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*Speaker: Honourable Derek Bennett, MHA*

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(Night Sitting)

The House resumed at 6 p.m.

**SPEAKER (Bennett):** Order, please!

The hon. the Government House Leader.

**S. CROCKER:** Thank you, Mr. Speaker.

I call from the Order Paper, second reading of Bill 18.

**SPEAKER:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Thank you, Speaker.

It is truly an honour to speak on this very important piece of legislation today. I know I have 20 minutes and there is a lot to highlight in this legislation. Let me first of all just point out the Minister of Finance, in terms of her introducing this bill, there were a couple of points that were highlighted and I'll just start off by giving a general overview of the fact that this legislation prohibits class action suits against the ALC, Atlantic Lottery Corporation.

Just by way of background, three other provinces that are partners in the Atlantic Lottery Corporation – New Brunswick, PEI and Nova Scotia – all have this type of legislation that is being proposed by the Government of Newfoundland and Labrador. This legislation is retroactive. It provides retroactive immunity to civil law class action suits. But, as the minister has pointed out, it does permit an individual to bring individual cases, and I'll speak to that point a little later. This legislation, in essence, it provides immunity against class action suits against the Atlantic Lottery Corporation with respect to VLTs.

This legislation, Speaker, is being presented as being prudent and responsible legislation. It's being cited as that because of a class action case which was decided recently in the Supreme Court of Canada: the Babstock case. That case, Speaker, was of concern to the Atlantic Lottery Corporation partners because it basically involved class actions. It was a case that the Supreme Court of Canada decided and ruled against a class action lawsuit in relation to the VLTs.

This legislation is of grave concern to the Members of the Official Opposition. I'm going to start off with just highlighting some of the concerns that we have. First of all, from a legal perspective the legislation, the amendment, in essence, is an attempt to legislate away rights – rights of individuals to join in a class action lawsuit. In essence, it is restricting access to justice. That basically is a very, very concerning violation of one's fundamental right to have access to the courts.

One of the concerns with respect to this: When you legislate away individuals' rights, is that really and should that really be the responsibility of the Legislature, or should that be rather the responsibility of the judiciary? I think that's one of the initial concerns that I have and that the Members of the Official Opposition have.

It's an attempt to violate or to restrict, at least, the individuals' rights to file a class action lawsuit. It would be my suggestion that that is something that should be decided by the courts. We see that this is what happened in the Babstock case. The Supreme Court of Canada had this come before it and it ruled against this case in terms of it proceeding any further. But, at the time – and we need to understand this – when this case was before the courts, that's when we see the New Brunswick, PEI and Nova Scotia courts implement this legislation.

What I wonder about is we know the case has been ruled on. The Supreme Court of Canada is the Supreme Court of the land and it has ruled that this would not proceed. So why are we now joining in this legislation and trying to support this legislation by the other provinces?

That brings me to one of the questions by one of the Members, the Member for Humber - Bay of Islands, when we were in debate on this. One of the points that he correctly raised – and I think that's an important question to raise – is why are we bringing this now? As he correctly pointed out, this class action suit, he said it didn't get standing but it didn't go anywhere. It was blocked by the Supreme Court of Canada. So why are we bringing this legislation now?

Another concern for me with respect to the legislation is the retroactive piece. One of the most concerning parts of this bill and the other

Atlantic bills is that it's retroactive for approximately three decades – 30 years. So whatever damage you might have caused to people over the last decades, whatever damage that it may appear that, for example, the Atlantic Lottery Corporation have caused over the last three decades, well, don't worry, you're immune. You're covered. That, Speaker, doesn't seem right. I think that piece is also something that we need to consider very carefully when we look at this legislation.

I'd like to also refer to the Member for Stephenville - Port au Port in his comments with respect to this legislation. He had, in assessing this, pointed out some of the concerns that he had with respect to this. He said as well that this legislation was very concerning because of the fact that it did interfere or it restricted people's rights. That is something that we need to be very, very concerned about. It is our job here as legislators and as people that are reviewing this legislation to offer a critical analysis of this legislation.

I am concerned also with respect to the issue of gambling itself. We all are aware, and I'm sure we've had family members and friends, perhaps, who have been impacted by a gambling addiction. We know that it's devastating. We know that people may be gambling with their rent money, their food money or the money their children, perhaps, need. They may be gambling away the little bit of room they have on their credit cards. We do know that it is an addiction that individuals dig themselves deeper into trouble the more desperate they become for a payout.

We do understand, and I'm sure that, as I say, we've all known people that walk away at the end of the night perhaps feeling miserable, yet still go back the next day. This, as has been pointed out, is akin to other addictions, like alcohol and drug abuse. The Member for Stephenville - Port au Port did acknowledge, as well, how this is akin to the tobacco legislation and the tobacco litigation that has taken place, yet we see that there are no restrictions on the tobacco companies from pursuing litigation, class action suits. As well, I refer to other Members who have talked about this. The Member for Mount Pearl - Southlands, when he, in his debate, was speaking about this he

acknowledged that gambling is an addiction, as is smoking. His question was: Why is this different for the addiction of gambling? He had indicated in his comments that he was in a quandary because this is a moral dilemma.

Of course we do have to be concerned about being responsible and not exposing the taxpayers of our province to any liability, but again we need to find out what liability is there. There was a risk when that class action suit was before the courts and that's why the three other Atlantic provinces implemented this legislation, but the case has now been decided before our Supreme Court of the land. So why are we here now worrying about that risk? That is something we need more information, perhaps from further legal experts in this area.

I also want to refer to the Member for Labrador West. As well, the Member for Labrador West compared this with smoking in his comments and he wondered why the difference between smoking and gambling and that it harmed so many people. He indicated it is a dangerous industry and that we need accountability. I think that's what the Member for Conception Bay South was talking about when he, in his debate, spoke about this important issue and the fact that we need to have accountability. The Member for Lake Melville, he also, in his comments and his debate, indicated that we need to do more homework, and that he had strong concerns about what we're doing here. He wanted to see the government pause in this matter and make sure that we have proper engagement, proper consultation and proper information so that we, as legislators, make informed decisions going forward on this very important legislation.

I think we also need to be mindful of – and this goes to what the Member for Conception Bay South was speaking about – gambling addictions and the harms and effects that are out there. We know it's devastating. The gambling addiction is devastating. VLT addiction is devastating for many people. Yes, for some it may not ruin their lives and some people can enjoy the sport, if you will, or the gaming. But there is, as has been pointed out, a moral quandary here. It brings us back to what is right now: Should our government and should our society be insulating or protecting itself from the consequences of lawsuits from those who say they were harmed

by VLTs? Is that what we should be doing? Is it the role of us as legislators to do it?

We saw that the Supreme Court of Canada aptly made a decision on this matter when it went before the court. They decided. They are our judiciary. We are separate. The three branches to our government and the Legislature is one, the judiciary is another, as well as the Executive. But the Legislature: Should we be overstepping into the jurisdiction of the courts? That's a question we have to look at. Should it not be left to the courts to decide whether there was harm and whether or not, and to what extent, individuals should be compensated? So this is a moral dilemma.

We also know how much revenue that we, as a government, receive from VLTs. We need to look at that as well. Many have gambled just a little without harming themselves. But what we're concerned about here are the vulnerable people, and taking away and restricting that right to access the courts, to access the justice system. That is something we have to be very careful about. These are vulnerable people who really do not have the means to pursue an individual cause of action.

The Minister of Justice had stated, okay, we're going to restrict – the Minister of Finance had stated this is in regards to class action suits only, but that individuals have the right to sue. But you know what? They have the right to sue but they won't have the means to do it because most of these individuals are vulnerable. They are already destitute because they have been impacted seriously by their gambling addictions. They won't have the means to go before the courts and sue individual suits. In my submission, that's not really an option. When we're taking away that class action lawsuit ability, that ability to join with a group to sue together, collectively, if you have been harmed, to take away that right, I think it's a very, very serious restriction of one's rights. So, with respect to that, we have to look at all of that and really, really take care to make our points here.

This class action suit, the Babstock case, was about video lottery games. Basically the court, through a majority decision, said it could not go forward. The majority of the judges at the Supreme Court level said that none of the

arguments that were put forth by the plaintiffs was able to be persuasive and so, therefore, they did not support this going further.

Speaker, this is about accountability. Shouldn't we find that the Atlantic Lottery Corporation can be held accountable for the damage that they may have caused? We need to look at that piece. That is important.

The right to sue: this bill seeks to stop that class action right to sue. Individuals would have to come forward on their own which is an onerous and expensive proposition.

So, finally, I'd like to speak in conclusion, the final point is with respect to a Committee. I believe that it is time that this House should have really done what we didn't do 30 years ago, back in 1991 when this legislation came forward. We need to send this bill to a Committee to closely examine and consult on what we are doing here.

I want to propose that we send this bill to a Committee. The type of Committee, I understand, there is support for there being an all-party Committee. Now, I'm not sure of how that will actually play out, if we will be able to make recommendations to then come back and change this legislation, but we have to allow the democratic process to do its due diligence so that we understand the impacts and any unintentional consequences and impacts of this legislation.

We need to hear input from others. We need to hear from the Atlantic Lottery Corporation. We need to hear from an external auditor of the Atlantic Lottery Corporation to assess exactly what that potential liability, which the government is trying to protect the taxpayers from – what is that risk? Is it a real risk? What kind of risk? Is that even a risk anymore now? And that's where we would get the legal experts in to tell us about – if the Babstock case has basically once and for all ended this issue for us.

We need to hear from other stakeholders who themselves have suffered from addiction and from the mental health professionals who assist people with addiction issues. I'd like to hear how they will be impacted from this and by this legislation.

We can study the issue of gambling addiction. It's about more education. It's about us being more informed when we have legislation. It's about working together, working together as legislators to really, once and for all, look at this important issue, to study the issue of gambling addiction is very important.

Speaker, I'm concerned that the bill legislates away a function of the judiciary. That concerns me because, as I've stated, there should be separation between the political area and the judiciary and the Legislature. So I believe that a Committee process, which is a democratically established process, can bring more rigour to our debate, open and transparent, bring in people, members of the public and that they can follow along and can provide input into this.

In summary, we need to send this bill to a legislative Committee to give us more of an opportunity to truly understand how this legislation will impact some of the most vulnerable in our society.

Thank you.

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

**SPEAKER:** Seeing no other speakers, if the minister speaks now, we close debate.

The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** Thank you very much, and thank you for the many and varied speakers on this piece of legislation.

Just by way of understanding, this amends the *Lotteries Act* to provide the people of the province with immunity from lottery related civil class action suits filed against the province in which the province is named as a defendant. So I just wanted to lay that there because it was multiple days between my remarks and tonight's closing remarks on second reading.

A couple of key points that I think were wrestled with over the number of speakers that have contributed to this debate, and I'm going to try in my closing remarks to really give some indication and some comfort, if I can use those terms, on some of what has been discussed.

The one thing I will say is whether you agree or disagree with lottery or gaming or how the province should be involved, that by having the province involved – and I guess this was the thinking 30 year ago – it does give a safer alternative for people who will gamble, who do gamble, and not everyone gambles irresponsibly. As a matter of fact, I would say, from what I understand in my readings, by far the majority of people – and I do have a study here I will table in a moment – gamble responsibly.

It does give that safer alternative, people will still gamble, but with illegal, less safe operations there may not be the responsible gaming lens that is placed on the gambling. So that is one of the reason why, I guess, the province 30-plus years ago entered into this realm. We have been cautious, I think, as a province, as some of the other provinces have opened this up much larger than we have. Most other provinces and jurisdictions have, for example, a casino; we don't in Newfoundland and Labrador. Most other jurisdictions offer different types of gaming that we don't in Newfoundland and Labrador.

So allow to me just advise the House on some of what the Atlantic Lottery Corporation has been doing. The Atlantic Lottery Corporation is the corporation owned by the four Atlantic provinces that provides responsible and safer gaming. They have achieved the level four recertification under the World Lottery Association for responsible gaming framework. That's the highest level, the very highest level available to a lottery under the framework.

They have made important strides, I think, and put in extra efforts. They've maintained that since 2010. I think it's incredibly important that we continue to maintain it and continue to recognize that not everyone, you know, can involve themselves in the lottery responsibly. Some people have addictions, some have mental health issues that were raised and some have other points that cause them to have a want to gamble irresponsibly.

But let me tell you some of their responsible gaming initiatives. They have done things like reduced the number of video lottery terminals down by about 20 per cent and they've restricted the numbers to only five per establishment. The

hours of operation have been restricted. The pace of play was reduced. There's a stop-touch screen capability and that was removed from the terminals. The maximum bid is restricted to \$2.50 with a maximum payout of \$500. The time-played reminders are done in sequence and are initiated at, you know, so-many-minute intervals and they have a forced cash payout after 150 minutes.

Retailers are required to complete responsible gaming recertification training every two years. There are clocks located on video lottery terminals. There's responsible gaming messages and scrolls on the screen when they are left idle too long.

I will say that there has been a concerted effort around responsible gaming. Should more work be done? I truthfully believe that, yes, we should continue to always keep a lens and an oversight on Atlantic Lottery and the *Lotteries Act*, in particular, to make sure that we are doing absolutely everything to assist people who do have problems, but, again, Speaker, I will say that not everyone has a problem. In *The Canadian Journal of Psychiatry*, for example, there's an article, "Gambling and Problem Gambling in Canada in 2018: Prevalence and Changes Since 2002." The results show that there is a lessening impact.

So I will say that I think some of the responsible gaming activities certainly has helped in ensuring that those that have challenges and addictive personalities, or addiction problems, or mental health problems or can't kind of control their gambling requirements, then I think there's help available – more to be done.

I will say as well, Speaker, that I also heard a lot of discussion around the fact that we are limiting class actions. I will say that we are still preserving individual rights; that was spoken about. It still will allow those who wish to bring forward a lawsuit to bring it forward. I will say that if you wish to have a class action lawsuit against the manufacturer of the equipment, that's certainly still permissible. This is really limited to the impacts and controls of the Province of Newfoundland and Labrador.

I will say that Nova Scotia, New Brunswick and PEI have also implemented this. I will say the

Supreme Court has weighed in on this area, as has been mentioned. They basically revoked the certification of class action, basically saying that there was no reasonable chance of succeeding – sorry, it's getting late and my tongue is getting tangled. Preserving the individual's rights is important. It allows for those to focus on those with an issue versus somebody with a casual occurrence. So it really does make specific, instead of this speculative case that could be brought forward.

I will say there's continued review of the *Lotteries Act*. There's continuous review of responsible gaming that I think is essential. I know that as one province of four provinces, we would be the final province to implement this type of amendment to the *Lotteries Act*.

I will speak to, I think, what I have heard from many in the House – and I'm being reminded there is an HSC, a gambling helpline, of course, as well. I will mention that if anyone needs it. There is a helpline as well for those that need it and need the supports.

I will say that I have heard a desire within this House from many, many people who have spoken here today, over the last number of days, to do a deeper dive into what we're doing around lotteries and the *Lotteries Act*. I do take the suggestion that we do an all-party Committee to review the *Lotteries Act*. I will present that, including a representative of the unaffiliated Members of the House of Assembly, as well as those in the Official Opposition and, of course, the Third Party. We can have a good all-party Committee to review the *Lotteries Act*, to discuss responsible gaming, which I know a lot of people spoke of in this House, to look at some of the mental health impacts to see how we can improve.

I will say, Speaker, before I conclude my remarks and go into Committee, this is really about ensuring that we're protective of the people and the Treasury of the Province of Newfoundland and Labrador, much like the other Atlantic provinces have done. Not trying to impede anyone's rights here. We are preserving individual rights. We are still ensuring that if you wanted to do a class action against manufacturers, if you find the manufacturer of a particular game causing undo

harm, then we can proceed in those ways. This is more of ensuring that we focus our intent here.

So I've talked about the all-party Committee, I've talked about responsible gaming. I think on that, Speaker, I will rest and allow us to have a further discussion as we go through the clause by clause.

Thank you.

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

**SPEAKER:** Is the House ready for the question?

The motion is that this Bill 18 now be read a second time.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

**CLERK (Barnes):** A bill, An Act To Amend The Lotteries Act. (Bill 18)

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

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

**S. CROCKER:** Now.

**SPEAKER:** Now.

On motion, a bill, "An Act To Amend The Lotteries Act," read a second time, ordered referred to a Committee of the Whole presently, by leave. (Bill 18)

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

**S. CROCKER:** Speaker, I move, seconded by the Minister of Finance and President of Treasury Board, that this House resolve itself

into a Committee of the Whole to consider Bill 18.

**SPEAKER:** It is moved and seconded that I do now leave the Chair for the House to resolve into a Committee of the Whole to consider Bill 18.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

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

### Committee of the Whole

**CHAIR (Warr):** Order, please!

We are now considering Bill 18, An Act To Amend The Lotteries Act.

A bill, "An Act To Amend The Lotteries Act." (Bill 18)

**CLERK:** Clause 1.

**CHAIR:** Shall clause 1 carry?

The Chair recognizes the hon. Member for Lake Melville.

**P. TRIMPER:** Thank you, Chair.

I would like to, first of all, thank the Government House Leader and my colleagues throughout the House, including on this side of the room of the Legislature.

I'd like to bring to the House's attention; I want to expand on it a little bit more. In my opening remarks in the second reading I spoke about the addictive nature of, particularly, video lottery terminals and the context that I'm receiving from constituents and other people that I know

in this province, but constituents in Lake Melville in particular.

I just listened to the minister and I paid close attention. Her point about being receptive to the all-party Committee; I think that's a great start. I think the timing is going to be very important. I would like to see us propose to go in that direction before we proceed any further. In the meantime, I would like to propose and point out a few things.

If you just take your iPhone or your smart phone and you punch in "video lottery terminal," the first thing that comes up is where is the nearest one? Where is the nearest terminal that you can go and you can spend your money on 10 games a minute? I also did some research and went to *The Canadian Journal of Psychiatry* and found that the issue around this kind of addiction is that the gamblers are often well educated, they're middle class – or at least they were middle class – incomes upward of \$40,000 a year. Usually they have had no problems with drugs or alcohol.

I now have people who have lost everything: their relationship, their job, their home and, in fact, some of them have even had to move away just to try to get a fresh start. There is something very insidious about this particular strategy that has me very upset and what I'd like to do is propose an amendment that looks specifically at the aspect of the class action.

My amendment is as follows – and I'm going to have it seconded by my colleague from Torngat Mountains. I refer the House to clause 3 of the bill and I propose that it be amended in the proposed section 6.1(4) by adding immediately after the words "representative proceeding" a comma and the words "except with respect to persons medically diagnosed with a gambling addiction."

I'm proposing to this House that there are people who either are inclined or have become so seriously addicted to this problem, as I mentioned in my remarks, they're now having to go to treatment. Our province, our government is now sending them for addictions treatment and I'm proposing these people have a medical right, as my colleague from Harbour Main was pointing out in her remarks, to justice.

I do not feel comfortable in allowing this bill proceed unless we really give people out there, who have suffered greatly, an opportunity to still pursue a class action suit if they so choose. That's my amendment.

**CHAIR:** Order, please!

I would remind the hon. Member that we dealing with clause 1 and, if I heard you right, your amendment is in clause 3. As it sits here now in clause 1, it's too early to make that amendment.

Further speakers to clause 1?

The Chair recognizes the hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Thank you, Chair.

Why are these amendments being proposed at this time?

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** Certainly the amendments that have come forward are the same as what has gone forward with Nova Scotia, New Brunswick and PEI, our partners in the Atlantic Lottery Corporation. I indicated in second reading that in 2019 and 2020 the other provinces have adopted this.

As the Member opposite has already alluded to, the immunity, there was a class action suit that was, I guess, revoked. The certification was revoked by the Supreme Court but it did point out, of course, that there is this challenge within the existing legislation that would allow for very large settlements, possibly in the midst of a billion dollars. This suit alleged some unfair gaming and lawsuits.

It's basically now for future action. There are no lawsuits currently there. It's a pre-emptive action and there are no lawsuits that we are aware of and the other three jurisdictions have moved forward on this already.

**CHAIR:** The hon. the Member for Harbour Main.



**H. CONWAY OTTENHEIMER:** Thank you.

What protections are in place for consumers?

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** I'm sorry. In which regard, what protections?

**H. CONWAY OTTENHEIMER:** In terms of consumers of the gaming, the VLTs, what protections and supports.

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** I just reviewed some of the protections. The overall responsible gaming is critically important, I think, personally. I think it's critically important the continuation of the Atlantic Lottery Corporation's level four recertification under the World Lottery Association responsible gaming framework; the continuous retraining of retailers if they have lottery terminals in their premises, the recertification.

I talked about having the various components like the number of VLTs being limited; the hours of operations are limited and the pace of play was reduced; the maximum bid is \$2.50, with a maximum payout of \$500; the time-played reminders; the forced cash outs. All those are part of the protections. I am happy to – as we move forward and create this all-party Committee, I think that would be something that we possibly could add to it.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Thank you, Chair.

The bill notes that damages can only be recovered as a result of a negligent act or omission. Can the minister please provide some information on what would be, in your view, considered a negligent act or omission?

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** I don't think I can provide that, in my view, what a negligent action is. I would anticipate that would be to the courts if there was a negligent action. I would not step forward to give what that may be.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Minister, can you provide any information on examples of what types of damages can be awarded and what cannot? Because the bill notes that damages shall not included punitive or exemplary damages.

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** I'm just going to ask for what section of the act that you're referring to so I can refer to my notes as well and give you a more reasoned response.

It's not section 1; that's why I'm kind of pushing paper around trying to figure out where you are.

**H. CONWAY OTTENHEIMER:** That would be 6.1(3), I believe.

**S. COADY:** Okay.

So we haven't come to that as yet. I will certainly be happy to answer that, but once we get through clause 1, I can go to the limitation of damages. But I don't want to get us out of order, if that's okay, Mr. Chair.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Fair comment.

The last general question I have – the Supreme Court of Canada, as I referred to earlier, recently ruled against the class action against the ALC regarding VLTs. There were 30,000 residents of the province seeking damages.

Does the minister believe that 30,000 people included in a class action is an indication of a problem?

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** Well, certainly we have the ruling by the Supreme Court. They revoked the certification of class. As I said, we're still preserving the individual rights. People can move forward with a class action against any manufacturer.

It certainly, to me, indicates that we want to make sure that we have a responsible gaming forefront. That we continue down the path of ensuring that we have responsible gaming at the forefront of everything that we offer.

I still maintain that ensuring we have safer alternatives are there. I think that through the Atlantic Lottery Corporation it is providing some protections and ensuring as this province – and this government and, indeed, all four Atlantic provinces – that we continue to press upon Atlantic Lottery Corporation to maintain their memberships and their responsibilities, as I have indicated before, under the recertification of the World Lottery Association.

I will say as well that I think it's important for us to recognize that there may be those that are really sincerely and severely impacted and then there are those that might have a casual occurrence, and what we want to do is make sure that we are protecting those that really have true issues, too. I think a lot our colleagues in the House spoke to mental health issues and spoke to gambling issues and those are the ones that we really need to, in my opinion, focus on to get them the help that they so justly need. So I think, you know, just continuation and probably going further, that's something that we can discuss at the all-party Committee that we will be striking as an important part of how we can move forward.

**H. CONWAY OTTENHEIMER:** Thank you, Minister, and thank you, Chair.

Those were all my questions.

**CHAIR:** Thank you.

Further questions?

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

**J. DINN:** Thank you, Chair.

Out of curiosity, I guess, the minister has mentioned the various measures that are in place, such as level IV certification, retraining of retailers, the numbers of VLTs, pay to play, forced cash out and so on and so forth.

What are the measures, then, in place for those whose lives, let's say, are facing ruin or bankruptcy as a result of gambling? What are the measures in place? These are all measures to protect, but I'm just looking at: What are the measures in place for those who've actually gone that route and probably going to credit counselling as a result of it?

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** I think you started down the path of answering that question with credit counselling. There are mental health and addictions supports. Just for the record, as well, there is a helpline: 1-888-737-4668. I wanted to get that on the record, Chair. But I think you are indicating some of the supports that are available to the people that go beyond what they can and should be in gambling.

Again, I will say, I believe the Atlantic Lottery Corporation must continue to ensure that they are doing their utmost. The training, I think, for any organization –

**AN HON. MEMBER:** (Inaudible.)

**S. COADY:** – God bless – for any retailers that do have these on premises, I think it's very important that they also have the training and try and stop someone from going beyond what they can. But there are other supports for those that do unfortunately do so.

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

**J. DINN:** Thank you, Chair.

I would suggest that by the time someone gets to credit counselling it's already too late.

Is there any indication of how many people we know of in this – or statistics of the number of

people who are facing or who are in bankruptcy as a result of gambling addictions or gambling whether it's short term or long term?

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** Thank you, Chair.

I don't have those statistics. I will endeavour to get them for you, but I don't have them at my fingertips.

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

**J. DINN:** I noticed the minister said that there's still a possibility – if I heard the minister correctly saying – there's still room for a class action against the manufacturer of the game, the VLTs. Is that correct? Did I hear that correctly?

**S. COADY:** Yes.

**J. DINN:** I have a question then: Why would that be acceptable and not – but give immunity to Atlantic Lottery Corporation and the government?

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** Thank you, Chair.

I will say, as a protection – if I can use that – if the previous attempts at class action lawsuits had moved forward, then, as I said, about \$1 billion would've been provided, which would've been dispersed to not just the legal counsel but then to the people who are a part of the class action lawsuit. It would've caused significant harm. It's probably as much money as we've ever collected, or more, from Atlantic Lottery. So this is to try and ensure that the government, the province and the people of the province are protected in those ways.

**CHAIR:** The Member for St. John's Centre.

**J. DINN:** Thank you, Chair.

I still didn't get the answer. Why is it that there seems to be acknowledgement allowing for class

action lawsuits against the manufacturer of these VLTs?

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** Well, to be quite honest, it's probably not in our purview or appropriate for us to immunize the private sector, you know, they would be a private sector.

I will, if I may, before you move, Chair, the gambling prevalence studies indicate that about 0.7 per cent of the population are problem gamblers. I wanted to give you that; that's what the studies indicate. I don't have anything before me today to tell you how many are in Newfoundland and Labrador, but I'll give you what the prevalence is.

I'll also say, this is giving the Crown, the province and the people of the province immunity from class action lawsuits and not necessarily from individual rights.

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

**J. DINN:** Then correct me if I'm wrong, but you are recognizing, in fact, that there is a problem with these machines and gambling.

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** That is not what I'm doing, Chair.

What I'm saying to the Member, in response to his question, is that we're not protecting the private sector and we're not immunizing the private sector, we're immunizing the public sector: the Crown and the people of the province.

**CHAIR:** The Member for St. John's Centre.

**J. DINN:** Would you agree, then, that it's hypocritical to basically allow class action lawsuits against the manufacturer but, at the same time, provide immunity to the organization and the government that allows for their use?

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** I will say to the Member opposite that we are immunizing the people of the province. We're protecting, I guess, the people of the province. It's not our intent – it's not about machines. It's about protecting the people of the province from class action lawsuits that could be extremely large payouts if it ever got to that. We do know what the Supreme Court has already said, that there is a low probability of success. What we're putting in place is to ensure that this may or may not come forward at a future time against the Crown and the people of the province.

**CHAIR:** The Member for St. John's Centre.

**J. DINN:** I'll finish with this: The people of this province, I would suggest, then, Chair, that those people whose lives are ruined by gambling, those people who find they've lost their marriages and their jobs, they are the people of this province. By doing this you are actually consigning them – you're not offering them any protections at all and I think that's reprehensible.

Thank you.

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** I will say to the Member opposite that we should help those people prior to them getting to that point and that's why we had so many people in this Legislature rightly talk about responsible gambling and that if the Crown was removed from offering a choice in the lotteries, if we remove ourselves from those lotteries or from Atlantic Lottery, it does offer some security; it does ensure that we have some protections in place; it does make sure that we do our utmost on responsible gambling; it does make sure that we are constantly reviewing what we're doing here, and we should try our utmost to make sure that people don't go down the road of problem gambling.

Again, I will say to the Member opposite, we are not taking away their individual rights. If they have true issues, if they have true intent, they can still go to court if they were damaged on an individual basis.

**CHAIR:** Thank you.

The hon. the Member for Mount Pearl - Southlands.

**P. LANE:** Thank you, Chair.

Chair, I spoke to this, of course, in second reading. I said at the time that I felt it was a bit of a moral dilemma. I've had an opportunity to listen to debate and really think about it the last few days.

I have to say, Chair, when I consider the fact – and as my colleague here from St. John's Centre points out – that, as a Legislature, to support this would basically be to say, oh, it's okay. You can sue the manufacturer of these machines. Which tells me that, inherently, what we're saying is that we're recognizing, by default, there are issues with these machines. Because if not, why wouldn't we do the same for them? Private sector or not, why would we not say they're not doing anything wrong, so they should be protected like everybody else? Because why would someone sue them, they're doing nothing wrong?

Obviously, by leaving it open that people could sue those companies for those machines, in my view, what we're saying is we recognize there are issues here, that lives could be ruined and people could sue these private companies who make these machines.

I also look at, as I said last time, the fact that when we look at cigarettes – and cigarettes are an addiction as well; no different to gambling. I don't care what anybody says, there's no difference. It's the same thing. It's still an addiction. Here we are, as a province, part of a class action lawsuit ourselves, suing cigarette companies and ironically we are suing them for something that we are collecting taxes off. When you think about it, we're collecting all these taxes on cigarettes and on top of that now we're going to sue them for the damage being done by cigarettes. That's okay, that's fine because that's in our best interest.

But when it comes to gambling, which we're also reaping the benefits from that in terms of the money that we're taking in; we're going to be a bunch of hypocrites, that's what we're doing, myself included if I support this and that's my opinion, Chair. We're going to be

hypocritical and we're going to say that we're going to protect ourselves. We'll protect ourselves, the heck with those peoples whose lives were ruined. We'll protect our best interest.

Cigarettes are bad: we're going to sue the cigarette companies. Gambling is bad: because it is us directly involved we're not going to let anybody sue us.

I know people are going to say: Well, look, people make their decisions; they have to live with the consequences. You make your bed. You lie in it. The reality of it is, is that we have these machines, we are benefiting on the backs of people with very, very serious addictions who had their lives ruined. I understand that not everybody is in that boat. I understand that perhaps the majority of people who play the lotto or who use the machines, they might casually throw in \$20 here or there or whatever and no harm, no foul.

It is not about those people, which kind of ties into the amendment that my colleague from Lake Melville tried to put in, but he was a bit premature in doing so and he'll put it in when we're finished here. What about the people who were harmed? What about the people who a doctor or a psychiatrist or whatever could say those people actually were harmed? These are the people that were hurt by this.

I agree that everybody who said I threw \$20 in a machine shouldn't be part of a class action lawsuit. If I threw in \$20 once in my lifetime or once a year or even once a month, I don't think I should be part of a class action lawsuit, I really don't. But the people who can demonstrate that their lives have been ruined and they lost it all, those people I really believe should be able, in a class action fashion, to bring it to the court and let the court decide. I think that is fair and reasonable expectation.

I can't support this measure as is. I think I could support what my colleague from Lake Melville is suggesting. I could support that, but the way it is right now, to leave those people out in the cold, to throw them to the wolves and say too bad for you; I don't think it's right.

We are saying, as a government, it's not right for when it happens to people with cigarette

addictions because we are suing the cigarette companies. But by the same token, on this one, that's a different story because now we're talking about us. Now we're talking about the public Treasury, so that's different. But it's not different. It's no different.

So I will not be supporting this particular measure and this particular bill the way it is written.

Should my colleague's amendment be successful and in order and so on, I will support that. I will support that. I think it's a reasonable balance. I think it eliminates the person who, like I say, just throws in \$20 once every now and then but they don't have an addiction; it's done them no harm; takes them out of the class action, but it protects the people who have been seriously damaged and had their lives ruined by it. At least it gives them the opportunity to get together and sue.

My final comment will be – and I don't mean this as a personal shot at the minister – when we make the comment that people still have the right on their own to sue – and I'm not saying the minister means it that way, but to me that's such a disingenuous comment to make. It really is, because everybody knows that if you've got someone who's lost everything they had, how the heck are they going to sue the government? How are they going to do it?

Even if you're a person of means, not just someone who's destitute, just an average person, how can an average person take on Atlantic lotto, unless you're like a multi-millionaire or something? If you're Bill Gates or something maybe you can take on Atlantic lotto or something.

But an average person, even a person making a good income: How can they afford to take on Atlantic lotto and the team of lawyers they're going to have? They're not going to be able to do it.

So to say that the rights of individuals are protected – they're not. They're not protected at all and it's foolishness to even suggest that their rights are protected because their rights are not protected. They're not. If they cannot engage in a class action, their rights are not protected.

I'll just conclude there, Chair. But again, I'm just saying I will support the amendment when it comes forward, but will not be hypocritical and support this at the same time that we are suing cigarette companies. I just cannot do it. My conscience couldn't allow me to do it.

I understand protecting the public Treasury. I understand that piece; I really do. Then again, based on what we're being told, we have nothing to worry about anyway. Because, apparently, if the Supreme Court has looked at it and they said there was no cause for action, then I don't know what the big deal is. That's the other thing. I don't know what the big deal is. If there's no cause for action, why are we even doing this? Just because the other provinces did it; that's the reason. Because the other provinces did it, we'll just do it. That's good enough reason for me. Well, might be good reason for the government; it's not good enough reason for me.

Again, Chair, I will conclude with those remarks and, as the bill currently stands, there's no way in good conscience I can support it.

Thank you.

**CHAIR:** Thank you.

The Chair recognizes the hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** Thank you, Chair.

I'll try and take some of those points one by one. There was a lot in that 10-minute discourse and I don't want to take up too, too much time tonight.

You certainly could have a lawyer on contingency. For the Member opposite to say that preserving individual rights is not – that I'm being disingenuous. I would counter that by saying I am certainly not. Preserving individual rights is incredibly important. If there was a challenge with payment or getting a lawyer, lawyers often go on contingency, dependent on the case. So if there is a strong enough case, that could absolutely go forward and there's nothing to stop anyone from going forward on those. Especially if someone, a manufacturer or otherwise, acts in a negligent way.

I will say that he spoke of the Government of Newfoundland and Labrador suing the manufacturer of tobacco and cigarettes. That is correct. The government is –

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

**CHAIR:** Order, please!

I can't hear at all.

**S. COADY:** Nor can I.

**CHAIR:** I recognize the hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** Thank you, Chair.

I will say that the government is suing the manufacturer and, as I said earlier, class action is still available against the manufacturer. So I will say that again.

We have seen a class action lawsuit – you are correct – go to the Supreme Court. They did revoke certification of that particular class action. That's not to say others may not come forward in the future. It is the belief in all of Atlantic Canada – and I know that the Members dismissed the rest of Atlantic Canada, but we are partners in Atlantic Lottery Corporation – that it is important that we bring this forward to ensure that there are protections of the Crown and the people of the province. That is not to take away anyone's rights to sue, especially for negligence, but it is to ensure that we have some immunity to class action lawsuits.

I said contingency, but I should have also said some lawyers may do it on a pro bono basis as well. We do have legal aid available for people as well but pro bono, contingency, there are all kinds of ways that a lawsuit can proceed, Chair.

I will say again – and I think it is very, very important – that we want a level playing field for the larger protection that is offered in other provinces. I think that we have done that in this legislation, as we are shareholders in the Atlantic Lottery Corporation. I have acknowledged that I think that responsible gaming is a very important topic. I have acknowledged that we should, as an all-party Committee, come together and look at the

*Lotteries Act*. I think I've put before this House some really important points and I'll leave it at that, Mr. Chair.

**CHAIR:** Thank you.

The Chair recognizes the hon. the Member for Humber - Bay of Islands.

**E. JOYCE:** Thank you, Mr. Chair.

I'm just going to have a few more words on this. It is a bit of a dilemma for people with the rights of individuals, or protecting the government, it is a bit of a dilemma.

I heard a few comments from the minister. I can assure the minister for someone just to take this on a contingency, to take on a four-, five-, six- or seven-year lawsuit is just not realistic. Usually you do a contingency, if you had a car accident, where you know there is a positive outcome from the person. Also on pro bono, I don't know any lawyers – I think there are three here in the room. If there are three lawyers here, ask how many of them would take this on in in pro bono, I don't say either one of them would.

So when you get to that level where you could say they could do it on a contingency, knowing it is not going to happen, it almost brings the argument down a bit. Because we know that's not going to happen and we know lawyers aren't going to take that and go to four or five or six years, maybe to the Supreme Court, which is more expensive just on a pro bono if we may win something against –

**P. LANE:** For one person.

**E. JOYCE:** For one person – it's just not realistic, so I'll say that.

The other point to the minister – and I know the minister is there protecting the province. There is a dilemma and I understand that totally. But the other thing is that now there's going to be an all-party Committee looking at the *Lotteries Act*. So the question that you would ask is: Why didn't you set up the all-party Committee so we could have this inclusive and the all-party Committee look at the whole *Lotteries Act*?

We're almost saying: Okay, let's get this done. Once this is done, we'll set up an all-party Committee now and we look at everything. I'm not being critical. Just sitting back and listening to all the arguments here in this House and when you hear her say that now we're going to look at the *Lotteries Act* and set up an all-party Committee but before we do that, here's what we're going to take out – it's almost like saying we're going to do all this stuff, then we'll sit down and have a discussion, see what you think about what we just did.

I urge the minister, if there's any way possible, that if there's any way that this bill could be withdrawn for a while, bring it back again in January, February when we're here, and by then it'd give the all-party Committee a chance to make a report to the House. And you could do more research on it. You could go across everywhere, across Canada, across the US, so they get more information on it and not just the four Atlantic provinces.

I just think that's a good suggestion on it so that we can ensure that when it comes back to the House that all parties and the independent – and maybe the Member for Lake Melville who is very passionate about it would represent the independents on it. He's very passionate and he's getting a lot of calls. He knows a lot of people. With the Opposition and the Third Party, we could come back with a consensus here in this House that we all can support.

I just throw that out for a suggestion to the minister. Then when the report comes in from the all-party Committee, then we can stand up unified as the House of Assembly and decide on the results of the Committee. That's just thrown out to the minister as a suggestion. I don't know if it's a realistic one. I think it is. If it's realistic for the government or something that maybe she can't do it but she needs this piece of legislation now – the minister can answer that, but that's my suggestion on the all-party Committee to ensure that everybody got an equal opportunity to have a voice and get a lot more research than we got now.

The other thing is – and my colleague from Mount Pearl - Southlands was saying – here we are, we know that there's addiction to gambling. That's a proven fact in Newfoundland and

Labrador: There's addiction to gambling. We are taking those profits – and I think the minister mentioned \$130 million; I think it was \$130 million or \$125 million – and we're saying, no, no, if you feel you're getting addicted, because we're putting in extra lights or something, you can't sue us.

It's a moral dilemma. It really is. I understand the minister, that you have to protect the public purse, but then we're being a part of this here and we're saying, okay, we're going to take all your money. Some people may have an addiction that you may lose your house, you may lose your family, you may lose your job – too bad. It is a moral dilemma.

The other thing I say to the minister – and I picked this up in the discussion between the Member for Mount Pearl - Southlands – is that we can sue the company. The difference I find with that is when you purchase something from the company you can almost specify what you want from the company. So you can almost put in, okay, let's keep the lights lower. Let's not have those ringing bells. Let's not have this reoccurrence coming up. So we can actually put that in the machines if we really feel that (inaudible) the addictive nature of the machines.

So when you turn around and say you can't touch us but you can go after the company – the company is the province, who are Atlantic lotto in this case. Will go to those companies and say, here's what we want in our machines, and we can sue you because here's what we wanted, but you can't touch us. It's a moral dilemma. It really is a moral dilemma. Because we know now that when we go out, the Government of Newfoundland and Labrador goes out and looks for any project or any type of equipment, they can specify what they want on that equipment in the RFP. They actually specify it.

So Atlantic lotto, I'm assuming, can specify what they want on those machines. If they want to find some way and find out what addicts people to it – it's the lights, it's the ringing bells –

**P. LANE:** How many times you win.

**E. JOYCE:** – how many times you win, things like that. That's something I would ask the

minister if – and I doubt if the minister has that in front of her. I'm not asking the minister for that, because that is information that whoever does the procurement for Atlantic lotto would have. Is it factual that we can order the machines – which I know we do in the province. Many times there's only one supplier that we can purchase from.

Maybe we can go shop around, maybe we can say here's the criteria that we want. If we can do that, if Atlantic lotto could do that – and then we're saying that once we can tell what we want in our machines, and there are people who get addicted because it's what we asked for in those machines, then you can't touch us but you can go get the company that we put out the RFP for. There's something morally wrong with that. I'm not saying that it's a way we can take the government out of it, but you can go after everybody else but us.

Those are some of the concerns that I have, Chair. I agree with the amendment from the Member for Lake Melville. That would help a lot with it because I think everybody here knows people who were affected by the gambling and the issues that are related.

I'll say to the minister, to be fair to the minister, this has been on the go a lot longer than this minister has been elected. This has been on the go a lot longer. A lot of these concerns I heard back in the '90s, back in the 2000s. This is just something that's in the minister's desk now, as the Minister of Finance. This is not something that the minister created. This is not something that the minister was a part of developing in Newfoundland and Atlantic Canada, but it is something that's on her desk and I understand the position that she's in with this.

I have to sit back and think that individuals who we know are going to get addicted to it – we know there are going to be individuals who are going to get addicted to it, yet we're taking in this \$125 million, \$130 million a year and we're saying move off, see you later, go after the company and then all the best with the company.

I'll have to sit back and see how I'm going to vote for this. I know the minister may not have the questions on the type of machines that we can order because it is a technical thing from



Atlantic lotto. I'll conclude there. As I said before, this is something that's been around; the moral dilemma has been around because we need the money in the Province of Newfoundland and Labrador.

We know some of the damaging effects that it's having on people, yet because of the money that's coming into our Treasury we're continuing it. Again, I'll just speak on – and I'm going back to the '90s and the 2000s. I'm sure that if the minister had another way to get \$130 million, the lotto machines would be gone out of Newfoundland and Labrador. I'm pretty confident of that.

I'll conclude there, Mr. Chair. I thank you for the opportunity. I'll just listen attentively to the rest of the debate.

Thank you, Chair.

**CHAIR:** Thank you.

The Chair recognizes the hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** Thank you, Chair, for recognizing me.

First of all, I will say I appreciate the comments. If there's any negligence, certainly a person can still sue. I will say that. There are several game manufacturers and I'll just speak to that for a moment.

It's a pretty competitive business and they design the games. There's some flexibility, I guess, to customize some of the features for responsible gaming, for example – for responsible gaming, making sure that is there, but it's not like you go out and manufacture the game yourself. That is not how it's done. Again, if a manufacturer is negligent, you can still pursue that. If the ALC is negligent, you can still pursue a case as well.

Chair, I will remind us that this piece of legislation was briefed, I guess, originally almost six months ago – five months ago in June. There was plenty of opportunity, if someone wanted to consult or needed to go out and kind of do a full review of this. I will say I recognize the responsible gaming requirements,

I recognize the challenges around ensuring that those that are problem gamblers – of which it's a very small percentage. But those that are problem gamblers, let's do as much as we can to fix their addiction, to give them support, to give them help.

We want to make sure we're doing that because there are people. We all know – I know people that have had issues. So we do want to protect and support those people and give them all the strength and support that we possibly can. We want people who are responsibly gaming – and by far the lion's share are.

This legislation is only for class action lawsuits. I recognize that some feel that we should be able to have class action lawsuits. It is felt for the four partners of the Atlantic Lottery Corporation that the exposure is great for the Crown, and that we should do everything possible to ensure responsible gaming and to protect the people of the province from class action lawsuits.

That's not to say that lawsuits will not happen. I'm not saying that. I'm just saying that this is about joining our partners in this, in the Atlantic Lottery Corporation, with those protections.

**CHAIR:** Thank you.

The Chair recognizes the hon. the Member for Stephenville - Port au Port.

**T. WAKEHAM:** Thank you, Chair.

I just wanted to ask a couple of questions, more along the lines of our relationship in Atlantic lotto. We are a partner, for lack of a better word, and Atlantic lotto, obviously, is a very successful business. It generates significant profits and it gives those profits back to its shareholders, of which you are one.

So my question is, most businesses that are very successful and generate lots of revenue carry liability insurance: Did the discussion ever come up in your discussions as a shareholder at Atlantic lotto to talk about the liability insurance?

All businesses carry liability insurance, depending on the type of business you're in it could be to protect a claim against a slip and fall

in a parking lot or food poisoning or anything like that. I just wondered if, in the discussions with Atlantic lotto, where are they in terms of the whole concept of liability insurance? Because if you're going to make millions and millions of dollars, there is a risk to making those millions and millions of dollars. One of the risks, in this particular case, I think, is the fact that people get addicted and somehow or other there might be a class action lawsuit generated because of that.

There are class action settlement insurances that are out there available. So I'm not sure if there was any discussion with Atlantic Lottery Corporation on the need to bring in legislation to literally shutdown class action lawsuits or whether there were other options available through the insurance portion of it. I just wanted some feedback on that.

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** Thank you very much for an important question.

Of course, as a corporation, they would have liability insurance. As I've indicated, there would certainly be lawsuits moving forward as there would be – you named slip and falls or whatever. Again, I will say it, I know that people are not accepting this, but I will say that we are preserving individual rights to sue so there would be insurance there.

This, I understand, originated between the four Atlantic provinces as a way of protecting because of the potential large payout of a class action lawsuit, looking at and focussing on those with true impact versus those with some casual occurrences or some casual challenges. This is again protecting – anytime ALC is sued they don't retain their moneys, they give it to the four Atlantic provinces of course. This is a way of protecting the Crown, if I can use that term in the House of Assembly.

I will say that, yes, in a general sense, there is insurance – multitudes of different types of insurance, I would say, within Atlantic Lottery Corporation but not to this extent.

**CHAIR:** The hon. the Member for Stephenville - Port au Port.

**T. WAKEHAM:** Again, that's why I bring it up because maybe some of those profits could be used to have a plan that would potentially cover an insurance plan against a class action suit.

But on another question: Do all other provinces have legislation brought in that prevents class action lawsuits?

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** Yes, I will say quite clearly that all of them have, I think, identical legislation as to what's before this House. If memory serves: Nova Scotia in 2019, the others followed in 2020 and we're the final one as a partner in Atlantic Lottery.

**T. WAKEHAM:** I wasn't thinking about –

**CHAIR:** Order, please!

The hon. the Member for Stephenville - Port au Port.

**T. WAKEHAM:** Sorry, Chair.

I wasn't thinking about Atlantic lotto. I was thinking about Ontario. I was thinking about Manitoba. I was thinking about other provinces in Canada that operate lotto and gambling and whether or not they have, in other provinces, brought in similar legislation to this.

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** I'm sure I have that answer; allow me a moment to find it in my notes. I can't recall off the top of my head, but I'll certainly speak to that as soon as I find that.

I'll come back to it after the next question.

**T. WAKEHAM:** That's all I have.

**CHAIR:** Okay.

Further questions?

The hon. the Member for Torngat Mountains.

**L. EVANS:** Thank you, Mr. Chair.

I wasn't actually going to speak or ask any questions, but just listening to some of the answers that the minister gave sort of provoked some response out of me.

She referred the majority of gamblers gamble responsibly and that only – I think the number she said is 0.7 are problem gamblers. Also, it was mentioned about the Atlantic Lottery Corporation, referring to responsible gambling and she says the highest level and also other things that they're doing reducing the number of machines, reducing the number of hours. I don't know if she actually heard it said under the breath, but that just increases the lineup of the people who are addicted to these machines and addicted to gambling.

Looking at the 0.7 per cent of the population that are problem gamblers, the minister also said that we have to ensure responsible gambling. I wonder how are we going to ensure responsible gambling when it comes to that 0.7 per cent. It's very, very difficult.

For me and most of the people here in the House of Assembly knows at least one person. My fellow MHA there from Mount Pearl - Southlands talked about the tragedy and the fact that lives are lost, lives are destroyed, marriages are destroyed. A lot of the times we see the people who actually are addicted and the lives that are ruined; a lot of these people are good, decent, upstanding citizens who contribute a lot to our society.

Do you know what's heartbreaking? It's to see on the news, you know, a woman with a family being charged for embezzling money. At the root of that crime is actually, basically, committing a crime to feed the habit, the addiction.

So that 0.7 seems like a very small number, but it is a part of our society that we need to protect.

I even dispute that number because the shame associated with gambling a lot of times is covered up. Families cover it up. I had a friend of mine, actually, who was living in another

province and I found out that she was addicted to gambling. I was so worried about her; I told her I would help her. I would help her. I was actually feeding her addiction at one point, just until we could actually get something done about it.

Lives are at risk. Actually life ending to suicide, death, and also life ending through the quality of life, loss of family and loss of your reputation. So I don't know how we're going to ensure that this 0.7 per cent that's identified as problem gamblers, how we, as a government – because the Minister of Finance said we need to ensure responsible gambling.

So if I had a question to her, I would ask her has she considered how we're going to ensure responsible gambling for the hard-core addicts, the 0.7.

Thank you, Chair.

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** Thank you very much.

What I did indicate, that in general studies – so I don't have it for Newfoundland and Labrador – usually about 0.7, so not 7 per cent but 0.7 per cent, of the population are known or considered problem gamblers.

I will say that I think we want to help people before they become problem gamblers and that's why we take responsible gambling, I believe, as seriously as we should. If there are more things we should do, we should do more things, personally.

Saying that, I will say for those that do have serious addictions that the responsible gaming doesn't help, again, that is something that needs to be treated and we should ensure that we have the treatments available to those people. I have empathy and concern for the people that do have a gambling problem, but not everyone has a gambling problem. We should do everything we can to support those that do, but recognize, as well, that offering – what I'm going to call – secure lotteries with responsible gaming activities is something that I think we all want to make sure that what we're doing, everything that

we're doing is under that responsible gaming lens and give the supports to those that need it.

**CHAIR:** The hon. the Member for Mount Pearl - Southlands.

**P. LANE:** Thank you, Chair.

I just want to pick up on what my colleague from Humber - Bay of Islands, his suggestion, which I thought was a great suggestion, actually. Chair, given the fact that when we look at this piece of legislation, we haven't had it for – it's been on the go for a while. Other provinces in Atlantic Canada have adopted it two or three years ago or whatever; we didn't. It's only coming here now. Based upon what the minister, herself, has said with the court challenge, there was a class action court challenge and it went nowhere. So I would argue we're obviously not in any real danger at this point in time, unless there's something going on that this House doesn't know about.

So, given that fact, given the fact that the minister has also committed to a Select Committee to include representation from the parties and an independent representative, since how that commitment has been made anyway, I'd have to agree with my colleague: Why can't we just park this piece of legislation and strike the committee, talk about all these issues around gambling, addictions and responsible gaming and all that stuff? Include this with it. Perhaps, at the end of the day, once we go through that process and everybody has all the facts, figures and the legal opinions and everything in front of them, then you can look at the issue that my colleague from Lake Melville brought forward about amending this in a way that you're still maintaining the rights of that 0.7. But you're not allowing everybody to jump onboard of a class action lawsuit who haven't really been damaged, but they're simply saying I played the machines once. If that can be done, along with a number of other suggestions and perhaps amendments, why can't it wait?

I mean, we've had bills brought before this House lots of times that died on the Order Paper. We've debated bills in this House and in this session that were left on the Order Paper from the last session. Why can't this bill just be left on the Order Paper until the next session and go

back to it at that point in time? What's the hurry? My question would be: What is the hurry? Other than the fact that the minister had it on the agenda, we're going to get this done and get it over with. Beyond that – which is no big deal to my mind – why can't we just leave it there until we go through the committee process, get all the information, and come back and revisit it at that time?

I wonder: Would the minister be open to doing that now? If not, I'd like to know why not?

**CHAIR:** The hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** Well, I thank the Member for his suggestion. I will say, so the people of the province know, this has been before the House on the Order Paper since June. I think actually there was a briefing done in June on this legislation. So it has been discussed since that time.

I will say what we want to make sure is that we put this in place before – or once an action begins, we don't want to have another action begin. We've already had one. We've talked about the Supreme Court revoked the certification of that class action. We don't know of any other ones at this point in time, but that's not to say another one would not come forward. It exposes Newfoundland and Labrador, whereas the other three partners in Atlantic Lottery Corporation are immune.

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

**CHAIR:** Thank you.

The Chair recognizes the hon. Minister of Finance and President of Treasury Board.

**S. COADY:** I concluded my remarks.

Thank you, Sir.

**CHAIR:** Thank you.

Further questions?

The hon. the Member for Humber - Bay of Islands.

**E. JOYCE:** Thank you, Mr. Chair.

I'm just going to follow up on what the minister just said. Am I correct, am I understanding you said that the reason why we can't take this – and it's up since June. We have legislation here that's been reviewed for two, three or four years. The minister just mentioned the reason why we can't hold off for another – when does the House open? February, which is what, three months – because there may be another class action lawsuit so we want to try to head that off. Isn't it better – and we always brought this up in the House – to do it right than do it quick? We always said that. It's better to do it right than quick.

So I don't know if the idea that we may have a lawsuit coming up – and I know the minister don't know if there's one coming up – and we may have one to head off, so we can't have an all-party Committee. We may not have a lawsuit, also, and so the idea of the all-party Committee is that we can sit down and get more information. We can do a scan all across Canada, we can go in other jurisdictions, we can get a legal opinion to figure out why and how is there any other way to exclude us from any liability for it.

They're rushing this now because it was in June and we may have another class action suit. Just don't take away from the work that we should be doing as legislators to make sure that whatever we vote on in this House we all have the full information. So I just want to put that on the table for the – and I'm not saying the minister said there will be a class action lawsuit. She said there may be. I just want to make that point, is that there may not be one also.

Thank you, Mr. Chair.

**CHAIR:** The Chair recognizes the hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** Thank you very much.

I will say that this has been briefed in June. There has been plenty of opportunity for discussion. Other provinces have had this, you know, our partners in the Atlantic Lottery Corporation have had this since 2019 and 2020,

and that this is an exposure for Newfoundland and Labrador and we need to proceed on it.

**CHAIR:** Thank you.

Further questions?

Chair recognizes the hon. the Member for St. John's Centre.

**J. DINN:** To the point, Chair, in June I think we were busy trying to get through a budget. It was a very short session after a very long election. While it might be briefed, there was no rush to get it through at that time, if it was of high priority.

So you look at half the year or so, you know, the months that have intervened in that time, what's being asked is not unreasonable to say: Look, if there's a commitment to an all-party Committee, then let's put the horse before the cart and take a look at this before we get this legislation through. And, oh, now we'll strike a committee on what? So I don't see the rush.

Secondly, I can tell you I would assume that if I were putting up legislation, the first thing I would be doing is, hey, this is coming, let's do the consultation. While there is the accusation somehow that no one mentioned it, no one reached out from the other side as well.

We're here now in the middle of a discussion. There are some serious concerns on a profoundly ethical, moral judgment here. We're in this debate and there seems to be, all of a sudden – I don't know if it's the desire to get through as much legislation as we can so there is some record here we're keeping, or if there's some other reason, but I'm thinking here if this bill was not a priority in June to get through, then I don't understand all of a sudden, it must be gotten through right now to protect us. I would assume protection at that time, Chair, would have been equally important.

Secondly, I would assume, too, here – and I'm looking at the words “negligent act or omission” – in this case that if there's a threat of a class action lawsuit for negligence or omission, then it would be incumbent upon the Atlantic Lottery Corporation and government to make sure that they are not negligent or that they take all

necessary steps. It's pointless to talk about how individuals can take this on – nonsense, nonsense.

Thank you.

**CHAIR:** Further questions?

The hon. the Member for Mount Pearl - Southlands.

**P. LANE:** Thank you, Chair.

I just want to echo what my colleague from St. John's Centre said there. Just one more time, just for the record, I do not understand, and the minister has yet to provide an answer, as to the urgency to get this done now.

As my colleague said, if this was on the Order Paper in June or whatever, it wasn't a priority for the government then because they left it on the Order Paper. I've heard no reason from the minister why this is a priority, why it has to be done now. It just feels as if it's just simply a case of, b'ys, we just have this list of legislation we're going to get through and we're getting it through. We are not going to give in and we're not going to allow the Opposition to win one, if that's what it's considered. This is not a winning and losing for me, it's about trying to do the right thing.

That's what it feels like. That's what feels like is going on and it doesn't make sense, unless there is some pending lawsuit, there's some pending class action that the minister is not disclosing to this House. If there is, I'd like to know. If I'm going to be voting on something, I'd like to understand if there is any issue there. But I haven't heard of any pending lawsuit or any pending class action that's going against Atlantic lotto. All the minister said was that it was attempted and it failed.

If it was attempted and it failed, unless there is something new in the pipe that we're not being told about, there is no reason why we cannot have the Committee and look at the *Lotteries Act*, look at responsible gaming and look at this piece as well. Perhaps at the end of the day, it may come back like this or it may come back with an amended version based on what my colleague from Lake Melville is saying.

I don't know if what he is saying from a legal point of view would stand up or not. That is the problem with this. That's why if it had gone through a Committee process and this issue was brought forward, then you could ask the question. You could actually have a legal opinion to say is there a way that we can craft this in such a way that the 0.7 per cent of the people who are seriously impacted by this can have their rights protected, but by the same token preventing the other 99.3 per cent of the people who are not problem gamblers but just simply want to jump on the bandwagon to get a few bucks off the government.

Maybe there is a way that can be done legally to protect that, but we'll never know because now we're left with the situation of either you support this or you don't. Again, Chair, morally I can't do it. Anyway, I'm done on this piece.

**CHAIR:** The hon. the Member for Torngat Mountains.

**L. EVANS:** Thank you, Mr. Chair.

Just looking at this now, usually a class action is a form of deterrent for large companies and businesses from causing harm. I remember back in the day, a long time ago, when I heard about an American car company. They knew that if a car got rear-ended in a certain way the car would catch on fire. They did nothing about it. In actual fact, it was class action lawsuits that I think contributed a lot to the safe standards now used in the manufacture of automobiles. I would have to wonder if taking off the option of a class action lawsuit is a way to erode that deterrent.

As my fellow MHA from St. John's Centre said, it's nonsense for an individual to be able to rely on an individual taking a lawsuit on, because you know if they're taking a lawsuit on about the harm caused through lotteries or through gambling, then, of course, they've already been harmed and they won't have the financial ability. The families won't have the financial ability.

I wonder what's there to protect the 0.7, the problem gamblers. That's what I'm concerned about. If we remove the class action, what will be there to actually protect them? We know there are studies out there – somebody said, I

think it was the Member for St. John's Centre said something about the bells, those VLTs. There have been studies done where they've actually researched the colours that are used in those VLTs, even down to the background music of the bells and the little jingling and all that. It will actually create a sense that will cause people to be drawn to it. It's basically feeding their addictions.

I'm not going to support the bill that removes class actions, because to me the class action is a form of deterrent that will actually make sure that the most vulnerable – because when we look at it, a government is supposed to protect the most vulnerable and people with addictions are very vulnerable. There's no way I'm going to be able to support it if you take away the class action without some way to ensure that 0.7 is protected.

Thank you, Chair.

**CHAIR:** Thank you.

Shall the motion carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Passed.

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:** Clause 3.

**CHAIR:** Clause 3.

The Chair recognizes the hon. Member for Labrador West.

**J. BROWN:** Thank you, Chair.

I would like to put in an amendment for clause 3 there. It reads as follows:

Clause 3 of the bill is amended in proposed subsection 6(4) by adding immediately after the words "representative proceeding" a comma and the words ", except with respect to persons medically diagnosed with a gambling addiction."

**CHAIR:** Thank you.

The Committee will recess and we'll take a look at the amendment.

### Recess

**CHAIR:** Are the House Leaders ready?

**S. CROCKER:** Yes, Sir.

**CHAIR:** Order, please!

The amendment put forward is not in order. It's beyond the scope and principle of the bill that's passed its second reading.

Shall clause 3 carry?

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

**J. DINN:** This is relevant to clause 3. As I understand it, clause 3 talks about the damages, the lottery schemes and the limit to compensatory damages.

So what I have here – and I'll read from this – is the thesis by Reade Davis, *Gambling on the Future: Video Lottery Terminals and Social Change in Rural Newfoundland*, in which he talks very much about the damages, about the VLT lottery schemes and their effect on the very thing we've been talking about here.

So, I'll carry on. "This thesis explores the roles played by VLTs in the lives of twenty-five heavy gamblers living in a string of coastal, cod-fishing communities in eastern Newfoundland.

This sample is not intended to be representative of the entire VLT playing community, but rather aims to capture a sense of what motivated this set of people to devote so much of their time and money to playing gambling machines. Many players describe their attachment to VLTs in terms of the emotional satisfaction that playing gave them. Most of these people focused on the feelings of excitement, relaxation, or mental stimulation they experienced while playing. Beyond these individual-level” –

**CHAIR:** Order, please!

I remind the hon. Member that he cannot read from a text. You can summarize, but you cannot read from the text.

**J. DINN:** (Inaudible) read if I decide I’m going to present it and table it?

**CHAIR:** Pardon?

**J. DINN:** Can I table it then?

**CHAIR:** No.

**J. DINN:** Oh, I’ll summarize and put in a few – but there’s a lot to summarize here.

**CHAIR:** Thank you.

The Chair recognizes the hon. the Member for St. John’s Centre.

**J. DINN:** In this thesis he does explore a number of things along the lines of how the newly arrived VLTs provided fertile ground for fostering a new sense of community, when the loss of the fishery left the previous affiliations in doubt.

He talks about how many expressed concern they were spending more money than they could afford. Now, a few were successful in reducing their spending, but others found that they were actually unable to keep their gambling in check. They came to embrace the concept of a gambling addiction.

In one study, the author said that they’ve come to believe that the worlds that reality gamblers inhabit are basically largely situational and they’re not autonomous of individual psyches.

So the structure, basically, it’s not only themselves, but the milieu in which they exist.

Previous studies of VLT gambling emphasized that there are universal psychological principles and personality types. And they neglected or did not take into account such things as the context of the gambling machines, the environment, the number of schemes that are offered by an organization such as the Atlantic Lottery Corporation and the advertising that goes into this to promote it.

Interestingly enough, this thesis goes on to say that most of the prohibitions against gambling have their root in English statute law. The trend toward greater leniency began in 1969 when the Liberal government at that time, under Pierre Elliott Trudeau, amended the *Criminal Code* to allow for it to raise money for – I think it was – the 1976 Olympic Games. And with that, lotteries quickly emerged as a very lucrative source for the governments. Basically, here’s what it came down to: It offered an appealing alternative to raising taxes and deficit funding. In fact, government became addicted to gambling itself.

Then, under the PCs in 1985, the *Lotteries Amendment Act* – basically they amended the *Criminal Code* and granted the jurisdiction over gambling-related industries and schemes to the provincial governments in exchange for the annual payment of some \$18 million.

Now if you look at it then, that meant that provincial governments and lottery corporations they operated, they basically enjoyed a legislated monopoly – essentially a monopoly. And now what we have here, Chair, is an attempt to protect that monopoly over the provision of betting games to municipalities under their jurisdiction. In that same year, the *Criminal Code* was further amended for provinces to manage video devices and slot machines. You can sort of see the history here, the evolution of how we ended up where we are now with this very lucrative form of income.

The significance of this didn’t become really apparent until 1990, when the Government of New Brunswick introduced the first legal VLTs to Canada. Three years later, VLTs would be found in other provinces across the country,



except for Ontario and British Columbia. And it basically allowed provincial governments then, Chair, to expand.

VLTs were first introduced into Newfoundland in 1990 by the Atlantic Lottery Corporation, and it was the second province in Canada to bring in the machines. Now, in Newfoundland again, as in most other provinces, most of the administration of gambling games falls under, as I understand, the Department of Finance; however, the one notable exception is the treatment of problem gambling which is delegated to the Department of Health and Community Services. So we collect money with one hand and, hopefully, we'll treat someone with the other hand – maybe.

What this thesis does say is that provincial government spokespersons have been quite candid about how attached they are to VLT revenues. Former Finance Minister Paul Dicks was quoted as saying the real truth is that once you get the revenues, you more or less become dependent on them.

So here we have governments who are now dependent on this lucrative source of income and, basically, right here now they're looking to protect that lucrative source of income by passing legislation, which is in effect going to negate or stop any chance of –

**AN HON. MEMBER:** (Inaudible.)

**J. DINN:** And that's it, Mr. Chair. This is about clause 3 because it refers to gambling schemes and it refers to basically denying people the right to engage in a class action. Yet what we're seeing here is a system that's evolved so that it will allow government to reap the greatest profit. At the same time, what they're about to do is to make sure that those who are victimized, those who are the heavy gamblers, those who are the addicts to gambling have no recourse but to try to – hopefully if they find a lawyer to work on some pro bono basis to sue individually.

It puts maximum power, Chair, in the hands of the Lottery Corporation and the government, because you can take on individual persons one by one. Not so hard when you have a level playing field of multiple people in a class action suit to take government on.

It does go on to talk about the brief history – if you look through this a rather interesting one from 2000 that this was published. He talks about the social significance of VLT gambling in a post-moratorium Newfoundland and Labrador and the demographic portrait of heavy VLT gamblers on the Barren Shore itself. So think about this. At the same time you had the cod moratorium and you had people who were in desperate straits who were facing financial ruin, who were watching their whole entire way of life slipping away, you had something here that gave them some sense of hope. Because in the end that is what gambling is about, the hope that in some way, shape or form, Chair, that you're going to get yourself out of this in that one lucky strike.

In many ways, this document speaks to the very issues that we've been raising here and why I do believe that basically absolving or protecting government and the Atlantic Lottery from a class action suit is in itself a negligent act. You protect all people, you protect the vulnerable, not the corporations.

I'll come back.

**CHAIR:** Thank you.

The Chair recognizes the Member for Mount Pearl - Southlands.

**P. LANE:** Thank you, Chair.

I have to say I am very intrigued with what my colleague has been saying.

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

**P. LANE:** I know you find it funny.

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

**CHAIR:** Order, please!

**P. LANE:** I'm not sure what's so funny, Mr. Chair, but I'd like to hear –

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

**CHAIR:** Order, please!

**AN HON. MEMBER:** (Inaudible) in the Blizzards.

**P. LANE:** My colleague said there was something in the Blizzards. It's Miracle Treat Day, Chair.

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

**CHAIR:** Order, please!

The Chair recognizes the hon. the Member for Mount Pearl - Southlands.

**P. LANE:** Yeah, my colleague said there was something in the Blizzards. It's Miracle Treat Day.

Anyways, Chair, as I said, it is very interesting. I'd like to hear more.

**CHAIR:** The Chair recognizes the hon. the Member for Torngat Mountains.

**L. EVANS:** Thank you, Mr. Chair.

I've just given my fellow MHA from St. John's Centre time to read and be able to paraphrase from his learned book.

This is interesting. I'm going to stay relevant; I'm going to speak to clause 3. As I said, when I was listening to what everyone was talking about when they were talking on this bill, there were a lot of concerns. Basically, most of what I'd wanted to say was said, so I didn't speak earlier, and now I'm continuing to speak totally, constantly and whenever I get the chance.

When I went in to the government website and I pulled up the progress of bills and I pulled out Bill 18, the *Lotteries Act*, really, my concerns were in clause 3. When you look at clause 3, it says, "The Act is amended by adding immediately after section 6 the following ...." What really took me by surprise was the word "immunity." So our government is putting in this clause to actually get immunity. Usually when you have immunity, it gives you immunity against fault, it gives you immunity from damages, gives you immunity from harm. That's what you're asking for.

I don't need to read from a book or to paraphrase a book to realize that what this government is doing is wrong. Just because other governments across Canada have done it doesn't make it right, does it? It certainly does not. It's shameful. I don't want to say that too much. When I say shameful, I like it to be effective, so I don't want to dilute it. But when it comes to lotteries and harm, the reason why there would be a class action is because of the damage done to so many.

The Member for Harbour Main was talking about class action. I think she was saying in that class action was over 300 people. Was it 300 people had actually brought forward a class action? We already know the numbers are out there. I am concerned because if you go to a restaurant and you look out in the bar area, you see the VLTs. When you hear on the news about some decent human being charged with embezzlement, being charged with crimes. Who else do we hear about actually being charged with crimes to get money to feed their addictions? We hear from people who have alcohol addictions, drug addictions.

Technically, this is not a laughing matter and you're going to just basically use your majority to rail this through. At the end of the day, there's not going to be anything there to deter taking advantage of the vulnerable people who actually have addictions. There are a lot of us walking around out there now who may not even realize that we actually are susceptible to addictions.

I just have to look at my communities. In my communities there's a high susceptibility – I don't know if that's the appropriate word – to addictions for alcohol because the genetics of the people are not used to alcohol. Basically, we're at a disadvantage but who's to say we're not at a disadvantage for other addictions? I think it's very, very important for us to realize.

The Minister of Finance did say that this government is not taking away the right for individuals to sue, but if you're going to sue because you lost your home, you lost your family, you lost your wife or your husband or your partner, you've lost your career, you lost your freedom – because now you're incarcerated because you committed crimes to basically feed this addiction. It's just the same as putting a

needle in your arm or shoving something up your nose, when you put those little coins in the machine.

Who has the ability, the individual, to sue? They don't. Like my fellow MHA there for Mount Pearl - Southlands, he said it's very, very difficult for individuals to sue. You're basically taking away the rights of the people. I'd like to be a deterrent. You know what deters people? Financial penalty. Companies never improve safety because they were just good-hearted citizens – corporations I should say – it's because the fear of deterrents.

That's why, like I said, the big push now on safety is to hold, not only the companies responsible but also the supervisors, the managers, right down to your fellow co-workers. That was my former life: financial penalty. That's something now that's being pushed for.

It's important for us to realize that you're taking away a huge deterrent. How can we prevent gambling addiction? We take away the number of machines. Well, if people are addicted, and especially in the 0.7 per cent, if you take away the machines, like my fellow MHA said under his breath, you're actually just increasing the lineups. If you reduce the hours that the machines are available, say, for example, you reduce them to three hours, there's going to be a lineup because everyone wants to get in their gambling. They've been thinking about it the whole day.

**P. LANE:** You can do it online now.

**L. EVANS:** You can do it online. I mean there are huge issues.

I think that we need to focus on making sure there's no harm done. I cannot support a bill that will actually take away something as big as the ability to have the freedom to bring forward a class action.

Well, should we be having a class action lawsuit against the cigarette manufacturers? The thing about it is I think it works. If we are not doing undue harm, then we shouldn't have to worry about class action.

Anyway, I'm just going to end there.

Thank you, Chair.

**CHAIR:** Thank you.

The Chair recognizes the hon. Minister of Finance and President of Treasury Board.

**S. COADY:** Thank you very much, Chair.

Just to speak to the previous speaker for a moment. The immunity is only for class action lawsuits against the public corporation, Atlantic Lottery Corporation or to the Crown; that Atlantic Lottery Corporation having same ensures a regulated environment, ensures that we are focused on responsible gaming. I think we must continue to focus on responsible gaming. We really want to prevent problems before they begin. I think that is something that everyone in this House would like to have. Certainly, if there's a cause for negligence, individuals can pursue and I think should pursue if there's cause for negligence.

I will say, as well, this legislation is the same that we have in other Atlantic provinces that are partners in the Atlantic Lottery Corporation. So they've had a full review of this as well.

Atlantic Lottery Corporation does pay for services to help the vulnerable people as well in our province. For the 0.7 per cent of people that do have a gambling problem, we should do our utmost to treat them, to help them, to support them and to ensure that they do not have problems as they move forward.

Thank you, Mr. Chair.

**CHAIR:** Thank you.

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

**J. DINN:** Thank you, Chair.

**CHAIR:** Excuse me, before we start, I'm going to ask that all Members speaking to clause 3 will stay relevant to the clause.

Thank you.

**J. DINN:** Sure thing.

I'm looking here, Chair, again, in terms of the lottery schemes, the damages and the negligent act. What I'm about to summarize here speaks to some of the built-in features of the machines and how that actually plays on their own psychological state, the situation around them.

I will point out, though, before I do speak to it, that it's great that the other Atlantic provinces are doing this. But as my parents were so fond of asking me when I was growing up: If your friends jumped off the end of the wharf, would you as well?

So sometimes it's not just because other provinces are doing it, I think we need to look at it – does this make sense? Is this a just law? Is this just legislation? I don't think it is.

But it's interesting here in this thesis from 2000, the *Gambling on the Future: Video Lottery Terminals and Social Change in Rural Newfoundland*, he makes that thesis of how gambling became such a problem here and basically the way they were designed, the lottery schemes themselves were designed to play on that.

So he talks about here a number of players indicated that they regularly use machines to calm themselves. It's not one individual but it's numbers of people here and why this is so wrong to remove the whole notion of class action.

A mother of three said that playing these machines never failed to take away her stress headaches. Another woman had said that it's basically like total relaxation. It was a high. It was like being in another world. So you see here that these machines already have that ability to transport people from their problems.

Though many players drank alcohol, smoke marijuana, so on and so forth, many payers said that they basically used the machines without any additional mind-altering agents whatsoever. There is an acknowledgement there that these machines, these lottery schemes, have that ability – and this is what we're talking about – have this ability – that's what this is about here, to make sure that government is not held accountable.

We notice here that in this VLTs three dimensions: the machines have constant motion; bright colours, lights and sounds; and they have a hypnotic quality. They provoke an intense sense of concentration and the machines offer the rare socially acceptable opportunity to withdraw from social interaction and take time itself.

Here is the other thing, notice that the appearances of these VLTs, these lottery schemes are intended to lure players into an intense relaxation: so they are designed to lure. Here is the thing: VLTs used by the Atlantic Lottery Corporation, both sets of machines featured a bonanza of bright colours, sounds and nearly continuous motion.

When prompted some of the players said that the visual and auditory stimulation they derived from playing was a major part of the attraction, so you've got here VLTs being promoted by the Atlantic Lottery Corporation which are basically designed to stimulate and lure people in to them.

**AN HON. MEMBER:** Page 12.

**J. DINN:** Page 12, we have 250 or so.

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

**J. DINN:** Lots of summarising here, but all joking aside, it speaks directly to why this is such a terrible piece of legislation and why in –

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

**J. DINN:** Needless repetition?

Now, it does talk about here the whole notion of flow theory. This ties into exactly some of the issues around players and how these machines basically have been evolved to keep people where they are.

He talks about the theory of flow, basically it is meant to keep people focused and their attention directed at this and that they are going to stay at that task without leaving: it is meant to do that.

It allows them to switch off, it allows a deadening and it allows players to disengage from the problems they're facing. Basically, flow state is about focusing deeply on the game

and it gives the player a brief sense of relief of the frustration they've been feeling that day.

Here's the connection to alcohol and why it's just as bad: "One man drew a parallel between the role that VLTs now play in his life, and the role that alcohol used to play for him in relieving his mind of tension." He says that recently he had "gone through a divorce, and had been introduced to the machines ... as a way of cheering him up." So think about this –

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

**CHAIR:** Order, please!

**J. DINN:** Think about this –

**CHAIR:** Order, please!

I will ask the hon. Member for St. John's Centre to stay relevant to the bill.

**J. DINN:** (Inaudible.)

**CHAIR:** I'm watching this very closely.

**J. DINN:** (Inaudible.)

**CHAIR:** Thank you.

**J. DINN:** You have a person here who is using the VLTs to get away from his stress, but because of that he actually became addicted. I go back to this, again: Tell me how the limited compensatory damages will help this individual. It will not. It basically comes down to the fact is this person affected will not be able to sue the government and will not be able to sue Atlantic Lottery Corporation for his problems because of this legislation.

Other people have talked about how four players admitted to having been victims of sexual abuse and that the machines themselves actually helped calm them. Again, you're feeding on misery. This legislation, again, I think it's going to basically revictimize people who have already been victimized enough.

But here's the thing, one of the developments in the lottery machines, the VLTs, was that as the machines evolved players could only, as their lottery scheme, insert coins, which meant that

they had to more frequently stop, get up and get the coins. In getting up so often it would actually break that flow state and make it easier for them to walk away from the machine. However, the new machines – and here's the thing, this is all under Atlantic Lottery Corporation: "The new machines allowed players to insert five, ten, twenty and fifty dollar bills into the machines." That's a development. Is this the negligence we're talking about here? Because what it meant is that basically they had fewer interruptions, they could build up their bank of credits to a sufficiently high level and they wouldn't have to take breaks, they wouldn't have that break in the flow. To me, Chair, this is all about basically putting machines out there that are designed to extract as much money as possible from people and that will invariably prey on the vulnerable.

I'll stop there for now while I look for further things that are relevant to this debate.

**CHAIR:** Thank you.

The Chair recognizes the hon. the Minister of Finance and President of Treasury Board.

**S. COADY:** Thank you, Chair.

I will say to the Member opposite and the Members opposite that I know we're speaking a lot to that 0.7 per cent and those with problem gambling, and I think this is an important discussion about those that have problem gambling and the supports they need. I will say that the Atlantic Lottery Corporation does have leading addictions researchers and clinicians that work with Health and Community Services clinical staff to make sure that we are assisting with the challenges that arise from problem gambling. I will also say that the Atlantic Lottery Corporation has, I think, about a half-dozen workshops over the next number of months planned to proactively engage clinicians and communities on the topic of problem gambling to prevent it. I think that's what we're speaking about here.

I know the Member opposite is not pleased or does not support this legislation, but I will say it is protecting the Crown, it is protecting against class action lawsuits; however, lawsuits are still – we still preserve individual rights to move forward.

Thank you.

**CHAIR:** The hon. the Member for Mount Pearl - Southlands.

**P. LANE:** Thank you, Chair.

I'm going to speak to clause 3, and clause 3, of course, is really the (inaudible). Clause 3 is the clause that prevents individuals from engaging in a class action lawsuit. That's really what clause 3 is all about and so I will stay relevant to the fact that clause 3 is simply about that. It's preventing people from being a part of a class action lawsuit.

I would say, Chair, that perhaps instead of looking at ways to absolve ourselves from any responsibility for the harm done to individuals who have lost their homes, have lost their jobs, have had their marriages and relationships wrecked, have engaged in criminal activity, done time in jail and those who have committed suicide, sadly, over gambling addictions, instead of trying to remove their rights – as we're trying to do in clause 3; to be relevant – perhaps we should be engaged in more due diligence. Perhaps if there was more due diligence, if that was the angle that they were coming from, we might be saying: What is it that Atlantic lotto is doing that could potentially lead to a class action lawsuit? As is outlined in clause 3 of this piece of legislation: What is it that Atlantic lotto could do to prevent a class action lawsuit to begin with? Perhaps if they were to get together and have their legal minds involved, they could determine and say: Well, what is it that we're doing wrong? What is it that we could possibly be doing wrong that could cause a class action lawsuit? Let's stop doing it.

In other words, if you take away all of the mechanisms that are causing people harm, that are leading to these serious addictions and that are not preventing the addictions for people with these serious problems – if we were to put in appropriate warnings. I look at a pack of cigarettes, for example – and that's a class action lawsuit that we're a part of – the tobacco companies. If you buy a package of cigarettes it has a picture of a black lung on it and it says: This will cause cancer. This will cause heart disease and so on. How come there's nothing on the VLTs, Mr. Chair? Why is there nothing on

the VLTs, when it comes to gambling, to offer those same warnings? Perhaps if there was more of these warnings.

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

**CHAIR:** Order, please!

**P. LANE:** Maybe if it was more prolific, if there was more advertising to warn people of these things, perhaps then we wouldn't have to worry about class action lawsuits, as is outlined in clause 3 of this bill of which I'm being relevant to. Perhaps then we wouldn't have to worry about class action lawsuits as is outlined in clause 3 of this bill of which I'm being relevant to. Perhaps then we wouldn't have to worry about removing people's rights to be part of a class action lawsuit. Perhaps then.

There was an amendment made. There was an amendment presented, I understand, to this particular clause, to clause 3. There was an amendment made and it was found not to be in order. I respect your ruling on that, Chair. I understand how things work. Just because it wasn't in order, based on the rules of the House, doesn't mean that the spirit of what was intended to change clause 3, which I am talking about and being relevant to – it doesn't mean that the spirit of this was not the right thing to do.

The spirit of this amendment was to say: Why can't we amend this clause in such a way to protect that 0.7 per cent that we keep hearing about. Protect that 0.7 per cent of people with serious addictions and preserve their right to engage in a class action if they could, if they desired, while at the same time removing the 99.3 per cent based on the minister's numbers – I'm not doubting her but those numbers don't seem to jibe in my mind around here. I'm not saying the number she's giving is false or that she's intentionally misleading. I know she's not. She's only giving the numbers as was given to her, but I challenge that 0.7 personally.

With that said, assuming it is 0.7 and that the information is up to date and so on, then I would say that I can understand why we wouldn't want the 99.3 per cent of the population, who have not had irreparable harm done to them, just sort of jumping on board a class action lawsuit, as I said

earlier, to try to get a few bucks off the government. We wouldn't want that and I understand that. But there has to be a way to protect the rights of the 0.7 per cent of the people who legitimately have lost everything they've got, they've had their lives wrecked and ruined. There has to be a way to protect them.

If this was perhaps amended and written in a certain way, again, we can't do it here in the form of an amendment because of the rules of the House and the procedure. That's not to say that the government can't close down debate on this right now and come back with an amendment of their own to change the intent as the government.

**CHAIR:** Keep it relevant, please.

**P. LANE:** They could do that of this clause. They could come back, Mr. Chair, with clause 3. They could come back –

**S. CROCKER:** (Inaudible.)

**P. LANE:** I say to the Government House Leader, I didn't say it wasn't relevant. I said that the motion as presented to make the amendment was found not to be in order. But that doesn't mean that I can't talk about the motion which was directly on clause 3.

The amendment was for clause 3, the intent to remove people from class action lawsuits. I'm simply saying that the government, if they so desired, could adjourn debate and they could bring forward an amended clause 3 that would do what's intended, that would remove the 99.3 from the class action, but would still protect the 0.7 of the gamblers who are in serious trouble because of their gambling addictions. They could do that. I think it's important to note that. They have the power and the ability to do it if they wanted to do it. Obviously, they don't want to do it. That's the point there; obviously they don't want to do it.

I, for the life of me, cannot understand why you would not want to do it. Other than the fact to say that we're following suit with the other Atlantic provinces. Interestingly my colleague from Stephenville - Port au Port asked a question about other provinces and the minister was going to look through her notes. I never did

hear the answer. Maybe I missed it about what other provinces are doing.

She keeps going back to the other three Atlantic provinces. We know, we've heard now numerous times that the other three Atlantic provinces have done it and this just seems to be a case of, well, they did, we're going to do it too. That's what it feels like. Perhaps I'm wrong but that's what I seem to be hearing. I'd like to know what other provinces are doing, what rules they have in place and how they protect people who are affected by serious gambling addictions. It would be nice to know what's there because we haven't heard that answer.

Again, Chair, this is the clause that is causing a lot of problem for me and for other Members in the House because we are going to take away the rights of people who have serious addictions, who've been seriously damaged and they don't have any rights to sue. They have no rights.

Again, I will repeat: To say that they have individual rights is a very disingenuous statement to make. It's totally disingenuous because we all know that there's no lawyer in his right mind or her right mind or their right mind that's going to take on a case to try to sue Atlantic Lottery on behalf of one person. Not going to happen.

I'll continue with my commentary after my colleague from St. John's Centre.

**CHAIR:** Thank you.

The Chair recognizes the hon. Member for Torngat Mountains.

**L. EVANS:** Thank you, Mr. Chair.

Mr. Chair, there are a lot of factors here that we have to look at. Why are we fighting to make sure they don't take out the ability for a class action? It's because there are so many people across the country that are already impacted by gambling. As my fellow MHA for Lake Melville talked about, it really impacts people in the worst ways. He talked about the damage done in his district to people.

I was just looking at a professor of psychology from the University of Calgary. He's in an

article there and the subheading is: “High financial risk at stake in cheap place.”

**AN HON. MEMBER:** Relevance.

**L. EVANS:** I’ll stay relevant. I’ll stay relevant on this because across the country we know there are a lot of people who are already addicted, especially to these VLTs, life-damaging addictions. But also when you start looking deeper into the VLTs, they talk a lot about the influences of alcohol. Also, the sounds of the machines, the colour of the machines, it all is a way to actually attract people and keep them addicted.

Now, the relevance of what I wanted to talk about is this professor in his article talks about it’s more than just alcohol that contributes to the people consistently playing and losing a lot of money. Many people, he says, become mesmerized while playing the VLTs. I think that actually adds to what my fellow MHA there from St. John’s Centre was talking about. The machines are set up to mesmerize you.

Actually, I’m going to quote this professor who’s done research into these addictions: “People will describe losing track of time – not realizing just how long they have actually been playing or how much money they have lost.” That is one huge problem and it’s impacting many, many people.

We should be looking at solutions, more than just reducing the number of machines and reducing the number of hours to play. It’s important.

He also goes on to say: “It’s certainly very absorbing and is an effective way for people to cope with negative feelings because they can forget about their problems.” And we’re in the middle of a pandemic. We don’t know the damage done to our emotional and mental health by this pandemic.

Also, a lot of people are in financial crisis – business owners, people who’ve lost their jobs. So it’s important now; they can forget about their problems. So what we’re going to do is we’re going to allow this to continue with no recourse for them.

This professor also talks about irony. I like using the word “irony.” He said: The irony is that sometimes the VLT play is actually contributing to problems. Research has shown that even if the player didn’t have financial problems, by using the VLTs to help forget about their problems, they add another one on: financial problems. So I will quote him again and say: “So they’re escaping their problem, but also making the problem worse by amassing more debt.”

What happens then when they get so far in debt? I talked about people committing crimes or people hiding, people embezzling. I’m going to tell you now, relevant to this, we need to make sure that we’re doing everything we can to help these people and make sure that they don’t lose everything. One of the things is deterrence.

I worked on the projects – we called them the projects – working on rotation. Back in 2000, I met a gentleman who became a good friend of mine and I’d see him on the different projects, working up in Voisey’s, over at Muskrat, and all those kinds of things. One day he came home from a rotation and his wife was gone. She was gone. All her stuff was gone from the House. He never had any problems with her, he was a supportive husband, loving husband, and he’d be gone for weeks at a time. So, Mr. Chair, he thought his wife ran off with another man or another woman.

What he learned is she had a gambling addiction to those VLTs. While he was gone, she was playing the machines. She got so far in debt and she was hiding it from him for so long to the point where she couldn’t hide it anymore and what she did is she just packed up, rather than deal with it. That’s the power of addictions; that’s the power of lives being ruined.

So I think it’s important for us to make sure that we’re doing all we can. One of the things is I don’t think we should be cowering. I don’t think we should be cowardly. I don’t think we should be covering our own butts – if I can say that. But at the end of the day, I can’t sit here and allow something as erroneous as this.

With that, Chair, I’m going to actually end.

Thank you.



**CHAIR:** Thank you.

The Chair recognizes the Member for St. John's Centre.

**J. DINN:** Chair, the Minister of Finance talked about, in response to some of the issues here, the measures that are in place to treat addiction through the Atlantic Lottery Corporation and the mitigating measures that they put in place, but I have to ask: How do I trust an organization that profits from gambling to treat and prevent the very actions that they need to get their profits? You can't be both the promoter and the regulator; you cannot serve two masters.

We have heard already of how the VLTs evolved and how provinces became addicted to them, but it is interesting hearing the whole notion of addiction, and especially if we're going to be looking at compensatory damages and the like and the individuals we are talking about. It is interesting that some people blame themselves, Chair, for their gambling addiction. They victimize themselves. Others blame the Atlantic Lottery Corporation. When they blame themselves, they ignore basically the situational variables in gambling. It is interesting that many felt intense shame and unhappiness, adopted a lesser image of themselves and they suffered alone.

Here's the thing: They did blame the Atlantic Lottery Corporation, the federal government and the provincial government – they usually put it under one name: the government. Basically, where this study took place, they did blame government for unilaterally putting the machines in place there at a time when they were very vulnerable. They were victims and they were vulnerable. I contend here this is the key thing with this, what's so difficult for me to accept this act as it is.

The second contention that these people reference is that government continually modified the machines to make it harder for players to win money. They basically had the bells and whistles which attracted them. Then, the machines got to the point where they didn't stop whatsoever. Once the machines were changed again to accept bills, it basically made it impossible for them to walk away.

It goes on to say here, in the medical model, how some of these people are very sick people. They have a powerlessness over gambling and gamble normally again. They can't do this. I really would like to know – and here's a question: What are the measures – from anyone on this side – that Atlantic Lottery Corporation, other than a phone call, that are taking place, that are put into effect, to help those who experience that powerlessness over gambling?

We haven't yet, Chair, heard that at all. We've heard vague references to it. I would like to have that answered.

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

**CHAIR:** Order, please!

**J. HOGAN:** Point of order, Mr. Chair.

**CHAIR:** Order, please!

The Chair recognizes the hon. Minister of Justice and Public Safety on a point of order.

**J. HOGAN:** Thank you, Chair.

I just refer to Standing Order 48, which is entitled Relevancy, and read out 48(2), which is "The Speaker or the Chairperson, after having called the attention of the House, or of the Committee, to the conduct of a Member who persists in irrelevance or needless repetition" – which is the key here, it's needless repetition; not saying that the points aren't relevant, but we've heard them over and over and over again.

I refer to *Erskine May: Parliamentary Practice* which does say that if a Member persists in irrelevance or tedious repetition, either of his own arguments or of the arguments used by other Members in debate.

We have listened to both sides of the arguments here and there are two sides of the argument here; this is the point of a debate. We put forward legislation and arguments have been made about why it's maybe not good legislation, why amendments could exist to that legislation and we've heard it. We've heard once, we've heard it again, we've heard it three times, we've heard it eight times and we've heard it 10 times.

That's, by definition, of something being repetitive and tedious.

**CHAIR:** Thank you.

I've been paying attention to repetition and I've warned Members of the House here that certainly they need to stay relevant to that section of the bill. Certainly, I will continue to pay close attention to it and I will, again, instruct the Members that we don't need to hear repetition as well.

Thank you.

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

**J. DINN:** Thank you, Chair.

It's interesting that we're looking for more ways to shut down the debate than to deal with the issues here.

I still have one question there that I asked and I will stop there for an answer: Basically, what are the measures here? If indeed we're taking out the class action measures, provide for me, here and now, what the measures are that are in place that would show that the Atlantic Lottery Corporation is not being negligent.

It's a simple question. I've heard general reference but I have yet to hear specifically how indeed, as the minister said, that they have measures in place to deal with that. I don't think I've asked that before. I'll stop there and wait for an answer.

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

**P. LANE:** Thank you, Chair.

Trying to shut down debate in a democracy in this House of Assembly is –

**CHAIR:** I will ask the Member to stay relevant to the bill.

Thank you.

**P. LANE:** Thank you, Chair, but I had to make that point. It seems to be a bit of a trend.

Anyway –

**T. OSBORNE:** Mr. Chair, point of order.

**CHAIR:** The Chair recognizes the hon. the Minister of Education on a point of order.

**T. OSBORNE:** Mr. Chair, out of respect for the Chair and the Speaker, Mr. Chair, I've just witnessed one Member and now another call into question a ruling of the Chair. I believe that's unparliamentary.

**CHAIR:** Thank you.

I'll take that under advisement.

The Chair recognizes the hon. the Member for Mount Pearl - Southlands.

Again, I will ask you to stay relevant to the section in the bill.

**P. LANE:** Thank you, Chair.

I wasn't questioning your ruling. I was questioning the antics of the Members opposite and they just continued on with it.

Anyway, Chair, it's amazing to me how we're talking about clause 3 here, a piece of legislation that's going to take away the rights of individuals who had their lives ruined and it's just interesting how somehow this seems to be one big joke and somehow let's try to find a way to shut it down.

I think the reason why we're raising this is because it is a serious issue.

**AN HON. MEMBER:** (Inaudible.)

**P. LANE:** I say to the Member, if he finds it so boring, why don't you just leave, if it's too much trouble.

**CHAIR:** Order, please!

I ask the Member to continue.

**P. LANE:** Anyway, Mr. Chair, before I was –

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

**CHAIR:** Order, please!

**P. LANE:** Thank you for your protection there, Mr. Chair.

Anyways, Chair, as I was saying, and I wasn't going to make these remarks long, actually, this time around, believe it or not because I think I've made my points known as it relates –

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

**CHAIR:** Order, please!

**P. LANE:** Thank you, Mr. Chair. I couldn't hear myself speak.

Anyway, Mr. Chair, as I was trying to say the reason why we keep bringing this up is because we're hoping that the Members opposite, that the government will actually, instead of heckling, just listen to what's being said here about the seriousness of this. The fact that we have people in this province and we've all known them –

**S. CROCKER:** Point of order, Mr. Chair.

**CHAIR:** The hon. the Government House Leader on a point of order.

**S. CROCKER:** Mr. Chair, same Standing Order, Standing 48(2) clearly says: "The Speaker or Chairperson, after having called the attention of the House, or of the Committee, to the conduct of a Member who persists in irrelevance or needless repetition ...."

Mr. Chair, these are the points we've been hearing all evening. Not that they're not valid points, but the reality is there's a question before the House, Mr. Chair, and we've all heard the comments around this question. The Member continues to talk about the same issues, Mr. Chair.

I would ask you to rule on Standing Order 48.

**CHAIR:** Thank you.

Again, I will remind Members to stay relevant. We certainly don't want to hear continued repetition.

I'll recognize the hon. Member and ask him to stay relevant to the bill.

**P. LANE:** Thank you, Chair.

I continue to reference to clause 3 of the bill, Mr. Chair.

Clause 3, Mr. Chair, is a limited clause. It's very far reaching –

Mr. Chair, I'm finding it difficult to try to gather any thoughts here when all I can here is heckling over across the way.

**CHAIR:** Order, please!

I'm just going to ask for full co-operation from the House. It's been a long day; a long day for us all. I'd ask for co-operation from the House.

The Chair recognizes the hon. Member for Mount Pearl - Southlands.

**P. LANE:** Thank you, Chair.

As I was saying, clause 3, while it may not be a large clause, the implications of this clause are very serious. They're very serious. Because what we are actually doing is we are legislating away the rights – we're actually legislating away the rights of citizens who have suffered irreparable harm.

**J. HAGGIE:** Point of order, Mr. Chair.

**CHAIR:** The Chair recognizes the hon. the Minister of Health and Community Services.

**J. HAGGIE:** Thank you very much, Chair.

Section 48(2), this is the seventh time the Member opposite has repeated that phrase in probably the last 59 minutes. I would argue that is needless repetition.

Can we, please, move on?

**CHAIR:** Thank you.

The hon. the Member for Mount Pearl - Southlands.

**P. LANE:** Thank you, Chair.

Perhaps the minister's time would be best spent trying to get doctors for the 98,000 people in our province.

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

**CHAIR:** Order, please!

**S. CROCKER:** Point of order, Mr. Chair.

**CHAIR:** The Chair recognizes the hon. the Government House Leader.

**S. CROCKER:** Mr. Chair, we're in here in a debate on clause 3 of a bill. Clause 1 of a bill is typically where there is a free-ranging conversation. Once we get off clause 1, we come into a very much detailed.

Now, we're into a situation where the Member opposite is hurling insults towards the Minister of Health and Community Services. That is terrible in a debate in this House of Assembly at this hour of the day to actually hurl insults across this House at the Minister of Health and Community Services.

**P. LANE:** Mr. Chair, I'd like to know what the insult was. I don't think I hurled any insults.

**CHAIR:** The Chair recognizes the hon. the Government House Leader.

**S. CROCKER:** Yeah, *Hansard* will reflect the comments made by the Member opposite, Mr. Chair.

**CHAIR:** I'll take it under advisement.

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

**CHAIR:** Order, please!

Order, please!

I'm going to ask the Member for Mount Pearl - Southlands to make your point and let's move on.

**P. LANE:** Thank you, Chair.

That's what I've been trying to do for the last 10 minutes. I've been interrupted about four times. I said that I only had to make a couple of quick

points and I would be done with this for tonight. But I keep getting interrupted with all of these –

**CHAIR:** Move on, please.

**P. LANE:** – erroneous points of order. And I won't be shut down by them.

Anyway, Mr. Chair, I'm going to conclude my remarks just by saying that the reason why we keep raising this issue – and it might be a joke to people over there – is because of the irreparable harm caused by VLTs, in particular, to citizens of our province and we are talking about legislating away their rights. At the same token that this is happening, Mr. Chair –

**CHAIR:** The Minister of Health on a point of order.

**J. HAGGIE:** Thank you very much, Mr. Chair.

Sorry to do this, but 48(2), that is the second time in three minutes the Member opposite has made the same phrase and the same statement; even my watch is getting fed up with it.

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

**P. LANE:** Mr. Chair, the reason why I repeated it three or four times is that every time I get midway through the sentence I keep getting called on a point of order by the Members opposite because they don't want to hear it, and too bad, I'd say. Too bad for you.

Anyway, Mr. Chair, again, I'm going to try to conclude my sentence. The reason why we keep repeating these points is simply because of the irreparable harm that is being done by some people in this province as a result of these gambling addictions and that this particular clause is taking away their rights to seek damages. We just simply believe – I believe; some of us believe I suppose – that those people who are harmed the most should be able to have some remedy available to them. The Minister of Finance keeps saying about the fact that: Yeah, they can sue on their own. Again, they cannot sue on their own and no lawyer will ever take it on. It's an absolute disingenuous statement to suggest that they can sue on their own, because

we all know the reality of the world that that will never happen.

So, unfortunately, I'm going to have no choice but not to support this bill. That will be all I'll have to say about it, other than my vote. Now, I may speak in third reading, but that will be it for tonight on this.

**CHAIR:** Thank you.

**P. LANE:** Thank you.

**CHAIR:** I remind the hon. Member that his speaking time has expired.

The Chair recognizes the hon. the Member for Humber - Bay of Islands.

**E. JOYCE:** Thank you, Mr. Chair.

I'm just going to have a few words here and a few questions, I guess, for the minister.

I'll just read 6.1(2): "Notwithstanding subsection (1), a person may bring an action against the Atlantic Lottery Corporation or any person acting on behalf of the government of the province or a director, officer, employee or agent of any of them to recover damages in an amount equal to the loss or damage proved to have been suffered by the person as a result of a negligent act or omission of the Atlantic Lottery Corporation ...."

The question that I have to ask, Mr. Chair: How do you define neglect or omission? Those words haven't been brought up here tonight: neglect or omission. I ask this House: Is neglect when you know you're going to offer a service that is going to cause harm? Is that neglect? Until we get that defined it's hard to say that we, as a government, are saying: Okay, we're going to take your rights away. But in the act it says – that the government is bringing in – in neglect. So if you're going to go ahead and offer a service, which you know is going to affect the 0.7, which the minister says is the number of people, 0.7 of the population – are we neglecting our duties as a government by supporting this here and allowing this here? Are we allowing this here, being a part of it, being negligent? It's omission from it all. That hasn't been discussed in this House. It hasn't been discussed. I know

the minister brought up earlier that neglect can be defined – let the lawyers discuss that. But shouldn't we discuss that in this House of Assembly before we approve this bill? What is neglect and what is omission?

We know, as a government, on many times on a bill we have to try to protect ourselves to the laws that we make in the province. If we have an act in this province and a law in the province which in there says that if there is any neglect or omission, shouldn't we have defined what neglect or omission is? So that when we make a decision are we negligent, the Government of Newfoundland and Labrador? Is Atlantic Lottery Corporation negligent in their work knowing that's going to cause harm? That's the questions that are not answered and this is why this debate is continuing. So if we are omitting facts that – listen here, this is causing damage. If we are saying that this is causing damage, yet we're not going to go ahead and do something about it or we're not going to let anyone sue the Government of Newfoundland and Labrador, it's something, Chair, I think that we should seriously look at. It's something that we haven't defined in this House and it's something that the minister couldn't answer when asked that question.

When you look at those two words, "neglect" and "omission," we know this is causing harm to a certain number of people. It's causing a lot of psychological damages, it's causing a lot of financial damages and it's causing a lot of harm to a lot of families which filters down to the whole family and not just the person who has this addiction. I just bring that point up to the House for us to make an informed decision and to have those answers before we vote on this here after third reading. It's a very important point. We, as a government, just can't turn around and say: Oh, we're negligent, but we still can't be sued for it.

I'll conclude on those remarks, Chair, and I hope the minister will stand up and give us her – because this is the point earlier that I made: Here we are going to set up a committee to look at this whole act, the lottery licence act, we're going to look at that committee, yet by looking at that committee shouldn't we have those answers to bring back to the House so we can make an informed decision? That is a big part of

this that we're going to go ahead with the committee after we approve this here without having the full information on this amendment. I bring that to the minister's attention. I know the Government House Leader is over there listening attentively and maybe he might have the answers for it.

I'll just wait to get the answers, Chair, so that we can have an informed debate and make a proper decision.

Thank you.

**CHAIR:** The Chair recognizes the Member for Tornat Mountains.

**L. EVANS:** Thank you, Mr. Chair.

I'm just going to speak a little bit more on clause 3. I'm going to stay relevant to the bill, Bill 18, the *Lotteries Act*. Just looking at section 6 – sorry, Mr. Chair, I can't hear myself.

Just speaking on section 6.1(4):

“Notwithstanding any other law, an action for damages referred to in subsection (2) shall not be instituted or continued under the *Class Actions Act* or as a part of any other representative proceeding.”

**CHAIR:** Order, please!

The Chair recognizes the Government House Leader.

**S. CROCKER:** Mr. Chair, in relevance, 48(2), saying that we're in clause 3, that's repetition of the clause we're even in, Mr. Chair, and irrelevant to the clause itself. Saying that we're in the clause doesn't make you relevant to the clause.

**L. EVANS:** (Inaudible.)

**CHAIR:** Order, please!

The Government House Leader has the floor on a point of order.

**S. CROCKER:** Mr. Chair, again 48(2), irrelevance and needles repetition, and saying that we're in clause 3, repeating that we're in clause 3 doesn't make your comments relevant.

Thank you.

**CHAIR:** Thank you.

The Chair recognizes the Member for Tornat Mountains.

Please stay relevant to the bill.

**L. EVANS:** Yes, Chair, I was just referring to the subsection that I was dealing with, just with the class action.

Now, when you back through *Hansard*, I'm not repeating, I'm staying relevant.

**CHAIR:** Continue.

**L. EVANS:** I'm staying relevant and I'm speaking on important issues. There are so many people in Canada – 0.7 sounds irrelevant. But if you do the math that's about 260,000.

Did anyone do the math? Maybe the Minister of CSSD might have done the math, because he's always on the number. My fellow MHA from Lake Melville actually has done the math. I should ask him what it was. But I think it's about 266,000 people. That's a lot. My numbers may be off, but anyway, if you look at all these people being impacted. We talked about just a recent class action that had 30,000. That was just a small class action.

I'm staying relevant. I'm not going to say it again because I'll be called on duplication.

I'm going to quote the minister now. The Minister of Finance did say – and I'm saying this for the first time. She said: I'm not saying lawsuits will not happen. If they're negligent, you still have the option to sue.

But in my notes, when I was originally thinking about speaking on this, which I didn't the first time, one of my biggest problems is if we just limit it to individuals and take away class action, what about people out there who don't know how to navigate, who don't know where to go, whose life has been ruined? They don't know the steps or who to call or where to get help. So being knowledgeable about how to navigate the system, or the ability, the mental ability, the

knowledge that they may not have. This is important.

Also, when you get in with a single lawsuit and it's dragged out, because the government and the people from Atlantic lotto do have deep pockets, one individual may not have the strength or preservation to be able to continue on to actually seek justice.

We're government; we need to be doing better than that. We're basically being bullies. We're going to be picking on people with mental health issues, addictions issues. We saw what happened with COVID.

I have to tell you now, the thing is mental health issues in Canada are rampant. You just have to look to your youth. I used to do a lot of safety training. Man, I have to tell you –

**CHAIR:** Order, please!

I have to ask the Member to stay relevant to the bill.

**L. EVANS:** Okay, sorry, I will.

When you look at the 0.7 out there that are very vulnerable and you take away the ability for them to have a class action, you are actually denying them justice, which is what my fellow MHA from Mount Pearl - Southlands was getting at. He repeated himself several times. It's important.

I mean, here in Newfoundland, it's difficult for somebody to sue.

Actually, I was looking at a CBC article.

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

**L. EVANS:** Mr. Chair, I can't hear.

**CHAIR:** Order, please!

**L. EVANS:** I was looking at a CBC article: Doug Babstock, he was looking at suing. He said, in actual fact, he was up to \$500 a day going into the machines. He started and within a year he was addicted, he said. After he retired, he used the word ridiculous at how bad his

addictions got. He confessed to his wife. This is a gentleman, one person, who was trying to sue.

The minister talked about reducing the number of hours as a deterrent. But he said he used to play four hours per day. So, I mean, how much are you going to reduce the time the machines are available? Because I tell you, the people with addictions, if you reduce it down to four hours a day, there are a lot of people that will actually go out there and actually gamble for four hours a day.

**CHAIR:** Order, please!

I will remind the Member, while I appreciate the commentary that you have, the story that you're telling, it is not relevant to the bill.

**L. EVANS:** (Inaudible) going to be impacted by taking away class action, that option. Who's going to be impacted, Chair?

I'll tell you who's going to be impacted: our most vulnerable. That is why we're here at 9:25 p.m. Basically, this government is taking away the ability for our most vulnerable to seek justice from the harms that are going to be incurred.

We know that gambling is addictive. We just got to look at – well, take somebody famous: Pete Rose. He threw away his life. Charlie Hustle – that tells you how old I am. I remember him running around the bases.

Mr. Chair, when we take away class action, that we're doing here in clause 3 and we were doing it in 6.1(4) – I'm sorry if I'm repeating it, but that's where the class action part is, so I'm staying relevant – we are taking away the only option for our most vulnerable: people with mental health issues, people with social issues, people with the knowledge and the – you know, in the House of Assembly here, most of the people here have the wherewithal to actually sue if you wanted to. But if you go out on the street and you talk to our most vulnerable, they don't have the wherewithal to sue. Therefore, when you take away the ability to have a class action, you're taking away the rights of the most vulnerable, Chair.

I'm going to stay here. And do you know something? I'm going to make sure I'm not

repeating and I'm staying relevant. At the end of the day, a government who's there to represent the people, especially to protect the most vulnerable, should not be eroding the rights of the most vulnerable. In actual fact, what you're doing, you're not only setting them up off the cliff, you're actually pushing them off the cliff.

There are studies there. I just read out from a professor that says that people turn to these machines a lot of times for comfort. It really contributes to the issues that they're facing. It actually adds the extra burden of the issues. This government should be ashamed of itself because it's taking away the ability for our most vulnerable people to actually sue for wrongs.

Oh, yeah, maybe the other provinces have done it, but like the Member there from St. John's Centre said about his mother – what was it, jumping into – running off the edge of the dock, would you do it? So do all the governments have to do with the same thing?

At the end of the day, we're going to sit here and we are going to vote against it. Do you know something? We're going to actually have our dignity when we walk out the door.

If you take away the class action, the only ability for the vulnerable people to actually have justice for wrongs that's happened, their only ability – do you know something? The government is wrong and the government should be ashamed of itself.

In actual fact, I'll end there for this time. I might come back after I hear my fellow MHA for St. John's Centre speak from his learned book.

**CHAIR:** The Chair recognizes the Member for St. John's Centre.

**J. DINN:** Thank you, Chair.

I have a question to ask that maybe the Minister of Finance can answer directly in her closing speech, eventually, or now.

Previously, I asked: What are the measures in place, specifically – and I'll just repeat it while she's here – that Atlantic Lottery has in place? But I do want to go on to section 3. In section

3(2) it talks about bringing an action against the Lottery Corporation. Can I –

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

**J. HAGGIE:** The *Standing Orders* do not allow Members to refer to the presence or absence of Members.

**J. DINN:** Chair, I didn't. I said in her closing she can answer. I did not refer to any absence.

**CHAIR:** Thank you. I will take it under advisement.

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

**J. DINN:** A quick question. If indeed we are removing the right to a class action and it says in section 3, clause 6.1, "a person may bring an action against the Atlantic Lottery Corporation ...." I am understanding that to be a judicial action. If we're removing the class action, is there a mechanism where a person who is aggrieved can actually go through some other mechanism to bring the fact of their damages and have it resolved? Maybe something that is not through a judicial appeal, which would be less expensive on everyone?

So that's the other question I'm asking. Eventually, I would like maybe those two questions to be answered. What other measures are in place? More specifically, is there any mechanism available right now to people who have lost their savings because of a gambling addiction and because of the VLTs and so on and so forth? Is there any mechanism or procedure that they can avail of that would help resolve that situation for them, maybe a board of arbitration of some sort or a tribunal that would decide that? That way, Chair, at least there is some semblance of concern on the part of the government and Atlantic Lottery Corporation to protect the rights of the most vulnerable.

**CHAIR:** Seeing no further speakers, shall clause 3 carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.



**CHAIR:** All those against, 'nay.'

Carried.

On motion, clause 3 carried.

**CLERK:** Clause 4.

**CHAIR:** Shall clause 4 carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those in favour, 'aye.'

All those against, 'nay.'

Carried.

On motion, clause 4 carried.

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

**CHAIR:** Shall the enacting clause carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, enacting clause carried.

**CLERK:** An Act To Amend The Lotteries Act.

**CHAIR:** Shall the title carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, title carried.

**CHAIR:** Shall I report the bill without amendment?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

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

**CHAIR:** The hon. the Government House Leader.

**S. CROCKER:** Thank you, Chair.

I move that the Committee rise and report Bill 18.

**CHAIR:** The motion is that the Committee rise and report Bill 18.

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

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.

**SPEAKER (Bennett):** Order, please!

The hon. the Member for Baie Verte - Green Bay, Chair of Committee of the Whole.

**B. WARR:** Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 18 without amendment.

**SPEAKER:** The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and directed Bill 18 carried without amendment.

When shall the report be received?

**S. CROCKER:** Now.

**SPEAKER:** Now.

When shall the bill be read a third time?

**S. CROCKER:** Tomorrow.

**SPEAKER:** Tomorrow.

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

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

**S. CROCKER:** Thank you very much, Mr. Speaker.

I call from the Order Paper, second reading of Bill 22.

**SPEAKER:** Any additional speakers?

We're on Bill 22, An Act Respecting Off-Road Vehicles, second reading.

The hon. the Member for Bonavista.

**C. PARDY:** Thank you, Mr. Speaker.

I'll be as succinct and as relevant as I possibly could in a short time.

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

**C. PARDY:** I have to represent the wishes of the District of Bonavista. I'd like to make a short declaration that I think in the District of Bonavista we have the greatest number of viewers of the House of Assembly. Maybe after today, it may not be quite a high number, I would think.

I found last night that I returned a call that was on my phone and it was Irene Duffett. She was a resident of Port Union, her and her husband Wilson. They moved to Shirley's Haven in Catalina. Guess what their favourite programming is at Shirley's Haven in Catalina. This is it.

**SPEAKER:** I remind the Member to stay relevant to the bill, please.

**C. PARDY:** Did I say I was going to be relevant?

**SPEAKER:** You did, Sir.

**C. PARDY:** It starts now.

Safety standards in Bill 22 are paramount there is no doubt about that. My hon. Member for Ferryland for many months wished to have the ATV regulation brought to the House. It is there.

Of every email and notification I've had in the District of Bonavista, the only issue in the current bill that I've had was helmets within Side By Sides. I don't know what the other 39 districts are, but the only thing I can say to you is that my intent tonight was to read out the 20-plus names, which I had permission to do, many of a professional nature – retired RCMP officer, retired school board employees, a couple of them in administration – but wanted to clearly state that they didn't think that helmets in the Side By Sides were necessary.

I'd often use the expression that I used to –

**AN HON. MEMBER:** Relevance.

**C. PARDY:** This is relevant, Speaker, I promise. When we talk about safety in schools, I was fortunate enough to be an administrator in the school with the Clarenville Winter Games complex. The gymnasium was three times this Chamber. A beautiful facility of which the kids were very active and, I would claim, very healthy because they had a facility at which they can really be active in.

If someone had said that we can increase the safety in that chamber by having everyone wear a helmet while they ran around the gymnasium and played, I would not be able to refute that. I would think if the children that ran around Clarenville Middle School wore a helmet, maybe they would be safer. I think the genesis of wearing a helmet in a Side By Side is safety, but I just wondered to what point and to what degree do we have that element within the well-supported Side By Side.

Before I read out a few of them, and in the short time that I allowed I would have, we look at data and one thing I know with data, we can throw

data out that is very self-supporting. I think a lot of us would know in the profession that we're in and some previous professions that data sometimes you can use but if you wanted to find data that could work against a position, you certainly can find that, too.

One piece of data that I want to share with you, to show that it's not a level playing field when we come to off-road vehicles, is that the Province of Newfoundland and Labrador has a very low population as far as the other provinces are. In fact, it's only PEI of the provinces that would be less.

I would say, in PEI, there are 2,813 off-road vehicles – 2,813. If we jump to Nova Scotia, which has almost double our population – and I think the minister may have cited that in his opening address to launch Bill 22 – they have close to one million in population. They have 67,304 off-road vehicles. How many off-road vehicles do we have in the Province of Newfoundland and Labrador? We have 258,365, and that's from Stats Canada. One would say that we have a unique culture, a culture which the use of off-road vehicles is rather extensive.

In fact, if you do the ratio on that, it's one for every two Newfoundlanders that have an off-road vehicle, and that is an astounding figure. Some talk about, if you look at the Province of Quebec, which was referenced I think as being a recreational haven, a little over eight million, 8.5 million people, and they have 870,000, which would be the largest population or number of off-road vehicles in Canada. That's in Quebec.

But their ratio is one for 16, roughly; do the math on that and it may be one for 15, but that's close to ratio. Newfoundland is one for every two. I would say that puts us in the category of being unique. How do we know whether a law is meritorious? Ask the users.

I know we have some who said that the helmets are, but I can say, unequivocally, from those who reached out to me in the District of Bonavista and for those that I reached out to them – I think a previous hon. Member was going to check that out over the past weekend to see and I said that was a good idea. And I reached out to several.

Every one of them, without exception, had no problem with any of the rules. They didn't mention the 125cc one that we had. They didn't mention that at all and I understand that can be an issue; but, exclusively, every one of them did not think it was necessary to have helmets on Side By Sides.

Anyway, to save time, I can talk about the statistics, but I just want to jump to a jurisdictional scan. What I present to you has come from the legislative research in the Chambers that was arranged by our legislative information specialist that we have available to us in the House of Assembly.

Alberta: If a Side By Side has a manufacturer's installed rollover protection structures and seat belts that are properly worn, helmets in Side By Sides are not necessary. In Manitoba, they are not necessary.

Earlier we said that they are mandatory in BC. Well, according to the legislative report that I have a copy of and will gladly table from our researchers who reached out to their researchers, while it's stated in legislation, it's omitted in the regulations. So, therefore, they were saying that it's not mandatory in the Province of BC. Then we talk when you cross over from Nova Scotia to Newfoundland. Well, it is not mandatory in Nova Scotia either because it's not in the regulations.

I would say to you that is evidence to know. And when I mentioned to the researcher that was assisting me here in this Chamber, in this House, she double-checked with her colleague in Nova Scotia to make sure, before I presented that – which I thought might have been this afternoon. But the only thing being – she double-checked to make sure of its accuracy before I stated it – what it came down to is that while some guides available online imply that helmets are required, the wording of the legislation and the regulations does not include Side By Side.

The only thing, to wrap up and to jump to the end, I would say there are, as I stated, 20-plus couples that have stated – and I just want to throw out a few names in a concluding flurry of commentary. Every one of them had no problem with any regulation, and I say that again: repetition. The only thing I would say – no

problem with any part of the regulation; the only thing was the helmet in the Side By Side, they had an issue with.

If 20-plus out of the District of Bonavista got a problem or an issue with helmets being mandated in the well-fortified Side By Sides, I would say to you, in the other 39 districts, and in yours on your side, the government side, your constituents have an issue with Side By Sides as well, especially those in the rural areas.

We may be unique in the District of Bonavista, but I can guarantee you we're not that unique. I would say to you, out of consideration, let's do what Alberta and Manitoba, what British Columbia and what Nova Scotia did: still under advisement and it's not showing up in the regulations. I would say this is one that we should pause on, reflect on and make sure that we don't jump the gun on this and adversely affect the population that we serve. That is what I would state.

Dan Clarke runs an outfit for ATVs within the District of Bonavista, resides in Musgravetown. He's one of the ones pushing to get the trail – like the CBN T'Railway that they have – to stretch from the start of the district, which will be in George's Brook-Milton right to Bonavista, bringing tourists, economic development. He wears his helmet – everything on an ATV, snowmobile helmet. He does not think – him and his wife – that it's necessary in a well-fortified Side By Side.

I'm gone over the five minutes.

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

**C. PARDY:** But I am going to wrap up. I just want to read you some names, some of these you may know – not many of you, but some of you: Shawn and Jackie Vokey; Randell and Wanda Webster; Allan and Irene Fudge; Gerry and Shirley Parsons; Ivan Greening of Musgravetown; Dana Ivany; Scott Ivany; Shawn Loder; Rick Pam Collins; Thelma and Terry Fitzgerald; Jeanette Reader, Musgravetown; Morgan Ellis, George's Brook; Dennis White, Catalina; and I would say there are others. At least that gives an indication that it should be a reflection.

I know that our senses may not be the sharpest now at this late hour, but I would like for us to consider that regulation: putting it on pause; studying it further, like a lot of other things need to be studied and make sure we don't harshly jump on one aspect of this act and what you've presented to adversely affect so many people.

One hundred per cent wishes for helmets not to be worn in Side By Sides in the District of Bonavista. Extrapolate that over the 40 and we have a significant number.

Mr. Speaker, thank you for your patience and I'll allow for somebody else.

Thank you.

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

**SPEAKER:** The hon. the Member for Topsail - Paradise.

**P. DINN:** Thank you, Speaker.

I think one thing we can take from my colleague there is not every district is created equal when it comes to the use of ATVs or Side By Sides or dirt bikes. Certainly, how they're used up in Labrador, as an example, is very much different from how they're used in Topsail - Paradise.

In Paradise, we are bookended between CBS and Mount Pearl and the T'Railway there. The T'Railway going toward Mount Pearl and the T'Railway going toward CBS, there is no motorized vehicles allowed. However, the segment going through Paradise does allow motorized vehicles.

I can tell you from my own experience walking the trail and biking the trail, 90-plus per cent of the users on motorized vehicles are safe and courteous. Surprisingly, it's the – well, not surprisingly, but the dirt bikes, the two-wheelers, tend to be flying by, but I will say the ATVs and the Side By Sides are very respectful driving by in terms of speed and courtesy.

This bill, when we look at ATVs respecting the off-road vehicles, it's essentially about safety. It's essentially about ensuring people use the machines safely and responsibly.

You'll recall when the trikes came in, when the first ATVs were coming in. I think they were introduced in the early '70s and according to *The American Surgeon* magazine, almost immediately they realized alarming rates of injury for children and adolescences. I still see some of those trikes around. I mean, they used to flip over quite easily. I think in 1987 they ceased all manufacturing of those because they were considered dangerous.

ATVs, I think, which was interesting from the same article, tend to be more dangerous than dirt bikes. Even though I see the dirt bikes flying up the trail, they're actually more dangerous than dirt bikes. They say it's due to the crush injuries that occur. Failures to wear safety gear and helmets and such. In fact, they go on to say they're as dangerous as motorcycles based on the mortality and injury scores.

Just like all districts aren't created equal, so are the machines are not all created equal. Take your four-by-fours, you have utility type four-by-fours and then you have, I'd almost call them the racing four-by-fours that are done. You see the same with snowmobiles. You see the touring snowmobiles and then you see the ones that just fly.

Even when you look at your Side By Sides, there are those who have the fully enclosed area and all the safety and then there are those that are less. It's hard to come out with a blanket safety clause that we're going to cover all of it because they're not all created equal.

In my district, even though we're not a huge user of ATVs, people have them and go and use them, I did get calls on this. There were three items that were the main issues brought forward. One had to do with the age of the user and the size of the machine that they were using. They talked about some of the kids' machines that are built and made are actually, when you get to a certain age, they're way too small for you, to the point that you actually can't operate them safely.

The other thing that was brought up was the height restrictions. I had adults call me who, on their rig, can't put two feet on the ground and can balance with one. So they had issues with the two feet on the ground.

The other one, of course, which my colleague from Bonavista spoke about, had to do with Side By Sides. This is perhaps the one in which I got the most calls or most emails, and that had to do with the use of helmets.

Now, I don't have a Side By Side, I don't drive a Side By Side. I've been in them. So I have limited knowledge of it, but what I'm told is, again, not every Side By Side is created equal. Some come with the three-point harness. Some come with the moulded seats in, which actually wearing a helmet in it becomes less safe to do. So there are issues there.

There's also on all these machines that you buy, you can see the stickers; they're all over them, the recommended manufacturer guidelines on usage – their recommendations. So they may recommend a helmet but it's not mandatory.

When you look at it, who is the better person to determine or the better organization or business or government to determine whether it's safe or not safe? I would think you'd have to consider the rig. You'd have to consider each rig or type of rig and see what's safe on that.

I go back to this legislation and I say: Well, what is the intent? What is the intent of this legislation? I would say it's safety, you know, safety is one of the biggest pieces of this legislation.

Then your next question is: Is it addressing the intent? Is it addressing the intent of safety when it comes to this? You have to look at that and see and some of the comments we've already gotten will tell you that, you know, not every rig is created equal.

Then you have to look at it: Is it creating other issues, unforeseen issues? Like I said, I've already touched on one. Some of these rigs have the moulded seats. You strap yourself in and you can hardly move and you're there, which prevents, actually, the safe usage of a helmet. But, again, I still look at the safety standard here, and I'm speaking from less experience on these rigs. I've ridden snowmobiles and quads, but not the Side By Side.

When we're trying to come in with legislation to ensure and increase the safety aspect of their

usage and the responsible usage of these machines, then you really need to consult with the groups that utilize them. There are many groups out there – trail groups, Newfoundland Riders – to consult and then there's also the manufacturer usage directions that you can follow.

I mean, I think about up in Topsail- Paradise, you see them – they're on the roads sometimes – on dirt bikes with no lights in the middle of the night, flying by. I know, growing up – my brother would have been asked this more than me, but if you're going out you're asked: Where are you going? Who are you going with? How are you getting there? When will you be back?

Now, up in Topsail - Paradise, we see these young adults out on the bikes, flying around and I'm surprised – well, unfortunately we have had some deaths recently in this. But I have to say when you talk about responsibility and it's addressed in here in terms of the age or usage, where are parents with this?

The other thing that's happened that we can't ignore is during COVID, during the pandemic, there was a huge uptake in these recreational vehicles, these ATVs and the like. So the training aspect of it, I think, is a good thing. Because I don't know how many went out, bought these rigs, came home, turned the key and went on. We need to look at that.

But the one thing, when you come in with any of this, when you come in with any legislation and, of course, the regulations that will follow, no policy, no regulation, no law is going to be effective unless there's enforcement. I know with the current situation in some communities – I'll call it a lack of enforcement, but maybe it's the lack of resources to enforce. But when it comes to this, I don't know how you enforce this, how you enforce all that's happening here.

I really think when it comes to the Side By Sides, I got no issue – I heard no issues on the snowmobile usage and having helmets on that. I actually heard no issue with the quads in terms of wearing a helmet and the safety issues there. Now, again, it may be different in some districts, but I can only speak for my district there. The biggest comment or response back – the biggest response back – was around the Side By Sides

and the use of helmets or not the use of helmets, whatever you look at it.

If you do a bit of research, you look at how many types of brands of Side By Sides, four-by-fours, snowmobiles. They're not all created equal. But, at the end of the day, safety is utmost here and we have to do what's best to increase, maximize safety.

Look, if we all wore a helmet in here all day, day in, day out, we would be safer; but is it practical and is it practical in some situations to have that helmet? Does it make it less safe in some instances? The responses I get from users of Side By Sides or certain types of Side By Sides – those with the three-point harness and the moulded seats – I think they would tell you that it's less safe.

So that's the comments. I just wanted to bring them to the floor in terms of what I've heard in my district. Some of us will say you don't have as big issues in Topsail - Paradise when it comes to use of ATVs and motorized vehicles, but we do and it's just a different type.

Thank you for your time.

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

**SPEAKER:** Seeing no other speakers if the minister speaks now, we will close debate.

The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** So excited, thank you, Mr. Speaker.

Thank you, everyone. I appreciate everyone's feedback. I'd also like to say thank you to the members of the public. I know my colleagues have mentioned and I've also heard from many people of the province over the last week a lot of feedback. So I really appreciate, you know, detailed, helpful, thoughtful feedback. So I do want to say thank you to everyone for all the feedback that we have received.

I just want to address a few comments. The Member for CBS talked about the fact that he thought that maybe this was rushed. So I know that the Members opposite have been calling for

this in the last sitting of the House and I think if we had brought it in in the last sitting, it would have been rushed. Our teams have been working on this since 2018. It was not rushed. We did extensive consultations, you know, going on from 2018 until now.

We engaged the Newfoundland and Labrador Statistics Agency to do surveys around mandatory helmets. Our teams went to Labrador on numerous occasions. We had countless meetings – I can count them. I have a big spreadsheet here of all the meetings. Lot of meetings with the Snowmobile Federation, snowmobile clubs, the T’Railway Council, MNL, Off-Highway Vehicle Distributors Council, different medical groups, Indigenous governments, Indigenous organizations and community groups. I’ve received tens of letters from municipalities, lots of emails now – even more emails and calls from residents of the province. So we have heard a lot from the people of the province.

The three kind of main areas that I’ve heard concerns around – one is around the two feet on the ground. So I also want to add, Mr. Speaker, we do have some amendments that we will be proposing in Committee. So we have listened to the people of the province and we do have amendments that we’re going to bring forward in Committee. I’ll get to those when we get to the appropriate clauses in Committee, Mr. Speaker.

I just want to, I guess, give some additional context. When we talk about the clause “two feet on the ground,” the next part of that is “or disability-related modification.” We worked with the Disability Office here in the provincial government on that wording to make sure that it was inclusive, but we’ll discuss that further in Committee. We also heard concerns around the cc’s and the size. I appreciate everyone’s helpful feedback around that, Mr. Speaker.

The other element I’d like to touch on a bit is around helmets. In my opening statement and in the media conference that we did, in the act it’s very clear that we’re proposing helmets are mandatory, except for where stated in the regulations. When you look across the Digital Government and Service NL legislation, Speaker, in terms of safety equipment, it’s our

practice to put the safety equipment specifically in the regulations.

We do that so that we can be more flexible and fast acting so when there’s a change in things, we can change that faster than having to come back to the House to change safety equipment. In this instance, Speaker, we are trying to tell the House what our thoughts were. We are trying to be transparent about that. Speaker, I was very clear that there are two exemptions that we are thinking about. Now, we will and we are taking all the feedback we’re heard into consideration and doing additional reviews with different groups.

The two in particular that we’re looking at for potential exemptions are for hunting and trapping for under 20 kilometres an hour. Although I’ve heard a lot of debate in the House where Members think that’s maybe not an exemption that we need to have. I think that was very helpful feedback as well.

Then the other one was around helmets in factory-enclosed Side By Sides. We are very seriously considering that as an amendment, and I can’t say for sure, and that goes in the regulations – not an amendment, sorry, an exemption to the mandatory helmet clause. We are very seriously considering that, Speaker, as an exemption in the regulations. The regulations will be developed depending on the outcome of the amendments and the debate we’ll have this evening.

I do want to touch on, though, the requirement for mandatory helmets. My colleague across the way mentioned around BC and Nova Scotia. I commend the Member on their research. For the Province of BC, in their Off-Road Vehicle Regulation, 2(c), Side By Sides are expressly included in the regulations, where helmets are required for both driver and passengers. So that’s my research, my team’s research. Nova Scotia does not exclude Side By Sides, Speaker. All provinces and territories, except for two, have mandatory helmets on Side By Sides. The Member mentioned the two that do have exemptions, and that’s fair, too, and depending on our regulations we might be one of those.

I’ve received a lot of feedback and I’ve heard in the House people say: Well, I have a car, I have

a convertible, I can drive on the highway and I don't need to wear a helmet. I've heard a lot of feedback from people who spent \$20,000, \$30,000 or \$40,000 on a very expensive Side By Side and there's a perception that that is safer than your car. But Transport Canada has very strict rules for roadworthy vehicles. A Jeep Wrangler or a convertible, they meet Transport Canada's standards for roadworthiness, and they're crash tested and there are very high testing standards that the vehicle manufacturers have to produce. When we look at off-road vehicles, I'm sure companies do testing, but there's not that same level of standard for off-road vehicles. I think it's a fallacy, I guess, for someone to think that their \$30,000 or \$40,000 off-road vehicle is necessarily at the – it could be, but they're not tested and Transport Canada doesn't set the same regulations for safety around off-road vehicles as they do for roadworthy vehicles, Speaker. I just wanted to mention that.

I want to also be clear around some of the numbers. I've had colleagues ask me: How many people have died specifically in a Side By Side in Newfoundland and Labrador? We've reached out to the Newfoundland and Labrador Statistics Agency and NLCHI, the Newfoundland and Labrador Centre for Health Information, and that information is not tracked in that way. So there is no record in Newfoundland and Labrador of the specific type of ATV, because Side By Sides are considered an ATV, and they don't keep track of the type of ATV when they're looking at the accidents. Now, other provinces do, Speaker.

There is a Statistics Canada report, *Circumstances surrounding all-terrain vehicle (ATV) fatalities in Canada, 2013 to 2019*, and that's available on the Statistics Canada website. This does not include data for Newfoundland and Labrador and Manitoba, but it does include data for the rest of the country. When we look at 2013 to 2019, in Canada, on average, there are 100 ATV deaths per year and that includes Side By Sides. So, between ATV and Side by Sides, 100 deaths per year in Canada, on average, between 2013 and 2019, and of those, 9 per cent were Side By Sides. In Canada there are nine deaths a year involving Side By Sides. In 79 per cent of all the ATV deaths, Mr. Speaker, the final cause of death was reported to be an injury

sustained during the incident, such as a fatal head, chest or spine injury. These are very serious accidents that occur across Canada involving ATVs and UTVs, and we are trying to improve the safety and we are trying to reduce accidents and save lives.

Now, I'll end just by saying I worked in financial services and whenever we had a really stressful time I'd always think: Oh well, I'm not saving lives. I have made mistakes in my career and when I make a mistake it doesn't impact someone's life, Speaker. Where I know some of my colleagues here had jobs where if they make a mistake it does impact someone's life. So I was thinking earlier today that we can save lives here. Making these types of rule changes where we make helmets mandatory will save lives. I guess I just feel so privileged and thankful that we're in this opportunity where we get to save lives and I, personally, don't think that we should – you know, I've heard the inconveniences, Speaker, from the people of the province. Side By Sides are designed to be worn by helmets. Rick Noseworthy from the T'Railway Association says it's not true that you can't – all the arguments I've heard, he's kind of argued against.

Speaker, in conclusion, we are trying to improve the safety culture and we're trying to save lives, and I'm happy to answer lots and lots of questions in Committee.

Thank you very much.

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

**SPEAKER:** Is the House ready for the question?

The motion is that Bill 22 now be read a second time.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.



**CLERK:** A bill, An Act Respecting Off-Road Vehicles. (Bill 22)

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

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

**S. CROCKER:** Now.

**SPEAKER:** Now.

On motion, a bill, “An Act Respecting Off-Road Vehicles,” read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 22)

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

**S. CROCKER:** Thank you, Speaker.

I move, seconded by the Deputy Government House Leader, that this House resolve itself into a Committee of the Whole to consider Bill 22.

**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.

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

Carried.

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

### Committee of the Whole

**CHAIR (Warr):** Order, please!

We are now considering Bill 22, An Act Respecting Off-Road Vehicles.

A bill, “An Act Respecting Off-Road Vehicles.” (Bill 22)

**CLERK:** Clause 1.

**CHAIR:** Shall clause 1 carry?

The Chair recognizes the hon. the Member for Ferryland.

**L. O’DRISCOLL:** Thank you, Chair.

I’ll just start off with a couple of general questions.

First, the new legislation does not change enforcement related to ATV, Side By Side or snowmobile safety. Can the minister provide some comment on how the legislation will be enforced and who will be enforcing it? Are there enough resources available for enforcement?

**CHAIR:** The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you, Chair, for the question.

In terms of the enforcement, obviously, the RNC and the RCMP. We have a range of peace officers who are listed in the act under the definition section; I can just go to that for a second. Peace officer: a member of the Royal Newfoundland Constabulary; a member of the RCMP; member of a municipal police force; a park warden under the *Public Service Employment Act*; a wildlife officer; an officer under the *Provincial Parks Act*; and anyone else designated as a peace officer in the regulations.

In Digital Government and Service NL, we don’t provide funding. I’d have to refer to my colleagues at the Department of Justice, but we have worked very closely with our enforcement partners and many of the changes that we’re proposing have been recommended by the RNC and the RCMP to help them better enforce the rules.

We’re very hopeful that this is a good tool to improve safety and enforcement.

Thank you.

**CHAIR:** The hon. the Member for Ferryland.

**L. O'DRISCOLL:** My next question was going to be: Will there be more enforcement? Maybe you can speak to the Minister of Justice to see when he can get it enacted and get some more enforcement.

**CHAIR:** The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you, Mr. Chair.

Again, we're not giving any additional funding with this bill from Digital Government and Service NL, but we have included recommendations from our enforcement partners to improve enforceability of the legislation, including specific clauses around supervision; we're increasing fines, a range of things to improve our enforcement partners.

Adding funds would be a budget decision, which we're not making at this time.

Thank you.

**CHAIR:** The hon. the Member for Ferryland.

**L. O'DRISCOLL:** In the briefing we were told that the changes being recommended were decided upon in consultation with a number of the clubs and associations; however, not every off-road vehicle is a member of a club or an organization.

How will owners of off-road vehicles be informed of the new rules so they don't find out about it after their violation?

**CHAIR:** The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you very much for the question.

We've received a lot of feedback from people. It's been on the news; people understand that changes are coming. Our Motor Registration team will have to implement a lot of changes as well. We're going to do news releases. I'll be on *Open Line*. We're going to make a reasonable effort to make sure that people are aware.

Thank you.

**CHAIR:** The hon. the Member for Ferryland.

**L. O'DRISCOLL:** Thank you, Chair.

I think you did answer this but I just wanted to make sure I get it on the record.

Can the minister outline what consultations took place with municipalities? I think you did answer that but I just wanted to ask it.

**CHAIR:** The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you very much, Chair.

We did meet with MNL and from 2018 to now we've received feedback from many municipalities, like tens of municipalities. I have letters and we've had discussions with different municipalities because some municipalities are allowed to create their own rules and then allow off-road vehicles to ride on their roads. Obviously, this impacts them greatly. I believe this is going to come up at the upcoming MNL conference as well.

My understanding is MNL are supportive of our proposed changes.

Thank you.

**CHAIR:** The hon. the Member for Ferryland.

**L. O'DRISCOLL:** Thanks for that.

In the briefing we were told about possible regulations, and I'm just going to go back to this again, that operators and passengers must wear a helmet to conform to safety standards. I know you said you were going to look at it based on the Side By Side.

But if the vehicle is an off-road vehicle and it goes less than 20 kilometres, can the minister provide some insight how they got to that regulation and what's the rationale for it?

**CHAIR:** The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you very much, Chair.

One of the starting places when we looked at exemptions across the country, looking at what members of the public would want, in the communications that we had and the surveys that conducted and then, I guess, as a government, which ones we wanted to put forward as well. The hunting and trapping, particularly, is in Quebec and Manitoba. So we thought that those were appropriate for the Newfoundland and Labrador environment.

Thanks to all the members of the public who have provided us with additional feedback. We're going to take that into serious consideration.

Thank you.

**CHAIR:** The hon. the Member for Ferryland.

**L. O'DRISCOLL:** Thank you, Chair.

One other question regarding that. I know they said if you're hunting and you're driving along and you go less than 20 kilometres an hour, the only thing I'd be leery of there is that somebody is going to put a gun on their bike so they don't have to wear a helmet. That would be the only concern that I would have.

We have ways of getting around these rules and speed is not going to be – it's not like we have a radar detector in the woods, but somebody will put a gun on their bike just so they don't have to wear a helmet. I don't know how that works but I just wanted to throw that out there and put it in.

That's it for this section, Chair.

**CHAIR:** Thank you.

The Chair recognizes the Member for Humber - Bay of Islands.

**E. JOYCE:** Thank you, Chair.

I just wanted to have a few words about this here and say that the number of people that contacted me was a lot more than most Members said in this House. I know the minister got a lot of copies of the emails.

I'll ask the minister, and I could if I didn't (inaudible) the other way: When you're reading

off the jurisdictional scans that you had, would you mind tabling that, what all the other provinces are doing with that?

**S. STOODLEY:** Yes, sure.

**E. JOYCE:** Okay, perfect.

Usually, when a minister reads something off you can ask for it and I didn't want to do that. I'm asking just as a friendly gesture if we could have that, to have that reviewed.

In your point, Minister, when you mentioned that since 2013 to 2019 in Canada there was 100 deaths in Canada with ATVs, 9 per cent were Side By Sides, so nine in six years.

Do you know if there was a breakdown, how many of them were factored sealed or were they open Side By Sides? They're all grouped in itself.

**CHAIR:** The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you, Chair.

In the Statistics Canada report you can look at some of the background information. They didn't have it broken down there. I understand you can contact Statistics Canada for some of that information. I didn't have this in time to do that, but I'd be happy to send the Member the Statistics Canada report online and you can then investigate all the background data that they have. But from what I can tell, they didn't have it broken down further.

Thank you.

**CHAIR:** The hon. the Member for Humber - Bay of Islands.

**E. JOYCE:** We haven't got the full information on this.

When you speak to the experts, and I'll be upfront, I know a lot of people who have Side By Sides and a lot of them when you scroll down and look at them, they thought they passed the safety standards in Canada because they have the roll bars, because they have the steel doors. They got this protection built in.

I heard the Member for Topsail - Paradise talking about the headrest that is fitted for your head. That is true. So with a helmet on you'll be pushed forward here on a regular basis and your ability to look left or right is one thing.

A lot of these vehicles also, the factory-sealed vehicles as we call them, they're not the speed demons. They are not the speed demons that you see on a lot of the roads.

I say to the Minister of Tourism, just to bring it to your attention. One of the biggest tourism things now is these groups, Side By Sides, going across the province; people coming in from New Brunswick and Nova Scotia. I see a lot in Corner Brook; I see a lot.

Now, if you have to leave St. John's in one of those small factory-sealed vehicles with two helmets and drive across Newfoundland, it's going to deter a lot of tourism.

**S. CROCKER:** Can I have leave for a second now?

**E. JOYCE:** Sure, go ahead.

**CHAIR:** The hon. the Government House Leader.

**S. CROCKER:** Thank you, Mr. Chair.

I brought that up in my comments, actually, when I spoke to the bill earlier. But I would point out that somebody coming from Nova Scotia, New Brunswick or Prince Edward Island, they would be coming from a jurisdiction which have these rules.

The jurisdictional scan: Nova Scotia does have a mirror image of what our proposed legislation would have. Anybody coming from an Atlantic province, as an example, would be coming from a jurisdiction where they would already be required to wear a helmet in all Side By Sides. So they would be accustomed to this as they come to our province.

**E. JOYCE:** I have to express their concerns –

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

**CHAIR:** Order, please!

The Chair recognizes the hon. Member for Humber - Bay of Islands.

**E. JOYCE:** Thank you, Chair. Sorry about that.

I have to express the concerns. If I start reading in the number of emails that I have from the people in Humber - Bay of Islands and around that area, we'll be here a few days because there are a lot. A lot of those individuals are very concerned that the older type that are in the factory-sealed – I had a few text messages and a few emails just a few minutes ago saying: Is the minister going to take it out in the regulations? I sent the notes back: No, there is no guarantee but they'll look at it during the regulations.

As I said the other day in my few words, if we don't get it out of the act itself, then it's at the discretion of whoever happens to be the minister and whoever has influence on the minister. That is the problem that we have here. With the nine deaths, which are the deaths from 2013 to 2019 across Canada in Side By Sides – which is sad; every death is sad in the province for this. We don't know how many are actually caused – or with factory-sealed Side By Sides and not those smaller, much quicker ones that will go over in through the barrens, go over the rocks. A lot of these here can't do that kind of maneuvering and don't have the ability to do that type of Side By Side in the backcountry and over very rough terrain. Without that stat it is hard to say, okay, let's group everybody in.

I'm not sure if the concerns are met by the people in the province. I don't think there is any person in this House that would say we don't want the safety concerns put in that's going to save someone's life. But if you speak to the people who actually have the vehicles, you would know then that they're saying that if you put it in there, there is a greater possibility that you would have more accidents with it if you put the helmets in because of the conditions.

I'm just trying to look up the accreditation. When you have a lot of these accreditations for these factory-sealed, it is accredited for safety across Canada. It is accredited – the Canada Safety Council. It is. So when you talk about the cars and not the safety as tested as much as the Side By Sides, you look at the Safety Council and you look at that they do pass that test. It's a

great bill that was brought in. I know the minister did a lot of work. I know the staff did a lot of work on it. I know it's controversial.

With the two that the minister said that there's going to be amendments to – which is good, which is great. But if we can find some way to get around that with the Side By Sides where people feel safe in Side By Sides – they feel safe. They know with their seat belts on, with the roll bars, with the steel doors they feel safe. These aren't the small Side By Sides with no doors, no windows. You see them a lot in the *Mad Max* movies just zooming back and forth.

A lot of these individuals that are on these vehicles – and I can read but there's no need. I'm sure the minister has them and the minister responded to most of them. To her credit, she did. But if we just lumped those factory-sealed vehicles in with the Side By Sides without any doors, without any roll bars, without other safety features, we are doing a disservice for the ones that went out and bought these vehicles for that reason.

A lot of people that we hear from, that's why they went out and bought these types of vehicles, because they're safe. They're much safer. They want to go for a ride on some of those trails that we have in the Province of Newfoundland and Labrador. They want to feel safe, they want to feel comfortable and they want to ensure that they make it home. That's why a lot of people have bought those types of vehicles, because they are.

So I ask the minister – and I know you're saying that you'll consider it in the regulations. I have no doubt that you would consider it in the regulations, but my concern is that if it's put in this act, then it's out of our control in this House of Assembly. We are not in control. Once it's in the act, who makes that decision then is the staff and the minister, whoever that is. Who makes the decisions?

**S. STOODLEY:** (Inaudible.)

**CHAIR:** Order, please!

The Chair recognizes the hon. Minister of Digital Government and Service NL.

**S. STOODLEY:** Just to respond to that specific point, the regulations are approved by the Lieutenant-Governor in Council.

**CHAIR:** The Chair recognizes the Member for Humber - Bay of Islands.

**E. JOYCE:** Thank you, Mr. Chair.

That's exactly my point. You will bring those recommendations to Cabinet. If Cabinet is going to make the recommendations, it's out of this purview of this House of Assembly, exactly my point. The minister just made my point for me.

I'm not saying that you won't take that out of the regulations. I'm not saying that. I'm sure you would consider that – I'm sure of that – but why put the people through the stress and wait and the need of going through this anguish over it when we know that they're the safest ones of any Side By Side, the factory-sealed ones. I'm not getting into the ones with no doors, the *Mad Max* ones going up over rocks and in through valleys – not those types – we're talking about the ones that I know.

**AN HON. MEMBER:** Do you want me to get that?

**E. JOYCE:** No, that's people calling me about it already.

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

**E. JOYCE:** Minister, seriously. I'm very serious that if we could take that out now, I think this would be a bill that's supported by everybody in this House because there are a lot of good points in the bill. There are a lot of good safety issues in the bill, there's a lot of work gone into the bill. But when the people who take their position seriously, buying these vehicles to be safe – I have a lot more to say and talk about this. I could even read out on the safety of those vehicles. I could send it to the minister actually.

They ask here, what is accreditation? Accreditation looks well in health care organizations such as national standards of excellence. Once these vehicles gets accredited they meet the national standards. This is something that I feel we're missing. You're saying that they not be as strong as cars. We

don't know if they are, but I think a lot of those Side By Sides are pretty safe.

As my colleague just mentioned, they're not going 100 kilometres an hour on the road also. A lot of the Side By Sides, the ones we're talking about, can't even get up to 100 kilometres an hour, but then again they are pretty safe. If you have the roll bars on them. I think it's 3600 – is it 3600?

**AN HON. MEMBER:** (Inaudible.)

**E. JOYCE:** They're all different ones, but I know a lot of them; 1500 is pretty safe.

Before we leave tonight I encourage the minister that we can make some guarantee, some commitment or some promise that if they're factory sealed that they will be taken out of this bill. Make a friendly amendment and I think this bill will go through this House and there will be a lot of positive comments and a lot of people safe to get this bill through this House as soon as possible. So I'm encouraging the minister.

I'm just going to look for a few things after this because I'll speak again on it because I had so many comments about this. I can't remember the last time I had so many comments and inquiries about an issue. I had some about the size of the snowmobile, but the vast majority were helmets inside factory-sealed Side By Sides. Then when we got the stat – 10 deaths are a lot across Canada. But when you got the stats that there are 100 deaths in Canada over six years and nine of them were Side By Sides and we still don't know how many of them were actually the factory-sealed ones and how many were in Newfoundland. We don't even have the statistics of how many in Newfoundland and Labrador were done with riders in the factory-sealed safety vehicles. So that's the other thing. Here we are making the decision here and right now in this House we don't have the full information. I thank the minister for tabling – going to the table so we could all have a look at the scans all across Canada. I had a look at all of that and I thank the minister for that.

But to say we don't have the statistics for Newfoundland and Labrador and the statistics that are being used across Canada don't even break it down either. It's hard to make a

rationale. People out in my way that have contacted me, they're saying: Well, how many? We don't know. So we can say now that we don't know. As parliamentarians we cannot give the people the answer to how many deaths have been caused in Newfoundland and Labrador – or not caused by, but how many deaths were people riding factory-sealed Side By Sides in Canada or even in Newfoundland and Labrador. We cannot give those stats to the people who are the ones that will be riding those vehicles and now going to have to be using helmets. So it's going to be tough for us to go out and justify that, I say to the minister, unless we have the information to supply it.

We know and we all see it across here, without the information people start filling in the gaps of the information. People will start saying: Well, there was none. We don't know; we honestly don't know. People might come up and say: Well, there are 20 or 30. We don't know. Well, we know it's not that, but that's how the people start putting in with the false information, when we don't have it. So I'll leave it at that, but I will be speaking again on it.

I say to the minister, two things, I know you responded to a lot people, and thank you for that, but I ask that another amendment be made, if the minister wants to make a friendly amendment, to have this taken out of this bill. Even if you take it out of this act now, until further consultation, so that we can get the facts to bring it to this House of Assembly so that we can make an informed decision. Right now we cannot make an informed decision if there's a real need to take them out of those factory-sealed Side By Sides.

I've got a lot of calls and I know there's a group out in Western Newfoundland that I've been dealing with on it and explaining to them the process that's going to happen in this House. They're just saying: Look, we're responsible adults, we are following all the rules, we're trying to keep it safe and that is why we bought these vehicles, to be safe. That's the only concern that they have. The only concern. I mean, when you bring in a bill that size, with so many regulation changes and just have three things that people got major concern about – that's pretty good. It's good. Now with the

friendly amendments that the minister is going to make on two of them, there's one left.

I know and I look around the room, especially in rural Newfoundland and Labrador, and my colleague, the Member for Mount Pearl - Southlands, mentioned he was getting calls on it also, on the helmets. We're trying to work together; we're trying to work for the people of Newfoundland and Labrador and especially the people that we represent. What I'm doing here is – by the way, I own one also. If you try to get in the one that we got with a helmet you can't even steer because you got your head back and the minute you put your head you can't even look straight on the road. It's the roll bars, everything into it and that's why we bought it. I think the speed can go up to 18 miles an hour or 20 miles an hour. That's it. Now with the helmet in you wouldn't even be driving safe. With the helmet on the minute you turn you're smacking into the window. The minute you hit a little small bump you're head is hitting at the roof. That's how enclosed they actually are.

I ask the minister to reconsider making a friendly amendment on the helmets because I think most of us in here have heard the same calls. It's not that we're not trying to be safe to the people of Newfoundland and Labrador; we are trying to be practical to the people of Newfoundland and Labrador. This is why we need – if the minister even made the commitment that: No, it won't be in the regulations right now. If it increases then you bring it in the regulations. But I just ask the minister to reconsider that for the people that contacted me, personally, and I know contacted the Premier and the minister. I can start naming the people and I can start reading the letters, I won't do that, but there are a lot of people. I think the last count I had was over 240 emails that I got concerning this. The vast majority are helmets. There are some on the size of the snowmobiles, 125.

My time is near, so I'll just thank the minister and I'll have another opportunity to speak on this again.

Thank you, Chair.

**CHAIR:** The Chair recognizes the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you, Chair.

I just wanted to respond quickly. I just want to be clear, the act that we're proposing says that helmets are mandatory, other than exemptions listed in the regulations, and so the regulations come afterwards. We're just trying to be transparent about what we're considering for the regulations and we appreciate all the feedback. That will be determined in the regulations.

I also have here an owner's manual for the Ranger Crew XP 1000, which to my understanding isn't an enclosed Side By Side and the factory-enclosed Side By Sides recommend helmets. In fact, there's a flashing light in this one that flashes and says: Wear a helmet, wear a helmet, wear a helmet. All the manufacturers recommend helmets. If you go to anyone's website and look at all the photos, Chair, everyone in the photos and videos on all the manufacturer websites of all the enclosed Side By Sides are all wearing helmets. They're built and designed for people to wear helmets.

Thank you, Chair.

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

**CHAIR:** The Chair recognizes the hon. the Member for Bonavista.

**C. PARDY:** Thank you, Chair.

In my relatively short, non-repetitive preamble, I mentioned about data may not be complete sometimes and we throw data out. The only thing I would say to you, the minister had suggested that there were 100 ATV-related deaths in Canada each year, which is correct. But another little significant piece of that would be that half of those ATV-related deaths involved alcohol or drugs. That's significant because it gives that picture when we look at that number across Canada, and we know the rationale lots of times.

I was directed towards Parachute, which is a national, charitable organization dedicated to injury prevention. Also, Parachute discussed children and youth are at special risk. They mention that ATV use by children result in serious injury and death; children and youth's lack of knowledge and development of skills to

safety operate these vehicles; and the Canadian Paediatric Society recommends that ATV drivers should be 16 years or older, and that's what we're suggesting. We have no disagreement with that.

If I look at the epidemiology of terrain vehicle and snowmobile-related injuries in Ottawa – and that was published in 2019 – they state that the age group with the highest rate of emergency room and hospital visits were those 15 to 19 years, followed by 20- to 24-year-olds and, thirdly, 10- to 14-year-olds. In total, there were 204 fatalities resulting from ATV, snowmobiles and other all-terrain vehicle use in Ontario from 2008 to '12, with 20- to 24-year-olds representing the highest rate of fatality. Although the fatality rate across all groups is low.

One study reported that children – again, from the same study – under the age of 16 were four times more likely to require treatment in the emergency room due to ATV use compared to older riders. Although children represent only 12 per cent to 15 per cent of ATV ridership, they account for 27 per cent to 35 per cent of all ATV-related fatalities. Four times higher than any other group. So when we look at that statistic, then we know that what we need to focus on, it isn't the riders that the Humber - Bay of Islands is addressing, there are parts in the regulations that we can zero in on because the data provides it for us.

Finally, on the last part, the Minister of Tourism, Culture, Arts and Recreation mentioned twice now Nova Scotia crossing and coming across to Port aux Basques, but let me read to you what the information specialist from the Legislative Library here who checked twice with their counterparts in the legislative library and information searches in Nova Scotia.

Here is what they said about Nova Scotia, cut and paste coming from their legislature: It appears that helmets are not required on Side By Sides in Nova Scotia. And your officials can check again. The term isn't included in the definition of an off-highway vehicle in the *Off-highway Vehicles Act*, but the definition does include four-wheel-drive vehicles and dune buggies. I reached out to the department responsible – and this is the legislative

researcher in Nova Scotia – to determine if these are considered to be Side By Sides and found out that it is an ongoing matter of discussion, particularly for four-by-fours. In any case, the helmet requirement excludes both these type of vehicles.

When I called to reassure that I can recite it in this House to make sure of its accuracy, she followed up again and got somebody else who reassured her today before I entered the House.

I concur wholeheartedly, without any repetition, with the MHA from the Humber - Bay of Islands. The only thing I can't get my head around is the last time he spoke previously on the previous time, Bill 22, he talked about a lot of people in his district hunting turrs from a quad. In the District of Bonavista, it's only a boat. So he's got a lot of uniqueness in the Humber - Bay of Islands because it's not in the District of Bonavista.

Thank you, Chair.

**CHAIR:** Chair recognizes the hon. the Member for Stephenville - Port au Port.

**T. WAKEHAM:** Thank you, Chair.

I won't be long. I just have a couple of questions. I read through the briefing that was given to us. Again, I mean, everybody agrees with the intent because it states right there that the primary objective is to enhance safety, and nobody can disagree with that. We all are interested in enhancing safety. But I would argue that enhancing safety is not just about bringing in legislation. It's about education, it's about training and, ultimately, about enforcement.

I'd ask the minister: What plans do you have in relation to education for people on off-road vehicles, enhanced education – is there something that you're planning for that? You can answer that and I'll come back again with another one.

**CHAIR:** The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you, Chair.



Absolutely education is a very important piece. We've thought a lot about how do we improve the culture and improve the safety education of people of the province. What we are proposing in this act is mandatory training for different groups of people. Training would be required for anyone under 16 years of age. Again, that's getting at the youth getting into accidents unfortunately. So youth, under 16 years of age, mandatory training; anyone registering an off-road vehicle for the first time, so any kind of new user or anyone who moves into the province; and the third then, Chair, is anyone convicted of an offence under the act and regulations and has their registration suspended or cancelled.

If anyone shows us, demonstrates that they're not a safe user, then we're going to have mandatory training. The details of that are to be determined and I'm sure we'll get to that further when we get to that section. But we have contemplated education. I guess in terms of the training, we did consider having mandatory training for everyone, but we do recognize that there are a lot of very experienced users in the province and it's probably not reasonable to have everyone do training. So we thought that this was a good kind of compromise where, over the longer term, everyone would have gone through this training – all the 16-year-olds and then once you register a vehicle for the first time.

Thank you.

**CHAIR:** The hon. the Member for Stephenville - Port au Port.

**T. WAKEHAM:** I thank the minister for the answer, but that's not the type of education I'm talking about. I realize you've got training in here. What I'm talking about is education that goes well beyond that. That kind of enforcing the message out there about how you should use these machines and where you should use them.

I don't know if you have any statistics right now on enforcement. For example, can you tell me how many tickets have been issued to people riding quads without helmets?

**CHAIR:** The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you for the question.

I don't have that number in front of me.

Thank you.

**CHAIR:** The hon. the Member for Stephenville - Port au Port.

**T. WAKEHAM:** That goes back to the whole enforcement piece because bringing in legislation is good but if we can't enforce it, it doesn't really matter. We have to try to educate the public on the safe use of these off-road vehicles; it isn't just about training.

But the other thing I would argue is you identified people who would do the enforcement but can you tell me how are they going to enforce it.

**CHAIR:** The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you, Mr. Chair.

I'm responsible for the legislation. The enforcement happens in different departments and different peace officers. I know we don't have enough officers everywhere, I've heard that in a lot of the feedback. We do give peace officers powers in the act to set up checkpoints, that kind of thing. Then, in discussions with the RCMP and the RNC, if they receive complaints, they'll do targeted enforcements.

If they know that someone does a certain route and they've gotten complaints, then they'll go and make sure they – I'm not an expert in that, I can't really speak to the enforcement. I'm just trying to give a flavour for what we've heard from our partners.

We also do blitzes. Then, in terms of the education, we don't have big budgets for awareness and education. We work with our safety partners, social media and government press releases; we did the media conference. This is a tool to improve safety. We're taking this opportunity to hopefully improve the culture and have a conversation around safety.

Thank you.

**CHAIR:** The hon. the Member for Stephenville - Port au Port.

**T. WAKEHAM:** Again, I would argue that is one of the key components here, the education and the enforcement piece that goes along with the legislation. It's going to be critical. I think we can do a lot more, maybe spending a lot more – if we put some money and resources into that whole education piece.

I'm not going to go into the mandatory helmet use; lots of people are talking about that one. When you talk about persons operating a Side By Side, unless the person is able to sit with the seat belt fastened and both feet flat on the floor, I would suggest that maybe being able to reach the gas pedal and the brake pedal would be a better way to put it, because the reality of it is I think those are the things that really matter. There are lots of people who could move the seats up and reach the gas or reach the brake, perhaps the brake more important. I know you mentioned you may change some of that one so I'll leave that for now.

The training piece we talked about. You'll have some suggestions about that in the regulations. Somebody that has a driver's licence, for example, for the last 20-25 years and goes in to buy a quad, I am sure the company will provide them with some training on how to use it, but I'm not sure what else will be required there.

Lastly, the piece on the snowmobile has been the real issue that has come up, especially out my way. What I have been told – and, again, I understand you may be bringing in an amendment to that one. Is that an amendment that's going to be brought in this evening as opposed to regulations on the cc's?

**AN HON. MEMBER:** (Inaudible) in the regulations? Yeah, it would be –

**CHAIR:** Order, please!

The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you, Chair.

I guess we do have amendments to bring in. We're going to bring them in at the appropriate

clauses as per the process. I'm not sure if it's appropriate for me to –

**T. WAKEHAM:** Okay, I'll wait until we hear the amendment before I speak on that one.

**CHAIR:** The Chair recognizes the hon. the Member for Terra Nova.

**L. PARROTT:** Thank you, Chair.

In my previous life, I got paid to do a whole lot of stuff that wasn't safe. We did all kinds of training and had all kinds of recommendations, but we still had to do it.

I'll start off by saying I'd never put my children in an unsafe situation, although I've done some unsafe things. If I go for a ride on my Side By Side – which is fully enclosed, has a governor on it if my seat belt isn't on – I offer the option to wear a helmet. I don't wear one. I don't wear one because I feel safe. My son actually wears one sometimes, but his complaint is he can't turn his head and look out to the side. There is some reality to that.

This morning when I went down to the Newfoundland and Labrador building trades conference, I didn't get to speak but I was there. The past president of the Teamsters Union, a gentleman by the name of Dave Pierce, came over. He said, I heard one of things you said in the House about hard hats inside of trucks and all vehicles that they had over at the Bull Arm site. He said we still have two workers off on long-term disability because they wore hard hats inside of vehicles on site. There is certainly risk associated with it in some of these Side By Sides.

I guess my point is all things aren't equal with Side By Sides, not even remotely close. What I think everyone in this House, who are speaking to the helmet issue are saying, if it's a factory-enclosed Side By Side with a three-point harness, we're asking that people don't wear helmets. That doesn't mean people don't have to wear helmets.

The next thing that was said when that was brought up was recommendations from the manufacturer. Well, they are just recommendations. To give you a couple of

examples: Jeep Wrangler. If you go into their book, their recommendations are you don't drive on the highway with the doors off or the top off. We don't enforce that here in Newfoundland. You can go anywhere you want and you can see people driving in their Jeeps with the doors off and the top off, but the manufacturer recommendation says they don't recommend that you do that on the highway. That's the first thing.

The next thing is we just spent five hours in this House debating a bill. I heard numerous times about the recommendations on lotto machines, manufacturer's recommendations. We still got to pass a bill to protect Atlantic lotto, but their recommendations aren't good enough.

Now we're trying to enforce manufacturer's recommendations. We're going to let manufacturers create laws in our province. It's a recommendation for safety and I can tell you who that's there to cover. We all know. It's there to cover the manufacturer.

One other thing I'll say is that I have talked to multiple, multiple groups in this province, including the Snowmobile Federation and ATV federations in my district. They all told me they weren't consulted.

I only have one question: I would like the minister to read into the record who you actually consulted with.

**CHAIR:** The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you, Mr. Chair. I would be happy to give a more detailed overview.

This may not be everything because a lot of this happened before my time. I have some information. I can speak to things that have happened in the last year as well.

I think it's important for people to understand that when we're doing consultations the way the legislative process work, it's not appropriate for us to say: Here are the exact clauses that we're thinking of, what do you think? The way the process works, we all see that at the same – the House of Assembly is the first group, appropriately, to see our proposed bill. So the

process that we had last week – or earlier this week; I can't remember – was second reading; we had a media conference; the Members of this House were briefed in advance as a courtesy; the bill was put online; we had briefings for our technical partners; and we did a media announcement where we ran through all the specifics.

We did not say this is exactly what we're thinking, what do you think, because that's not really appropriate. We have general discussions to understand their concerns, their feedback. There might be some high-level discussions, but this House sees our proposed bill when it's ready and sees it first. That's the process.

We've heard additional feedback and we're debating it. So I think there's a misperception around that some people expect, maybe months in advance, to see exactly what we're going to have, but that's the role of this House of Assembly. We proposed it here, Chair.

Let me just see: many communities, snowmobile clubs and Indigenous governments. We worked with the Newfoundland and Labrador Statistics Agency. We did a survey of residents in 2018 regarding helmet use. Our teams went to Labrador on multiple occasions to meet with many Labrador communities and Indigenous governments.

The Newfoundland and Labrador Statistics Agency survey was around helmet use, age limits, training and, I guess, generally, how off-road vehicles are regulated in Newfoundland and Labrador. The opinion survey was in August 2018. We did a survey that was geographically representative with 96.2 per cent of respondents supporting the mandatory use of helmets.

Respondents indicated a desire for increased enforcement of the legislation as we've heard. We did extensive community visits in Labrador in the summer of 2019. We consulted with the Snowmobile Federation. I've had many discussions with these groups: the snowmobile clubs; the T'Railway Council; MNL; the Canadian Off-Highway Vehicle Distributors Council, I met with them maybe a month ago; different medical groups and many Indigenous government.

I guess in terms of the Innu Nation, for example, we've had back and forth with them since 2018 up until September of this year; the Indigenous organizations in Conne River, 2018 to this year as well; the government in Nain, Happy Valley-Goose Bay and the Qalipu First Nation in Corner Brook. We met with the snowmobile club in L'Anse au Clair 2018 and 2020; the Grand River Snowmobile Club in Happy Valley-Goose Bay in June 2018 and July 2018; Newfoundland and Labrador Snowmobile Federation, back and forth 2018 June, July, August, September, October 2019, January 15, 2020; the Newfoundland T'Railway Council, June 2018, December 2020, December 2020 again, January 6, 2021; and the White Wolf Snowmobile Club in Lab City, June and July 2018.

A few months ago, I met with the Off-High Vehicle Distributors Council, MNL and the Newfoundland and Labrador Snowmobile Federation this past summer. I met with Safety NL twice since I've been here and that does not include the – I would say at least 100 letters that we've received and that I've reviewed from safety partners, organizations and communities across the province.

Thank you, Chair.

**CHAIR:** The hon. the Member for Terra Nova.

**L. PARROTT:** One comment I'd make is that certainly if you go to the Safety Council, Safety NL, any of those places, they're going to err very far to the side of safety. I just want to go back to one statistic you just said.

You said that you had 46 per cent support for mandatory helmet use. I'd like for you to break that down for mandatory use for snowmobiles, mandatory helmet use for ATVs, mandatory helmet use for Side By Sides and mandatory helmet use for enclosed Side By Sides.

**CHAIR:** The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you, Mr. Chair.

That occurred before me; that is the top-level information that I had. I can certainly get additional information if it is available.

Thank you.

**CHAIR:** The Chair recognizes the Member for Terra Nova.

**L. PARROTT:** So we had no law for snowmobile helmet use in Newfoundland and Labrador and there was a question asked about helmets. I would argue that the bulk of the people who use snowmobiles already utilize helmets.

Would you not think those numbers are skewed?

**CHAIR:** The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** I guess I'm not really in a position to go through in detail the survey results of the 2018 survey. I apologize to the Member.

Thank you.

**CHAIR:** The hon. the Member for Terra Nova.

**L. PARROTT:** So we have three-year-old statistics that don't even broach on the question that is being asked about enclosed Side By Sides and you didn't think it was important to do a new questionnaire based specifically on enclosed Side By Sides?

**CHAIR:** The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you, Chair.

This has been a long process; the technology is always changing. What we hear from people is changing. The legislation in other provinces is changing. I have committed to this House and the public that one of the exemptions we're seriously considering in the regulations is to exempt factory-enclosed Side By Sides. We're very seriously considering that.

Thank you, Chair.

**CHAIR:** The hon. the Member for Torngat Mountains.

**L. EVANS:** Thank you, Mr. Chair.

I raised most of my issues during the technical briefing such as the limitations to sit astride the bike with feet on the ground, also the helmets inside the Side By Sides and the cc's. I do want to say my concerns were echoed here in the House, but I also want to thank the minister and her department for working with us to address these issues. I am going to wait to see how that unfolds with the amendments that's being proposed.

I do have a couple of questions for the minister and they are about training. In section 22(1)(b), 5(3) and 7(3) it talks about training: Training will be required for anyone under the age of 16; anyone registering an off-road vehicle for the first time; anyone convicted of an offence. So when you look at that, that is a lot of people. When this comes into effect now, we're going to have a lot of people.

So my first question to the minister is: Does she know the numbers that are going to need training? Also, have you identified the resources that are going to be put forward to meet this training because it's going to be a bottleneck and if people don't have the training and if there's a delay in training, we're actually going to have people – can you hear me?

**CHAIR:** The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** Sorry, Chair. I'm happy to answer that.

That deals with the later section. So is that appropriate for me to answer – okay.

On training: we are still working on exactly what the training would look like. Our plan is to proclaim the act in two different parts. The training would be proclaimed afterwards to give us more time to work with our safety partners.

Right now, there would definitely be online training. It would be no cost or very low cost. We've looked at kind of the federal government boating training as a kind of a guide. We believe there would also be some in-person training where online training was not available or not appropriate. So we do not believe there would be a bottleneck, but that's to be determined still

with our safety partners. These are the things that we're proposing at the moment for training.

Thank you.

**CHAIR:** The hon. the Member for Ferryland.

**L. O'DRISCOLL:** Thanks, Chair.

When you get to the regulations – legislation I'm talking about first – you're going to bring in this rule for the Side By Side. Now, in my area, you don't see many Side By Sides. There is some but not a lot. So you're going to put it in legislation and you're going to look at it in regulations. Once it gets there – and you decide that you're not going to change it, you're going to leave it the way it is – then it's too late for these people. They all can't be wrong. That's all I'm going to say; make sure the department looks at that. They all can't be wrong when all these people are sending emails.

I'm not one of them, but all our caucus, just about, had somebody that's representing and sending emails, and just to say that it's going to go in legislation, once it gets in there and it goes to regulations, we have to make sure that we look at that and not just force it through and say, okay, it's done. This is the point that I think people are trying to make.

That's all I'm going to say. I wanted to put that in there in that section that you have to put these people in your mind that they ask this question and there's enough people asking it.

That's all I'm going to say. I'm not going to try to force it anymore than that, but all those people can't be wrong. This is the kind of thing that we need to have that discussion on.

Thank you.

**CHAIR:** The hon. the Member for Topsail - Paradise.

**P. DINN:** Thank you, Chair.

I just want to go back to a comment I made earlier. It's not repetition; I'm going to elaborate on it.

Some Members have asked questions and it's in response to some of the responses that were given. It goes back to enforcement, because really this legislation, I would say, is almost useless if it doesn't have proper enforcement.

When asked about enforcement, the minister went down and described what's there under peace officer and talked about the Royal Newfoundland Constabulary, talked about the Royal Canadian Mounted Police, member of a municipal police force, park warden, wildlife officer, officer appointed under provincial parks and so on. In relation to that, there were no additional resources given to this. In fact, the minister said it was another department; another department had to deal with it. Which, really, if you're coming in with legislation and it requires enforcement, then I would think you would have at least had a discussion with the other departments or the relevant departments. I know when environmental assessments go through government they are actually circulated to every department for comment. When you're doing legislation I know legislation gets circulated to certain departments. It's beyond me why enforcement of this, which really puts this legislation into effect, I don't understand why that wasn't looked at in more detail in terms of how you are going to enforce it.

The minister spoke to – they spoke with their partners and they talked to the RNC and the RCMP – who are very competent; no argument with that, but they are strained with resources – and talked about, you know, they set up a sting to catch people who are operating illegally and that. What I can tell you, from my experience and there are many people in this House who have served on municipal councils, when you look at the stings there, I mean, you have to do it on the availability of the RNC or the RCMP or people that are able to ticket or impose fines.

Now, in Topsail - Paradise, I can tell you in the last eight years there might have been two stings done on the T' Railway and that was all coordinated but it was based on the availability of the RNC in those two cases. We mentioned a member of the municipal police force – most people who've worked on town councils would call them municipal enforcement officers. But I can tell you, municipal enforcement officers do not have the ability to impose fines, they don't

have the ability to confiscate and they don't have the ability for moving violations. All that falls to the RNC and the RCMP, who are, as I said, usually involved elsewhere and strained for resources. So, as a past town councillor, those complaints on Joey going up the road on a wheelie on his dirt bike going mad, they come to the town council. The residents are calling town council and they're saying: This is not safe, they're going up our road and they're crossing the highway.

Look, I'm not arguing against the legislation. What I'm saying is you can't have legislation come in and not have the resources to enforce it. This is an add-on for the resources that are there. Right now there are no additional resources. What this does is it puts an additional burden on the municipalities as the front end on this. The municipalities are going to be the ones dealing with the brunt of this unless they can get some time from the RCMP or the RNC to do a sting here and there. The enforcement of this falls on the municipalities, and there is just not going to be the resources there to do it.

If we're really, really serious about this piece of legislation, then we really have to be serious about the enforcement. I can tell you, up in Topsail - Paradise, as I said earlier in my preamble, 90-odd per cent of the operators up there are responsible, safe users, but it's always that five-or-less per cent, the Evel Knievel's flying up the road, that are going to kill somebody. I mean, that's what it comes down to. So if this is important enough to do the work on this and put in the time to come in with this legislation, I just don't know – what is the plan for the enforcement of this? Because that becomes –

**AN HON. MEMBER:** (Inaudible.)

**P. DINN:** Good, you were always there.

What's the plan for enforcement here when there doesn't seem to be any additional resources there? That's my question and that's my concern.

**CHAIR:** The Chair recognizes the hon. Minister of Fisheries, Forestry and Agriculture.

**D. BRAGG:** Thank you very much, Chair.

I'm glad to talk about enforcement. We have officers all over this province. In every corner of Newfoundland and Labrador we have officers. We have officers in on the back roads. The Member opposite talked about, at one point, they were moose hunting and they got stopped, and he mentioned that they didn't check their registration. Because he didn't officially pull somebody and look at it that's not saying they didn't actually look at the vehicle to see if there was a plate on it.

They issue tickets every single day. This is just another aspect where there are more rules for those enforcement officers to issue a ticket. But you got to realize, we all drive the highway and we all don't see an RCMP officer but we adhere to the rules: the speed limit is 100 and we go 100. We may go 110, but we know once we exceed that there's a good chance for a ticket. So it's like being in the backcountry. The fear of getting a ticket – which is not the reason you should wear a helmet, but it's the reason many people wear a life jacket because they don't want a \$35 fine when they're out in the boat, but they put it on – encourages their safety.

Our enforcement officers are quite prepared, ready and able to enforce this legislation when it becomes in effect.

Thank you very much, Chair.

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

**CHAIR:** The Chair recognizes the Member for Terra Nova.

**L. PARROTT:** Will this legislation make it mandatory to wear a helmet in an Argo?

**CHAIR:** The Chair recognizes the hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** Sorry, I didn't hear. An Argo? I'm not –

**L. PARROTT:** An Argo, yeah.

**S. STOODLEY:** In the definitions an amphibious vehicle is listed. So 2(n), an “off-road vehicle” means a wheeled or tracked motorized vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh,

swamp land or other natural terrain including ... (vi) an amphibious vehicle, but not including agricultural equipment, infrastructure equipment or a garden lawnmower, lawn tractor or golf cart ....”

Does that answer the question?

**L. PARROTT:** (Inaudible.)

**CHAIR:** The Chair recognizes the hon. the Member for Terra Nova.

**L. PARROTT:** Will this legislation require operators of groomers to wear helmets?

**CHAIR:** The Chair recognizes the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you, Mr. Chair.

Vehicles on the highway would fall under the highway enforcement act. I'd encourage the Members to look at the definitions here. There are other clauses – hold on. There's a section about approved areas which talks about where – you know, approved areas. The clauses around managed trails and managed trail operators. We've got disability modifications. Things I listed: all-terrain vehicles; mini bike, dirt bike, trail bikes; miniature vehicles, such as dune buggies or sport buggies; off-road maintenance machine and that sounds like a groomer to me. A trail groomer would be an off-road maintenance machine.

There are other things in here, like what is a Side By Side. So something with four or more wheels or tracks. I'd have to come away I guess and tell you exactly where a groomer fits in the rules, but there's a plethora of categories here.

Thank you.

**CHAIR:** The hon. the Member for Terra Nova.

**L. PARROTT:** I would strongly suggest that you reconsult with the ATV associations, the Snowmobile Federation and the ski hills in Newfoundland and Labrador before those definitions are enforced, because you just made work way more dangerous – extremely dangerous, actually. Working in blizzard conditions in the middle of an evening, at night,

when things are groomed, with a helmet on, is just outlandish. You might want to consult them before you move any further.

What about off-road vehicles that have X plates? Will they be required to wear helmets?

**CHAIR:** The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** (Inaudible) what's an X plate? I'm not familiar with an X plate, I'm sorry.

**L. PARROTT:** You don't know what an X plate is? Okay.

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

**P. DINN:** Thank you, Chair.

I just want to go back to the comments on my question on enforcement. The Minister of Fisheries, Forestry and Agriculture spoke to the staff that are already here, which was not the point of my question. It was around the fact – and I don't argue the competency of those staff. I'm sure they do a fine job. The Minister of Digital Government talked about this being a tool and the Minister of Fisheries, Forestry and Agriculture called it – I think he said – just another aspect. I think that's pretty flippant in describing a very important piece of legislation that deals with safety. There are 20-odd pages to this. That's not just a tool. That's not just another aspect. This needs to be enforced.

Now, it's great that the backroads that the Minister of Fisheries, Forestry and Agriculture – I'm pleased they're being looked after. That's wonderful that they're being looked after. But if you had listened to my earlier part of this, I'm talking about those that are not on the backroads. Those people that are in the municipalities, who are flying up the roads, who are putting people in danger – that 5 per cent; that's what I'm talking about.

If they had been listening, he would have known exactly what I was talking about. I made no comment on – I even read the definition. My point was focused on municipal enforcement officers and the RCMP. I read the wildlife – I got no issue with those. They have their job to

do and they are doing it well. But my point is a lot of the stuff that is not happening on the backroads fall on the shoulders of the municipalities and the only way they can enforce it is if they have the co-operation of the RNC or the RCMP and they do their stings. That is my point.

So regardless if you call it just another aspect or a tool, the use of the word “another” is additional – it's something additional that the staff currently got to deal with, and no additional resources. So it is a simple question: How do you deal with the issues around municipalities who don't have the resources to enforce this? That's the question I'm asking.

**CHAIR:** The hon. the Minister of Fisheries, Forestry and Agriculture.

**D. BRAGG:** Thank you very much, Mr. Chair.

I'd like to inform the hon. Member opposite that many of our operations are sting operations and we work collaboratively with all other departments. We can work with municipal enforcement; we can work with RNC; and we can work with RCMP. But it will be (inaudible) and it is another aspect, it is another rule that we have to enforce, as our staff members would.

I was on an enforcement patrol a while ago and every time we stopped down, there was an infraction; there was a ticket issued, Mr. Chair. Yes, that was backcountry, but then we came right into what I would call the bowels of the city and there was another infraction that we issued. The same thing will be done when we look at ATVs, UTVs, Side By Sides, anything that is not licensed for the road that if our officers witness it – same as RCMP, same as RNC, it will be. Will we get it all? No, Mr. Chair, but the aspect here is safety.

The hon. Member talked about Evel Knievel. If he is talking about lots of younger people, maybe the conversation needs to be had with the parents, Mr. Chair, because we need to look at the safety of all this. Our enforcement officers do what they can, where they can, when they can, as much as they can.

Thank you very much.



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

**CHAIR:** The Chair recognizes the hon. Minister of Digital Government and Service NL.

**S. STOODLEY:** I'd also add that I understand an X plate is for construction equipment, and construction equipment is excluded from the definition. It would not be required.

Thank you.

**CHAIR:** The Chair recognizes the Member for Humber - Bay of Islands.

**E. JOYCE:** I'm sorry about that, Chair; I was just looking something up. The minister is correct, but the tool Bobcat is the same as a Kubota but they get X plates and the Kubotas can't. I went through that a while back but there was one –

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

**E. JOYCE:** The funny part about it; you go out and buy it, we were going for 11 years and once someone finds out that my wife got one, all of a sudden they're gone off the – I wonder how that happened.

The funny thing about that: Hillview Terrace was still given one by the department. Still using an X plate, but everybody else in the province couldn't use it, but Hillview Terrace was allowed. Eventually they said – and I remember in the (inaudible) – oh, but remember our discussion about that. We allowed that one. So they can drive around St. John's, but somebody out in rural Newfoundland and Labrador can't go from here to his fishing shed with it, but the Bobcats still can do that.

The minister is saying now the Bob/Toolcats, which is used for snow clearing on the side of the roads, they don't need to wear a helmet. Now if you want to talk about safety, when you're talking about going in the snow, you're talking about going over ice but the Toolcat, you don't need to wear one. That's just the irony of this.

I just have to bring something up that the Member for Bonavista brought up about the turrs. Over our way, we have freshwater turrs.

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

**E. JOYCE:** My point about that was with the turrs, you have to go to the water to get in the boat. If you had gun saying you're going turr hunting, you don't need a helmet on. That was my point how people can get a gun, say I'm going turr hunting. That's exactly what's in the regulations.

On a serious note, though, that is exactly how it allows. That's how it allows it in this act; you can say that you're going turr hunting, I get into my boat, put my gun in and go on. That was my point behind that.

The other thing I was going to mention is when the minister mentions the manual for a lot of the Side By Sides, that is the standard for all of them. That is standard for all of them. Even in the Bobcats, it's standard.

**P. LANE:** What is?

**E. JOYCE:** They say it is recommended to wear helmets. It's standard. It's not that –

**P. LANE:** To avoid liability.

**E. JOYCE:** To avoid liability – I think that was brought up earlier by a few of them.

The other thing I noticed, Chair, in this whole debate that we had is now the minister is saying that she's seriously going to consider helmets for the regulations; she's seriously going to consider it.

I just ask the government: If we feel that it's going to be seriously considered, is there any opportunity here that we can work this out now and not wait six or seven months?

The reason why I say that, Chair, is this is a big industry in Newfoundland and Labrador. If you go to the associations that the people who are selling these types of vehicles, without this being clarified, I can assure you, there will be a lot of people who will not go out and spend the money on a \$35,000 or \$40,000 machine if they got to wear a helmet. That's what's going to happen.

This is no knock on anybody here, but that's just reality because I can assure you if people who got those six seaters and they got to go across Newfoundland and Labrador in helmets, they're going to start selling. I'm being serious on that, Minister.

What you're going to see is you're going to see a lot of people hold off on the purchase until they see the regulations. I can assure you that. That is a fact. I'm hearing from people that they're going to start selling theirs because it'd just be too unsafe, for one thing; too uncomfortable to get into, the second thing; and they feel this is why they went out and bought these types of vehicles for safety. If they bought it for safety, that is why they want to be able to use it, is because they feel safe.

I don't know if there's a Member in this House who would have one of those vehicles and say to their son or daughter go take my vehicle, take my Side By Side – factory enclosed – if they thought it wasn't safe. It just wouldn't happen and we know that.

Now, if you had somebody who was using one of them open ones that we see on *Mad Max*, a lot of us would say, okay, you got to know how to use it. You would be more concerned than you would with your bigger – because those bigger Side By Sides have to go on a lot of trails that are a bit groomed or a bit level. They can't go in the woods like we've been always saying.

I just remind the minister that the generic manual – and I just got two or three emails about that; I got two or three emails from people to say look that's just generic and they're on all of them.

Just for the record, on the Kubota, it's not in them; haven't seen them, it's not there. There's no flashing red light. There's no picture there: wear helmets. It's not there.

**AN HON. MEMBER:** You can get an X plate; you just couldn't.

**E. JOYCE:** You can get an X plate; just I couldn't get one.

But anyway that's all good. That's water under the bridge.

Minister, when you say that there are a lot of those vehicles that has it on it right in front, somewhere, that you have to wear a helmet; it's recommended that you use helmets. I know in some that I've seen, it's just not there. Some maybe generic, maybe just different models, I don't know. I really don't know.

I would just ask the minister: If you're going to make recommendations yourself, if the government is going to make recommendations itself to make two changes, why don't we go all the way, make the third change here tonight so we could ease people's minds across the Province of Newfoundland and Labrador and we can show that this Legislature is working well and working together?

The amount of emails I got, phone calls, information that I got, and I know the minister got it and I know the Premier got it, the amount that we got, there's a major concern there. If we don't alleviate that concern and the anxiety that people have in the Province of Newfoundland and Labrador over this, when the experts that I know out in Western Newfoundland feel that's it more of a safety hazard to wear a helmet than not wear a helmet, I listen to those people.

A few of those people had outfitting licences. They drive a lot of these vehicles for recreation, but also in their own work, they have the smaller Side By Sides to do the heavy lifting. They know the difference. They know the difference between the Side By Sides, which are not factory enclosed and the ones that are. They're saying to me in the emails and the conversations I have: If they're not factory sealed, you should wear a helmet. They're not saying blanket no helmets nowhere, they're using their common sense. They're using their experience and their knowledge and knowhow and they're saying: These vehicles are unsafe without a helmet. These vehicles here are safe without a helmet.

The old saying is that you go on experience. I take the experience of the people that I know, Wayne Stratton is one. I know a lot more, a lot more that do have the expertise for this.

I ask the minister again and I ask the government again: Why can't we just solve this tonight and have three amendments, not two, so that we can say that we did our job and alleviate

the major concerns in the Province of Newfoundland and Labrador?

I'm just going with what the minister said: There were nine deaths on Side by Sides across Canada. We don't know how many were alcohol or drug related; how many never had seat belts. That's the information that we need. What type of Side by Sides were those nine deaths across Canada? That is something that we would need to know.

Every death is sad; we're not minimizing any death. But sometimes you cause more harm to a person who's riding a Side by Side; it's uncomfortable and unable to see either way.

I see my time is close, Mr. Chair. I thank you. I'll be back again.

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

**CHAIR:** The hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you, Mr. Chair.

I'll add that it's nine deaths per year on Side by Sides in Canada. So 54 for the time frame.

Also, the Member mentioned about an X plate in Hillview Terrace. That was done by mistake and that has since been taken back. That was a few years ago.

So thank you very much.

**CHAIR:** The Chair recognizes the hon. the Member for Torngat Mountains.

**L. EVANS:** Thank you, Mr. Chair.

Just getting back to my other question that I had regarding training. I don't want to disagree with you, Minister, but there will be a bottleneck because there's going to be a huge demand for training.

My second part of the question is: What type of training will there be available? Will it be accredited training from an accredited-training provider? Because one of the issues we had back in the day with safety was any company could start training; any company could develop a

training package and there were a lot of gaps that created safety hazards and unsafe conditions out in the workplace.

I was just wondering: Have you given any thought to that? And if it's not accredited, will there be some sort of standard format that's required so that somebody up on the Northern Peninsula is getting the same level of training as somebody in – let's say for example – Gander?

Thank you, Mr. Chair.

**CHAIR:** Thank you.

The Chair recognizes the hon. Minister of Digital Government and Service NL.

**S. STOODLEY:** Thank you, Chair.

Thank you, Member, for the questions.

In terms of the training, like I mentioned, we are hoping to do a staggered proclamation whereby we would proclaim the majority of the act in one go, and then we would proclaim at a later date the training. We'd give people six months or a year or two years' notice or whatever.

Then, also, in terms of the standards: The Canada Safety Council sets standards around training. We haven't yet figured out exactly what the training would be but we would work with our safety partners to do industry-standard training. Obviously, it would have to be available widely and we'd have to make sure that it was feasible for members across the Province of Newfoundland and Labrador to do the training online or in person if needed.

Thank you.

**CHAIR:** The Chair recognizes the hon. the Member for Grand Falls-Windsor - Buchans.

**C. TIBBS:** Thank you very much, Chair.

I think that it's a robust debate. If anything, I believe that there are more questions tonight than we've ever had before. It's not being Opposition for the sake of Opposition; these questions need to be answered. I think we need to do our due diligence and do some more

investigation work into this and come up with some more reasons for this bill to pass.

I have a question for the minister and it's not being facetious by no means, but what makes a person with a hunting licence less likely to get hurt than a person without a hunting licence?

**CHAIR:** The Chair recognizes the hon. the Minister of Digital Government and Service NL.

**S. STOODLEY:** Thanks, Mr. Chair.

I guess what I would say is that our government looked at the different exemptions across the province in discussions with the different groups, the Indigenous organizations and the organizations that we consulted. These are two that we're putting forward. We're trying to be transparent about what we're thinking in regulation. We've had a lot of helpful feedback. I've heard lots of feedback that the hunting and fishing is maybe not needed, which is great. We'll take that into consideration when we propose the regulations following the act.

That exemption was specifically in Quebec and Manitoba. I know in our kind of northern environment in Newfoundland and Labrador, in many cases we have a similar environment as Quebec, so it's certainly a reasonable exemption to consider.

Thank you.

**CHAIR:** Thank you.

The Chair recognizes the hon. the Member for Placentia West - Bellevue.

**J. DWYER:** I almost got a Cabinet position that time.

Thank you, Chair.

We're here talking about Bill 22, the *Off-Road Vehicles Act*. First of all, I'd like to say thanks to the Table Officers, the Pages and the House staff for sticking around, putting up with all of us and giving us an opportunity to debate this bill.

For my district, these vehicles are very much utility vehicles; they're used for many things and woodcutting is one of them. We have a

regulation in there about hunting for 20 to 30 kilometres. I would argue that anybody going woodcutting is not going to do as much as that towing a load of wood for sure.

The real issue I do have with the hunting regulations, it's kind of ambiguous for the simple fact that we might have a hunter that's got to go 100 miles. If they know where a spot is and all that kind of stuff, then they might not go 20 or 30 kilometres for the first 99 kilometres. So, like I said, it's a little bit contradictory that we would have a regulation or a rule in there about you don't have to wear them hunting, but if you go out on a pleasure ride with your family, where most people are going to try and be safe and they're not running about, then, I think it's very contradictory in the bill itself.

The off-road vehicles are used so much in my district. I think the stat that my colleague from the District of Bonavista gave; I'm willing to bet that a lot of people in my district do have probably two, even three, of these vehicles for their use. I think the real thing that we're talking about here are the factory-sealed vehicles, for the simple fact that they do have a higher level of safety.

I remember when I was seven years old I used to take an extra stocking cap with me on the Ski-Doo because there was no such thing as wearing helmets or anything. The reason why you took the extra stocking cap is if you went through a few drifts, you might get your hat full of snow and if it got wet, you'd be cold. So if you got your hat full of snow, you changed hats.

Like I said, at seven years old I was allowed to take a 3500 Citation, but it was because I was responsible with it. I never ever had any accidents but I wasn't going mad on it either, unless I was on a straight-out bog. That's just the way it is and everybody is going to try their self, kind of thing, but it comes down to personal responsibility.

Whether we put the regulation there or not, if somebody doesn't feel safe, as my colleague from Terra Nova said, they can wear a helmet. But if we put it in as a rule, then we're making everybody that is responsible do something that they're not comfortable with. With that being said, wearing a helmet, yes, sure, it can be safe.

As the analogy was made, we could all wear helmets in here and probably would say we were safer, but it doesn't make it plausible.

I have a lot of trails, trail associations even, in my district, like the one from Red Harbour to Rushoon. Since I got elected, the president approached me and we helped re-establish their trail committee, Chair. It's very robust now but they use the old Burin Peninsula highway between Rushoon and Red Harbour. That's their thoroughfare. They use that quite regularly just getting back and forth between each town. They're not going mad. It's a nice trail and stuff like that, but nobody expects to drive a quad or a Ski-Doo without a helmet. Therefore, if those safety regulations are put in place then you're not giving people the opportunity to enjoy fully the equipment that they have purchased.

We talk about that towns apply for the ATV road use. Maybe that's the best partner to grow the education and enforcement. When it comes to the education side, if somebody is under the age of 16 or 16 to 18 or a new user, then maybe there is a licensing situation that can be in place for anything like that so that enforcement is there and we know that people are taking that responsibility serious.

With having that many vehicles in our province, I think that the responsibility really is with the user and not every user is bucking the rules or anything like that; they are going out and they're utilizing these vehicles for the utility that they're using them for.

Like I said, when it comes down to enforcement that is a whole different quintal of fish, but as my colleague from Topsail - Paradise said, without any resources allocated to the enforcement side, it will be pretty difficult to have our people on the trails looking for violators.

The last thing I will say is that we have a lot of ground search and rescue associations here in our province and I wouldn't want to hand strap them either with having to use a helmet in a situation where they need their full vision.

Like I said, the contradiction I really have is the hunting thing. If you're going to include hunting, then why not woodcutting?

With that being said, they're very expensive vehicles. It is a recommendation to wear a helmet, but if it's not really necessarily safe for different size people to do so, then there is no need to make it a rule, but put the responsibility on the people that are using them.

Thank you, Chair.

**CHAIR:** The Chair recognizes the hon. the Government House Leader.

**S. CROCKER:** Thank you very much, Mr. Chair.

I move the Committee rise and report progress and ask leave to sit again.

**CHAIR:** The motion is the Committee rise and report progress and ask leave to sit again.

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

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.

**SPEAKER (Bennett):** Order, please!

The hon. the Member for Baie Verte - Green Bay and Chair of Committee of the Whole.

**B. WARR:** Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report progress and ask leave to sit again.

**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 progress and ask leave to sit again.

When shall the report be received?

**S. CROCKER:** Now.

**SPEAKER:** Now.

When shall the Committee have leave to sit again?

**S. CROCKER:** Tomorrow.

**SPEAKER:** Tomorrow.

On motion, report received and adopted.  
Committee ordered to sit again on tomorrow.

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

**S. CROCKER:** Thank you, Speaker.

I move, seconded by the Member for CBS, that this House do now adjourn.

**SPEAKER:** It is moved and seconded that this House do adjourn.

Is it the wish of the House?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

This House stands adjourned until 1:30 p.m. tomorrow.

On motion, the House at its rising adjourned until tomorrow, Monday, at 1:30 p.m.