

Just for the record, it's not about collecting the money; it's about if we want to do something to make our roads safe, we have to get these chronic abusers and so on that are out there – those are the people we have to target, not the law-abiding citizen who might forget to take their licence with them or left it in their back pocket or something when they changed their pants, they don't have it on them or they got a bit of snow on their licence plate or so on.

Not saying those laws don't have to be followed – they do and I'm supporting it – but I'm just saying it's those individuals that we hear about are the ones we really need to target. So anything we can do to change that, I think we should try.

That's why I throw it out there just for a suggestion to the minister, at some point in time – I was wondering if they were already considering it. If not, I'm just asking if they would consider it. I'm hearing the minister say it's certainly something they will take under advisement and I thank him for that.

Thank you, Mr. Chair.

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

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

I'm happy to respond to the points made. I have two points that I'd like to say to the Member opposite. One is just to clarify the language he used and to let people know that it's not the intent of this legislation. I don't think it was a deliberate attempt to paint this piece of legislation a certain way.

The Member says that we should put in legislation that goes after people that break the law and that we shouldn't target law-abiding citizens. Well, I can guarantee there's nothing about targeting law-abiding citizens here. It may have been a misuse of the vernacular, but don't frame this as targeting anybody. This is about road safety and the associated – again, having your ID is an important part; it's a responsibility.

The good news is that we entrust our police forces with discretion. So the fact is I don't think for a second that anybody that gets pulled over – the police, as they do with all legislation, is able to make a judgment call, as they do every day. That's power that we entrust our police with. There's certainly a level of trust.

There's no provision that's brought in here that's just done for the sake of change. I think it's very important for multiple reasons that you have your driver's licence with you. It's always been known. The mere fact that this existed

previously and carried with it a penalty shows that it was something important.

In this case, obviously, it seems – and, again, I’m sure there are statistics to back this up – that we’re seeing more of it. There are a lot of unfortunate statistics that we’re dealing with that we’re forced to make legislative changes for. Like the fact that our population has gotten worse in the usage of seat belts. That’s something unfortunately we shouldn’t have. Changing the rules on that is not about targeting law-abiding citizens or targeting anybody; it’s about protecting all. And we all want to ensure that there, so that’s the same reason.

The second thing, more specifically to the point raised by the Member, from what I can gather and the minister can clarify this again – she’s been doing a lot of work – this proposal as it relates to driver’s licence plates is actually underway, but there’s a significant technological component through this that has to be worked on through OCIO. It’s something I can speak specifically to in terms of there are a lot of processes within government, certainly within Justice, that we’d like to do, but it’s not just the case of changing a policy or changing legislation. There is a tech side to it.

In fact, we are behind in many areas in terms of the tech side and having that capability there. I know the department – it’s not something where they’re sitting upstairs now saying: Oh my God, this is a brand new idea. It’s a good idea, I’m sure, and I’m sure they’ve been working on it. But it might be one where we require the co-operation and expertise of multiple areas. I’m sure that’s what’s being worked on now. I think anything we can do to improve on this would be something that’s beneficial to us all.

CHAIR: The hon. the Member for Mount Pearl – Southlands.

MR. LANE: Thank you, Mr. Chair.

I hadn’t intended on speaking again, to be honest with you. I thought I was clear, but I just want to put it on the record I’m not framing this legislation as targeting anybody. What I said is that we really need to target those individuals, those people that are the chronic abusers, if you

will, that are racking up thousands and thousands of dollars’ worth of fines.

I’m glad that they’re looking at the licence plates, as has been suggested. Like I said, it’s not a new idea. I’m glad to hear it. I will support it when it happens. I’m also supporting this legislation. Just to be clear: I am supporting this legislation.

I just heard the feedback there from the minister saying that I’m somehow trying to frame this. I’m not framing this in a negative way; I’m supporting it. I support the legislation. I said a lot of the things here, a lot of the stuff here, the amendments that are being made are safety related. Some of them are not. The reason why they’re increasing them is because a lot of them were like a \$20 fine. It cost more than that to process.

So I totally understand that, I totally support that. But I do make the point, though, that as opposed to some of the minor infractions, what I would consider very minor, like if somebody legitimately forgot their licence, they left it home by mistake – and I’m sure the officer will use discretion anyway. While it’s fine that we’re doing that and I support, as I said, upping those fines, but when I say the word “targeting,” what I’m suggesting, though, is that these chronic abusers of the law are racking up thousands and thousands of dollars’ worth of fines – and never mind the fines so much as putting the public at risk, driving around in pieces of junk with no insurance.

We need to make stronger efforts in that regard. That’s why I made the suggestion of looking at the licence plates. Again, I’m glad that’s being looked into. If that happens I’ll be the first one to stand up and congratulate the government on doing it and support it 100 per cent, just like I am supporting these amendments here today.

Thank you, Mr. Chair.

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

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

I’d like to thank the Member for Mount Pearl South for clarifying his earlier comments and

making sure that it's on record, and I appreciate his support for this good piece of legislation.

We look forward to his support for more of the good legislation that we're bringing forward.

Thank you.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The hon. the Member for Topsail – Paradise.

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

I just like to sit and listen to the debate this afternoon. I was looking for a couple of sections there and I just found them. I'm really and sincerely am not intending to put the minister on the spot. If she doesn't have it with her right now, I'm sure she can consider it down the road somewhere.

I was looking for slow driving because the slow driving section, which I have a particular interest in, when I read the section, under section 111(1), refers to highways where a speed limit of 80 kilometres an hour or faster – and that's where most of those issues actually arise. I believe that concerns we see – if you are in a 50-kilometre zone and someone is driving 40 or 30, there's probably good reason for it. Someone driving 30 is not that much of an obstruction compared to someone in a 100-kilometre zone who is driving 60 or 70 or 75 or so on.

I was looking for one that I wanted to ask earlier – and I had a printed copy of the *Highway Traffic Act* with me, which I failed to bring in the House with me this afternoon, but I did have it that I was reviewing in preparation for this debate. When I was looking at slow driving, I was also looking at some of the speeding fines. Under section 110 of the *Highway Traffic Act* – just bear with me for a second as I pull it up – it's imprudent driving, Mr. Chair. And imprudent driving is a section that quite often police would use when a person's driving is that bad it's beyond just the actual speeding of it itself, but it's that bad that they sometimes will go with imprudent driving. It seemed to be a more serious offence.

“... a person shall not drive a vehicle on a highway or in another place (a) at a speed which is greater than is reasonable and prudent under the conditions and having regard to actual and potential hazards existing on the highway or other place”

Mr. Chair, that one is used often by police as well when they don't actually have a radar, or a way to determine the actual speed that a vehicle is being driven at, but they may be in a circumstance where there's construction or there are a lot of vehicles parked on the road and the person is just simply driving – some people would call it reckless driving, but they're driving just too, too quickly, too fast and not having consideration for circumstances around them.

So 110 says: “... shall not drive a vehicle on a highway or in another place (a) at a speed which is greater than is reasonable and prudent under the conditions and having regard to actual and potential hazards existing on the highway or other place; (b) without due care and attention; (c) without reasonable consideration for other persons; or (d) where that person suffers from a disease or physical or mental disability which might cause his or her driving of a vehicle to be a source of danger to other persons.”

That's what 110 is about. What I do notice in the fines, I see that the speeding fines like 21 to 30 and beyond are actually higher now than what impudent driving were.

My question to the minister was, knowing imprudent driving is a serious offence, slow driving is a serious issue – I think the answer is going to be yes, Mr. Chair, but just to put it on the record. I ask the minister – and the Minister of Justice and Public Safety in his comments just a few minutes ago talked about regular updates for the *Highway Traffic Act* and it's going to continue to happen. The *Highway Traffic Act* will continue to have updates and will have changes made to it over time and improvements, and make the highway safer and so on.

I just ask the minister: Is that something she'll go back and have another look at to make sure that we can maximize our opportunities to create safer highways, knowing that we had a particularly difficult summer and fall on the highways in our province?

CHAIR: The hon. the Minister of Service NL.

MS. GAMBIN-WALSH: Mr. Chair, the hon. Member raises a very good point. While we are addressing 17 other offences here today, we will certainly go back and look at that in the near future.

CHAIR: Shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Clause 2.

CHAIR: Shall clause 2 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 2 carried.

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

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The Highway Traffic Act.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill 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: Yes, Mr. Chair, I move that the Committee rise and report Bill 13.

CHAIR: The motion is that the Committee rise and report Bill 13.

Shall the motion carry?

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, the Speaker returned to the Chair.

MR. SPEAKER (Trimper): The hon. Chair of Committees.

MR. WARR: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 13 without amendment.

MR. SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 13 without amendment.

When shall the report be received?

MR. A. PARSONS: Now.

MR. SPEAKER: When shall the said bill be read a third time?

MR. A. PARSONS: Now.

On motion, report received and adopted. Bill ordered read a third time presently, by leave.

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

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

I call from the Order Paper, Order 5, third reading of Bill 13.

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

MR. A. PARSONS: Yes, Mr. Speaker, I move, seconded by the hon. Minister of Service NL, that the House resolve itself into a Committee of the Whole to consider Bill 20.

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

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

The motion is carried.

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

Committee of the Whole

CHAIR (Reid): Order, please!

We are now to consider Bill 20, An Act To Amend The Vital Statistics Act, 2009.

A bill, "An Act To Amend The Vital Statistics Act, 2009." (Bill 20)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

All those in favour?

SOME HON. MEMBERS: Aye.

CHAIR: Against?

Carried.

On motion, clause 1 carried.

CLERK: Clause 2.

CHAIR: Shall clause 2 carry?

Those in favour?

SOME HON. MEMBERS: Aye.

CHAIR: Those against?

Carried.

On motion, clause 2 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?

SOME HON. MEMBERS: Aye.

CHAIR: All those against?

Carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The Vital Statistics Act, 2009.

CHAIR: Shall the title carry?

All those in favour?

SOME HON. MEMBERS: Aye.

CHAIR: Those against?

Carried.

On motion, title carried.

CHAIR: Shall I report the bill carried without amendment?

All those in favour?

SOME HON. MEMBERS: Aye.

CHAIR: Those against?

Carried.

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

CHAIR: The Government House Leader.

MR. A. PARSONS: Yes, Mr. Chair, I move that the Committee rise and report Bill 20.

CHAIR: The motion is that the Committee rise and report Bill 20 carried without amendment.

Shall the motion carry?

All those in favour?

SOME HON. MEMBERS: Aye.

CHAIR: All those against?

Carried.

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

MR. SPEAKER (Trimper): The hon. the Deputy Chair of Committees.

MR. REID: Mr. Speaker, the Committee of the Whole have considered the matters referred to them and direct me to report that Bill 20 has been 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 has directed him to report Bill 20 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: Now.

MR. SPEAKER: Now.

On motion, report received and adopted. Bill ordered read a third time presently, by leave.

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

MR. A. PARSONS: Yes, Mr. Speaker, I call Order 2, third reading of Bill 20.

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

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister for Service NL that Bill 20, An Act To Amend The Vital Statistics Act, 2009, be now read a third time.

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

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

This motion is carried.

CLERK: A bill, An Act To Amend The Vital Statistics Act, 2009. (Bill 20)

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

On motion, a bill, “An Act To Amend The Vital Statistics Act, 2009,” read a third time, ordered passed and its title be as on the Order Paper. (Bill 20)

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

MR. A. PARSONS: Mr. Speaker, I call Order 6, second reading of Bill 19.

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

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister for Natural Resources, that Bill 19, An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act No. 3, be now read a second time.

MR. SPEAKER: It is moved and seconded that Bill 19, entitled An Act To Amend The House Of Assembly Accountability, Integrity and Administration Act No. 3, be now read a second time.

Motion, second reading of a bill, “Act To Amend The House Of Assembly Accountability, Integrity And Administration Act No. 3.” (Bill 19)

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

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

I stand here today to speak to yet another piece of legislation in this House. This one is an amendment to a pre-existing piece of legislation called the *House of Assembly Accountability, Integrity and Administration Act*. I’ll probably even refer to it as such during this debate, the acronym being HOIA. We sometimes just called the bill HOIA. So if I refuse to say the bill’s name in full – I can probably take up an hour

just saying that a few times, but there are times when we do refer to the bill as HOIA.

I’m entering this as Government House Leader. As opposed to many bills which come to this House which emanate from various departments, whether it’s Justice or Natural Resources or Education, you name it, this is one that comes for the House of Assembly itself.

This is a piece of legislation – it’s actually coincidental today that, as we’re here talking about the amendments, one of the architects of this piece of legislation, that being Chief Justice Green, was actually here today as well. This all stems back from a report that he did, which all stemmed from something we’ve talked about on a number of occasions in this House, that being a very dark time for this House of Assembly, for this Legislature.

I’m not going to stand here – I could probably spend a full hour speaking about what happened there and what came out of it and how that guides us today. Let’s just say that, back then, the controls needed for the Legislature were not adequate. It led to some situations that have actually led to criminal wrongdoing; individuals have gone to prison because of some of the things that were conducted. It’s led to change and a lot of that change stemmed from Chief Justice Green’s report. I think it was actually referred to earlier today: *Rebuilding Confidence*.

As Members here, one thing that I think we all can speak to is the fact that while we may represent different parties, different districts, different political stripes and partisanship, being a Member of the House of Assembly is something that does bind us all. When one does wrong or how one acts reflects on us all; therefore, that’s why we need to abide by the same code. I’d like to think that we all strive to live to that code and to live by the rules that have been imposed in this House of Assembly.

I’ve had an opportunity during my six years here to talk about this on various occasions. One of them is when we talk about the *House of Assembly Accountability, Integrity and Administration Act*. So this is an act that helps guide us in how we operate and how we do business.

One of the creations of Chief Green's report was a Management Commission, which is a number of MHAs from both sides, from all sides, who sit and make decisions and help administer the House, basically how it guides us all. It is certainly not political by nature. It's doesn't matter who you are, what party you're from, we sit here and we make decisions that reflect on us as legislators, as parliamentarians. In fact, Mr. Speaker, you, obviously, being new to this role is something you now lead; you now guide us in those meetings.

I would note to people that there have been a lot of changes over the years. This is something where a lot of decisions were made behind closed doors. They certainly weren't televised. People had no idea how things went or why they went that way. We've really come full circle; we've come from that time.

Now everything we do is televised, not just the proceedings here in the House of Assembly where we have Question Period and Ministerial Statements and debate legislation, but even our Management Commission meetings – which happen fairly regularly and, again, in many cases still happen here in this Chamber, in this House. We talk about the issues that are presented to us. That's all televised. Everything is public. There's absolutely 100 per cent accountability. That was one of the recommendations because in order to restore confidence, people must see the business of the House happening; they must be able to take it in account.

Basically what comes out is that after every General Assembly, after every election, there's a commission that's appointed, a committee, and it's called the Members' Compensation Review Committee. Again, going back to shortening it up, we often refer to it as the MCRC, which has been established after every General Assembly – it is once during a General Assembly. Basically it's usually fairly quick, fairly early on after the election. That is part of this piece of legislation. This is comprised of people from out in the community who basically their job is to come in and review salaries, the allowances and a whole number of things.

In fact, its latest report, which was fairly comprehensive, didn't just deal with salaries and the allowances for Members and pensions and

severances, it dealt with advertising rules and it dealt with just a whole number of factors there. Because these things change. Advertising itself is much different now than it even was five years ago, than it was 10 years. So you have to constantly revise to make sure we are relevant. Because everything that we do, whether it's a salary or whether it's the money we spend on advertising, it's all taxpayer dollars. Every single dollar comes from the taxpayers' purse, so we need to ensure that we have rules that are consistent and they require review on a consistent and constant basis, and that's what the purpose of the MCRC is.

In fact after each one – I can remember my first time they were struck. They usually reach out to all the Members to ask you about what your thoughts are on this – and they consider everything, even modes of travel. I can talk about the fact that the mode of travel for me is certainly different than the mode of travel for the Member for Torngat, which is way different than the method of travel used by some of the Members from urban areas.

In many cases, you come to decisions that have to be made because the situation hadn't arisen before. For instance, I represent a very rural district. I have a number of communities that are isolated and can only be accessed through helicopter or through ferry. We have to actually make rules how can we apply – like, am I allowed helicopter travel? That's actually a discussion that we've had. What are the funds that you need for that; should it be high or should it be low?

Again, there are a number of other districts. The Member for Cartwright – L'Anse au Clair, the Minister for CSSD, loves to talk about she has a number of unconnected communities as well. In my particular case that was a discussion that we had. Now, I've never had to avail of helicopter travel. I've been lucky enough that I've been able to access communities by the ferry and, thankfully, it's different now than what it was. Even 10 years ago – it's not the same now, even that connection with your constituents. I think it's been enhanced by the uptake in social media which comes from the uptake and the increase in people having connectivity.

I can talk about a difference in Members where the Member before me for Burgeo – La Poile, when they first started in the late '90s, used to do community clinics. Again, the main community in the District of Burgeo – La Poile is Port aux Basques; it's the hub, but it's about three hours away from Burgeo. What you would do is you would go down and you would advertise a community clinic and say I'm going to be in town this time; you would bring down your consent forms, your sheets, information, all this stuff.

You think about it – I'm just going to use 2000 or 1999 as an example. Obviously, you had Internet then, but you certainly didn't have Facebook, you certainly didn't have Twitter, and people's connectivity was a lot less then. That in-person contact of coming down so people can have actual first-hand outreach, because in many of these smaller communities that we represent, there is no Service NL office and there is no government departmental office. In many cases, the MHA is that point of contact. You would go down and have that clinic, sit down with people. It might take you all day.

Then what happened, I fast-forward to when I got in, in 2011. When I first started I would do these community clinics. I would go to Ramea, I would go to Burgeo and I would sit down. In many cases, you sit down in the town hall, you get an office, you advertise that you're coming out and put it out there, but in a lot of cases the people showing up, the attendance was sparse. The reason being is that perhaps more so than the Member previous, I had a social media presence, Facebook accounts that we rely on heavily, every day. People know exactly how to get a hold of you.

So as opposed to before where people relied on that first-hand contact or on the telephone, people now – there's instantaneous contact with their Member letting them know what their issue is. For instance, a lot of people, even the ability to – a lot of people didn't want to phone. It's just not their thing, but they're much more comfortable doing it via email or social media.

Every morning when I wake up I go through, and I'm getting messages 3 o'clock in the morning; we have an issue here, this is what we're dealing with. It might be somebody on a

shift, it might just be a night owl, somebody is up, but this is when they choose to connect to you.

We're all seeing that now, that difference. The way I sort of ended up on that tangent is that I talked about what I'm dealing with. I look at the Member for Torngat, who when he first got elected, did a lot of his commuting throughout the district via snowmobile. These are all costs that you incur in your job.

The same way as any Member is compensated for their mileage or via rental car, how do you compensate somebody for ski-doo travel if it was never contemplated before? This is something that we had to deal with. It was a novel concept.

The Member would do a lot of – and, again, I can say with all certainty, I wouldn't be able to do what the Member does, getting off a plane, sometimes in the middle of winter in the dead of night, and the Member gets on a ski-doo and commutes around. I thought I had some difficult travel arrangements. The Member, I think, may lead us in terms of the places he has to go and how he has to get there. I'll certainly give him a significant amount of credit for that, and he gets around. He does that job, he gets to his communities. That's one of his biggest priorities.

The ability for us to do this comes down to the Management Commission making these rules. The Management Commission is guided by the MCRC and the recommendations that come out of the review that's done every General Assembly. What I will say is that the MCRCs from previous years, in many cases, had put off a number of issues. They just never got dealt with.

In this one, I will certainly give them a lot of credit. They came back; they did a very thorough report with a lot of changes, with a number of recommendations. In order to make the recommendations, the Management Commission considers them, votes on them and that then goes into legislation, which we stand up here in the House today and I, as Government House Leader, get to introduce it and spoken to by Members of the House.

So what I'd like to do – I have the bill here, it is Bill 19 – is a general overview of what these actual changes are here today, just to quickly go back before I do that.

The MCRC for the 48th General Assembly was actually appointed in this House May 12, 2016, became effective July 7, 2016. Its report was submitted to the Speaker's Office October 28, 2016, and publicly released November 1, 2016.

So there are a number of recommendations. I don't have the number here. I think it might have been up in the 80s or 90s. I could be completely wrong on that, but we're dealing with specifically right now recommendations 45 to 51 and 54, which were discussed and accepted by the Management Commission at its March 15, 2017 meeting.

The proposed amendments we're dealing with give effect to the recommendations that were drafted by the Law Clerk and approved by the Management Commission in May of 2017.

Recommendations 45 to 48 address inconsistencies and clarify language in sections 16 to 18 of the act regarding various aspects of MHA remuneration. In addition, the Law Clerk of the House of Assembly recommended that (1) we remove references to the 46th and 47th General Assemblies. We take those out; they are no longer necessary.

I'm going to give a little shout out here to the Law Clerk of the House of Assembly. These are people that – people might be listening now, and if they haven't turned off already, saying My God, that's pretty dry stuff. Can you imagine having to read through the legislation line by line, word by word, interpreting it, analyzing it and making the changes? It's a tremendous job, and the effect of not doing that job can amount to us bringing into effect legislation that might not be what we're intending it to be. So I applaud our former Law Clerk for doing such a tremendous job over a number of years, and I applaud our current Law Clerk for everything she's been doing in the role. She's new to the role, but certainly not new to this line of work.

I go back to the references to pensions not be added to section 17 as proposed by the MCRC as MHA pensions are paid in accordance with

the *Members of the House of Assembly Retiring Allowances Act* and the *Pensions Funding Act*. Basically, if I gather correctly here, upon review of the various aspects of MHA remuneration and the legislation that applies, the MCRC noticed that there appear to be inconsistencies there, there are some inaccuracies there.

Section 16 of the act creates the MCRC for each General Assembly and it outlines the provisions for the committee's mandate, its report, how does it deal with recommendations by the Speaker and the Management Commission. The committee noticed the global aspect of remuneration – so salary, pensions, severance and allowance – is not captured in all subsections within section 16.

It should also be noted, there's a consequential amendment contained in section 11 which is consistent with these recommendations. These are meant to ensure that all aspects of remuneration are referenced and that these references are consistent and are transparent.

Recommendations 49, 50 and 51 impose a requirement to document on the Management Commission officers and staff of the House, a penalty for failure to do so and expanded the role of the audit committee to review compliance of the Speaker and the Management Commission regarding the requirement to review and make decisions on all MCRC recommendations.

Under the Management Commission there's also a sub-committee called the audit committee which is chaired by the Member for Placentia West – Bellevue who, I might also add, is the youngest Member elected to this House, and here he is, he sits on the Management Commission and also chairs the audit committee.

I understand what that role is. I actually served on the audit committee when I was in Opposition as our representative and thankfully there's very good staff and people from outside that come in; some excellent people that come in and provide advice to us on how we should be managed, how the audit should happen.

The MCRC noted in its report that 12 of the 26 recommendations by the previous MCRC from

2012, they didn't form the part of any of the agenda of Management Commission meetings. The committee also noted it wasn't able to find a record of a Member of the Commission addressing the omissions, and there was no record of follow-up being done to have the matters placed on an agenda for consideration by the Commission. This is considered to be a breach. This was not done. This oversight was not done, and this was noted by the MCRC.

The committee noted there is no discretion in the act to allow the Speaker to withhold MCRC recommendations from consideration by the Management Commission and said they were not convinced that the explanations given were reasonable enough to permit the Speaker to deny the Commission its obligation to address the recommendations or to abdicate its responsibility to consider and make decisions regarding the recommendations.

The 2016 MCRC was also concerned that some or all Members of the Management Commission from previous held informal discussions regarding the 12 recommendations that were not dealt with by the MCRC. So I come back to the fact that the previous MCRC didn't cover everything off and agreed not to bring the recommendations to the public forum for debate and discussion.

What I can say is that we are here today as Members and we are making sure that it is here in the House of the people, having the public debate in the public forum. Not saying that it wasn't discussed, but they may have been done in an informal way and, therefore, there is no documentation. There's no record of the discussions and the decisions, who participated, and that's necessary. That needs to happen. We need to have clear records of this.

So what the MCRC decided was they felt that the function of the audit committee should be expanded to ensure legislative compliance by Members of the Management Commission and the Officers and staff of the House of Assembly. They recommended that the role of the "Audit Committee be expanded to specifically review compliance by the Speaker and each member of the Management Commission regarding the requirement to review and make decisions on all MCRC recommendations." That's what we

bring here today in this legislation, which is to be debated and voted on by all Members of the House.

Again, I go back to the legislation – what I'm going to do, Mr. Speaker, in order to avoid some confusion here, I'm going to refer to my notes and then I'm going to go through the bill and try to take us through that.

Recommendation 54 recommended that the definition of quorum be changed to a simple majority of Management Commission Members without reference to government or Opposition, but must include the Speaker. Currently, as it stands, the quorum on this Management Commission – which I believe has seven Members and it is made up of Members of government and Opposition. Currently, quorum consists of a majority of the Members that includes the Speaker, at least one government Member and at least one Opposition Member.

So in reviewing this, the MCRC expressed concern. When they look at sometimes the Management Commission had difficulties convening the meetings due to the fact that you could not constitute this quorum. Maybe all of the Opposition were busy. Maybe all of the government was busy. By not having that, it just made it more difficult to have these meetings scheduled. So they're saying let's take out the quorum, but it is important that the Speaker still be there – the Speaker being the presiding Officer of our House of Assembly.

Basically, by these meetings being put off, we are forced to defer issues, to postpone issues, postpone meetings. There are matters that were not being dealt with as expeditiously as they might have been but for the quorum requirement.

The MCRC was also concerned that the legislative requirement that a quorum of the Management Commission consist of at least of one government Member and one Opposition Member. Their thought was that, in and of itself, made the difficulty that maybe there were situations where, by forcing this, you could easily have that inability to have that meeting.

Those are the changes that we're dealing with here today as we deal with sections 45 to 48 and

54. When we look at the bill itself it's not substantial, so I think – and, again, I have to throw credit out to the legislative drafter and to the Law Clerk and all these individuals that provide advice and support for us.

As we stand here and debate and talk to legislation, I always say that what we're doing is like the tip of the iceberg. We stand here and people see this, but what's going on underneath is huge and people don't see the tremendous amount of work that's done by unnamed people who get to help us do this. We're very lucky to be supported by these individuals.

What they do is, on the inside of each bill, they have an Explanatory Notes section which, in often cases, is very plain language, to explain what the purpose of that bill is. I think it's important that I read this into the record and talk about this.

“This Bill would amend the *House of Assembly Accountability, Integrity and Administration Act* to impose a duty on the commission, officers and staff of the House of Assembly service to document advice, deliberations, decisions and recommendations of the commission.” I think I've talked about that so, again, it's not just something that's talked about, there's an actual duty on there now. When it comes to duty, nobody wants to be guilty of failing to live up to their duty, especially in this role here.

Failing to follow this duty – there is now an established penalty for failure to document advice, deliberations, decisions and recommendations. In many cases it was done before, and I certainly don't think it was ever done with ill intent or for any malfeasance of any sort. In a lot of cases, I think it might be simply overlooked and not done. I don't think it was done for any negative purpose; it was that error or omission. In this case now, I don't think it's going to happen because there's an actual penalty that is put in place here for that lack or failure to document the advice.

It requires “the audit committee to review and report on whether the speaker and the commission have complied with the Act in relation to consideration of recommendations of the members' compensation review committee.” Now what happens is you have the Management

Commission and then you have the subcommittee, which has a Member from government and a Member from the Opposition. It has outside non-elected officials, usually with an accounting background. These are fine individuals.

If there's one listening, we have a huge Kentucky Wildcats member on there. We have very smart people on there. I've gotten to know these people through their work with the audit committee. I see the Clerk of the House here; she has to sit on all these meetings, too. She has sat in on a number of these, and she's nodding her head because she knows how enthralling these meetings are and how detailed they are. If there was ever someone who was enthralled by these meetings, again, they're very busy meetings.

I speak in jest here, but the fact is that it's important stuff because if we don't do this, this can lead to a situation that created basically the act that we're dealing with now. Nobody wants that. I don't think there's a single person out there that wants to go back to what we've been through. Certainly no Member of this House wants to go back through that on any side.

What's going to happen now is we have an MCRC comes in, they make recommendations. What the audit committee is going to do now is they will be required to review and report on whether the Management Commission has complied with the act. So now there's a legislative duty on the audit committee to say have you considered it, have you considered all the recommendations. So there's no mistaking whether it was done or not done; it is now put in the act.

We have a change of the quorum of the Commission to a majority of its Members, one of whom shall be the Speaker or Deputy Speaker. I think that's important as well. The fact is the Management Commission, in many ways, is a non-partisan body, it's made up of elected Members of all stripes, but the way it was set up is that you had to have a government person there and an Opposition Member there and in the past that has led to meetings not happening. Hopefully, with this legislative change that we're suggesting here, that will be done and we'll avoid that and hopefully have

these meetings. I'm sure meetings will always be deferred for various reasons, but this will allow for a greater ease in scheduling.

I tell you what, every Member in this House, including staff and including the Speaker, have a busy schedule usually when the House is in session. One of the things that we try our best to do is to ensure that these meetings are done while the House is in session so as to avoid travel costs. Because even being on this committee, if the House is not in session, requires travel and that requires costs. So all of us, as Members, try our best to have these meetings when we're all in the House of Assembly area, when the House is in session, and that's a savings there; so instead of imposing travel, we try our best – and I think that actually might have been a recommendation, actually might be one of the conditions, is that we try at all cost to do that.

Finally there's a correction of the inconsistencies in reference to severance, pensions and allowances in the act. As I said, Mr. Speaker, it's not a huge bill here. This is completely based on recommendations that have come from the MCRC, which have been looked at at the Management Commission level.

I think I've taken a significant amount of time to explain what it is we are doing here. So at this juncture I think what I'm going to do is take my seat and I look forward to the comments from my colleagues across the way. I'm assuming some of the Members that are speaking are also fellow Members of the Management Commission as well. So they would have some experience in dealing with this.

I look forward to being able to close second reading at some point in the future.

Thank you, Mr. Speaker.

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

MR. PETTEN: Thank you, Mr. Speaker.

It's a pleasure to get up and speak on this bill today, Bill 19, the *House of Assembly Accountability, Integrity and Administration Act*.

Mr. Speaker, the bill has seven clauses, with several amendments to these clauses obviously, and these amendments that the Government House Leader just said as a result of last year's MCRC's report. Under the House of Assembly Accountability, Integrity and Administration Act, a members' compensation review committee must be established at least once every General Assembly to review the Members' salaries, allowances, severance payments and pensions.

The most recent committee's Members did the report last year and there was a lot of debate. A lively debate went on as a result of this MCRC over the pension issues. A lot of people tuned in to that.

SOME HON. MEMBERS: Oh, oh!

MR. PETTEN: Some people think they're funny, Mr. Speaker. When you're speaking about a House of Assembly bill and someone –

AN HON. MEMBER: About integrity.

MR. PETTEN: – talking about the House of Assembly Accountability, Integrity Act and you got this type of stuff, anyway.

AN HON. MEMBER: The Bay of Islands.

MR. PETTEN: Yes, the Member for Bay of Islands finds this funny. There are other times we can do that, Mr. Speaker, but I think this is probably not the right time. There are lots of other times we can have that banter back and forth. I enjoy that most times, but not at times when I'm talking about issues like this, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. PETTEN: Thank you, Mr. Speaker.

Maybe they should, yes.

The House of Assembly Management Commission has already had to make decisions on some of its report's recommendations and the bill considers other recommendations, recommendations that went before the

Management Committee at a meeting on March 15, 2017, and some of these recommendations recommended that the amendments to the act – they were discussed at the meeting and proceedings were online, actually, Mr. Speaker.

So this is not done under the cloak of darkness, obviously. These meetings are televised meetings and media is usually present to attend, depending on the issue of the day. As we know, some of these meetings come and go, as the news release goes out, and there may have been no reporting. It might be just regular housekeeping stuff that is important to Members of this House of Assembly and the day-to-day running of each Member and to the House of Assembly. The general public has no interest.

There are others times when there is an awful lot of interest. I guess it goes with the function and it goes with the issue of the day, but it's a very important function of this House. It's one that Justice Green, in his report, strongly recommended setting up this Management Commission, which used to be the Internal Economy Commission at one time.

Mr. Speaker, with these amendments, I guess they're all pretty straightforward except for probably one. I'll just speak on each amendment as they come.

Clause 1 is just the deleting of a word. It's just basically deleting a phrase, severance allowance, and replacing it with the word severance. That's as housekeeping as it comes.

Subclause 2 follows the MCRC recommendation 45, that the heading of section 16 of the act be corrected. This section is about subject matter of the MCRC inquiries in each General Assembly. The current heading is too narrow. Instead of reading inquiry regarding salaries, it will now read inquiry regarding Members compensation. Again, it's a fairly housekeeping issue.

Subclause 2(2) follows the MCRC recommendation 46 and makes a similar change to correctly refer to the matters of what the MCRC inquiry covers. Instead of paragraph 16(5)(a) referring to salaries of non-taxable allowances and other matters, it will now refer to salaries, allowances, severance, pensions and

other matters. It also corrects and updates the updated name of a department.

Mr. Speaker, most of these clauses are just changing words. Again, I will say it's important. It's important to the Commission, but in the context of why we're here today, it is truly housekeeping.

The issue I will speak about probably in a bit more length is clause 4. It's about the quorum for the Management Commission.

I know the Government House Leader had mentioned this was discussed in the Management Commission, it's agreed upon and then it's brought forward to the House as per standard, as regular routine. It's been discussed and we've discussed it around the table and had a lot of discussion on it, the quorum for the Management Commission, and I guess we have some concerns.

It's a quorum for the Management Commission, and this is where I think we need to be very careful. Technically, we already signalled our okay for this change when it came before the Management Commission back in March, but it was in a broader context at the time. There were a lot of other issues being debated at that time and this was all part of a bigger conversation.

Upon further review, it's after bringing up some major concerns to us. The MCRC was concerned that some Management Commission Members were not able to attend meetings and this made it difficult to achieve quorum and enable the meetings to proceed, as the Government House Leader just spoke of in his speaking on the bill.

The MCRC suggested changing the definition of a quorum from a simple majority that includes government and Opposition Members to a simple majority with no reference to Opposition or government Members having to be present. The MCRC made this recommendation alongside other recommendations that called for the schedule of the Management Commission meetings to be set in stone well before the start of the fall and spring sittings.

The amendment in clause 4 has nothing to do with the schedule, other than recommendations

in that context. It would simply change the definition of quorum. The more we thought about this, Mr. Speaker, the more we were concerned it could open the door for something very undesirable.

Basically, you could hold a Management Commission meeting and making Management Commission decisions without any Opposition Members being present. I think that in itself is probably the most glaring issue that any Member on this side of the House on the Management Commission, or I guess the integrity of the Management Commission in general, that's what it's all about. It's supposed to be an all-party – it's supposed to be Members from government and Opposition and the Third Party. This is a huge concern for us, Mr. Speaker.

As I said earlier – and Chief Justice Green was here today. In his report, when he created the Management Commission, the idea to begin with, that was one of his things. He wanted to have representation across the board.

I think we need to recall what Justice Green actually wrote when he recommended the establishment of the Management Commission to replace the Internal Economy Commission, referred to as the IEC. Here is some of what he wrote, Mr. Speaker. These are actually excerpts from the Green report on page 6-10 to page 6-14. I won't read it all, but I think it's worthy to read a couple to put it in context.

“The present structure” of the IEC “with a majority of members from the government side of the House, effectively allows for domination of the affairs of the IEC by the government in power. Some would say this is appropriate, since all other committees of the House also have a majority of government members on them. But the IEC is a committee like no other. It is charged with very specific management and administrative responsibilities for overseeing a bureaucracy, and has specific, decision-making powers that affect the finances of the House and that should be exercised in a relatively non-partisan manner.

“I have been told by some former members of the IEC, as well as others, that the members of the IEC find it difficult to leave that partisanship, which is perfectly appropriate in

other forums, out of the IEC meetings and decision-making process. In the end, with the government members voting as a block, the government can always have its way. As a result, members of the opposition have felt that the IEC sometimes is nothing more than a rubber stamp for executive financial policy, contributing to cynicism as to its effectiveness in managing the finances of the House independently from the executive branch.”

Mr. Speaker, during that time the government opposite were the actual Official Opposition and the Official Opposition were actually the government in power. I think if you probably were to dig back in the quotes back then, I'd say the Opposition, which is the government of day, would have agreed with what I'm saying here now, because it is a glaring omission. I think it's something that – I guess political stripes should be parked by the door and stuff like this. This is more important than scheduling a meeting. I think it definitely affects the integrity and decisions of the importance of the Management Commission getting done in a fair and equitable manner, Mr. Speaker.

Another excerpt from Justice Green was: “I am not satisfied that it is either necessary or appropriate to structure the IEC so that the government has a majority on it. In some jurisdictions, bodies analogous to the IEC do not have government majorities, and, in fact, sometimes have a majority of opposition members.”

I guess our Public Accounts Committee is chaired by an Opposition Member. Even though government has the majority of Members, it's chaired by an Opposition Member. I guess that's somewhat in keeping, or that's somewhat of the mindset. It's here and our Management Commission obviously has a majority of government Members on it.

“Having considered this issue carefully, I believe that the best approach is to restructure the IEC so that there are an equal number of government and opposition members on it, including representatives from all registered parties that have Members in the House.”

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. PETTEN: Another excerpt, Mr. Speaker, would be: “The idea of the opposition parties being able to have as much weight in the expression of their views in a management forum that should be non-partisan may well lead to a greater focus on principle than on political expediency. It may lead to a breaking down of voting by party and a greater ability to reach decision by consensus. It is also my hope that the fact that the meetings of the IEC will, for the most part, be public will also foster this more co-operative approach. Even where that does not happen, the equality of party membership should lead to a ‘creative tension’ within the IEC, as the members search for a solution that will work for all. Furthermore, the possibility of decisions emanating from the IEC that may not be the result of executive domination may also lead to a ‘creative tension’ between the IEC and the executive in the resolution of financial matters and may enhance *proper* legislative independence.”

Mr. Speaker, you see through Justice Green’s excerpts, and they’re worth reading because it comes to the balance. It’s about a balance. As I’ve stated, we have no issue with those other recommendations, but I believe this quorum issue, clause 4 if I’m not mistaken, is a big issue for Opposition. It should be a big issue for any Opposition or Third Party.

The stuff that’s discussed, the issues that are discussed in the Management Commission are very important issues. They have an impact on us as Members, our day-to-day running of our offices, dealing with our constituents, our expenses.

As the Government House Leader opposite pointed out, one Member travels his district by ski-doo. I know we have a lot of Members that live in rural areas. They incur a lot of expenses to represent their districts, to get around visiting their districts. They are isolated communities. They are expenses, and rightfully so. There are budgets for that, but some things fall a little bit outside what’s clearly written for those budgets. They’re coming to the Management Commission; they’re looking for approval for different things to be able to do their job in an effective manner.

Some of this stuff can be fairly routine, and it wouldn’t really matter who was in the room on the Management Commission and it probably would be no problem. I say but, because there’s always a but. There are bigger issues that come up that can play – there can be political ramifications to it.

Even though the Management Commission is meant to be neutral and is meant to be kind of partisan, it’s never fully partisan, Mr. Speaker. We all know that. There are certain issues where the Management Commission, in its full functions, debate issues that three groups are clearly on different sides with. It will come out in a Management Commission meeting. Those are the times where I think you need to have that balance, you need to have both sides representing.

I go back to last March when some of this was being discussed. At the same time, pensions were on the table, Mr. Speaker, and they were a big issue. There was a lot of debate about it with 20 new Members elected here, half the sitting House of Assembly being affected by the pensions. There was a lot of back and forth. There was another option on the table. There was to accept what the MCRC recommended. There was another option being put forward by a couple Members opposite and it became a bit of a debate. At the end of the day, the MCRC recommendation was accepted.

I say the reason that was accepted – and we’ll be debating that I guess on another day. As someone who has been affected by it, there’s good and bad to everything, but it was what the MCRC had recommended. At the end of the day, that’s what was accepted.

It worked because of the representation on the Management Commission; I believe it did, anyway. Being one of the people who were affected by it, you could always hope for better, but it is what it is. It’s what they had recommended and it’s what eventually was implemented.

Had that not been a balance like that, it could have been something else. I don’t think that would be in keeping with what Justice Green had wanted in his report and I don’t think it would be in keeping with what the full meaning

and spirit of what the Management Commission is, Mr. Speaker.

In saying that, that's why I speak on it. We feel it does affect the integrity of the Management Commission by having a simple quorum. We feel that you should have a balance of Opposition Members at all times, regardless if you have trouble scheduling a meeting or not. I think everyone's schedules are busy, no matter meetings or what you try to schedule. You managed before now. Risk and reward, Mr. Speaker – I don't think it's worth the risk to have a simple majority, simple quorum, to risk what you could have by not having equal membership. So I believe that it's highly important that we have representation from all three parties.

Justice Green was very clear that the Opposition needs to be represented. He said: "A quorum of the commission shall be 50% of its members, but (a) one member representing the government; (b) one member representing a party in opposition to the government; and (c) the speaker or deputy speaker shall be present during a meeting of the commission."

That's what a quorum is. So basically we have a Member from the government, a Member representing the Opposition and the Speaker. That's what the quorum right now under 18(8) states.

That could change then to having two government Members and the Speaker which is, in our case, three government Members. With no one from the opposing side, Mr. Speaker, I guess the saying goes – you hear it all the time – all governments need good opposition. Well, I think the same thing applies to the Management Commission. Every aspect of the House needs to be represented, every aspect of our 40 Members in there need to have their voice heard at the Management Commission. We feel strongly about that.

The wording that will be placed if this amendment passes, Mr. Speaker, will be: "A quorum of the commission is a majority of its members, one of whom shall be the speaker or the deputy speaker." In other words, a meeting would be able to proceed and a decision would be able to be made without any Opposition

Members being present. We only have to think back to the controversy about the pension plans, as I just stated, to recognize the scenario that would have made a huge difference. It makes less of a difference if the schedule of meetings is decided and set in stone well in advance, but what if a meeting is called on an urgent basis and no Opposition Members can be present?

We have a real problem and it flies in the face of the spirit and intent, as well as to the letter of the Green Report and we don't feel that's good, Mr. Speaker. We don't think that that's okay. The idea of the Opposition parties being able to have as much weight and expression of their views in the management forum that should be non-partisan may well lead to greater focus in principle than on political expediency.

The equality of party memberships should lead to a creative tension within the IEC, as the Members search for the solution that will work for all. Furthermore, the possibility of decisions emanating from the IEC that may not result in executive domination may also lead to creative tensions between the IEC and executive in the resolution of financial matters and may enhance proper legislative independence.

This has nothing to do with whether the Opposition Members who are currently on the Management Commission can trust the government Members who are currently on the Commission. We are amending legislation which will govern the Management Commission from this day forward, potentially for decades, unless and until it's ever again amended.

The onus is on us to get it right, as we've said this in this House many times before over legislation, Mr. Speaker, and not to pass a bad amendment that goes against the principle for which the Commission was established. We have to be especially careful, given the context that led to the Green Report. A bad setup in the past opened the door for a terrible wrongdoing that seriously undermined the trust in the integrity of the management of the House of Assembly affairs, and we must never erode those safeguards, Mr. Speaker, that were put in place to prevent that from reoccurring.

With all due respect to the MCRC, we are no longer sure that fundamentally altering the way

the Management Commission works by redefining quorum is something we should be doing. At the very least, we should require that the schedule of the Management Commission meetings be set in stone well in advance so that Opposition Members are never caught off guard. In fact, this is precisely what the MCRC recommended. Remember, they did not recommend changing quorum alone; they made five recommendations on this and those five need to be considered together.

Of their five recommendations on this, three were the scheduling of meetings, one was on forbidding Members to be absent without cause and prior approval, and one was on changing the act to redefine quorum. Here is how their recommendations read:

The Speaker shall not set a Management Commission meeting that conflict with Cabinet meetings; no later than September 15 in each year, set a fixed schedule of a minimum of three Management Commission meetings for the fall, which all Members shall make a priority in attending; no later than January 15 each year, set a fixed schedule of a minimum of three Management Commission meetings for the spring, which all Members should make a priority of attending. No Member shall be permitted to be absent from any Management Commission meetings without good cause and prior approval of the Speaker.

Subsection 18(8) of the act be amended to permit that a quorum shall consist of a simple majority of Members of the Commission, without reference to government or Opposition Members, but a quorum must include the Speaker. We cannot accept clause 4 amendment to enforce just one of these five recommendations without a guarantee that the other recommendations on advanced scheduling of meetings are absolutely set in stone. Even then, we are not sure it's a good idea to water down the quorum rules.

We do not believe any Management Commission meeting shall be permitted to proceed unless there is someone from the Opposition side present. That was Justice Green's precise recommendation, and let's hear it again: A quorum of the Commission shall be 50 per cent of its Members, provided the

Speaker or Deputy Speaker, and at least one Member representing the party in Opposition to the government present.

Since the rules of debate would not permit the amendment to this clause that will be set in stone, the MCRC recommendations on a vote scheduling, we are recommending that all Members agree to vote down clause 4 and not water down this quorum rule and do what Justice Green asked us to do and don't create a scenario where government could ride roughshod over Opposition parties in the House of Assembly Management Commission. We feel that that would be unjustifiable.

Thank you, Mr. Speaker.

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

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

I am happy to stand today and speak to Bill 19 dealing with amendments to the *House of Assembly Accountability, Integrity and Administration Act*. I have to say as somebody who was here in the House of Assembly when the work was done by Chief Justice Green, which led to his report and led to the act that we are amending today, I'm always very happy to look at this act and to realize that we have something here in this House that a lot of legislative bodies across our country do not have.

It is an act that for some – I know, because I've had some say to me – find a little bit too prescriptive, but I actually think this act is so important, the act that Chief Justice Green gave us the framework for, wrote and we have made some amendments to. That act gives us the security of knowing that if we follow this act, if we are true to this act, then we're going to be held accountable; that we are going to be people of integrity; that our behaviour in this House and the behaviour that relates to everything in this House is going to be above board; that we are going to be people of integrity, and the act helps that.

I was quite delighted, actually, when Chief Justice Green released his report and when the

report included the piece of legislation. I know it is prescriptive, but I think we need it to be prescriptive. I think what happened here in this House and the actions that led to Chief Justice Green doing the inquiry showed that we needed something that was going to be prescriptive.

From that perspective, I am happy to stand and speak to this today. I am also, and have been right from the beginning, a Member of the House of Assembly Management Commission. As a Member of that Commission, I take very seriously my responsibility, my responsibility to ensure the act that was put in place after Chief Justice Green's report came to us, that that act is kept intact, that we make sure the spirit of that act is always followed and that the spirit of the report that was done by Chief Justice Green always dictates what we do in this House, that we shouldn't take steps to do anything that would change the spirit of that report.

An awful lot of thought went in to that report by Chief Justice Green. We honoured him today here in this House through a statement by the minister and then responding to that statement, honoured the work he has done over his 40 years as a justice in the legal system in our province. I certainly value, highly, the work that he did.

Having said that, today we are dealing with most things that are here in this bill, things that are minor, things that we can accept and put in place without any problem. Things that were recommended by the MCRC, the Members' Compensation Review Committee, and some things are quite simple, change of language to reflect reality. Some of the things are not really things that we need to actually discuss.

For example, in clause 2 there's a side note. The side note in the act says Inquiry re: Members' salaries. Well, in actual fact, salaries is not really the word that reflects what we get as MHAs. Compensation is a word that was required.

So there are a few things like that in the act that are pretty straightforward, things that the MCRC picked up on. Some words, for example, where severance was left out, but where severance needs to be put in. So that's going to happen.

For the most part, very, very simple things, but there are two things in it I find are things that we

should reflect on, number one. One has to do with the whole section that is dealing with the audit committee and work of the audit committee.

I find it extremely important, because the section dealing with the audit committee gives us pause for thought in terms of what our responsibility is as Members of the House of Assembly Management Commission. That Commission can change. The makeup will not always be the same, because of the nature of our party having a small group of people in the House. I have been the person who's been on that commission consistently, but I think that looking at what's being recommended with regard to the audit committee makes us reflect on the responsibility that we have.

The duties of the audit committee are very serious. It's a committee of the Commission. The audit committee is there to provide assistance to the Commission in fulfilling its oversight responsibility to the House of Assembly and the public with respect to stewardship of public money. I think that's the important thing. It's the stewardship of public money.

Now, what is important in clause 7 of the bill that we're dealing with is that clause 7 of the bill puts responsibility not just on the Members of the Commission, but also on the Speaker, the Clerk or staff of the House of Assembly service. I'm going to read it.

Section 66 of the act is being repealed, and what's being put in place is specific wording that has to do with the responsibilities.

In the original wording it said: "A person having a duty to document decisions and maintain records of the commission, the speaker, the clerk or staff member of the House of Assembly service and a person who without lawful authority destroys documentation recording decisions of the commission, the speaker or the clerk, or the advice and deliberations leading up to those decisions, is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000 or to imprisonment up to 6 months."

So in and of itself, just that piece of the act which is being slightly changed points out how serious it is, the responsibility of being on the House Management Commission. What's being put in place is a wider and updated description of the offences and penalties. Now it specifies that those covered in section 21.1 – commission, officers and staff of the House of Assembly who don't comply with keeping records of the Commission meetings – are guilty of an offence.

We have to take total responsibility, all of us who are on that Commission and who staff that Commission. We all have to hold responsibility for insuring that completely accurate records are being kept. As well, we have a responsibility to make sure there's no destruction of records, and anyone destroying records without authorization is guilty of an offence. This is something that is extremely serious. Finally, the fine is up to \$10,000 or up to six months in prison. That was in the original wording and it's just repeated in the new bill.

I think the general public should have some comfort in the fact that the act we're amending and that we're actually making stronger is there to ensure that we understand – those of us who are in the House of Assembly, those of us who end up on the House Management Commission, those of us who work for the House of Assembly and who are part of the work of that Commission, that we understand the big responsibility and the serious responsibility we have.

I'm very, very happy to see this here today. I'm very happy to approve this. It's extremely important; however, there is one piece of the bill that I'm concerned about and that has to do with the quorum, the makeup of the Commission and the quorum. I just have to find my notes here to speak specifically to it. We are talking about section 4. What is now being said is: "A quorum of the commission is a majority of its members, one of whom shall be the speaker or the deputy speaker."

When I first read that – and I have read the recommendations in the MCRC report, and know that the MCRC had recommendations that had to deal with more than just with the quorum. It did look at the fact that it seemed that we were having problems sometimes having meetings. It

recognized the need for us to have regular meetings, it made recommendations with regard to those meetings and it also made a recommendation that the quorum just be 50 per cent, no matter the makeup of who that 50 per cent were.

I think that it's very problematic; I'm very concerned about it. Because I know – and this is what the MCRC said – that we are supposed to be there on the House Management Commission meeting as individuals, that we are there not to represent the caucuses that we're a part of. We're there as individuals and supposedly are non-partisan, but the reality is there is nothing in this House that operates like that. We all know that on other Committees that we're on, a majority vote by government wins. We know that.

On the House Management Commission, the way it was set up by Chief Justice Green did recognize the need to have both government and Opposition present for discussions that take place. The new rule or the regulation or the amendment that's being suggested is saying that the quorum is now any three people from the body – there are six people on the Management Commission not counting the Chair, who is the Speaker, and that as long as any three people are available for a meeting, a meeting may happen. And those any three could be three government Members of the body.

I have a real problem with it. I'm not ready to agree with this. I think that we should not be changing the makeup or the definition of quorum. I think we should be maintaining what Chief Justice Green put in place. The responsibility that's being laid on the shoulders of the Opposition Members only in this ruling or in this suggested legislation is unbelievable. I mean, I'm shocked.

As a Member of the House Management Commission, I know that, for me, unless it's a life or death thing, if I'm told that a House Management Commission meeting is being looked for and can you be available at a certain time, unless it's absolutely something that I don't have control over, I always say yes. I make changes in my schedule if I have to because the House Management Commission meeting to me is so important.

I think that's what we should be dealing with here in this House. Why is it that life is made so difficult for the Speaker sometimes and it hasn't – I don't mean the current Speaker; I'm talking historically. I have sometimes really felt badly for the Speaker and the Clerk because they have such a hard time getting a meeting of the House Management Commission and I can never figure it out.

Now, I can understand if all of a sudden maybe a Cabinet meeting has been called, with surprise, and it means that two Members of government can't come to a meeting. I can see them saying, okay, we can't come, but I really have to question: Do we all give it our sense of responsibility that this is a number one thing being on the House Management Commission? If we say no, we can't be there, we need to question ourselves. Where is that no coming from? Is it a real no or are we just not bothering to change a schedule that we might have to change?

This thing of allowing a meeting of the House Management Commission with three Members of government only at the meeting, to me, is completely unacceptable. In spite of what the MCRC may have said, about the fact that we're all supposed to be there as individuals, et cetera, I have to say my experience is that's not the case. That isn't the case. It's no more different on the House Management Commission than it is here in the House of Assembly. We have different positions sometimes and when we're meeting, we aren't just there as individuals, just like we are not just individuals here in this House.

I just think it's extremely disingenuous of government to go ahead and to make this recommendation in this legislation without looking at the broader picture of the MCRC. There's not much that I've disagreed with the MCRC on, but I think not putting their other recommendations in, number one, is wrong; and, number two, I just think overall this recommendation shouldn't be here. It shouldn't have been.

I think that Chief Justice Green understood the reality when he said that it should be 50 per cent plus one. He knew what he was talking about, plus one Member of the party from the

Opposition. He knew what he was talking about. He knew that it's not completely non-partisan. It smacks of when we had the internal economy committee and when government ruled the internal economy committee. It smacks of that to me.

I'm absolutely opposed to this clause. I really will be speaking against it, will continue to speak against it and will ask government to really think about what they're doing here. This is totally unacceptable.

That's all I have to say, Mr. Speaker. I look forward to the debate we can continue with this bill.

Thank you.

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

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

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The hon. the Leader of the Official Opposition.

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

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

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

We're debating Bill 19, which is An Act to Amend the House of Assembly Accountability, Integrity and Administration Act. I understand the excitement of Members opposite on the discussion of this bill. I want to thank the Member for Conception Bay South for raising concern on clause 4 this afternoon and also the Member for St. John's East – Quidi Vidi who's raised it as well. I'm going to raise a similar concern.

Now, to the Government House Leader opposite, I'm sure he's going to speak to it. He has certainly made his feelings known on it, but the Management Commission did deal with this matter during deliberations earlier in 2017. It

was actually back in March of this year when this was first brought through the Management Commission and the Management Commission agreed or decided at that point in time to bring it forward or send it through.

There are a number of matters on this particular bill that we're talking about, Mr. Speaker. We're talking about imposing "a duty on the commission, officers and staff of the House of Assembly service to document advice, deliberations, decisions and recommendations of the commission; establish a penalty for failure to document advice, deliberations" and so on – so just kind of tightening up the administrative operations within the House – "require the audit committee to review and report on whether the speaker and the commission have complied with the Act in relation to consideration of recommendations of the members' compensation review committee; change the quorum of the commission to a majority of its members, one of whom shall be the speaker or deputy speaker; and correct inconsistencies in references to severance, pensions and allowances in the Act."

When they're talking about Commission, they're referring to the Management Commission. Mr. Speaker, the Management Commission was formally known as the IEC or Internal Economy Commission. We all remember clearly, more than a decade ago now, when the operation and conduct of Members of the House of Assembly was questioned. There were very serious concerns that were raised back in that time. We know that there were investigations and reviews. There was considerable discussion about the appropriateness of activities, how the House was operated, activities of Members and so on.

That resulted in Chief Justice Green, who sat here in our gallery today and acknowledged his years of service to the province – and Members of the House, including myself, referenced the good work that Justice Green had done in reviewing how the operations of the House are conducted in our province. It was an historic review on how the House operates.

Mr. Speaker, the importance of that changed how – we created the Management Commission, as an example. His deliberations and his recommendations actually established the

Management Commission for the House of Assembly.

The Management Commission is currently made up of Members from government, Members from the Opposition and the Speaker as well. In order for the Management Commission to hold a quorum under section 18(8) of the act – and it says: "A quorum of the commission shall be 50% of its members, but (a) one member representing the government; (b) one member representing a party in opposition to the government; and (c) the speaker or the deputy speaker shall be present during a meeting of the commission."

Mr. Speaker, I want to deal with first of all, if I may, how this was discussed earlier this year in the Management Commission. It was brought into a bill here in the House of Assembly and why is it that when Members of the Commission, the Member for St. John's East – Quidi Vidi and myself, are speaking now with concerns about what's contained in the bill versus what happened back in the spring.

Mr. Speaker, I remember it very clearly. The way I look at it is that we were dealing with a very serious issue at the time and one that had become of significant contention here in the province, significant contention here in the House of Assembly when we're talking about and debating and discussing pensions. The changes in pensions will come forward in Bill 21; this is Bill 19.

It was through those same discussions and topics that had captured the attention of virtually everyone in the province, in all areas of the province. At the same time, we were dealing with other matters. The way I look at it, Mr. Speaker, we were dealing with an elephant in the room, being the pension plan, when we had a snake in the corner. That's how I see it today, upon reflection. We had a matter in the corner that was going to be problematic. I agree with what the Member opposite has raised. We agreed with it in the Management Commission – we did, but I can tell you I've given a lot of consideration to it since then. I've looked at it further since our meeting back in March – I think it was March –

AN HON. MEMBER: (Inaudible.)

MR. SPEAKER: Any further outbursts and I will remove the Member.

The hon. the Leader of the Official Opposition.

MR. P. DAVIS: I'm growing accustomed to that from that Member, Mr. Speaker.

Since March 15, 2017, since that time there has been a growing concern and a deepening concern when it comes to the trust in what's happening here in the House and what's happening in our province, government and so on. I've learned since March that we should do this, as parliamentarians anyway, but it's so important for us to dot every i and cross every t. I can tell you that, for me, back in March, when we were discussing, pensions was a significant matter that we had to make sure we got right.

In doing so, Mr. Speaker, changing the quorum of the Management Commission went through the Management Commission. I understand the commentary and why it came to the Management Commission, and the MCRC and previous speakers have talked about the challenges sometimes of having meetings. I think that's been dealt with by the fact that a schedule will be established for the fall and for the spring. I think it's been dealt with by that way, but being concerned about what comes through this House and the decisions that we make as a House of Assembly and the legislation and the rules that we put in place causes me concern to allow this to go forward as it is.

There are several clauses in this particular bill, I think seven in total. All of them, I believe, are fairly straightforward and are not problematic, but clause 4 on a quorum of the Management Commission is a problem for me. It is today. We're here debating this in the House today. I stand before saying, yes, we did talk about it in the Management Commission, but since that time, I've had further digesting and considering of the matter, to have to raise this concern here today.

Mr. Speaker, when we did this in the spring, it was done in a very broad context and the proposed changes lacked broader context, but it raises this major concern. The MCRC was concerned that some Management Commission

Members weren't able to attend meetings. So there MCRC suggested that changing the definition of a quorum to a simple majority would be a solution for that and also the setting up of a schedule for the Management Commission would be assisting in that as well.

That's been in place as well, but I have to reflect back, as my colleague for Conception Bay South did, about reflecting back to Justice Green who sat here today, on the verge of his retirement after many, many years and after this significant piece of work that was brought into the House. I think it's important for us to revisit it.

I've revisited Justice Green's commentary in light of this matter and I think it's important to bring it to the House here because here is what he wrote. I know I'm repeating some of this because I know my colleague for Conception Bay South mentioned some of this. He talked about the Internal Economy Commission, known as the IEC. Not to be confused with the IAC, but IEC. He says: The present structure of the Internal Economy Commission with a majority of Members from the government side of the House effectively allows for the domination of the affairs of the IEC by the government in power.

As the Member for St. John's East – Quidi Vidi referred to, there are other committees, and Justice Green talked about that, but there are other committees. He also talked about how decision-making power that affects the finances of the House should be exercised in a relatively non-partisan manner.

He talked about how he'd "been told by some former Members of the IEC, as well as others, that the members of the IEC find it difficult to leave the partisanship, which is perfectly appropriate in other forums, out of the IEC meetings and decision-making process. In the end, with the government members voting as a block, the government can always have its way. As a result, members of the opposition have felt that the IEC sometimes is nothing more than a rubber stamp for executive financial policy, contributing to cynicism as to its effectiveness in managing the finances of the House independently from the executive branch."

Mr. Speaker, I think it's an important comment that he made because people are cynical enough about politicians, not of any particular stripe but of all stripes and politicians in general. Ensuring stability, strength, fairness and appropriateness with what we do in the House and the decisions we make as a Management Commission are of critical importance in this regard.

Another excerpt from what Justice Green wrote in his lengthy report after he did all the work that he did, he said: "I am not satisfied that it is either necessary or appropriate to structure the IEC" – and I remind you, Mr. Speaker, the IEC became the Management Commission; the former Internal Economy Commission became the Management Commission of the House – "so that the government has a majority on it."

He goes on to say a little bit later: "Having considered this issue carefully, I believe that the best approach is to restructure the IEC so that there are an equal number of government and opposition members on it, including representatives from all registered parties that have Members in the House."

Another reference by Justice Green where he says: "The idea of the opposition parties being able to have as much weight in the expression of their views in a management forum that should be non-partisan may well lead to a greater focus on principle than on political expediency. It may lead to a breaking down of voting by party and a greater ability to reach decisions by consensus."

What he's referring to there, Mr. Speaker, or what I interpret he's referring to there, he talks about non-partisan and a greater focus on principle than on political expediency. That's what the Management Commission is supposed to be. It's hard for us sometimes, as he referenced, to leave your political biases aside, but if you have an equal number of Members on the Management Commission, then it helps to provide for an ability to reach decisions by consensus, which he said.

He said "the equality of party membership should lead to a 'creative tension' within the IEC, as the members search for a solution that will work for all." What he's saying, if you have an equal number of people, there's a greater

chance that you'll work together and find out solutions.

We've seen examples of that, Mr. Speaker. We've seen on advertising where Members went away from the Management Commission this year and worked together to come up with a plan and strategy that could work for rural MHAs and urban MHAs, people who have more remote districts where others are less remote. They went off and they did those types of differences in geography.

I know the Member for Mount Pearl – Southlands could probably walk around his district in half a day if he had to, walk the boundaries of his district. I know the previous Member, before the changes last year, could do it in a couple of hours, more or less. Now I'm sure he could, where I'm sure the Member for Labrador would be challenged to walk the circumference of their district over any period of time. There are varied differences, Mr. Speaker.

They went away and they came back with an advertising policy because of equal membership on the Management Commission, and I think that worked well.

Recommendation 5 of Justice Green's recommendations that he wrote said: "A quorum of the Commission should be 50% of its members provided the Speaker or Deputy Speaker and at least one member representing a party in opposition to the government be present."

Mr. Speaker, I have to admit, I didn't read that phrase. I don't remember seeing that recommendation and reflecting on it prior to the Management Commission meeting, but I've certainly reflected on it since the Management Commission had discussions on this. If Members opposite weren't aware or others weren't aware of it, that happens, but we're here in the House now and in preparation for the House coming here did come to my attention.

Mr. Speaker, Justice Green was very clear – very, very clear – on his position in his references to the Internal Economy Commission and also in his reference to the Management Commission that Opposition needs to be

represented in deliberations of the Management Commission.

If we look at section 18(8) of the act where a quorum is currently defined, it reads: "A quorum of the commission shall be 50% of its Members, but (a) one member representing the government; (b) one member representing a party in opposition to the government; and (c) the speaker or the deputy speaker shall be present during a meeting of the commission."

I suggest that went even further, because Justice Green's recommendation did not say that a Member of government should be at all meetings. What actually came in to 18(8) of the act goes beyond even what Justice Green had reported. He had said at least one member representing a party in opposition to the government be present, but he didn't say the government had to be present.

I think 18(8) of the act actually addressed that and requires both to be there, Member of government, Member of the Opposition representing parties in Opposition to the government and also 50 per cent of its Members, and of course Speaker or Deputy Speaker.

So 18(8) refers to majority of its Members, one of whom would be the Speaker. In other words, a meeting would be able to proceed, decisions would be able to be made, without any opposition if this amendment was to go through.

Our Opposition is relatively small in comparison to government. There are times when Opposition has been much smaller than this. There are times when I know that I've reached out to Members of our caucus to say is there anyone available to do something. Sometimes, depending on when it is, the time of the year and so on, responsibilities that we carry in our districts or personally, that sometimes you can't find one of the six who are available for a particular time or place or an event, or whatever the case may be.

Mr. Speaker, someone who wanted to be creative, and I'm not suggesting Members opposite would do this, but some time down the road in a future government, circumstances change, future decision-makers here. I'm not trying to suggest that Members opposite are going to do this, because this piece of legislation

will not only be for this Assembly but for future Assemblies, unless changed.

Mr. Speaker, if someone wanted to say, well, we wanted to get this through the Management Commission, you know, if they were sneaky enough, Members opposite are not available, let's call a Management Commission. It's a good chance now, because myself and the other Member of the Commission for the Opposition side are not available. Maybe we're travelling together and they know it. They could call for a meeting and get something through that they wanted to get through without having Members of the Opposition. That could easily happen. I say it could easily happen, Mr. Speaker, because you know yourself sometimes the challenges in trying to schedule a Management Commission meeting.

My point is, Mr. Speaker, we shouldn't compromise Justice Green's recommendation or the integrity of the Management Commission in the desire for the expedience of having a meeting. We shouldn't do that. Dealing with a schedule beforehand, of course technology by phone, we've had people attend by phone in the past, could help to balance that.

Mr. Speaker, I can't see a bona fide reason, I can't think of a single reason why anyone would not want to maintain that level of balance, fairness, decorum or requirement to ensure fairness that has been outlined a number of times by Justice Green in his report and resulted in recommendation number 5. I can't think of a reason. When I thought through this, I put myself in the mind of, okay, if I was in government today, why would I want this to go through? Well, it makes it easier to get a meeting – it may. Is it in the best interest of fairness in the operations of the Management Commission? Is it consistent with what Justice Green has said? No, it's not.

So I can't see why that is. Maybe Members on the opposite side of the House, Members in government, may agree and say yes, okay, you should have done this before; you agreed with the Management Commission. Okay, well, slap me on the wrist for that, but now that we've discussed it and we're aware of the issue, I can't see why Members opposite would not agree. Some of them have been in Opposition and

some of them may be in Opposition again in the future, and it would be beneficial for both sides of the House to maintain the current standard. I don't see the reason why we should do away with the current standard, other than convenience or opportunity for who happens to be sitting in government.

Mr. Speaker, this whole piece of legislation has been hard coming after the MCRC. There was a lot of discussion. The review commission was brought in to discuss their intentions and their considerations. Even when there were times that we had the MCRC who came and sat at the Management Commission, we asked questions and had discussions – and I'll use again advertising as an example. We realize that some of the recommendations of MCRC, while you could understand the point of them, you could understand the intent of them, of why they were brought forward, that practicality probably wouldn't work, couldn't work, or should be changed. And that happened, Mr. Speaker. That happened on other parts of the MCRC.

Again, I use advertising as the most recent one that we had talked about. There were some changes to the stipulations. Advertising, for example, one of them: business card size. In our Management Commission meeting, we had a discussion on it last week about advertisements are limited to business card size. Well, we know that, in hindsight, some Members of the House will use a community bulletin board, as an example, to post notices of a meeting or a meeting with constituents, or an opportunity to meet with your MHA or the like, and the business card size just simply wouldn't be appropriate for that.

So when you think of that one in isolation alone, that should be changed. There were some who find it more cost effective to put advertising at a community facility, boards on rinks, or a fence on a soccer field, like I've used in the past, or an advertising opportunity on the side of the road by a community. You have to pay for a space, but it would be more cost effective than the use of a community newspaper.

Well, putting a business card on a bulletin board is not going to be much value, so we knew that it just wasn't going to work. So we had to change

the recommendation from the MCRC, and we did that jointly between both sides of the House.

Mr. Speaker, my submission is this requiring or moving to a simple majority for the Management Commission should be viewed the same. While I understand the intention of it, I understand why the House would go in that direction or the Management Commission would go in that direction, but when you plug in all of the history, you plug in the implications for that, then it really shouldn't be the case. In practicality and reality, it shouldn't be the case.

We're changing one rule to allow for a schedule. I fully suggest that if the schedule doesn't work and becomes problematic for the Management Commission to meet and it is problematic, then there is no reason why the Management Commission couldn't revisit it. But just to simply go and allow for a clear majority, where Members of government could call a meeting really quickly – I suppose, in theory, a Member of the Opposition could do the same thing. We could ask the Speaker to call a meeting right away when there's a government caucus retreat in Labrador, for example, and we need a meeting right away and have a meeting right away. If that was to happen, it probably wouldn't happen, but if it did happen or could happen, then it would be a problem.

I think we should stick with what Justice Green very clearly laid out as an important aspect of his recommendations. He treats the Management Commission differently than other committees of the House. He clearly points out the need to have fairness, balance and equality in decisions. He even talks about the benefits that could arise or better decision making that could arise from having that, Mr. Speaker.

I see the time on the clock. I have 35 minutes left in my time to speak, but I see the time on the wall at 5:29. I think it would be appropriate, while I still have time left, to adjourn debate for this afternoon.

MR. HUTCHINGS: You adjourn debate, yes, or the Speaker will.

MR. P. DAVIS: Yes.

MR. HUTCHINGS: The Standing Orders says 5:30 we stop anyway.

MR. P. DAVIS: Yes, so being 5:29, Mr. Speaker, if you want to –

MR. JOYCE: You can keep going. If he wants to finish his time, perfect.

MR. HUTCHINGS: No, Standing Orders don't allow it.

MR. P. DAVIS: I wish to adjourn debate at 5:30 as per the Standing Orders. I'd be willing to take my seat and then proceed on it the next time when it's called.

MR. HUTCHINGS: At 5:30 on business days, the Speaker has to adjourn debate.

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

MR. A. PARSONS: Thank you.

Yes, I believe the debate was adjourned.

Prior to 5:30, I would move, seconded by the Minister of Health and Community Services, for leave to introduce a bill entitled, Prescription Monitoring Act, Bill 25, and I further move that the said bill be now read a first time.

MR. SPEAKER: It is moved and seconded that the hon. the Minister of Health and Community Services shall have leave to introduce a bill entitled, Prescription Monitoring Act, Bill 25, and that the said bill shall now be 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.'

This motion is carried.

Motion, the hon. the Minister of Health and Community Services to introduce a bill, "Prescription Monitoring Act," carried. (Bill 25)

CLERK: A bill, Prescription Monitoring Act. (Bill 25)

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 25 read a first time, ordered read a second time on tomorrow.

MR. A. PARSONS: May I stand on a point of order, Mr. Speaker?

MR. SPEAKER: The hon. the Government House Leader on a point of order.

MR. A. PARSONS: I'm certainly aware that the Standing Orders at 5:30 require the Speaker to stand and adjourn, but I also believe the Standing Orders allow, with consent of all Members, for the House to remain open for debate to continue. I thought we were having a very good debate on Bill 19, the *House of Assembly Accountability, Integrity and Administration Act* and I would love to continue this debate, to have an opportunity to address – and the Member opposite has 35 minutes, so what I would suggest is with the consent of the Members opposite, why don't we continue this debate and speak about this bill, because I'd certainly love to have an opportunity right now to speak.

Thank you.

MR. SPEAKER: Does the hon. Government House Leader have leave to continue the debate?

AN HON. MEMBER: No.

MR. SPEAKER: Leave has not been provided.

In accordance with provisional Standing Order 9(2), this House stands adjourned until tomorrow morning at 10 o'clock.

On motion, the House at its rising adjourned until tomorrow, Wednesday, at 10 a.m.