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Speaker: Honourable Ross Wiseman, MHA

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The House met at 1:30 p.m.

MR. SPEAKER (Wiseman): Order, please!

Admit strangers.

Before we start today's proceedings, I wanted to acknowledge some special guests in our galleries. Today we have the pleasure of being joined by members of the Provincial Advisory Council on Aging and Seniors, together with their Chairperson, Mr. Leo Bonnell.

Welcome to our galleries.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you for the great work you do on behalf of seniors in our Province.

We are also joined today by Mr. Ron Ryan, together with his family. Mr. Ryan will be the subject of a member's statement in a few moments.

Statements by Members

MR. SPEAKER: Today, we have members' statements from the District of Cape St. Francis; the Member for the District of Humber Valley; the Member for the District of Lewisporte; the Member for the District of Fortune Bay – Cape La Hune; the Member for the District of Baie Verte – Springdale, and the Member for the District of St. John's Centre.

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

SOME HON. MEMBERS: Hear, hear!

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

I rise in this hon. House today to recognize Mr. Ron Ryan, who has given his whole life in helping others. On Wednesday, October 2, at a ceremony for the Seniors of Distinction Awards, Mr. Ryan was recognized.

He is considered a silent unassuming pioneer of the Town of Torbay, because of his strong sense of kindness and concern for others. As a young boy he would visit the sick, and help people in his community. As he got older he cut wood for the clergy and did chores for the Presentation Sisters of Torbay.

As a boy, Mr. Ryan worked on his father's cattle and vegetable farm. He farmed part-time while working with the federal government until he retired in 1987. Since then, he increased his livestock and vegetable gardens.

He has held executive positions on the Board of Directors for the Department of Agriculture and Hog Producers of Newfoundland and Labrador.

Mr. Ryan assisted in establishing the first Torbay Town Council and served as its first Deputy Mayor. All that being said he has always held his family as his number one priority and loves them dearly.

I ask all hon. members to join with me in thanking Mr. Ryan for all that he has done in his life to help others.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Humber Valley.

MR. BALL: Mr. Speaker, I rise in this hon. House today to congratulate Todd Stark, a resident of Deer Lake on being recently inducted into the Newfoundland and Labrador Hockey Hall of Fame in the Athlete Builder category.

Todd has had a renowned hockey career in our Province that has included being a four-time Herder Memorial Champion, a member of the 1986 Corner Brook Royals, our Provinces first Allan Cup champions, a Hardy Cup Championship in 1989 with the Port aux Basques Mariners, along with a coaching victory with the Deer Lake Video Juniors at the 1996 Veitch Memorial Provincial Junior Championship.

Mr. Speaker, having the prestigious honour of being inducted into the Newfoundland and Labrador Hockey Hall of Fame is a tremendous achievement to bestow on any individual. Along with his achievements as a player, Todd has continued to make significant contributions to the Deer Lake Minor Hockey system, and has played a major role in the continued success of the sport in the Deer Lake area.

Since Todd began his hockey career in Newfoundland and Labrador he has been an essential contributor to all teams he participated on and a key figure in the sport.

I ask all members of this House to join me in extending congratulations to Todd Stark on his recent induction into the Newfoundland and Labrador Hockey Hall of Fame.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Lewisporte.

MR. VERGE: Mr. Speaker, I rise today to recognize and honour the life of an Irish physician who dedicated his life to rural medicine in Newfoundland and Labrador. Maurice Arthur McVicker was born in a little town in Northern Ireland known as Portrush in October, 1927. He went on to medical school at Trinity College in Dublin and graduated in 1952. In August of 1954, Maurice and his wife, who was a nurse, migrated to Newfoundland. They first worked in Bonavista for two year, followed by two years in Musgravetown and then thirty years in Lewisporte.

His son, Charles, has said, "I grew up with people knocking on the door looking for dad day and night. He worked long hours". During Dr. McVicker's lifetime, he was many things to many people – a husband, a father, a doctor, and a friend.

Dr. McVicker retired from the medical profession at age sixty in 1988. He suffered a stoke on August 31, 2013, and passed peacefully

away a few days later, on September 6, at the age of eighty-five.

Honourable members, please join me in remembering, honouring, and giving thanks to Dr. McVicker and his family for their great service to the people of our Province.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MS PERRY: Thank you, Mr. Speaker.

I rise in this hon. House today to recognize an incredible young man, Mr. John Jeddore. At just twenty-four years of age, he has received the national Indspire Award for outstanding career achievement.

Along with a Bachelor of Science degree in Biochemistry, Mr. Jeddore is the first Mi'kmaq from Conne River to attend medical school. He has participated in Memorial's Aboriginal Health Initiative to work with elders on traditional lands and learn about ceremony and medicine; he is an Aboriginal representative on the Canadian Federation of Students' Newfoundland Executive; a guest curator at the Aboriginal exhibition at The Rooms; he has written a monthly column entitled Traditional Voice; and he is a guide, photographer, and cultural liaison with the Mi'kmaq Discovery Centre in the Coast of Bays.

We are all so proud of Mr. Jeddore for being a tremendous role model for indigenous youth and indeed everyone who strives to reach their fullest potential.

I ask that all members join me in congratulating John Jeddore for his dedication to not only preserve his language and Aboriginal culture, but to continually strive to be the best he can be.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. POLLARD: Thank you, Mr. Speaker.

I rise in his hon. House today to express gratitude and to recognize the outstanding volunteer work that husband and wife team, Everett and Brenda Butt of Springdale have done and are doing for the Children's Wish Foundation.

For over ten years, they have been subchapter coordinators for the Green Bay and White Bay area. Both have poured their heart and soul in working diligently to grant wishes to challenged boys and girls who are determined to live their dream.

Having seen a total of eleven wishes granted, including trips to Disneyland and Hawaii, Brenda and Everett say their volunteer work is very rewarding. When you see the smiles on the faces of each child it makes it all worthwhile.

I invite all members to join me in thanking Brenda and Everett for their unselfish commitment to the Children's Wish Foundation and for their drive and energy to ensure that our region maintains a vibrant subchapter, which, Mr. Speaker, is embraced and supported wholeheartedly by the entire region. Because of their vision and hard work, another child may have their lifelong wish come true.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS ROGERS: Thank you, Mr. Speaker.

On the International Day for the Elimination of Violence Against Women, I call this House's attention to the Transition House Association of Newfoundland and Labrador. THANL is a community-based organization mandated to

strengthen and support the provincially funded shelters and services for women affected by relationship violence.

No formal statement can adequately sum up the huge different, literally life-saving, the organizations that are THANL members make in the lives of people escaping family violence, from providing safe places to live to helping women through the cumbersome court process. THANL itself develops training, education and programs for members, provides information and analysis to government, lobbies on legislation and policies and helps with public awareness training.

Today, THANL is involved in Project White Van – literally a white van that started the day covered with purple ribbon magnets. They will turn the van white again, as people take purple ribbons for their own vehicles.

THANL and other organizations work with expertise against violence every day of the year. While we acknowledge and thank them today, I ask all hon. members to remember the year-round struggle and support them at every opportunity. I say bravo to the work of THANL and all its members.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Statements by Ministers.

Statements by Ministers

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Mr. Speaker, I rise today in this hon. House to recognize the progress being made on priority issues facing Aboriginal communities throughout our country. I was honoured to participate in the Aboriginal Affairs Working Group Conference held last week in Manitoba, and I am pleased to share highlights and outcomes from this conference.

The Aboriginal Affairs Working Group comprises Ministers of Aboriginal Affairs from all provinces and territories, and leaders from the five national Aboriginal organizations: the Assembly of First Nations, the Congress of Aboriginal Peoples, Inuit Tapiriit Kanatami, the Métis National Council, and the Native Women's Association of Canada. Our group was joined by the hon. Bernard Valcourt, Minister of Aboriginal Affairs and Northern Development Canada.

Mr. Speaker, Aboriginal leaders and my colleagues across the country all expressed the importance of federal engagement and a mutual commitment to a renewed and strengthened relationship in order to improve the lives of all Aboriginal Peoples in Canada.

Many important issues were discussed during the conference and presentations were made on the progress taking place around such issues as Aboriginal education, economic development, disaster mitigation, housing, and ending violence against Aboriginal women and girls.

Mr. Speaker, we discussed options to reduce barriers to education and increase opportunities for all Aboriginal students. We received a progress report on efforts to bolster economic development and improve housing for all Aboriginal Peoples on and off reserve. We unanimously agreed that the Aboriginal housing both on and off reserve stand as a separate committee of the Aboriginal Affairs Working Group.

As a group, we acknowledge that Parliament has agreed to reappoint a Special Committee on the Matter of Missing and Murdered Indigenous Women and Girls in Canada. In addition, ministers supported the National Aboriginal Organizations' call on the federal government to hold a national public inquiry into missing and murdered Aboriginal women and girls.

Mr. Speaker, the Aboriginal Affairs Working Group will continue to promote co-ordination and collaboration on key priority issues to further support and ensure a stronger future for Aboriginal communities across the country. I

look forward to participating in the next Aboriginal Affairs Working Group meeting scheduled for April 2014.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Cartwright – L'Anse au Clair.

MS DEMPSTER: Mr. Speaker, I want to thank the minister for an advance copy of his statement. I want to congratulate the minister for participating in discussion on Aboriginal issues with other provincial, national, and Aboriginal leaders.

I would like to focus for a minute on some issues facing Aboriginal communities here at home, Mr. Speaker, some that have been raised in this House by my colleague the Member for Torngat. Only last week, my colleague raised the issue of homelessness and the need for more affordable housing in Nunatsiavut communities.

The justice system has been failing the victims of crime in those communities because of delays in bringing the criminals to justice. The victims are often exposed to offenders who are often repeat offenders.

We also hear of the continuing substance abuse in communities like Natuashish, and the need for more resources to deal with that problem. I would be remiss also, Mr. Speaker, if I did not raise the issue of recognizing the Aboriginal community of NunatuKavut for their struggle in Aboriginal status. I would encourage the minister to bring some of those issues to the table when he meets with the Aboriginal Affairs Working Group in 2014.

Mr. Speaker, answers can be found, but I believe that many of them can be found from within. We need to work with people at the grassroots level, and we need to have on-the-ground involvement to help facilitate a resolution to some of those long-standing issues.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MS ROGERS: Thank you, Mr. Speaker.

I, too, thank the minister for an advance copy of his statement. Through self-government, Aboriginal leaders in Newfoundland and Labrador have achieved so much for their communities in economic prosperity and social stability; however, challenges do remain: housing in Nain, substance abuse and children protection issues in Natuashish, an overrepresentation of Aboriginals in the correction system, and continued violence against Aboriginal women.

It is essential, Mr. Speaker, that government work side by side with Aboriginal leaders who will lead on these issues and others they themselves identify as priorities.

In saying that, I also congratulate Chief Greg Rich in his recent election and I am sure we will all, in this House, support his work.

Thank you, Mr. Speaker.

MR. SPEAKER: Does the hon. the Member for St. John's North have leave?

AN HON. MEMBER: Leave.

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

MR. KIRBY: Thanks to the minister for an advance copy of his statement.

I would encourage government to continue to focus on interventions to encourage the completion of high school by persons in our Aboriginal communities; new approaches to teacher education and collaboration through programs at the College of the North Atlantic, like Adult Basic Education; having a more welcoming environment in our post-secondary institutions; and more peer-to-peer support and

mentoring for Aboriginal people who go on to college, universities, and trades.

Thank you, Mr. Speaker.

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

MS SULLIVAN: Mr. Speaker, November is National Pancreatic Cancer Awareness Month. The Government of Newfoundland and Labrador is pleased to participate in Pancreatic Cancer Canada's Purple Lights Campaign. For the next six days, we will flood Confederation Building with purple lights, showing our support for the fight against pancreatic cancer and efforts in the Province to raise awareness.

Pancreatic cancer is known as a quiet killer with a survival rate in the low single digits. As survival rates for other cancers have improved, pancreatic cancer has remained unchanged. There is a need to create more opportunities to fundraise for this disease and encourage research.

Through community partnerships and strategic investment of \$155 million since 2004, our government places considerable focus on the treatment and prevention of all cancers. Guided by our Provincial Cancer Control Strategy, we are committed to reducing the incidence and impact of cancer and improving the quality of life for those living with cancer in Newfoundland and Labrador.

Mr. Speaker, we provide cancer screening through three key initiatives: the Breast Cancer Screening Program, the Cervical Cancer Screening Program, and the Colon Cancer Screening Program.

In recent years, we have expanded the Breast Screening Program to include women aged forty to forty-nine who are referred to the program by their primary health care provider.

We also continue to expand the Colon Cancer Screening Program that was launched in Western Health last year and expanded to

Central Health this year, with a long-term vision of a Province-wide screening program by 2015.

In addition, through Budget 2013, we have continued to fund new cancer drug therapies through our cancer care program and the Newfoundland and Labrador Prescription Drug Program.

Mr. Speaker, I encourage all hon. members and members of the public to help create further awareness around pancreatic cancer. Having a greater understanding and knowing the impact this disease has on the lives of those diagnosed and their families will help raise its profile and bring us that much closer to finding a cure.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Burgeo – La Poile.

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

I thank the minister for an advance copy of her statement. The Purple Lights Campaign is a crucial one in raising awareness around pancreatic cancer, given its very low survival rate and the desperate need for more research and awareness. It is sad to think that there are very few survivors out there to spread the word about the disease, but their legacies do live on in the memories of their families and friends.

Pancreatic cancer is the least funded cancer, receiving less than 1 per cent of all private and government funding; however, pancreatic cancer is the fourth leading cause of cancer related death in Canada. I look forward to seeing the purple lights illuminating Confederation Building for the next six days; we do need to raise awareness.

At the same time while we are discussing some of the very worthwhile initiatives that this government has undertaken, I do hope to see smoking cessation as one of those initiatives in the future, as it is something that will have a huge return on investment both in terms of

quality of life and dollars returned to this government in the form of less cost.

Thank you so much for the opportunity.

Thank you, Mr. Speaker.

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

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

I, too, thank the minister for the advance copy of her statement. I am pleased to join with her and the Opposition House Leader in recognizing National Pancreatic Cancer Awareness Month.

I am sure that many of us have either had a friend or a family member, unfortunately, get pancreatic cancer and it just gives you an awful feeling when you hear somebody has been diagnosed with it, because it certainly is a very fatal disease at the moment and anything that can be done to raise the awareness is extremely important.

I am pleased with the cancer screening and treatment that is going on in the Province, and I know that it has improved. It is good to see colon cancer screening expanding to another region. I am sorry that the ministry could not find a way in which to make it move more quickly, but at least we now have a deadline for having it throughout the Province, and that is 2015.

The one thing I would like to say is that we need to see more nurses and nutritionists working on the ground with people in our communities to address the causes of high chronic disease rates and also to help with education to identify cancers earlier on, such as pancreatic cancer.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Does the hon. the Member for The Straits – White Bay North have leave?

AN HON. MEMBER: Leave.

MR. SPEAKER: The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Speaker.

I, too, thank the minister for an advance copy of her statement.

Making cancer screening a priority is a vital and we must ensure that we have the resources available, especially for pancreatic cancer. I would be remiss if I did not mention Nurse Janet Cox and Dr. William Fitzgerald, both for their roles in establishing the Colon Cancer Screening Program in St. Anthony. It certainly has saved a significant amount of lives.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Oral Questions.

Oral Questions

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

MR. BALL: Thank you, Mr. Speaker.

It has been six years since this government promised to introduce whistle-blower legislation in response to the recommendations from the Green report – six years later, and still no blanket legislation to protect whistle-blowers.

I ask the Premier: Why don't you just admit you have no intentions of ever bringing in whistle-blower legislation that protects all workers in our Province?

MR. SPEAKER: The hon. the Minister of Justice.

SOME HON. MEMBERS: Hear, hear!

MR. KING: Thank you, Mr. Speaker.

I appreciate the member opposite posing that particular question. I have been very clear and upfront on that on any number of occasions. We do not have any intentions of bringing that forward this particular session of the House, but we are not ruling out bringing it in the future.

We are taking some time to have a look at what is happening in other jurisdictions, but I would remind the member that there is any number of supporting documentation currently enshrined in provincial policy that provides protection for workers. The Member for the Bay of Islands actually spoke last week about one particular piece that we just passed last week in this House of Assembly related to a health care act.

There are lots of protections currently available and we will ensure that we support our employees, as we have often done as a government in the Province of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

It has indeed been piecemeal; and I will remind the minister that just last week with the new Food Premises Act, Bill 22, it provides whistle-blower protection for a select few, creating essentially what is a two-tiered system.

Workers, for instance, in a restaurant who speaks out about unsafe food are protected; while workers, say, for instance, on our highways or in health care are not protected.

I ask the minister: Why are you creating a two-tiered, whistle-blower protection instead of legislation that covers everyone?

MR. SPEAKER: The hon. the Minister of Justice.

SOME HON. MEMBERS: Hear, hear!

MR. KING: Mr. Speaker, in the advances that we have made in working with our employees, we value very much their input in decision making and in policy development. We welcome the opportunity any time an employee wants to come forward and to speak to government, to speak to their supervisors, about things that are going on that ought not to be happening or about giving us suggestions on how things can change.

I say to the member opposite, the health care bill we brought in last week demonstrates another step forward in our commitment to ensuring people have an opportunity to speak out. What would the Liberal Party want us to do, nothing, until we do the entire government? Well, that is not where we are.

We are chopping away at this bit by bit and we will continue. I assure the House of Assembly and the people of the Province that if employees with the government have issues, there is protection for them to speak out and make it known.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: I ask the minister, if the intentions are to do this – it has been six years later, we already know publicly what has happened to some people in this Province who have spoken out.

I ask the minister: When do you intend to bring this legislation in?

MR. SPEAKER: The hon. the Minister of Justice.

SOME HON. MEMBERS: Hear, hear!

MR. KING: Mr. Speaker, our government values the contribution that public service employees make to this Province. On a daily basis, we stand in this House and we talk about it. I submit that we hear members opposite on occasion praise the work of public sector

employees to support government and support the people of this Province.

We will continue to respect what they do for us. We continue to invite their input. As I said before, I cannot be much clearer; I have no intentions of tabling all-out whistle-blower legislation in this House of Assembly this term. That is a clear-cut answer to that question.

We will continue as we bring new legislation forward – like my colleague, the Minister of Health did last week. We will continue to try and make advances to ensure that people have greater protection than they feel they have right now when they want to speak out.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Government recently sold the *Hamilton Sound* for \$214,000. A private company made the vessel like new for approximately \$1 million. Government is now leasing the vessel back at a cost of \$5,787 a day. If government had kept the *Hamilton Sound*, not only would they still own it but we would be in hundreds of thousands of dollars.

I ask the Premier: Why wouldn't government just do the repairs on this ferry and keep it in the provincial fleet instead of giving it away and paying for it in a leaseback?

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you, Mr. Speaker.

Mr. Speaker, at the time that we sold the *Hamilton Sound* we felt and still do feel that it was in the best interests of the Province where we are renewing our fleet. As everybody knows, the marine fleet ferry system in

Newfoundland and Labrador does have many problems in maintenance.

To try and ensure good service to the people who live on the islands surrounding our Island portion of the Province, and the Labrador portion of the Province, we try to provide them with the ferry service to make sure that they get the best service possible. Sometimes that will mean we will rent – we have many, many contracts with different ferry owners throughout the Province. We will continue to do that to service the people of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

Well I understand why sometimes leasing or renting in this case ferries would make sense but if government had to refurbish the old *Hamilton Sound* we would still own it and we would be in hundreds of thousands of dollars.

I ask the Premier: Was there a complete financial analysis done on the *Hamilton Sound* before it sailed? If so, would you table this report?

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you, Mr. Speaker.

Mr. Speaker, again, we are having a ferry replacement strategy in place and we are working diligently away at that. Only two weeks ago we announced a \$51 million investment in a new ferry for Fogo and Change Islands, and we also announced that we are in negotiations right now to have a second eighty metre ferry purchased for the Bell Island run. On top of that, we are putting \$10 million into improvements in the infrastructure. This is all part of the strategy to replace the ferry system.

As I said, while we are replacing the ferries we will continue to provide the residents of Newfoundland and Labrador with a good reliable service and at times that will mean going into contracts with other ferry users.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

I ask the minister again: Normally when you are taking a ferry out of the system what you would do is a financial analysis to see what the repairs would cost.

I ask the minister: Did they do a financial analysis, a cost-benefit analysis on the *Hamilton Sound*?

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

SOME HON. MEMBERS: Hear, hear!

MR. MCGRATH: Thank you, Mr. Speaker.

Mr. Speaker, we analyze every movement we make on this side of the House, not like situations we get into like we were in with the *Nonia*, might I add when we had that. We certainly did a full analysis. We do with every contract that we move into, and we will continue to do that.

Again, Mr. Speaker, I will say that as long as we have to enter into contracts to provide a reliable service to the people of Newfoundland and Labrador while we are replacing the ferries we have now, we will continue to do that.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: Thank you, Mr. Speaker.

I asked the minister if he would table the report, so I guess we will expect that report later.

Last week, we had learned that after kicking the forestry contractor off the job, Nalcor awarded a new multi-million dollar contract on Muskrat Falls without issuing an RFP. I asked the minister for the amount of taxpayer money that the contract is worth. We did not get the answer.

So I ask the Premier: How much was this new un-tendered forestry contract worth?

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

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: Mr. Speaker, we have explained in this House the reason why commercially sensitive information cannot be put out into the public, particularly when there is ongoing work and ongoing bids. Again, I guess in the responsibility of Nalcor to the people of the Province is to maintain the cost of this project, the least-cost option for to provide power into the future, Mr. Speaker.

So those are the reasons why we cannot reveal the numbers, Mr. Speaker. In this particular case, a contract was awarded, the contractor was non-compliant, the work was not satisfactory, and they have been removed. As a result of that, Nalcor went to the second place bidder in the process and made the selection to continue on with the work.

SOME HON. MEMBERS: Hear, hear!

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

MR. BALL: I ask the minister: If it is commercially sensitive, now that this RFP – now that this contractor is in place, will you at least tell the people of the Province how much the contract was worth?

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

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: Mr. Speaker, the particular piece of work that is ongoing right now with this contractor is the clearing of transmission lines, and there is much, much more work to do and other bids to come in. So to reveal the numbers, it would again influence the bidding process into the future.

We are not going to reveal the numbers. It is quite clear why we are not doing this, but I can assure the people of the Province that a process has been followed here. It is a legitimate process, where a contractor was non-sufficient and through the excellent work of Nalcor and oversight for this project, they have been removed. As a result, the second place bidder has been put in place. Again, all with the intent on ensuring that this project is done in the best interests of the people of the Province, with the best contractors to do the best work, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Bay of Islands.

MR. JOYCE: Mr. Speaker, Newfoundland and Labrador have some of the highest rates of cancer in Canada. A PET scanner and a radiation unit are important tools in the fight against cancer.

I ask the minister: Has the government committed to build a PET scanner and a radiation unit within the new hospital in Corner Brook?

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

SOME HON. MEMBERS: Hear, hear!

MS SULLIVAN: Thank you, Mr. Speaker.

Mr. Speaker, we have committed to building a PET scanner in St. John's at our tertiary care centre at a cost of \$40 million.

Mr. Speaker, there is a very good reason why we are building that PET scanner here. It is because the PET scanner has to work in tandem with the cancer program itself. The provincial cancer program is offered here in St. John's, Mr. Speaker.

As well, we have to ensure that we have the people in place who are able to run any particular piece of machinery. We are talking about people in the area of nuclear medicine, Mr. Speaker. There are various technicians that we need. There are various oncologists, radiology oncologists that we need, and so on. Mr. Speaker, recruitment is very difficult in those areas.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Bay of Islands.

MR. JOYCE: I assume the answer is that there will not be a PET scanner and radiation unit in the new hospital in Corner Brook.

In 2012, there were over 500 people who had to travel from outside of St. John's to receive cancer treatment. Given our high rates of cancer, our aging population and the number of people travelling to St. John's for treatment, the Western Region should be considered for the fight against cancer.

I ask the minister: What is the cost to install a PET scanner and a radiation unit in the new hospital?

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

SOME HON. MEMBERS: Hear, hear!

MS SULLIVAN: Thank you, Mr. Speaker.

Mr. Speaker, again, for the record, the cost as we know it now is \$40 million. Mr. Speaker, I just want to talk about the numbers when we talk about the number of people needing that cancer treatment. For Central Health, the number is 270; for Lab-Grenfell, the number is fifty-nine;

for Western Health, the number is 172; and for Eastern Health, the number is 714.

So, Mr. Speaker, it is evident that the vast numbers of people who need the treatment reside here on this portion of the Island of the Province; therefore, again, because the tertiary cancer care is here, it makes sense that the PET scanner should also be here.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Bay of Islands.

MR. JOYCE: I say to the minister – and I will ask questions later – that the cost of \$40 million includes the bunker for the isotopes that is needed; but, in Corner Brook, you would not need that. So, Mr. Speaker, the actual cost is not for the PET scanner.

Mr. Speaker, government has spent \$600,000 taxpayers' money for a land use report by the Humber Valley regional planning authority. The report was submitted to government over two years ago, and the government hid this report, like it has with so many others. The minister said it is still in the draft form. Municipalities spent a significant amount of their free time and energy completing this report for government.

I ask the minister: Will he commit today to releasing this report to the municipalities that worked diligently to see it happen?

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Mr. Speaker, as the member opposite is well aware, the Department of Municipal and Intergovernmental Affairs is responsible for land use planning throughout the Province, and that includes a number of regional plans, including the one that the member continues to ask about in this House.

We did receive a draft plan from the Humber Valley planning authority back in the fall of

2011. The plan is broad, it involves issues that affect a number of government departments, and it is important that we take time to do a full review. We are reviewing that plan right now, and a response to the folks involved in Humber Valley will be forthcoming.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of Bay of Islands.

MR. JOYCE: Mr. Speaker, the report was completed by the Humber Valley regional planning authority. If this report is ever released, it will be important for them to have legislative authority in order to properly implement recommendations within the report.

I ask the minister: Will government commit to giving them the legislative authority that they have requested, to enact this report?

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

SOME HON. MEMBERS: Hear, hear!

MR. KENT: Thank you, Mr. Speaker.

Our review of the draft plan is ongoing. We are involved in consultations with the Department of Natural Resources, and the Department of Environment and Conservation, but we are close to having a response finalized. As soon as that response is finalized it will be shared with the Humber Valley planning authority. We are making progress. These issues are complex and we want to make sure we do it right, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of St. Barbe.

MR. BENNETT: Mr. Speaker, today Canada lost to the Europeans in the seal products fight. These are the same Europeans this government was so good to in the CETA deal, even giving up our minimum processing requirements.

I ask the Premier: Why did she not press to have the seal ban issue linked to CETA negotiations to ensure the Europeans were well aware of how important sealing is to us as a Province?

MR. SPEAKER: The hon. the Minister of Fisheries and Aquaculture.

SOME HON. MEMBERS: Hear, hear!

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, we view the Comprehensive Economic Trade Agreement that was negotiated with Canada and the EU exceptional in terms of what we were able to negotiate with Canada and the EU in terms of long-term access to the EU, end of use restrictions, and certainly \$400 million in the fund. Going through that, there were a number of issues on the table, certainly Canada and all the provinces and territories.

In regard to the WTO issue in terms of the seal ban, that process was already started. The protocol for the WTO was in process. We saw that through. We got the ruling today. We are certainly very pleased the federal government has taken the position they will appeal it. We believe in the sealing industry and we have done it for a number of years. We are going to continue to support it. I would like to hear if the hon. member supports it because things in the fishery in rural Newfoundland and Labrador, he seems to be against it.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of St. Barbe.

MR. BENNETT: Mr. Speaker, DFO is currently carrying out consultations to list our cod as endangered. Given that this government has invested over \$15 million into the Centre for Fisheries Ecosystems Research over the past three years, I ask the minister: Is our cod an endangered species?

MR. SPEAKER: The hon. the Minister of Fisheries and Aquaculture.

SOME HON. MEMBERS: Hear, hear!

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, I thank the hon. member for acknowledging the great work we have done in research and development.

SOME HON. MEMBERS: Hear, hear!

MR. HUTCHINGS: It is good he has recognized in regard to CFER in terms of working with them and in terms of the *Celtic Explorer* that we have invested \$6 million in over three years in regard to overseeing our cod stocks and looking at groundfish and the recovery of that. Certainly we have done significant work in regard to that.

In terms of COSEWIC and in terms of what they have recommended, we understand what they have recommended. They had also made that recommendation in 2003. I understand the information they have put in went in 2010. Some of that scientific data may not be up to current levels.

From our perspective in terms of what we are hearing from industry and hearing from science, we think there are improvements in the stocks. We support the cod industry. We will be making representation in due course.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for the District of St. Barbe.

MR. BENNETT: Mr. Speaker, I still did not hear if the minister considers our cod to be endangered or not.

Given the repercussions of this listing, I ask the minister: Has he carried out a study to determine the negative impact to our people if cod are listed as endangered? Does he intend to respond

to any federal action to declare cod as endangered?

MR. SPEAKER: The hon. the Minister of Fisheries and Aquaculture.

SOME HON. MEMBERS: Hear, hear!

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, all the species in our ecosystem here in the Province of Newfoundland and Labrador, we know how important they are and important to rural Newfoundland and Labrador, to those who work in our processing facilities, our harvesters, and our investors. We believe cod, just like many other species, are very important to the improvement, to the continued building of our economy. We have made that commitment in what we have seen in terms of CETA and the ability to spend \$400 million in a \$1 billion industry to improve it, to improve what is happening in rural Newfoundland and Labrador.

Again, I say to the hon. member, he is against aquaculture, he is against CETA, and he is against a \$400 million investment in rural Newfoundland and Labrador. That is where it is being spent. Where is the Liberal Party in rural Newfoundland and Labrador?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Cartwright – L'Anse au Clair.

MS DEMPSTER: Mr. Speaker, last week in the House the Minister Responsible for Poverty Reduction was unable or unwilling to tell us when the next poverty reduction action plan would be released.

I ask the minister: Over two years have passed since this government was supposed to implement a new action plan on poverty, when will you release this plan?

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

SOME HON. MEMBERS: Hear, hear!

MR. O'BRIEN: Mr. Speaker, I am quite happy to take my place in the House in regard to the Poverty Reduction Strategy any time, any place, anywhere to be honest with you. We have done so much in regard to the Poverty Reduction Strategy in this Province.

The evidence is quite clear; we have less people on Income Support now than ever in our history. We have more people working in Newfoundland and Labrador ever in our history. People are employed. It is a work in progress, and we will continue to improve and analyze our Poverty Reduction Strategy to make sure that it is moving in the right direction for the people of the Province.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Cartwright – L'Anse au Clair.

MS DEMPSTER: As a government in waiting, I am interested in more than my district. That was a provincial question. John Noseworthy recommended changes be made to the Income and Employment Support Act to better meet –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MS DEMPSTER: – the needs of people on Income Support.

I ask the minister: Will you introduce a bill to amend the Income and Employment Support Act this session in the House?

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

SOME HON. MEMBERS: Hear, hear!

MR. O'BRIEN: Mr. Speaker, we have invested heavily into the people of this Province in regard to making sure they are ready for the opportunities that we have created over the last number of years, the big projects that have come

down the pipes in regard to Vale out in Long Harbour, Labrador West in regard to the mining industry, as well as out in Bull Arm on the Hibernia deal and down in Marystown in regard to the plant there as well.

We will keep investing in the people of this Province. We will keep making sure that they have every opportunity to avail of that employment here in this Province, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. OSBORNE: Mr. Speaker, I have heard from an injured offshore worker from my district, who will be denied their Christmas bonus because workers' compensation will claw it back from the workers' compensation payments.

I ask the minister: Why are you allowing workers' compensation to implement such regressive and punitive guidelines?

Mr. Speaker, it appears the Grinch has moved down to workers' compensation.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The hon. the Minister of Service NL.

SOME HON. MEMBERS: Hear, hear!

MR. CRUMMELL: Mr. Speaker, our government strongly advocates for the fair treatment and compensation of injured workers in our Province. Workers' compensation does very good work for us. They have regulations and policies to follow. We treat every incident and every injured employee, Mr. Speaker, on a case-by-case basis. They are doing very good work, and we are proud of the work that they are doing.

SOME HON. MEMBERS: Hear, hear!

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

MR. OSBORNE: I cannot believe the minister is proud they are clawing back the Christmas bonus.

Mr. Speaker, this worker is temporarily on workers' compensation because of an on-the-job injury. His Christmas bonus was not used to calculate his compensation benefits and, therefore, should not be clawed back from his workers' compensation benefits.

I ask the minister: Will you take the initiative to change workers' compensation guidelines so workers are not denied compensation that they have earned?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Service NL.

SOME HON. MEMBERS: Hear, hear!

MR. CRUMMELL: Thank you, Mr. Speaker.

Mr. Speaker, there are policies and procedures in place. There are appeals processes in place for injured workers that go through the system.

Mr. Speaker, we are going through a statutory review at this very time and I look forward to bringing that to the House at the appropriate time.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

While called a mid-year financial update, the truth is government's update on the Province's finances is regularly late in the fall – eight to ten months after the Budget Speech. This update

should be released before the fall session of the House so it can be properly debated.

Mr. Speaker, I ask the Premier: Why is this most important of updates so long in coming every year?

MR. SPEAKER: The hon. the Minister of Finance.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Mr. Speaker, in 2008 the mid-year report came out on December 9. The following year it came out on December 17. Last year it came out on December 13. When the Liberals were in office, one year it came out on December 2.

Mr. Speaker, there is work to be done. When the year is up, when the six months are up or actual results, there is time for officials, the information comes in – it comes in after the six months, sometimes as late as two months after the six months is up. It has to come from the federal government. It has to come from all entities, government business enterprises, all the entities out there.

As soon as the information is put together, we are very happy to give it because the information that we give to the people of this Province is good and founded and prudent financial fiscal information.

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The hon. Leader of the Third Party.

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

I ask the Premier: Are we going to see the financial report before this session of the House closes?

MR. SPEAKER: The hon. the Minister of Finance.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Thank you, Mr. Speaker.

Maybe the NDP have to listen to me when I speak in the House, because last week in the House I said we would try to do it by next Monday; we would try to get it in earlier if we could, but it is going to be next Monday.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

Now we have a final date; I am really pleased.

Mr. Speaker, government has had ten years in power to get the Province's finances on solid ground, yet despite surplus after surplus we were subjected this year to a wild fiscal ride, culminating in an ill-thought-out slashing of jobs and programs.

Mr. Speaker, can the Premier assure the people of the Province a more prudent and professional fiscal plan in the upcoming year?

MR. SPEAKER: The hon. the Minister of Finance.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Mr. Speaker, if the Leader of the Opposition wants a fiscal update, I will be very happy to give it to her.

Mr. Speaker, we have accumulated surpluses in this Province, we have accumulated liquidity and capital in this Province which has enabled us to govern in the way we have. Employment is the highest it has ever been in our history. We have wages the highest it has ever been in our history. We have personal income tax – the biggest personal income tax cut in our history was given in 2008. We reduced it in 2009 again,

in 2010 again, in 2011 again, and that means people have money in their pockets to pay their bills, to save for their retirement, to look after their children's education. This is a golden age, Mr. Speaker, a golden age.

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The Leader of the Third Party.

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

It is obvious the Finance Minister cannot assure us that we will not see the mess that we had in the Budget last year, where decisions to cut in the Budget had to be reversed within days after the Budget was tabled in this House. So with the answer he has given me, he does not have a plan for this coming year either.

Mr. Speaker, the Minister of Natural Resources has said his look at fracking will include a balanced review of regulations, rules, and guidelines in other jurisdictions, a technical review of the geological review in Western Newfoundland, and public consultations.

Mr. Speaker, I ask the minister: Why is he not choosing to conduct an open and transparent independent review as is being done in other provinces?

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

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: Mr. Speaker, time and time again the member opposite raises things in the House and always raising what is going on in other provinces. I am going to tell you, Mr. Speaker, me as a minister and our government, we are concerned about what goes on right here in Newfoundland and Labrador, first and foremost.

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: Secondly, Mr. Speaker, I have stated our position as a government on hydraulic fracturing, a balanced review to take a look at broad aspects of this whole issue and to look at it as it impacts Newfoundland and Labrador, particularly the Western part of the Province. We intend to do that. When we are informed, when I am informed, and when our government is informed we will make a decision on how we are going to proceed.

Other than that, Mr. Speaker, I can assure the people of the Province they will have opportunity for input.

SOME HON. MEMBERS: Hear, hear!

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

MS ROGERS: Mr. Speaker, this government spends \$1 million a day on Muskrat Falls. It once gave luxury car company Rolls-Royce \$500,000. Government's spring trade mission to China cost \$202,000, and that was for only ten days.

Mr. Speaker, the Family Violence Intervention Court was a successful court that helped women and children, victims of family violence, and cost only \$500,000 per year. Are the lives of women and children not worth that?

Mr. Speaker, I ask the minister: Will he reinstate the Family Violence Intervention Court?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Justice.

SOME HON. MEMBERS: Hear, hear!

MR. KING: Thank you.

Mr. Speaker, this government invests in a significant number of initiatives every single year to attract business to this Province. The member talked about Muskrat Falls, she is

absolutely right because we are creating employment for Newfoundlanders and Labradorians and we are creating wealth for the Treasury.

SOME HON. MEMBERS: Hear, hear!

MR. KING: I have to say, I find it extremely offensive the last part of her question to be phrased that government does not care about women and children in this Province. We have invested more money and taken on more new initiatives in this Province in support of the fight against violence against women than any other government in history.

Just this morning, Mr. Speaker, we launched the new campaign, the Purple Ribbon Campaign, with the ministerial committee and the minister responsible. So I take great offense to anyone who stands in this House and suggests that anybody on this floor does not respect women and the fight against violence.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

MS ROGERS: Mr. Speaker, I ask the minister: Who in the justice system is now keeping track of the charges, acquittals, and convictions of the family violence cases going through the court system, and can we have those numbers?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Justice.

SOME HON. MEMBERS: Hear, hear!

MR. KING: Thank you, Mr. Speaker.

I will pick up where I left off because I said I find it offensive. I am also going to remind the member opposite that it is this government and no other government in the history of this

Province that created the Department of Child, Youth and Family Services.

We see the extreme challenges in this Province. We made a strong commitment to fight those challenges to protect children, to protect families, and protect women and Aboriginal groups, and other groups that have been targeted by violence in this Province. It is absolutely shameful to use that kind of language on the floor of this Legislature.

SOME HON. MEMBERS: Hear, hear!

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

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Tabling of Documents

MR. SPEAKER: The hon. the Minister of Finance.

MR. MARSHALL: Thank you, Mr. Speaker.

Pursuant to section 26.(5)(a) of the Financial Administration Act, I am tabling one Order in Council that relates to funding pre-commitments for the 2014-2015 fiscal year.

Mr. Speaker, the Order in Council relates to monies to facilitate the award of a contract to Brook Construction Inc. for the construction of a garage and office building at a cost of approximately \$1.4 billion for the year 2014-2015. It is for the construction of a garage and an office building at the Trans-Canada Highway depot at Roddickton, Newfoundland.

MR. SPEAKER: Notices of Motion.

Notices of Motion

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

MR. KIRBY: Thank you, Mr. Speaker.

I hereby give notice that on a future day I will move adoption of the following resolution:

WHEREAS autism spectrum disorder has been estimated to occur in as many as one in eighty-eight children; and

WHEREAS individualized and intensive early interventions are important for improving outcomes for children with autism; and

WHEREAS long wait-lists are forcing many parents to wait up to two years before their children receive needed pediatric assessments and diagnostic services; and

WHEREAS a co-ordinated, multi-agency approach among key government departments and agencies is needed to ensure that individuals with autism spectrum disorder are provided with services that will promote independent living; and

WHEREAS a comprehensive Province-wide strategy for autism spectrum disorder will decrease the lifetime costs of treating and providing services for persons with autism;

THEREFORE BE IT RESOLVED that this House of Assembly urges the Government of Newfoundland and Labrador to, in consultation with parents, advocates, educators, health care providers, and experts in the autism community, develop and implement a comprehensive Province-wide strategy for autism spectrum disorder.

Thank you.

MR. SPEAKER: The hon. the Member for the District of Exploits.

MR. FORSEY: Thank you, Mr. Speaker.

Mr. Speaker, I give notice that I plan to introduce the following private member's motion:

BE IT RESOLVED that this hon. House supports the government's decision to provide Newfoundlander and Labrador Seniors' Benefit

a refundable tax credit for low-income seniors, which this year is providing some 42,000 seniors in our Province with payments of up to \$971 – the highest amount ever.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. KING: Thank you.

Mr. Speaker, I give notice that the motion just laid before the House by the Member for Exploits will be the one to be debated this coming Wednesday.

MR. SPEAKER: Thank you.

The hon. the Government House Leader.

MR. KING: Thank you.

Mr. Speaker, I give notice under Standing Order 11, I shall move that this House not adjourn at 5:30 p.m. on Tuesday, November 26, 2013.

Further, I give notice under Standing Order 11, I shall move that this House not adjourn at 10:00 p.m. on Tuesday, November 26, 2013.

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

Petitions.

Petitions

MR. SPEAKER: The hon. the Member for St. Barbe.

MR. BENNETT: Thank you, Mr. Speaker.

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

WHEREAS the offshore of the West Coast of the Island of Newfoundland is recognized as a region containing potentially billions of barrels of oil; and

WHEREAS hydraulic fracturing could be an accepted and effective method of petroleum discovery and exploration, and is compatible with the protection of the natural environment and water sources when executed within the context of a comprehensive regulatory framework; and

WHEREAS the petroleum exploration sector needs the certainty and confidence of a stable regulatory regime; and

WHEREAS with that regulatory regime oil discovery and industry development could provide unprecedented economic opportunity and bring people home to a currently economically challenged area; and

WHEREAS the undersigned support properly regulated exploration and development of oil and gas resource in the Province;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to introduce a regulatory framework immediately under which hydraulic fracturing could proceed safely, and move this industry forward in Western Newfoundland.

Mr. Speaker, approximately a year ago a small company started public consultations on the Great Northern Peninsula, in my district, and they wanted to have feedback from people on hydraulic fracturing. They explained the process. They were very straightforward, forthright, and the people who they engaged with were very supportive. Government failed to take any initiative, and others who are absolutely opposed to hydraulic fracturing took charge. They started to spread propaganda. They started to move against hydraulic fracturing.

Government, instead of introducing a proper regulatory regime, did absolutely nothing. Now they have declared a moratorium. The people who see the benefit of hydraulic fracturing want the government to continue to proceed with the proper regulatory regime, and do not use the current proposed moratorium as an opportunity to run and hide and fail to show leadership.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. the Member for the District of Bay of Islands.

MR. JOYCE: Thank you, Mr. Speaker.

I rise again today on a petition concerning Route 450 in the Bay of Islands. I will read the petition:

WHEREAS we are concerned over the deplorable condition of Route 450; and

WHEREAS many residents of the Town of Lark Harbour and York Harbour travel this road on a daily basis; and

WHEREAS after repeated requests for upgrades and repairs, the road has continued to deteriorate; and

WHEREAS there is only one road in and out of these communities and many of our residents are of an aging population with health issues; and

WHEREAS having the road completely give way would pose a serious set of issues; and

WHEREAS we feel the condition of this road presents an accident waiting to happen;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to give serious consideration to making repairs to this road.

Mr. Speaker, I was out in York Harbour this past weekend for the Lark Harbour-York Harbour Volunteer Firefighters night. This is a major concern for a lot of the residents. I brought it to

the minister's attention, and I noticed the minister – and I have to mention it to the minister, the portion of the road that was washed out about last March has been repaired. The guider rails that were in a very dangerous situation, with a fall on one side of over 200 feet, have been repaired.

There have been some minor repairs done, and I thank the minister for that. The people have noticed it, but in the Copper Mine Brook area, I say to the minister where the speed has been reduced from eighty to thirty kilometres an hour, a few of the residents, many of the residents, Mr. Speaker, have mentioned that if you can get warning signs up at the beginning.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. JOYCE: I also informed the residents that the minister will be monitoring this site on a regular basis. I passed that on from the minister, that they will be monitoring it on a regular basis.

I ask the minister, if there could be more signs put up prior to on both sides. Because there are people who travel the highway, I say to the minister, who are unaware of this portion of the road. There is one sign up saying thirty kilometres. If there can be road signs put up expressing danger before you get to the site, it would be greatly appreciated by a lot of residents because there are people who travel the road who are unaware.

MR. MCGRATH: (Inaudible) a letter to that.

MR. JOYCE: I will put a letter to that, and I say to –

MR. MCGRATH: Tell them that I (inaudible).

MR. JOYCE: Yes. I say to the minister, it is a very dangerous situation. I informed them that you are monitoring it. Hopefully, the road will not get any worse this year, but we need it fixed as soon as spring comes around. It is minor repairs. People have noticed it. I have noticed it when I travelled over it in the last five or six

days. I thank the minister for that, and hopefully, come this spring we can get this major section –

MR. SPEAKER: Order, please!

The member's time has expired.

MR. JOYCE: Thank you, Mr. Speaker.

MR. SPEAKER: The hon. the Member for Burgeo – La Poile.

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

I have a petition to the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned humbly sheweth:

WHEREAS residents of the Southwest Coast must travel the Trans-Canada Highway between Channel-Port aux Basques and Corner Brook for work, medical, educational, and social reason; and

WHEREAS Marine Atlantic ferries dock at Channel-Port aux Basques at various hours on a daily basis resulting in extremely high volume of commercial and residential travellers using this section of the Trans-Canada Highway; and

WHEREAS the world-renowned Wreckhouse area is situate along this section of the TCH; and

WHEREAS the Government of Newfoundland and Labrador initiated a twenty-four hour snow clearing pilot project in 2008 that excluded the section of the Trans-Canada Highway from Channel-Port aux Basques to Stephenville;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to include the section of the TCH from Channel-Port aux Basques to Stephenville in the twenty-four hour snow clearing project.

As in duty bound, your petitioners will ever pray.

Now, Mr. Speaker, this is the fifth consecutive day I have entered this petition. I wish I did not have to continue entering, but I will do so until government makes the right decision here and includes this section of the roadway from Channel-Port aux Basques to Stephenville in the twenty-four hour pilot project.

My colleague from District of Cartwright – L'Anse au Clair just happened to be on the flight last night with a physician from my area who was complaining about it as well. This is someone who actually serves, I think, with the NLMA. She also teaches with MUN. She has to travel last hours on this highway, but after 9:00 o'clock the ploughs are gone regardless. Now that is not the same treatment that is put everywhere else. This is a bright young person of this Province, travelling the Province to do her duty and she gets a different road than everyone else in the Province. That is just one of the things.

I noticed in this survey I have here, their evaluation of the first phase of this project where they talk about the different people they surveyed and talked to. There are fish plant workers from Arnold's Cove, oil refinery workers from Come By Change, and truck drivers at Goobies and Pynn's Brook; however, I do not see an ambulance driver surveyed. I do not see any long-haul truck drivers who might be going through Port aux Basques. Most of them indicated that they drive the entire Province.

I am going to continue entering this one until I get some action on this. The government needs to make the right decision here; provide the snow clearing before we have a tragic accident.

Thank you, Mr. Speaker.

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

MS ROGERS: Thank you, Mr. Speaker.

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

residents of Newfoundland and Labrador humbly sheweth:

WHEREAS the Family Violence Intervention Court provided a comprehensive approach to domestic violence in a court setting that fully understood and dealt with the complex issues of domestic violence; and

WHEREAS domestic violence continues to be one of the most serious issues facing our Province today and the cost of the impact of domestic violence is great both economically and in human suffering; and

WHEREAS the Family Violence Intervention Court was welcomed and endorsed by all aspects of the justice system including the police, the courts, prosecutors, defense counsel, Child, Youth and Family Services, as well as victims, offenders, community agencies and women's groups; and

WHEREAS the recidivism rate for offenders going through the court was 10 per cent compared to 40 per cent for those who did not; and

WHEREAS the budget for the court was only 0.2 per cent of the entire budget of the Department of Justice;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to reinstate the Family Violence Intervention Court.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, today is the International Day for the Elimination of Violence Against Women, which is marked all around the world. Canada has played a leadership role in this area and the government has stood up today and talked about its incredible programs, its Violence Prevention Initiative; yet one of the most concrete, effective programs ever in the history of this Province to effectively deal with a certain type of domestic violence that includes both the offender, the

victim, predominantly women and children, this government has closed, and it closed in a knee-jerk reaction to a budget requirement.

The minister said himself it was not closed because it was not doing a good job. This court was doing exactly what it was supposed to be doing. It was supported by judges, by lawyers, by Child, Youth and Family Services. This court was the embodiment of expertise, of years of research, of years of planning, of years of expertise. This government closed it, which I say, in fact, was a waste of money to close it at this point because of all the work that was put into it to make it work.

Mr. Speaker, on October 25, the current Minister of Justice said on a radio noon program that he will revisit the Family Violence Intervention Court. Mr. Speaker, I urge the government to do the right thing and reinstate the court.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Speaker.

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

WHEREAS government has a responsibility to ensure that Internet access is broadly available so people have the right to be able to access the Internet in order to exercise and enjoy their rights to freedom of expression and opinion and other fundamental human rights; and

WHEREAS St. Carols still remains without broadband services; and

WHEREAS residents rely on Internet services for education, business, communication, and social activity; and

WHEREAS wireless and wired technologies exist to provide broadband service to rural communities, to replace slower dial-up services;

We, the undersigned, petition the House of Assembly to urge the government to assist providers to ensure St. Carols is in receipt of broadband Internet services in Newfoundland and Labrador.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, since I have been elected in this House of Assembly I have been raising the concern of lack of broadband coverage when it comes to many rural communities. I am a firm believer that if rural Newfoundland and Labrador is going to survive and thrive, then it needs two key pillars: advanced telecommunications and advanced transportation networks. They are going to be critical to advancing rural economies and building stronger communities.

If we see a community like St. Carols on the Great Northern Peninsula, there is a lot of opportunity there if we look at adding broadband Internet at speeds that are acceptable. Right now, a dial-up service is completely unacceptable and it is creating a divide when it comes to how services are being able to be accessed.

We know that government is moving towards finding greater efficiencies in how it delivers its programs and services. More forms are online than ever before. Videos and information get uploaded on government Web sites. People in rural communities without broadband Internet do not have the same opportunity to go on, access, download, print these forms, and get information unless they take an excessive amount of time. If they are on the old dial-up modem of 56.6 K, twenty-eight K, or whatnot, the speeds are just not there to gain that information.

We see that other pieces of communication are not there as well. When we talk about looking at programming, podcasts, and all that information,

these are things we need to make available. It can be available by using wired and wireless technologies that are more accessible. So I am looking forward to working with the Department of IBRD and hopefully seeing this implemented in St. Carols.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. the Member for Cartwright – L'Anse au Clair.

MS DEMPSTER: Thank you, Mr. Speaker.

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

WHEREAS most communities in the District of Cartwright – L'Anse au Clair do not have cellphone coverage; and

WHEREAS residents of coastal Labrador require cell coverage to ensure their safety and communication abilities; and

WHEREAS the opening of the Trans-Labrador Highway has increased our dependency on mobile communication;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to work with the appropriate agencies to provide cellphone coverage along the Trans-Labrador Highway and to all communities in coastal Labrador.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, cellphone coverage and basic broadband is very important anywhere in the Province and in our country now in terms of communication. I feel in coastal remote communities it is absolutely paramount, especially in the extreme weather conditions that we get.

Mr. Speaker, I will just share my experience yesterday. I was to leave my community and drive to Blanc Sablon. There were no flights. I drove 420 kilometres to Goose Bay – most of it in a snowstorm. I did not have a satellite phone. Had I gone off the road, like two other vehicles that I came upon, I would have been there until a snow plow or something came along. That is just one of the reasons people like me who travel often would rely on that, if we had it, very much so. When do you have a satellite phone, often you cannot get a signal, so it is not reliable.

Mr. Speaker, I want to talk more importantly about ambulances that are on the road transferring sick people from one community to another. As you know, in most of the communities in Southeast, we have community clinics; we do not have doctors. Therefore, the nearest doctor is in Forteau over a very desolate stretch. If you cannot get a signal, which makes it much harder in stormy weather, which oftentimes is when these things happen, you are in a lot of trouble.

Mr. Speaker, there is a very desolate stretch between Red Bay and Lodge Bay, eighty-five kilometres. I have a family member who has worked there for years, people who going through at night have been stuck in a snowbank and not found until 6:00 the next morning. We have many incidents like that just since the Trans-Labrador highway went through. If we had the cellphone, they would have been able to call for help.

We are very fortunate I believe that we have not had any serious incidents yet because of that.

Also with the broadband, Mr. Speaker, I have met with people in the Department of IBRD. I know there is a plan in place for 2016. My message and the message of the constituents of Cartwright – L'Anse au Clair is that we cannot wait until 2016 to have services. We need to have an interim plan right now.

Thank you.

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

MR. KIRBY: Thank you, Mr. Speaker.

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

WHEREAS in 2006, the provincial government created a commission to review the Individualized Student Support Plan/Pathways model and make recommendations to improve the delivery of special education programming in the K-12 education system; and

WHEREAS in 2007, the ISSP/Pathways Commission delivered a final report to government outlining seventy-five recommendations for creating a better system for the delivery of special education programming; and

WHEREAS to date, many important recommendations of the ISSP/Pathways Commission have not been acted upon, including those related to public disclosure of assessment and wait-list information, guidelines for comprehensive and ethical assessment practices, procedures to address the needs of all at-risk students, creating an effective appeals process for families, meeting the needs of exceptionally-able gifted learners, expanding the role of student assistants into teacher assistant roles, introducing special education department heads in schools, and improving on special education teacher qualifications and certification;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to fully implement the recommendations of the ISSP/Pathways Commission in order to improve the delivery of special education programming for all students, parents, teachers, and schools.

As in duty bound, you petitioners will ever pray.

Mr. Speaker, there is no question that some of the recommendations of the ISSP/Pathways Commission review have been implemented, but

some of them have not. Some of these would cost government to implement, and some of them would not cost a great deal. For example, the creating of guidelines for comprehensive and ethical assessment practices and making that freely available online and through other media would not cost a great deal to government.

Public disclosure of assessment and wait-list information: We hear all of the time that there are students on wait-lists for speech pathology, occupational health and therapy services, all sorts of other assessment services. There is no reason why the information at least about the wait-list, that that public disclosure cannot be made freely available.

Government has made decisions to make other information publicly available, like the restaurant inspections that it initially said it would not make available. This information can be made publicly available, and it would be a decent thing for the people to be able to access, Mr. Speaker.

Thank you.

MR. SPEAKER: The hon. the Member for St. Barbe.

MR. BENNETT: Mr. Speaker, to the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament assembled, the petition of the undersigned humbly sheweth:

WHEREAS there is no cellphone service in the Town of Trout River, which is an enclave community in Gros Morne National Park; and

WHEREAS visitors to Gros Morne National Park, more than 100,000 annually, expect to communicate by cellphone when they visit the park; and

WHEREAS cellphone service has become a very important aspect of everyday living for residents; and

WHEREAS cellphone service is an essential safety tool for visitors and residents; and

WHEREAS cellphone service is essential for business development;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to partner with the private sector to extend cellphone coverage throughout Gros Morne National Park and the enclave community of Trout River.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, if you could, imagine people in Trout River tuning into the evening news every evening and they see a dispute in St. John's about where a cellphone tower is going to go: a cellphone cannot be here; it must be there. Meanwhile, the people in Trout River would love to get a cellphone tower anywhere close to their town.

I am certain they are not saying that government must install a cellphone tower. What they are saying is: We want you, government, to partner with private sector and do an RFP. The government is fine with doing Requests for Proposals, and why should they not be? Certainly collect up, not only Trout River, but maybe a large range of communities that do not have cellphone service, go with an RFP to see what is available that can be put in with some sort of government collaboration or maybe some payment by the people who would actually use the cellphone services in those regions, and at least make it possible that these people would get cellphone service.

Mr. Speaker, private enterprise is not going to go there at this point because of the profit issue, and clearly that is the role of private enterprise. The role of government is to facilitate improvement, to facilitate investment, and to provide services. So the people of Trout River again with this petition are calling on government to step up to the plate, move forward, do an RFP, partner with the private sector, and help us get some cellphone service.

Thank you, Mr. Speaker.

MR. SPEAKER: Orders of the Day.

Orders of the Day

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

MR. KING: Thank you, Mr. Speaker.

Mr. Speaker, Order 3, third reading of a bill, An Act To Amend The Human Rights Act, 2010.

Mr. Speaker, I move, seconded by the Minister of Environment and Conservation, that the said bill be now read the third time.

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

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

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

CLERK: A bill, An Act To Amend The Human Rights Act, 2010. (Bill 25).

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

On motion, a bill, "An Act To Amend The Human Rights Act, 2010", read a third time, ordered passed and its title be as on the Order Paper. (Bill 25).

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

MR. KING: Thank you, Mr. Speaker.

Mr. Speaker, I am going to call from the Order Paper, Order 4, second reading of a bill, An Act To Amend The Pharmaceutical Services Act, Bill 10.

Mr. Speaker, I move, seconded by the Minister of Health and Community Services, that the said bill be now read a second time.

MR. SPEAKER: It has been moved and seconded that Bill 10, An Act To Amend The Pharmaceutical Services Act, be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Pharmaceutical Services Act". (Bill 10)

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

MS SULLIVAN: Thank you, Mr. Speaker.

I rise before this hon. House today to introduce a bill entitled, An Act to Amend the Pharmaceutical Services Act.

The Pharmaceutical Services Act establishes the Newfoundland and Labrador Prescription Drug Program, otherwise known as NLPDP. This bill will amend the Pharmaceutical Services Act to specifically authorize the delisting of drug products from the Province's Interchangeable Drug Formulary that do not meet the pricing requirements for generic drugs. These pricing requirements are set out in the Interchangeable Drug Products Formulary Regulations, 2012.

In April of 2012, our government announced a new generic drug pricing strategy for Newfoundland and Labrador. Under that strategy, the price of generic drugs in this Province has been steadily reduced over the past eighteen months. As of July 1, 2013 the maximum price that drug manufacturers may charge for a generic drug product listed on the drug formulary in this Province is 25 per cent of the equivalent brand name drug price.

The generic pricing strategy was implemented in response to evidence showing that the people of this Province, and Canadians generally, had been paying some of the highest prices for generic drugs in the world. The new generic drug pricing strategy has provided considerable savings to the provincial government through

the NLPDP. We are now paying less money for generic drugs prescribed to beneficiaries of the NLPDP, while actually increasing the number of generic drugs covered. In fact, in 2013-2014 we expect to see savings in excess of \$40 million.

Mr. Speaker, employers, through drug benefit plans provided to employees and residents who pay for drug products out of pocket, would have also experienced savings on the costs of generic drugs arising from implementation of our generic drug pricing strategy. Our government is reinvesting a significant portion of the projected savings in pharmacy.

Over the four years of our current agreement with the Pharmacists' Association of Newfoundland and Labrador, known as PANL, we are reinvesting \$37 million into pharmacies, including \$4 million in subsidies for rural and remote pharmacies. Our government remains committed to ensuring that all residents of this Province pay fair and reasonable prices for their generic drugs.

The bill before the House today amending the Pharmaceutical Services Act will further assist us in ensuring that we are getting the best possible price for generic medications for the residents of Newfoundland and Labrador. The prices of generic drugs are set out in the Newfoundland and Labrador Interchangeable Drug Products Formulary established under the Interchangeable Drug Products Formulary Regulations, 2012.

The formulary is a list of commonly used generic drugs which have therapeutic evidence to a brand product. In order for a generic drug to be added to the formulary, a generic drug manufacturer must make an application to the NLPDP and satisfy several important requirements. One of those requirements is that the manufacturer must guarantee that the price of the generic drug will meet the pricing requirements set out in the regulations. That means at this time that the price of the generic drug cannot exceed 25 per cent of the price of the brand name that is its equivalent unless the manufacturer is granted an exemption to the pricing rule.

Mr. Speaker, we recognize that sometimes in order to bring a product to market, a drug manufacturer may incur extraordinary production, manufacturing, or development costs. Therefore, we have created a process whereby a manufacturer can apply for an exemption from the pricing regulations. These exemption requests are assessed on a case by case basis and usually occur in consultation with other provinces to ensure that the management of price exemptions is consistent across the country. Where granted, the exemptions are reviewed on an annual basis.

There are currently over 4,200 drugs on the formulary. Over 1,100 of those drugs have received a pricing exemption. Exemptions have been approved for twenty-one different generic drug manufacturers.

Currently under the Pharmaceutical Services Act there are three circumstances in which a drug may be delisted from the formulary. These include, where the manufacturer is not complying with the price quoted upon approval for entry of into the formulary; where removal of the drug is advisable in the public interest; and where it is considered necessary to remove the drug. This would apply in cases where a manufacturer can no longer meet its commitment to supply the drug.

There is no explicit provision in the act right now that authorizes the removal of a generic drug from the formulary in cases where it is listed on the formulary but does not currently comply with the Province's new pricing requirements. While most generic drug manufacturers comply with the new pricing requirements, we are aware there are some products listed on the formulary that do not meet the pricing regulations. Allowing drug products that do not meet the pricing requirements to remain on the formulary would weaken the overall price setting process.

The Province will have little leverage in negotiating with generic drug manufacturers to reduce prices. It is our hope that once this amendment is passed, manufacturers of drugs that do not meet the pricing requirements will

adjust their prices to comply with the pricing requirements rather than have their products delisted.

Mr. Speaker, our government is committed to ensuring that the people of Newfoundland and Labrador obtain prescription drugs at reasonable prices. This amendment allows us to continue our work to attain reasonable generic drug pricing for the people of the Province.

I ask that all hon. members of the House join me in supporting this amendment to the Pharmaceutical Services Act.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Verge): The hon. the Member for Burgeo – La Poile.

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

I am happy to stand and speak to Bill 10, Ac Act to Amend the Pharmaceutical Services Act. I would like to thank the minister's staff for briefing us this morning on this particular piece of legislation.

When you look at the bill itself, it is a very small change in physical size; it is one section. Basically, just for people out there, we are taking the existing Pharmaceutical Services Act, which section 19, as you look at it, is titled Formulary. What we are doing in section 19(4) is we are adding the small clause, "the manufacturer does not comply with pricing requirements set out in the regulations".

Just so we know what subsection (4) actually says: a minister may remove a drug from the formulary, and there are a number of ways we can do it. Basically, what this is saying is if the manufacturer does not play ball with the minister, with the department, then they are out. That is how it was put to us by the staff. I think it is good to be able to talk in common terms, layman's terms. This all stems from the decision by government last year when it came to generic pricing and reducing. It went to

thirty-five and then twenty-five. I understand the regulations for that came into effect this summer.

I think if you were to read the act, I think the act as it existed allowed the minister the ability to do that as it was but from what I can gather the department want to be more specific with a very strong message to manufacturers that if you do not give us the price, or if you do not want to play by these rules when it comes to the price formulary then you are off and that is all there is to it. I have no problem with making this legislation more specific because there is nothing worse than vague legislation that allows the possibility of easy challenge, which is only going to tie up solicitors in court at a cost to this government. So that is fine by me.

I did take the time while we had this briefing to put out some more information on why we are here, or I guess our particular position to this. I actually asked the department that specific question. I think this legislation before would have allowed for that. Have you had any situations since the regulations where you have had to delist somebody?

I was told there has been one situation but it was a roundabout way in which the manufacturer came to the Atlantic Canadian Provinces and said: this is what we can do, if you do not like it delist us. It makes it quite easy for the Department of Health here, along with the Atlantic Canadian Provinces to do this. We know the manufacturer, and I think there may have been a few medications that fell under this particular situation.

I have gone through the legislation here. I do not think there is any need to go down through that. It is my understanding that this is not an authority the minister is expected to use regularly. It is there if you need it, hopefully you do not.

Just so people know out there, on our formulary there are currently 4,200 drugs. There is an exemption process that can be followed if you cannot meet the 25 per cent generic pricing of the brand value. I have been told right now that

there are about 1,100 exemptions to twenty-one different companies right now.

The purpose of that being is certain companies are able to provide that evidence or that basis to the department and say: Look, here is what our costs are. Here is what it is taking us to do this. Therefore - again, I am sure it is a rigorous process - here is the data you need. We cannot do this. This is what we can do it for. The department there - you cannot cut these people off. We need these medications, and there we are.

Again, I did mention there was the one circumstance and then who knows where this goes down the road. I am being told that one of the steps being taken, not only by this Province but provinces across the country, we have dealt with six of the biggest generics in the past, six of the biggest ones we have dealt with - I have a list of them somewhere, and I thank -

AN HON. MEMBER: (Inaudible).

MR. A. PARSONS: I do have the list. Actually, do you know what? I found the list. I will say this, at the risk of being heckled by the other side: atorvastatin, ramipril, venlafaxine, amlodipine, omeprazole, and rabeprazole. Again, I am glad that they are written, because they are certainly hard - I think the generic name is probably much easier, and maybe we will do a test later and see how many government members can spell them. Again, I understand that the provinces are working together when it comes to the generic drugs are being used nationwide, not just within this Province.

I do have a few other points that I wanted to bring up while we are talking about the Pharmaceutical Services Act, that I think needs to be brought up. One of these has been brought up a number of times in this House, but mainly when it comes to the fish side, and that is CETA. One of the things about CETA that we are going to see, from what I have been told, is that we are seeing the expansion, or we are making patent protection longer.

Just so we know, the people out there know, every time the government stands up and says about the good work that was done in fishery, we are going to suffer on the pharmacy side. Again, that is what I am being told by people that have some know - I have talked to pharmacists and people in the know about this.

MR. LANE: (Inaudible).

MR. A. PARSONS: I hear the Member for Mount Pearl South having a say. Perhaps he can stand up and tell us about CETA after, because I am sure he was involved in the government negotiations on CETA.

MR. SPEAKER (Verge): Order, please!

I would remind the member to be relevant to the bill that we are debating right now.

MR. A. PARSONS: I will give the minister plenty of opportunity; she can stand up after and talk about what CETA is going to do on this. The figure I am being told is that it will cost us anywhere from \$35 million to \$40 million a year when this comes out. So I will give the minister a chance to address this when she wants - or the Member for Mount Pearl South. Maybe we should make him the Parliamentary Secretary for Pharmaceuticals, I do not know, or for CETA.

Again, that is an issue, and we have heard all about the fisheries side of this. It was brought up in this House today when it came to the seal hunt. CETA is going to have an impact on us on the pharmacy side. So, I would like to see what that impact is and the minister will have every opportunity to talk about it. She is going to get up and have her say; that is fine, as she should. She can certainly educate us on that.

The other thing I want to talk about when we talk about the Pharmaceutical Services Act is the people who deal with this, and that would be pharmacists. I guess I would like to use this opportunity when we talk about pharmacists and what they do for the system. The Minister for Advanced Education, the Member for Gander,

knows what I am talking about, the good work that pharmacists do. Certainly the Leader –

SOME HON. MEMBERS: Hear, hear!

MR. A. PARSONS: That is right; they are saying hear, hear to what I am saying right now. That is why I say that the government should sit down with the pharmacists, as they have asked, to expand the scope that pharmacists can play in our system.

I know the Leader of the Official Opposition also has a pharmacy background and he knows the good work that pharmacists do. I actually had the pleasure of being at a press conference on September 17 where pharmacists laid out to the media the savings that they could bring to our health care system when it comes to the expanded role, if they were allowed to play it.

I am pretty sure actually that members of other health care groups and associations are supportive of that as well. Again, they laid it out very clearly, the demonstrated benefits of expanding the scope when it comes to where we can find savings within the system. If there is one thing that I have said when I have had an opportunity to debate the –

MR. SPEAKER: Order, please!

I would ask the member to keep his comments in line with the bill in which we are debating right now, An Act to Amend the Pharmaceutical Services Act. The wide range of latitude that you seem to be taking in debating the whole act is not appropriate and I will not allow it. If the member wants to keep his comments on the bill that we are now debating, then I will recognize him to continue.

The hon. the Member for Burgeo – La Poile.

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

Again, I wish I could talk more about the pharmacists that do the good work that is listed under section 19(4) of the Pharmaceutical Services Act, but I will go back to the legislation

here. I am just trying to talk about the good work, spread the good word, but here it is.

I asked a question and I will pass this on to the minister now – one of the things I asked in the meeting today, we have not heard back yet. When it comes to the ACDR, the Atlantic Common Drug Review, the question we asked today was: What is our contribution to that on a yearly basis? I think that is relevant because it deals with the formulary. The people who briefed us today did not have that present, which is understandable, so I put that forward.

Now the minister may not have that right now and that is fine, we have the Committee – oh, she has it. I am glad to hear that the people doing the briefing made sure that our comments were listened to and they have the answers to our questions. I look forward to that answer.

That is one of the other situations we have when we talk about our formulary and the drugs we have on it and not on it. There are times when I question some of the coverage that we have on the formulary when it comes to any number of afflictions, any number of disease or conditions that we deal with, one of them being cystic fibrosis.

We have experts in this Province who would like to be a part of this when it comes to what is on the formulary and what is not. They are not given that opportunity. I put that out there; I will probably have another opportunity to speak to that.

I am sure the minister is going to want to respond to some of my comments; I look forward to that. I invite any other member of the government, especially the Member for Mount Pearl South, to feel free to enlighten me about section 19(4)(a) of the Pharmaceutical Services Act.

Thank you.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

I recognize the hon. the Member for Terra Nova.

SOME HON. MEMBERS: Hear, hear!

MR. S. COLLINS: Thank you, Mr. Speaker.

It is a pleasure to rise to speak to this today. While it is true it is a rather small piece of legislation when you look at the printed version, of course, the ramifications are quite large when you are talking about savings to the general public, to the provincial government, and taxpayers.

This bill will amend the Pharmaceutical Services Act to specifically authorize the delisting of drug products from the Province's interchangeable drug formulary that do not meet the pricing requirements for generic drugs. Last year, Mr. Speaker, our government announced a new generic pricing drug strategy for the Province. Under that strategy, the price for generic drugs in this Province has been steadily reduced over the past eighteen months. This has meant obviously a huge amount of savings.

As of July 1, 2013, the maximum price that a drug manufacturer can charge for a generic drug product is 25 per cent of brand. You can only imagine if we were covering a brand drug and then all of a sudden now we are back to 25 per cent of that, the savings that you realize there are quite significant.

This generic drug pricing strategy was implemented in response to evidence showing that people in this Province, and Canadians in general, are paying far too much for generic drugs. That fact is rather troubling to consider how much money is being spent in health care. We try to spend every dollar to the best of our ability and in the most efficient manner. If you are being overcharged drugs, obviously that takes a big hit. If we can try to rein that spending in, for one, we can save money, but more importantly even perhaps we can provide more drug coverage. It is a two-pronged approach and it is working.

The new generic drug pricing strategy has provided considerable savings to the provincial

government, as I had said. We are now paying less money for generic drugs prescribed to beneficiaries of the NLPDP while actually increasing the number of generic drugs covered. Again, we are saving money but we are also providing more drugs. In fact, Mr. Speaker, in 2013-2014 we expect to see savings in excess of \$40 million, a huge amount of money – \$40 million.

SOME HON. MEMBERS: Hear, hear!

MR. S. COLLINS: I am sure there are a number of areas in health care we can spend that, and make sure it is spent in the most efficient manner.

Not only is it saving government and taxpayers, it is also providing benefits to employers who provide drug programs to their employees. Not only does it do that for small, medium, and large business, and obviously that is saving those businesses, it is also saving out-of-pocket expenses for people who provide their own drugs where they are not being covered by any other plan. It is saving not only on government side, but also business as well as people paying straight out of pocket. Again, this touches many people, everyone I would argue.

What has this meant for us and what have the savings allowed us to do? Over the four years of our current agreement with the Pharmacists' Association of Newfoundland and Labrador, we are reinvesting \$37 million into pharmacies, and that is including \$4 million in subsidies to rural and remote pharmacies. That is another important piece to this because as a member from rural Newfoundland and Labrador, pharmacies play a massive role. They are a front-line health provider in a lot of cases in smaller communities.

It is nothing to go in and talk to your pharmacist, they are highly trained individuals. They can provide consultation and help you with different ailments, whatever the case is. Making sure we reinvest in rural pharmacies is an important piece of this as well, and that is certainly what we are doing. We committed to ensuring that all

residents of our Province pay fair and reasonable prices for their generic drugs.

The bill before the House today, Mr. Speaker, amending the Pharmaceutical Services Act will further assist us in ensuring we are getting the best possible price for generic medications for the residents of Newfoundland and Labrador. The onus is on government to make sure that is actually the case and it is something I take great pride in. The money we are saving is being redirected and spent very wisely. So it is very important.

The price of generic drugs is set out in the formulary, as was said by the minister. The formulary is a list of commonly used generic drugs which have therapeutic equivalency to a brand product. It is the same medication by a different name. Of course, when a medication is produced, when it is discovered, whatever the case is, they have a patent period. Once that patent period expires, then you can get into generic drugs. As opposed to one producer, you can have twenty people producing it and you can obviously understand how that would affect price.

It is important to note, in order for a generic drug to be added to the formulary a generic drug manufacturer must make an application to the drug program that satisfies several important requirements. One of these requirements is the manufacturer must guarantee that the price of the generic drug cannot exceed 25 per cent price of the brand, unless the manufacturer is granted an exemption to the pricing rule.

The Member for Burgeo – La Poile touched on this a little bit, but I will just go into a little bit more detail with that. What is a price exemption? In some cases, manufacturers who are applying to have a generic drug listed on the formulary can apply for an exemption from the pricing requirement so that they can charge a higher price. If the application for an exemption is granted, the manufacturer of a generic product can charge more than the 25 per cent equivalent brand name price.

What would cause the price exemptions and what are some types of those? Mr. Speaker, the criteria that must be met in order to apply for an exemption from the pricing rules are set out in the regulations. The most common reasons manufacturers request an exemption are – there are a couple here. There are three in particular: if the product has a high manufacturing cost. By the very fact they have to spend a lot of money to get the medication to market they may not be able to offer it for 25 per cent. Of course, then they would go into the application process to negotiate a higher percentage to make sure – they have to make money at the end of the day but they also have to break even at least. That is something that would allow them to do.

Another one; secondly, there is only one supplier of the product. So, sole source would be another exemption; implementation of a national price that is being applied to all jurisdictions in Canada. If it is something that is widespread right across the country and they are getting higher than 25 per cent due to various reasons, then of course we could certainly follow that lead as well.

As for how the exemptions are reviewed, manufacturers are required to request price exemptions when they submit a drug for inclusion on the formulary. The rationale provided by the manufacturer for the exemption is reviewed by the Pharmaceutical Services Division and that determines its validity. We also work with other jurisdictions to ensure the management of price exemptions is consistent across the country.

Another important piece of all of this is working with our other various jurisdictions across the country, and that is providing to be very valuable as well. These exemption requests are assessed on a case by case basis, Mr. Speaker, and usually occur in consultation with other provinces to ensure that the management of price exemptions is consistent right across the country. There is power in numbers, and I guess that is how we can view this. Where granted, the exemptions are reviewed on an annual basis.

Mr. Speaker, there are currently 4,200 drugs on the formulary, and this is important to note. Over the past eighteen months, over 1,100 of those drugs have received a pricing exemption. There have been a huge number of applications for that. While 1,100 may seem like a huge number, there may be a number of drugs within that 1,100 that have very strong similarities. For example, it could be a drug came off brand and twenty versions of that drug are now applying to be a generic of it, so they would all be viewed separately. That is probably explaining some of why that number is so large.

The exemptions have been approved for twenty-one different generic drug manufacturers. Each of those twenty-one drug manufacturers could be applying to make a generic on one specific brand, so you can see how that number can bloom. The fact is and why I mention it, is that the process is working and you have seen those exemptions put in place. Where it has been proved to be valid, of course that is something that is granted.

Currently, under the Pharmaceutical Services Act there are three circumstances in which a drug may be delisted from the formulary: where the manufacturer is not compliant with the price quoted upon approval for entry into the formulary; secondly, where removal of the drug is advisable in the public interest, and that is one we take very seriously; thirdly, where it is considered necessary to remove the drug. This would apply in cases where a manufacturer can no longer meet its commitment to supply the drug.

There is currently no provision in the act right now, Mr. Speaker, that authorizes the removal of a generic drug from the formulary in cases where it is listed on the formulary but does not currently comply with the Province's new pricing requirements. What we are doing here is tightening up the legislation and making sure the legislation has teeth where it is needed. I think that is what this does.

While most generic drug manufacturers comply with the new pricing requirements, we are aware that there are some products listed on the

formulary that do not meet the pricing requirements. During the briefing I had with department officials, I think the number between twenty and twenty-five are currently on the formulary right now that is not meeting those requirements. It is a very small few but it is an important few.

We are hoping by the very fact of tightening up this legislation today and giving it the teeth that will bring those back onside. We are hoping not to have to use any powers to delist medications because we have to recognize they are in business and this is what they do to make money. Certainly, they want to be on our formulary. There is a huge incentive to play ball with us and this will provide them the rules that they have to operate within. That is why this is so important today.

It is our hope that once this amendment is passed manufacturers of drugs that do not meet the pricing requirements will adjust their prices to comply with the pricing requirements rather than their products delisted. If they want to play ball, if they want to be on our formulary and that is how they pay the bills, they are going to follow the rules. We are just setting those rules up here today.

Mr. Speaker, our government is committed to ensuring that the people of Newfoundland and Labrador obtain prescription drugs at reasonable prices, period. This amendment allows us to continue our work to attain reasonable generic drug pricing for the people of our Province. I am just going to take a few moments, if I may, to summarize some of the things I had said, because it is not a huge piece of legislation but there are a few different facets to it.

This amendment is about ensuring the people of our Province can obtain generic drugs at fair and reasonable prices. That is the whole reason why we are doing this. From there we go to: this amendment to the Pharmaceutical Services Act will specifically authorize the delisting of drug products from the Province's interchangeable drug formulary that do not meet the pricing requirements for generic drugs set out in the

interchangeable drug products formulary regulations 2012.

Since April, 2012, Mr. Speaker, our government has steadily reduced the prices for generic drugs in Newfoundland and Labrador. As of July 1, 2013, the maximum price a drug manufacturer may charge for a generic drug product listed on the formulary in this Province is 25 per cent of the equivalent brand name drug price.

The new generic drug pricing strategy has provided considerable savings to the provincial government through the Newfoundland and Labrador Prescription Drug Program. We are now paying less money for generic drugs prescribed to beneficiaries of the drug program, while actually increasing the number of generic drugs covered.

Government is reinvesting a significant portion of the projective savings in pharmacies – another very important piece, as I said before. Over the four years of the current agreement with the Pharmacists' Association of Newfoundland and Labrador, we are reinvesting \$37 million in pharmacies, including \$4 million into rural pharmacies.

An additional \$26 million has also been reinvested to reduce seniors' drug costs, and we all know how very important that is. Government remains committed to ensure that all residents of the Province pay fair and reasonable prices for the generic drugs. This amendment allows us to continue our work and to guarantee the reasonable generic drug pricing for the people of our Province. That is where this all comes from, is making sure that we can provide those at reasonable prices.

Again, to reiterate, we are going to save money and we are going to be able to provide more drugs to more people. I do not see anybody standing in the House today to be in disagreement with this. They may have questions, and the member from across the way posed a few there, which is good to have that back and forth. I think everybody in the House recognizes how important this is and why it is needed. We are doing it in the best interests of

the people, and that is where all of this stems from.

With that being said, I will take my seat, but I hope to hear others stand and be in agreement with this legislation.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

I am very pleased to stand and speak to this bill today. Though it is only one phrase, it is an important bill and certainly one that I will be supporting, to respond to the member opposite, because it is for the protection of the people of the Province. I think that is what we are all here for is to make sure that our people are treated fairly.

This slight amendment and addition to subsection 19(4) of the Pharmaceutical Services Act, I think, became even more important after last year when a new generic drug cost model for the Newfoundland and Labrador formulary came into being. With the change from 60 per cent, the manufacturer being able to charge 60 per cent of the retail rate, that going down in a matter of a year to 25 per cent, I think, would have raised the issue of are the manufacturers following the new 25 per cent model.

I think it is certainly connected to the amendment because within a year, the manufacturers had to go from 60 per cent of the retail price in increments downwards to 25 per cent within one year. So monitoring that and making sure that they are complying with the changes that have happened here in the Province I think was extremely important. From that perspective, I am really glad to see this put in.

When we were briefed, we were told that it is highly unlikely that a manufacturer would go against our new price. We should assume they

would not and that they would comply with the 25 per cent of the retail rate. You always have to deal with the possibilities. The possibility of a manufacturer not complying, the possibility of a manufacturer trying to slip in under and charge more than the 25 per cent of the retail rate is always there.

It is extremely important that we now have another exemption in the list of where the minister has the power to delist a drug if necessary. One would hope that no manufacturer would run the risk of having a drug delisted that would be good for the people of the Province. If a drug is on the list, obviously one would assume it is a drug that is good for people. One would hope that a manufacturer, by going against the rules and regulations of the Province, would not run a risk of having it delisted, but one never knows.

The ability of the minister to make sure that manufacturers are complying with the new model is adding protection for the people of the Province. It was a shock last year when I learned – I did not realize until we started dealing with the issue – that we were paying the highest amount of money for generic drugs. It was really good that the Province recognized that and took action.

One of the other things that are really good in the country right now is the fact that the Council of the Federation is dealing with working together. There have been some good things that have happened because of the Council of the Federation working together to make sure that we are starting to get fairer prices for generic drugs throughout Canada.

It was a good sign that the Council of the Federation realized that if the federal government was not going to deal with a drug plan in this country to try to get the cheaper prices for people, that the ministers and the Premiers I think recognized we have to start working together to make this happen. There have been some good things that have happened because of the council working together.

In January 2013, just this year, there were six generic drugs with high volume and high profit, and we learned this today from the ministry when we had our briefing. I do want to thank the minister and the staff of the Department of Health and Community Services for the briefing we had this morning. It was very good.

They told us how in January 2013 there were six generics with high volume and high profit. Because of the Council of the Federation, there was an agreement reached for the manufacturers to pay only 18 per cent of the retail price rather than the 25 per cent of the retail price for these six drugs. The volume was so high and they were making so much money on these generics, the Council of the Federation was able to come to that agreement.

That is what working together across the country is going to mean for us when it comes to the cost of drugs. I do hope we are going to find other ways in which to work together around our health care system in the country. I think we do want to work towards having standards, that you do not have people in one province benefiting more than people in another province, as was the case with the generic drugs. It is extremely important that we have the Council of the Federation dealing with this and to know that we are now part of the standard that is trying to be set here in Canada with regard to the generic drugs.

Last year, when the new generic drug cost model came into play, there was some concern about the smaller pharmacies with regard to the speed with which it happened. I have a question for the minister that hopefully, if we do not get to talk about in second reading, we could do so in Committee. I am just wondering if there has been any evaluation of what has happened for smaller pharmacies over the past year. Has there been discussion with them and have some of their fears been allayed? Has there been a bit of a burden on them because of the speed with which we reached the 25 per cent?

I am not aware whether or not there have been discussions to look at what the impact has been. I do look forward to maybe discussing with the

minister in Committee to see what has happened because it was fast. There is no doubt about it. I do not know if some of the issues that were raised by the smaller pharmacies, if those negative impacts came to bear on them or whether or not they have actually moved all right within the new model and things have gone all right for them. I think it is a necessary discussion to have because it is completely related to the new model and the speed with which the pricing was brought in.

I am not going to go on for the sake of going on. My colleagues have given all the background, and the minister gave the background. I do not think I need to do that again. The only thing I would like to point out is it is unfortunate that we are going to see in Canada that generic drugs – it is going to be a longer period of time before patents are changed on new drugs, and the patented drugs can become generic drugs because of the CETA deal; which means that when it comes to drugs that are still patented, both people in Canada in general and people here in Newfoundland and Labrador are going to have to wait two years longer before they can expect cheaper prices for drugs that are still patented, and that is very unfortunate.

In some ways we have gotten something positive for the people of the Province by bringing the limit down to 25 per cent, the limit for which a manufacturer can charge for a generic drug, 25 per cent of the retail rate. That has been a positive, but now when it comes to patented drugs that are still patented we are going to have to wait two years longer before we can have generics based on those patented drugs. That is most unfortunate, and I do not care whether that happens next year or five years time or ten years time, it is still going to be a negative when that happens.

Having said that, Mr. Speaker, I am happy to vote for this bill, it is very necessary. No matter how distant the possibility is that a manufacturer may go against our regulation with regard to 25 per cent, we now have the protection there. It would be good to hear from the minister. I did not ask this question this morning when we were briefed but I will ask the minister now, and

whether she answers now or whether she answers in Committee it would be a discussion to be had. What will be the process for the monitoring?

I am sure monitoring is already going on but now that we have this new piece going into the act, it would be good to know how consistent is the monitoring with regard to what manufacturers are charging for the generic drugs. If there is a process in place, I think it would be helpful for the public to know what that process is. I am sure the minister will give us details here on the floor of the House of that process so the public knows how they are going to be protected, so that the government then will be in compliance with the regulation that will be going into the act.

Thank you very much, Mr. Speaker.

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

SOME HON. MEMBERS: Hear, hear!

MR. O'BRIEN: Yes, Mr. Speaker.

I would like to take a few moments in regard to an Act To Amend The Pharmaceutical Services Act, Bill 10. This is just a small change in regard to the act itself but it is quite important to the people of the Province, because this act is all about putting more money into the pockets of Newfoundlanders and Labradorians, especially in the senior area of our population base.

I was a pharmacist, practiced as a pharmacist for thirty years prior to being elected as the MHA for Gander. I can safely say that the higher percentage of my prescriptions came in regard to seniors. This protects them in regard to the generic pricing that we have been able to establish over the last number of years under this act.

I know people have stood in their places in the House and referenced the 25 per cent of the equivalent brand name pricing and this kind of stuff, but there is an area there that the minister needs, and the department needs to give strength

to the act in regard to having a drug delisted if they are not complying with the act. If you do not have that kind of strength within the act itself, it defeats the purpose and actually weakens the act in itself. Then you do not have the control you need in regard to being able to deal with the generic manufacturers.

The other piece I want to mention as a pharmacist, and I am quite sure I am correct in saying this. That the minister and her department meet with PANL. I know there is a committee that has been established between the two groups, our government, the Department of Health, and also the people of PANL. They are doing great work for the pharmacies across the Province.

When they are doing that kind of work, they are also doing great work for the people of the Province, Mr. Speaker. That has to be said as well, because pharmacists, as one of the hon. members across the House mentioned, provide a lot of services to the residents of, not only the community they might have their pharmacy in, but also to the region, because a lot of people travel from other areas in the Province, other municipalities, to get their medications.

I was listening carefully to the Leader of the Third Party. She referenced the CETA deal in regard to the pharmaceutical portion of that. She referenced that Newfoundlanders and Labradorians might be compromised in regard to when a drug would be introduced to the generic listing.

I think in the CETA deal, it was once talked about, is given a five-year exemption. We settled at two, but the important thing you have to say here is that it only kicks in if there is any kind of a delay in regard to introducing that generic medication to the act. If there is a delay and we have to honour the two years, the federal government will compensate for that.

So there will be no impact on the people of the Province. You cannot get it confused. It will not have any impact. It is just the piece of CETA that you have to understand. I think it was a good piece of work that was done by the

Department of Health and the Minister of Health as well, in making sure the people of the Province were protected in regard to the generic drugs that a lot of pharmacies across the Province provide to their patients and to the residents.

Mr. Speaker, as I referenced before, I have been a pharmacist. I was a pharmacist before this life, practicing pharmacy for thirty years. Through the changes we have made, our government has been able to reinvest about \$37 million in pharmacies throughout this Province. Most of those pharmacies are in rural Newfoundland and Labrador. That investment was made, that commitment was honoured when we readjusted and amended the pharmaceutical act a couple of years ago. There was a lot of chatter in this House, as well as on the Open Lines and that kind of thing in regard to how that was going to impact rural Newfoundland and Labrador.

In my world and my connections to that service industry is that it has not had an impact in regard to closures or anything like that. These pharmacies are still providing those services. Those pharmacies are still employing Newfoundlanders and Labradorians and making a profit.

That investment was certainly welcomed and I compliment the Minister of Health for making that investment and honouring that investment right straight into those pharmacies, which also includes about a \$4 million subsidy for rural and remote pharmacies as well. In addition to that, \$26 million has also been reinvested to reduce seniors' drug costs. That is all important. As a matter of fact, through the whole process we have been able to add drugs to the formulary.

In regard to monitoring and making sure that we have the desired impact, I must compliment the people who work, the public service, in the Department of Health in the Newfoundland and Labrador Prescription Drug Program. I dealt with those people pretty well my whole entire career as a pharmacist and I commend them for the great work they do.

They monitor all the time. They evaluate all the time. They come forward with suggestions in regard to improving the act. They help pharmacies to deal with any of the unique issues that might happen in regard to a medication that was written as a prescription for a patient and they do great work. They are working all the time in regard to making sure of that. That is an ongoing process that happens within the Department of Health as well.

Mr. Speaker, I wanted to just get on my feet here and have a few words in regard to this important piece. Like I said in my opening remarks, it might be referred to as a simple amendment, but I believe it is a really important amendment because it certainly strengthens the act and makes sure that generic manufacturers are compliant with our act and our listings. If they are not, then you would delist them. Then that inheres the strength of the act in itself.

Mr. Speaker, I will certainly take my place in the House here and I commend the minister for her great work in regard to the Pharmaceutical Services Act.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Speaker, for the opportunity to speak to An Act to Amend the Pharmaceutical Services Act. I certainly thank the Minister of Health and Community Services and her officials today for presenting a briefing and going into detail of the act itself. I will try not to be repetitive as to what has been mentioned by other members who participated in the debate.

Based on what has been provided by the Minister of Health and her Parliamentary Secretary, when we had debated other pieces of legislation that changed the generic drug formulary, the amount, it appears there is going to be about \$40 million in savings. That is something at the time in which I stood and supported in the House of Assembly.

The act itself does allow the minister to remove pharmaceuticals that do not match the government's generic pricing formula model of 25 per cent. That was primarily the discussion in the briefing, but I may have some concerns as to other drugs that may as well come off the formulary. There are other drugs that are there that could be delisted for one reason or another. I was not really clear in the briefing as to what the process would be when a drug, for example, may be delisted. That is something that I would like to know and I may ask those questions when it gets to Committee.

The formulary itself plays a very pivotal role in the provision of patient care. The listing of new drugs really needs to be the priority and not looking at delisting as the key priority I would think. In some situations, I could see where one is looking at delisting a drug, the actual pharmaceutical company that is manufacturing that particular drug could contact – they could kind of create or rally patients who are using this particular drug around a campaign saying that this drug is an effective drug and it is needed. It could create a fear in the general population, even if there is a complementary drug on the formulary.

I just put that out there that if drugs are being delisted, they could be faced with negative campaigns by other pharmaceutical companies and create further problems just on a go-forward basis for the Department of Health and Community Services. We would not want to be tying up our resources in having to combat those types of campaigns that may happen. Maybe the minister has a response for that particular situation. It is something that may happen that could come with delisting, other than what has already been talked about.

I am a little concerned around the cost of reviewing drugs for delisting, and the types of resources that would be applied to this actual delisting. Something like that could be very time consuming. If we look at 4,200 drugs that are currently on the formulary, a lot of them I would think are very similar, the generics. They could be what are classified as the me-too drugs;

they have very similar effects and they provide a very similar purpose.

If we are reviewing one and a manufacturer is not in compliance, how much resources are going to be applied to that and what, really, is the systematic review? There was not a clear process, only the discussion around if a manufacturer is not in compliance of the 25 per cent for generics right now. It did not go into any other detail of looking at brand drugs that are on the formulary or others, because this legislation is not saying that a brand drug also could not be delisted. I would like clarification on that.

There really does need to be some form of a transparent and systematic process for review when we are looking at reviewing the drugs that would be no longer listed on the formulary. Looking at the regulations itself, there was a list of a review committee appointed for the pharmaceutical audit review. Would they have the authority, these individuals, to review that process upon matters referred to by the minister? I am just wondering if there is some form of oversight, because there are reasons why a drug may be removed, but I think there needs to be an adequate analysis of looking at the harm-to-benefit analysis.

The Province of Ontario had majorly overhauled their legislation when it comes to generic drugs and when it comes to how they remove a drug from a formulary. One of the things that were looked at was a harm-to-benefit test for something like Avandia, as well as a cost-benefit analysis when it looked at diabetic test strips. Then, they had another situation where when is enough, enough, these me-too drugs.

There are many generic drug companies that once a drug becomes generic the ingredients are available, they are there, and basically any company can be producing them. So, they could be going in and providing those drugs. How many of them are actually needed on the formula that is repetitive, how much competition?

Those are all things to consider because passing this legislation as it is, in my interpretation of it, and maybe the minister can clarify, it could create a situation where a number of drugs could be removed or there could be restrictions to some competitions. I know that the Minister of Health and Community Services certainly wants, as I want, as other members of the House want, to make sure that we have the most cost-effective and efficient drug formulary of which we are able to look after and take care of the people of the Province in a robust drug program that we have in Newfoundland and Labrador, whether it be through the NLPDP or through other means of which the general populous avails of a drug program.

In the briefing it had talked about how the department has worked with all counterparts federally to get the six most used prescription drugs down to 18 per cent of the brand cost, which is even lower than the 25 per cent. That is very important when we look at that, because those are certainly means for significant cost savings, as well as initiatives which the government has been looking at with Atlantic counterparts to look at bulk buying of drugs. These are good initiatives and we need to be doing more of that.

I encourage the minister on the work that has been done to date because it has been very positive in terms of trying to find a means to create a very sustainable system as to how we deal with prescription drugs in Newfoundland and Labrador; however, this change, I guess, when asked about it and asked about it in other jurisdictions: Did the minister have this type of authority or similar mechanisms, where the bill was being modeled for cross-jurisdictional review, the answer provided was not as thorough. It noted that many different jurisdictions are using different forms of legislation and our Province's need to meet them is a bit more unique.

I may have further questions on that in Committee because we want to make sure that when we do implement legislation we are ensuring that there are standards. If there is a consistency across jurisdictions, that is certainly

something that is important. I do have confidence that the Minister of Health and Community Services would be proceeding in good faith, as was provided in the briefing, that if a manufacturer is not in compliance, and an example was given, then it is reasonable to delist a prescription drug.

The authority is very broad ranging when it comes to delisting. I would like some further clarification on the market regulations that might not raise potential prices and hurt consumers by limiting, in some cases, competition of generic, or whether it be other drugs and their prices.

There was listed that there were cases where there were exemptions, and they are certainly going to be reviewed. I understand there has to be exceptions to looking at such a comprehensive formulary and interchangeable drug formulary that we would have. I think there are mechanisms in which we can continue to get best value for health care. The past piece of legislation, if we are seeing \$40 million in savings, I certainly would welcome any documentation to show that would be very possible.

As other members stated, I believe it was the Member for Burgeo – La Poile. I think there are further things that can be done for health care savings. Like expanding the scope of practice, such as the consultations that were mentioned by the Parliamentary Secretary, the \$4 million reinvested in rural pharmacies to allowing a limited number of consultations in their practice.

There may be further things that can be done as in other jurisdictions, like the administering of injections or other consultative processes that the role of the pharmacist can play. I think there are a lot of things we can be doing around the prescription drug program that can be an enhancement, that we can have savings, and we can make sure that those most vulnerable and the general population are looked after in medication.

I thank the Minister of Health and Community Services for continuing to bring forward progressive pieces of legislation, but I do have

questions. Some of them you may be able to answer now or take some time, and I may have further questions in Committee. I thank you for the opportunity to speak to this piece of legislation on the Pharmaceutical Services Act.

Thank you, Mr. Speaker.

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

MR. KIRBY: Thanks, Mr. Speaker.

I will just have a few words to say to Bill 10, An Act To Amend The Pharmaceutical Services Act. I thank the minister as well for being generous enough to make her officials available to chat with us this morning about this.

It is pretty simple, it is pretty brief, but I think it is an important change. It is important that we do manage to control the cost of generic drugs so that we might be able to reduce the cost of pharmaceuticals for those who need them, especially people who are living below the poverty line, low income, for seniors, and for working families, for people who are at the middle income and just struggling to get by in a lot of cases. There is a good argument to be made that seniors need to have access to generic drugs, and those are drugs that have just come off patent protection and thus become generic.

I was really interested to hear more about the formulary here in comparison to other provinces, since it is the case that the drug formulary in Newfoundland and Labrador applies to all citizens of the Province. Whereas in a number of provinces in Canada it only applies to those individuals who are eligible for the equivalent of the NLPDP, basically the publicly subsidized prescription drug program.

This is an important measure. I think we also have to make sure that down the road we always guard against increases in copayments and things like that for seniors and other individuals on fixed incomes. I think this really fits neatly into an effective pharmaceutical strategy and keeping drug pricing affordable for people in the Province.

I am sure there are other ways, though they do not come to mind. I expect that your officials in the department probably have other ideas for how we can seek out other efficiencies and to have greater cost containment in the area of prescription drug pricing in the Province. I am sure other jurisdictions across the country and in North America are looking at other ways to keep things more affordable to people.

I wanted to also say, I noted that while the Speaker questioned whether or not it was in order, I noticed a number of the previous speakers had mentioned CETA and how this applies to this. As far as I am concerned, this bill here, Bill 10, has nothing to do with CETA.

I was interested to hear that Thomas Mulcair, the Leader of the New Democratic Party federally has endorsed CETA in principle and is waiting to see what the results, the fine detail, the fine print, if you will, is going to be on the CETA agreement. As we all are here, but I am not sure what the other fellow who is the federal leader up there is thinking about CETA. I think it was an important thing to note, that it is not only the federal government that has been looking to the Europeans to get a better trade agreement.

I say again, Mr. Speaker, I do not think that has anything at all to do with Bill 10. With that, I will take my seat.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: If the hon. the Minister of Health and Community Services speaks now she will close the debate.

The hon. the Minister of Health and Community Services.

MS SULLIVAN: Thank you, Mr. Speaker.

Mr. Speaker, I am happy with the comments I have heard this afternoon. I want to thank everyone who spoke to this particular bill, An Act To Amend The Pharmaceutical Services Act.

This, Mr. Speaker, essentially is about ensuring that the people of the Province obtain the lowest and the fairest generic drug prices that we can possibly provide here in the Province. It is about tightening up a bill that we had brought into the House about eighteen months ago now, with that small little amendment. It is, again, about assuring the people of the Province that, for the foreseeable future, we are going to commit to ensuring that they will pay the lowest prices possible.

Mr. Speaker, we know that for many, many years here in this country but particularly in Newfoundland and Labrador we were paying far too much for our generic drugs, and so this bill simply will tighten up that to ensure that we can get the cost down to where they ought to be.

There were a few questions that came up when members from the other side spoke. I appreciate their questions and I will try to answer them here, if I can. The first question I think was raised by the Member for Burgeo – La Poile around CETA where he said that he is hearing that it will cost the Province somewhere between \$35 million to \$40 million.

Mr. Speaker, I have no idea where that information would have come from. He did mention that he had been talking to some pharmacists around the issue. I would just like to remind him that pharmacists did not negotiate the CETA deal, Mr. Speaker. We had a full suite of negotiators involved, as did the federal government, and what I can tell you are that there will be no cost to the people of Newfoundland and Labrador as a result of the deal, as a result of CETA.

SOME HON. MEMBERS: Hear, hear!

MS SULLIVAN: Mr. Speaker, the particular exemption that both the Member for Burgeo – La Poile and Quidi Vidi – Signal Hill referred to, because they both mentioned this, I just want to speak to that for a second. Throughout the negotiating process the European Union would have liked an extension of five years in terms of being able to bring a product to market. Oftentimes, through our regulatory process, it is

eight to ten years, but quite often it is twenty years before a product actually comes to market.

What was negotiated throughout that process is as simple as this – and we agreed on two years incidentally, not five, through the CETA negotiations. If it happens that it takes longer than that period – in other words, up to two years – if it can be proven that the delays occurred on our end, the federal government will compensate provinces and territories so that there will be no increase in cost and no impact at all for the provinces and territories, Mr. Speaker.

Now, Mr. Speaker, I have that in writing, if the members from the other side would like to have that. That is the negotiation that took place. I see the Member for Burgeo – La Poile making a note. I am sure he will ask me to table that, and I would be happy to table that information that I have in writing because it is important for the people of the Province not to be scared away by this, not to be fear mongered about the CETA deal because in actual fact there is nothing to be worried about.

There will be no incremental costs to provinces and territories as a result of this deal. If through that process of bringing product to market there is an issue, then the federal government will compensate provinces and territories. Mr. Speaker, that is where that rests.

Mr. Speaker, there was a question as well or a comment from the Member for Signal Hill – Quidi Vidi with regard to the formal evaluation of the generic drug program, and that is a very good question as well. We have ongoing dialogue always with PANL. In fact, the last meeting with PANL was last week and we continue to have that. There is a separate committee set up as well around the generic drug pricing and what we can do. So the discussions are ongoing.

As my colleague, the Member for Gander, indicated, there is a \$4 million fund that we are using to invest in rural and remote pharmacies as well, as a result of the savings that were achieved. Mr. Speaker, that is a significant question and it is a worthwhile question, but I

want to assure the people of the Province and the member opposite that we have ongoing dialogue with PANL around these particular issues.

There was a question asked as well, and I believe again it might have been the Member for Signal Hill – Quidi Vidi, with regard to the monitoring to make sure we are getting the best prices. I can tell you that we are doing that; we co-ordinate through a committee that is called the Pan-Canadian Pricing Alliance, to ensure that we are getting the best prices that we can.

We also co-ordinate with the other Atlantic Provinces, and then, as the member referenced herself, through the working group that is set up as a result of CADTH. We also have a committee there that does some monitoring. We are very careful to ensure that monitoring happens to ensure we are getting the best prices we possibly can.

There were some questions around how drugs are delisted. Certainly, I want to make it really clear, when the Member for The Straits – White Bay North was speaking, we distinguish between NLPDP and the interchangeable drug formulary as well because they are in fact two different things. In terms of the delisting, I want to make it clear as well to the people of the Province that we would not delist a drug if it was the only drug that was available at the time.

Obviously we want to ensure the patients of Newfoundland and Labrador get the medications that we need, so we would certainly never delist a drug if it were the only one. They would only be delisted where there is no impact at all on patients in the Province and on the availability of a particular class of drugs. That would be the only time.

That is why, when we talk about whether or not the minister has authority to do this, authority would be there but obviously we would be very careful about doing that. We do not anticipate having to do this very often, if at all, Mr. Speaker. At this point there are only about twenty-five drugs that are eligible for delisting at this point in time, but discussions are ongoing and I expect that that will not have to happen. It

is something that we want to be very careful about.

There was a question as well around asking if other jurisdictions had any kind of legislation or policy in place around the issues. Yes, all of the other jurisdictions have either legislation or policy, depending on which province we are talking about, they have that in place to ensure compliance with their own particular generic drug pricing formularies.

In terms of competition – and I understand the question that is coming from the Member for The Straits – White Bay North – we have to remember that we are a pretty small Province here in Newfoundland and Labrador. I would be much more concerned about that issue if I were in a larger province like Ontario or British Columbia; but again, as a result of the work that we are doing throughout the country in terms of trying to co-ordinate the work that is happening, there is a very keen eye on all of that as well. It is a very good question, but I can assure the member opposite that it is something that we all keep our eye on.

Mr. Speaker, I think that addressed all – at least, I hope, all of the questions and concerns that came up through the debate, but if there are more I would happy to try to address those in Committee. For now, I will take my seat in hopes that we are all going to support this piece of legislation. If I understood the speakers opposite, I think that is in fact what will happen here today.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Is it the pleasure of the House that the said bill be now read a second time?

All those in favour, ‘aye’.

SOME HON. MEMBERS: Aye.

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

Carried.

CLERK: A bill, An Act To Amend The Pharmaceutical Services Act. (Bill 10)

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

MR. KING: Now.

MR. SPEAKER: Now.

On motion, a bill, “An Act To Amend The Pharmaceutical Services Act”, read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 10)

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

MR. KING: Thank you.

Mr. Speaker, I move that the House resolve itself into a Committee of the Whole to consider Bill 10.

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

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

All those in favour, ‘aye’.

SOME HON. MEMBERS: Aye.

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

Carried.

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

Committee of the Whole

CHAIR (Littlejohn): We are now considering Bill 10, An Act To Amend the Pharmaceutical Services Act.

A bill, "An Act To Amend the Pharmaceutical Services Act." (Bill 10)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The hon. the Member for Burgeo – La Poile.

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

While we are here in the Committee stage, I just want to ask a question of the minister. She made some commentary about CETA. I just want to confirm or clarify, that there will be absolutely no negative impact on this Province as it relates to the CETA deal when it comes to the pharmaceutical side?

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

MS SULLIVAN: Mr. Chair, I have been assured that there will be no negative impact. I have had correspondence from the federal health minister that should there be any financial impact as a result of the regulations that have been put in place, the provinces and territories will be compensated.

CHAIR: The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: Thank you, Mr. Chair.

I thank the Minister of Health for answering my questions in the last response and giving that information.

In one of her responses she had noted that there was, I believe, twenty-five drugs that are potentially up for delisting. Is that information you could provide for the House, or provide to my office, the list of potential drugs that would be up for delisting?

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

MS SULLIVAN: Certainly, Mr. Chair.

I just checked, I do not have the list here, but certainly I would be happy to provide that to you.

CHAIR: The hon. the Leader of the Third Party and Member for Signal Hill – Quidi Vidi.

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

The minister did answer a question that I had asked, but I would like to push that question just a little bit further. It had to do with the impact in 2012, last year, when the changes were made to the cost of drug model. There was some concern put out by the independent pharmacists, and I did ask whether or not the minister knew if any of their fears had come to play, and if there had been negative impacts on them so far with the changes that have been made.

I know the minister commented on that and did talk about how she is in constant communication with PANL. I know the independent pharmacists are represented on PANL, but they also have a separate body. I am just wondering if there has been any specific discussion with regard to the specifics of what I asked in terms of the concerns about negative impacts on them and whether or not they have done any assessment of how things are going.

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

MS SULLIVAN: Thank you very much, Mr. Chair.

Mr. Chair, we have met regularly. We talk about how things are going in terms of where the generic drug pricing plan is now in relation to pharmacies, pharmacists and so on. They have brought forward a report to us. We are reviewing that report and in consultation with them around that report, around other things that we can do.

We hear some conversation around cognitive enhancement and other services that can be provided by the pharmacists within their own practices. We are reviewing all of those, Mr.

Chair. Some of them are fairly easy for us to take a look at, some of them not so easy because they involve legislative changes. They may involve additional education. They may involve more training, et cetera, et cetera.

Mr. Chair, we are working through that report. That is the kind of toing and froing that we have done. Those are the kinds of conversations we have been having with the PANL group and the committee that has been set up as well to look at those issues.

CHAIR: The hon. the Member for Signal Hill – Quidi Vidi.

MS MICHAEL: Thank you, Mr. Chair.

I am just wondering if that is a report that can be made public, minister.

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

MS SULLIVAN: Thank you, Mr. Chair.

Mr. Chair, that is not my report. That would be PANL's report. I suspect that if you asked them they would certainly make that public.

CHAIR: The hon. the Member for The Straits – White Bay North.

MR. MITCHELMORE: The minister in her last response – and I certainly would thank her for the information she has agreed to provide.

I would just like further clarification on, what was the systemic process of how you came up to the number that these prescription drugs would potentially be up for delisting? What type of actual cost was associated, the financial resources, or staffing resources that came to that conclusion? If we could have an overview as to how that number was actually tabulated, it would provide greater clarification.

I think going forward, this could come up again. We need to be clear as legislators here in this House if there is an open and transparent process

as to how you determine if a drug could potentially be up for delisting.

Thank you.

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

MS SULLIVAN: Thank you, Mr. Chair.

Mr. Chair, when we are talking in relation to this act as to how a drug could be delisted, then obviously it has to do with not meeting the pricing arrangement that we have met, which is 25 per cent of brand. In terms of others, there are a number of different criteria related to different drugs. If he would like I can provide that to him, or I could have staff address that with him on a one-on-one basis if the member is interested in that.

CHAIR: Shall clause 1 carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, clause 1 carried.

CLERK: 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: A bill, An Act To Amend The Pharmaceutical Services Act.

CHAIR: Shall the title carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, title carried.

CHAIR: Shall I report the bill without amendment?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

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

CHAIR: The hon. the Government House Leader.

MR. KING: Thank you, Mr. Chair.

I move that the Committee rise now and report Bill 10, An Act To Amend The Pharmaceutical Services Act.

CHAIR: The motion is that the Committee rise and report Bill 10, An Act To Amend The Pharmaceutical Services Act.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

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

MR. SPEAKER (Verge): Order, please!

The hon. the Member for Port de Grave, and Deputy Chair of Committees.

MR. LITTLEJOHN: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 10 without amendment.

MR. SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 10 without amendment.

When shall the report be received?

MR. KING: Now, Mr. Speaker.

MR. SPEAKER: Now.

When shall the bill be read the third time?

MR. KING: Tomorrow.

MR. SPEAKER: Tomorrow.

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

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

MR. KING: Thank you.

Mr. Speaker, at this time I want to call Order 5, second reading of a bill, An Act To Amend The Highway Traffic Act No. 2. (Bill 13)

MR. SPEAKER: The hon. the Minister of Service NL

SOME HON. MEMBERS: Hear, hear!

MR. CRUMMELL: Thank you, Mr. Speaker.

I move, seconded by the Minister of Child, Youth and Family Services, that Bill 13, An Act To Amend The Highway Traffic Act No. 2, now be read a second time.

MR. SPEAKER: It is moved and seconded that Bill 13 entitled, An Act To Amend The Highway Traffic Act No. 2 be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Highway Traffic Act No. 2." (Bill 13)

MR. SPEAKER: The hon. the Minister of Service NL.

MR. CRUMMELL: Thank you, Mr. Speaker.

Mr. Speaker, the Motor Registration Division of Service NL is responsible for highway safety initiatives in the Province through the Highway Traffic Act and its regulations. The Highway Traffic Act regulates drivers and the use of vehicles on roadways, aiding the enforcement of vital safety standards that protect the travelling public. The act is a very significant piece of legislation and has been amended on a regular basis since its enactment to improve highway safety and to adapt to changing conditions.

Mr. Speaker, today we are bringing forward several amendments to the act, principally to address a number of emerging issues that pose potential dangers to drivers, passengers, and pedestrians on our roads. These amendments will further protect Newfoundlanders and Labradorians with legislation that is more clearly defined and will aid police agencies in the enforcement of existing safety laws.

I would like to take a little bit of time to go into some details of our proposed amendments. Firstly, we will amend section 2 of the Highway Traffic Act to define a slow moving vehicle and then add a new section 111.1 to the act to prohibit such vehicles from travelling on a highway where the speed limit is greater than eighty kilometres an hour. There are a few exceptions to this provision to account for necessary work in snow clearing, road maintenance, or road and sidewalk construction.

With the increasing amount of traffic we have seen all across our Province in recent years, Mr. Speaker, I am sure many Newfoundlanders and

Labradorians will welcome this change with open arms. A slow moving vehicle such as a backhoe or a front-end loader travelling on a busy highway can create a significant bottleneck and also may cause traffic moving at highway speeds to brake quickly or attempt to change lanes suddenly. This can and often does create a safety issue for everyone involved. That is why we have brought this important amendment forward today. While it is recognized that it may inconvenience some industrial users of these vehicles, we believe that safety is an overriding principle.

I should note that this prohibition will not apply to bicycles or power-assisted bicycles as they normally travel on the side of the road rather than lanes of traffic, or to antique motor vehicles not capable of normal speeds, which would be rare users of the roads. As well under certain conditions in some areas of the Province, special permits may be given for farm and forestry vehicles to move short distances where there are no acceptable alternate routes.

Secondly, Mr. Speaker, emergency vehicles will be required to stop at all red lights and stop signs to ensure it is safe to proceed through an intersection. This more closely aligns the legislation with existing policies already in place by regional health authorities and police agencies, and it is designed to avoid collisions between emergency vehicles and other traffic at intersections.

By including this directly in the Highway Traffic Act, all users will know and clearly understand the requirements for emergency vehicles that are responding to an emergency situation. Operators must not exceed the speed limit or proceed past a red light or a stop sign unless sounding an audible signal such as a horn or a siren and showing a flashing red light, if the emergency vehicle has one.

The amendments in this bill will also stipulate that the number of occupants in a vehicle is not to exceed the number of seat belts available and passengers will be prohibited from being transported unsecured in the rear bed of a pickup truck or a similar flatbed vehicle. The number

of seat belts in a vehicle is the maximum number of passengers who can travel safely in that vehicle.

Although this may be common sense, there is a current gap in existing legislation on this point. It stands to reason that in the event of a collision if four or five passengers are piled into the back seat, the ones without seat belts face a higher probability of injury or death.

Mr. Speaker, the same rationale can be applied to passengers riding without a seat belt in the open bed of a pickup truck or in a flatbed trailer. I know this is something we have seen in this Province years ago, and I remember a time when it was all too common to see a number of passengers riding in the back of a truck on the highway; however, safety consciousness has evolved over the years while speeds and the amount of traffic on our roads have increased and safety must always be our number-one priority. The truth is that if and when something unexpected occurs, those riding in the backs of these vehicles are completely vulnerable and almost certainly will sustain injuries.

We do recognize that it is common for people working on farms harvesting produce in the fields, so this will be an exception as private farm properties, not generally accessible by public vehicles, would not be considered a public highway.

Mr. Speaker, we are also proposing that the reported action and damage level be increased from \$1,000 to \$2,000. This means that in the event of a collision where the level of damage to property can be estimated to exceed \$2,000, a report must be made to the police. This increase will reflect the normal inflation that has occurred over time and help to reduce the need to occupy police resources for minor incidents.

Lastly, Mr. Speaker, we are including a more specific definition of a school zone that will clearly define it as a portion of highway between the posted signs that indicate a school zone. A new subsection states that except where a lower speed limit is prescribed, a person shall not travel at more than fifty kilometres an hour in a

school zone, unless otherwise posted. This subsection will only apply between the hours of 7:00 a.m. and 5:00 p.m. on days when school is in session. Currently, the restriction is from 8:00 a.m. to 5:00 p.m. Again, I must emphasize, Mr. Speaker, if signs are posted below that fifty kilometres an hour, those signs stand as the law.

We are extending the time to 7:00 a.m. to reflect school activities in some areas. These more clearly defined provisions will allow enforcement officers to more effectively identify a violation and deal with it accordingly, which in turn will provide enhanced protection for our children. This goes hand in hand with amendments we made to the Highway Traffic Act in 2010 to double the fines for speeding in school zones. School zones are meant to be safe places for children – although we do our best to teach them to look both ways when crossing the street, they do not always remember. Speeding in a school zone means you may not be able to stop fast enough if a child darts out into traffic. The results could be devastating for everyone involved.

As I mentioned earlier, safety should be our main concern. These amendments will help us in ensuring that our roadways are safe for all users. I must note that safety is everyone's responsibility. We can put legislation in place, but we all have to follow safe driving practices. The consequences of not doing so can result in serious injury or worse. Any incident is one too many, Mr. Speaker.

In conclusion, these amendments arise from our own internal review of our legislation, as well as in response to a number of safety and enforcement related concerns raised in discussions with our Province's policing agencies. We hope that these changes will result in more effective enforcement of safety legislation, and will provide enhanced protection for the public in Newfoundland and Labrador.

Mr. Speaker, I look forward to the debate that is to follow.

Thank you.

MR. SPEAKER (Littlejohn): The hon. the Member for St. John's South.

MR. OSBORNE: Thank you, Mr. Speaker.

Mr. Speaker, I would venture to guess that all members of the House are going to support this particular piece of legislation. Safety is the most important issue, and these changes to this legislation will help promote safety.

What we are seeing here, Mr. Speaker – and I will just read the Explanatory Notes from the legislation before I start my general comments. “This Bill would amend the Highway Traffic Act to define a school zone and prohibit speeding in a school zone; prohibit slow moving vehicles from being driven on a highway with a speed limit of greater than 80 kilometres an hour; require emergency vehicles to stop at a red light or a stop sign before proceeding through it; limit the number of occupants in a vehicle to the number of seat belts in that vehicle; prohibit passengers from riding on a portion of a vehicle that is not designed or normally used for carrying passengers; and increase the reportable accident damage threshold to \$2,000.”

Mr. Speaker, in school zones, I think we will all agree the safety of our children is of utmost importance. To increase the time limit from 7:00 a.m. to 5:00 p.m. to ensure that children are safe is a wise decision. It is a piece of this legislation and a change to this legislation that I welcome to ensure speeding fines are doubled, which was in a previous piece of legislation, but to extend the hours so that we ensure that we have to recognize speed limits within school zones is important.

I remember driving on the Outer Ring Road during rush hour and a lineup of traffic behind a front-end loader that was used for farming purposes. That can be just as dangerous as somebody speeding on the Outer Ring Road. It can cause accidents. When you see a lineup of traffic behind and people in a rush to get to work and trying to squeeze out around that slow-moving vehicle into the outer lane or the passing lane where vehicles are going much faster, can certainly be dangerous.

The change to the legislation which will prohibit slow-moving vehicles from being driven on a highway with a speed limit of greater than eighty kilometres an hour is also a very wise change to this particular piece of legislation. I remember thinking to myself that we should bring in a regulation change to ensure that slow-moving vehicles are not permitted on highways.

Indeed there are other routes that these slow-moving vehicles can take, other than a highway such as the Outer Ring Road. It is a longer commute for those slow-moving vehicles, but certainly in rush hour to have a slow-moving vehicle on a highway such as the Outer Ring Road is very dangerous indeed.

It is often reported in the media when you see a police vehicle or another emergency vehicle on their way to an emergency call go through a red light. From time to time we hear of accidents because of that. They are in a rush to get to where they are going and a motorist travelling through the green light unaware that there is an emergency vehicle coming through the red light and end up getting T-boned.

This change to the regulations or to the legislation is welcome again, requiring that emergency vehicles stop at red lights and stop signs before they proceed through it. That will save lives and prevent unnecessary accidents. We all understand the need for emergency vehicles to respond as quickly as possible to an emergency call; but when they come to an intersection with a red light or a stop sign, they should be required to stop for the safety of everybody going through that intersection, not just other motorists but pedestrians as well.

Limiting the number of occupants in a vehicle to the number of seat belts – obviously, a vehicle was designed to carry a certain number of passengers and we should limit the number of passengers in that vehicle to the number of seat belts. One of the laws that are on the books and we often see people still driving without seat belts – and I know that there are special circumstances in which people are not required to use seat belts or do not have to use seat belts,

but there are still a number of people driving or passengers who drive without seat belts.

One of the things that irritate me to no degree is driving along and seeing children sitting in the back seat and hopping up and looking out the back window, bouncing around the back seat, obviously not in a child seat or a booster seat or a seat belt, and the parent or the driver of the vehicle having absolutely no regard.

While it is already a requirement by law that individuals use seat belts in the Province and I know that we cannot possibly stop every vehicle where people are driving without seat belts, that is certainly a concern, Mr. Speaker. To change the law to say that the number of people in a vehicle cannot exceed the number of seat belts is certainly a policy that I agree with.

Prohibiting passengers from riding in a portion of the vehicle that is not designed – we do not often see people sitting in the back of a pickup truck now. I know when I was younger it was a very common occurrence; you would see pickup trucks driving along a city street or even on the highway with people sitting in the back. I cannot believe that we actually allowed that to happen twenty or twenty-five years ago, but we did.

You still see it from time to time, very seldom, but you still see it from time to time. Especially on side roads or in areas that are less populated, but you still see it on public roads where people sit in the box of the truck. I am surprised actually that it is this long since government has put that into law, to prohibit passengers from riding in a portion of the vehicle that is not meant or normally used for carrying passengers.

I am just about to wrap up my comments, but the other aspect of this is to increase the reportable accident damage threshold to \$2,000. I would say that that will cut down on a great deal of unnecessary work for police forces, where those resources can be used for more important things. The \$1,000 limit has been on the books for years and years and if you compare the \$2,000 limit today to \$1,000 limit of ten, fifteen, or twenty years ago, it is probably only keeping par with

the cost of inflation on repairing these vehicles anyway. This is a sensible improvement to the legislation as well.

Mr. Speaker, I will be supporting the legislation and I am sure that all members on this side of the House will as well.

Thank you.

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

MR. LANE: Thank you, Mr. Speaker.

Certainly, it is a pleasure for me to stand in this hon. House again today and speak on this proposed piece of legislation.

Mr. Speaker, I say to the Member for Burgeo – La Poile that I was a little disappointed that I did not have the opportunity to enlighten him, as he requested during the last bill, on the amendment to the Pharmaceutical Services Act, particularly section 19(4)(a)

MR. SPEAKER: I remind the hon. member we are speaking to Bill 13.

MR. LANE: Thank you, Mr. Speaker.

I will enlighten him on the Highway Traffic Act instead and maybe next time we will talk about that or maybe CETA; I can enlighten him on that for sure as well.

Anyway, Mr. Speaker, as has been said I think there is nobody in this House really who would not support this. I think this is a great piece of legislation. It is all about safety. It is all about amendments to the Highway Traffic Act. I believe there are approximately seven or eight sections, if you will, of the Highway Traffic Act which is going to be amended and they are all being done for the purposes of safety, safety to the public. Certainly, a lot of the legislation that we debate here in the House is all about safety and so it should be.

Without belabouring the points that have already been made by other members, I will just speak

to a few of them. Of course, the first one relates to defining what a school zone is. Now, Mr. Speaker, we all know the importance of safety in terms of school zones. We all know the importance for people to slow down in school zones. I know that depending on where you go – I know in the City of Mount Pearl, for example, the city council have taken action to identify in a very clear fashion exactly where school zones are. If you go down Ruth Avenue by the schools, you will actually see school zone painted on the roads. There are a number of school zone signs, signs asking people to slow down and so on.

In terms of the definition of a school zone, which has been changed in the act, it is really doing that; it is defining more clearly what a school zone is. Under the current legislation, it talks about slowing down in school zones.

I think a school zone is defined as the actual school itself or the school property associated to the school, but if you are driving down a particular piece of roadway, particularly if you do not live in that community and you are not familiar with the area, you may not easily be able to identify exactly where that school zone begins or exactly where that school zone ends. There is some confusion around that and perhaps some issues around the enforcement of it in terms of exactly where you should be slowing down and so on.

Under this amendment, basically we are saying there would be signage in place at the beginning and at the end of the school zones so drivers quite clearly know where the school zone ends and where the school zone begins. Obviously, those would be the areas in which they would have to slow down accordingly, based on that legislation. Obviously, there would be some onus to have those signs and so on in place. I think that is a very positive thing to do.

Another amendment in terms of the school zones is that under the legislation now when it talks about the slowing down in school zones, because obviously you are not going to treat a school zone the same at 10:00 o'clock on a Saturday night as you would at 9:00 o'clock on a

Monday morning when school is in session. Right now, the legislation talks about 8:00 a.m. to 5:00 p.m. that the school zone speeds and so on would come into force.

Under this amendment, we are changing it from 8:00 a.m. to starting it at 7:00 a.m. That is just basically, Mr. Speaker, recognizing the fact that a lot of kids now are dropped off to school for various reasons, parents having to go to work and so on, and kids are dropped off earlier than 8:00 a.m. So we want to make sure people are slowing down in those zones when there is any opportunity for kids to be in that area. Again, that is a positive one for sure.

Slow-moving vehicles, and this one has been referenced also, is a very proactive one, I believe. I have actually had a couple of calls from people in my district in Mount Pearl about this issue and brought it forward to the department. I am very pleased to see this one in here, and that we are going to deal with the issue of slow-moving vehicles in high-speed areas.

An example has been given, and we have all seen it. We have all been frustrated by it, I believe; I know I have. You could be out on the Outer Ring Road, by way of example, and you get stuck behind a backhoe. That backhoe is probably going fifty or sixty kilometres an hour in a zone which would be ninety kilometres.

AN HON. MEMBER: (Inaudible).

MR. LANE: I am being told that is probably fast, and probably it is; maybe it is as low as thirty or forty kilometres an hour sometimes. Now I am getting down there. Whatever the case, the bottom line is you are in a high-speed area and you are stuck behind a slow-moving vehicle.

Besides the fact, Mr. Speaker, that it is very frustrating for the person who has to follow, and in addition to the fact that it is annoying, to say the least, and that it could back up traffic, the other thing it does is create a safety hazard. It creates a safety hazard in the sense that when you are stuck behind somebody who is going that slow, what happens a lot of times is people

get so frustrated that they perhaps decide they are going to drive in an unsafe manner themselves and are going to wait for the first opportunity to speed out around it to try to get past it.

I have seen people going by these vehicles perhaps in areas where they should not have been, in areas where there was a solid line and they took the chance to go around it anyway, at great risk to themselves and at great risk to others, perhaps even oncoming traffic and so on. They did it out of pure frustration. It does not make it right, but it is just a human reaction you see from time to time. Having that situation can actually lead to more accidents because of people getting frustrated and taking chances going around these vehicles.

What is going to happen now, of course, is these vehicles will no longer be permitted to drive in these areas. If they are not capable of going at least eighty kilometres an hour, I believe is what the legislation says now, they are not permitted to travel on the roadway. How do they get there, if they need to or if there was work taking place?

For example, one question I had: Well, what about if they are actually on a construction site? If they are on a construction site and you have a delineated construction area, obviously there could be slow-moving vehicles there. Obviously we need to clear the highways with snow-clearing equipment, whether it is Transportation and Works or whether it be a municipality. They need to clear the roads. They need to salt the roads. They need to clear the sidewalks, and all that kind of stuff. They are going slow. So one of the things we have here is there is an exemption.

There is an exemption here to deal with snow clearing, maintenance, sidewalk and highway maintenance, and sidewalk or highway construction. For the cases of where work needs to be done, such as snow clearing and salting and so on, there is an exemption in place for the Province or the municipality, whatever, to do that work. That is a special circumstance which is identified.

There was also a couple of other exemptions identified as well, Mr. Speaker, and that is for bicycles. People can still ride down the road on their bicycle. Power-assisted bicycles and antique vehicles is another exemption there. There were a couple of special circumstances.

In addition to that, there was the issue of agricultural vehicles and forestry vehicles. If you are someone who is a farmer and you are in say, Cormack or something like that, maybe you have a field on both sides of the highway or something like that or just up the road from it, there is an allowance there for you to obtain a permit to be able to move a piece of agricultural equipment from one site to the other. Obviously there would be restrictions in place, I would suggest, as to how you would do that, when you would do it and so on. It allows for that. The same thing with agricultural vehicles cutting wood and transporting it, and wood cutters and so on, there is a provision to deal with that.

When it comes to these special circumstances, those were taken into account and permits can be obtained to deal with that. As far as, like I say, the stereotypical backhoe going up the road tying up traffic, creating a safety hazard and frustrating the public, that will no longer be able to happen. They will have to find another route to get there. Of course, they also have the option of taking the backhoe, putting it on a flatbed, and the flatbed can drive it to wherever they are going, to the construction site or whatever, so all in all good legislation.

The next one, Mr. Speaker, relates to emergency vehicles. This comes in line, as I understand, with a practice that is already adopted by the police force, a practice which is already adopted by the fire department and by the ambulances and so on. Basically, it prohibits an emergency vehicle to simply run the red light or run a stop sign without stopping to make sure there is nobody coming.

So, basically, what will be required now is when an emergency vehicle comes to a red light they have to stop just to make sure there is nothing coming and then they can proceed through the red light. We are not saying they have to stop at

the red light and stay there until it turns green, but you have stop at the red light, take a look in both directions to make sure the other cars see you and that they are stopping, and then you proceed through. That will apply to emergency vehicles.

I think that makes good, common sense, and as I said, it is my understanding that internally, in terms of the fire department, the ambulances, and so on, under their Occupational Health and Safety program, they already do this. However, the Highway Traffic Act does not reflect that practice and now the Highway Traffic Act will reflect that practice to make it mandatory.

The threshold for reporting accidents to the police, again, as has been mentioned, currently we are at \$1,000. So if you have \$1,000 worth of damage and you are in an accident, you report to the RNC or the RCMP. We are saying now that \$1,000 is going to move to \$2,000 instead. Basically, this is to deal with fender-benders where there is very minor damage and there is nobody injured.

Obviously, if somebody is injured in an accident, regardless of the amount of damage which is done to the vehicle or vehicles, if the vehicle hit a pole, or whatever the case might be, if there is personal injury the requirement still remains that the person has to report the accident to the police. So we are not exempting that, you still report if you are injured, but if there is no personal injury and it is simply a fender-bender and the damage is estimated to be – it was \$1,000, now up to \$2,000 – under \$2,000, you do not need to report it to the police. As the member across the way said, that is a positive thing because right now we would be tying up police resources in these situations and the resources could certainly be utilized in other areas. So, again, that is a positive thing.

The seat belts law, and I never realized this existed in the Highway Traffic Act, right now says if a seat belt exists in a vehicle then you must have your seat belt on. What it does not address is what about if you have, for example, four people in the back seat instead of three people in the back seat? So someone could say:

Well, the law says three of us need seat belts on, which we have; the fourth person could not put on a seat belt because there is no seat belt.

Again, that is a technicality. I am assuming it is a loophole that potentially somebody could challenge, maybe, if they received a ticket with the courts, and perhaps they would be successful - I do not know - if it was actually challenged. That is why this is coming forth, or somebody thought, well, if they challenge it, maybe they would have a case there, but at the end of the day it is about safety. What we are saying is if there are only three seat belts in the back then only three people can be in the back; if there are only two in the front, only two people can have it. If there is no seat belt, then a person cannot be there. It is as simple as that. The number of people in the vehicle must correspond to the number of seat belts and those people must have the seat belt on.

The final one here, which is related to the whole seat belt piece as well, is the issue that was raised about people riding in the back of a pickup truck, as an example. As the Member for St. John's South said, there was a time when that was very common, particularly in the rural areas. I know the time I spent as a young fellow in the rural areas that you see it all the time. I have done it myself many a time. You would be hitching a ride down the road somewhere, buddy would pull over, you jump in the back of the pickup truck, and –

AN HON. MEMBER: He would not let you in the truck.

MR. LANE: He would not let me in the truck, he said.

He would throw you in the back there, you go up the road, and so on, and that was pretty common. Again, when you think about it, if you were ever in a collision or whatever the case might be, then it is definitely a safety hazard. You do not see it happening now anyway, generally speaking, because people have quite frankly common sense now. Perhaps we did not have it back then. I did not, maybe, for doing it myself. Now we realize the dangers associated

with that and we have to ensure people have a seat belt on and that they cannot go in the back of a pickup truck any more. It is prohibited.

The final point around this, Mr. Speaker, which again is an important point, is that any time you make changes to legislation of any kind – and we have talked about it the last couple of weeks in the House when there were other amendments made to other acts and other regulations. We talked about the fact that if you are going to implement a change then there has to be an opportunity to let the people know about that change before you simply start enforcing a new law. My understanding is, and I stand to be corrected, but the information I had here at least is there would be a three-month period from the time the legislation is passed and so on until the point it actually gets enforced.

So there is that three-month period and in that three-month period the department will be engaging the public. There will be a public information campaign. I cannot speak to what form that will take, but I guess there will be a number of things that will be done to inform the public as to what these changes are going to be. Once it is passed, everybody is informed, and everybody is educated on the new regulations, then we are going to start enforcing them and the RNC and the RCMP will be enforcing these. Again, we are doing so in the name of public safety.

Mr. Speaker, with that I will take my seat.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Leader of the Third Party and Member for Signal Hill – Quidi Vidi.

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

I am glad to have the opportunity to speak to Bill 13. As has been pointed out by the minister and the previous speakers, this bill is extremely important because it is about safety on our

highways. I think that is what is important to point out, that the bill is about the highway and the need to make sure we put in legislation safe practices. We all know that common sense is rare and people do crazy things in many aspects of our lives, but especially when it comes to vehicles, being on highways, and driving.

As has just been pointed out by the Member for Mount Pearl South, we have had a lot of changes over the last decades in our own culture with regard to what we consider safe in cars. Even sometimes when you are watching movies, even going back to the 1960s and 1970s you see how cars were used and the practices then which had no concept of safety whatsoever, tells us we have come a long ways.

We have come a long ways in legislation, but it has been pointed out we still have people who do crazy things. Even though we have the legislation they still do crazy things, whether it is the way in which children are in a car or whether it is the way people drive with pets, for example, on their laps. We all know how difficult it is to get some of our legislation paid attention to, right now, for example, legislation with regard to the use of cellphones. You cannot drive five minutes on the roads in the city without seeing people using cellphones, yet that is supposed to be prohibited. We know that legislation is necessary to make sure that at least we can work towards better safety practices, and I think that is what legislation is always about when it is regulatory and trying to change people's behaviours. It is what we are working towards. It is what the goal is. It is what I see as the ideal.

What we have here today is a piece of legislation dealing with a number of areas that have been outlined by my colleagues, and I am not going to go into all of the detail we have gone into because I think it is repetitive. If people want to see that, when Hansard is written they can go in and see what all the details were that people spoke to. So I will not go into the same amount of detail, but there are quite a number of things I do want to raise.

I have to disappear for a minute because my paper fell on the floor. Thank you, Mr. Chair. So people know what happened and that I just did not disappear off the screen because there are people, I think, watching us. That is something we learn a lot about. I am very interested in how many people actually do watch the House and I am delighted when I hear it. Some of us have been doing a lot of knocking on doors over the last few weeks and during that knocking on doors you find out how many people actually do watch the house. For their sake, I declared what happened when I had to pick the paper up off the floor.

What I want to do is go directly into each of the areas and raise some questions that I have. Again, they can be answered by the minister when the minister speaks at the end of second reading. If the answers are not complete for me, then I can raise them again in Committee, which I will do.

In the first one, it has to do with the school zones. Now, pointing out to the public that we are talking about the highway traffic, so when we are talking about school zones we are talking about school zones that are affected by highway speed limits. The schools that are in the city, and not just in any city but all the municipalities, if you are in a municipality and the school is not on a highway but within the precincts of the municipality, whether it is a city or a town, the speed limit is obviously not fifty kilometres an hour in a school zone.

The speed limit here that is in our bill is that, "...a person shall not drive a vehicle at a speed greater than 50 kilometres an hour in a school zone." What we are talking about is a school zone that is part of a highway because this is the

—
AN HON. MEMBER: (Inaudible).

MS MICHAEL: Well, I have just had the member across the way, Mr. Speaker, correct me. You may not drive fifty kilometres an hour in a school zone within the city limits, for example, of St. John's. I think the speed limit is twenty kilometres an hour, whereas on the

highway in an area where the school is outside of the limits and you are in an area where it is ninety kilometres to 100 kilometres an hour, then the speed limit will be fifty within the school zone. I think I am correct in saying that. The minister can pick up that point if I am wrong, but I think I am correct.

I am glad to see the change in the day from 7:00 a.m. to 5:00 p.m. because I think that does reflect more the lifestyle of people today. When I first learned to drive, and if we all remember when we first learned to drive, I remember it being made clear to me that a school zone was a school zone twenty-four seven because you never knew when something might be going on in the school. I remember that being clearly said to me. I remember once getting that clarified even with a member of the Constabulary.

What I notice here now is the limit in a school zone is only going to be in play during 7:00 a.m. to 5:00 p.m. on days when a school is in operation and when school is regularly held. That is the thing that is key. What it says is, "...between the hours of 7 a.m. and 5 p.m. on days when school is regularly held." So if there is an event going on in a school, which could involve hundreds of people, the limit will not be put in force. It is only on the days when school is regularly held.

To me that is a change from where we are at the moment and I have some concerns about it. There are times, for example, when a school could have a sport event on with people in the school, not just from the area but a tournament, for example, where you have dozens in some cases and maybe hundreds in others of both those taking part on teams as well as people who are watching the game if you had a tournament going on in a school. Now the speed limit will not be enforced if there is an event going on in the school involving a lot of people.

So I have a bit of concern about that. Now, how do you regulate regularly held school days and times when there are special events on? The only way to do it is to have a blanket rule, which is the speed limit is always there and it does not

change. It is always that limit from 7 a.m. to 5 p.m., for example.

So I would like some clarification on that. I have a concern about the fact that this seems to be a change in what we do now, and maybe I am behind the times. Maybe the rule I believed was in place is no longer there, but I certainly know that has been made clear to me on a number of occasions that the speed limit in a school zone is always in place. It does not matter – it does not matter. This would change it, so I would like to get some clarification on that.

The other thing, too, is the definition of the school zone, which is very helpful, which is the area between the two signs that indicate school zone. I think that we are going to have to make sure that the two signs are always there. I have been in situations where I saw when the school zone started, but I did not see where the school zone ended. I did not see a sign that really told me the school zone had ended. So we are going to have to be sure with this new legislation that the two signs are always in place and visible from drivers at both ends. If not, it would be hard for people to comply, make sure that they are within the zone, and know when they are out of the zone. So I just put that out as something that we are going to have to be concerned about for those who enforce the speed limits.

Coming to the slow-moving vehicles, again, this is great. As has been said already by a couple of the members, and I do not have to go into great detail, we have all been in frustrating situations because of this. I have to say, I have never felt that frustration when I know it is needed. So, for example, a snowplow, as has been pointed out again by the Member for Mount Pearl South, we all understand when vehicles that have to be on the highway to do their work and they are slow-moving, they have to be there, and that certainly would not frustrate us.

There are times when you have been behind a tractor where somebody is moving from one piece of property to another and you know that the tractor is not on the highway because it has to be on the highway. That can get very frustrating. So the vehicles that have been

identified as not permitted, that are being identified as slow-moving vehicles that are not permitted to be on the highway, I think we are all going to be happy when it comes to the use of the highway.

The thing that I do have some concern about is the fact that the new legislation with regard to slow-moving vehicles does not apply to antique cars. The explanation that seems to have been given on this – and if I am wrong, I can be corrected because the briefing was done for somebody else in our caucus. I was not a part of that briefing; I am going by the notes.

What I am led to understand from the notes is that the definition does not apply to antique cars and bicycles because they usually travel on the side of the road. Now certainly when it comes to bicycles, I understand that; bicycles are not in the main lane on the highways. On the highway, the bicycles are to the side. We are all used to that. A bicycle driving on the side, usually it is on the apron that is still paved, if it is the highway. That is not a problem; that is not an obstruction. We are all used to having bicycles on the highway.

I do question antique cars. Is this what this is saying that, in actual fact, you could accept having an antique car driving along at seventy-five kilometres an hour? Why are antique cars exempted? Mr. Speaker, I am really happy to have the other side of the House calling out answers to me, but I am asking the minister and when the minister stands, the minister can give me the answers; or if I am not satisfied in Committee, I can continue asking the question.

This one I really want clarified because antique cars are exempted, but surely to goodness we cannot have antique cars driving on the sides; or if they are exempted, they are going to be driving in a lane where other cars are going above eighty kilometres an hour. I know that you do not have antique cars regularly on the highway; some of them can go ninety kilometres an hour and some cannot. I really do question antique cars being exempted from this and would like to have better clarification from the

minister with regard to why antique cars are exempted.

The section on emergency vehicles, I have no questions at all; that makes sense. I think this is already in practice. I think we have all seen emergency vehicles stopping at stop signs or red lights. Just to point out, though, I think our move-over legislation that we vote in last Thursday will help this as well. Because if people are paying attention and trying to follow our new legislation, hopefully they are already slowing down themselves and moving out of the way in intersections when they hear a fire truck coming, or ambulance coming, or whatever. I think this piece of legislation will be facilitated by the piece of legislation that we passed, our move-over law.

Those are the questions I have, things that I want clarified. As I said, if the minister clarifies them responding in second reading, fine; if not, I can come back to them in Committee.

Some things, though, that I want to make as sort of cluing up comments, Mr. Speaker. This is really important having this legislation, but as I pointed out earlier we already have legislation that has to do with safety that drivers are completely ignoring. The one I mentioned earlier, and I will bring it up again, is the use of cellphones. The use of cellphones while we are driving is a real safety issue.

We have all kinds of examples of people who have been hit, either as pedestrians or drivers of other cars because of a driver not paying attention because of using a cellphone. I think all of us can attest to the fact that on a regular basis every day we see many people driving using cellphones.

We have that piece of legislation, but it is not being enforced. I have to ask, with this legislation that we are passing today, whether it has to do with you can only have the same number of passengers in a car as there are seat belts, for example, you cannot have people riding in the back of a pickup, you have to follow the speed limit in the school zones, et

cetera, how are all of these new pieces of legislation going to be enforced?

I think the answer is that we are going to have to make sure that our police forces, the ones that operate in this Province, whether it is the Royal Newfoundland Constabulary or the RCMP on contract in the Province, no matter who it is, they have to have adequate resources in order to enforce the new legislation.

Right now, they are not able to enforce the legislation with regard to cellphones and we are laying a whole new expectation on those who are out there monitoring the traffic, the traffic officers. We are putting a whole new piece of work on their shoulders with regard to the enforcement of this legislation.

I understand there is going to be a three-month PR campaign, but we had PR campaigns with regard to cellphones. We have PR campaigns that are ongoing, but we still have the issue with cellphones. We still have the issue with the use of seat belts, that we still see people not using seat belts. Again, I do not think that there are enough enforcement officers to make sure that it is enforced.

So we really have to look at making sure that the enforcement agencies, our police forces, have the resources, or else we are not safe. Having the legislation on paper only does not make us safe. Making sure that the regulations are being enforced, that people are paying attention to them, that people are being stopped and then given fines if fines are what are called for at the time, if that does not happen people will continue – so, I put that out to the government.

I am delighted to see this legislation. I am delighted to see the details that are there, but are we going to give adequate resources to our police forces in this Province to make sure that we are going to be safe? We need much more than the words on paper to make sure we are safe.

Thank you very much, Mr. Speaker.

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

SOME HON. MEMBERS: Hear, hear!

AN HON. MEMBER: Happy Birthday!

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

AN HON. MEMBER: Happy sixty-fifth!

MR. K. PARSONS: Thank you very much. I am not sixty-five yet.

This is a very important bill that we are discussing here today. A lot of it has to do with common sense and a lot of it has to do with changes over time. I know over the last number of years, since we got our licence, there are a whole lot of different changes around with the number of vehicles on the road and just people's whole concept of safety and how important safety is today.

We look at some of the stuff that is done in this bill, and I am going to go first to school zones. I am going to talk about an area in my district, down in Torbay, by Holy Trinity School, where there are 800 elementary school children there every day. It is on our highway. The school was built back a little ways from the highway, so some people think that the school is down in the meadow, probably about 1,000 feet away, and they do not treat it just like a school on a regular highway. There were a lot of concerns there with the students going back and forth.

One day I had one of my constituents call me and we went down, and I just watched what was happening around the school. The children were just darting back and forth across the road. It was a real safety issue. We discussed some issues we had with the Department of Transportation, and they did put more signage up there and it made a little difference.

Then we went to a school council meeting and a member of the Torbay town council was there. He basically said: Is there anything the town can do? So we started checking into a few things. I

noticed that up in CBS, and I do not know the name of the school up there, but they do have school zone written on the pavement through the municipality. I went and checked on it, and it was done by the town. We went back to the Town of Torbay, they went out, and they agreed to do it, too.

That might be considered a small thing when you write school zone on the pavement in a school zone, but it makes people more aware of where they are. I have to commend the Town of Torbay for doing that. Also, while they did that, there was an area there where children were just going back and forth all over the place, so they put another area where they moved and they had a crosswalk painted on. They did that with the full co-operation of the Department of Transportation. Things like that are what we need to do to make sure, and this legislation today is making people more aware of where they are in a school zone.

I know the Member for Signal Hill – Quidi Vidi just mentioned about a fifty-kilometres-an-hour zone on the highways, but down in Torbay, which is a provincial road, it is only thirty kilometres. Another thing the Town of Torbay did, and it was really effective because I was in a store one evening and I was watching, they have a radar thing. When you drive down the road it can tell you how fast you are going. It was amazing to watch it because thirty kilometres an hour is very, very slow to a lot of people when you are moving back and forth. As they got to it, it showed thirty-five and thirty-six kilometres. You could see people hitting their brakes and stopping. It really slowed them down, so anything at all.

What this bill is trying to do is make our school zones safer, safer for our children. When they are safe we all feel a little bit of ease knowing that this is happening. I want to commend the Town of Torbay for some of the things they have done to make the area around Holy Trinity Elementary School, and it something that perhaps other municipalities can look at. If there is a place where they feel a few extra things can be done, like putting school zones on the pavement so people will say, okay, I am in a

school zone, I have to slow down. I am sure most people would go through school zones and make sure it is nice and slow.

Another thing they did, too, and it is really important. They changed the time of school zones to 7:00 o'clock. In the mornings now, most people going to work are dropping their kids off, or if they have some extra things, a lot of people do them in the mornings before they go to school. So from 7:00 a.m. to 5:00 p.m. is very important.

Mr. Speaker, I think it was just put on Twitter that this act we are doing today is called backhoes on the Outer Ring Road legislation. I think it is so important because it is all to do with safety.

We all travel the Outer Ring Road. When you go down and there is a line of traffic, you are trying to get to work, you are trying to get anywhere, and then after you get up finally you notice 100 cars back and there is a backhoe there. There are many ways for people who own backhoes – they have work to do. They want to get from point A to point B as fast as they can. There are other ways to move them.

Most of these fellows now have these trailers. If you have noticed, all construction companies guaranteed have a huge trailer, a flatbed that they can move a backhoe on. That would only make common sense to be able to move. Rather than go from Torbay Road right into Paradise following a backhoe in the mornings, it is just crazy. It always seems they are on the road at peak times also.

People get frustrated. What happens there then when you get frustrated? You haul out and you try to pass somebody. That is when an accident will happen. It is when people get mad, get frustrated, and then you will see something happen like that.

Mr. Speaker, the Member for Signal Hill – Quidi Vidi mentioned antique cars. I think legislation does not mean for antique cars to pull over on the side of the road, but I think some antique cars cannot go eighty kilometres an hour.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. K. PARSONS: Some antique cars are just antiques and probably the fastest they can go is sixty kilometres an hour. I guess that is why they are exempt. I know a lot of antique cars down my way the boys have them 'souped up'. They can probably go 180 miles an hour, but some of the old ones, people have them and that is as fast as they can go. I do not think they are meant to be driven on the side of the road where bicycles are meant to be driven.

Also, under the legislation the RNC has the right that if somebody is driving along too slow to haul them over and say: listen here, you are obstructing traffic – because it is a safety issue. The RNC does have the right to haul any motor vehicle over that is driving too slowly and tell them: listen, either go another route or haul over. I believe that is in the legislation also.

Mr. Speaker, then we look at another part of this, and I am just using it as a common sense part of the thing. You look at emergency vehicles stopping when they come to red lights. Today if you look in St. John's in particular, and in Mount Pearl, even up on Commonwealth Avenue and those places, people are in a rush. They are all the time wanting to move. This is really a dangerous thing.

I think it is a great bit of legislation. They will have the sirens blasting, horns going crazy, but just stop so everybody is safe at that intersection. This is very important because it is a safety thing. At a stop sign, sometimes people either do not listen or they are not in tune with what is happening. It is important that emergency – because we do not want anyone else getting hurt. There are important pieces of cargo, more than likely in that vehicle, that has an injury. They cannot be delayed. They have to get to where they have to go. So it is important that we make sure they are safe.

Mr. Speaker, when it comes to seatbelts, I can tell you a little story about seatbelts – and I say you can reminisce too, a fellow from Port de

Grave. I can remember when we used to go to ball games all the time. There were nine of us on the team, and we had a coach. The only good thing about the coach was he had a car. He would put nine of us in the car and we would all get to the ball game. You had probably six or seven in the back and three in the front with the coach. Back then, that was the only way we had to get back and forth to games, and that was accepted.

Today, that is not accepted. We cannot fit all of them – if you are going to have a ball team from now on, I suggest you have two assistant coaches, Mr. Speaker. That way you can get everybody to the game. That is the way we travelled back then. That is the way things were.

I can remember going to hockey games where we had fellows in the front of the truck, it was a cold morning. We had seven bags out in the back and seven in the front, but that was the only way we could get there. People's whole mindsets have changed because of safety now. If an accident occurred back then it was – it just did not happen that often, I suppose. Today, if somebody is going to have an accident and there are six or seven people in the front of a pickup truck, that is just crazy to be even thinking about doing that kind of stuff.

Mr. Speaker, another part of this legislation, the same thing in the back of a pickup truck – my first job, I worked on a LIP program down in Flatrock, and we all used to jump in the back of Tommy Power's truck in the evening and get a run up to the store to change our cheque. There were probably fourteen or fifteen of us in the back of the truck going up. So, that stuff you cannot do any more either, that is just part of it. Times have changed. Today, you do not see it any more like you used to, people driving around. One time when I was young, we all jumped in the back of the pickup truck and got a run up to the store, or we all went to where we had to go to.

AN HON. MEMBER: Delinquent.

MR. K. PARSONS: We were delinquent, that is true.

Now, the last part of this legislation, too, Mr. Speaker, is about reporting accidents. I will go back to my earlier days again. My first car was a Chevette. If you did \$1,000 worth of damage on a Chevette, Mr. Speaker, you probably beat the fender, the front out of her, and probably the windshield gone.

Today, Mr. Speaker, it is a little bit different. If you do a little bit of damage today, all it takes is a scratch along the fender and they have to blend in the paint. They have to put the colours on it and everything else. The cost of a \$1,000 worth of damage today is just a little scratch on a car. So, to report that kind of stuff is crazy because it puts the RNC, it makes them have to do more work. They have to do reports and everything else. Two thousand dollars worth of damage, while it is a very little amount of damage that you do for \$2,000, but that is something that can be reported. I think moving it from \$1,000 will take a lot more reporting, a lot of people down to the RNC reporting different accidents.

Mr. Speaker, basically this legislation that we are doing here today is putting us in with the times and making sure that safety is a factor with all parts of life, whether it is in a school zone or it is driving in a vehicle. If there are five seatbelts in that vehicle, we should have only five people in it, and that is because it is for the safety of the people who are in those vehicles.

Emergency vehicles stopping at stop signs and red lights – that is just a sign of the times and it is something that should be done and it is for the safety of everyone else. Again when you look at people in the back of a pickup truck, these days it is something that should never happen and we should never be at it.

Mr. Speaker, I support this piece of legislation, like I said, and I know our friend from *The Telegram* called it backhoe move-over legislation on the Outer Ring Road. It is very important. It is all to do with safety. I think this is a very good bill and I think that everyone in this House should support it. I think everyone in this House will support it.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Wiseman): The hon. the Member for St. John's North.

MR. KIRBY: Thank you, Mr. Speaker.

It is an honour for me to stand up and say a few words to Bill 13. Again, I want to thank the minister for being so gracious as to give his staff some time to meet with us and to go over this piece of legislation. It was quite helpful and helped us work through it.

There are quite a number of changes in here, without a doubt. The one thing with respect to changing the rules with respect to driving and the speeds in school zones, I do note that several years back the fines for speeding in school zones were actually doubled I believe it was; it went up quite significantly, so as to deter people from zooming around in school zones.

Unfortunately, we still see some of that happening. From my understanding of the briefing and what I have read, basically the law as it stands is that school zones are in operation from the hours of 8:00 a.m. to 5:00 p.m. and this new legislation will extend that period one hour in the morning to 7:00 a.m. to 5:00 p.m. as it is.

Now this is interesting because I wonder why we do not actually make the speeds in school zones more clear and I wonder why we do not actually make the rules a bit more clear in school zones, make it more visible. Why don't school zone signs – and I do not know, maybe the minister can clarify this, maybe this is a municipal responsibility, maybe it is the Province. Why is it that on those school zone signs, there is not a smaller sign that says between 7:00 a.m. and 5:00 p.m.? There are people who automatically assume these school zones are in force twenty-four hours a day when in fact they may not be.

In some instances, they actually are. That is because the sign, the posted speed, actually changes. If you drive between the communities of Lamaline and Point au Gaul on the Burin Peninsula, you will see that very thing. Not only

are you going through a school zone, but the posted speed limit also changes when you are going through that area. I think it goes from seventy kilometres to fifty kilometres and back up to seventy or something like that again. I think it would be helpful if the posted time that was in force was actually posted so that the driving public could have a better sense of what the rules are. Otherwise, people just will not know.

I do not want to drag things out too much. The rules with respect to slow-moving vehicles; I was driving down the road today and in fact encountered a backhoe driving not on the Outer Ring Road but very nearby. It certainly does slow down traffic significantly and can be a headache for people who are driving about the speed limit. So no slow-moving vehicles will be permitted on highways if the speed limit posted is eighty kilometres or above. Yes, backhoes are included in that, sorts of graders and loaders, and other sorts of equipment. Special permits will be needed for exemptions to that.

There is going to be a three-month campaign to create public awareness about this. I understand from the minister's officials that folks in the construction industry are going to be advised that this is coming into place. They will use commercial associations and constructions associations to get the word out, and also write all the owner-operators of these sorts of commercial construction vehicles and advise them this change is coming.

As I said before on another piece of legislation, government is spending a few bucks these days advertising some of our business successes in the Province, and I did have an opportunity to see one. It was quite well done, in fact, I have to say. Whoever is producing these advertisements for the government on whatever issue is doing quite a good job in the production. I wonder why we could not use that for these sorts of driver education campaigns to make sure that people get it.

I always thought that emergency vehicles had to stop at intersections. I did not know that the law did not prohibit them from just going right on

through. My experience has always been that they slowed down significantly, but this certainly makes that a lot more clear in clarifying due care and regard and it defines that statement and gives it a decent meaning.

I do not have any issue with the issue of property damage due to collision, but I have to say, listening to the Member for Cape St. Francis talking about doing \$1,000 of damage on his Chevette, I always thought that if you did \$1,000 worth of damage on a Chevette, Mr. Speaker, that you actually write it off. Clearly, that was not the case, at least back then.

Mr. Speaker, seeing the hour of the day I move, seconded by the Member for Grand Bank, that we now adjourn?

MR. SPEAKER: You are adjourning the debate?

MR. KIRBY: I was phrasing that like a question, but it is more like a motion, I guess.

MR. SPEAKER: Your motion is to adjourn the debate, I say to the Member for St. John's North?

MR. KIRBY: Yes, to adjourn debate, Mr. Speaker.

MR. SPEAKER: Thank you.

It has been moved and seconded that this House now adjourn debate.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

The hon. the Government House Leader.

MR. KING: Thank you, Mr. Speaker.

I thank you for your co-operation, Member for St. John's North.

Given that we are just about at 5:30 p.m., I move, seconded by the Minister of Finance, that the House do now adjourn.

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

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

The House now stands adjourned until tomorrow at 1:30 p.m.

On motion, the House at its rising adjourned until tomorrow, Tuesday, at 1:30 p.m.