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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, in the public gallery, I would like to welcome representatives from the Port Rexton Fire Department: Deputy Fire Chief Lloyd Davis, Captain Shawn Piercey, Lieutenant Brett Rex, Firefighter Steve Kew and his wife Christine, Junior Firefighter Morgan Ballett, Fire Chief Geff Fowlow, along with resident Gabe Fisher.

They are here this afternoon for a Member's statement.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

SPEAKER: Today, we will hear statements by the hon. Members for the Districts of Placentia West - Bellevue, Exploits, Ferryland, Grand Falls-Windsor - Buchans and Bonavista.

The hon. the Member for Placentia West - Bellevue.

J. DWYER: Thank you, Speaker.

Speaker, on May 6, I was honoured to attend the graduation of the 2023 graduating class of Creston Collegiate located in Blaketown in the neighbouring District of Placentia - St. Mary's, which many students attend from the beautiful District of Placentia West - Bellevue.

It was a pleasure to witness the talented performances and inspiring speeches as they celebrated such a huge milestone in their lives. I would like to thank all their families, teachers and the community for their continued support, as it was very evident at their beautiful ceremony. I would also like to thank Ms. Heather Mills for the invitation and providing me the opportunity to address the graduates.

This is a remarkable achievement that marks the culmination of years of hard work, dedication and perseverance. Spread your wings and soar toward your dreams and always be proud to call Newfoundland and Labrador your home.

Speaker, I am asking all hon. Members of the 50th General Assembly to please join me in congratulating the 2023 graduating class of Crescent Collegiate and wish them great success with their future endeavours.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Exploits.

P. FORSEY: Thank you, Speaker.

I would like to congratulate the Botwood Fire Department on being the recipient for the 2023 Newfoundland and Labrador Change Makers Award.

This award is granted to a group that has demonstrated outstanding commitment to Muscular Dystrophy Canada. It's based on leadership in the areas of advocating for changes in public policy, increasing awareness and advancing mission delivery efforts through education, networking, support activities, volunteer engagement, enhancing the quality of life of those with neuromuscular disorders and fundraising.

The Botwood Fire Department has been fundraising for Muscular Dystrophy Canada since 1985, reaching a milestone of \$100,000 this year. They collect money through their boot drive, raffle tickets and selling ornaments.

Speaker, I would like for all Members of the House of Assembly to join me in recognizing the Botwood Fire Department on receiving the 2023 NL Change Makers Award.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

I rise in this hon. House today to recognize Belle Melvin of Bay Bulls and a Grade 12 student at Mobile Central High School.

Belle was awarded a trip to France and Belgium June 27 to July 5 to take part in the pilgrimage of the Trail of the Caribou by the Royal Newfoundland Legion as the provincial representative for Girl Guides of Newfoundland and Labrador for outstanding work with the guiding program.

She has been a member of the Girl Guides of Canada for 13 years and is currently enrolled as a ranger. She is also a junior leader with the Witless Bay Embers unit.

In 2019, she earned the Ambassador Award at the NL Heritage Fair for a project covering letters from her great-great uncle Matthew Rossiter, a past resident of Cape Broyle who died during the Battle at Beaumont-Hamel July 1, 1916.

I ask all Members of this House to join me in congratulating Belle Melvin on her awards and her dedication to the Guiding movement and as well her interest in preserving our heritage here in Newfoundland and Labrador.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Grand Falls-Windsor - Buchans.

C. TIBBS: Thank you, Mr. Speaker.

I rise today to recognize a very accomplished athlete from Grand Falls-

Windsor. Melvin Hanhams has been involved with Special Olympics for over a decade. He has participated in various sports such as track and field, bowling and snowshoeing as an active member of the Exploits Hurricanes. It was only this past year Melvin joined the golfing aspect of Special Olympics and he has certainly made his mark. This summer Melvin will be representing Team Canada at the World Special Olympic Games in Berlin, Germany come June.

Melvin Hanhams is a dedicated Special Olympian here in the province and I am so proud to watch him whether it be on the field, in the bowling alley or on the golf course. He has always been independent and can be seen in Grand Falls-Windsor these days working very hard on his skills as he prepares for the games.

When he is not competing, he remains loyal to his teammates and coaches, lending a hand to other athletes in their respective sports.

Please join me as we wish my very good friend, Melvin Hanhams, good luck in the upcoming world Special Olympic Games in Europe.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Thank you, Speaker.

Responding to a fire call on March 6, 2023, arriving firefighters from the Port Rexton Fire Department started offensive fire tactics to combat the flames. Firefighter Steve Kew radioed for location and knew upon arrival he had to suit up. Fire Chief Geoffrey Fowlow, while engaged in combating the flames, was informed there was a man down on the other side of the pumper. It was Steve Kew.

Fire Chief Fowlow triaged and immediately determined he was in cardiac arrest. Yelling out for the AED and oxygen, while simultaneously removing Kew's bunker gear, the life-saving procedure commenced with Fire Chief Fowlow and resident Gabe Fisher performing CPR. While the AED was being operationalized, Captain Shawn Piercey took over the CPR and oxygen was supplied by Deputy Fire Chief Lloyd Davis.

It was four shocks with the AED that revived Steve Kew that day and today he credits the availability of the AED and certainly the fast action of his well-trained firefighting team and Gabe Fisher that he lives today.

I ask the Members of the 50th House of Assembly to join me in celebrating the life of Steve Kew and the heroic efforts of Geoffrey Fowlow, Gabe Fisher, Shawn Piercey and Lloyd Davis.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Before we move into Ministerial Statements, I just want to wish a lady in my district a very happy 106 birthday.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Ms. Victoria Compton is living in the long-term care facility in Lewisporte. They celebrated her birthday on Friday and I just wanted to wish her a very Happy Birthday on behalf of all of our Members. I'm sure she did celebrate in fine style, lots of dancing, a lot of music and a lot fun. So Happy Birthday, Victoria.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Statements by Ministers.

Statements by Ministers

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

T. OSBORNE: Thank you, Speaker.

I wish to acknowledge World Family Doctor Day, celebrated globally this past Friday, and to recognize the exceptional contributions of family doctors throughout Newfoundland and Labrador.

This year's theme is "Family doctors: the heart of health care." Family physicians, whether in their own clinics or as members of Family Care Teams, are vital to the provision of quality primary care in Newfoundland and Labrador.

Speaker, our government continues to work to better support family doctors so that they can provide the best possible care to their patients.

We have worked with the Newfoundland and Labrador Medical Association on a Shared Agenda for Family Medicine to establish permanent and sustainable improvements to family medicine in the province. We've recently co-signed blended capitation remuneration, which fairly compensates doctors for treating patients with complex needs.

We've created collaborative workspaces through Family Care Teams to share the workloads in primary care.

Our recruitment and retention initiatives, such as the Family Physician Income Guarantee, the Family Practice Start-Up Program and others, have helped attract and retain new, qualified family physicians.

The recently announced Manager of Physician Relations position in the Department of Health and Community Services will continue to strengthen our relationship with physicians.

As we work to transform health care in this province, we are tremendously grateful for family doctors and their dedication to the well-being of Newfoundlanders and Labradorians.

Speaker, I ask all hon. Members to join me in thanking family doctors for their unwavering dedication, care and compassion.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker.

I thank the minister for a copy of his statement.

Speaker, I rise today to recognize the hard work and dedication of family doctors right here in Newfoundland and Labrador. World Family Doctor Day, which is celebrated annually on May 19, recognizes the essential role of family doctors in providing primary health care services across the globe. Unfortunately, family doctors have had to shoulder much of the burden to keep primary care functioning in our province for far too long.

The Newfoundland and Labrador Medical Association has estimated that 136,000 people in Newfoundland and Labrador are without a family doctor – a staggering number, under the leadership of this Liberal government.

While we celebrate family doctors, this government needs to do far better in attracting and retaining these critical health care professionals. Newfoundland and Labrador is a special place to live and work. It's time for this Liberal government to do what is necessary when it really matters for our family doctors and most of all for the well-being of Newfoundlanders and Labradorians.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Speaker.

I thank the minister for an advance copy of his statement.

We, too, recognize the important work of doctors. We must ensure doctors are valued members of our health care system and they have the supports needed so they can be a part of the solution in health care and yet have positive work-life balance. This means being upfront about the shortage of nurses and medical support and giving doctors confidence that the retention of medical staff is your priority.

SPEAKER: Are there are further statements by ministers?

Oral Questions.

Oral Questions

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

D. BRAZIL: Thank you, Speaker.

I'm happy to have the Premier back in the House to answer some questions on the crab fishery. We pushed for six weeks to get the Premier to be involved in the crab dispute.

Speaker, harvesters and plant workers have had no income for six weeks while the Premier was invisible. How is he going to repair the financial harm inflicted upon these individuals?

SPEAKER: The hon. the Premier.

A. FUREY: Thank you, Mr. Speaker.

Let me say how much this government appreciates and values the hard-working women and men in the crab fishery.

SOME HON. MEMBERS: Hear, hear!

A. FUREY: As I've said many times, it's not just the economic contributions they make, but it's indeed the historic and social

contributions that they've made and will continue to make to a sustainable Newfoundland and Labrador.

As I'm sure the Member opposite knows and appreciates and it has been echoed by both stakeholders in this dispute, I have been involved, as has the Minister of Fisheries, from day one, Mr. Speaker. I was happy to lend further support in facilitating a deal to get those boats back on the water this weekend.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

It's a good thing that we, and the people of this province, pushed for six weeks to get the Premier involved because I don't know what state we'd be in in the crab fishery –

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: – right now if that hadn't happened.

Speaker, for six weeks these individuals were looking for leadership from the Premier. They had no income and the Premier was invisible. For over six weeks, we asked the Premier to get involved. If only he had listened, the crab season could have been in full swing for weeks.

Is the Premier going to wait another six weeks before he intervenes on the shrimp fishery?

SPEAKER: The hon. the Premier.

A. FUREY: Thank you, Mr. Speaker.

As I mentioned before, and as I think both stakeholders have acknowledged, Mr. Speaker, I've been involved in this and this government has been involved in it. I've been involved in it personally. The Minister

of Fisheries has been involved with it personally since day one.

Although he's trying to spin a false narrative, Mr. Speaker, that's simply not true. The facts are that we've been involved. We've helped facilitate a deal that allowed those boats to get back to the water to ensure that we have a profitable crab fishery, not just today, but into the future, and that was the commitment that I gave to both sides, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Mr. Speaker.

What we needed six weeks ago was more than just a phone call; we needed the Premier to show leadership and sit with the two parties involved and come up with a deal that would work for the people of this province.

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: The FFAW asked the Premier for a public commitment – and I quote: Revamp the final offer selection process. To date, the Premier has made no such commitment publicly.

I ask the Premier: Will you make the commitment here and now?

SPEAKER: The hon. the Premier.

A. FUREY: Thank you, Mr. Speaker.

What I did say to both stakeholders was that I would commit and I have committed – I committed to the crab panel when I met with the 15 crab fishermen, Mr. Speaker. The purpose of this instrument was to ensure that boats got in the water. Boats were not in the water on time this year, Mr. Speaker. So it's incumbent upon us to ensure that there is a process that gets boats in the

water. What that process will look like ultimately, I'm not sure, but it will be done with due consultation, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Mr. Speaker, again, and I'll reiterate about being proactive versus reactive. That's what's wrong with this administration here, being reactive after the fact. We're going to have the same situation next year. We're having the same situation in the shrimp fishery and the same in the lobster fishery –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

D. BRAZIL: – without some proactive approach here.

The Liberal government has a track record of hiding reports, doing deals in secret, ignoring concerns of Indigenous communities and saying just trust us.

Will the Premier commit to making any deal regarding the Churchill River or hydro generation in Labrador fully public and bring the agreement to the House of Assembly for debate before any agreement is signed?

SPEAKER: The hon. the Premier.

A. FUREY: Thank you, Mr. Speaker.

As I've said publicly many times, this will be done with due consultation with respect to Indigenous groups and their rights within this province.

It will also be done with full public debate, Mr. Speaker, different than what happened with Muskrat Falls.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Mr. Speaker.

There was enough debate in this House of Assembly to have a discussion around what happens for the people of Newfoundland and Labrador. We haven't seen it with this administration. The people of this province have a right to know.

Yes or no: Will the Premier make public all the details before he comes to any agreement about the hydro assets?

SPEAKER: The hon. the Premier.

A. FUREY: Thank you, Mr. Speaker.

Certainly, we're not going to, at this point, negotiate in public. I don't think that's what the Member opposite wants. I don't think that's what the people of Newfoundland and Labrador want, Mr. Speaker. That would weaken our negotiating position. We have a process in place, but once we come to a point –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

A. FUREY: Once we come to a point where we can discuss this, Mr. Speaker, certainly we'll have a debate on the floor of the House of Assembly; very different, once again, than the tactics taken by the previous administration to ensure that Muskrat Falls got done.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Thank you, Speaker.

I guess they could table the Rothschild report and that would be a good start to

finding out some of these answers. It's pretty easy.

SOME HON. MEMBERS: Hear, hear!

B. PETTEN: Speaker, the minister and acting director of the English School District did not attend the rally at Frank Roberts Junior High last week. Hundreds of parents and students did and they continue to speak out about the poor conditions of the 54-year-old school.

Speaker, rather than dismiss their concerns, will the minister commit to a full, independent, structural and environmental assessment of the school?

SPEAKER: The hon. the Minister of Education.

J. HAGGIE: Thank you very much, Speaker.

I think I'll start by saying, if this school was not safe it would be shut already and the students would be at home with virtual learning. That is, however, not the case. We have to deal with facts.

I would like to table the occupational health and safety report, the health inspectors report and, for clarity, an attendance record for Frank Roberts Junior High, which shows it is amongst the highest of all junior high schools in the region for the month of May.

Facts matter. The fact that the Member opposite does not trust these inspectors, the ones he stood up and cheered for during COVID who kept him safe, now they're neither trustworthy nor independent nor reliable. Shameful.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Minister, a mess is saying shame on me. Just imagine the gall of this

man to say shame on me. Shame on you, Minister; shame on what you're saying to the people of my district.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

B. PETTEN: Why don't you come up in front of the microphone? He should have come up in front of the microphone.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order!

The Opposition House Leader.

B. PETTEN: He should have come up in front of the microphone, Mr. Speaker, and told the parents. I gave him that option several times. But, no, he'll stand up in the House of Assembly under his parliamentary privilege and spew facts that are not factual. He think's they're facts but they're not factual.

You've got to be careful because someone is going to jump up and call you out on a point of order for what you say or the wrong word, but he owes it to the people, Speaker. Walkthroughs and cosmetic reviews are not cutting it.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

B. PETTEN: We have all seen the pictures of furniture chewed up by rats and buckets catching water in the hallways. Parents have questioned the air quality, mould and overcrowding in classrooms.

Again: Will the minister commit to an independent investigation and public report into these concerns?

SPEAKER: The hon. the Minister of Education.

J. HAGGIE: Facts: I table the occupational health and safety report. This school is old but safe. So if you do not believe your own inspectors, people you once worked with when you were in government –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

Address the Chair, please.

J. HAGGIE: These individuals kept us safe during COVID; everybody cheered when they said what they did. Now, because they're not saying what the Member opposite wants to hear, suddenly they are untrustworthy, they are not factual and they are misleading this House.

SOME HON. MEMBERS: Oh, oh!

J. HAGGIE: Health inspector: sanitation and health, excellent. Attendance record: they are going to school in droves this month, Mr. Speaker. Those are the facts. The fact is this school is old but it is safe. It needs some work and we're doing it.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Speaker, I trust the parents, I trust the students, I trust the teachers and I stand with the people in my district. If they have a concern with that school than so do I.

SOME HON. MEMBERS: Hear, hear!

B. PETTEN: Speaker, the district is supposed to be part of the department, so we're told, so why do we have two separate voices on this issue?

Minister, is it your voice or Mr. Hall? Who is right? Because I am hearing the two different voices: Who's right?

SPEAKER: The hon. the Minister of Education.

J. HAGGIE: Thank you, Mr. Speaker.

I think you'll find that while there are two different voices, the facts are the same. They are said by two different people. Mr. Hall, as superintendent of schools, is responsible for operational matters. I and my department are responsible for policy and strategy. We are not telling different stories. We are providing the House with accurate, factual, documented information from trustworthy and independent sources. He just doesn't like what he's hear.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Speaker, I might have a hearing problem – which I actually do – but I can hear loud and clear what I'm hearing across the way. I won't put into words what this man is saying.

The people in my district deserve better, Mr. Speaker. They deserve better, and he gets on about his facts. What about the overcrowding in the classrooms? What about no cafeteria for 650 children? What about mice running wild? What about rats running wild? Answer those questions, Minister. Don't get on with those facts; tell me about those facts.

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

SPEAKER: The hon. the Minister of Education.

J. HAGGIE: Thank you.

For some clarity and a little bit of calm, the facts are here. There is a mice problem,

which is common to large public buildings at this time of the year.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

J. HAGGIE: It is being remediated. The issue of the cafeteria was partly addressed by my predecessor and the work is continuing. It will be finished over the course of this summer. The principal and the vice-principal showed me when I actually went around there this morning.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Speaker, residents of the District of Bonavista are forced to fight this government for title to their own land: the Diamonds, the Abbotts and the Walshes, to name a few. These cases are before the courts with this government wasting taxpayer resources and tying up court time to fight people over their own homes.

Why does the minister believe this to be a good use of taxpayer dollars?

SPEAKER: The hon. the Minister of Fisheries, Forestry and Agriculture.

D. BRAGG: Thank you very much, Speaker.

As we all know, Crown Lands has a process people need to go through from time to time. People may think they own land and, in actual fact, don't own land at all. That happens from time to time. There's a reason things go to court. When things are in court, we don't talk about them. I cannot talk about the cases that the Member opposite just talked about, but I can just tell you when it goes to court, it's very complex, Mr. Speaker.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Speaker, residents like the Diamonds have lived on their land for years. Land that they have deeds to; land that they have paid property tax on for years. These residents are forced to pay thousands of dollars to lawyers all over the District of Bonavista to fight for their own land of which they had homes on for years.

Why is the minister choosing to spend time and taxpayer dollars on these fights?

SPEAKER: The hon. the Minister of Fisheries, Forestry and Agriculture.

D. BRAGG: We have a section 36, Mr. Speaker, in Crown Lands in which people would apply for. That would be, if you were there 20 years previous to 1977, you need to prove it. Sometimes people, their memories are a little bit faded, a little bit off. We have actual photographs. Lots of times people say our house was there for years. A photograph doesn't lie. When you take a photograph, and I'm not talking about any house, any particular one that he's talking about there, but if you take a photograph and it's wooded or it's bogland or it's whatever, if there's no house on it during the photograph time, there was no house there.

You can't have any better logic than that. That's why people go to court sometimes and they do quieting of titles. They can do all sorts of things, Mr. Speaker. I encourage anybody who has a property now, get it registered and get it straightened out.

SOME HON. MEMBERS: Hear, hear!

C. PARDY: Speaker, these people had affidavits showing that they lived there and

their house was there for decades upon decades. Quite different.

The solid Waste Management Strategy came into effect in May 2017. The waste facilities in the District of Bonavista are overcapacity. There are at least eight online landfills, despite the strategy's goal of eliminating such landfills across the province.

I ask the minister: Are online landfills part of the tourism strategy in the beautiful District of Bonavista?

SPEAKER: The hon. the Minister of Fisheries, Forestry and Agriculture.

D. BRAGG: Speaker, I'd like to go through the preamble, coming up and leading to. For those people who have proper documentation and everything proves right, they'll have no issues. It's the people who don't have it all perfectly right are the ones who end up in court.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Speaker, the question was: Are online landfills part of the tourism strategy in the beautiful District of Bonavista?

SPEAKER: The hon. the Minister of Environment and Climate Change.

B. DAVIS: Thank you, Mr. Speaker.

I can't speak to the tourism strategy because that's not included in any tourism strategy I've ever read or this government would ever endorse. From my perspective, I know that we're working with the region to try to find some solutions about transportation of their waste management down there. I know we're consistently working with our regional authorities on

those matters and we're going to continue to work with that.

Obviously, we want people to dispose of their trash and their waste in the best manner possible and in the safest manner for the environment we all represent.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Speaker, two weeks ago I asked the Minister of Health and Community Services about keeping the doors of the Bonavista hospital open when no physician was available for the ER. The minister stated to that question he was going to check with the Provincial Health Authority on this matter.

Due to its great significance, a life-and-death matter, can the minister update the hon. House on his findings?

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

T. OSBORNE: Thank you, Mr. Speaker.

Mr. Speaker, we are working on strategies to have Category B facilities remain open when a physician is not available. There is an RFP that is about to be awarded, if it's not already awarded by officials within the department, to allow for physician oversight.

We are going to have individual nurses, registered nurses and nurse practitioners, trained in airway management and other procedures that will be required to ensure that the Category B sites remain open. It is something that we are actively working on.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker.

Speaker, a CBC national report last week raised concerns over the practice of dose splitting of medications for certain eye diseases.

I ask the minister: Are split doses being used in this province?

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

T. OSBORNE: Thank you, Mr. Speaker.

I know that there was an issue a number of years ago that was referred to the regulatory body at the Pharmacy Board. There was also an investigation done by the department and there was no proof or evidence found of dose splitting in this province, Mr. Speaker.

I know that Health Canada regulates the manufacture of drugs, Mr. Speaker, including dose splitting that happens within the country. I know that they are developing policies around this issue. We look forward to those policies as well, but there is no evidence of dose splitting in this province.

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

P. DINN: Thank you, Speaker.

The question was: Is the minister aware that there are dose splits being used in the province, not been happening in the province?

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

T. OSBORNE: Thank you, Mr. Speaker.

No, we're not aware of dose splitting happening and being shipped into the province, Mr. Speaker. Again, the NLPDP pays for the full vial that is provided to beneficiaries of that program. There's been no evidence in the department of dose

splitting or of doses being split and sent into the province for this procedure.

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

P. DINN: Thank you, Speaker.

I think the documents that are out there will show that there are split doses being used in the province. Those documents alone show that 13,000 eye procedures were performed in this province.

I ask the minister: Is the department aware of any adverse patient effects due to the use of dose splitting?

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

T. OSBORNE: Mr. Speaker, if there are any concerns, they should be sent to the regulatory body, the Pharmacy Board, who will investigate and look at these issues. I know that the issue had been referred to the regulatory body previously. Our own auditor, within the drug prescription program, has looked at this as well and there's no evidence to support what's been out there that dose splitting has happened in the province.

SOME HON. MEMBERS: Hears, hear!

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

P. DINN: Thank you, Speaker.

I would assume the Department of Health and Community Services is the overriding body to look at health and well-being of Newfoundlanders and Labradorians. There have been safety concerns raised.

So I ask the minister: What steps has the department taken to investigate the matter and to ensure there are no risks to patients?

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

T. OSBORNE: Thank you, Mr. Speaker.

Again, Health Canada regulates these practices, Mr. Speaker. I've asked the department officials when this issue came to my attention just recently to look to Health Canada to determine what policies are in place regarding this. I've also asked officials within the department to carry out another review to be absolutely certain based on their previous review of this issue.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

During Estimates, we were told the long delayed Team Gushue Highway project was moving to – quote – RFP to hire a consultant to do detailed design work. Now *The Telegram* reports after refusing to turn over the preliminary engineering report, the department is saying there is still a funding application to be submitted to the federal government.

Speaker, which is it?

SPEAKER: The hon. the Minister of Transportation and Infrastructure.

E. LOVELESS: Which is it? It will get done. There is an announcement made. We work with our federal counterparts and I've answered that question in this House many, many times and I've always said that the Member opposite, interested in the completion of that project, we're going to get it done. But as I've said before, he doesn't like the good news. He should celebrate the good news but he decides to take a different route and to be negative about it, but we will get it done.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: So you're eventually going to send it in and get it done, are you? Is that the way it's going to happen?

Speaker, according to *The Telegram* story, the preliminary report will be released when – quote – the last details of the application for the completion of the Team Gushue Highway has been finalized.

Speaker, after five years of excuses, has the department even finalized an application for funding? I'd like a little good news.

SPEAKER: The hon. the Minister of Transportation and Infrastructure.

E. LOVELESS: The good news is it's going to get done.

SOME HON. MEMBERS: Hear, hear!

E. LOVELESS: Mr. Speaker, he just has difficulty being in a celebratory mood because he's a Progressive Conservative. We're Liberal over here; we're going to get it done.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Speaker, I'm just wondering if I should put in an application for a car or for an ATV to go ride on the road. I'm not sure yet.

Speaker, on April 26, the Premier –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

L. O'DRISCOLL: – told this House to stay tuned. On May 1, the federal Minister LeBlanc said to expect an announcement in the coming days. Coming days, yeah. Now

we learn there's no budget set aside for the project and the government has not even applied – shocker.

After five years of conflicting stories and excuses, when will the project be done? Will it be in this decade?

SPEAKER: The hon. the Minister of Transportation and Infrastructure.

E. LOVELESS: Well, I'm glad he's got a reporter as his advisor. But, as I say, Mr. Speaker, this project will get done. I know he has difficulty with it because when it comes to fruition there will be a smile on his face. But right now there's not a smile on his face because he knows we will get it done, but that's his choice. If he doesn't want to have a smile on his face, I've got one on mine. You don't have one on yours.

Plus, there's such a thing called budgetary process. He wants more, but he's voting against this budget that's putting money into his district, by the way, paving badly needed and his mayors in his communities say we need it, but he's voting against it.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

E. LOVELESS: The Member for Ferryland is voting against the budget.

Thank you, Mr. Speaker, for your time.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Exploits.

P. FORSEY: I hope the plans for the twinning of the highway go faster than that, Mr. Speaker.

Speaker, forest fires came dangerously close last year to jeopardizing towns across Central Newfoundland.

With some forecasts predicting a dryer summer for the province this year, is the government confident to tackle upcoming forest fire season?

SPEAKER: The hon. the Minister of Fisheries, Forestry and Agriculture.

D. BRAGG: Thank you very much.

The quick answer to that is yes, definitely we are. We have four water bombers in place. We have our crews strategically located throughout the province. We have helicopters on standby. We are where we need to be.

Should we need further assistance, like Alberta is looking for assistance right now, we will look for assistance – should we need it. But right now we're in a great place when it comes to it. Do you know what? I can't say this enough; people have to be more, more cautious in the country than ever. One dropped match, one dropped cigarette could cause a forest fire to a catastrophic level, so be very, very cautious when you're in the country this season.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Exploits.

P. FORSEY: Speaker, last summer an access to information report found that there were many days where water bombers and crews were not available.

Does the minister have enough crews for the upcoming fire season?

SPEAKER: The hon. the Minister of Transportation and Infrastructure.

E. LOVELESS: Thank you, Mr. Speaker.

It's always a pleasure to talk about these very valuable assets that we have. Currently, we have four units that are ready to go. We have three that are fully staffed,

ready to go, and it's always been an issue in terms of recruiting. We're continuing to recruit for more. It's a process. The speciality of these water bomber pilots is what it is, it's a speciality. We recognize that, but the recruitment process is always ongoing and we're looking for more. But we do have four units ready to go.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Grand Falls-Windsor - Buchans.

C. TIBBS: Thank you, Speaker.

We want to make sure we're proactive so this doesn't happen in Central Newfoundland and Labrador once again this year.

As of March 2023, there were 332 applications for financial assistance due to Hurricane Fiona; however, only 20 of these have been paid out.

Why is it taking so long for people to get the relief they need to rebuild their lives now?

SPEAKER: The hon. the Minister of Industry, Energy and Technology.

A. PARSONS: I have to ask the Member again, maybe he can repeat the numbers. You said there are 20 paid out of 332?

C. TIBBS: That's the last number.

A. PARSONS: Because the numbers that the Member references are false. I can tell you right now as of last week, I know that there were 100 houses in the first round that were lost, I believe over 90 per cent have actually been paid out. So I just want to make sure that we get the numbers clear on that one.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

Let's ask a few questions on planning. During Estimates, the Minister of Education revealed that his department has a plan to amalgamate and will move along the road with that plan but it has not been approved by government and Cabinet.

I ask the minister: Considering the potential ramifications of amalgamation if not done correctly, is this not putting the cart before the horse?

SPEAKER: The hon. the Minister of Education.

J. HAGGIE: Thank you very much, Speaker.

Just to add some clarity, that was the second phase of the plan. The first phase is not yet completed. Once we have got to that stage, the second phase will be ready and we will work through it. We have an implementation working group, under which there are numerous subgroups, I think six in all, each looking at particular areas. So there is academic, there is HR, there are elements with Finance and there are elements with OCIO. That plan is under way and is progressing very nicely.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

Of course it is always good to have a plan before you embark upon a journey. That is not the case here obviously. The minister also said that when the plan is eventually approved, Cabinet will decide what is appropriate to release.

I ask the minister: Shouldn't the full plan be released to school communities,

organizations such as the NLTA, parents, communities and the House of Assembly, for discussion and input?

SPEAKER: The hon. the Minister of Education.

J. HAGGIE: Thank you very much, Speaker.

The Member opposite is conflating, I think, more than one answer there; Cabinet decisions are not mine to reveal or not. The oath of swearing in of a Cabinet minister is very specific about counsel. In terms of the plan for the integration, this is a living document which is created with an NLESD staff, with representation from the NLESD and those parties meet frequently and regularly.

There is nothing to see here. It is all happening and the people who need to know are actually crafting it, so I'm not sure where he is coming from.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Speaker.

Previously I asked the Minister of Health for help because patients in my district are often bumped off medical flights, resulting in appointments and treatment for cancer, heart disease, diabetes, et cetera, being cancelled, yet recently the minister hosted a health care action update with the intent of ensuring all residents have improved access to quality health care.

I quote the minister's own release, "Reducing the number of missed appointments will also reduce wait lists and lead to better efficiencies in the health care system."

So I ask the Minister of Health: What's being done to ensure patients in my district have access to quality health care or will they continue to be excluded from the social determinants of health?

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

T. OSBORNE: Thank you, Mr. Speaker.

I'm delighted that the Member has raised the important issue of missed appointments. There is an education program being developed by the Provincial Health Authority and the department to better inform people of the costs not only to the health system, but the financial costs of missed appointments.

More directly, Mr. Speaker, to her question, as she is aware, because we've discussed the issue, the tender for the medical flights in the Labrador region is up this year. That is being reviewed. We are in discussions with the provider to ensure that the best service possible to that region is delivered.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Speaker.

Patients are bumped off medical flights; they have no control over the cancelled appointments. The provincial Health Accord states that access to nutritional food is a critical social determinant of health, but last week when I asked the Minister of Health will he commit his government to reverse the erosion of services to my district, such as the removal of the freight boat so people are not being harmed by malnutrition in my district, the Minister of Transportation stated it is a non-issue and I'm not having a discussion.

I'd like to hear from the Minister of Health: Does he agree with the Minister of

Transportation or is malnutrition a non-issue only when it comes to my district, Speaker?

SPEAKER: The hon. the Minister of Transportation and Infrastructure.

E. LOVELESS: Thank you, Mr. Speaker.

I did answer this question in terms – because she referenced the boat to Lewisporte. I said there is no discussion. I hoped that I answered the question. Obviously, I didn't. I'm having no discussion; I'm not entertaining the idea. That's the end of discussion in terms of answering that question. I hope that helps her.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Leader of the Third Party, a quick question, no preamble, please.

J. DINN: Thank you, Speaker.

Nothing to see here seems to be the plan. The minister stated in Estimates that amalgamation wasn't about saving money, but about getting better educational outcomes. With a transparent plan, this could work.

Will the minister identify the educational outcomes he, his department officials and Cabinet colleagues felt would benefit from amalgamation and how amalgamation would improve them?

SPEAKER: The hon. the Minister of Education.

J. HAGGIE: I will make a start, Speaker, but it will challenge me to do all that in 45 seconds.

The educational outcomes that we're looking at are increased values in the scores of graduating students in the areas of critical thinking. We excel in the areas of content knowledge, but we do not do so well as our comparators in other provinces. To

get there, in short, we need to align program development and curriculum at the departmental level and at the district and school level so that they are seamless.

So those objectives that we can measure; we designed a curriculum to deliver that. By that, we will have a gold standard high school diploma where Newfoundland and Labrador students will be the best in Canada.

Thank you.

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 Opposition House Leader.

B. PETTEN: Thank you, Speaker.

Speaker, I move the following private Member's resolution.

WHEREAS Memorial University's administration has shown contempt for Newfoundlanders and Labradorians, their history, their sacrifices, the founding principles of the province's only university and the people's House of Assembly by refusing to continue leading the convocation in singing the province's anthem at graduation ceremonies, even while admitting the decision to stop singing the anthem should never have been made in the first place; and

WHEREAS while fully respecting the autonomy of Memorial University on

academic matters, the House of Assembly can require that this ceremonial wrong be corrected by restoring the anthem to graduation ceremonies through legislation;

THEREFORE BE IT RESOLVED that this hon. House urge government to bring forward legislation to require the “Ode to Newfoundland” and the “Ode to Labrador” to be sung at graduation ceremonies at Memorial University’s convocation;

AND BE IT FURTHER RESOLVED that the government be encouraged to review and give due diligence to the proposed legislation appended to this resolution and bring forward legislation of similar effect.

The appended draft legislation follows.

There’s draft legislation attached, Mr. Speaker, and I’m just going to read just the Explanatory Note.

It’s a draft bill. The bill would amend the *Provincial Anthem Act* and the *Memorial University Act*.

The *Provincial Anthem Act* would be amended to designate both the “Ode to Newfoundland” and the “Ode to Labrador” as a provincial anthem.

The *Memorial University Act* would be amended to require the singing of provincial anthems at all graduation ceremonies of the Memorial University convocation.

Mr. Speaker, under part 5, section 3, the *Memorial University Act* is amended by adding immediately after the subsection (3) the following:

(4) At all graduation ceremonies of the convocation of which degrees, including honorary degrees, are granted, conferred, recognized or celebrated, the provincial anthem, as defined in the *Provincial Anthem Act*, shall be sung during the ceremony in recognition of the fact that Memorial University is Newfoundland and Labrador’s

only university, has a special obligation to the people of Newfoundland and Labrador and was established as a memorial to Newfoundlanders and Labradorians who lost their lives on active service during the First World War and subsequent conflicts, from whose sacrifices Memorial University draws inspiration from the past as it helps to better build a better future for our province, our country and our world.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: This PMR will be the private Member’s resolution being debated by the Opposition tomorrow afternoon in the House of Assembly.

Thank you very much.

SPEAKER: Are there any further notices of motions?

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.

These are the reasons for this petition:

The closure of the Canning Bridge in Marystown has had a devastating impact on residents, fire and emergency services and the local economy.

The Department of Transportation and Infrastructure was well aware of the poor condition of the bridge, most recently documented in a bridge inspection report

completed in January 2020, which confirmed the Canning Bridge was in poor condition.

Therefore we petition the hon. House of Assembly as follows: We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to immediately begin the process to replace the Canning Bridge.

The reason why I'm hoping I can get the attention of the Minister of Transportation and Infrastructure today is to probably give an update to the House. This is something that's been going on. It was decommissioned about three or four months ago and it hasn't been in use – I guess regular use – for three or four months. So it would be nice that we can probably get the minister to stand in his spot and tell us about a timeline: If we're anywhere closer to getting this bridge completed and what does it look like. Because it has affected the whole economy, not only businesses, but it also affects the spending patterns of the residents. Notwithstanding that, it also affects the socialization of our seniors and, in my opinion, they deserve better. We need to look out for them.

Like I said, the reason why I'm presenting this today is hopefully the Minister of Transportation and Infrastructure can give us an update today on some timelines or what has been done to date or anything like that to ensure that this is going to be done in a timely fashion.

Thank you, Speaker.

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Thank you, Speaker.

Speaker, these are the reasons for this petition:

Frank Roberts Junior High, located in Foxtrap, Conception Bay South, was built in

the 1960s and currently has over 650 students attending.

The classrooms are small and overcrowded. There is no cafeteria, no ventilation, full of mould, and rats and mice have been detected throughout the school. Teachers, staff and students are experiencing health issues, which is unacceptable.

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 to make immediate improvements while planning for a new school which has been listed on NLESD capital list for years.

Mr. Speaker, this petition here, I don't know how many copies – I'm presenting this many today. I've got a lot of copies in my office that have been delivered throughout from parents in the district. We just went through Question Period. We've watched for the last several weeks on this issue the level of defiance. The messaging is just so wrong.

I keep saying it and I spoke publicly on this and I'll say it in the House of Assembly because the minister thinks I've got a problem with my hearing, and I probably do, but I hear a lot of things crystal clear. The problem with their messaging is people want some hope. People want acknowledgement. All of those people are not wrong. All of those parents are not wrong. All those teachers are not wrong. All those students are not wrong.

I speak to them all. I've spoken to those people and to be quite frank, the minister might want to know this, I actually did homework on this for weeks before I ever decided to come out with a news release. For what reason? I didn't want to go running on inaccurate information on certain stuff. I wanted to be sure of my facts. I did a lot of homework. I did a lot of consulting on this issue. I was very comfortable when I issued the news release several weeks ago to

stand with the parents and the students and the teachers to ask for this issue to be resolved.

A new school should be in the planning, but there are immediate concerns there. So while I've even gone a step further, seeing they're being defiant and dismissive, we're asking for an independent review of the school to be done, settle it there. One group is saying this and the other group is saying that. Let's put it out in the middle, separate all that. Get someone independent to go in and do it.

Why wouldn't you agree to do something like that? The only way you'd agree to not do something like that is you're afraid that you might be hiding something. That's the only thing I can come up with. I support anyone – I've got no wrong with anyone going in and doing an inspection, but let's separate the uncertainty, bring in someone independent, get them to do the inspection of the school. If that comes back, the school is deemed safe and these issues are not an issue, we're fine. But he won't even commit to that. It's getting up and calling my actions shameful. I'll never be accused of being shameful. No Member of this House should be ashamed of standing up for the people in their district.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Thank you, Speaker.

These are the reasons for this petition:

Stephenville Primary school educates children from the greater Bay St. George area. Many of these children are of French-Mi'kmaq descent. The great-grandparents of these children were physically and emotionally harmed by the school system for speaking their language and embracing

their culture. Our community lost the language with that generation. Today, these families still feel the trauma from these experiences.

In January 2023, the community became aware that Stephenville Primary was at risk of losing the French immersion program due to the current rigid, province-wide policy which fails to account for any cultural considerations such as those in the Bay St. George region. This threat created stress for our community and children. It illustrated that policy change is needed, as the status quo will repeat the destruction and loss of culture first caused and perpetuated by the provincial governments of the past. It is our firm hope that the present government is committed to the goals of truth and reconciliation.

Therefore, we, the undersigned, petition the hon. House of Assembly as follows: To urge the Department of Education and the Newfoundland and Labrador English School District to reclassify French immersion at Stephenville Primary from an optional program to a core program.

Speaker, this petition and the families that have signed it all have heritage of French and Indigenous backgrounds in this particular area. They tell the stories of their grandfather who was French speaking, but had to go to an English school and every time they spoke French in the English school, they were strapped. So the grandfather went to his children and when the children came time to go to school, they refused to allow the children to get strapped or to speak French because they knew they would be strapped if they spoke it in school. So a whole generation lost the ability to speak French as part of their culture.

The program is back at Stephenville Primary but, every year, we continue to go through a process of trying to determine where we're going to meet this rigid number. So what we need to recognize, there is a cultural thing, there is an historical

thing and this needs to be corrected. It needs to be part of the core program.

Thank you, Speaker.

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

J. DINN: Thank you, Speaker.

Speaker, I am presenting a petition to call for funding for active and public transportation. These are the reasons for the petition:

Government has proudly announced that it is spending historic amounts of money on highway repairs and expansion in this year's budget, totalling \$1.4 billion over the next five years.

Rudimentary traffic analysis shows that provincial highways barely operate at 50 per cent of their traffic capacity at peak times. Inattentive driving and speeding are the primary causes of highway accidents. Widened roadways further encourage this behaviour, contributing to highway-related fatalities.

Private vehicles cost the average Canadian over \$10,000 a year per vehicle, forcing struggling seniors and minimum wage workers into vehicle poverty. Diverting even a fraction of the yearly highways improvement budget into funding public and active transportation can provide reliable, predictable and daily routes to most hubs in the province.

Therefore, we, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to commit to developing active and public transportation options in the province through legislative and budgetary means and to cease any further highway expansions without providing robust traffic studies, including factoring inter- and intra-community public transit.

What the petitioners are asking for is an acknowledgement and a redirection of funds into active transportation. We have many people who can't afford a vehicle. Now, I've heard it mentioned in the House here with regard to electric vehicles. I would argue that many people are stuck without having any vehicle, even the internal combustion engine and they do not have a dependable form of public transportation either within the city – if that could be expanded – and without. Even between the hubs.

One of the things that this petition is calling for is the expansion of public transportation between hubs. Not only within communities but between communities as well. For those who no longer have their licence, who've never owned a licence or cannot afford to own a vehicle, regardless of whether it's electric or otherwise.

I will say this; I will support, certainly, my colleague on this side who talked about the sleeping guardrails. Do you know what? Maybe we need to be doing more about making sure that our roadways are kept up to standard. But, in many ways, I think the emphasis has got to be on, as well, public transportation.

What is the good of even bringing in people from other jurisdictions, other countries, who may be depending on or may be used to public transportation – and they come here and it's almost impossible to get across this province?

Thank you.

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

P. LANE: Thank you, Speaker.

These are the reasons for this petition and background to the petition is as follows:

WHEREAS the Professional Fish Harvesters Certification Board is the governing body for fish harvester

certification and inshore enterprise ownership in the Province of Newfoundland and Labrador; and

WHEREAS the *Professional Fish Harvesters Act* (1997) was crafted and designed to address circumstances in fish harvesting that have drastically changed in today's fishing industry environment; and

WHEREAS exceptionally stringent certification criteria are seriously impeding intergenerational succession of commercial fishing licences and enterprises, contributing to a crisis of workforce entrance into the inshore harvesting sector; and

WHEREAS the cost of commercial fishing licences are financially out of reach for most accredited harvesters through traditional lenders such as banks; and

WHEREAS the most accessible lenders are often the very same fish processing companies and buyers who purchase a harvester's catch and alternate lending institutions would be more favourable; and

WHEREAS fish harvester succession and enterprise ownership are intrinsically linked to coastal and rural sustainability, and any break in that chain threatens the rural way of life;

THEREFORE we petition the hon. House of Assembly as follows: We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to undertake province-wide consultations on the impediments to becoming an inshore enterprise owner, meetings to coincide with a review of the *Professional Fish Harvesters Act* (1997).

Mr. Speaker, I have several people that have signed this petition that I was asked to present. People from Catalina, Elliston, Bunyan's Cove, Champney's West, Bonavista, St. John's, Goulds, Petty Harbour, all over the place basically, Codroy, so from all over the Island. I was

contacted and asked if I would present this on their behalf.

Now interestingly enough, it was only a couple of weeks ago I actually had a meeting with the Professional Fish Harvesters Certification Board. At the time when I met with them – and I believe my colleague from Bonavista had read a similar if not the same petition in this House of Assembly, which is what prompted them to meet. Interestingly enough, when I was speaking to them, I had these on the way in and I didn't even know they were coming in. So I would have told them but I didn't even know.

At the end of the day, they raised some concerns as well that they have. They're trying to protect our fishing industry as well, which is very important to all of our province, particularly the rural parts. They don't want to have situations – and we've heard of these in the past where some dentist from Nova Scotia ends up with –

SPEAKER: Order, please!

The Member's time has expired.

The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Speaker.

This petition is actually named: Renewed call to reinstate the marine shipping service between the Island portion of our province and our Northern Labrador communities.

We, the undersigned, are concerned citizens of Newfoundland and Labrador who urge our leaders to return the direct marine shipping service between the Island portion of our province and to our Northern Labrador communities. Our Northern Labrador communities are totally isolated with no road access and marine transportation services are limited to five summer months on average.

Since the 2019 cancellation of this direct marine freight service from the island portion of our province to our communities residents are witnessing exorbitant price increases of basic needs, impacting overall quality of life.

We are already paying exorbitant prices but the additional trucking has directly impacted prices of food, building materials, vehicles including trucks and off-road vehicles, household goods and many essential services for our communities. It has also resulted in a lot of important supplies not being available in our communities anymore.

Speaker, this is a brand new petition. This is a renewed petition and the signatures on here are dated May 19, actually just this past week. Most of the signatures are from Nain. Why am I talking about Nain is because a glass jar, Speaker, no bigger than this glass actually costs \$8.98 for jam. For peanut butter, \$9.59. That's the cost of food. I showed people the picture of pork chops: \$28 for four fatty pork chops. How can people afford to feed their families? But most importantly, what I say to people is, there are people in our communities that have good-paying jobs and they're struggling with the price of food.

One of the things we are judged on, as a society, as government, as elected officials, we are judged on how we treat our most vulnerable. I have to tell you in our Northern Labrador communities that don't have road access we basically are forced to pay these exorbitant prices. Our most vulnerable are being harmed and there's another layer on top of low income and people on income support; there are a lot of them in my district, in my communities that have been harmed by intergenerational trauma from the forced resettlement of our communities and also residential schools.

Everybody wants to talk about it, but no one wants to do anything about it. The Minister of Transportation said he's not going to

reopen it but there are no other options. In actual fact, how can our families survive when they have to pay these exorbitant prices? I'm not going to even talk about other things like the price of a boat and motor, the price of a snowmobile, building materials so you can repair and maintain your house. Paint – you can't get paint in my district anymore.

SPEAKER: Order, please!

The Member's time has expired.

Orders of the Day.

Orders of the Day

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Speaker, I move that this House now recess for 15 minutes.

SPEAKER: This House do stand recessed until 2:50 p.m.

Recess

SPEAKER: Are the House Leaders ready?

Order, please!

The hon. the Government House Leader.

J. HOGAN: Thank you, Speaker.

I call from the Order Paper, Order 8.

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Thank you, Speaker.

I move, seconded by the Minister of Industry, Energy and Technology, that An Act to Amend the Electrical Power Control Act, 1994 and the Public Utilities Act, Bill 34, be now read a second time.

SPEAKER: It is moved and seconded that Bill 34, An Act to Amend the Electrical Power Control Act, 1994 and the Public Utilities Act, now be read a second time.

Motion, second reading of a bill, "An Act to Amend the Electrical Power Control Act, 1994 and the Public Utilities Act." (Bill 34)

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

J. HOGAN: Thank you, Speaker.

I rise today to speak to amendments to the *Public Utilities Act* as part of Bill 34. My colleague the Minister of Industry, Energy and Technology will certainly get a chance to some amendments as well that are being proposed under the Electrical Power Control Act.

Back in November 2021, our government announced a review of the *Public Utilities Act* as recommended by Justice Richard LeBlanc in his report *Muskrat Falls: A Misguided Project*.

The *Public Utilities Act* was adopted in 1989. It's been amended on a number of occasions with significant amendments occurring in 1998 and 2018. The most recent amendments were adopted to support a new electrical system operator for the province and establish the transmission tariff to be applied when moving electricity through the province.

The Board of Commissioners of Public Utilities, or PUB, is established by the *Public Utilities Act*. The PUB is an independent, quasi-judicial regulatory body appointed by the Lieutenant-Governor in Council and operates primarily under the authority of the *Public Utilities Act*.

Given the broad mandate of the PUB, we subsequently announced on May 10, 2022, a review was being conducted of all public utilities legislation. This review was undertaken by an internal project team

consisting of officials from the Department of Justice and Public Safety, with participation and support from the Departments of Digital Government and Service NL, Industry, Energy and Technology, and Transportation and Infrastructure.

Given the technical nature of the subject matter, the project team conducted targeted stakeholder engagement that included the PUB, Newfoundland and Labrador Hydro, Newfoundland Power, the Consumer Advocate, Corner Brook Pulp and Paper, Braya, Vale, Labrador Interconnected Group, Innu Nation and NunatuKavut Community Council. The stakeholders identified their specific issues which were analyzed by the project team as part of its jurisdictional scan.

I do want to take the time to thank the project team and all those that participated in the review of their work in ensuring public utilities legislation in this province is effective and based on best practices like we see throughout the country.

Overall, the review showed that provincial legislation is generally in line with other jurisdictions. However, we are amending the *Public Utilities Act* to update the legislation in certain areas. There are a number of amendments related to board composition and tenure. If passed, the PUB would now have no less than four members and no more than six members. This amendment is more in line with other jurisdictions that have a similar mandate to our PUB.

We are also proposing to amend the terms of commissioners from 10 years to a seven-year first term. with up to two five-year reappointments. This will not affect current commissioners.

To allow for project continuity, the amendments before the House would also permit commissioners to complete a project that extends beyond their term. This, too, is

in line with other jurisdictions, namely New Brunswick and Nova Scotia.

There are also changes to allow for the appointment of temporary commissioners in consultation with the chair of the PUB and approval by the Minister of Justice and Public Safety. This will allow the appointment of temporary commissioners, should the PUB require additional help for short periods of time for a specific matter. There is a limitation on temporary appointments, six months in any two-year period.

To help ease the regulatory burden for utilities, there are amendments to increase the monetary threshold of PUB approval on capital projects or leases. As the act currently reads, Newfoundland and Labrador Hydro and Newfoundland Power have to get PUB approval for capital projects of \$50,000 or more and for yearly leases of \$5,000 or more. These dollar figures have not changed since at least 1978. We are suggesting increasing these thresholds to \$750,000 for capital projects and \$750,000 for the lifetime of leases. Doing so will enable the PUB and utilities to focus resources on larger projects while still allowing for appropriate oversight.

The new amounts are more reflective of current construction and lease costs. Just for comparison, Nova Scotia has a \$1-million threshold, New Brunswick has \$50 million thresholds and British Columbia's thresholds are between \$20 million and \$100 million depending on the utility and the type of project. We are also suggesting threshold amounts be established in LGIC regulations rather than legislation.

Another change for utilities would clarify that in addition to seeking PUB approval to not serve a customer, the utility can apply to the PUB for approval not to serve a group of customers. Currently the utility companies have to apply on a customer-by-customer basis which is not efficient. The changes would allow one application before the PUB

who would then decide if the application is in the public interest.

There are also some administrative changes as well. To provide for transparency to stakeholders, we are looking to clarify that exemption orders be gazetted and published as regulations. There are amendments to remove water and sewer from the mandate of the PUB, given they have not historically regulated water and sewer because it is covered by the *Municipalities Act*, *City of Mount Pearl Act*, *City of St. John's Act* and the *City of Corner Brook Act*.

Section 120 updates the regulatory-making authority to capital budget thresholds. Other amendments will, of course, incorporate gender-neutral language and update references to the Supreme Court and statutory reference. I just want to say that these amendments will ensure the PUB can operate effectively to achieve its objects in the best interests of the people of Newfoundland and Labrador.

Before I sit down, Speaker, myself and the Minister of Industry, Energy and Technology had some questions from the media today. I just want to be clear about one of the amendments that had been proposed. It talks about, in section 5.1 of the *Electrical Power Control Act*, proposing an addition that would allow LGIC to direct the Public Utilities Board to hold an in-person hearing. Just for clarity, this request was made by the Consumer Advocate. He's been very public about the need in certain situations to have an in-person hearing.

Everything that is before the Public Utilities Board, all hearings, they are public. Nothing is ever hidden; nothing's behind closed doors. But for the most part a lot of the documents are put online; people can make their written submissions, members of the public, the Consumer Advocate, the utilities, and the commissioners have the chance, of course, to review it, ask further questions and go back and forth. But there are not

always in-person hearings. The Consumer Advocate, for lack of a better word, advocated for a more open and transparent process and requested that this be added to the amendments when our review is being done and that's what the project team came back with.

There's no thought process or no inclination or no suggestion that LGIC ordered that a hearing not take place. It is only the ability to direct the PUB to have an in-person hearing when LGIC feels it's in the public interest and appropriate to do so. I just want to be clear of that. It's not to hinder or be less transparent; it's a request by the Consumer Advocate which we think is a good one to make the PUB open and transparent when necessary.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

It's an honour again to stand in this House as we debate legislation here and make changes to legislation that better fits the programs and services and the expenditures of the administration of any service that's being provided. Here, as the minister had noted, we're debating now Bill 34, An Act to Amend the Electrical Power Control Act, 1994 and the Public Utilities Act.

As you know, there has been a lot of discussion, particularly the last number of years, about the Public Utilities Board and the Electrical Power Control Act itself. There have been discussions and the advocate for a number of years has been outlining some of the concerns that they've had relevant to how the PUB, the Public Utilities Board, and how the Electrical Power Control Act could be improved.

Obviously, with the Muskrat hearings itself and the review and the detailed discussion and the presented information there, more detail was put forward as to the necessity here for the Electrical Power Control Act to be changed and for the roles and responsibilities of the PUB, in a number of cases, clarifying what their responsibilities are. More importantly, what their abilities are to ensure that the public information is put out publicly and that decisions are made relevant to the power grids and providing power and the costing of power is done in the most open and transparent manner and a most efficient manner to provide services for the people of Newfoundland and Labrador.

So there are a number of changes that are taking place within this piece of legislation. The minister alluded to a number of them and I'll just take you through some of them again so people will understand what's being changed. While it's maybe not a big encompassing part of it, there are parts of it here that we have, not necessarily concerns, but that we would want better clarification so we can pass that information on to the general public here when it comes to them understanding what's happening around this process here.

We've had a lot of debate over the last number of years about additional power being able to be put on the grid, changing legislation relevant to that and how applications are put in to the PUB for increases as part of that; what environmental footprint or policies should be implemented to ensure that we're as environmentally friendly in any development around hydroelectric power or any other type of power grid that may be necessary to provide power for our people in this province or for our industries as part of that or for export as part of that process.

So there are a number of things here. First and foremost is expand the power policy of the province. Keeping in mind, we've been touting for the last number of years, perhaps

for the last decade, the importance and the ability and the assets that we have in Newfoundland and Labrador, not only to serve our own needs but to serve the needs of our Atlantic provinces, our sister provinces, but also nationally and internationally; doing it in a green manner; doing it in a manner that financially is beneficial to us; and doing it in a manner that we can now offer industry green, affordable, accessible, reliable energy.

To do that, you've got to have an oversight process here that controls that and sets the policies and parameters for any industry or any oversight agency here. That's what this piece of legislation sets out to do. It sets out to improve and build upon and modernize an act that's been in play now for three decades in Newfoundland and Labrador and make it more relevant to exactly what has been identified as some challenges around access to hydroelectric power, access to the increased costing or access to the environmental assessment on what needs to be done there. So to do that, you have to have the piece of legislation that's all encompassing here.

Obviously, if you change one component or one section of an act, it has an effect, a ripple effect, on a number of other ones that you have to modernize. It could be just around dates, it could be around the parameters and timelines. It could be around the parameters on the access to that piece of information or it could be based on the principle of now we're changing how business is done within any asset-oriented development as part of this process.

I will again admit the Muskrat Falls inquiry opened up a lot of eyes around what should be necessary, putting in safeguards and mechanisms and checks and balances to ensure that whatever we do, and the assets that are being used in Newfoundland and Labrador, are going to be beneficial to the people here. That, at the end of the day, everything is covered off so that the general public could look at a piece of legislation,

look at the act, and know exactly if the industry itself is doing what it's supposed to do; if we're getting the best return on the investment. More importantly, in a lot of cases here, particularly around the PUB, ensuring that the rates that are charged and the process used in determining that are in line with exactly what was discussed in the House of Assembly and what was said and discussed within the inquiry itself around cost overruns and the taxpayers having to incur a number of those costs and processes there.

We're talking about an expanded power of policy of Newfoundland and Labrador, that's what we'll do with this whole piece of legislation and changes. The legislation prior to that, I've gone through it. A fairly in-depth piece of legislation and fairly consuming for the time and protection at the time, but over the last 10 years we've seen our priorities around hydroelectric power and we've seen some of the challenges we're faced. We're seen some of the new things, the nuances that we've learned about what we weren't ready for, or it didn't exist prior to that and the advocate has been very diligently outlining challenges that they've identified over the last period of time by having some discussions around that.

So having the department itself, the Department of Justice and Public Safety, announce the review of the Public Utilities Board is something that we welcome. Obviously, we promote it as much as possible and ask those relevant to this process to be engaged in it and share their information.

The review process took place. What this is now doing is a review of the whole process as it comes back to the House of Assembly in changes to legislation here. So we're also going to look at some of things here that would be around exemption orders under the act in subsequent legislation. There has to be some ability to maneuver as times change, needs change, the markets change and the demands change itself. So there is

reference in that here about how we would do that.

Some simple things that are housekeeping here so people would know like the reference to Trial Division will now be changed to the Supreme Court. We know in Newfoundland and Labrador, Supreme Court is the ultimate decision-maker. So at the end of the day, if there's a reference to a decision being made there, we know that it's going to be open, public and transparent at that level. We know whatever, at the end of the day, decision made is binding for the people of this province and for any entity that may be a partner in this piece of legislation.

Some of it is simple: removing references to services related to water and sewage from the definition of public utilities and from other provisions of the act. It's just streamlining and cleaning up exactly what the responsibilities of this piece of legislation would be as part of those processes.

There's an added definition for minister and temporary commissioner. That was some of the clarification that we had some concerns around, about exactly outlining what would be the roles and responsibility of the minister in this situation and the temporary commissioner, as part of this process. As we get into it, I'll take it through some of the changes that have taken place here and the relevance and the impact that they may have as part of that and the clarification that we will want when we get in Committee so there's no misinterpretation of the definition or understanding as to what this act is going to do in its endeavours to improve the public utilities operations and the Electrical Power Control Act as we talk around that.

Clarifying some of the exemption orders under the act and subsequent legislation: I talked about that because there are some challenges around what would be exempt when we get into this process. We'll take you through some of those challenges that

we may have or some of those questions that we're going to have.

Also, increase the maximum number of full-time commissioners as part of this process: For a number of years, there's been a debate as to the value, at times, of the Public Utilities Board because of not sharing all information out there, how the decision-making process is being made and the longevity for commissioners to be there. Does it become stale when people are there for periods of time as part of this process? So there are some changes here that we'll outline that would be, we feel, beneficial to the people of the province because it gives a new opportunity for people to share the information they have and to use the energies they have to do it. It shortens the period of time when new members can become commissioners and bring their thoughts, their work experiences and their views on to how things should be changed.

Also, the ability for appointments in the process here is changed somewhat because there has been some contentious issues around if commissioners leave, who can appoint, what time frames and for how long do they stay then as commissioners as part of that. So that has been clarified a little bit more there.

And allow the commissioners whose term expired to continue unfinished matters before they leave. That is something I see the value of because, at the end of the day, a commissioner who has been there for a period of time, has taken on a specific project, is continuing to move that in the right direction and has a wealth of knowledge and all of a sudden now because their term is up that project now comes to a halt and somebody new coming in who is not familiar with it, doesn't understand the nuances, the partners involved, or how you move it to the next level. Now we start over again; we've wasted a lot of time, a lot of energy and particularly a lot of the resources that could

have been moving this in the right direction to address whatever the issue is.

There is some definition there around how a commissioner can continue and for what time frames as part of that. So that in itself becomes beneficial. One of them is a new process here, the temporary appointments of commissioners. If we do have commissioners who leave for whatever reason then obviously you can't have too many vacancies because you got to have this open dialogue and discussion and you got to have a number of individuals making decisions on what is in the best interest of the Public Utilities Board and the Electrical Power Control Act.

So there are some things there that we're going to talk about here in the next period of time that I think would be beneficial to improving some of the things here. Some of the things that we have here, like in the current act here, the description here and the discussion, what's being proposed now that will change: would result in power being delivered to the consumers in the province at the lowest possible cost, consistent with reliable service."

So this is about ensuring that it is written in text that the PUB and the act must adhere to following the process of finding affordable ways to keep the pricing down when it comes to our hydroelectric utilities or anything else relevant to that in a reliable service.

That has been the premise of any hydroelectric power that has been developed here. It is on three main key points. One, that it is a reliable source that we have here; so we're not reliant on some outside entity or we don't have challenges in times that are not conducive to people's health, safety and industry developing, like we did with DarkNL. I mean, that was an eye opener about ensuring that we had a grid that will be reliable, that it can be turned on in very quick manner and that even if there are some disruptions that they would

be minimal and have minimal impact on people's lives.

We saw in DarkNL there was a challenge because the grid itself wasn't prepared. There wasn't preplanning. They didn't have a mechanism in play and they didn't, for all intents and purposes, have the resource that was necessary at the time to do it. That's why there was movements put forward about putting something in place that would be more reliable.

I know there's still some discussion around if Muskrat Falls will be able to do that and subsequent hydroelectric powers. I know Bay d'Espoir has been upgraded and there's a major investment now that's taking place to upgrade that. Conversations about how long Holyrood would exist based on its environmental hazards as part of that process. So the discussion from the process here is about finding the reliability and affordability.

It's a good change in the wording here because I think this represents what people have come to learn is necessary if we are to move forward on having hydroelectric energy as one of our key components for driving industry in Newfoundland and Labrador and keeping Newfoundlanders and Labradorians safe and warm, but also in providing a revenue generating stream for this province and supplying clean energy for other provinces here that also helps the environment. So that's one part of a component there on the discussion that we'll have. We welcome the changes in that because it makes a commitment that this is indeed what needs to be done.

Questions here, though, or discussions around where the public utilities engage in activities that is in the opinion of the Lieutenant-Governor in Council as a matter of public convenience or general policy are in the best interest of the province to extend and engage in those activities. So, again, there has to be an acceptance of oversight. To not only put something in writing, but

have a mechanism that it has to be adhered to, that the checks and balances have to be in play here.

So there are some mechanisms in here that would strengthen the responsibility of the PUB and the act itself to be followed and to achieve the goals that are set out in the act which is obviously from an environmental point of view, a financial point of view and from a full-fledged economic point of view from the province from a bigger picture as part of this process that's there. So there are some of the things that we talked about there.

Issues around the composition of the board and the changes on that, we welcome the fact where things are right now. We do look at some of the things: temporary commissioners, the process for appointment there and what that will mean, who gets to make the appointments and we know we talked about the chair being able to make those appointments, but it has to be clearly spelled out under what circumstances.

This got to be seen as transparency, accountability and openness. It got to be based on the principle. It can't be just taking care of your friends; it can't be because you owe a favour to somebody because at those points it's at the expense of the taxpayers. It's also whether or not you have somebody who has the skill set to sit on that board, to be able to ensure that the views of the people of Newfoundland and Labrador, are put as the primary objective as part of those processes.

So there are a number of things there, some of the changes here about not less than or more than six full-time commissioners. There has still been some debate about the number of commissioners that are necessary for discussion, for hearings, for decision-making, very important as part of it when we look at the process to ensure that that works there.

The appointment timelines, and there was some debate here – the norm has been commissioners 10 years versus a seven-year appointment to hold office during that process. Again, we see the value of that based on the principle of eventually people will have either exhausted their energy or their interest or their views on what needs to be done. Changing it up in an earlier process, to us, it adds new energy to it, adds a new perspective and would move it in the right direction. There are a number of things relevant to that that would be in the best interest of what's happening here.

The chairperson may appoint one or more persons approved by the minister as temporary commissioners. So again, our discussion around that is, what criteria will the minister be using to recommend to the chairperson what would happen there? There's a contentious issue here around "may," not "may" versus "shall," and that's always an open dialogue there on who has the real authority and is it based on choosing who's best to do it or it's based on being directed to select somebody. So we'll have some questions in there about the process that would be used when a minister puts forward a name. Will they be using the selection process within the confines of government? Will it be an appointed process within a line department? Will it be Cabinet that makes a decision? Will it be the Premier that makes that full decision? So these are things that we'll ask for clarification when we get into Committee, as part of that process.

There are a number of other things here that we have some questions about that we'll get clarified here and part of it is around the cost of construction or purchase in the excess of an amount prescribed in the regulations. So again, we talk about checks and balances. They have to be very important for any piece of legislation to change and for accountability, and I'm not one that's going to skirt around it, particularly around hydroelectric because we did see what happened when there

wasn't enough checks and balances put in play when Muskrat Falls was being built as part of that process. The Public Utilities Board involvement in that was minimal at the time. The act itself didn't give them the power or influence to be able to do it and we had to go to a public inquiry.

So if we're doing this in advance, we're being proactive and we're thinking ahead and planning ahead, we should have mechanisms in play and we should have legislation already drafted in advance that would answer all those questions or those concerns before they could even happen as part of that. So there's value in what's going to be here about how the regulations are. So the old devil is in the detail when it comes to regulations and understanding what is going to be put in play and the mechanism that will be implemented and, more importantly, monitored over a period of time.

The cost of lease over the expected life of the lease is in excess of the amount prescribed in the regulations. Again, this is about accountability and the financial costing for any project or any costing to any improvement to what already exists in our province right now as we start developing the hydroelectric power. What influence this may or may not have when it comes to negotiations on Churchill Falls right now, I'm not quite sure, because, to me, everything has an effect. If you're going to negotiate the value of something, you obviously got to know – if I'm a businessperson, I've got to know what regulatory responsibilities I have to follow, what are the costings relevant to that and what are the checks and balances that are part and parcel and what has to be done?

So there are a number of things that have changed here. For the most part, they are beneficial to the people of the province. It was something that needed to be updated as part of it. Again, when you've got an advocate who represents the people of the province, who's calling for a number of

changes that would be relevant to improving a piece of legislation, it's hard to dismiss that. When you have a Chief Justice who does a review and says there are challenges here, if we don't address them now, the same problems we had previously will continue to exist.

So there are a number of changes in this piece of legislation here that we accept and see the value. There are a number that we're going to have some questions. I'm very hopeful and optimistic that the minister and his staff can answer them and say under a regulatory process this would be the process that will be used as part of that.

Once we're reassured that this is in the right place, then I think this could be a benefit to moving hydroelectric power in the right direction. The PUB's responsibility is to ensure clean energy, affordable energy and engage energy and being able to have the ability to open up other avenues to putting more power on the power grid itself and ensuring we have reliable power in this province for domestic use and for export to generate the revenue.

Mr. Speaker, on that note, I'll take my seat and let my colleagues also get up and speak to some of the issues they may have relevant to this.

Thank you.

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

J. DINN: Thank you, Speaker.

Fools rush in where angels fear to tread here right now. Okay. Here we go.

With regard to this Power Control Act, I look at it; it's about protecting the public. It's about learning from the past. It's about, in many ways, gazing into a crystal ball and trying to anticipate future problems and to safeguard against them.

The key word I have heard here, certainly, is transparency, making sure that all projects that are being approved, they are in the best interest of the province and of the people who may be paying for those projects, indirectly or directly.

Now, in November 2021, when this was announced, a review of the *Public Utilities Act*, it was one of the recommendations of Justice Richard LeBlanc had made in his report on Muskrat Falls. In many ways, I was not in the House for this debate, but I do remember a lot of debate was centred around nationalism. It was about a lot of flag waving and I think whatever the reasons, without going into assigning blame one way or the other, the fact is that we probably needed a deeper dive and a more objective analysis of what we were getting into and how to approach it.

So for that reason, I certainly would support an act which tries to strengthen the Public Utilities Board, as such, and to eliminate those influences.

The review itself covered many acts. It had input from a variety of departments, also a number of targeted stakeholder engagements. No doubt about it, there was an awful lot of information and an awful lot of advice given. The legislation reflects, certainly, the input from that review and also jurisdictional scan to adopt the best practices used in the provinces when managing comparable bodies to the PUB and we can, certainly, see how that jurisdictional scan influenced some of the changes that were made.

One thing that's positive is the province to include the need for the Public Utilities Board to consider environmental responsibility when considering projects put before it for approval. There is a tendency, sometimes, to think that, well, you know, there's no cost to what we do to the environment, whether we dump something here or pollute this. But it does have a cost, certainly, in terms of the environment itself,

to future generations and to the public who may very well be responsible for cleaning it up. We've had plenty of examples of that.

We're glad to see the changes made, but, originally, the Lieutenant-Governor in Council could direct the PUB as to whether they need to hold a hearing on a matter or not. We're glad to see that one of the amendments we were planning to bring forward, but will not be necessary now, is basically to remove the language whether or not a hearing shall be held now that it will be to hold a hearing.

That's a positive. If anything else, it's about, again, I've heard the Minister of Justice speak to this, about the need for transparency and about making the PUB open and transparent when necessary. Whether or not we're dealing with this administration or a future administration, that's the crystal ball gazing. We're trying to make sure that down the road we are putting the protections in place to make sure that transparency is foremost. That is a positive.

Now, it does say that the water and sewage has been removed from the definition of a public utility. Certainly, the minister can correct me if I'm wrong on this. It's a concern, I guess, where that would be municipal, but there are areas of the province that are not under any municipal control.

I often think when we talk about water resources, about industrial use of water resources, I look at Gisborne Lake many, many years ago about more or less the selling off of that asset for basically bottling water and so on and so forth, but it was a resource that belonged to all Newfoundlanders and Labradorians. It's not a major concern because I'm assuming there are safeguards in place to begin with, but, at the same time, I often wonder if the PUB would be best to consider those issues as well.

Increasing the maximum number of full-time commissioners that may be appointed – a positive – moving from four to six. I think it's always a question as to what is the right size for a committee, a commission, a board of directors. But certainly four, I would argue, is limiting; six is getting towards where you can actually have that expertise and still have decisions made.

Decreasing the term length for full-time commissioners and allow for their reappointment for a maximum of two terms. Certainly, again, if we look at a jurisdictional scan, what Newfoundland and Labrador had was one of the longest initial terms. But at the same time, this change is bringing it more in line with what other jurisdictions have but still allowing for the reappointment, if necessary, for two terms of five years. I think that acknowledges the fact that it can be often difficult to find people to serve.

The other thing, I guess, the goal in changing the term length was to allow new members with different experience to come to the board while simultaneously ensuring that institutional knowledge would not be lost. It is always a challenge in any board of directors or any committee or any group.

I will say this, and I'm assuming this will be part of it, that there will be some staggering of turnover so you're not losing the entire expertise in one go. It's always worthwhile to have those people who've had the experience, Speaker, to be there and to bring in the new perspectives so that at least we don't lose that institutional knowledge.

It's to create efficiencies in streamlining the work of the PUB, and certainly we would consider that to be important. To create the office a temporary commissioner – we will bring forward an amendment on this. They are to be selected through consultation between the chair of the PUB and the Minister of Justice and Public Safety. They are to serve for a term of up to six months. They can only be reappointed once in a

two-year period, and the goal of this amendment is to allow for those with specialized knowledge or experience to serve on the board and inform its deliberations.

I guess, at some point in the future, we don't know what future administrations would do and how they would interpret it but if anything can be learned is that if it's not ironclad in many ways as we can make it, it is open for interpretation.

The fact is that we go back to the call for transparency to make the PUB open and transparent. The fact that we're now engaging in a process through consultation between the chair and the PUB and the Minister of Justice and Public Safety to come up with, I guess, it sounds like a list of potential candidates that the minister would approve.

I go to when I was NLTA president and we were trying to set up the board of directors for the investment corporation with the pensions. I was asked would I nominate a person to serve on the board. I said: I can't do that if I'm going to be the one that's going to be making the final decision. But what we will do is we'll set up an independent committee within the organization. We looked outside and they will make the recommendations. I will have no discussion with that. They will make the recommendations and as president, I would have the final word and say on who is recommended.

But I think in many ways here, what I'm looking at is this concern then that there's this consultation between the PUB chair, the Minister of Justice and then the Minister of Justice would make that final decision. In many ways, I think having that extra step if they're needed of having an independent appointment commission either do up a pool of people, depending on the project that they would choose from, at least that would increase that or maintain that arm's length and transparent aspect of it.

As well, it has to do with the powers because once these temporary commissioners apply, they all have full voting power. In many ways, maybe their roles should be strictly for the consultation and discussion, not necessarily voting on whether the project should proceed or not.

Allow for the construction, purchase and lease of public utility that require approval of the board be set in regulations. Currently the limit is at \$50,000; the lease is \$5,000 which they must deliberate on. If anything else, cost has gone up so the PUB has found itself preoccupied with small projects that are tying up their time when their attention could be better directed toward more important – I guess not important, but more substantial projects that have a significant potential, a significant impact and/or benefit to the province. So this would certainly allow that regulation to make that change and to account for inflation.

The other, I guess if anything, efficiency is that it may relieve the public utility of a requirement to supply electrical power to one customer or a group of customers. So the change here is that the legislation that's currently written has been interpreted meaning that the PUB must consider all requests from customers individually, even when multiple people are applying to service in the same area. The new wording would allow the PUB to consider those requests for applications as a collective.

So definitely we can see the improvements. We certainly take the minister to heart when he speaks of the transparency, of a need to make the PUB open and transparent, especially if it comes down to, Speaker, about restoring and/or maintaining public trust on any major project or resource development that we're facing, it would be important to have an independent body look at that and to examine and to at least reassure the people that those in a position of power, whether we're on the government side or on the Opposition, are making the best decision for the people of this province

and, at the same time, avoiding the pitfalls that can saddle our province with debt for generations to come.

So with this, I will take my leave and when we get into Committee I'll bring forth our amendments, as required.

Thank you.

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

P. LANE: Thank you, Speaker.

Speaker, I'll be supporting Bill 34. I guess everyone will. I'm not going to get into every clause. I think other speakers have talked about a lot of the changes. A lot of it is certainly what you might refer to as housekeeping but there are also some substantive changes here as well. I think one important thing with this change is that it was a recommendation, as one of my colleagues spoke about, of Justice LeBlanc as part of the Muskrat Falls inquiry that there would be a review of this legislation.

So any time I think we can make the process more open and transparent, and put safeguards in place to protect ratepayers and ultimately the taxpayer as well, then I think that's a good thing and we should endorse that.

I think it is important to note, though, that like any legislation, this all sounds good here today and I'm sure the intent is good and the spirit of this is good. I think it's important to note and I was there and part of it at the time, talked about it, you know. There was legislation in place when Muskrat Falls got put through as well. There was legislation that was in place that got changed and, perhaps, manipulated, people would say and everything else.

So just because we have these changes here in writing doesn't mean that if a project comes along next year or two years or five years from now and an administration of the

day wants to get that project through, there's nothing to say that they wouldn't have the ability to come in here and change this act, change other acts or manipulate legislation, find loopholes to get done what they want to get done for whatever purposes.

I think if there is one thing that I learned, certainly from the past and continue to learn here, is that legislation is good in principle, but the government of the day, whoever that government might be, they still always have that majority and they have that ability to come in and change legislation or take their own interpretation of legislation or twist legislation or find loopholes in legislation to do what they want to do.

We've seen examples of that over the years during my time, I'm sure we've seen it before my time and I suspect we will see it in the future. It is important to note that while this is a good thing, it is not necessarily going to be the be all and end all that is going to guarantee the protection of consumers and taxpayers and ratepayers.

One of the things that is in here that is a good thing, that is in the Explanatory Notes and it talks about "the Lieutenant-Governor in Council to direct the public utilities board to hold an in-person hearing in relation to a matter before the public utilities board" So it allows the minister, basically, to order the Public Utilities Board to have a public hearing on a particular matter. I'm assuming, I think it might have been mentioned by the Minister of Justice, that would probably be on the advice of the Consumer Advocate, as an example.

I would hope that if the Consumer Advocate felt the need to have a public hearing on something – because it doesn't say the Consumer Advocate can order this, it just say the Lieutenant-Governor in Council, it allows him or her to do it. It doesn't say they have to do it. So I would certainly hope that the intent here would be that if the

Consumer Advocate felt there was a need for an in-person public hearing on a particular matter, that the intent here is that the minister – unless there was some reason that I can't really think of off the top of my head, some extraordinary circumstance that he wouldn't do it – he or she would indeed hold that hearing.

I would like to see more certainty, which is not really there, and we can only take the government's word on it. Again, not this government because it could be a new government in two years' time and five years' time and 10 years' time.

I know we've seen circumstances, and I have heard the Consumer Advocate and I've shared his concern, where, for example, you would have say Newfoundland Power looking for increases to rates to cover these big capital expenditures. It was always the view of the Consumer Advocate, and I would agree with him, that when Newfoundland Power, as an example, are coming in and they're saying we want to do this big overhaul of our system or replace this or replace that, or upgrade this or upgrade that, the question comes into play, especially where it's ratepayers that have to pay for it: When you're upgrading, are you going with the standard model – I'm just using this as an example now – or are we going with the Cadillac model here? Because maybe the people of Newfoundland and Labrador don't need the Cadillac model.

So you want to spend \$20 million, maybe we can do it for \$5 million. Maybe we don't need an upgrade now. Maybe we can get another 10 years out of what we already have; we don't need to replace this. You're saying you'd like to replace it, but do you really need to replace it? There might be 10 more good years in that before you need to replace it, we don't need to be spending.

It's okay for Newfoundland Power because if they're just going to charge it all back to the ratepayer, then it doesn't matter to

them. They can go with the Cadillac everything all the time and say we need this, we need that, we need something else; go with the best of the best at all times and maybe overbuild or have something that we really don't need, but what the heck, let's go for the best, ratepayers are on the hook, they're going to pay for it anyway, it don't matter to us.

So having that ability, which currently we don't have, because we had that circumstance occur, I think last year or the year before. I can remember Mr. Browne there in the media, where, I think it was, Newfoundland Power put in an application for a rate increase to upgrade their systems and Mr. Browne said there should be public hearings on this. The Public Utilities Board said, no, we're not going to hold them. I think they just approved whatever it was they were asking for.

We also had a situation – I can recall this one well; this is three or four years ago – where Newfoundland Power, they were getting, I think, a 9.5 per cent return on investment and that wasn't good enough for the shareholders. They wanted a 10.5 per cent return on investment.

Now, that's not our costs are going up, that's not like a case of cost recovery: well, our costs went up, we need to charge more to recover our costs. No, that is we're making a 9.5 per cent profit, we want to make 10.5 per cent profit. They tried to put in that application. Thankfully, there was a group of citizens who kicked up an awful racket and had demonstrations outside the PUB and at Newfoundland Power at the time. I can remember I had a colourful exchange, I will say, with the late Andy Wells, the mayor of St. John's. We remember that one; that was a bit of a hoot where I was outside the PUB.

But at the end of the day, Newfoundland Power withdrew their application. But I'm pretty sure that application has gone back in again now, or it went back in not that long

ago, a few months ago. I stand to be corrected, but I think they did, where now they said let's try again to up, not recover our costs and maintain our profit margins, we want more profit margins. Next year, they're going to say well, now we want 11 per cent, 12 per cent, 15 per cent, 20 per cent.

I'd love to see something in the legislation, to be honest with you, that says here's a ceiling. I could be wrong, I've been wrong lots of times, but I think there may be some provinces that actually have it in their legislation around what kind of – certainly in terms of Newfoundland and Labrador Hydro, I think we have it there or some places of how much of a profit you're allowed to make. I think we limit the profit on Newfoundland and Labrador Hydro, but Newfoundland Power, I think the sky's the limit if the PUB is willing to keep granting increases.

If we want to do something to protect the public in this, those are the kind of things we should be looking at. We should be looking at things like Newfoundland Power, when they're putting in these applications to increase profit margins, maybe the legislation is to say, no, b'y, 9 per cent or whatever it is, that's a fair return on investment. You aren't getting any more. You can maintain your 9 per cent, you can put in for increases when your capital costs go up and your operational costs go up to maintain your 9 per cent, but, buddy, you are not getting any higher. It's not going any higher on the backs of ratepayers in Newfoundland and Labrador. That would be something that we should be looking at and having legislated. In my view, at least it's worth looking at.

The other thing is people need to realize – I think we all do here in this House of Assembly – that, at the end of the day, we can have an open and transparent process, which is good when it comes to things like gasoline rates. I think there were some changes made in that. But at the end of the

day, we can't control world markets and the formulas are the formulas. We can put it all online, we can do whatever we like to make the process more open and transparent, but when it comes to world commodity prices and things like that, supply and demand and all the other costs associated say to gas prices, we can't come in this House of Assembly and simply say to Irving Oil, we're going to set the price of gas or we're going to cut the price of gas prices in half. We simply cannot do that.

The only flexibility we have in this House is when it comes to the gas tax and to the horrible carbon tax. We can have some control there, but when it comes to the rest of it, we really can't. I had some residents in the past say you need to get that House of Assembly and cut those gas prices. But you try to explain to people it's a commodity on the world market and, really, all we can control is taxation. At the end of the day, we really can't control that commodity. With supply and demand, that's just the way it is unfortunately.

But, again, I will just end by saying that there are some positive changes here to make things a little more open, transparent, put more checks and balances in place. I'm sure everybody here today on both sides of the House have the best of intentions in mind in passing this, but again, park it back to the past, put all the legislation you want in place, it will still ultimately be up to the government of the day, not necessarily this administration but the government of the day when these projects come along, whether we're going to be looking at Gull Island at some point in time – lots of speculation that Gull Island could be in the hopper at some point in time and certainly we know with all these big hydrogen projects and so on that are going to be considered, it's great to have these protections in legislation, it's great to have the PUB more open and transparent, but ultimately the government of the day still has that ability to change legislation, manipulate legislation, interpret legislation a

certain way, utilize regulations a certain way.

So obviously, we would hope the government of the day would be doing things in the best interest of the people and that's why we need people on the Opposition side of the House to be sort of teasing through those things as they happen and holding government accountable.

With that said, the legislation we have before us today is not a bad piece of legislation. It's a step in the right direction and I'll support it.

Thank you.

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

T. WAKEHAM: Thank you, Speaker.

I won't stand for a long time, but any time I do stand in the House of Assembly and I get to speak on behalf of Stephenville - Port au Port District is always an honour. Any time we bring legislation to this House of Assembly to be debated, discussed and amended is also very important. Because while the agenda of the House – and most people watch the House for Question Period; I would argue there are other listeners and there's a lot of important business that goes on in the House of Assembly besides Question Period. One of these is exactly what we're doing now, talking about amendments to an important piece of legislation.

Whether you're a listener or a watcher in the District of Stephenville - Port au Port or in my colleague's District of Bonavista, where he has frequent flyers who watch an awful lot, what's important to them and what's important to the people of Newfoundland and Labrador, when we sit here and talk about legislation, is one question and that's simply: How does this legislation impact the

lives of Newfoundlanders and Labradorians? What does it mean for them?

That's why it's so important when we stand up and talk about legislation that we never forget that's who we're actually doing this for. How do we improve the lives of Newfoundlanders and Labradorians? What type of impact will this legislation have on their lives? We've had legislation, obviously, that's had significant impact on them from a financial perspective; in other words, when it comes to some of the budget discussions.

But in this particular case, this is another opportunity to make changes to an organization like the Public Utilities Board that was first brought in by statute back in 1949, so it's been around for 74 years. In the last couple of years, I guess it's been in the news a lot for the issues around the gasoline pricing and some of the challenges that have happened, whether it's the five cents that got added to a litre of gas as a result of the Come By Chance refinery closing and questions from people all over the province: Why is that still there? What happened? Why are we paying for it? They're still asking those questions out there about that five cents a litre.

Of course, the significant up and down of the gas prices, where once the Public Utilities Board would set a price on a Thursday, in the past two years, it seems like there's no continuity to the prices. Perhaps some of that may be due to the world prices and what's happening and the fluctuations in the marketplace. That, of course, causes a lot of grief and concern. So those are some of the things that the public have been in the news about more recently.

The changes being proposed here today, the minister when he spoke talked about a review of the PUB and the related legislation that was started in November 2021. But what we don't have in front of us today is a copy of the review. So we have no idea what's in the review that was

completed, which I think is something that's missing. It would be nice as a Legislature if that review had been released so when we talk about issues that were identified in the review that we would know what those issues were. That we would know that those issues are being addressed, but we have no knowledge of that. We do not know what those issues were and there's nothing here that explains to us, in any way, what they were. Hopefully when we go to Committee, we have a lot more questions that will be asked about that.

At the same time, there is another review of the PUB which is under way. The Minister of Digital Government and Service NL ordered a review of petroleum pricing. Again, where are the results of that review? We're making significant changes to the PUB structure here, but we do not have any of the reviews and what exactly are these recommendations based on.

What is the reason the government has decided to move the direction when it comes to the number of commissioners or the part-time commissioners, or raising the limits? There is lots of detail. But again, the primary thing for me is the fact that the review is done and as legislators, as people in the House of Assembly, we do not get to share in the results of that review. We have not seen the review. I would think that what we should have here is that review released. Then, we would know and understand exactly what was in the review, what did it recommend. Government would be bringing forward the recommendations and then we would be sitting here talking about them.

That's simply just a question on the review process. I mean everything here is certainly something that we would support, but what we'll do is we'll have a lot more questions in the Committee stage so I won't take any more time.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Minister of Industry, Energy and Technology.

A. PARSONS: Thank you, Speaker.

I am happy to stand here today and speak to this proposed legislation, Bill 34, An Act to Amend the Electrical Power Control Act, 1994 and the Public Utilities Act. I appreciate the introduction of the legislation by the Minister of Justice and Attorney General, as well as the comments from the Members opposite.

So I'm not going to belabour the points that have already been made, but I did want to speak a little bit about the various points that were made under the *Electrical Power Control Act, 1994* which is the part that falls under the department responsible, the Department of Industry, Energy and Technology.

So just a few things here. There are two important areas that the amendments focus on. One, given the fact that we have, as a province, committed to net zero, amendments to this Electrical Power Control Act would now provide the PUB with the ability to consider environmentally responsible decisions related to all sources and facilities for the production, transmission and distribution of power in the province, in addition to the lowest-cost option, which is an important change. Prior to this, it was just the lowest-cost option. This I will point out is consistent in other jurisdictions including BC, Alberta, Ontario, Manitoba, New Brunswick and Nova Scotia.

So, again, this was one that I think, especially when it comes to Newfoundland and Labrador Hydro, that they are quite excited for, especially the leader of Newfoundland and Labrador Hydro, Ms. Jennifer Williams, who, in her leadership, realizes the need for emission reduction when we talk about green transition. This is just another opportunity to factor a very

important concept into the decision-making process.

Now, the question I was asked earlier today, and maybe I'll be asked again at the Committee stage, was: How do you balance it in? The answer is: This is what it is. It is a balancing act because we can't just rely on either one of these factors. They all have to be taken into consideration, but the difference being that prior to this, the PUB could not take it into consideration, whereas now they absolutely can factor that in.

We still have to consider something very important, that being reliability and, again, as one of the Members referenced earlier, DarkNL, something that drives a lot of decision-making because we need to have, not just low-cost service, not just service that we aspire to be green energy, but we need reliability. If we don't have reliability, I think the average Newfoundlander and Labradorian forgets about everything else when you're sitting there in the dark or in the cold.

So we feel this is an important step forward and will be used by the PUB as they move forward in the decision-making process.

The second part is having the authority to direct the Public Utilities Board as to whether the hearing will be required. So we know that there's been a change made there, and just to provide some of the information as to the genesis of this. As I said earlier in the scrum when I was asked by the reporter from CBC, I believe, is, well, this is about directing a hearing. Can you direct a hearing not to be performed?

I was sort of taken aback because it is a cynical way to think, but fair ball. The reality is that at no point, whether it be the Minister of Justice and Public Safety, whether it's myself, any of the civil servants or public servants that look to this, at no point did it ever cross my mind that you would direct a Public Utilities Board not to have the hearing. I mean, I sat on that other side

when we solved the inability of the Public Utilities Board to be involved in decision-making and it wasn't one that went over well for the government of the day.

So I don't think it's something that has ever factored into this, but, that being said, do you know what? This is why we do this process. This is why questions are asked. In this case, it does not affect the goal for this, which was the ability to direct the hearing when it relates to the public interest. If this is what we need to ensure that it can't be misused, then by all means. But I need to point that out for anybody that might be watching or listening or reading this debate at some point, this was all about the ability to ensure that there was a hearing held.

Other changes have been made as we relate and more of making sure that the legislation, which hasn't been touched for some time, is up to date, including gender-neutral language references, to Supreme Court, things like that. Some of these include some statutory references, more of a housekeeping nature, but the two big points I make are the ones I referenced.

We'll wait for the questions and see where it goes, but I appreciate the opportunity.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Thank you, Speaker.

I'm only going to speak very briefly on this bill. I think that around the room here most of us agree there are changes that are needed. The devil is in the details when we go through most legislation. As we discuss it and some questions during Committee, there may be some issues. I find second reading you talk about it more, but the Committee level you ask the questions and the minister – or the ministers – have an

opportunity to provide the answers. It's the most, I suppose, impactful part of any legislation.

I, too, spoke to the media this morning. There were no major concerns. There were some issues that, actually, the media mentioned to me about the independence of the PUB. That's always a concern because it's meant to be a separate entity, quasi-judicial. It's meant to be separate from government and we always respect that. The PUB has always had that reputation.

I mentioned this to the Government House Leader, actually, just this afternoon. One thing that jumps out to us – and there will be questions probably come in Committee and I'll throw it out there now. I think the Minister of Industry, Energy and Technology – I have to slow down when I say that – spoke about it earlier today, too. It's about this environmentally friendly – so you have the least cost, most reliant, but you're throwing the environmentally friendly piece in there.

As we know, look at Holyrood, for example. It's far from the most environmentally friendly. Is it the most reliable? That's a question. It's been there a long time. Is it the least cost? Maybe so when you compare it to others. I don't mind using the word in the House either: Muskrat Falls would easily qualify under the environmentally friendly piece, but is it the least cost. We know the answer to that as well. Is it reliable? We're hopeful. It's looking like, right now, the testing has shown that it is reliable, so it checks two boxes.

So when you get into a situation of when you got to try to rationalize – and the PUB is dealing with this – how do you pick one over another? How do you weigh out which one is more beneficial? Do you look at the public Treasury or do you look at the environment?

I know a lot of people out there support the environment. We all support the environment. We all realize there are climate issues out there, but to what level.

So you need a reliable source of energy for your province and you want to try to get the least cost, but then you're throwing this environmentally friendly piece in there.

That's probably one of the issues that jumped out at me and I think through our Caucus when you look at this legislation because a lot of the other stuff is about the terms, temporary commissioners, some things that have been removed. We're not opposed to any of that. We had some questions during Committee, but I'm really interested to know – that could be a dilemma and how the PUB will deal with that, with this new legislation. How do you rationalize that? I don't know how you do and that's a question I think that we'll save for Committee and we'll maybe have to put it to practice.

Maybe the PUB will have to kind of come up with the metrics to try to figure that out because I think that's a real challenge. Sometimes that's a hard one and, I don't know, maybe someone can provide me more clarity and when we go to Committee, hopefully we'll find it.

I'm not going to belabour it much longer. I think that the Government House Leader – if we finish now – may go to Committee and get to those questions. Otherwise, we have no major issues, but that is the one issue I think I look forward to some more clarity on as we go through Committee.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

The hon. the Minister of Justice and Public Safety.

J. HOGAN: Thank you, Speaker.

I thank everybody for their comments and upcoming questions. Obviously, they advise that they have some questions that they want answered before we go to the final vote on this bill. So thanks for everyone for their participation. Thanks for everyone showing most of their support so far. Obviously, we got a little bit of work to do in Committee, so I look forward to the questions and the answers in the Committee stage.

Thank you, Speaker.

SPEAKER: Is the House ready for the question?

The motion is that Bill 34 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?

Motion carried.

CLERK (Barnes): A bill, An Act to Amend the Electrical Power Control Act, 1994 and the Public Utilities Act. (Bill 34)

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

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

L. DEMPSTER: Now.

SPEAKER: Now.

On motion, a bill, "An Act to Amend the Electrical Power Control Act, 1994 and the Public Utilities Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 34)

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Speaker, I move that this House do now resolve itself into Committee of the Whole to consider Bill 34.

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?

Carried.

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

Committee of the Whole

CHAIR (Warr): Order, please!

We are now considering Bill 34, An Act to Amend the Electrical Power Control Act, 1994 and the Public Utilities Act.

A bill, "An Act to Amend the Electrical Power Control Act, 1994 and the Public Utilities Act." (Bill 34)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The Chair is recognizing the Opposition House Leader.

B. PETTEN: Thank you, Mr. Chair.

Further to what I just discussed in second reading, my question is: Is there a definition of what environmentally responsible manner

is? What metrics or what numbers will be used to make that become a decision, I guess a deal-breaker?

CHAIR: The hon. the Minister of Industry, Energy and Technology.

A. PARSONS: Thank you, Mr. Chair.

I don't have the details on how it applies, if it's going to be 30 per cent or 33 per cent or 50 per cent. I don't think that's the purpose here. The problem we've had up to now is that the PUB has not been allowed to factor that into the decision-making process that they make. That it's solely based on what is considered the least-cost option.

There have been occasions when they've talked about it, but it cannot be factored in. It's a balancing act between cost, between environmentally responsible and reliability. I think it would depend on each and every different situation that comes in front of the PUB from the proponent, whoever that proponent would happen to be.

Again, each one is different. I don't know if there's a set criteria that you can apply, because the shear difference between various projects that come in is huge. There's a big difference between how environmentally sustainable works in the situation where you're relying on remote diesel, versus you're already perhaps on the grid, per se, so each one depends.

I think the big thing now is that, again, this is where we have to have trust in the Public Utilities Board to make the decisions that they do. Which is also why, as the Member for Mount Pearl - Southlands mentioned, we're not in here debating fuel pricing because if that's the case it's a race to the bottom. We need to let this group make decisions based on a plethora of information that comes in from the different proponents and then hope that they end up with that right decision.

That's probably the best answer I can give now at that point. I mean, it probably doesn't answer it completely, but that's sort of the basis I've been informed on.

CHAIR: Thank you.

The hon. the Opposition House Leader.

B. PETTEN: Thank you, Minister.

I guess the question comes out – and, again, the importance of Committee, I guess, is I may seem like I'm probing back but I think it's valuable. There comes a time, I guess, when the PUB would give a decision based on what have you, take these three criteria in place and then there would come a point where you cut bait. I think you're leaving it open for the PUB to make that decision, but if we use that criteria and we throw the Holyrood power generating station into the mix, you'd be hard pressed if you never had some kind of basis that they wouldn't have approved the Muskrat Falls, even with the excessive costs of Muskrat Falls.

So how much weight, I guess is what I'm trying to decide, is environmentally friendly when it comes to least cost and reliable? What percentage of the decision do you think or do you hope – I understand the PUB commissioners would make that decision – what's your goal, I guess? What's your hope for that?

CHAIR: The hon. the Minister of Industry, Energy and Technology.

A. PARSONS: Well, the thing is, I think each and every situation depends on their own because there would be a big difference between looking at something that's over 500 megs and what the capital cost is versus something that is much smaller scale. We could be talking about something that's not even necessarily purely power generation. It could be, at the end of the day, Hydro is putting in applications all the time. At any point they're

spending money, they're putting applications in. We just want it to be allowed to be factored in.

A prime example would be Charlottetown. Charlottetown right now is in the process of: Are we going to have a five-megawatt generating facility? There are a bunch of different questions up there. Again, to me, that's why we have regulation, is because we want to take the politics out of that. Because if that's the case, we would be in here every single day that somebody complains about the price of fuel or the price of electricity. It's an easy decision to say we're going to knock that down, when the reality is that we have to look on the factors that bring it to that cost, which is also why we have that semi-independent board. Again, they're appointed by government.

I can't give you – it might be a better question for the PUB itself: How are they going to factor that in? I can tell you right now that I don't have much in terms of direct conversation with the PUB when it comes to this. I don't intervene or apply pressure or anything like that. In fact, the PUB itself does not fall under – it falls under the Department of JPS.

The reason I'm sort of discussing this is the Electrical Power Control Act. But, right now, I can tell you that there's been pressure because when they want to factor these things in, they have simply not been allowed to apply that.

I'm sure there will be a learning curve that comes with this as well because depending on the person, you might say well, I only want to consider least cost. I might say, I only want to consider environmentally sustainable. Maybe it needs to be a mix of that. But it's hard to say it must be 25, 25, 25. Do you know what I mean? It's hard to put that percentage on that because each situation is going to vary very much from the others and it's hard to say.

Again, depending on each one, when you're considering how we're going to deal with wind or solar up in remote Labrador versus something that's down in Soldiers Pond or if we're dealing with down in Bay d'Espoir. There are two different factors completely which may require a greater consideration of one of the driving factors as opposed to the other. That's, I guess, where I am on that.

CHAIR: Thank you.

The Opposition House Leader.

B. PETTEN: Thank you once again, Minister.

So with this, maybe asking the question to Cabinet would decide or the LGIC, would you not be bringing this in, would you not be more implied – I suppose you'll have no choice to bring in some people, some commissions with a climate expertise. If we're going to bring in – I mean, I'm not a climate expert and I'm not sure about yourself, but we'd need to bring in commissions that could actually – if they're making decisions, they're going to get outside expertise or whatever, but you need to have an in-house as well.

So is that something that government would have to appoint these people, would that not be a lens you'd have to apply to commissions being appointed?

CHAIR: The hon. the Minister of Industry, Energy and Technology.

A. PARSONS: I can tell the Member opposite that I am like him in the sense that I'm certainly not a climate change expert. I'm not an electricity generation expert. Everything we do within the department is based on the expertise of those who are trained in the field. I'm elected on a political level and I look at that. No different than anybody else here, we would look to experts to make that decision. But we are

tasked and given the stewardship of making decision.

What I'll say is this, obviously, I think we all factor climate change in, but it comes down to a common sense perspective, too. If I have something that's 90 per cent green but 10 per cent reliable, I may have to go with the option that gives me 90 per cent reliable and 10 per cent green. But I don't know what those options are; they're all going to be weighed.

Then you throw in the cost factor. When we talk about green energy, one of the reasons that there has been a slow uptake on that is that it's just been so expensive. That's why we're not there. There's a demand by everybody to be there, but that's why we're not there. That's why most other jurisdictions are subsidizing greatly wind power because it's far too expensive compared to older, perhaps more carbon dense forms of electricity. That's why we're still dealing with that.

When we talk about the questions, my colleague from Labrador would talk about that. There's a reason that the generation and transmission is so expensive that we need to factor that in.

So this is just one more thing to keep in mind as we make decisions going forward into the net-zero world is we can consider it, but all of it comes down to, at the end of the day, we're going to listen to different scenarios that are put forward by proponents with a ton of information. The PUB is constantly and consistently bringing in people to help them look on that make a decision. Then, like any of us, we make a decision based on the best information we have in front of us, all the different factors and perhaps what our mandate is, where we want to go.

CHAIR: The hon. the Opposition House Leader.

B. PETTEN: Thank you. Thanks once again, Minister.

So would this open the door, I guess, for wind energy to get a better assessment and more attention that people within the PUB – without this legislative change, to your point that you just said green energy has always been such an expensive item. So is that something that could pave the way to make that more of an attractive and something that we would possibly pump into our own grid?

CHAIR: The hon. the Minister of Industry, Energy and Technology.

A. PARSONS: I do think that day is coming, but it is just not in this phase of things. Right now when it comes to the wind/hydrogen opportunity, it is solely based on export based on the fact, number one, how do we incorporate it into our grid? What is the cost to do so? What is the capacity to do so? All questions which Hydro is literally working on as we speak when you talk about a wind integration study.

But right now and the reason the PUB is not involved in this at the moment is that it is solely based on export to foreign markets that can take it and incorporate it in. Right now there is no internal hydrogen demand here; it is solely elsewhere right now, and that is where everybody is competing for that, the same as Nova Scotia.

But at some point, yes, whether we're using hydrogen internally or we're incorporating wind into our grid, the PUB will be involved. Then it will come down to those factors that we're talking about here. What is the value of green energy versus reliable or cost-friendly energy? We have to make a decision based on what is the kilowatts per hour versus, you know, everybody theoretically – there are very few people that don't like the theoretical idea of having green energy. The question becomes what am I willing to pay for it and that has been

the challenge everywhere, including here, up to this point.

I do think you'll see that is going to gradually get better. The technology is getting better and in fact you're seeing in other places there is a willingness on behalf of shareholders when it comes to company's usage to pay that premium because there is demand in the market for, like, green steel and things like that.

CHAIR: Thank you.

The hon. the Opposition House Leader.

B. PETTEN: Thank you for that.

Section 1, I guess one more final question that pretty well sums up where I started to: Do you envision that based on this legislative change that Holyrood could be shut down in the near future?

CHAIR: The hon. the Minister of Industry, Energy and Technology.

A. PARSONS: My guess is that this legislation will have nothing to do with when and whether Holyrood comes offline. That it will be based solely on the reliability of the system, of which there's been a lot of changes recently when we talk about the LIL and all the tests that that's gone through. That's the reason it's been online so far.

So look, theoretically, we all want Holyrood taken down. I bet you most of the people at Hydro want it taken down, but there is not a willingness to take it down because if we didn't have the Labrador Island Link reliability – and even then, it still has some testing to go through next year. If we cannot guarantee that, do we want to find ourselves in a situation where we've taken away that relief block that we need to get us through?

Last I heard is you're looking closer towards the end of this decade, which is different than we've all been told. But me, like I say I

think I'm of the camp that, yeah, get it gone ASAP. But I don't want a situation, nor does any of us here, where we are going through days upon days of – and we all know what the weather patterns have been like. We need to preserve reliability amongst the system. That's the primary thing because any of us who has been through DarkNL or whatever else, it's a tough time for all of us and our constituents. So that's the sad thing, you have to keep this old plant going. Hopefully sooner rather than later, but I don't think soon is any time within this part of this decade.

CHAIR: Thank you.

The hon. the Member for Terra Nova.

L. PARROTT: Just a quick question. You answered part of it earlier. Currently, we're allowed to put about five megawatts back in net metering and we only utilize 595 kilowatts or 12 per cent. Will this open the doors to larger companies to allow net metering or put power back into the grid?

CHAIR: The hon. the Minister of Industry, Energy and Technology.

A. PARSONS: That's a good question. Normally, I would defer to my colleague, the Minister of Environment and Climate Change, to handle this. I can't tell you what the answer is there. It is something that comes to me, but I haven't been solely tasked with dealing with it. I'm open to any ideas when it comes to the net metering concept or anything like that, but that's not a primary focus for me.

CHAIR: The hon. the Opposition House Leader.

B. PETTEN: Thank you.

Minister, one of the changes you have here too is: "The Lieutenant-Governor in Council may exempt a public utility from the application of all or a portion of this Act where the public utility is engaged in

activities that in the opinion of the Lieutenant-Governor in Council as a matter of public convenience or general policy are in the best interest of the province, to the extent of its engagement in those activities."

Under this you're saying an order-in-council. So can you clarify what you're exactly saying on this, as it pertains to this clause?

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

J. HOGAN: Can you refer to the section that you're reading out there?

B. PETTEN: Section 3. It's about exempting the public utility from the application. Sorry, it is 5.2(1).

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

J. HOGAN: So what it all is doing is clarifying that any exemptions that are granted will be gazetted and published as regulations, so it provides more transparency for stakeholders. Right now, I guess it's not clear if something is maybe exempt under an order of the PUB. Now it has to be done by order of the LGIC and once it's done by order of LGIC, there's more of a formal regulation put in place.

You could go look for those exemptions right now. Some might be in regulations; some might be OCs, orders-in-council. So you might have to do a lot of research to, sort of, mix and match and find out everything that's been done. This, right now, means that any exemptions have to be done by regulations.

CHAIR: The hon. the Opposition House Leader.

B. PETTEN: Thank you.

So does this not now mean at Cabinet, you can create legislation without notifying the

House? You still got to come back to the House?

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

J. HOGAN: No, it's not the LGIC. It's not Cabinet that are creating exemption orders. The PUB is creating the exemption orders and then, once that's done, it gets crystalized in regulations as opposed to you might not necessarily publicly know about it. It's making it more open and transparent for people.

CHAIR: Any further questions?

The hon. the Member for Labrador West.

J. BROWN: Thank you, Chair.

Under section 10, with the amended definition policy governing industrial water use, I know that they made changes for municipalities and stuff, but is it possible for the PUB to still regulate industrial water for use like hydrogen production and things like that? Is it possible that the PUB could regulate that kind of water supply?

CHAIR: The hon. the Minister of Industry, Energy and Technology.

A. PARSONS: Can you please tell me what section again?

CHAIR: The hon. the Member for Labrador West.

J. BROWN: Section 10.

CHAIR: The hon. the Minister of Industry, Trade and Technology.

A. PARSONS: Section 10 is under the PUB act, right? Okay, so I think it's 10(1)(h)?

CHAIR: The hon. the Member for Labrador West.

J. BROWN: Correct.

CHAIR: The hon. the Minister of Industry, Energy and Technology.

A. PARSONS: Okay.

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

J. HOGAN: Thank you.

(Inaudible) to collection, treatment or disposal of water and of sewage. So, yeah, the PUB historically hasn't been regulating anything with regard to sewage or water. It has been done under the Municipalities Act, as I've said, and during second reading, the *City of St. John's Act*, the *City of Mount Pearl Act* and the *City of Corner Brook Act*. So any of those water resources, the PUB just doesn't do it. It never has and never will, really.

Anything that will be done with water going forward will fall under those particular pieces of legislation and of course there's environmental legislation as well that everyone needs to comply with, with regard to water usage. So you can't just go ahead and use whatever water you want because the PUB doesn't regulate it anymore; there still is environmental legislation in the province that needs to be followed.

CHAIR: The Member for Labrador West.

J. BROWN: Thank you, Chair.

Under that, when it comes to costing of water for industrial customers, the PUB will not have the ability to set any costing. It will be set through regulations for the other acts. Is that correct?

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

J. HOGAN: Yeah, the PUB won't be setting any costs; that is correct.

CHAIR: The Member for Labrador West.

J. BROWN: Thank you, Chair.

Under section 12, what is the justification for expanding the number of members of the PUB if there's going to be a temporary commissioner. What was the rationale for having temporary when we're also increasing the size of full-time?

CHAIR: The Minister of Justice and Public Safety.

J. HOGAN: So two things and I guess I'll address the full-time commissioners first. It is more in line with other jurisdictions to have more full-time commissioners and there's a need. I guess we see right now – and I say we; it is the stakeholders that advise us of the need right now to have more full-time commissioners. So once you go from four up to six – again the legislation allows flexibility. It could be four, five or six at any point in time to maybe do some more long-term planning with regard to how many full-time commissioners you need.

Who knows what can come up? Obviously, that's the point of the temporary commissioners, is when things come up that may need a little bit more help, a little bit more human resources power at the PUB to do that work for a six-month or a 12-month period, obviously with each temporary commissioner within a two-year period.

I'll just note, because there was some discussions about it during second reading, is that it's not Cabinet, LGIC or government that would see the need for temporary commissioners. That request would come from the chairperson who obviously would likely do that in consultation with the other four or five full-time commissioners.

CHAIR: The Member for Labrador West.

J. BROWN: Thank you, Chair.

Seeing that we are going to increase the size of full-time commissioners, why did they not bother to change the quorum

currently for the PUB? Why is the quorum still set so low?

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

J. HOGAN: So not every full-time commissioner will sit on every panel.

CHAIR: The hon. the Member for Labrador West.

J. BROWN: With the changes to the length of time of serving for commissioners right now, what was the rationale for choosing the current setting of term lengths and extensions?

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

J. HOGAN: So one of the reasons was looking at what other jurisdictions do in this country. What we felt with seven years as opposed to a 10-year term – I think the Member for CBS mentioned that it's hard to find individuals maybe who want to commit to a 10-year period. So that gives people a bit more flexibility in their own lives and not commit to 10 years.

But it does have to be long enough where you're working in a specialized situation like the PUB, to be able to have some length of time to take over complicated matters, to carry them to the end hopefully, and we do have a clause in there that allows them to finish it. But this is not just something you can pick up in the course of six months or a year; there does need to be some sort of longevity. So we needed to balance the fact that people need to be there, get some expertise within the PUB hearings, the PUB regulatory scheme and things like that, with not having it too long where we can't find people to do the job properly.

CHAIR: The hon. the Member for Labrador West.

J. BROWN: Thank you.

Under section 13 – I know you touched on it a bit earlier – could you please outline the process for selecting a temporary commissioner and how would this work out? I know we suggest the IAC, but what is the process and rationale for this kind of way of doing it?

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

J. HOGAN: I guess if you look at the proposed 6.01, it does say that the chairperson may appoint one or more persons. So the first thing you know is that the chairperson does the appointment in this process. The chairperson of the PUB is not appointed by the LGIC. It's not appointed by government at all. So, of course, it wouldn't fall under the IAC if it's not going to be an appointment of government. The chairperson appoints that person where as in the opinion of the chairperson that it's necessary or desirable to expedite performance of the board's duties.

So the chairperson then would obviously look at their calendar, look at the hearings they have, look at the work they have to do and depending if they have four, five or six full-time commissioners at the time, might feel the need to say we have a gas price hearing coming up or we have mitigation rate hearings coming up and we need a little bit more expertise, we need a little bit more manpower in here, human resource power in here. They will come to the minister to ask for that person to be approved by the minister and then if you look at 6.01(2), the chairperson is the person who does make that appointment.

I'll just follow up, too. The possibility of going through the IAC – I don't know if Members in here have been through the IAC process; it's not always quick and if the PUB were to come to the minister or the government of the day to ask for a temporary commissioner, they might not

have time to wait for the IAC process to play out.

CHAIR: The hon. the Member for Labrador West.

J. BROWN: What terms and conditions might the minister put on the appointments of temporary commissioners?

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

J. HOGAN: I mean, obviously it is open-ended right there but there does have to be some oversight. The whole process of the PUB, which does go through the IAC, the commissioners, there is oversight of the government of the day for that. So that does add a bit of oversight for the appointment of the temporary commissioners; whereas, I said they are appointed really at the discretion of the chairperson.

I can't contemplate anything in there right now that would come to mind where, I, as Minister of Justice and Public Safety would have to sign off on that, would put any terms and conditions on someone that the chairperson who is appointed duly through a government process by the LGIC – I think, as the Minister of IET said, we like to follow the expertise and they're the experts on someone. They feel that they need someone in there to help them; I'm pretty sure that we would sign off on that.

CHAIR: Thank you.

The hon. the Member for Labrador West.

J. BROWN: What are stipulations that the temporary commissioner serve a term no longer than six months and no more than two years per terms? What are the stipulations on that?

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

J. HOGAN: Yes, so 6.01(4) that does set out the stipulations that they can be reappointed, but shall not be reappointed more than twice in any two-year period. So they're there for about a year and a half, over a two-year period, at max.

CHAIR: The hon. the Member for Labrador West.

J. BROWN: Thank you, Chair.

Given that the PUB can hire staff to assist them with their work, why was it necessary to bestow on the temporary commissioners voting powers? What was the rationale for giving them the full powers of a commissioner?

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

J. HOGAN: Appointing staff, I would suggest, is different than appointing a temporary commissioner who now under the legislation has to have expertise in law, engineering, accountancy or finance. Those factors need to be considered. Obviously, those are the things that the PUB is dealing with on a daily basis.

The fact that they have a voting right – they're being retained by the chairperson for their expertise and for their opinion on a wide range of matters that the hearing, in and of itself, really – not just sort of you would retain a consultant to say we want you to look at this specific issue. Temporary commissioners are being retained for a broader purpose than that, for the whole hearing. So we want them there. We want them to listen and participate in the whole hearing and then their expertise needs to have value and to have value, we need to them have a vote on it as a panel member.

CHAIR: The hon. the Member for Labrador West.

J. BROWN: Thank you, Chair.

Section 21: In our briefing, we heard that a great deal of the time of the board was taken up with small projects and that this amendment would alleviate some of that work.

How much time will the amendment save and how many fewer cases do you expect they will hear resulting in the changes that we're seeing here in section 21?

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

J. HOGAN: I don't have the number of applications that are made to the PUB for construction or purchases that are between \$50,000 and \$750,000, but just when I was discussing the numbers that we see throughout the country, I mean, you talk about BC exempts \$100 million applications and we're now bumping it up to \$750,000.

I certainly think that, too, when we're adding other conditions such as considering whether a project is environmentally responsible or not, it's fair to take away some of the workload as well. What it is you're seeing here is the balance to keep rates down as well through unnecessary and excessive adherence.

CHAIR: The hon. the Member for Labrador West.

J. BROWN: Thank you, again, Chair.

Section 24: This amendment breaks up section 55 of the original act into three parts.

Why was this deemed necessary?

J. HOGAN: (Inaudible.)

J. BROWN: But it breaks up section 55 of the original act.

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

J. HOGAN: Yeah, it's literally just better and clearer drafting. It doesn't change the substantive nature of those sections whatsoever.

CHAIR: The hon. the Member for Labrador West.

J. BROWN: Will there be any changes to, potentially, the general public who are wanting to hook up but are maybe more than 100 metres from a transmission or supply wire? Will there be any effects to the public?

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

J. HOGAN: No, the 100-metre provision was there before and it's there now. No change at all.

CHAIR: Thank you.

The hon. the Member for Terra Nova.

L. PARROTT: I see the Minister of Environment is over there chomping at the bit to answer a question, so I'll ask the same question I asked earlier.

We currently use five megawatts for net metering and there's only 595 kilowatts that are utilized, about 12 per cent. Will this bill open the door for larger scale net metering, both commercial and residential?

CHAIR: The hon. the Minister of Environment and Climate Change.

B. DAVIS: (Inaudible) have to get back to him to get that information for him. Sorry, I apologize for that.

CHAIR: Thank you.

Further questions?

The hon. the Opposition House Leader.

B. PETTEN: Yeah, I've had a lot of questions to ask and there are only so many questions, but the review that was done, is that public domain? Can people see the review? Are we entitled to see the review? Is it a public document? I know that government has a review done on this, so is that something that you'd table and share with the House?

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

J. HOGAN: There was a lot of work that went into it. It's not one document that sort of came through and said here's what you need to do. There was a lot of going back and forth talking to the stakeholders about proposed changes, a lot of discussions within the department, before even I got involved as a minister, about what were the changes that should be accepted and changes that should be discussed further.

So I don't know if there's an exact document you're looking for, but there's nothing that's being withheld for any specific reason.

CHAIR: The Government House Leader – sorry, the Opposition House Leader.

B. PETTEN: Not yet, Chair.

On that note, though, isn't that something that maybe would be interesting to review, because you're hearing from stakeholders. We hear publicly, we all hear behind the scenes a lot of questions arise about the PUB. It's happened over the years, as we know.

A lot of times we don't know. It's almost like this operates behind secrecy. So you had a full on review that I know, maybe it came multi-faceted, but is that something that you would share with us for our own purposes to have a review to see what concerns people did actually raise? It would help with your debate or just help with us for information purposes, if nothing else.

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

J. HOGAN: If there's a document the Member wants that can be released, in accordance with privacy and transparency legislation in the province, of course he can have it. He can ask for it.

CHAIR: Thank you.

Further 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 through 12 inclusive.

CHAIR: Shall clauses 2 through 12 inclusive carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 2 through 12 carried.

CLERK: Clause 13.

CHAIR: Shall clause 13 carry?

The Chair is recognizing the Third Party Leader.

J. DINN: Thank you.

This is an amendment we're putting forward.

I move and make the following amendment, that clause 13 of the bill be amended as follows: In proposed subsection 6.01(3) by deleting the word "and" at the end of the paragraph 6.01(3)(a), by deleting the period and by adding a semicolon and the word "and" at the end of the paragraph 6.01(3)(b) and by adding immediately after that paragraph the following "(c) from a pool of candidates provided by the Independent Appointments Commission."

Moved by me; seconded by the Member for Labrador West.

CHAIR: Thank you.

Order, please!

This Committee stands in recess so we can determine whether the proposed amendment is in order.

Thank you.

Recess

CHAIR: Order, please!

Are the House Leaders ready?

After reviewing the proposed amendment, it is deemed to be in order.

The Chair recognizes the Leader of the Third Party.

J. DINN: Thank you, Chair.

The issue probably wouldn't be a major consideration except that the appointment of the commissioners and the assigning of all would have the same powers, duties, protections and obligations as a minister appointed under subsection 6(2). That changes, I guess, the water on the beans maybe a little bit or it certainly raises some concerns.

Now, while I understand it here that the chairperson may appoint one or more

persons, there doesn't seem to be a limit but it could be one or more that are approved by the minister as temporary commissioners, it is open, I guess, to some degree of potential abuse down the road by either the chairperson or the minister, or whoever is that person at that time, to look at appointing commissioners who may or may not be totally unbiased in it.

Well, if they're being called in for their expertise, they have a bias. They are not just there for consultation; they are brought in for their expertise.

Nor would I guess, when I look at it, Chair, when I've looked at any committee that I've been on, usually we had the ability to consult widely, to bring in experts as we needed, to even have people, if we wished, to engage in the discussion, but it's the voting piece that changes it. No different, I guess, in some ways – and it's not a perfect analogy – here at the House of Assembly we don't appoint, necessarily, a temporary MHAs. I know we're comparing apples and oranges to a degree, but the fact is we are elected or board appointed to make a decision and to weigh all of that information.

No different than, I guess, when I was on the committee that was formed through the NLTA, the same thing; the committee made the decisions. The committee could hear from as many experts as it wanted but those experts were never given all the powers that the committee members had.

So from here, I guess, I'm looking at why we are proposing this is to add that extra layer, I guess, of independence to it by having these candidates provided by the Independent Appointments Commission, which I understand, from the minister, is not something you would normally do, but that can be changed, as well, I'm sure.

I take the minister's point, as well, that the IAC is not always timely. It doesn't always move at the pace that we want, but, at the same time, here, I would argue that for

some of these major projects, things would move fairly slowly anyway, in a measured way, not to the point where they're being delayed. I think they would have required serious deliberations. As we can see here, one of the things we've done in this act or the changes is to remove the – when it comes to the value of the project – regulations so the PUB is not necessarily dealing with being tied up with small matters. They can focus more on the larger more significant projects.

So, right here, what we are attempting to do in this is to make it so that the chairperson and the minister basically hears a list of candidates for this who have the expertise and that they would deem yes, these are the appropriate – you can choose from these people.

I used this example clearly when we were setting up the board of directors for the Teachers' Pension Plan. The key thing for me at that time was to make sure that it was done right and that we never had political interference at all in the deliberations. The decisions of that committee was going to be based strictly on the finances of what made the plan sound and safe so that neither the president of the NLTA nor government could interfere with the process. So when people asked me at that time would I recommend? I couldn't do it for the simple reason that if I was going to be the one making the final decision, I couldn't be the one making the recommendation.

So I see here a similar thing, that if the chairperson comes and has that consultation with the minister, how do we add that layer of transparency? Well, here is a list of candidates that have been preapproved for this particular project, we will choose from those. Otherwise, it's no different than if I'm bringing – as I say here, the chairperson may appoint one or more persons who I deem as necessary for this, then how do we know that they are indeed appointed, that there is absolutely no

connection and that it's totally above board, that it's totally transparent.

As I've heard the minister speak early about the need for this, to make the PUB open and transparent when necessary. I see this as an example of one way which we can add to that layer of transparency.

I would not be making this if indeed this temporary commissioner has now the same powers, duties, protections and obligations as a commissioner appointed. They have the same powers. So it's important here, when we're voting on this, that it's not skewing necessarily the vote of that committee one way or another.

In many ways, if they are being brought in for their expertise, for their knowledge and for their experience, certainly they can be there and part of the discussion, but I think in the end that decision should lie with six people who make up that board. They are the ones tasked with that; they make the decision. The minute you bring one, two, three, four, five or six temporary commissioners in, it has the potential to skew the vote one way or that other.

So with that, Chair, I am respectfully asking that we consider this change so that we have that extra layer of transparency that people are asking for and that the Members in this House have asked for on numerous occasions. Not for this current administration but for future administrations down the road so that we know that always it is not open to interpretation.

Thank you.

CHAIR: The Chair is recognizing the Minister of Justice and Public Safety.

J. HOGAN: Thank you, Chair.

I will just speak briefly to the proposed amendment. When we look back at proposed section 6.01, which is how the chairperson can go about appointing

temporary commissioners, we just need to think about why that is happening. Again, it is because the chairperson who is in charge of the PUB, who would know the PUB's schedule, would know the PUB's hearings and would know the issues of the day that is before the PUB. So the reason that 6.01 allow the chairperson to appoint the temporary commissioner is because the chairperson is the one who knows the needs of the PUB at the time. That gives them the flexibility and the ability, knowing what the operational needs are and the expertise of a certain hearing are to allow them to fill those gaps as the chairperson sees necessary.

To allow the LGIC to do that, they don't have at all, on a day-to-day basis, insight into what the PUB is doing and what the needs of the PUB are. The chairperson is the expert; the chairperson is in charge of the PUB; the chairperson is in charge of the hearings, the panel, the operations, the expertise or lack thereof on a day-to-day basis. So that is why the chairperson is the individual that we feel is appropriate to make that decision about who should fill those gaps on a day-to-day, short-term basis.

I do want to address something that I said earlier and the Member for St. John's Centre, I think, has properly quoted me a couple times; I said that the PUB should be open and transparent, when necessary. I'm not sure what the contexts of my comments were, but I do know I said that. The PUB should be open and transparent and is open and transparent all the time; I didn't mean to say "when necessary." I think what I meant to say was under certain situations when an in-person hearing is needed, it allows for that little bit of extra openness and transparency. So I don't think the Member for St. John's Centre was trying to call me out on that, but I just want to be clear that it's always necessary to be open and transparent.

Thank you, Chair.

CHAIR: Thank you.

The Chair is recognizing the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Mr. Chair.

Just speaking to the amendment there, I think it's a good amendment. I would support it in general but, I think it's important to point out at this juncture, as has been pointed out a number of times in this House of Assembly, that every time we debate legislation in this House and we talk about sending positions to the Independent Appointments Commission because we want openness and transparency of the process, while that is a laudable goal and I certainly support that, the reality of it is, until we fix the Independent Appointments Commission legislation, so that the minister cannot take recommendations and simply run them through the shedder and appoint who he wants anyway, which is currently permitted under the Independent Appointments Commission legislation that can actually happen – three names come forward from the IAC and the minister can accept one of those names, or he or she can toss those names in the garbage and appoint whoever he or she wants to anyway.

So until we fix that, then adding these clauses to subsequent pieces of legislation to refer to the IAC – while it is the right thing to do, I agree with that, until we fix the IAC it's really not making things any more open and transparent than it is now, unfortunately. I just wanted to make that point.

The other question I would have around the temporary commissioners – when we talk about temporary commissioners, how often does the minister envision that these temporary commissioners are going to be utilized? Is this someone who might get used once or twice, or is this someone that every time there's a shortage, every time there's a need because we have a number

of people, a number of permanents, and there are times this person can't make a meeting, that person can't make a meeting?

So these temporary people could inevitably be much more than temporary. These temporary commissioners could be there all the time. The other thing is, if a permanent commissioner were to resign or whatever the case might be, would the temporary commissioner automatically fill that spot or would we have to advertise for a permanent commissioner? Because if a temporary commissioner means you're temporary but if someone leaves you have the job, then that only reinforces the point that the temporary commissioners should go through the same stringent process as a permanent commissioner before they're hired.

I would ask the minister to respond to that.

CHAIR: Thank you.

The Chair is recognizing the Minister of Justice and Public Safety.

J. HOGAN: No, I don't have any further comments on it.

CHAIR: Oh, thank you, all right.

J. HOGAN: I said my piece on the proposed amendment.

CHAIR: Okay, thank you.

The hon. the Member for Mount Pearl - Southlands.

P. LANE: Yeah, maybe I'll try again, because I know the minister was listening intently to all I had to say there and I'm sure he wants to answer the question.

J. HOGAN: I was.

P. LANE: Yeah, I know you were.

Again, I'm trying to understand the utilization of these temporary commissioners. Is this –?

CHAIR: Order, please!

I have to remind the Member that we did not have an intervening speaker, and therefore the Member's not permitted to carry on.

The Chair recognizes the Minister of Justice and Public Safety.

J. HOGAN: He can have leave if we all give him leave to carry on. Is that okay?

CHAIR: Sure, yeah.

Thank you.

Is leave granted?

AN HON. MEMBER: Leave.

CHAIR: Thank you.

The Chair's recognizing the Member for Mount Pearl - Southlands.

P. LANE: I'm trying to understand, Mr. Chair, the utilization of the temporary commissioners, in the sense that is this somebody who might get called in one day to do something and then six months later before they're called again, or would these temporary people be used on a regular basis because maybe on the permanent people there will always be someone who can't make it to a meeting, so hey, you fill in, next meeting; hey, can you fill in for this guy or can you fill in for this lady and so on? In essence, while they may be classified as temporary, they're really being utilized in more of a full-time capacity.

Let's say if a permanent person were to resign from the position, would that temporary person then not have to go through the IAC or any process and simply say, well, you're here temporarily, you've been doing the job anyway, so you can just

take over the position that the permanent person left behind? We'll just fill it with you; you don't have to go through any kind of a process. Because if that were the case, then that would reinforce my colleague's point that whatever process for the appointment of permanent people, that the same kind of process should be applied to temporary people.

CHAIR: Thank you.

The Chair is recognizing the hon. the Minister of Justice and Public Safety.

J. HOGAN: I think the answer to your question is it is two different processes for a full-time commissioner versus a temporary commissioner. A full-time commissioner will go through the IAC process and there will be between four and six full-time commissioners. A temporary commissioner would be appointed by the chairperson after approval by the minister. The reason a temporary commissioner is being proposed is for certain areas where they may have additional expertise.

For example, I can tell you that one of the people that we dealt with, the stakeholder requested temporary commissioners for Muskrat Falls costing. They felt it was necessary to have someone with that specific set of expertise when those hearings take place.

So you wouldn't roll a temporary commissioner into a full-time commissioner. If a full-time commissioner posting becomes vacant, either through someone's period is up, their seven years or their 10 years now for current, full-time commissioners, or they resign or retire before their term is up, a temporary commissioner can apply, but they wouldn't roll a temporary commissioner into a full-time commissioner's spot. It's not a way of getting around the IAC if that's what you're asking.

CHAIR: The Member for Mount Pearl - Southlands.

P. LANE: I think he answered my question. That's my point, is that if I'm temporary, I don't automatically then jump into – say if someone quit after two years, you're not going to say hey, give it to the temporary guy and not have it go through and not have to apply. He or she would still have to apply for a permanent position, is that correct?

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

J. HOGAN: That's correct.

P. LANE: Okay. Thank you.

CHAIR: Thank you.

Further speakers to the amendment?

The Chair is recognizing the Member for Topsail - Paradise.

P. DINN: Just a question for clarification here.

The Minister of Justice mentioned that the chairperson would be the person who knows the needs of the PUB and should know who to fill those expected short-term gaps. So am I to read into that, that position would be sole searched or would there be any kind of competition for a temporary person?

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

J. HOGAN: Again, that would be under the way the legislation is written. It would be up to the chairperson to make that decision.

CHAIR: Thank you.

The Chair is recognizing the Leader of the Third Party.

J. DINN: So for that reason, Chair, I guess why the importance of having this done by an independent appointments commission or some external body, I don't care which,

because, really, right now, let's be totally honest, a chairperson is supposed to be, but never really objective. Your feelings do get in the way. I've been in that role and it is hard to maintain. It's always best, I think, especially here where we're talking about high stakes projects and high stakes deliberations. I guess for no other reason, the scenario the chairperson could decide these are the people or the persons that I need to appoint. The minister can say sorry, no, this is not going to happen. We could still have a process where that's bogged down.

I guess what I'm looking at here, at least here, if you have a group of agreed-upon candidates that pass that bar, no potential conflict of interest, at least there's an opportunity here to ensure the public confidence. I agree with the Member from Mount Pearl with regards to a fixed independent appointments commission. No argument with that, but I think at some process here I really would have an issue, I guess, with leaving it to the one person to make the decision.

I understand the concern that it may delay the process but I think in many ways it would make it a better process and a more transparent process. I do want to put on the record here that in no way was I suggesting that the minister should only be transparent some of the time. Okay? That was not my intention.

CHAIR: Thank you.

The hon. the Minister of Justice and Public Safety.

J. HOGAN: Thank you for that. Thanks to the Member for St. John's Centre for that.

I guess this comes down to a decision: who is going to make this appointment? Is it the chairperson or is it the LGIC? There is a level of oversight in the legislation because it has to be approved by the minister. So there should be some comfort there that

government does have – if that’s what they’re looking for – final say in making sure that the temporary commissioners are approved by the government of the day.

Again, it has to come down to a decision. Someone has to do it. We certainly felt, and through consultations, that the chairperson was in the right position, was in the better position to make that call to fill the short-term gaps.

I can’t help but note the irony in the House as we argued this amendment is that what’s being argued is for Cabinet to have more authority. So let’s keep that in mind when we bring forward other pieces of legislation, particularly, when we give regulation-making power to the LGIC.

Thank you.

CHAIR: Shall the amendment carry?

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

CHAIR: All those against, ‘nay.’

SOME HON. MEMBERS: Nay.

CHAIR: The amendment has been defeated.

On motion, amendment defeated.

CHAIR: Can I just get you to recall the clause, please?

CLERK: Clause 13.

CHAIR: Shall clause 13 carry?

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

J. DINN: The second amendment, Chair.

I move the following amendment: That clause 13 of the bill be amended in the proposed subsection 6.01(5) by deleting the

word and comma “powers,”. Seconded by the Member for Labrador West.

CHAIR: Thank you.

This Committee stands in recess so we can have a look at the proposed amendment.

Thank you.

Recess

CHAIR: Are the House Leaders ready?

Order, please!

After reviewing the proposed amendment, I find the amendment not to be in order.

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

Shall clause 13 carry?

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

CHAIR: All those against, ‘nay.’

Carried.

On motion, clause 13 carried.

CLERK: Clauses 14 through 37 inclusive.

CHAIR: Shall clauses 14 through 37 inclusive carry?

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

CHAIR: All those against, ‘nay.’

Carried.

On motion, clauses 14 through 37 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 Electrical Power Control Act, 1994 and the Public Utilities Act.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

CHAIR: The Deputy Government House Leader.

L. DEMPSTER: Thank you, Chair.

I move that the Committee rise and report Bill 34.

CHAIR: The motion that the Committee rise and report Bill 34.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

SPEAKER (Bennett): Order, please!

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

B. WARR: Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 34 without amendment.

SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and directed him to report Bill 34 without amendment.

When shall the report be received?

J. HOGAN: Now.

SPEAKER: Now.

When shall the bill be read a third time?

J. HOGAN: Tomorrow.

SPEAKER: Tomorrow.

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

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Speaker, I move, seconded by the Deputy Government House Leader that this House do now adjourn.

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.

This House do stand adjourned until 10 a.m. tomorrow.

On motion, the House at its rising adjourned until tomorrow, Wednesday, at 10 a.m.