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Speaker: Honourable Derek Bennett, MHA

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The House met at 1:30 p.m.

SPEAKER (Bennett): Order, please!

Admit strangers.

Before we begin our session, I'd like to take a moment again to thank all Members for joining us this morning to participate in the Moose Hide Campaign.

A special thank you again to Inuit Elder and respected healer, artist and educator, Dr. Jean Crane, who led us in reflection this morning. We are one of two legislatures across the country that are participating, and this year marks our fifth consecutive year involved in the Moose Hide Campaign.

Moose Hide Campaign is an Indigenous-led initiative that stands up against violence towards women and children. It is a valuable opportunity for learning and reconciliation. While it is an Indigenous-led initiative, it shows all Canadians how to add their voice to the call to put an end to domestic and gender-based violence.

Today, the Members are wearing their moose hide pins to signify our commitment to honour, respect and protect women and children in our lives and to work together on this important initiative.

So thank you again, Members, for participating.

Statements by Members

SPEAKER: Today we will hear statements by the hon. Members for the Districts of Placentia West - Bellevue, Topsail - Paradise, Labrador West and Humber - Bay of Islands.

The hon. the Member for Placentia West - Bellevue.

J. DWYER: Thank you, Speaker.

I rise in this hon. Chamber today to recognize and congratulate Mr. Ross Murley and Mr. George Shave from Marystown in our beautiful District of Placentia West - Bellevue, on receiving the Emergency Medical Services Exemplary Service Medal.

Ross Murley has dedicated 30 years of his life to emergency medical services. Ross has given so much of his time to his neighbours, community and province throughout the years. His pride for his community and his willingness to help his neighbour is always on full display.

George Shave has dedicated 35 years to emergency medical services. In addition to working on the ambulance, George also dedicated many years of service to the Marystown Volunteer Fire Department and the Burin Peninsula Ground Search and Rescue.

The vital service that our paramedics, like Ross and George, provide cannot go unnoticed. They are always ready and willing to take on any call that comes their way, as it may mean saving somebody's life.

I ask all hon. Members and colleagues to join me in thanking Ross Murley and George Shave for all their years of service to their neighbours and community and congratulate them on their well-deserved Exemplary Service Medals.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker.

I would like to congratulate the Kin Club of Paradise for all the good they do within the District of Topsail - Paradise. Last week, during a ceremony at the Paradise Double Ice Complex they were named Volunteer Group of the Year. Kin member Mary Anne Dillon was also named Volunteer of the Year.

SOME HON. MEMBERS: Hear, hear!

P. DINN: With a current membership of seven dedicated volunteers, they have made a huge impact and are well known and respected within the community. They raise funds through various ticket draws, online auctions, bingo and other various activities. All monies raised go back into the community in the form of food hampers, school supplies, clothing, gift cards and anywhere that there is a need.

In the past few months, the Kin Club of Paradise has provided over 50 food hampers, and the need continues to grow. They are also the proud major sponsor of the 905 Viking Royal Canadian Air Cadets.

Besides being known for their service work, the club is big on fellowship. Having fun through service is what keeps them motivated year after year and they form lifelong friendships.

Speaker, I wish to thank the Kin Club of Paradise for all the good they do and continue to do.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: I rise today to give recognition to Colette Pickett-Beals of Mission Kitty Inc.

Mission Kitty was started in 2016 in memory of her cat Jingles. Mission Kitty is a not-for-profit organization dedicated to helping the control of overpopulation of cats in Newfoundland and Labrador. Over the last six years, Colette has helped a number of rescue groups and shelters across this province with vet bills, purchasing medical supplies and food.

Thanks to Colette, she has raised over \$200,000 through online auctions and different events. She's helped over 300 families in Labrador adopt a rescue cat and helped countless animals who need medical attention. Mission Kitty started as a small Facebook group and continues to grow every day.

Colette is an inspiration and a kind member of our community, and we are excited for Colette and watch her with admiration as her passion for helping rescues shines through with each mission she accomplishes.

I ask all hon. Members to join me in congratulating Colette Pickett-Beals on her accomplishment and thank her for helping countless rescue animals and rescue groups across this province.

Thank you, Collette.

SOME HON. MEMBERS: Hear, hear!

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

E. JOYCE: Mr. Speaker, as we all know, volunteers are the heart of every community and their continued dedication and commitment is immeasurable. Today, I would like to recognize one of these great volunteers.

Audrey Park of Gillams has been a long-time volunteer with the town. Over the years, she has been involved with the Girl Guides and Brownies, a member of the Gillams Winter Carnival Committee and participates in the annual Canadian Cancer Society's Daffodil Campaign.

Audrey is an active member of the St. James Church and has served in many roles, including churchwarden and a member of the ACW. She has been involved with the Sunday school program and confirmation classes. She helps with fundraising for the church and, heading into the Christmas season, she collects knitted goods for the Jesse Tree, which is then delivered to the Women's Centre before Christmas.

One of Audrey's treasured causes is doing her part for Operation Christmas Child. Every year, she collects shoeboxes filled with little gifts for the children in developing countries. In Audrey's words: "This is a big part of what Christmas means to me."

Mr. Speaker, I ask all Members to join me in recognizing Audrey and thanking her for her contribution to her town.

Well done, Audrey.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Statements by Ministers.

Statements by Ministers

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

J. ABBOTT: Speaker, I rise in this hon. House today to highlight significant investments this year of approximately \$140 million to improve housing affordability and prevent homelessness throughout Newfoundland and Labrador.

These investments will support the operation, repair and renovation of our public rental housing and provide affordable homes as well as heat subsidies for almost 12,000 low-income individuals and families.

Rental assistance programs will also support over 2,000 individuals and families find safe, affordable homes in the private rental market. Over 50 per cent of these clients are seniors. Launched this past November, the new \$74 million Canada-Newfoundland and Labrador Housing Benefit will expand portable rental assistance in the private market for an additional 800 households over the next six years.

Our home repair program will support low-income homeowners throughout the province, most of whom are seniors, by assisting them to complete needed repairs and accessibility modifications to remain in their own homes.

Investments will also provide emergency accommodations and supports for those experiencing homelessness or fleeing intimate partner violence.

In this regard, recently, we announced a significant cost-shared investment of \$20.2 million to support the construction of 132 affordable housing units here in the St. John's area.

Speaker, we remain committed to working in partnership with federal, municipal and Indigenous governments, as well as our many community partners throughout the province to ensure all Newfoundlanders and Labradorians have a place to call home.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Placentia West - Bellevue.

J. DWYER: I would like to thank the minister for the advance copy of his statement.

Minister, I join you in recognizing the need for affordable housing investments; however, it's only a band-aid on a large cut.

I welcome the monies for repairs and renovations of public rental housing and heat subsidies for 12,000 low-income individuals and families; however, is it enough to allow people to remain in their house during the winter?

It's great monies that are available to assist with needed repairs and modifications to remain in their own homes; however, remaining in their own homes will require a home heat rebate program.

I commend you for providing emergency accommodations for those experiencing homelessness or fleeing intimate partner violence, and I also commend you for constructing affordable housing options.

In closing, Minister, I agree, all residents of Newfoundland and Labrador should have a place to call home and government needs to ensure necessary measures are taken to allow our seniors, our homeless, our single moms, our low-income families and our hard-working citizens to afford the place they call home.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

I, too, thank the minister for an advance copy of his statement. We welcome these investments into affordable housing, but we also call on government to go much further to meet the staggering demand.

Please renovate the many vacant publicly owned units and expand the existing NLHC housing stock across the province instead of expanding the portable housing benefit. Also, please bring in legislation that enforces standards on

landlords to whom we pay money for on behalf of our constituents.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Are there any further statements by ministers?

Oral Questions.

Oral Questions

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

D. BRAZIL: Thank you, Speaker.

Yesterday, the Premier said, and I quote: "... I believe we are doing a good job" These are the Premier's words.

Does the Premier believe that the senior who is thinking about giving up her car and her independence because she cannot afford gasoline thinks he's doing a good job?

SPEAKER: The hon. the Premier.

PREMIER A. FUREY: Thank you, Mr. Speaker.

Of course, we empathize and sympathize with the individuals and the anxiety that the cost of living has provoked for them around our province, Mr. Speaker, but specifically to seniors. We've provided a 10 per cent increase. We've offered \$142 million to address the cost of living. Unfortunately, the cost of living is beyond our control, whether it's the push and pull of the externalities of inflation or the war in Europe. Every jurisdiction across the country and indeed around the world is facing the price of gas and the inflationary pressures coming out of the pandemic.

We are always looking at other creative levers and we'll continue to do so, but we empathize and appreciate the anxieties that this is causing in the people and across the province, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

And I appreciate the Premier's view, but empathy won't help this lady, action will help this lady.

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: Speaker, yesterday we heard the shocking news from NAPE president Jerry Earle that there are only 87 open hospital beds left in the province. Between the health care crisis and the cost of living crisis, the people of our province are at their breaking point.

Does the Premier believe that people who are waiting in a hospital hallway because there aren't enough staff to put patients in acute care beds feel the Premier is doing a good job?

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

J. HAGGIE: Thank you very much, Speaker.

We have seen significant challenges in health care delivery in the acute care sector, among others, exacerbated by COVID. We have worked with NAPE, with CUPE, the RNU and the NLMA about solutions to address this. We have a recruitment and retention ADM starting in the short and immediate term. We have worked with the RNU to stabilize nursing supply on the floors with the aim of giving nurses who've worked very hard for two years a break this summer.

We recognize there are people on hallways. We recognize there are extras on units. We're working to bring those numbers down.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

For seven years the people of this province have asked the Liberal administration to be proactive, not reactive and that's where we are again. That's why we're in a crisis.

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: Speaker, the House sat late into the night debating another Liberal tax on fuel.

Do the people of the province who have to pay this additional tax believe you are doing a good job?

SPEAKER: The hon. the Premier.

PREMIER A. FUREY: Thank you, Mr. Speaker.

I understand there was a robust debate last night, and one that's appreciated by everybody in the province. As the Member opposite knows, this was an instrument that was created three or four years ago. It was a made-in-Newfoundland solution that prevented the carbon tax from going on things like agriculture products, fishing vessels and home heat. So if we don't do this, Mr. Speaker, it triggers a backstop. It kicks in; the feds are going to do it anyway, Mr. Speaker. This is, again, beyond our control, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

Yesterday, the Finance Minister said, and I quote: Is it enough? Of course, it's not enough, when speaking about her cost of living plan.

Does the Premier agree the budget does not do enough to help people cope with the rising cost of living?

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

S. COADY: Thank you, Speaker.

I think, Speaker, all of us recognize in this House how difficult it has been on the people of this province. How difficult it has been on the

people of Canada. How difficult it has been on the people of the world. The cost of living is a concern and so there is not enough that we can do to alleviate all the concerns around the cost of living, but we have made a significant attempt at helping people – \$142 million.

Speaker, we have lowered fees. We have lowered taxes. We have provided increases in the Income Supplement and provided increases in the Seniors' Benefit. We have provided, in the St. John's area, free bus passes. Speaker, we have done a tremendous amount and we would always wish we could do more.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

Many people are living paycheque to paycheque. Many are one-step away from not being able to pay their bills. So many Newfoundlanders and Labradorians are struggling with the soaring cost of groceries, home heating fuel and gasoline. The people of the province want action.

Why does this Liberal administration only offer excuses?

SPEAKER: The hon. the Premier.

PREMIER A. FUREY: Thank you, Mr. Speaker.

As the minister said before, we are coming up with creative ways. We believe that we have addressed this in a holistic way with \$142 million. The Member opposite talks about bills. We did look specifically at bills: electric bills, Mr. Speaker.

We did a \$5.2-billion deal to ensure that those electricity rates, those bills to the people of the province, to the businesses of the province, didn't double, Mr. Speaker. So talk about mitigating the cost of living, that is a mitigation of the cost of living.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

Well, what was negotiated was our own money, parts of it coming back to us – not everything that we should be entitled to – from his friends in Ottawa.

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: Yesterday I asked the Premier if there would be a freeze on freight transportation rates for coastal Labrador this summer, but he refused to answer. The province is facing a cost-of-living crisis and coastal Labrador is particularly vulnerable.

I ask the Premier yet again: Will residents on the North Coast be forced to pay more for essentials because of this cost of living and their inaction?

SPEAKER: The hon. the Minister Responsible for Indigenous Affairs and Reconciliation, and Labrador Affairs.

L. DEMPSTER: Thank you, Speaker.

I am pleased to see the Member raise Labrador and the issues in Labrador; it is something that is near and dear to my heart and I always look forward to working closely with the leadership in those communities for the betterment of Labradorians.

What I can tell the hon. Member is the rates this summer will be the same as they were last summer and that was the same as they were the summer before and the summer before.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Speaker, it would take changing four words in the legislation to prevent sexual assault victims from having to reveal their identities in a civil case. The minister says he will consider it; we, in the Opposition, want to see it happen now.

I ask the minister: Will you commit to getting this legislative change done before the end of the House sitting?

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

J. HOGAN: Thank you, Speaker, and thank you for the question.

Yes, we have committed to looking at that issue; it is a very important issue. We don't want to see victims have to be retraumatized as they go through the court process. Court processes are difficult on any day; trust me, I have been through a lot and it is hard on people, and I can only imagine how hard it is on individuals who have been victimized through sexual assault or other domestic violence situations.

We have also said that we need to talk to stakeholders, members of the bar in this province, the judges' association and other groups to talk about how best to do this. I can assure you that it is not as simple as words in the legislation because there is rules of court that need to be changed as well. There is a committee of the Law Society that deals with the rules of court. So we do need to be a bit more expansive rather than just rushing it tomorrow just to change four words; it is much more complicated than that.

But I don't care that it is complicated, we're still going to look at it and we're going to do it right when it is time to do it.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Speaker, consultations have already happened with the *Intimate Images Protection Act*. This is all about gender-based violence. Surely, this issue, we know it has been raised for years. Any more time left waiting for change means keeping barriers in place for victims. We have the political will; I am more than willing to work with the minister on consultations. There is no reason this can't be done quickly.

Why is the minister allowing barriers for sexual assault survivors to remain in place?

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

J. HOGAN: Thank you, Speaker.

I guess I'll just repeat what I said to the question. It is the same question. It does take some time to make sure we do it right. It is not as simple as just snapping your fingers and adding a couple of words to a piece of legislation. We have seen that happen in the House before when legislation is rushed through and it can end up in a disaster. I don't want any disaster to face any women who deal with this court process and it is very difficult for them.

SOME HON. MEMBERS: Hear, hear!

J. HOGAN: It has been hard enough – it is unacceptable that it happened in the first place and it is unacceptable if they have to go through extra traumatization in the court system if we can do something about it and we have committed to looking at it to ensure that they don't have to. And it is their option of how they want to deal with the situation and I think the women's groups as well, who have been victimized, should have a say in this matter as well and not just me and one Member in this House of Assembly.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Thank you, Speaker.

Yesterday the Minister of Finance said she was considering a home heat rebate for the people of Newfoundland and Labrador.

I say to the minister: No more excuses; when will you implement the home heat rebate?

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

S. COADY: Thank you, Speaker.

As the Member opposite knows and as the people of the province know we do have a program called Income Supplement, as well as the Seniors' Benefit, that the home heat rebate was rolled into back in 2016. That program was, in 2014-15, worth \$60 million. It is now worth \$137 million, Speaker. So we are returning double the amount of money back to people.

What I did refer yesterday is yes, we will always consider programs to support the people of the province. We recognize that the cost of living is continuing to be a challenge. As I have said publicly for the last week, as the Premier said publicly we will certainly look at everything that we can do.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, as we have said in the past, the time for looking is passed. It is time for actually taking some action and doing some stuff. So, again, people need the price of gasoline to go down.

I ask the minister: She has many tax experts in the department; has she consulted with her tax experts to find ways to reduce the tax on gasoline?

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

S. COADY: Thank you, Speaker.

As the Member opposite knows and the people of the province know, we have put in \$142 million of measures to help address the cost of living. We are still seeing this as a concern and, as we move towards fall, we will see what our fiscal situation is as to whether or not we can do a little bit more, Speaker.

We are borrowing the \$142 million that our children and our grandchildren will have to repay, Speaker.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

S. COADY: So we have to be very responsible. I will say yes, I consult every day with my officials in my department. We discuss the tax system and how we can work it. I have said in this House before that the lever of the provincial gas tax, we have already provided back to the people of the province. We collect \$141 million; we have provided back \$142 million.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, the minister has admitted that what she has in her budget right now is just not enough. The people of Newfoundland and Labrador say it's just not enough, and I'd be more than willing to come over and sit with the minister and her officials and go through the \$9-billion budget and find ways to address the issue without increasing the deficit.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: So I ask the minister: No more excuses, listen to your own advice when you said it's not enough, and talk about when will we have home heat rebate program for the people of Newfoundland and Labrador.

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

S. COADY: Thank you, Speaker.

I'll not be schooled by the Member opposite, who said in this House that he would take the \$70 million that we have in employment in this province, the \$70 million that we're waiting for positions to be filled, and he would take that money. So imagine, Speaker, \$70 million in employment. How many jobs that would be? And he's already said he would take that money and use it elsewhere.

I would say to the Member opposite, we're doing everything that we can do, \$142 million we've already returned, and no, I'm not in favour of losing jobs in this province.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, I feel obligated to correct the minister.

I'm not talking about eliminating jobs. The \$70 million she has is a surplus for the last three years because the people find the public service no longer to be an employer of choice.

Why has she failed to fill the jobs in the public service for the last three years?

SOME HON. MEMBERS: Hear, hear!

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

S. COADY: Speaker, in core government, we have 7,500 skilled professionals. This is a very honourable profession, and I'm very proud of the 7,500 individuals who are in the public service. I'll say that again, very proud.

SOME HON. MEMBERS: Hear, hear!

S. COADY: I will say that what I will not do is remove from the boards the advertising positions that may go unfilled because we're advertising for them – someone retires, we have to put them up on the boards, we have to put them out there for the people of the province to look at and see whether or not they would like to apply for those positions. Yes, it's a timing issue. If I take them off the board, if I do not fill those positions, that is a job loss.

SOME HON. MEMBERS: Hear, hear!

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

B. PETTEN: Thank you, Speaker.

Speaker, our office is hearing from post-secondary students who are finding it increasingly difficult to travel to school due to high gas prices. Specifically, students who cannot afford to pay rent in St. John's are travelling back and forth to MUN and CNA from elsewhere on the Avalon, and have seen their fuel bills double.

Speaker, why is the minister supporting another tax increase that would place more hardships on these students?

SPEAKER: The hon. the Minister of Education.

T. OSBORNE: Thank you, Mr. Speaker.

Any student in this province from Newfoundland and Labrador can apply for student grants –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

T. OSBORNE: – or student loans. Mr. Speaker, we have one of, I would say, the most attractive grant and loan program in the entire country. We've enhanced it in this year's budget starting for students this September. In fact, the loans that students get in this province, once they graduate, they qualify for full forgiveness on those loans.

SOME HON. MEMBERS: Hear, hear!

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

B. PETTEN: So I guess students have to get student loans now to get to school – pretty good. I think they should invest in peddle bikes for everybody.

Speaker, tuition is up, food costs are up, rents are up and gas prices have exploded, with the minister ready to impose more Liberal taxes on fuel.

Why is the minister not offering students in this province anything other than further tax increases?

SPEAKER: The hon. the Minister of Education.

T. OSBORNE: Mr. Speaker, we've enhanced, again, the grants and loan programs this year. It is, as I said, the most attractive in the country, with student loans being fully forgivable. So yes, a student would get a loan, but if they complete their course load and they graduate, they are entitled for full student loan forgiveness in this

province. That is an incentive to ensure that they complete their course load and graduate.

SOME HON. MEMBERS: Hear, hear!

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

B. PETTEN: If for some reason they don't complete it, they're still on the hook for all that money, so it's still conditions.

Speaker, yesterday the minister blamed towns and Metrobus for lack of a bus pass program outside St. John's. Many small businesses provide communities with daily bus service to St. John's, which has increased substantially in cost due to higher fuel expenses.

Why is the minister making excuses for not supporting rural transportation services?

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

J. ABBOTT: Thank you, Speaker, for the opportunity to respond to the Member.

Following from yesterday, a couple of things: Obviously, we expanded the bus program here in the St. John's-Metro area, including Paradise and Mount Pearl. We also have a community bus transportation program, and we are supporting communities in Bay St. George, Benoit's Cove, also in terms of Twillingate, Happy Valley-Goose Bay and other communities throughout the province. We are open to more applications from more communities to make sure we can support them in their transportation needs.

SOME HON. MEMBERS: Hear, hear!

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

B. PETTEN: Nearly 200 communities in this province; that's not a very long list, Mr. Speaker.

Speaker, it's disgraceful the minister is picking and choosing which seniors can avail of this program, yet here they are voting to place

additional Liberal taxes on a fuel, which will then be passed on to consumers.

Speaker, does the minister realize there's life beyond the overpass?

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

J. ABBOTT: Well, Speaker, a very simple answer to that would be –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

J. ABBOTT: – yes, I do, and yes, we do, and I can continue on with the list of communities that we are supporting with our Community Transportation Program.

The point I want to make here is that as communities are addressing their transportation needs for the seniors and others, we're there to support them and we have an open application process. We will be out very soon to make sure we get those applications and we'll support them. That's the direction we're heading.

As I said yesterday, I'd like to see Conception Bay South address their transportation needs and we'll support them in that as well.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Placentia West - Bellevue.

J. DWYER: Speaker, many seniors in our province are at the breaking point: Having to decide between turning up the heat and putting food on the table. As these seniors struggle with the soaring cost of living, they only get excuses from this Liberal government.

I ask the minister: Has he asked the Seniors' Advocate to look at options to offer more help to our seniors?

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

J. ABBOTT: Again, Speaker, thank you, and I thank the Member for the question.

A couple of things here: One, is we have our seniors' policy office. Obviously, it's working closely with the community in identifying and addressing the needs for our seniors' community. We have our Provincial Advisory Council on Aging and Seniors who I meet with regularly to make sure we get a good sense of what is happening for seniors and getting the advice and recommendations from them. And obviously, we have the Seniors' Advocate office and we'll be in a position, I think, shortly to make sure the Advocate is in place. Meanwhile, we're working with that office while we can address the issues coming forward.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Placentia West - Bellevue.

J. DWYER: Speaker, I just got the answer I guess I was looking for, because without a Seniors' Advocate appointed this Liberal government is ignoring the impact of high prices on seniors. It's been almost a year that this office has sat vacant. This government clearly does not want to hear the concerns of seniors if they keep the office they created vacant.

When will a Seniors' Advocate be appointed?

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

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

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

J. ABBOTT: Speaker, thank you again for the opportunity to respond.

Again, in the five-point plan we are addressing the current needs of seniors when it comes to cost of living, and the Minister of Finance is committed to looking at other options as we go forward during the course of the year.

When it comes to the appointment of the Seniors' Advocate, which is a valued Officer of this House, that will be addressed in very short order.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

J. WALL: Thank you, Speaker.

Speaker, municipalities across the province are struggling with higher fuel costs – everything from furnace oil to diesel. But municipalities currently have their budgets in place, and they're not allowed to run additional taxes during the year. They're also not allowed to run deficits.

Speaker, what are the struggling municipalities supposed to do?

SPEAKER: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Thank you, Speaker, and I appreciate the opportunity to answer the question.

We fully recognize the impacts that the current economic situation is having on municipalities, and with that in mind, we were pleased to be able to secure \$22 million – actually, not less than \$22 million for the next three years to support municipalities. And in such a volatile environment that predictability and stability is going to give municipalities the ability to move forward with projects that matter to them.

SOME HON. MEMBERS: Oh, oh

SPEAKER: Order, please!

K. HOWELL: In the big picture, Speaker, we are working on initiatives that can create sustainable communities and keep communities viable. And that's part of our plan for regionalization. We're working on that as we speak; the analysis is still being conducted because I'm not prepared to come forward with a plan that's half-baked, I do want to have something that's reasonable and appropriate and it's going to take some time.

SOME HON. MEMBERS: Hear, hear!

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

J. WALL: Speaker, I wouldn't expect a plan that's half-baked, and I know the minister wouldn't put one forward. But I do know that MOGs have not increased for the past number of years. So there's many communities facing staff layoffs; they are currently having service reductions, and are cancelling programs at a municipal level.

Again, when is the minister going to offer additional assistance to struggling municipalities?

SPEAKER: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Thank you, Speaker.

Again, I reiterate, we understand the struggles that communities are managing at this time, and we've done work to make sure that we have this stable funding in place for communities. In addition to that, we're also working with \$2 million in special assistance grants; we have \$4.9 million for community enhancement programs; we have \$112 million in a Canada Community-Building Fund; \$73 million for infrastructure projects; \$32 million for provincial municipal infrastructure projects; and along with that, we have a number of measures that have been identified in the *Budget 2022* that ensures money stays in the pockets of Newfoundlanders and Labradorians.

And any money in the pockets of community members is money in the pockets of the municipality.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker.

Speaker, a paramedic on the Connaigre Peninsula is speaking out about hospital diversions in the region, which is adding hours to emergency trips. She said – and I quote – "... if you could get them to Harbour Breton, they

had a chance.” She further says, “... your patient’s chances of survival is diminishing”

I ask the minister: Does he agree with this paramedic that a patient’s chance of survival is now diminished in the Harbour Breton area?

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

J. HAGGIE: Thank you very much, Speaker.

We have certainly seen significant challenges in recruitment and retention of health care personnel; paramedics and family physicians have been chief amongst our concerns, as well as nurses. We have taken steps to address them.

I am pleased to inform the House that the emergency room in Harbour Breton is no longer on diversion. In terms of paramedics in communities, they have the ability to contact Online Medical Control Services for advice and can arrange intercepts from higher skill levels from regional centres.

I take the Member’s point, the diversion is over and the service has been restored.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker.

NAPE president has stated – and I quote – “Despite what the Minister of Health says, our healthcare system and the workers that make it happen are at a breaking point.”

I ask the minister: Does he agree with NAPE that our front-line health care workers are at a breaking point?

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

J. HAGGIE: Thank you very much, Speaker.

Certainly, over the course of the last few months I have had several meetings, personally, with

Mr. Earle and some of his members, some of whom were paramedics, as well as the Registered Nurses’ Union and other Allied Health Professionals. It is very clear that COVID has taken a toll on them, particularly this last wave.

We have taken significant steps to try and mitigate that. We have increased the number of graduates in our paramedic program. We have increased – actually repatriated the ACP program. We increased the number of LPN seats by 90 per cent two years ago, so those classes have graduated and are now all employed. We increased the number of PCA enrolment by 70 per cent; they have had two classes graduated and they are all employed.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

Speaker, many people in Newfoundland and Labrador are crying out for help, real help, including those who do not fit the narrow criteria for the supports that this Liberal government have put in place.

I ask the minister: Will she commit to putting in place more measures that help a larger range of people who are hurting in this province right now?

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

S. COADY: Thank you, Speaker.

I will say that we tried to create a broad brush of the supports that we provided. We provided 10 per cent increases to the Income Supplement, 10 per cent increase to the Seniors’ Benefit and we’ve provided additional monies for income support. We sent them a cheque for either \$200 or \$400. That roughly impacted about 160,000 individuals in the province, 160,000 people.

Then we went further and we added anybody who has a vehicle in this province has a 50 per

cent reduction in the fees. Anybody who has, for example, either home insurance, they get a 15 per cent reduction or the elimination of the tax on insurance. So we created a program that was a wide swath.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Speaker, I ask the minister: Will she commit to rising the home heating rebate, offering it to more people and then removing the HST on electricity for those who do not heat their homes with oil? Will she actually commit to actually helping more people?

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

S. COADY: Thank you, Speaker.

I think I've been very clear that we're trying to help as many people in the province as possible. That's why the measures that we've brought in, first of all, help the most vulnerable. Then, we wanted to help more people in the province. Certainly, we'll take it and see what we can do as we progress through this year, but we've already provided \$142 million in assistance to the people of the province.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Speaker, the minister spoke yesterday about securing the future for our children and our grandchildren.

I ask the minister: Since our province has the lowest effective corporate tax rate in all of Canada, will she commit today to raising and increasing the taxes to help future generations and help more people?

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

S. COADY: Thank you, Speaker.

I'm not sure where he's getting his information from, but we don't have the lowest tax in the country. I wish in a lot of ways we were able to lower our taxes and create and stimulate more job opportunities. But I will say that we are balancing within our fiscal framework the provision of taxes to provide for the provision of goods and services and support to the people of the province. We'll continue with those measures, Speaker. We'll continue to work very, very hard to generate growth in our economy.

We've certainly seen that growth with increased employment in more retail sales, I mentioned to you most recently, and, of course, the work that my hon. colleague has been doing in the Industry, Energy and Technology has been outstanding.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Speaker, I ask the minister: Will she commit to bold solutions such as regional transportation programs, even a subsidy for taxis for people coming in from outside of the city or any other needs for transportation? Will she help more people?

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

S. COADY: I thank the Member opposite for his passionate question. We're trying to help as many people in this province as possible.

I listen to my hon. colleague Minister of Children, Seniors and Social Development talk about expanding transit programs and he will be happy to speak about expanding transit programs around the province. It is something that I think he would be very interested in discussing with other jurisdictions.

I would say here in the City of St. John's, Mount Pearl and Paradise we were able to give bus passes to those who are most vulnerable. That has been, I think, a big help to those families but we will continue to do what we can to help as many people in this province as possible.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

I ask the minister: Will she commit to using the revenue the government receives from the sugar tax to put directly towards subsidizing healthy food for the people of this province? Will she help more people?

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

S. COADY: Thank you, Speaker.

We certainly have committed to using any money that is raised through the sugar tax to support healthy living in this province. It is the goal of this government. That is one of the big levers that we want to move in the next five to 10 years. We have very poor outcomes for our health in this province, we realize that and we are trying to make it better.

I hear the Members opposite talk about diabetes in this province. One of the big drivers of diabetes, of course, in Type 2 is sugar consumption. That's why we have introduced this tax and we certainly have committed to putting it back into improving health.

Like, for example, in this budget we have doubled the budget for, I think it is, the School Lunch program.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The time for Question Period has expired.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

Notices of Motion

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you very much, Speaker.

I give notice that I will on tomorrow move in accordance with Standing Order 11(1) that this House not adjourn at 5:30 p.m. on Monday, May 16, 2022.

SPEAKER: Further notices of motion?

Answers to Questions for which Notice has been Given.

Petitions.

Petitions

SPEAKER: The hon. the Member for Placentia West - Bellevue.

J. DWYER: Thank you, Speaker.

The reason for this petition is as follows:

Roads in our province are in various states of disrepair and it is throughout the province. Many rural communities are concerned that the deplorable conditions will keep visitors away from this year's celebrations for Come Home Year.

We are inviting the world to come to our province this summer, yet many rural roads are unfit to travel and many vehicles are damaged by huge potholes, unrepaired washouts, uneven shoulders, and the signage is deplorable. This is a real deterrent to the tourists and the family members from our province who wish to join in our celebrations this summer.

Therefore, we petition the House of Assembly as follows: To urge the Government of Newfoundland and Labrador to increase the Provincial Roads Program budget to address the need for repairs of many rural roads in our province.

Speaker, this is coming to me daily. I mean, I've got 36 towns in my district, 16 fire departments that all have to travel over these roads. A lot of them got pavement many years ago and haven't got so much as a culvert replaced since. Places like Jean de Baie, places like Rock Harbour, Spanish Room, Terrenceville, Grand Le Pierre, English Harbour East, Chance Cove, Fairhaven, just to name a few.

Like I said, I'm just going off the top of my head of ones that are almost impassable. Like I said, it's nice to see that we're inviting the world, but I've got a world-renowned trail down in Chance Cove and the most challenging part of the trail is getting your car to the base of the trail in order to enjoy the trail.

The roads are deplorable, they need fixing and they need some work. Like I said, I went through the engageNL process on behalf of the residents of my district and the towns of my district, and I had 186 submissions, Mr. Speaker – I had 186 submissions.

So to say that our roads are in good shape is far from the truth. While I do commend the workmanship that is done by our depots, I appreciate the fact of the work that they are doing, but they are overburdened and we need to get some of these contracts out, get the roads repaired before we start inviting people to our province.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Minister of Transportation and Infrastructure for a response.

E. LOVELESS: Just a quick response. The crowd across the way always talk about doing it different. I say to the Member, you got up; you listed everything that was wrong. You should have had on your list what we've gotten right. Because we've invested a lot of money into your district, so I just want to point that out. If you want to do it right, say it right.

Thank you.

SPEAKER: The hon. the Member for Exploits.

P. FORSEY: Thank you, Speaker.

Residents of the Exploits District have great concerns from the result of the 24-hour emergency service cut to the Dr. Hugh Twomey Health Care Centre in Botwood. All residents feel that the 8 a.m. to 8 p.m. –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

P. FORSEY: – service does not adequately and efficiently address the emergency requirements of this district affecting both patients and residents to receive adequate care when needed.

We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to restore the 24-hour emergency service at the Dr. Hugh Twomey Health Care Centre immediately.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

It's hard to hear the petition.

The hon. the Member for Exploits.

P. FORSEY: Thank you, Speaker. Again, thank you for your protection.

SOME HON. MEMBERS: Hear, hear!

P. FORSEY: In 2016, the Liberal government, of course, stripped the 24-hour emergency service at the Dr. Hugh Twomey Health Care Centre. Two more elections after that, two more promises to reinstate the 24-hour emergency service at the Dr. Hugh Twomey Health Care Centre. They can come out and make promises during the elections; they can't keep their promises.

Now they have the Health Accord and the health authority and they can divert back to those people and use those for fillers, but they did not promise the 24-hour emergency service, the Liberal government did. The minister knows himself that the emergency service at the regional hospital at Grand Falls-Windsor right now is busting at the seams. They have people out in the hallways.

Please open the 24-hour emergency service at the Botwood Hugh Twomey centre and take the stress off the Grand Falls-Windsor health care centre so that people can be looked at in adequate times and efficiently at the Dr. Hugh Twomey Health Care Centre.

We'd like to get a response from that minister and I'd like to see you come out – I'll go down with you – to cut the ribbon at the long-term care unit at the Hugh Twomey centre and we can officially open the 24-hour service.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

Once again, I present a petition on behalf of the seniors and the residents of Labrador West to support them.

The reason for the petition:

The need for senior accessible housing and home care services in Labrador West is steadily increasing. Lifelong residents of the region are facing the possibility of needing to leave their homes in order to afford to live, or receive adequate care. Additional housing options, including assisted living care facilities, like those found throughout the rest of the province for seniors have become a requirement for Labrador West. The requirement is currently not being met.

WHEREAS the seniors of our province are entitled to peace and comfort in their homes where they spent a lifetime contributing to its prosperity and growth; and –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

It's almost impossible to hear the Member speak.

The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

WHEREAS the means for the increasing number of senior residents in Labrador West to happily age in place are currently not available in the region;

WHEREUPON we, the undersigned, your petitioners, call upon the House of Assembly to

urge the Government of Newfoundland and Labrador to allow seniors in Labrador West to age in place and provide affordable housing options for seniors and assisted care living facilities like those elsewhere.

Mr. Speaker, once again I have to say the people of Labrador West are looking for this. They want this; they've been asking for years. There have been reports done. This is something that needs to be done, and it's something that's extremely serious. It needs to be taken seriously by the government.

Once again, we're just asking that we be treated equally like the rest of this province, and have seniors not have to move 600 to 1,000 kilometres away, away from their families, their children, their grandchildren, their friends and family. You don't expect it anywhere else in this province, but it happens to us, and we just do not feel that we're being treated equally when it comes to seniors' care.

So I ask that we take this seriously, take a serious look at it because, you know, we're all going to age at some point in time. I don't plan on leaving Labrador West and, at some point; I am going to need care, my family and my parents eventually. As I said, family moved away, unfortunately, when they reached their senior years and other families too. We hear the stories, it is in the media and they talk about it. So just start treating our region equally like the rest of this province gets treated when looking for care.

Thank you.

SPEAKER: Order, please!

I ask Members again, it is next to impossible to hear the Member speaking so if you want to have conversations, take them outside, please.

Thank you.

The hon. the Member for Bonavista.

C. PARDY: Thank you, Speaker.

I think the hon. Member for Labrador West has a little bit of time yet before he is worried about

the environment but good that he advocates for the seniors in his area.

I have a petition that I have presented before and it reads as follows:

With a population in excess of 6,000 in the Bonavista area, there is a severe shortage of child care options for young working families, which is leading to absences from employment and a deep frustration that is being expressed far and wide.

We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to immediately address the lack of regulated child care facilities in the Bonavista area by being more respondent to the proposals already submitted and creative with underutilized spaces that already exist within the current K-to-12 system.

I don't think, and I stand to be corrected, but to my knowledge and what's stated, there are no regulated child care services on the Bonavista Peninsula. I know there are other areas and I know that the government is intent on achieving, growing and creating as many of these spaces as we possibly could. One indirect fallout from it is that we have health care institutions in Bonavista with some young staff and these young staff have children that they can't find child care services for.

The petition was presented to me and I would think there were probably as many as 60 to 80 signatures, many from the long-term care home, at the Golden Heights Manor, and there were many from the Bonavista hospital. These people with young children cannot find child care in the area. I know it is not as easy as that, but we have two proposals submitted from the Bonavista area that maybe we can give attention and work with those two proposals and bring it to fruition that at least there are no work interruptions and there are no undue absences from these working environments.

Both of these environments I mentioned are not, I don't think, fully staffed or don't have the support staff, the substitutes, to avail of. So if we want to keep younger families in areas, which is a big centre in the Bonavista area, again serving over 6,000 people, we need to make a good,

strong, concerted effort in the area. I do note in that, too, that we do have space at the local K-to-12 schools which may be able to be utilized in some capacity.

So I present that again for the second time by just the fact of just bringing it to the attention of government. Hopefully, it's something that we can do in relatively short course.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

The background to this position is as follows:

Route 10 on the Southern Avalon forms a large section of the Irish Loop. This is a significant piece of infrastructure and is the main highway along the Irish Loop. This highway plays a major role in the residential and commercial growth of the region.

Therefore, we petition the House of Assembly as follows: We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador that immediate brush cutting is required on Route 10 on the Southern Shore Highway as large sections of brush along this highway are a significant safety hazard for the high volume of travelling motorists who travel this highway daily. This work is essential in the prevention of moose-vehicle accidents along Route 10.

Last week, I think, I was up in the Trepassey area to a meeting and when I was driving through the district – and Trepassey was one area that I drove along – the alders were growing out over the guardrail right now. And those alders growing out over the guardrail, they don't even have any leaves on them yet. So when they get the leaves on them the signs will be in the trees as well for turns or sharp turns, they're not going to be visible in another two or three weeks. Hopefully, we can get the minister to get up and to have a look at it. The minister's not going to look at it, but somebody in the department to get up and look at it.

Brush cutting makes it easier for motorists also to spot moose along the highway. You have to invest and do stuff in the area to keep this safe, not just when you're paving roads. There are more areas that you could just cut some brush to make the areas more visible and safer to drive. When you're cutting the brush you're cleaning the ditches, you're clearing the drains and you're causing fewer washouts. So we need to see some more maintenance in the area. Hopefully, it's something that the minister can look at and try to solve.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Orders of the Day.

Orders of the Day

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you very much, Speaker.

Speaker, I call from the Order Paper, Motion 5.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Speaker, I move, seconded by the Deputy Government House Leader, that under Standing Order 11(1) this House not adjourn at 5:30 p.m. today, Thursday, May 12, 2022.

SPEAKER: 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.'

Motion carried.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Speaker, I call from the Order Paper, Motion 4.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Speaker, I move, seconded by the Deputy Government House Leader, that notwithstanding Standing Order 9 on Tuesday, May 17, 2022, this House shall meet at 3 p.m. for Routine Proceedings and to conduct Government Business and, if not earlier adjourned, the Speaker shall then adjourn the House at midnight.

SPEAKER: 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.'

Motion carried.

SPEAKER: The hon. the Government House Leader.

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

I call from the Order Paper, Motion 3 that this House concur in the report of the Standing Orders Committee dated May 9, 2022.

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

J. HOGAN: Thank you, Speaker.

I'll just speak to this very quickly. We previously concurred with a report of the Standing Orders Committee in relation to Standing Order 63.

I move, seconded by the Deputy Government House Leader, that the House concur in the report of the Standing Orders Committee dated May 9, 2022.

SPEAKER: 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.'

Motion carried.

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

J. HOGAN: Thank you, Speaker.

The House has previously concurred on a report of the Standing Orders Committee in relation to Standing Order 63, Private Member's Day. What we did was change section 63(5) of the *Standing Orders* and changed how long Members can speak to a private Member's resolution. We reduced it from 15 minutes to 10 minutes for each Member, with the thinking behind that, obviously, the fewer minutes each Member can speak, would allow more Members to speak to each Member's private Member's resolution on Wednesdays.

But we made a mistake when we did that. We should have also amended section 63(6) of the Standing Orders as well, which allows for debate to close right now at 4:45. The person who introduces the private Member's motion is allowed to speak at 4:45, but, obviously, then if we have it at 4:45 and now only allowed to speak for 10 minutes, we'll lose five minutes of debate.

So this updated report, which we're asking the House to concur with today, the Standing Orders Committee report dated May 9, 2022, will just simply change Standing Order 63(6) from 4:45 o'clock to 4:50 o'clock on the day of the debate.

Thank you, Speaker.

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Yes, Speaker, that really is just an administrative error, I believe, that had occurred and by redressing the error that will provide the proper efficiency in the House.

So we certainly have no issue with that. We think that's a necessary issue that has to be addressed. So we agree and concur.

Thank you.

SPEAKER: The hon. the Member for Lake Melville.

P. TRIMPER: Thank you, Speaker.

I was just going to make sure that we had enough elaboration on it, because I think it's a very good move. It's a good catch. As someone who watches closely the PMRs on a Wednesday, I would like to say I think that the moves have been very good, the 10-minute allocations, because we're often very limited, especially the Independents in having an opportunity to speak. So by taking that five minutes off each of those sessions and then catching it up with the wrap-up on whoever's leading the PMR, I think is a very good move. I just want to thank all those involved on the Standing Orders Committee.

Thank you.

SPEAKER: Seeing no other speakers, is the House ready for the question?

All those in favour of the motion, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

I call from the Order Paper second reading of Bill 54.

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

S. COADY: Thank you, Speaker.

I move, seconded by the Government House Leader, that Bill 54, An Act To Amend The Income Tax Act, 2000, be now read a second time.

SPEAKER: It is moved and seconded that Bill 54, An Act To Amend The Income Tax Act, 2000, be now read a second time.

On motion, second reading of a bill, “An Act To Amend The Income Tax Act, 2000.” (Bill 54)

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

S. COADY: Thank you, Speaker, for the opportunity to speak today on this important bill.

We’re trying to achieve three things in these amendments to the Income Tax Act. The first I’ll just say generally is to introduce two new tax credits that were outlined – and I’ll get into details of them – in the budgetary process. The second is really technical amendments to make sure that we have gender-neutral language in this act. The third is, of course, technical amendments that have been identified through the Canada Revenue Agency, which administers this act for us, that we’re both aligned federally and provincially in our acts.

So that’s really what we’re trying to achieve in this bill today. Let me get into the tax credits that were involved, that were available in *Budget 2022* to assist the business community. Of course, all of us in this House of Assembly would like to ensure a robust economy and job creation and that’s why we’ve brought in these two new tax credits that the bill speaks to and then I will also speak about a third tax credit that was also announced in budget.

The first of which I will talk about is the new 20 per cent Green Technology Tax Credit for Canadian Controlled Private Corporations that invest in equipment for energy conservation and clean energy generation, use fuels for waste or make efficient use of fossil fuels. The maximum annual credit is a million dollars per company, of which up to 40 per cent is a refundable tax credit.

This is to purchase equipment that improves energy consumption for example. And, as I said, it is an annual credit of up to a million dollars and this is available to Canadian-controlled corporations that are housed in Newfoundland and Labrador. We want to make sure that we are enticing and encouraging people to move towards more green technology. For example, if they are using wind or solar as part of their energy generation now or if they are putting in place any kind of technology that will assist

them to ensuring that a clean energy generation or energy conservation within their company.

So it is a good Green Technology Tax Credit. We have been talking about in the last 24 hours, quite substantively, the need to address climate change and the need to continuously ensure that we are greening our companies and our technologies to ensure that they have an impact on climate change and making sure that we are doing everything to address that very serious issue.

The second is a new 10 per cent Manufacturing and Processing Investment Tax Credit. That is for manufacturing, fishery, farming, forestry sectors. Actually, it is to improve productivity and competitiveness, employment – there is about 1,700 manufacturers and processors in the province, Speaker, and they have been asking for this tax credit to help stimulate capital investment. It also supports local competitiveness, productivity, exports, employment and the transition to net zero.

This credit will be up to 40 per cent refundable for Canadian-controlled corporations. So another really good tax measure that will help ensure the competitiveness of our manufacturing and processing sector. I know the Canadian Manufacturers’ Association was very pleased and spoke quite highly of the introduction of this tax credit when the budget was first released. I appreciate their words and I appreciate the fact that they came to see me and we worked together to be able to introduce this tax credit. It will certainly be of help.

Now, Speaker, in the budget I did speak to an All Spend Film and Video Production Tax Credit. There are no changes required to the Income Tax Act. The changes are already enacted under the Income Tax Act because we already have a tax incentive program – besides this one, we have an equity program and another tax credit program, and now an all spend program.

This is to attract the larger foreign location and services productions to the province and support local industry growth. That’s why we’ve now introduced an All Spend Film and Video Production Tax Credit. I will say it’s kind of bittersweet for me, because Paul Pope, who

recently passed unexpectedly, was the one who was instrumental in bringing this forward and saying, look, if we want to have more Disney-like productions or any kind of a big productions that we've seen now, this is how to attract them.

This is common across jurisdictions. This 30 per cent tax credit will apply to total qualified production costs incurred in the province. It is refundable for a maximum annual amount of \$10 million per project. Again, I will say this is not in the legislation, but I wanted to bring it forward because these new tax measures that we're talking about do help to improve our economy and to ensure job creation and economic activity.

If you combine the first two credits, the 20 per cent Green Technology Tax Credit, as well as for companies operating in Newfoundland and Labrador, they could see as much as a 30 per cent of their investment returned in tax credits. So quite significant in terms of the Green Technology Tax Credit as well as the manufacturing and processing investment.

Those are the new tax credits that we brought forward in budget, very widely appreciated and well received, I will say, and important, I think, for our continued growth and diversity of our economy.

Also, in this bill, we're going to see a number of technical amendments to align the provincial act with the federal act. We have an agreement with the federal government for the administration of the province's personal and corporate income taxes, and the corporation's capital tax.

This tax collection agreement requires the province will ensure, where appropriate, that the provisions of the provincial Income Tax Act and regulations that relate to the administration, enforcement and collection of these taxes are similar to the provisions of the federal act, and its regulations.

These are generally routine amendments to the provincial tax act, as requested by Canada Revenue Agency. They are technical amendments to the tax legislation that are routinely made by all provinces subsequent to amendments to the federal act to maintain alignment. They really have no financial impacts

and no impacts on taxpayers; so I will make that clear and make sure that no one is concerned about that.

Several clauses in the bill are being introduced retroactively to ensure consistency with the administration by the Canada Revenue Agency as they have been administrating as though the changes were already in place so that there was no impact on taxpayers. Also, because the tax system has been operating as though these amendments have been made, there are no financial impacts for the province.

As I mentioned earlier, we are also taking this opportunity to incorporate gender-neutral language into the provincial Income Tax Act and we have to modernize and improve our legislation on an ongoing basis to ensure that we are following best practice, as well as ensure fairness and equity. The use of gender-neutral language reflects the diversity of our province and will stand the test of time.

Speaker, that is what the changes are in this act – the amendments that I am making to Bill 54, to amend the Income Tax Act. Our provincial income tax is quite substantive, as you can see. We're making some technical amendments and we're also introducing two new tax credits and expanding another tax credit at this time as well in the budget 2022-23.

The amendments to the Income Tax Act are being introduced today to allow us to align the provincial act with the federal act, incorporate gender-neutral language and implement two new tax credits announced in *Budget 2022*.

Thank you, Speaker.

I look forward to the debate.

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

T. WAKEHAM: Thank you, Speaker.

I want to thank the minister for the overview. I think she has done a good job of explaining exactly what's happening here in this particular piece of legislation: a combination of technical language changes and Manufacturing and Processing Investment Tax Credits.

Certainly, the technical language changes are necessary in order to align with the federal *Income Tax Act* and most of that particular piece is simply, as the minister has suggested, housekeeping. The language piece, again, is another housekeeping piece that needs to happen.

On the tax credits, of course, those of us on this side of the House are always glad to see tax credits being provided, and certainly to the manufacturing and processing industries, to the green technology and to the film industry these tax credits are very, very welcome. If we're going to be competitive in this world, we have to have a tax system that is competitive with other provinces and with other countries. So these credits, I feel, are a move in the right direction and something that we can support, and the changes in the bill.

However, I would like to add that I think it's also very important for us to recognize some of the challenges we have as a province in retention and recruitment. One of those issues is in order for us to remain competitive when it comes to health care professionals or IT professionals or other industry professionals is to ensure that we have a competitive tax system.

Recently, the Fraser Institute talked about the fact that a couple making over \$100,000 in this province would face some of the highest personal income tax rates in the country. So that is a deterrent and I would suggest that, as the minister goes forward and looking at further changes to the *Income Tax Act*, I think they really need to start looking at what can be done to ensure – it just simply can't be about being competitive. In some cases, we need to be creative and we need to find additional measures that will allow people to want to stay in their home province, because we are competitive with others. It's not simply about being competitive on the salary; it's about being competitive on the tax structure as well, because that's critically important.

So as they go forward into next year looking at things, I think tax credits are an opportunity for government to find ways of encouraging people to move to this province, but also to stay in the province. We've heard lots of talk and discussion about the shortage of health care

workers. We've heard lots of talk about the shortage of IT workers. Some of that, of course, goes back to ensuring that we have the right programs here offered in our schools, in our education system to make available that workforce that is needed by our health care system and that is needed by our IT system. That's part and parcel of that.

Again, I think, COVID, if it taught us anything is that there are lots of opportunities for people to work from home, but when I say home it means that they can work from literally anywhere in the world. The idea of people, professionals having to be in an eight-storey tower in downtown Toronto, for example, doesn't apply anymore. They can actually work from an office in St. John's, Newfoundland, or Stephenville, Newfoundland, or Bonavista, Newfoundland.

Technology has given us that opportunity to create those advantages. And I believe that the Province of Newfoundland and Labrador has a distinct advantage over many other provinces when it comes to quality of life, in terms of where you choose to live, in terms of safety, in terms of fresh air, in terms of land. There are so many advantages that this province has over others. I won't say weather because that's not what attracts people to Newfoundland and Labrador.

In some cases it does, because you come and you avoid the – you know, we don't necessarily have the extremes that we see in other places. But I think part of that challenge is to remain competitive, as I said, not just on the salaries that we offer, but on our tax structure and finding ways – and I know they've done some good things, but I think there are other things that can be done, because we need to retain our young professionals here and we need to attract others to come here.

Using your tax system and your tax credits is one way to do that. So I believe there are, from the personal side of things, additional measures going forward that we would look to see next year, as we move into next year what additional changes we might make to make it even more attractive for people to want to stay and want to live. As I said, it's not always about the salary;

it's about your whole tax structure, that's part of that process.

Again, today's bill will do a lot for those industries that the minister has identified, because it will make them competitive and if they're competitive in Newfoundland and Labrador, then that means they will be able to hire more people. So there's a trickle-down effect.

Some people think: do not give industry any credit. Well, hold on a second, we've all talked about that. Government's role is to provide the environment so that businesses want to invest in Newfoundland and Labrador and these tax credits go as part of that; that's part of the whole process of how we become and how we make it attractive for businesses to invest in Newfoundland and Labrador.

As I said, on the other side, on the personal side, again, finding ways to make sure that not only are we competitive on the salary side, but we stay competitive and, in some cases, find creative ways of making our tax system more attractive to people who want to move here and to people who want to stay here.

That's what it's about. We'll support these changes and look forward to further debate.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker.

I never thought I'd be standing in the House and speaking to income tax. It's a word that makes you shiver. But I commend the minister on her overview of this act, of these changes. Condensing it down for us so that we knew exactly what's new and what I would call housekeeping or routine changes or amendments to this act.

I just want to look at them individually, what the minister spoke to. The first one she spoke to the introduction of the Green Technology Tax Credit, 20 per cent tax credit. We've had some

wonderful debate in the last number of hours, last night and yesterday, and I suspect more today, on the carbon tax and climate change. Of course, we've all agreed climate change is real and we need to do something about it.

Now, there'll be some argument over whether a tax such as a carbon tax is an incentive or if it's a negative reinforcement. I tend to think that kind of tax is a negative reinforcement because you're forcing people to do something that they may not want to do, and that's pay more taxes.

But when we flip it over, this introduction of a green technology tax, that's a positive tax. When you think about it, it's actually not a tax; it's a tax credit. But it's positive reinforcement. It's an incentive. It's an incentive that encourages Canadian-controlled corporations that are operating here in Newfoundland and Labrador to invest in green changeovers however they operate their business. That's very positive and I think that will result in more and more businesses in the province considering going green.

There will come a time that it won't be a consideration. It will be time that you have to do it. You're just going to have to do it. Now, we'll argue that was yesterday. Some will argue that it's in the future, but it doesn't matter. We are here now so, I think, moving forward, this is an incentive and it is a good incentive, and I hope many businesses and corporations take it over. I think the minister mentioned up to a million dollars. I mean, that's not chicken feed. That is a substantial incentive to get companies and corporations to go green. So I applaud that for sure.

The second new tax or incentive was the manufacturing tax credit, 10 per cent. As the minister alluded to, if you have a company that goes green in manufacturing, they could have upwards of a 30 per cent tax credit. That's huge for companies and corporations to try and encourage them to set up here and to stay here and, like I said, help the environment.

The minister also spoke to the All Spend Film and Video Tax Credit. And, look, we have a beautiful province here and just to go home and turn on some of the shows that are done locally, I know people who probably don't follow the

plot of the show but they look for – oh, look, I know where that is and I know where that is. But regardless, I think word of mouth is what promotes our industry here and I think the tax credit here is going to increase more and more productions here and more and more word of mouth and you are going to see more and more bigger film industry here in the province.

A lot of these are routine changes to the act. But I looked at the one here: to ensure continued availability of education credits. That is a huge tax credit and to continue to do that. That's very foundational to where we are in terms of dealing with many of the issues here in the province. If you dig deeper into that – our population decline, we are losing individuals. We have an aging population. When we are dealing with health care, we are talking about increasing seats in our education institutions. So if you can continue to do that educational credits, that's a plus, especially when we see tuition fees going up.

So you are building on your foundation. That is a foundational tax credit without a doubt because if I am looking at our human resources here, that's our biggest resource and our most valuable resource is our people here in the province.

As we know, the cost of not just tuition, but the cost of everything is going up. Getting back and forth to school, extracurricular activities, all that for our youth and young individuals who are going to school, and want to train and be professional, be an apprentice, be whatever they want to be. To ensure that there's a tax credit there for them is a big help. So that's a plus.

Like I said when I started, I said I never thought I'd be up talking positively about income tax, but I relate to my three wonderful daughters who have gone to school. They've all got either dual diplomas, or degrees, and hopefully my middle daughter will be working very soon; she graduates next week.

SOME HON. MEMBERS: Hear, hear!

P. DINN: She'll be the third of them all.

But here's what you've got to applaud; I'm hoping then that the money will come back.

That's my dream. Everyone has a dream and my dream – my dream – Speaker, you're out of order, shaking your head. I'm hoping, b'y, every week I get a few dollars back. Well, first I got to get them out of the house, but anyway that's another story.

But it's interesting. We live in a world, and especially where we've got – everything's happening in the world; you've got it here. But when my kids – I call them kids; they're young women – when they went to work, and they're doing the math, okay 20 bucks an hour, 40 hours a week, oh, that's how much I'm going to get. And it's interesting, they come home, and they come home with their pay stub, and they say: Dad, what happened to my money here? And what's this – INC? What am I paying there, CPP? I'm supposed to get 800 bucks.

So I hope they're watching – I know they're not, but I hope they're watching and we'll talk about income tax – but anyway, it's very interesting how we look at taxation.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

The level of conversation is getting loud again.

The hon. the Member for Topsail - Paradise.

P. DINN: Thank you, Speaker.

But it's just very interesting how we look at income tax and any kind of taxation. But this piece here that we look at, even though it's titled the Income Tax Act, it's tax credits. It's a very positive piece of legislation. The changes were happening that need to be happening.

Before I sit down, the one piece that I have to talk about, which is extremely important in what this brings forward in terms of amendments. I take it back to maybe last year or maybe a year and a half ago when a piece of legislation was presented in the House and I proposed some amendments. We were updating and doing some housekeeping and administration on some of our acts. That was around gender-neutral language.

I know it was an oversight at the time, but I've been glad to see that every piece of legislation

that now comes in is looking at gender-neutral language. That's timely. In fact, it should have probably been in years before, but that's an important piece of this act as well: making sure that everybody in this province feel represented when they read our legislation and read our acts.

I applaud the minister on this. I think any tax credits that help our economy, promote people coming here and staying here, helps our young people through education and becoming professionals, stay here and work here, is a good act. We'll be supporting this.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Thank you, Mr. Speaker.

Just a few minutes, and maybe there might be a couple of questions that the minister might be able to address later. I don't ask them for any other reason than I just don't know, and I'm sure she will enlighten me in due course.

The minister had stated in her preamble that there was no impact on taxpayers. I noticed in her answer to her question she had stated that she wishes that she could lower taxes and stimulate the economy, which is all our desire. That always has to be our goal going forward. But I notice in the budget, in personal income taxes, there's an \$82-million increase projected this year over last year. I just throw that out to see what would account for that increase of \$82 million this year compared to last year. Was it something that we had passed in the past of doing some adjustment? I can't recall in the past. If it is, that's wonderful and that's good.

So I do share that these things are good. I weighed in to give comment, because in my capacity in the Environment and Climate Change, which I am a climate change advocate –

SOME HON. MEMBERS: Hear, hear!

C. PARDY: I've come to realize that it's very dangerous at times in this House, because something that may come across the floor, some labelling, can be pretty precarious and troublesome in my district.

But it does call for a 20 per cent green tax credit, which is wonderful. I would think that in the Canadian energy efficiency policy scorecard it states that our total energy for industry was 39 per cent, the greatest component of the six divisions that they had. It surpassed transportation, it surpassed buildings, and industry was the big one. This will address that. It should help; it should assist. And when I say address, yes, move it along.

In that ranking, which I'm sure the minister is aware of and my hon. Member for Lake Melville would know that in industry we rank last in Canada in that component. So this will move us along that continuum, which I fully support. For the other ones and all of the thousands of viewers watching: 39 per cent industry; transportation is 29 per cent of our total energy; and buildings is 28 per cent. I know that doesn't add up to 100.

Moving along and trying to keep to my time frame, which I set was the all-spend video and film industry. I am a big fan of the film industry. Anybody watching now, *Son of a Critch*, which is a big hit nationally, maybe internationally. But I know it sure is provincially.

I've always wondered in the Premier's Greene report when she filed her report she said that \$46,000 for every actor and actress that is hired in Newfoundland and Labrador for these film ventures is what it cost taxpayers in Newfoundland and Labrador.

Now, the people in Bonavista would be unsettled by that. We've now moved to a \$10-million tax incentive, which is we are adding more. So maybe a comment in your address about your viewpoints in relation to the Premier's Greene report just to see as to where that is.

So on those questions; the technical side is straightforward. My Member for Topsail - Paradise mentioned the gender-neutral language, right on. And I think to make sure that it is in every legislation that we have – and we have a lot of work to do with that, too, but we will get there. So if those questions could come up at some point in time, just for clarity at sometime during the debate, it would be wonderful.

Thank you, Mr. Speaker, as always.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

I'll speak briefly to this here now. One thing we have to do, and I think we all need to do, is give credit where credit is due and to the Member for Topsail - Paradise who put in that amendment that time to start adding gender-neutral language in bills. I don't know if it was the beginning of this current sitting or the last sitting of the House, but he did put in that amendment. I see that now it's added into every other bill we've seen now, about adding gender-neutral language to bills. So that is an important thing and it means a lot to a lot of people as we move forward as a society. So I do thank the government for that, to start realizing those things and making those changes so we progress as a society.

I do want to mention, too, the tax credit on green technology and innovation. That's a good move. You know, there are a lot of businesses out there that can really avail of that help. There are businesses out there who would love to do their part but sometimes they need that extra help to do it and we move things along to help move towards a society where we encourage environmentalism and to protect the planet. We only get one planet, so we've got to do what we can to protect it while we're on this side of the sod.

Also, the adjustments to the tax credit for education and things like that. We want to encourage more people to go to school, we want to encourage more people to seek higher education and better themselves and their lives. Because an education is lifetime, it follows you everywhere and it's important that those who want to go to school and those who want to better themselves, we encourage everything that they want to do.

Another thing I do want to say is also the film credit, which is great, too. I know we have a very massive quickly growing film industry in this province; we're the envy of it seems to be a

lot of parts of Canada right now with filming. We've got beautiful scenery around us and wonderful talent – obviously, maximize that to the best.

I do like the changes. I do think there's some stuff there that is wonderful. I'm sure we'll have more to say about it when we finally go to Committee of the Whole.

So with that, I'll take my seat.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Is the House ready for the question?

I see no other speakers so I call upon the Minister of Finance and President of Treasury Board to close debate.

S. COADY: Thank you very much, Speaker.

I really appreciate the interjections and the comments that have been made by my colleagues opposite, the Member for Bonavista, the Member for Stephenville - Port au Port, the Member for Topsail - Paradise and the Member for Labrador West and their encouragement toward, especially, I think, the tax credits for business to encourage business development and, of course, the move towards green technology.

Allow me to just have a couple of words because there was some questions that I will just say before we conclude and go to the line by line and the clause by clause.

First of all, the \$82 million in the personal income tax that was mentioned by the Member for Bonavista that is not rate related. It is more related to a stronger household income and the strengthening of the economy, the strengthening of the employment numbers and that is we are expecting to collect –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

It is hard to hear the Member speak.

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

S. COADY: – more in the personal income tax. That is a very positive, a good indicator of our economic resurgence.

The second question you asked about: Will it help address industries impact on climate change? Yes is my short answer. I will say that the idea here, from the 20 per cent Green Technology Tax Credit, is to ensure that Canadian-controlled and Newfoundland-based corporations will invest in equipment for energy conservation or clean energy generation.

So if you have a company, for example, and you are utilizing any type of what I am going to call the new technologies for energy conservation or, for example, you put in technology that reduces your consumption of electricity – very positive for environment, helps eliminate that big impact.

Of course, the federal government is doing an awful lot around this as well for industry to help them lower their greenhouse gas emissions and their impact on climate change. It is positive.

AN HON. MEMBER: It takes more money.

S. COADY: This isn't federal money. This is provincial money. Yeah. This is provincial money for our tax credit, but there is further money from the federal government to assist businesses to lower their greenhouse gas emissions. So it is very positive.

I am particularly glad to see so much support for the tax credits. I did hear from my colleague from Stephenville - Port au Port saying this would be something to consider in future years how we can utilize tax credits to entice and ensure that we attract either newcomers or young graduates to the workforce here in Newfoundland and Labrador. Certainly something to consider. We are always looking for ways to ensure that the youth of our communities remain vibrant and strong economic contributors.

I will also say that, as I said earlier, I think one of the best things we can do –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

It's very difficult to hear the minister speak. I ask Members if they want to have meetings, take them outside, please.

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

S. COADY: Thank you very much.

– is to help ensure we lowered our tax rates when possible, because that does help overall. So we'll keep an eye to that and see how we can do that as we move through, as our economy strengthens and rebounds, as we diversify our economy. As I've said in this House, there's a lot of strength in our economy that we're seeing coming out of COVID and the work that the Minister of Industry, Energy and Technology is doing as well. That's very, very positive.

I thank Members opposite for their support of this bill and I look forward to the clause by clause.

Thank you.

SPEAKER: Is the House ready for the question?

The motion is Bill 54 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.'

Motion carried.

CLERK (Barnes): A bill, An Act To Amend The Income Tax Act, 2000. (Bill 54)

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 Income Tax Act, 2000," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 54)

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 54.

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.

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.'

Motion carried.

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

Committee of the Whole

CHAIR (Trimper): Order, please!

We are now considering Bill 54, An Act To Amend The Income Tax Act, 2000.

A bill, "An Act To Amend The Income Tax Act, 2000." (Bill 54)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The hon. the Member for Bonavista.

C. PARDY: I just wanted to pose a question to the minister in relation to the all-spend video and film industry. I notice we are donating \$10 million per project, I think allocation that we have in the budget.

I referenced earlier, it had talked in the Greene report that it was clearly stated that the cost for the residents of Newfoundland and Labrador, Mr. Chair, was \$46,000 per actor/actress. I want to go on record to make sure that I am a supporter of the film industry, but I know that what helps in the support is knowing that we have a cost analysis done, which informs our decisions.

So I just want to throw that out to the minister to get a response to see where we are with that comment in the Greene report.

Thank you.

CHAIR: The hon. the Minister of Tourism, Culture, Arts and Recreation.

S. CROCKER: I appreciate the question from the Member opposite.

With regards to the comments in the Greene report, I respectfully disagree with them. When you really drill down in this and you think about if you really drill down into this industry and take a long, hard look at it, the benefits go way beyond those who are actually on set: it is the servicing of the sets, it is the catering, there is so much involved in this.

The industry is growing in this province now to a \$100-million industry. Our goal, right now, is to stabilize that industry. So if you think about the refundable tax credit, the maximum on that is \$10 million per project. We would only be fortunate enough to be able to get to a point someday to actually have to use that \$10-million ceiling. That would mean that we're doing a \$30-million or \$40-million or \$50-million project.

Your other reference, there is a \$10-million equity investment in the Estimates from this year; that is a separate program. That program tailors more into some of the local productions. Really, the benefit of the all-spend tax credit is what we would have seen last year and you

would have seen it, first-hand, in your district in Bonavista with Disney. Disney was here, I don't know I think they were in Bonavista for seven or eight days. If you want to talk about intensity of spend, in the amount of time that Disney was here, they left over \$10 million in the local economy.

And there's also a value in the film and television industry that we really have no way to capture and that's the value of tourism. We still have people visiting the Duke of Duckworth because of *Republic of Doyle*.

The Member for Harbour Main referenced, I think in a Member's statement last week, the value of *Rock Solid Builds* and how much traffic that's bringing in to Brigus in her district. It's an ad. Do you know what I mean? When we go out and buy these ads, they cost us a lot of money and the value of what a lot of the exposure has done, there's no way to truly measure the effect it has on the tourism industry as well.

CHAIR: The hon. the Member for Bonavista.

C. PARDY: Minister, thank you very much for that answer.

I know that when the department embark on these investments, I know we had talked about NASCAR, we had talked about the film industry within your department that we would look at and I know that in the PUB last night we talked about transparency. But would the department be able to readily provide a cost-benefit analysis that would be out there? And I know –

SOME HON. MEMBERS: Oh, oh!

CHAIR: Can I get a little order, please. Sorry, over in the corner.

Hello! Hello! Can I have a little order, please, over in the corner.

Thank you.

The hon. the Member for Bonavista.

C. PARDY: I don't know if I need to go back, minister?

S. CROCKER: Yeah, I think I got the crux of it.

C. PARDY: Oh yeah, the gist of it. So the only thing on the cost-benefit analysis, I know sometimes you might talk commercially sensitive that you put out there, but I know a lot of people may not truly value the investment unless they know what they can see.

I'm sure your department must be doing post-Disney, because I don't disagree with anything on Disney. It was great for the Bonavista Peninsula, it was a beehive of activity and I can name the accommodations of which that were there and it pulled a lot of people in the District of Bonavista. So we were huge beneficiaries. But the only thing I ask is that do you have a cost-benefit analysis that could be tabled or presented?

CHAIR: The hon. the Minister of Tourism, Culture, Arts and Recreation.

S. CROCKER: Yeah, every project goes through its own analysis through the stats division.

You referenced NASCAR. With something like NASCAR, we work with Destination St. John's, the DMO here in the city, because they have a tool and the expertise around that analysis. So the analysis you would've seen on NASCAR of about \$6 million, a return, that analysis would've been done by Destination St. John's.

As a department, as we expand – because one of our goals right now is to do even more and more in event attraction – is to actually acquire our own tool. But, right now, we typically use Destination St. John's as our partner in estimating what the spend will be. Anytime, if you think about Disney, that would have been an analysis done by the Department of Finance.

CHAIR: The hon. the Member for Bonavista.

C. PARDY: Would those analyses be public? Like you're talking about Destination St. John's, would they be attainable to have a –?

CHAIR: The hon. the Minister of Tourism, Culture, Arts and Recreation.

S. CROCKER: Yeah, I think quite frankly they were laid out in the news release. The estimated return on NASCAR I think is around \$6 million over three years. Yeah, so we typically lay those out. Obviously, I think the Disney spend was around \$10 million. So it's easy to derive from that what the benefit is.

CHAIR: The hon. the Member for Bonavista.

C. PARDY: And my last question. The number wouldn't show up in the news release unless your department would have had a cost-benefit analysis, even though how rough it would be, for that figure to end up in a news release?

CHAIR: The hon. the Minister of Tourism, Culture, Arts and Recreation.

S. CROCKER: That would be the information that we would use. Again, in the NASCAR, we would have used Destination St. John's. We have a great relationship with them and they have a tool for that. They're the ones that are constantly monitoring hotel nights, as an example. I can tell you NASCAR alone filled one hotel, now they're gone to second hotel.

We work closely with Destination St. John's, in this case, and we'll work with – I don't mean to just say we work with Destination St. John's, we'll work with all of destination management organizations around the province, but a lot of the key attractions and that economic value, because even though the NASCAR event is in Avondale, metro will be maybe the greatest beneficiary of that, simply because of accommodations.

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

T. WAKEHAM: Thank you, Chair.

I just want to follow up now on a comment from the minister – from my hon. colleague to the Minister of Finance, because he brought up an interesting point. We talk about the benefits like, in this particular case, the \$10 million of Disney, the \$10 million of benefit to the province.

Do we actually have that post-analysis somewhere that could show us how this \$10 million – because that's a real benefit to have,

that you could actually show that, yeah, we're not just saying it, here's the actual analysis that was done to show. Here's the value of what we're doing. I was just wondering, because it was a good point that he made, and I just wanted to follow up with you on it.

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

S. COADY: Thank you very much.

It's a very interesting discussion that we're having here this afternoon. Of course, we're looking at the overall economic benefit, and I think that was what the Minister of TCAR was actually speaking of. It may not necessarily be a benefit to the Treasury, but it's a benefit to the economic generation, right? And that economic analysis, of course, the division of the economics and stats would do that kind of analysis with the Department of TCAR to ensure that there is value there as well.

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

T. WAKEHAM: So there would be some kind of analysis that would have been done by – and that's something maybe we could follow up and try to get a copy of her analysis that was done.

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

S. COADY: Thank you very much.

Of course, every year – every six months – we publish the economic forecast and it would be contained in there as well. So all the information would be contained in there. Also, as the Minister of TCAR said, it would be in the press releases as well as the economic generation that is forecast, or anticipated, and then reviewed to see if it actually progressed from there.

But that would be in those reports that would be contained on the economy that is published twice a year, once with budget and once in the fall fiscal forecast.

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

T. WAKEHAM: Thank you, Minister.

We'll follow up and have a close look at those.

CHAIR: No further questions?

T. WAKEHAM: No further questions.

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

P. LANE: Thank you, Mr. Chair.

I wasn't going to really ask questions, now we're sort of veered off into this whole idea of the benefit of these – quote unquote – investments. I'm just wondering, along that same line of questioning, I guess, when it comes to, for example, NASCAR, which we were talking about, and the minister will say, NASCAR is going to generate X amount of money in economic activity, therefore we're going to more than get our money back and our investment back and so on.

In terms of the analysis that is done, is that based on locals, or is that everything – how much of it is locals? How much of it is new people in terms of these investments? Because if I have X number of dollars in expendable income to spend, if there was no NASCAR, I'd probably go and spend it on George Street or I'd go to Eastport, or I'd go to Gros Morne or wherever I would go and spend my money there.

So whether I spend it at NASCAR, or I spend it somewhere else, it's still the same money. So that's not really generating anything in additional new money. So the only way that this really gets the big payoff, to my mind, is a combination of the people that are working for NASCAR, so to speak, that are coming, that are going to be spending money, bringing their money, and if – and that's a big if – there are people that are going to leave wherever they are living outside of Newfoundland and say I am coming to Newfoundland for NASCAR.

Now, again, even when we say someone who wasn't from here and they went to NASCAR that could be someone – that could be my daughter, theoretically, who is living on the Mainland, who is coming home to see her mother and father and while she is here, oh, I

think I will drop into NASCAR. But she never came here for NASCAR. She just happened to go to NACARSAR.

So in doing this analysis, what I'm trying to get at here is unless it's actually new money coming into the economy, then I question where the value comes from.

CHAIR: The hon. the Minister of Tourism, Culture, Arts and Recreation.

S. CROCKER: Well, yeah, when we release our number at the end of the year, for example, prepandemic, we are at \$1.12 billion in tourism. There is a Statistics Canada formula that we use that mixes non-resident versus resident.

I am disappointed that you are concerned about NASCAR because the reality is we are working with an industry that has been most devastated by COVID. This is a small investment for the return; hundreds of hotel rooms being rented and it also brings, as I said about the film and television industry, really what we are doing with the NASCAR event is our money is going into marketing. We are buying ads during that event that will air on TSN. It's a new market for us.

We have approximately a \$12-million marketing budget each year. This is where that will come from. This is money that we would have used for marketing. This is an approach to marketing.

We need to remember, generating and getting people out to events. If you think about it – I actually drove through downtown the night before last and there was a Growlers' game and you just see the beehive of activity that creates.

You know, there are 20,000 people in this province employed in the tourism and hospitality industry and we are going to do what we can. Over the last two years, we have stood with that industry. We have made the investments to improve it. We will continue to do so.

If you think back to an event like the Brier and what that actually generated for this city. There are still people coming to St. John's because of the time they had at the Brier.

So we are going to continue to do this. We feel it is a good way for us to help, not only offer these events to the people of Newfoundland and Labrador, it offers the opportunity for people to visit Newfoundland and Labrador but it also offers an opportunity for us to support those that have been most affected by COVID.

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

S. COADY: Thank you very much.

There are economic forecasting models that are used by the department that really do look at investments that are made, organizations that may – and you mentioned NASCAR – come to deliver a tourism-type product. The economic forecasting model will talk to what kind of economic generation would be developed because of that particular project. Those are published twice a year, once at budget time and then once in the fall for the fall fiscal update.

You can see where we are in terms of the economic generation, the impact on tourism and those types of things. So there is a modelling for this type of activity that indicates what the value is to the economy.

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

P. LANE: Thank you, Minister of Finance. I do appreciate that.

This is not about being against tourism and against the tourism industry. I just want to make that very clear. The only point I'm trying to make is that when we talk about the economic benefits, all I'm suggesting is that if – and I just look at it from the point of view of just one person. You can multiply that times everybody, I suppose, or most people.

People have X number of dollars in expendable income to spend. All I'm saying is that if all you're doing is spreading around the same money, i.e., locals, if there was no NASCAR – and, again, it's not about picking on NASCAR now – maybe the money would have been spent at the movie cinemas. Maybe it would have been spent on George Street. Maybe it would have

been spent up in Gros Morne or whatever the case might be. That's all I'm saying.

The real benefit, as I would see it, would be if this is actually bringing new dollars that wouldn't be here, bringing it in, or, conversely, if it's keeping money here. In other words, there is so much wonderful stuff to do here I'm not going to go on a vacation out of province because I have lots of stuff that I could spend my money on here.

So either A: locals are keeping their money here, when they would have taken it somewhere else, or people not from here are bringing their money here. That's all I'm saying.

CHAIR: The hon. the Minister of Tourism, Culture, Arts and Recreation.

S. CROCKER: No, that is a good point. The new money is obviously always the best money.

I'll just deviate a little. If you look at our tourist, the true non-resident tourist in this province leaves about \$2,800. A VFR, which is your relative that you mentioned that's home and goes to the ZZ Top concert this weekend or NASCAR, they'll leave \$1,300.

So without a doubt, we know that the greatest beneficiary is that. But I can tell you one of the things that's certainly – and I don't mean to harp back on NASCAR, but their contingent alone I think is between 200 and 250 people. They are bringing a very large contingent with them. All these things are factored in.

These events have a legacy. We feel that it's somewhere that we need to get back, because it's a very competitive market and it wouldn't be – if this didn't have economic benefit, there wouldn't be this level of competition to attract these events. If you think about the Brier, that's a tremendously competitive event to get the event.

So I think your point is well taken, new money is always the best money, but it's important, I feel, that we build this sector of our tourism and hospitality sector.

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

S. COADY: Thank you.

I thank the Member opposite. This is a very good point. With regard to this bill, the Act to Amend the Income Tax Act, 2000, these are tax credits that we're bringing forward. So they have to spend money to get a credit back. So from this perspective, just from this act – and I know we kind of went off and talked about NASCAR – they would have to spend the money to get money back. So I just want to make that clear with regard to this act.

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

P. LANE: (Inaudible) I was aware of that. The only reason why – it never even would've occurred me to even bring up NASCAR except you were talking about NASCAR. So I said, well, everyone else is talking about, I'll ask about it as well. That's all.

Anyway, that's all I have.

Thank you.

CHAIR: No further questions, anyone else?

The hon. the Member for Labrador West.

J. BROWN: Thank you, Chair.

Just a quick question to the minister on that reinstating limitations respecting an individual's ability to claim the equivalent of spouse amount, the caregiver credit and the infirm dependent credit. I know we're reinstating limitations. I want to make sure that there's no person that would probably be negatively impacted by that that we might not have foreseen, because we're tightening it up a bit. I just want to make sure that we're not going to leave somebody out that actually does deserve it.

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

S. COADY: Thank you very much for the question.

What clause is that, just so I can –?

CHAIR: The hon. the Member for Labrador West.

J. BROWN: (Inaudible) it's tax stuff, it gets a little – the caregiver amendment.

S. COADY: Okay, I got it.

J. BROWN: You got it there, perfect, thank you.

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

S. COADY: Thank you.

This is clause 3. So it's the amendment to reinstate the limitations for an individual to claim the equivalent of spouse amount, the caregiver credit or the infirm dependent credit. This clause is retroactive, basically, to January 1, 2017, and it's to align with changes in the federal act that were introduced when they introduced the Canada caregiver act. So, basically, it's reflecting the federal amendment and ensures you can only claim one of.

So this is the way it's already administered, so it shouldn't have impact.

CHAIR: The hon. the Member for Labrador West.

J. BROWN: Thank you, Chair.

I just wanted to make sure of the clarity of that, because it is kind of an important thing for some individuals, especially low-income individuals.

Another thing I do want to ask about, Minister, is with the Green Technology Tax Credit. I know we have a definition of what that means there. Will this expand over time to include newer technologies or phase out other things that are kind of on the border of green and not? Just curious on that.

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

S. COADY: Well, certainly this is a newly introduced Green Technology Tax Credit and right now this is for any kind of energy conservation, or any kind of clean energy

generation, so it's pretty broad from that perspective. We'll continue to monitor and look to how companies are bringing forward their tax credits and if there's change needed we'll certainly look to make the change.

But, right now, it's pretty open. It includes use of fuels from waste, to make efficient use of fossil fuels, so there are a number of avenues and a number of things that a corporation could do to ensure that they are focused on energy conservation or clean energy generation.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

The motion is carried.

On motion, clause 1 carried.

CLERK: Clauses 2 through 32 inclusive.

CHAIR: Shall clauses 2 through 32 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 2 through 32 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 Income Tax Act, 2000.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill carried without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

CHAIR: The hon. the Government House Leader.

S. CROCKER: Thank you, Mr. Chair.

I move that the Committee rise and report Bill 54.

CHAIR: The motion is that the Committee rise and report Bill 54.

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 Lake Melville and Deputy Chair of Committee of the Whole.

P. TRIMPER: Speaker, I am pleased to report that the Committee of the Whole have considered the matters to them referred and directed me to report Bill 54 carried without amendment.

SPEAKER: The Deputy Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 54 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: Mr. Speaker, I move, seconded by the Minister of Justice and Public Safety, second reading of Bill 51.

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

J. HOGAN: Speaker, I move, seconded by the Government House Leader, that Bill 51, An Act Respecting Access To Health And Educational Services, be now read a second time.

SPEAKER: It is moved and seconded that Bill 51, An Act Respecting Access To Health And

Educational Services, be now read a second time.

Motion, second reading of a bill, "An Act Respecting Access To Health And Educational Services." (Bill 51)

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

J. HOGAN: I am pleased to speak to this proposed piece of legislation this afternoon. I'll just say in my opening comments that this government is committed to ensuring the safety and well-being of all Newfoundlanders and Labradorians. As part of that commitment, we are establishing safe access zones to ensure safe, unimpeded access to health and educational services in the province.

The proposed bill prohibits interference and intimidation of service providers and users near health and educational facilities. Over the past year, public demonstrations took place at or near health care facilities and schools where COVID-19 vaccine services were being provided. Several groups and health care stakeholders have released public statements denouncing the public rallies at or near the Health Sciences Centre. These include statements by the College of Registered Nurses of Newfoundland and Labrador, the Registered Nurses' Union of Newfoundland and Labrador and the Canadian Federation of Nurses Unions.

We acknowledge the importance of the right for peaceful protests, which will remain permitted in these access zones. The legislation balances the rights of some to peacefully protest or express dissent with the right of others to access health and educational services unobstructed.

We also will account for the fact that health and educational facilities include diverse workforces, including union employees represented by different bargaining units. The proposed legislation provides an exception for persons participating in lawful strike activities. Also protected are activities of the RNC and the RCMP.

The access zones extend 50 metres from the boundaries of the land where schools and health facilities are located. Contravention of the

legislation can result in imprisonment or a fine of up to \$10,000.

In December 2021, the federal government introduced amendments to the *Criminal Code* to enhance protections for health care workers, those who assist them and those accessing health care services. The amendments protect them from any intimidating conduct, including threats, provocation and impeding access to services.

Newfoundland and Labrador is aligned with the federal government and other provinces by introducing this legislation to protect health and service providers, and users, and has extended that protection to service providers and users of facilities providing kindergarten to Grade 12 educational services.

Nova Scotia, Saskatchewan and Quebec have introduced legislation in response to anti-vaccine protests. Alberta has amended its existing legislation in respect to trespassing.

More specifically, this proposed legislation will create an access zone that extends 50 metres from the boundaries of a facility where health services are provided, that a regional health authority is responsible to deliver and administer, including under the *Regional Health Authorities Act*, and a facility where education program and services are offered, that a school board or private school is responsible to deliver and administer, including under the *Schools Act, 1997*.

The Lieutenant-Governor in Council would also have authority to prescribe another place, including an access zone, by regulation. The proposed access zone will not include a private property outside the parcel of land on which the facility is located other than the private property that the owner or operator of the facility owns or has an exclusive right to use or occupy, or any portion or parcel of land on which the facility is located that a person other than the owner or operator of the facility has an inclusive right to use or occupy.

In conclusion, individuals receiving health care services or attending an educational facility must be able to do so without fear or intimidation. This proposed legislation is about balancing the right of some to protest or express dissent with

the right of others to safely access health and education services.

Thank you Speaker.

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you, Speaker.

I'm very pleased to speak on this important piece of legislation, Bill 52, the *Access to Health and Educational Services Act*.

First of all, I would like to say that this act is important because it reflects, I hope, a balancing act, in a way. We definitely need to ensure that the rights of individuals to peacefully protest is protected. But we also have to ensure that the rights of people who wish to attend at health care facilities and educational facilities, that their right to access these public services, that they can do so freely, uninhibited, safely and without fear of being affected in a negative way as far as their safety.

We know that the *Canadian Charter of Rights and Freedoms*, under section 2, it guarantees the right of freedom of expression, freedom of association, freedom of peaceful assembly. So that is an important fundamental right that is protected by our *Canadian Charter of Rights and Freedoms*.

So the question can of course be asked: When we see legislation as this implemented, are our rights to peacefully protest – the ability of us to peacefully protest, is that right disappearing? Is that right going to be impacted in a negative way?

From what I understand from reviewing the legislation, and we've heard from the Minister of Justice and Public Safety on it, this proposed legislation is supportive of balancing those rights of the individual and balancing that particular right of section 2 of the Charter.

So there does not appear to be any kind of interference, for example, with the lawful right to engage in strike activity. The 50-metre access zone around facilities, such as schools and education services, appears to be an amendment

or legislation which is, perhaps, in the best interest of us as a society.

We need to ensure that our health care workers, for example, when they are providing important health care services to the people and to the citizens that they are able to do that unimpeded and not interfered with by individuals who may be trying to restrict them access or restrict their ability to do the work that they have to do.

From my understanding, this bill does not preclude protesting, peaceful protest, and that I think is the key here. We need to ensure that the important fundamental right that is guaranteed in section 2 of our Canadian Charter of Rights, that right which has been guaranteed, and it's entrenched, Mr. Speaker, in our Constitution. That ability to have freedom of expression, so that citizens can do that, they can express. We know that protests are a way for people to express themselves for or against decisions of government and other powerful institutions.

We need to ensure that is not inhibited, that there are not restrictions that allow people to do that. The same thing goes with educational facilities and the right of students to lawfully protest and to have that ability to express dissent, express disagreement. That is a fundamental piece and hallmark of our democracy. I don't see that that is compromised in this legislation.

When I look at the facilities that will be impacted here, I believe, from what I understand, that it will be the K-to-12 system, as far as educational facilities. Also, vaccination clinics, as well. I do note that the minister also referenced the federal legislation, which is similar, that was imposed in January of 2016, I understand.

I think what's important about this legislation – it is similar to legislation with respect to the abortion clinics. It means that we cannot have people who are working at these facilities – they can't feel intimidated or threatened when they're working at health facilities.

Now, of course, we know that any legislation, it can't be too broad, Mr. Speaker, and we have to make sure that the rights of students, the rights of strikers, for example, that cannot be impeded.

With respect to students, students may have a disagreement with administrative decisions that are made by the university, for example. We cannot allow those rights to be infringed upon.

So we understand this legislation does not preclude the right to peaceful protest, it does not preclude the right to picket; it just means that you cannot physically obstruct or intimidate people in these public facilities who are working there. By virtue of that, we also see that people who are attending – not only does it protect the workers who are, for example, at these health care facilities, anyone who is attending there, who is coming back and forth to access the services. They have to be able to do that in a safe manner.

So as far as this legislation, I do support it. I do make the qualification, however, that our rights, as guaranteed in the Canadian Charter of Rights – these are fundamental rights; these are rights that are crucial in a free and democratic society and in our province – that these rights have to be respected. Yes, there are times when they're going to be balanced, and as long as that balance takes place and it recognizes the interests on both sides, which it is my view that this legislation does, or at least it appears to do, then, I would not be opposed to this Bill 51, the *Access to Health and Educational Services Act*.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Any other speakers?

The hon. the Leader of the Third Party.

J. DINN: Thank you, Speaker.

As we can tell, this bill was in response to an incident in January 2022, a group anti-COVID vaccination protestors forced the temporary closure of a booster shot clinic in St. John's and thereby disrupting service to the public and, more importantly, to the people who really needed or were depending on that service, on the vaccinations.

The spokesperson for Eastern Health at that time, Speaker, said that there were 60 people who were ultimately turned away. You could

argue that certainly when it comes to it, it's a public health issue, not only for them but for their loved ones as well.

I do remember the protestors at one site and you had, in some cases, elderly people who were lining up outside to get the shot and intimidation or interference in this case. I want to come back to the use of the term intimidation because that's a key concern that I do have.

At some point, I guess, I support the whole notion of peaceful protests and even, for that matter, raucous protests, especially around the Confederation Building where each of us here are elected and we make that public decision and we sign on for that as politicians. That is something that we should expect, as long as our own personal safety is not threatened. But we make decisions and we answer for them.

The people who are employed in a clinic or the people who are going there or the students who are attending the school, they don't have that option. They are basically public servants. They are directed by their employers or by the facility: Here is where you must go. Certainly, during COVID especially, these institutions, whether they are education or health, were already under tremendous pressure.

I will say this. To me, setting up a safe zone makes sense. Now, it is interesting, within these access zones a person cannot intimidate or interfere with service providers or those receiving a service. Interference is defined in the legislation. However, the legislation permits the Lieutenant-Governor in Council to set out the meaning of undefined words in the regulations, and while interference is defined, intimidation is not. What counts as an intimidation? Because intimidation to one person may not be intimidation to another, depending on your personality. Who gets to define that?

There is a concern that it could be potentially used as a tool in the kit of those who would silence dissenting voices and they could claim that while they respect what they call legitimate protests and they are abiding by the spirit of legislation, service providers or management could nonetheless call the police and ask for their removal of peaceful protestors simply by claiming that they feel intimidated.

I'll use sort of a related incident. What is considered essential workers? In many ways I would argue that the term essential workers has expanded significantly over the decades and has been used as a tool, basically to undermine collective bargaining. But what defines essential worker and who gets to define it?

More recently, you might remember the protest by a student at Memorial University, who basically claimed that the leadership of the university has repeatedly stifled his freedom of speech on campus by claiming that he has violated the respectful workplace policies, and that his behaviour left some people feeling unsafe. Well, what defines unsafe? If you're advocating or inciting violence against someone, that's one thing, but if you're strenuously opposing a decision or an action, is that intimidation?

So at what point does it cross the line, and who gets to make the decision? In some ways, maybe it needs to be defined in the legislation. Maybe there is a reason why it's not, and I'd be open to hearing that. My concern, I guess – well, actually, it's twofold. I'll echo my colleague from the Official Opposition, which is basically saying that we support this. It's important to make sure that people are protected – those who are accessing these sites and those who work there. In many cases, the work they're doing is stressful enough.

But I do believe in that balance. I do need to have some assurance that the term "intimidation" is not defined and is now left to government to define that meaning is a little bit concerning. I guess I'm looking for some reassurance here that we will not see the scope creep in the definition.

I would argue that if someone tuning in, some people might consider the debate that goes on is intimidating. Probably a lot more fun, in some ways, but nevertheless I would argue here that many people don't necessarily see it that way. So it's important to figure out the definition in that area, who defines it and how we define collectively.

Thank you, Speaker.

SPEAKER: Seeing no other speakers if the Minister of Justice and Public Safety speaks now, we will close debate.

The hon. the Minister of Justice and Public Safety.

J. HOGAN: Thank you, Speaker.

I thank the Member for Harbour Main and St. John's Centre for their comments on this bill this afternoon.

I'm just going to do another quick review of this before we go to Committee, and I look forward to the questions in Committee when we do get there.

Thank you, Speaker.

SPEAKER: Is the House ready for the question?

The motion is that Bill 51 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.'

Motion carried.

CLERK: A bill, An Act Respecting Access To Health And Educational Services. (Bill 51)

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

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

S. CROCKER: Presently.

SPEAKER: Presently.

On motion, a bill, "An Act Respecting Access To Health And Educational Services," read a second time, ordered referred to a Committee of the Whole presently, by leave. (Bill 51)

SPEAKER: The hon. the Government House Leader.

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

My apologies, Mr. Speaker, we're just waiting for some technical answers here.

So, Mr. Speaker, I am going to move, seconded by the Minister of Justice and Public Safety, that the House resolve itself into a Committee of the Whole to consider Bill 51.

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 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.'

Motion carried.

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

Committee of the Whole

CHAIR (Trimper): Order, please!

We are considering Bill 51, An Act Respecting Access To Health And Educational Services.

A bill, "An Act Respecting Access To Health And Educational Services." (Bill 51)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you, Chair.

Section 1 is the title of the act. With respect to the bill being introduced, in the briefing one of the officials noted that the question of why this bill is being introduced is best directed towards the minister.

So can the minister outline why this legislation is being brought in now, please?

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

J. HOGAN: Thank you, Chair.

Yes, we did see some protests related to COVID-19 vaccinations. Within the last year, we had some complaints about people feeling that they weren't able to either get into the clinics or felt intimidated and, therefore, didn't go into the clinics or the vaccination sites. Also people who were at the sites as well felt intimidated as they were trying to do their job.

So unfortunately, we didn't have this legislation in place at the time which hopefully would've prevented it or certainly would've meant people who did intimidate other individuals would have had consequences for their actions. So having seen that and even though we haven't seen a protest to that level since then, we felt that we should take a proactive step in the event that it does happen in the future. That this legislation is in place to protect those individuals coming and going from the facilities and working in these facilities.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you.

With respect to section 2, we see a number of definitions that are set out there: for example, the definition of health services, the definition of health services provider. With respect to schools, schools are defined, it is my understanding, by reference to the Schools Act, for example K-to-12.

I need clarification because I wasn't sure if post-secondary education locations have been excluded from this bill. So can the minister clarify that the post-secondary education

locations have been excluded and, if so, explain why?

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

J. HOGAN: Thank you.

Yes, they have been excluded at this stage. Certainly we felt the need at this time to focus on the K-to-12 system, where the young people in this province are, to make sure that they're safe. That is a location where we have seen some protests involved in the vaccinations as well.

I will note that the definition of school does included, in section 2(g), "a school prescribed in the regulations." So we will have the ability, the Lieutenant-Governor in Council will have the ability to add schools in the future as necessary, which could include post-secondary schools at that time.

CHAIR: Thank you.

The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: So do you expect to introduce post-secondary education locations to be excluded in the future? Do you expect that?

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

J. HOGAN: I can say right now that I don't have any intention of putting that in the regulations. As far as we have gone right now is to get this legislation to the House, hopefully get it passed as soon as possible and then deal with the K-to-12 system. It might be a bit of an approach where we look and see if it is needed to add anything to the regulations at a later date.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you.

Section 3 notes that in an access zone, a person shall not interfere with or intimidate a person in a safe access zone. This section also exempts the RNC, the RCMP and labour-related protests

from the safe access zone. Noting that labour protests are possible and that the RNC and the RCMP are able to carry out enforcement activities.

Can the minister please give me some description of what labour activities exactly would be permitted?

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

J. HOGAN: So certainly the one that is obvious and the one we need to protect due to the Charter, which the Member did speak about earlier in her comments, was the right to strike. So those groups will be allowed to continue to strike as they could before this legislation takes place. We certainly wouldn't want to impede anyone's Charter rights.

I did speak about the need for balance in this legislation to protect individuals from being intimidated but also to allow individuals who have collectively bargained rights and charter-enshrined rights to strike.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you.

I'm thinking of a scenario where organized labour perhaps does not agree with a health policy of the government. Would they still be allowed to protest?

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

J. HOGAN: So any individual, including groups that the Member mentioned, are allowed to peacefully protest within the 50-metre access zones. There's no prohibition on peaceful protests; we're looking at the definitions. What individuals are not allowed to do is engage in interference, physically interfere with individuals or intimidate or attempt to intimidate a person.

We should go back and look at the definition of interference as well – the definition needs a definition, which is, you know, only lawyers can do that. So to interfere it has to be persistent and

repeated activities to do it, so arguably a one-time situation where you might intimidate someone wouldn't fall under the definition. It's an ongoing, persistent action of an individual that would fall under the definition here in this legislation.

CHAIR: Thank you.

The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you.

Finally, under section 4 with respect to access zone. So section 4 establishes the access zone extending "... 50 metres from the boundaries of the land on which the health care facility or the school is located." So 50 metres. The access zone will not include private property not used for health care or education.

So the question is: What about a case where the boundary is not clearly known by members of the public?

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

J. HOGAN: So like any law, individuals have the obligation to know what the law is. The 50-metre zone certainly would have to be known to an individual. That would be something else that may come up in a court case, about what the individual did know and their ability to comprehend or understand or know what they were doing, or if there was any intent at that point in time. Certainly don't want to get into anyone's heads about their criminal intent, but that's something that, on a case-by-case basis, could certainly be different.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: So really it goes to mens rea and whether there is an intent. Okay.

Have you considered putting a measurement in the legislation based on the distance from any parking lot or entrance into the building, having a specific measurement in there? What are your thoughts on that?

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

J. HOGAN: Sorry, could you just clarify that question?

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Yes, I'm wondering if you put a measurement in the legislation based on the distance from any parking lot or entrance into the building that would be more specific and would give more direction in terms of the area of the 50-metre safe access zone.

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

J. HOGAN: I guess what I would say to that, we do have – that might even lead to more confusion about what we mean in the – we'd have to define it all in the legislation; all building are not the same. Does every building have a parking lot? Does every building have an entrance way the same? So 50 metres was the number we came up with. We felt it was reasonable for individuals to be able to determine a safe distance that they're allowed to be within or without those zones.

You know, at the end of the day, I think individuals should focus on not intimidating and interfering with individuals who come and go from these facilities and they won't have to worry about a distance.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: I guess with respect to identifying or restricting to a particular measurement, that would be very confining and very restrictive. So that would really box in and not give that broadness that's necessary with the legislation.

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

J. HOGAN: Yes, the 50-metre zone is there. It's established, it's defined, as the Member said, but in section 4(4) the Lieutenant-Governor in

Council can, by regulation, decrease that distance for specific health care facility or schools. So certainly if something comes up where we think, or the government of the day thinks, 50 metres is not appropriate for a specific site, that specific site can be identified in a regulation to change that.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you.

Just one final question on the 50-metre piece. Would hospitals and schools have any markings? I mean, do you think that that would not be perhaps a reasonable measure to have markings around them indicating to people where the safe zone starts?

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

J. HOGAN: That might be something that the facility or the school can do if they feel that it is necessary for them to do it. But, I guess, at this stage, we didn't want to impose any additional burdens on them with regard to the access zones.

CHAIR: Any further speakers to the bill?

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

J. DINN: Thank you.

I understand masks will no longer be required after Saturday. I think I won't miss this, trying to get them untangled.

Okay, I just want to start with regard to the use of the word intimidation and why it's not defined, how it would be defined, and even, Chair, if there's any discussion around what would count as intimidation at this point.

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

J. HOGAN: I would suggest that there are probably volumes of case law out there about what intimidation means and it is up for judges to determine what intimidation is. Intimidation to one person might not be intimidation to

another. So this very well could be fact specific for when intimidation has occurred.

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

J. DINN: So the definition then, as I understand it, would be defined on a case by case in a court, if I'm understanding. Otherwise, it seems it would permit the Lieutenant-Governor in Council to set out the meaning, but am I understanding that really the court would decide that?

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

J. HOGAN: I am not sure what you said about the Lieutenant-Governor in Council there.

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

J. DINN: The legislation permits the Lieutenant-Governor in Council to set out the meaning of undefined words in the regulations. I just want to be clear as to – then is it the courts that will set out that definition or determine whether the definition applies? I am just seeking clarity around that – how that is determined.

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

J. HOGAN: Yeah, so the way this is drafted – the way it is now – certainly the courts would determine whether there was intimidation and whether a person was intimidated or not. I know that sort of sounds a little bit vague but that is the way that the system works because that's what the judges are there for. That doesn't apply to just this word. This applies to every single piece of legislation that we pass in the House is open to interpretation by a judge.

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

J. DINN: That makes sense. So, as I understand it, let's say the Lieutenant-Governor in Council says this is a case of intimidation, the judge – ultimately the courts – will decide if indeed it was.

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

J. HOGAN: Absolutely, the way this is drafted it will be up to a judge to determine if there was intimidation or not.

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

J. DINN: With regards to a definition of schools, it is pretty straightforward there, at least from my point of view, as to schools are defined as K-to-12 schools. Would that include, though, school board offices or district offices that don't have students in them? Would the 50-metre rule apply to – you could argue school district facilities or just the school facilities itself?

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

J. HOGAN: So, yeah, currently schools just means the schools as defined in the *Schools Act, 1997*. And as I said to the Member for Harbour Main, of course, a school prescribed in the regulations is something we can add later. But if it is not a school, if it is not defined under the Schools Act, it doesn't apply to those facilities.

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

J. DINN: And the definition would apply still then to a school that might house a board office. There are schools that have some board offices in them. I guess what I am getting at is if I'm there protesting, I'm not protesting the school, I'm here at the district office that is housed in this facility.

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

J. HOGAN: No, if it is not a school, this legislation doesn't apply.

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

J. DINN: No, I'll clarify it. There are some schools out there you have students but you also have board offices or board space in them. I'm assuming that those facilities, no one could use

the argument that, well, I'm not protesting the school; I'm actually after the board officials who are housed there.

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

J. HOGAN: Again, people are going to be able to argue what they want in court, but on its face it certainly says you can't intimidate within that 50-metre zone around a school. It doesn't say around a school except for if there's a school with an office in it.

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

J. DINN: To everyone, I might be losing my voice.

However, if private property within the 50-metre zone is excluded, unless it belongs to the owner or operator of that school or health care facility. So does that mean that in a private dwelling or private property, if I wanted to, that's 25 metres close to the school, I could set up my own protest on my own private property and have as many people as I wanted there?

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

J. HOGAN: So yes, if a 50-metre zone can extend onto someone's private property. I think that's the answer to your question. We are not trying to legislate what people can do on that property.

Now I will say what you're asking is can people be on private property, intimidate people, harass people, et cetera, et cetera. Legislation is not saying you can do that; legislation is just saying what you can't do in the 50-metre zone. So I wouldn't want people to think you can go and do whatever you want in all the other zones around the province, because we do have *Criminal Code*; we do have lots of legislation around what you can't do. This is just protecting the 50-metre zones around the schools and health facilities.

But that is the correct interpretation there. The 50-metre zone can't extend onto private property.

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

J. DINN: That's it, thank you.

CHAIR: No further questions?

Oh, sorry, the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Chair.

Just wondering, we passed a piece of legislation or an amendment to a piece of legislation, as memory serves me, I want to say a year or two ago, similar to this that related to abortion protests. There was a zone set up that you could not have an abortion protest so many metres from the hospital or from the abortion clinic or whatever.

So I'm just wondering, is that the same piece of legislation, and is that impacted – in other words, as long as I'm not interfering or intimidating someone, if you had three or four protestors at the Health Sciences or St. Clare's – I'm not sure they do abortions these days, but wherever – and as long as you're not interfering with anybody, are they allowed to stand up now within that 50-metre zone right next to the door as long as they don't say anything to anyone while they're there? Have we just sort of changed what we put in place by putting this in place? Or is that a different piece of legislation altogether?

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

J. HOGAN: That is a different piece of legislation. I believe it was the current Minister of IET who brought that legislation forward with regard to zones around abortion clinics. There is a difference in that abortion clinics do preclude peaceful protests in their zones. Peaceful protests are allowed within the zones of the education and the school facilities that we are talking about (inaudible).

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

P. LANE: Okay, I thank you for the clarification.

My final question kind of goes in line with what the Member for St. John's Centre was talking about in terms of intimidation and so on. I know that's open to interpretation, what intimidation would mean. Some people would think you're intimidated if you're saying something to someone when they're trying to go in, like you're threatening them or whatever, but what about intimidating signage?

Again, you could be totally peaceful, not say a word to anybody, but you have something written on a sign that's like very intimidating. It could be threatening on the sign, but you're not opening your mouth, you're standing there and someone could say that's intimidating. How would that apply?

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

J. HOGAN: Your example might very well be intimidating. I guess the answer I gave to the Member for St. John's Centre is every situation is going to be fact specific and it would have to look at the conduct, it would have to look at the situation, it would have to look at the individuals and parties might have to make those arguments before a judge.

CHAIR: Thank you.

Seeing no further speakers, shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Clauses 2 through 7 inclusive.

CHAIR: Shall clauses 2 through 7 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 2 through 7 carried.

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

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, enacting clause carried.

CLERK: An Act Respecting Access To Health And Educational Services.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

The title is carried.

On motion, title carried.

CHAIR: Shall I report the bill carried without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

CHAIR: The hon. the Government House Leader.

S. CROCKER: I move, Mr. Chair, that the Committee rise and report Bill 51.

CHAIR: It is moved that the Committee rise and report Bill 51.

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 Lake Melville, Deputy Chair of Committee.

P. TRIMPER: Speaker, I'm pleased to report the Committee of the Whole have completed the proceedings with Bill 51 and have carried it forward without amendment.

SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed that report Bill 51 be carried without amendment.

When shall the report be received?

Now?

S. CROCKER: Now.

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

S. CROCKER: Tomorrow.

SPEAKER: Tomorrow?

The hon. the Government House Leader.

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

You'd never ever underestimate the value of the Clerk, let me tell you.

SOME HON. MEMBERS: Hear, hear!

S. CROCKER: I can always trust to just look up and look towards the Clerk and find out what I'm supposed to do next. It's just like being home.

SOME HON. MEMBERS: Oh, oh!

S. CROCKER: Speaker, I call from the Order Paper second reading of Bill 55.

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

S. STOODLEY: Speaker, I move, seconded by the Minister Responsible for Women and Gender Equality, that Bill 55, An Act To Amend The Life Insurance Act, be now read a second time.

SPEAKER: It is moved and seconded that Bill 55, An Act To Amend The Life Insurance Act, be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Life Insurance Act." (Bill 55)

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

S. STOODLEY: Thank you, Speaker.

I'm very pleased to open debate on Bill 55, An Act to Amend the Life Insurance Act. So this bill is going to make a small but very important amendment to prevent an exploitative investment scheme which could result in losses to insurance companies and disruption for life insurance consumers. So I'll discuss and give an overview of the nature of what we're doing with our legislation. The life insurance industry offers a product called universal life policies. These products combine life insurance with an investment account that is exempt from income tax within limits set by the federal government.

Universal life policies also feature side accounts, which can hold additional funds. Side accounts are temporary containers for deposit accounts that would put the investment over the tax exemption limit; however, the money in side accounts can also earn taxable investment income for the consumer.

The target of the investment scheme is certain older universal life policies with side accounts feature a very high contractually guaranteed rate of return of around 4 per cent, and no limit on how much can be deposited. These policies were issued when interest rates were much higher than they are now. As rates in the recent past have occasionally declined to below 1 per cent, these contracts became a source of potential major liability for insurance companies.

Investment groups have sought to deposit large sums in high interest side accounts and be paid a guaranteed rate of return by the insurance companies. If allowed, this would result in potentially unlimited losses to insurers, threatening the financial stability of the companies and life insurance policies held by the consumers.

In Saskatchewan, attempts to carry out this plan by investment groups resulted in a series of court battles. The insurance companies were eventually successful but only because of regulatory changes. So, subsequently, to mitigate the risk of this happening elsewhere, six other provinces have made legislative changes similar to those in Saskatchewan to prevent investors from using a universal life side account to extract unlimited returns from insurance companies.

The Canadian Life and Health Insurance Association has advocated for these changes, and we had discussions with them in the course of drafting our amendments.

Speaker, the amendments we have proposed to the *Life Insurance Act* here in this province are similar to those in other jurisdictions. We propose to set a ceiling on side account deposits equal to the sum of the cost of life insurance and the remaining tax exemption investment room. This will prevent side accounts from being misused while avoiding disruption to anyone's existing investments, Mr. Speaker.

The amendments also provide clarification within the act to ensure that there is no unintentional application of the *Securities Act* to insurance companies. Otherwise, securities regulation could be inappropriately applied to insurance companies.

The draft bill also provides an opportunity to reword the act to remain gender silent in order to respect the gender diversity of Newfoundlanders and Labradorians.

Thank you very much. This is a bit of a loophole, I guess, that we're closing, that most other provinces are closing. I look forward to answering any questions and hearing comments from my colleagues.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

Again, it is an opportunity to get up and speak on another bill that we have in Digital Government and Service NL, I don't know how many we have but we're having a good many.

First of all, I would like once again to thank the officials of the Department of Digital Government and Service NL. The officials in the department are hard working; they prepare a number of pieces of legislation each session for us to debate here in this House. I am going to say more than a number, there is a good many. So I thank the officials for that and I thank them for the briefing that they provided us.

This bill amends the *Life Insurance Act*. So I first must outline what the *Life Insurance Act* does and what the purpose of it is. The *Life Insurance Act* provides for the regulation of life insurance in the province. It is really consumer protection legislation when you think about it. The act makes sure that when a resident purchases a life insurance policy, that the purchase is protected. It makes sure that a company cannot run away with a person's money.

One of the things which the *Life Insurance Act* does is that it allows for the licensing of insurance agencies. This is an important part of making sure that the industry is safe for residents to purchase products for. There are different types of insurances: there are health insurances, there is car insurance, travel insurance and many more.

This act and the bill we have before us deals with life insurance. Life insurance is defined in legislation in the *Insurance Companies Act*. Life insurance is an insurance that is payable on death, on the happening of an event or contingency dependent on human life, at a fixed or determinable future time, or for term dependent on human life.

Life insurance “(ii) includes insurance under which an insurer, as part of a contract of life insurance, undertakes to pay an additional sum of insurance money in the event of the death by accident of the person whose life is insured, (iii) insurance under which an insurer, as part of a contract of life insurance, undertakes to pay insurance money or to provide other benefits in the event that the person whose life is insured becomes disabled as a result of bodily injury or disease, and (iv) an undertaking to provide an annuity, or what would be an annuity except that the periodic payments may be unequal in amount, for a term dependent solely or partly on a human life, and that undertaking shall be considered always to have been life insurance.”

This definition is lengthy and complex, for sure, so I will condense it for the people that are listening at home. Life insurance is a contract between an insurance policy holder and an insurance company, where the insurance company promises to pay a designated beneficiary a sum of money upon the death of an insured person.

I would like to take a moment to talk about what this legislation before us today is. This amendment will close a loophole which currently allows life insurance side accounts to be used as investment vehicles. Side accounts were not and were never intended to be used as investment vehicles. So this amendment will close a loophole to ensure that side accounts on life insurance policies are used for their intended

purpose, which is to hold money to pay future premiums.

When universal life policies – which are called ULPs – were set up, side accounts were created. People could deposit money into these side accounts which could be saved to pay the premiums of the universal life policy over time. Unlimited deposits were allowed into side accounts with a guaranteed rate of interest. People who figured out this loophole would invest large sums of money into their side accounts and receive large profits, putting the solvency of insurance companies at risk.

A farmer who was also a trained actuary in Saskatchewan found this loophole. He purchased up these policies with side accounts, invested money into their side accounts and then tried to get insurance companies to pay out large amounts of interest. This issue ended up in Saskatchewan court where the law sided with the insurance companies and concluded that side accounts cannot be used as investment vehicles.

While this case was in the court process, Saskatchewan implemented new regulations which clarified that the purpose of these side accounts was to hold money to pay premium payments in future years. And they cannot be used as an investment vehicle. Now we are debating similar amendments, which I note that the Canadian Life and Health Insurance Association has been lobbying Canadian provinces to implement.

So how will this loophole be closed? This amendment will introduce a limit to the contribution room in the side account. The room in the side account will be limited to the costs of the insurance policy so that the contributions of the side account pay for the ULP. No additional contributions will be able to be made above the contribution limit, but any funds currently in the side accounts can stay there. People who have money in these side accounts will not be forced to withdraw.

I believe this is good legislation and that it's needed. This legislative change enforces the separation of insurance and securities. The two areas have separate regulations and governance. The two areas should be regulated separately. A

person should not be able to use insurance for purposes other than its intended purpose.

So in closing, I'd like to thank the department for their work on this legislation and I look forward to hearing the rest of the debate.

Thank you.

SPEAKER: Seeing no other speakers, if the Minister of Digital Government and Service NL speaks now she will close debate.

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

S. STOODLEY: Thank you, Speaker.

I thank the Member for Ferryland for his comments on the legislation. It's very important, we're closing a loophole, which I think protects consumers and, as the regulator for insurance, I think it's important to ensure stability in our insurance system and of the insurance contracts of residents.

Thank you, Speaker.

SPEAKER: Is the House ready for the question?

The motion is that Bill 55 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.'

The motion is carried.

CLERK: A bill, An Act To Amend The Life Insurance Act. (Bill 55)

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 Life Insurance Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 55)

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Mr. Speaker, I move, seconded by the Minister of Digital Government and Service NL, that the House resolve itself into a Committee of the Whole to consider Bill 55.

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.'

Motion carried.

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

Committee of the Whole

CHAIR (Trimper): Order, please!

We are now considering Bill 55, An Act To Amend The Life Insurance Act.

A bill, "An Act To Amend The Life Insurance Act." (Bill 55)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The hon. the Member for Ferryland.

L. O'DRISCOLL: Just one question: When will this get into legislation and be enacted, I guess?

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

S. STOODLEY: When the bill receives Royal Assent. So no more money will be able to be put inside accounts once the bill receives Royal Assent – above the limit.

CHAIR: Any further questions?

Shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

The motion is carried.

On motion, clause 1 carried.

CLERK: Clauses 2 to 23 inclusive.

CHAIR: Shall Clauses 2 through 23 inclusive carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

The motion is carried.

On motion, clauses 2 through 23 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 Life Insurance 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 51 carried without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Thank you very much.

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, Chair, that the Committee rise and report Bill 55.

CHAIR: It has been moved that the Committee rise and report Bill 55 carried without amendment.

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 Lake Melville and Deputy Chair of Committees.

P. TRIMPER: Speaker, the Committee of the Whole report that we have carried Bill 55 without amendment.

SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 55 be 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, Mr. Speaker.

I call from the Order Paper second reading of Bill 58.

SPEAKER: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Speaker, I move, seconded by the Member from Mount Pearl North, that Bill 58, An Act To Amend The Urban And Rural Planning Act, 2000, be now read a second time.

SPEAKER: It is moved and seconded that Bill 58, An Act To Amend The Urban And Rural Planning Act, 2000, be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Urban And Rural Planning Act, 2000." (Bill 58)

SPEAKER: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Thank you, Speaker.

I'm very pleased today to speak to the proposed amendments to the *Urban and Rural Planning Act, 2000*. These proposed amendments will improve the land-use appeal process by establishing a list of adjudicators across the province, increasing the capacity to hear appeals and creating process efficiencies. In short, the amendments will provide a timely and balanced appeal process for all areas across the province.

The regional appeal boards hear appeals related to land use and development issues that arise from decisions made by municipalities or provincial government authorities. This may involve appeals related to an application for development, a revocation of an approval or permit for development or the issuance of an enforcement order, something like a stop-work order.

Speaker, we've all heard of the delays with the scheduling of appeal board hearings, the majority of which are occurring in the Eastern region, where there is the greatest volume of appeals. Due to the unbalanced appeal board workload, current wait times for appeal hearings in the Eastern region of the province can be in excess of one year. The proposed amendments will increase the capacity to help make the system work more efficiently and will likely, hopefully, lead to shorter wait times.

The four current regional appeal boards will be disestablished and will be replaced with a list of adjudicators appointed across the province, adjudicating appeals in a consistent and efficient manner all across Newfoundland and Labrador.

The list will consist of up to 20 professionally qualified adjudicators appointed from all regions of the province through the Independent Appointments Commission process. Adjudicators will require a recognized professional designation, relevant to administrative law and municipal development, such as a lawyer or a certified professional land-use planner. They will be selected through the Independent Appointments Commission process and will be compensated in accordance with remunerations for agencies, boards and commissions.

While the individual adjudicator cost will increase, the overall cost of the appeal process will not since the appeals will be heard by a single adjudicator as opposed to a board of three and there will be an increased use of virtual technology, the hearing cost is not anticipated to increase overall. So we have learned some significant lessons from COVID.

Amendments will allow adjudicators to review appeals and dismiss them without a hearing, any that fall outside of the legal jurisdiction of the board. This will help reduce the wait times.

So just to elaborate on the amendment – currently and under the amendment – appeals can be heard largely for development applications, permits and stop-work orders. There are times when appeals are brought forward on a decision of council related to, say, a road upgrade, for example, or a capital works project. These are not currently within the jurisdiction of the appeal boards and this will not change under the proposed amendments.

The bill confirms that government is responsive to the need for a timely appeal process and will result in an overall improved land-use appeal process. The sharing of work more equitably among appointed adjudicators will help ensure that current appeals are addressed and, going forward, that appeals are heard within a reasonable time frame.

Speaker, as part of this work the *Urban and Rural Planning Act, 2000*, was also reviewed for gender-silent amendments. This means it will now be without reference to his, her, she, him or any other gender identifiers.

Finally, a review was also completed for possible housekeeping amendments. As a result, consequential amendments are necessary to the *Municipalities Act, 1999*; the *Public Service Commission Act*; the *City of Corner Brook Act*; and the *City of Mount Pearl Act* as outlined in this bill.

Speaker, to conclude, these amendments will allow for a more professional land-use appeal process that will benefit all municipalities, developers and residents.

I'm honoured to bring forward these amendments because I know first-hand from my former life as a councillor and a mayor, the importance of having effective and efficient land-use systems and appeal systems. As we have this week celebrated municipal governance in Municipal Awareness Week, this discussion is very timely and it will certainly be a step forward for municipalities.

I'd like to thank everyone who's contributed to this review. I look forward to debate and any questions, and the concurrence of my hon. colleagues on this bill.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

J. WALL: Thank you, Mr. Speaker.

It is indeed a pleasure to rise and speak to Bill 58, *Urban and Rural Planning Act, 2000*. Mr. Speaker, the purpose of this bill would be to amend the *Urban and Rural Planning Act, 2000* to replace the regional appeal boards with adjudicators which would be appointed by the minister.

Municipal and Provincial Affairs employees would have to be appointed to carry out these administrative and investigative duties related to

those particular appeal processes. They will also have to be preparing materials for these hearings. Virtual meetings will be allowed and the adjudicator will be permitted to dismiss a case without hearing any outside jurisdiction in that particular case. It will continue to allow the existing appeals under the *City of St. John's Act*, *Housing Act* and Labrador Inuit Land Claims Agreement, Mr. Speaker, and to incorporate gender-neutral language.

Mr. Speaker, I thank the minister for her staff, for the briefing that we had on this. In the briefing it would be explained that it would be cost-neutral. The appointments will be made by the Independent Appointments Commission. This will, indeed, professionalize these particular appointments, as they must have the land-use planning or law degree and experiences in hearings with land-use planning issues.

The rationale was to increase the complex nature of these appeals. Individuals have been known to show up with legal counsel. Some 14 cases have been moved from the Regional Appeal Board to the Supreme Court, all of which does tie up the amount of time that they are being used. Of course, that does come out with a significant backlog moreover in this particular region.

Mr. Speaker, I'm pleased to be able to stand and speak to this. I do look forward to asking some questions as we go forward.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Mr. Speaker.

I'm just going to take a moment just to say that I will also be supporting this bill. No need to repeat, really, everything that's been said.

At the end of the day, we're going to take a system that perhaps wasn't as efficient as it could be. We're going to make it more efficient by having less people involved, so you don't run into all those scheduling issues and so on. We're going to make sure that the people that are

filling the roles as adjudicators have the background, the experience and the education and so on required to deal with these matters in an effective manner.

Hopefully, by doing so, we're going to reduce the number of cases that may find its way to the courts. The good news, as the minister has said and my colleague has said, that it is basically going to be a cost-neutral proposition because you have less people involved, utilizing more virtual technology, as we have done through COVID, there will be less travel and, hopefully, it will help get through the backlog that exists.

So it makes perfectly good sense to me to do what we're doing here and I will support it.

Thank you.

SPEAKER: Seeing no other speakers if the Minister of Municipal and Provincial Affairs speaks now, we will close debate.

The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Thank you, Speaker.

I would like to thank my colleagues, the Member for Cape St. Francis and the Member for Mount Pearl - Southlands, who both have extensive knowledge in this area as well. I think those types of contributions and understanding the implications of this bill for communities is really what's going to haul us together here as we move forward.

I look forward to any questions.

Thank you.

SPEAKER: Is the House ready for the question?

The motion is that Bill 58 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.’

Motion carried.

CLERK: A bill, An Act To Amend The Urban And Rural Planning Act, 2000. (Bill 58)

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

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

S. CROCKER: Now.

SPEAKER: Now.

On motion, a bill, “An Act To Amend The Urban And Rural Planning Act, 2000,” read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 58)

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Mr. Speaker, I move, seconded by the Minister of Municipal and Provincial Affairs, that this House resolve itself into a Committee of the Whole to consider Bill 58.

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.’

Motion carried.

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

Committee of the Whole

CHAIR (Trimper): Order, please!

We are now considering Bill 58, An Act To Amend The Urban And Rural Planning Act, 2000.

A bill, “An Act To Amend The Urban And Rural Planning Act, 2000.” (Bill 58)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The hon. the Member for the beautiful District of Cape St. Francis.

SOME HON. MEMBERS: Hear, hear!

J. WALL: Thank you, Mr. Chair.

Just a few questions, Minister. First of all, the number of backlog of cases per region: Can you share those with us, please?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Thank you, Chair.

There are currently 33 outstanding appeals in the Eastern region, with the earliest received in 2020. Three in Western, received in December 2021 and January and February of 2022, and they’re scheduled to be heard in May, and one outstanding in Labrador which was received in July of 2021 – that’s a Friday.

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

J. WALL: Thank you.

Minister, you have said there will be some savings; is there any cost-benefit analysis done to prove this?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: When giving consideration to the fees that are currently expended to conduct the business in relation to the expected expenditures, we have decided that there’s a cost-neutral process.

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

J. WALL: Thank you.

Minister, you already have the regionalization plan before your department, plus a number of other complex files. Are you concerned that your department is being stretched too thin?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Thank you.

Actually we do have an incredible amount of work to be done here, but we've been able to divvy that up accordingly in the department. They are very busy staff, but they're very competent and they're working very well on all pieces of legislation that we're moving forward with.

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

J. WALL: Thank you, Minister.

Has the department completed a jurisdictional scan, and if so, can you please table it?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Sorry, just a second. I've got a few notes here that I want to flick through.

We did a jurisdictional scan, and that's how we came largely to most of the conclusions that are in this process.

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

J. WALL: Thank you.

And you have no issue providing a copy?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Yes, we can. Sorry, I don't wait for you.

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

J. WALL: Thank you, Mr. Chair.

With respect to consultation, did you consult Municipalities NL and the Professional Municipal Administrators during this process?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: The consultations were conducted – and these are conversations that we've been having for a number of years, or a number of months anyway, since I showed up here, about some of the backlogs and conversations that in almost every community in the Eastern region has come up. So the consultation has been very widespread even if it wasn't specifically said we're going out today to do consultation on this issue, we have heard from communities the importance of making these changes.

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

J. WALL: Good to hear, thank you.

You spoke earlier, Minister, with respect to the gender lens. I am wondering about the geographic representation, First Nation or Indigenous representation.

CHAIR: The hon. the Minister Responsible for Indigenous Affairs and Reconciliation, and Labrador Affairs.

L. DEMPSTER: We will make all efforts to make sure that all areas across the province will be represented. In addition, this amendment to URPA, included in the bill, will ensure that the Labrador Inuit Land Claims Agreement is not subject to these amendments and we will make sure that any representation that is available can be achieved on this new board.

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

J. WALL: Thank you.

Minister, will materials for applications and appeals be available in Indigenous languages?

CHAIR: The hon. the Minister Responsible for Indigenous Affairs and Reconciliation, and Labrador Affairs.

L. DEMPSTER: I don't have that information right now but I think that is a great idea. If there is the capacity for the adjudicator to do that, then by all means. So that is certainly a question that we can take away from here.

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

J. WALL: Thank you.

Minister, can you lay out a specific timeline over the next 12 months as to when things are going to happen and will the current cases before the Regional Appeal Board be completed before disbanded?

CHAIR: The hon. the Minister Responsible for Indigenous Affairs and Reconciliation, and Labrador Affairs.

L. DEMPSTER: Thank you.

The restructuring won't impact the purpose or the function of the appeals process, and the appeals will continue to be heard through the current structure until the new process is established. We do anticipate that there will be about three to six months for full implementation.

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

J. WALL: Thank you.

Minister, will there be any job losses at this Regional Appeal Board?

CHAIR: The hon. the Minister Responsible for Indigenous Affairs and Reconciliation, and Labrador Affairs.

L. DEMPSTER: That would be dependent on who applies for these new positions, I guess, and we have made it such that the applicants now have to meet certain requirements and a large

number of the people that are already sitting on these boards have these requirements so they would still qualify.

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

J. WALL: Thank you.

With respect to training, Minister, the new adjudicators will come fully trained or any training coming from your department?

CHAIR: The hon. the Minister Responsible for Indigenous Affairs and Reconciliation, and Labrador Affairs..

L. DEMPSTER: I am going to have to refer to my officials for that one, so just give me a second.

Training sessions will be offered for all new members and new adjudicators.

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

J. WALL: Thank you.

So, Minister, with respect to the appeals under section 40, how many of these individuals will be paid? Is there a set rate or are there annual retainers? How is it going to work?

CHAIR: The hon. the Minister Responsible for Indigenous Affairs and Reconciliation, and Labrador Affairs.

L. DEMPSTER: Can you repeat the question?

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

SOME HON. MEMBERS: Oh, oh!

CHAIR: Folks, just a little quieter, please.

Thank you.

J. WALL: Thank you, Chair.

With respect to section 40, under Appeals, how will these individuals be paid? Is there a set rate

or is there an annual retainer? How is it going to work?

CHAIR: The hon. the Minister Responsible for Indigenous Affairs and Reconciliation, and Labrador Affairs.

L. DEMPSTER: That will be determined by the Independent Appointments Commission.

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

J. WALL: Thank you.

Minister, how will these cases be distributed across the province? Will there be a head administrator, for lack of a better term?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: The cases will be heard on a case-by-case basis right across the province. There won't be any specific designations. One adjudicator will be able to hear the case, so there won't be a wait-list or a backlog as soon as the process is available.

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

J. WALL: Thank you.

Minister, with respect to conflict of interest, how can you protect this process with respect to three individuals on the Regional Appeal Board going to a single adjudicator?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Sorry, I didn't understand your question.

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

J. WALL: Sorry, with respect to the process to protect the adjudicator from conflict of interest, if something should come up in an individual appeal, any plan to protect the adjudicator from that? You're going from three to one.

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Thank you.

We will have a pool of approximately 20 adjudicators that can hear a case. So given the appropriate training, they'll make the most appropriate adjudicator available.

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

J. WALL: Thank you.

Minister, under section 41, and I'll read: "A decision of a council, regional authority or authorized administrator to adopt, approve or proceed with a plan, a scheme, development regulations and amendments and revisions of them is final and not subject to an appeal." Is that subsection currently the case now, with the wording?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: I'll have to wait for some assistance.

Yes, it is currently the process and it will remain the same.

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

J. WALL: Thank you, Minister.

What would be the required fee under this section with respect to the appeals process?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Sorry, I'm just going through my notes here.

The fees won't be impacted. The fees will remain unchanged.

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

J. WALL: Minister, with respect to section 42(5) it says the adjudicator may enter land or property to do an inspection. Is this exempt from the trespassing act?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: I will have to wait for assistance on that question.

My people must have abandoned me.

AN HON. MEMBER: (Inaudible) we can come back, Minister.

K. HOWELL: Yeah, fair enough. We can come back to that one.

CHAIR: Okay, thank you.

The Member for Cape St. Francis.

J. WALL: Thank you.

Shall all of this process be open to the public?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: We're having some discussions on how we can present that to the public. I think right now, they allow them to do written appeals as well; the public can write in to have input. So there is discussion about that still ongoing.

CHAIR: The MHA for Cape St. Francis.

J. WALL: Thank you.

That is important, Minister, no doubt. I look forward to an answer when you do finally come back.

With respect to reports outlined as part of the inspection, will that be made available to the public as well?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Sorry, we're backtracking a little bit. There must be a little bit of delay from my crew.

Can I answer your previous question about the legislative authority? They will have legislative authority to enter a property, but they won't be trespassing – no trespassing.

CHAIR: Do you want to answer, Minister, the most recent question?

K. HOWELL: I'm sorry, I'm a little bit – I have too much coming in to me.

Can you repeat that second question?

SOME HON. MEMBERS: Oh, oh!

CHAIR: Just a little quieter, please.

The MHA for Cape St. Francis.

J. WALL: Thank you, Chair.

Will the reports outlined as part of the inspection process be provided to the applicants and made available to the public?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: The hearings will be open to the public.

CHAIR: The MHA for Cape St. Francis.

J. WALL: Thank you.

With respect to the right of administrators to dismiss an appeal without a hearing, as being outside the jurisdiction, can that decision be appealed?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: You're creating a perfect storm of appeals after appeals after appeals. If it's in their jurisdiction, then it is, and if it's not, it's not. Once they notice – right now, under the current process, we have to receive the appeal; they have to make a court date to tell the proponent that they can't even hear the appeal.

Right now, as soon as they receive the appeal, they can determine whether or not it's within their jurisdiction. They'll just immediately

notify the proponent that we don't have jurisdiction to hear this appeal.

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

J. WALL: Thank you.

That answered my next question.

Minister, section 44 says the adjudicator cannot overrule discretionary decision of a council. So is this currently the case now under the regional appeal boards?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Yes, it is.

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

J. WALL: And the recourse for that resident in this case, that can be appealed as well?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: If it's outside their jurisdiction?

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

J. WALL: No, with respect to the current discretionary decision of council, does a resident have the recourse for that to be appealed if the decision comes back – is that able to be appealed as well?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: They can then take that to the Supreme Court.

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

J. WALL: My apologies, Chair, again, we said earlier about a conversation back and forth and we do have give you a bit of time.

CHAIR: We're doing fine.

J. WALL: Thank you.

Under section 45, Minister, the charge for fees, what is the price according to the fees that will be charged?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: I have too many papers here; just give me one second. Section 45?

The minister may establish fees for \$200 plus tax.

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

J. WALL: Thank you.

Just a couple of more, Minister, with respect to section 46, appeal to court. Who will pay the court costs of the adjudicator?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Sorry, I'm going to have to refer to my officials.

The court costs will not be to the adjudicator. If the proponent had to take the appeal to court it would be on the proponent. The adjudicator wouldn't be in the process. It would be (inaudible).

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

J. WALL: Thank you.

One last question, Mr. Chair.

With respect to the legal counsel, will that be in-house with Justice and Public Safety lawyers?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: No.

CHAIR: Thank you.

No further questions, Sir?

J. WALL: Nothing further, Mr. Chair.

CHAIR: Any further speakers?

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

J. DINN: Thank you, Chair.

With regard to the adjudicators, their decision is final, correct?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Yes.

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

J. DINN: And if people aren't happy with that decision, then the only recourse is to take it to court?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Yes.

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

J. DINN: Was there a consideration to even having an appeal, a tribunal set up so that that would be the final arbiter instead of going to court?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: We did consider that and it just became a cycle of repeating appeal, after appeal, after appeal. Given the nature of the people that we anticipate holding the roles of adjudicators, they would have adequate knowledge and information to make these decisions. Creating another layer wasn't really going to be beneficial given that the calibre of applicants that we anticipate for these roles will be sufficient to make those decisions.

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

J. DINN: Would there be an anticipation then that by making the final recourse to court that the cost would suppress any appeals, and maybe in terms of versus those who might appeal it to a tribunal? I'm just wondering if there's an attempt here just to suppress the –

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: I think the opposite may also be true, because if we brought it through a tribunal time and time again, then the process just gets dragged out and we don't reach a reasonable conclusion here. A lot of these requests right now are coming in just simply to delay work, to get a work order stoppage or something of that nature, but by making it a clear and concise spot, then we eliminate a lot of that delay process.

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

J. DINN: And the qualifications for the people that you're hoping to get, they don't seem to be established anywhere within the bill. Have you determined the type, or the qualifications that you would be looking for as adjudicators?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Yes, we've identified some of the quality candidates that we would expect to be adjudicators. They would have to have some administrative knowledge as well as municipal knowledge, so land-use planners or lawyers would be the candidates that we would expect.

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

J. DINN: And these qualifications will be codified in some way, shape or form and transparent, is what I'm looking at as well.

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: They would be in the Independent Appointments Commission profile.

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

J. DINN: I understand that Bill 58 changes so that hearings can be undertaken by remote means that allow all parties to communicate with each other during the hearing. Of course, it would be convenient for people, but it will introduce barriers to others, especially those who may have limited access or limited understanding or ability to use it, and that would be the case for many.

So I'm just wondering what assurances can government give that residents in rural areas or any area where there are limited technological means won't be disadvantaged by an adjudicator's decision to host the hearing remotely?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: In any of those situations, the adjudicators would be responsible to accommodate for that. If a virtual means is the most convenient manner, then that would be what happens, but in the event that that's not possible, then in-person hearings can be held.

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

J. DINN: So who would determine the convenience? Would it be the adjudicator or the people –

CHAIR: Order, please!

It's quite difficult to hear the conversation, please.

J. DINN: Who would determine if it's convenient? Would it be the adjudicator or would it be the people who are seeking a decision? So it might be convenient to me, but if the people in the community are having an issue, would they be the ones who would determine that convenience?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: The adjudicator would determine, but under any information that's gathered from the proponent, they would make the decision.

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

J. DINN: Can the government elaborate on why paragraph 42(1)(d) of the current act was removed?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Can you repeat the question?

CHAIR: Sorry, I need some – we can't hear the conversation.

The Member for St. John's Centre, please repeat your question.

J. DINN: Sorry about that, sure thing, thank you.

Can the government elaborate on why paragraph – I think it's 42(1)(d) of the current act was eliminated or removed?

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: I'll have to wait for that answer from my officials.

CHAIR: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Sorry, I am still waiting. I can provide that information for the Member, shortly.

CHAIR: You'd seek an answer later? Okay.

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

Any further questions for the Member?

J. DINN: No.

CHAIR: Okay. Any further speakers to the bill?

Shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Motion carried.

On motion, clause 1 carried.

CLERK: Clauses 2 through 41 inclusive.

CHAIR: Shall clauses 2 through 41 inclusive carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 2 through 41 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 Urban And Rural Planning Act, 2000.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill carried without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

CHAIR: The hon. the Government House Leader.

S. CROCKER: Thank you, Mr. Chair.

I move, seconded by the Minister of Municipal and Provincial Affairs, that the Committee rise and report Bill 58.

CHAIR: It is moved and seconded that the Committee rise and report Bill 58.

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 Lake Melville and Deputy Chair of the Committee.

P. TRIMPER: Speaker, the Committee of the Whole report that we have completed our deliberations on Bill 58 and it has been carried without amendment.

SPEAKER: The Deputy Chair of the Committee of the Whole reports that the Committee has considered the matters to them referred and directed him to report Bill 58 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 second reading of Bill 56.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

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

S. STOODLEY: Speaker, I move, seconded by the Minister of Industry, Energy and Technology, that Bill 56, An Act To Amend The Condominium Act, 2009, now be read a second time.

SPEAKER: It is moved and seconded that Bill 56, An Act To Amend The Condominium Act, 2009, be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Condominium Act, 2009." (Bill 56)

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

S. STOODLEY: Thank you, Speaker.

I'm very pleased today to bring this Bill 56, An Act to Amend the Condominium Act, 2009, to the House. I think, Speaker, sometimes some people say that once we have an act in place, we don't come back and make updates. So I think today is an excellent example of where we do come back and make updates. We clean things up and, as things are brought to our attention that should be improved, we are improving on them. I think that's an excellent example. Today we've had a very productive session so far and hopefully this continues, Speaker.

The *Condominium Act, 2009* governs the incorporation, structure and day-to-day operations of condominium corporations in Newfoundland and Labrador. The act came into force on December 1, 2011.

The 2009 bill introduced consumer protections for individuals looking to purchase a condominium, including requirements for a disclosure statement, a 10-day cooling off period following the signing of an agreement of purchase and sale, and reserve funds.

It also sought to improve the operations of condominium corporations by prescribing the duties of the board of directors and the methods of dispute resolution between unit owners and the corporation. It allowed a unit owner to designate an individual to act on their behalf in matters relating to the condominium corporation.

Apart from amendments in 2020 to allow condominium corporations to meet and vote virtually, the act has remained largely unchanged since it came into force in 2011. The purpose of this current bill is to clarify the roles and responsibilities of the condominium corporations and to allow for a board of directors of fewer than three people in specific circumstances.

Speaker, a condominium corporation is comprised of unit owners whose property is governed by the requirements of the act. A condominium development is typically divided into units owned by separate people. Common elements or areas not owned by a single unit are maintained by all unit owners in proportion to the percentage stipulated in the condominiums corporation's declaration.

Condominium developments have grown in popularity in recent years, with 161 corporations currently in the province comprising over 4,000 units. A developer must register a condominium development by filing a declaration and description with the Registry of Condominiums in my department. This registration process creates the condominium corporation. It's a bit of a tongue twister, "the condominium" over and over and over again.

The responsibilities of the corporation are to control, manage and administer the common elements and assets of the corporation; to maintain, repair and renew the common elements; and to ensure unit owners and occupiers comply with the act and the related regulations.

Upon the creation of a condominium corporation, a board of directors of at least three people is formed to help manage the day-to-day operations of the corporation. Annual general meetings may be held by a corporation to discuss important business. A recent amendment to the act in 2020 allows members to participate and vote virtually. The act also requires the presence of the owners of at least 30 per cent of the common elements for quorum at a meeting.

There is no specific reference in the act regarding how often a condominium corporation must hold meetings. So this bill will prescribe the time period in which a condominium corporation is required to hold its annual meeting. A first meeting must be held not more than 18 months after a corporation is created and subsequent meetings must be held within 15 months.

Speaker, another change in this bill relates to the board of directors for a condominium corporation. Currently the board must have a minimum of three directors elected by the members of the corporation regardless of the number of units. This can be a significant challenge for condominium developments with fewer than three units. Ordinarily, the board of directors would be made up of some or all of the unit owners, depending on the size of the condominium corporation.

Corporations with fewer than three unit owners, or whose developer has yet to sell more than two

of the three units must still have a board of directors comprising of three or more directors. When a sole contractor builds a condominium structure, they need to establish the condominium corporation prior to selling any units. Under the act, they would be required to appoint two other directors to manage the operations of the condominium corporation.

In addition, it's conceivable that a condominium corporation, typically industrial or commercial, can be comprised of two units, which again introduces operational problems for a board to have a minimum of three directors.

This bill will allow the condominium corporation to have a board of directors with fewer than three directors – really fascinating stuff – where the property contains fewer than three units and where no units have been sold. It would also allow a two-person board where there are only two different owners of the units.

The next amendment relates to reserve funds. Condominium corporations must hold a reserve fund for major repair or replacement of the common elements and assets of the corporation – a very important part of a condominium corporation. Reserve fund studies are periodic studies to determine whether the amount of money in the reserve fund and the amount of contributions collected by the corporation are adequate to provide for the projected costs of major repairs and replacements.

This bill provides clear direction on processes and timelines for reserve fund studies, based on the number of units within the condominium, differentiating between those with fewer than 10 units and those with 10 or more units. It also removes the now-expired transitional provisions contained in the reserve funds section of the act. At that time, condominium corporations with 10 or more units were given two years to complete a reserve-fund study by 2013. As that time has passed, the provision is no longer necessary.

Finally, the current act allows the unit owners to withdraw the condominium corporation from the governance of the act by submitting a notice of withdrawal to the Registry of Condominiums. While the governance of the property by the act would be considered terminated, no clause exists to stipulate that the condominium corporation as

a legal entity is now deemed dissolved. This effectively orphans the corporation so that it may no longer function but cannot legally cease to exist. The process of winding up the corporation may be necessary in cases where the corporation continues to carry debts or encumbrances that may be settled after the corporation ceases to be a legal entity.

The bill clarifies that the Registrar of Condominium's acceptance of a notice of withdrawal formally dissolves a condominium corporation. The changes proposed have been informed by representation from various law firms in our province. My department also reached out to the local chapter of Canadian Condominium Institute, which had no concerns and agreed that these were useful points to add to the act.

These amendments clarify the roles and responsibilities of condominium corporations. I look forward to hearing any other comments and am happy to answer any questions in Committee.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

Again it's an honour to be able to stand up and go through some legislation again. I thank the minister and her department for all the briefings; they certainly do a great job on that.

Today, in the House, we're debating changes to the Condominium Act. I say that we are debating changes, but in reality we're debating clarifications. We reviewed the bill and the act and what we are debating today does not change the intent of the bill; it just clarifies issues which have been raised, to make sure that everyone is on the same page and that the legislation leaves no questions unanswered.

These changes are being brought forward because of questions raised by the legal community. So if questions have been raised, it's our job to answer them. Legislation will allow to answer them. Officials in the briefings noted that they have reached out to the

Condominium Institute, and while they have not been lobbied for the changes, they have no concerns with the changes being proposed. With that being said, I'd like to take some time to touch briefly on the changes, clarifications and anything else that's been included in this.

The first one is the annual general meetings. The current legislation is silent when an AGM must be held. Although one would assume that by the nature of being an annual general meeting, there must be a meeting each and every year; hence, the word "annual." But apparently this isn't the case. Questions were raised about when an annual general meeting must be held.

The bill specifies that for a new condominium corporation, an AGM must be held within the first 18 months. It also states that an AGM must be held within 15 months of the previous AGM. This timeline makes sense. Having an AGM within 18 months of a new corporation gives time for units to be sold so that the cohort of members of the corporation is established. Eighteen months essentially allows for greater participation.

Having an AGM within 15 months of the previous meeting also ensures there is an annual meeting, meaning one each year. But that does not provide too restrictive of a timeline so that the condominium corporations have a hard time meeting their requirements.

Under the number of directors, the current legislation specifies that the condominium board must have three or more directors. For the majority of condominium corporations this makes sense; however, there are circumstances where it's difficult to have three directors. An example would be the condominium may only have two units.

Another example would be there are two individuals who may own all of the units in the building. Think about a building that has 10 units; one person owns nine of them and rents them out, and a different person owns the remaining unit. Or there may be a condominium building where no units have been sold. In these instances, it would be hard to find three people to fill the board, given there are only three owners of the units.

The bill we are debating provides direct guidance on these situations. If the condominium has only two units, the board can have two members. If there are two owners of the units, the board can have two members. If the developer has yet to sell any units, the board can have one member.

When the reserve study is required, the reserve study determines how much money a corporation, which administers 10 or more units, must set aside for future maintenance and repairs. A reserve study is not required for a corporation which administers less than 10 units. This bill clarifies that a reserve fund study must be completed before the sale of the first unit and updated every 10 years.

This is not a change in practice, but is bringing greater clarity and specificity to the words in the legislation which questions were raised about. It is our hope, given the nature of these amendments, that the same questions won't be raised in the future.

The final clarification, which this bill accomplishes, answers the question when a condominium corporation ceases to exist. The bill clarifies that a condominium corporation is dissolved when the register accepts the notice of a withdrawal.

In summary, this bill doesn't make any changes to practice but clarifies questions which have been raised.

Thank you, Speaker.

SPEAKER: Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Mr. Speaker.

I'm going to take a second; I'll support the bill. As it has been said, there are three issues at play here. It is nothing really new; it is just clarifying what practice already exists. I will support the bill.

The only question I do have, whether it be Committee or maybe when the minister just finishes off the debate here in second reading. There is a big similarity between a condominium and a co-op in terms of how they operate. I know a condominium is privately owned, of course, and a co-op, it belongs to the collective. But it is still basically the same process. You have common services and people would collectively contribute and you would have, I would assume, reserve funds for repairs for all the units. It is very similar to a condominium, but it does have a bit of a difference here.

I'm wondering does this also apply to co-ops. The minister is nodding her head, no. So with that said, I'm fine with the bill.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Seeing no other speakers.

If the Minister of Digital Government and Service NL speaks now she will close debate.

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

S. STOODLEY: Thank you, Speaker.

I thank the MHA for Ferryland and the MHA for Mount Pearl - Southlands for their feedback.

To answer the Members question, the *Co-operatives Act* has their own separate act and this does not apply to co-operatives.

I am happy to answer any questions in Committee.

Thank you.

SPEAKER: Is the House ready for the question?

The motion is that Bill 56 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.'

Motion carried.

CLERK: A bill, An Act To Amend The Condominium Act, 2009. (Bill 56)

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 Condominium Act, 2009," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 56)

SPEAKER: The hon. the Government House Leader.

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

I move, seconded by the Minister of Digital Government and Service NL, that this House resolve itself into a Committee of the Whole to consider Bill 56.

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.'

Motion carried.

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

Committee of the Whole

CHAIR (Pardy): Order, please!

It is a pleasure to be chairing this session.

We are now considering Bill 56, An Act to Amend the Condominium Act, 2009.

A bill, "An Act to Amend the Condominium Act, 2009." (Bill 56)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The Chair notices the hon. the Member for Ferryland.

L. O'DRISCOLL: I am safe now. I won't get thrown out tonight. I wouldn't count that out with the principal.

I've just got one question for the Committee. The legislation prescribes the circumstances where one or two directors are permitted. If circumstances change that they no longer fall under these specific circumstances and will now require more directors, how long until this has to happen?

So I will just give you an example. It is probably best to illustrate this question. Two directors are sufficient if there are only two owners for all of the units in a condominium complex. If one of the owners sells some of the units so that they are now three or more owners, how long would the corporation have to amend their bylaws and elect a third director?

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

S. STOODLEY: Thank you, Chair.

And I would just like to give a shout-out to my husband and son who are watching our proceedings live now while they are eating their supper.

SOME HON. MEMBERS: Hear, hear!

S. STOODLEY: Yes, Alexander is eating a big piece of corn, I think. I just got a video of him eating some corn.

Thank you for the question.
To answer the question, the board would have until the next meeting of the board to make the changes.

Thank you.

CHAIR: No further questions?

Are there any other speakers to this bill?

If not, shall clause 1 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Clauses 2 through 14 inclusive.

CHAIR: Shall clauses 2 to 14 inclusive carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 2 through 14 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 Condominium Act, 2009.

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 Chair recognizes the Government House Leader.

S. CROCKER: Thank you very much, Mr. Chair.

I recommend that you're doing a great job.

SOME HON. MEMBERS: Hear, hear!

CHAIR: Thank you.

S. CROCKER: Mr. Chair, I move that the Committee rise and report Bill 56.

CHAIR: The motion is that we rise and report Bill 56.

Is it the will of the House?

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): The hon. the Member for Bonavista and Chair of Committee of the Whole.

C. PARDY: Mr. Speaker, I’d like to recognize Alexander and all the others watching this proceeding.

SOME HON. MEMBERS: Hear, hear!

C. PARDY: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 56 without amendment.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 56 without amendment.

SPEAKER: When shall the report be received?

S. CROCKER: Now.

SPEAKER: 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 57.

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

S. STOODLEY: Thank you, Speaker.

Speaker, I move, seconded by the Minister of Industry, Energy and Technology, that Bill 57, An Act To Amend The Income Tax Savings Plans Act And The Pension Plans Designation Of Beneficiaries Act, be now read a second time.

SPEAKER: It is moved and seconded that Bill 57, An Act To Amend The Income Tax Savings Plans Act And The Pension Plans Designation Of Beneficiaries Act, be now read a second time.

Motion, second reading of a bill, “An Act To Amend The Income Tax Savings Plans Act And The Pension Plans Designation Of Beneficiaries Act.” (Bill 57)

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

S. STOODLEY: Thank you, Speaker.

I’m pleased to begin our deliberations on Bill 57. I wasn’t involved in the naming of those bills, I don’t know how we determine names, but they’re also a bit of a tongue twister.

So designating a beneficiary is the act of naming someone to receive money, property, investments or any other special benefit. Beneficiaries can be named in a will, but can also be listed through other instruments such as a registered savings plan or a pension plan. This bill will allow for the designation of beneficiaries by electronic means in the case of savings or pension plans. It also makes amendments to the acts in question to incorporate gender-silent language. Such language is important in order to respect the gender diversity of the people of our province.

Today, designating a beneficiary through electronic means for savings plans such as a registered retirement savings plan, a registered retirement income fund or a tax-free savings account is not permitted. Neither are electronic designations permitted for pension plans. This is disallowed as – similar to a will – these instruments are considered a testament disposition under common law. In other words, the naming of a beneficiary which takes effect after you die. Therefore, these are excluded under the *Electronic Commerce Act*.

Because of this exclusion, these beneficial designations require a wet-ink signature – so an actual signature. Electronic signatures are not permitted.

Speaker, many people who want to name a beneficiary in their savings plan do not want to physically visit a financial institution or a financial planning provider to complete the beneficiary designation. This is especially so for those in rural or isolated areas or who may see this as an inconvenience. Asking them to provide a wet signature is also inconsistent with trends towards facilitating electronic activity and allowing more transactions to be completed online.

Six provinces already allow electronic beneficiary designations; namely, New Brunswick, PEI, Ontario, Saskatchewan, Alberta and BC. These amendments would increase options for consumers when designating a beneficiary, increase digital transactions and align with trends in other jurisdictions.

Speaker, as we move towards digital signatures, and I know we all do more things virtually, this kind of is in line with how things are moving. These amendments, there's not really a downside here. So we're updating it to bring it in line with how people want to act with their institutions.

So I am looking forward to hearing any Members' comments and happy to answer any questions in Committee.

Thank you.

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

Again, it's a pleasure to get up and be able to speak on this bill. It's certainly not going to take very long. It's something I'm going to say that's probably long overdue, the way technology is going and the legislation is just going to give you the chance to be able to do what they can online and be able to sign a piece of paper.

This bill will allow electronic signatures to be accepted when an individual changes the beneficiary of a savings account or a pension plan. Pretty basic but it just gives you that opportunity. This change is being brought in to address concerns brought forward by the Investment Industry Association of Canada. IIAC expressed concern that their clients have been inconvenienced by having to travel to a physical office to sign papers when they could sign them electronically from home.

The *Electronic Commerce Act* already provides provisions where electronic signatures can be utilized. This bill specifies that the electronic signatures for pension plans and income tax savings plans must be in accordance with the *Electronic Commerce Act*.

Thank you, Speaker, that's everything I have on that.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Speaker.

Just going to take a second here just to say, for the record, I will be supporting the bill as well. Anything we can do to make life easier for folks and to incorporate the new way of doing things in terms of our new digital world, I will certainly support. The only thing I would point out to the minister is, whether it be this bill or any other bill, when we're making more opportunities online for people, we always have to be cognizant of the fact not everybody in our province, whether it be because of age, education, connectivity, having computers

available and so on, not everybody is in the same boat. We certainly saw that with Motor Registration. It is a good example of that. We know what happened there.

I'll support this, but we always have to make sure that that backup is there for people who are not tech savvy or don't have the ability to do things online.

Thank you.

SPEAKER: Seeing no further speakers if the Minister of Digital Government and Service NL speaks now, she shall close debate.

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

S. STOODLEY: Thank you, Speaker.

Thank you to the Member for Ferryland and Mount Pearl - Southlands for their feedback and overview. I certainly appreciate the Member for Mount Pearl - Southlands's feedback around not everyone can do things online, absolutely. So actual wet signatures, obviously, are still allowed. We have no plans to kind of reduce in-person services as we expand online; we're just hoping to improve in-person services by having more people do things online.

I'm happy to answer any other questions in Committee.

Thank you.

SPEAKER: Is the House ready for the question?

The motion is that Bill 57 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.'

Motion carried.

CLERK: A bill, An Act To Amend The Income Tax Savings Plans Act And The Pensions Plans Designation Of Beneficiaries Act. (Bill 57)

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

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

S. CROCKER: Now.

SPEAKER: Now.

On motion, a bill, "An Act To Amend The Income Tax Savings Plans Act And The Pension Plans Designation Of Beneficiaries Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 57)

SPEAKER: The hon. the Government House Leader.

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

I move, seconded by the Minister of Digital Government and Service NL, that the House resolve itself into a Committee of the Whole to consider Bill 57.

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.'

Motion carried.

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

Committee of the Whole

CHAIR (Trimper): Order, please!

We are now considering Bill 57, An Act To Amend The Income Tax Savings Plans Act And The Pension Plans Designation Of Beneficiaries Act.

A bill, "An Act To Amend The Income Tax Savings Plans Act And The Pension Plans Designation Of Beneficiaries Act." (Bill 57)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

Any speakers to the bill?

No questions?

Shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Clauses 2, 3 and 4.

CHAIR: Shall clauses 2, 3 and 4 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 2 through 4 carried.

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

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The Income Tax Savings Plans Act And The Pension Plans Designation Of Beneficiaries Act.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill carried without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

CHAIR: The hon. the Government House Leader.

S. CROCKER: I move, Mr. Chair, that the Committee rise and report Bill 57.

CHAIR: It has been moved that the Committee rise and report Bill 57.

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 Lake Melville and
Chair of Committee of the Whole.

P. TRIMPER: Speaker, the Committee of the
Whole reports that the Committee have
considered the matters to them referred and have
carried Bill 57 without amendment.

SPEAKER: The Chair of the Committee of the
Whole reports that the Committee have
considered the matters to them referred and have
directed him to report Bill 57 without
amendment.

When shall the report be received?

S. CROCKER: Now.

SPEAKER: 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 have done that so many times this afternoon
that the Clerk doesn't even give me the cue
anymore.

Mr. Speaker, I move, seconded by the Deputy
Government House Leader, that this House do
now recess until 6:45.

SPEAKER: 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.'

This House do stand recessed until 6:45 p.m.