



Province of Newfoundland and Labrador

FORTY-SEVENTH GENERAL ASSEMBLY  
OF  
NEWFOUNDLAND AND LABRADOR

---

Volume XLVII

THIRD SESSION

Number 17

---

HANSARD

*Speaker: Honourable Ross Wiseman, MHA*

Thursday

10 April 2014

The House met at 1:30 p.m.

**MR. SPEAKER (Wiseman):** Order, please!

Admit strangers.

Before we start today's proceedings, I want to acknowledge some special guests in our gallery. To my left, we have today some parliamentarians from the United Kingdom Branch of the Commonwealth Parliamentary Association. We are joined today by Lord Faulkner of Worcester, the Baroness Hooper, and Ms Annette Brooke, M.P.

They are also accompanied by a Canada Parliamentarian MP for a riding in Nova Scotia, I believe, Mr. Peter Stoffer. They are accompanied with Elizabeth Kingston, who is the Executive Secretary, International and Interparliamentary Affairs of the Parliament of Canada.

Welcome to Newfoundland and Labrador.

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

**MR. SPEAKER:** All our members will be on their best behaviour today as representation from the Westminster Parliament, so welcome.

We are also pleased today to welcome to the Speaker's gallery, to my right, last night's successful candidate in the by-election of Virginia Waters, Ms Cathy Bennett.

Welcome, too.

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

**MR. SPEAKER:** I trust the power interruption we experienced before the House opened will not happen when someone is speaking in your zeal and zest of great delivery of a wonderful speech. If you lose your microphone, the power is off and no one is listening to you.

#### Statements by Members

**MR. SPEAKER:** Today we will have members' statements from the District of Harbour Main;

the District of Grand Falls-Windsor – Green Bay South; the Member for the District of Bay of Islands; the Member for the District of St. John's North; the Member for the District of Mount Pearl South; and the Member for the District of Bonavista South.

The hon. the Member for the District of Harbour Main.

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

**MR. HEDDERSON:** Thank you, Mr. Speaker.

I am delighted to rise today in this hon. House to inform all members and indeed the Province that Shakespeare theatre is alive and thriving in Cupids.

I had the pleasure of performing last Saturday night at the Cupids Legacy Centre in a production aptly called *Shake The Leg*. Thespians, both professional and amateur acted the Bard's works to a full house under the direction of Ms Danielle Irvine, artistic director of New World Theatre.

The professional actors which included Steve O'Connell, Alison Woolridge, Brian Marler, Patrick Foran, Marie Jones, and Greg Malone. The local actors were brothers Peter and Pat Laracy, twins Roy and Ross Dawe, Rosalind Dawe, Mayors Harold Ackerman of Cupids and Phil Wood of Bay Roberts, Kathi Stacey (of the EDMO) and Dennis Flynn, as well as yours truly. It was a great evening of Shakespeare, well executed by the performers – myself included without a hitch – to the delight of a very appreciative audience.

The production was a joint fundraiser by New World Theatre and the Cupids Legacy Inc. All proceeds would be going to these organizations to further their efforts to make Cupids a destination of choice.

I ask all members to join with me in congratulating Ms Irvine and the troop of actors for a job well done. Bravo.

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

**MR. SPEAKER:** The hon. the Member for Grand Falls-Windsor – Green Bay South.

**MR. HUNTER:** Thank you, Mr. Speaker.

Mr. Speaker, I rise in this hon. House today to recognize Terry-Lee Roberts from Dorset Collegiate, Pilley's Island, the winner of the 2014 School Council Person of the Year Award.

This award is given annually in recognition of the outstanding volunteer contribution of a school council member in Newfoundland and Labrador.

Terry-Lee is a parent representative who works at the school as a student assistant. She is leader of the 2013-2014 graduation committee, a volunteer with the Kids Eat Smart Breakfast Program and was a vital member of the organizing committee for the School Sports Newfoundland and Labrador Provincial Table Tennis Championship hosted at her school this past February.

She is an active member of Dorset Collegiate's Safe and Caring Schools Committee, co-chair of the Dorset Collegiate Occupational Health and Safety Committee and the school's Education Week Committee, where she helped lead a great week of spirited activities.

I ask all hon. members to please join me in congratulating Terry-Lee Roberts on receiving this very important award.

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

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

**MR. JOYCE:** Mr. Speaker, I rise in this hon. House today to recognize the Cox's Cove Volunteer Fire Department.

On Saturday evening, I had the pleasure of attending their annual firefighters' banquet. It was a great evening honouring the contribution and dedication of this group of firefighters who have given their time and service to the town for so many years.

Mr. Speaker, the evening was also an opportunity to recognize firefighter Alex Park for his thirty years of service with the department. I had the honour of presenting Alex with the Governor General's Exemplary Service medal and the provincial Firefighter Long Service award. Alex was also presented with the Fireman of the Year award. Firefighter Martin Barnes was also recognized for his ten years of service.

Mr. Speaker, I would also like to recognize the Cox's Cove Firettes for their continued commitment and support. Firettes play a pivotal role in supporting volunteer firefighters, and this was demonstrated again Saturday evening with their generous donation to the fire department.

Mr. Speaker, I ask all members to join me in congratulating the Cox's Cove volunteer firefighters and firettes on their continued service to the town, and to all volunteers who contribute in making their communities a better place to live.

Thank you, Mr. Speaker.

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

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

**MR. KIRBY:** Mr. Speaker, I rise to congratulate Norman and Phoebe Clarke, long-time residents of St. John's North, who celebrated their sixty-second wedding anniversary on February 25.

The Clarkes have lived in St. John's since 1965, having moved here from Dunfield in beautiful Trinity Bay North. When I visited them recently, their son John told me his mom and dad can best be described as hard workers.

After their retirement from the public service, where Norman was a tradesman and Phoebe worked as a clerk, they went on to spend thirteen summers operating Clarke's Bed and Breakfast back in Dunfield.

Mrs. Clarke shared a beautiful story with me about their wedding day, about how the minister who married them at the church arrived at the church on a horse and slide after travelling there over the frozen bay. Those were the days when travel in Trinity North was not done by car or truck as it is today.

Birthday greetings are also in order for the Clarkes. Phoebe recently turned eighty-two and Norman has just celebrated his eighty-eighth birthday.

I ask all hon. members to join me in wishing a very happy sixty-second wedding anniversary to Norman and Phoebe Clarke.

Thank you.

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

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

**MR. LANE:** Thank you, Mr. Speaker.

Mr. Speaker, it is my privilege to stand in this hon. House to recognize the tremendous success which was the thirty-second Annual Frosty Festival in the City of Mount Pearl.

Once again, this year's festival included various activities for citizens of all ages and interests including: an opening extravaganza featuring some of Newfoundland and Labrador's greatest talent; two community breakfasts; an indoor and outdoor family fun day; a lip sync contest; a hypnotist show; an Irish pub night; a seniors' bingo; a Jiggs' dinner; and variety show and dinner theatre, just to name a few.

Mr. Speaker, as I am sure you can appreciate, any festival of this magnitude would not be possible were it not for the hard work and co-operation of a number of community partners. I would, therefore, ask all members of this hon. House to join me in congratulating the City of Mount Pearl, the Frosty Festival Board of Directors, the various community groups and organizations, the corporate sponsors, and all of the community-minded volunteers who

contributed to the great success story, which was Frosty Festival 2014.

Thank you, Mr. Speaker.

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

**MR. SPEAKER:** The hon. the Member for Bonavista South.

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

**MR. LITTLE:** Thank you, Mr. Speaker.

Honourable colleagues, I rise today to recognize Graham Keats, resident of Lethbridge, for the countless hours of volunteer work that he has given to our Province throughout his life. Mr. Keats is highly devoted to his community and its residents.

Graham graduated from Memorial University with a Bachelor of Education, and graduated from Acadia University with a Master of Education. Graham committed twenty-six years to our children's development, both as a school teacher and the last seven years of his career as the high school administrator.

He was a Kinsmen, who held offices of secretary and president. Graham was also secretary of the Parish Council of Brooklyn Parish. He has volunteered in various coffee house fundraisers and concerts. Graham chaired the steering committee to set up a local service district in the area, and was successful in establishing a local service district that encompasses eight communities in the area, of which he is presently the Chairperson.

He serves as the Director on the Discovery Regional Service Board, and is the community representative on the Heritage Collegiate School Council.

Mr. Speaker, hon. colleagues, please join me in honouring Mr. Graham Keats for his dedication and contributions to the communities in Newfoundland and Labrador.

Thank you.

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

**MR. SPEAKER:** Statements by Ministers.

**Statements by Ministers**

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

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

**MR. MCGRATH:** Mr. Speaker, I rise today in this hon. House to acknowledge and applaud the continued efforts of our winter maintenance crews, who work tirelessly to ensure our highways and roads are safe during winter.

The Department of Transportation and Works is responsible for maintaining close to 10,000 kilometres of primary and secondary highways and community access roads throughout Newfoundland and Labrador. Our winter maintenance team consists of 820 dedicated employees, who work diligently, often in treacherous conditions, to ensure roads are safe for the travelling public.

Mr. Speaker, our winter maintenance operators view snow clearing as being integral to their communities and regions, and work hard to get roads plowed quickly and keep equipment in good working order. They take great pride in their work and I am grateful for the opportunity to be able to thank each and every one of our employees for their hard work and contribution during this long, cold winter.

Our provincial winter maintenance program represents an annual investment of \$65 million, providing for the operation of 570 pieces of equipment including 310 plow trucks, twenty-nine snow blowers, 153 loaders, thirty-two graders, forty-two backhoes, and four brine tankers. More than 200,000 tons of salt and 275,000 tons of sand will be distributed on our highways this winter.

As Newfoundlanders and Labradorians, we are very aware that weather and road conditions can change quickly and that snow reduces visibility and stopping distance. We can all help make

our roads safer by driving defensively and adjusting our speed to suit weather conditions. Safety remains our top priority.

Mr. Speaker, I ask all hon. members to join me in acknowledging the important work that our winter maintenance team continues to do on our behalf.

Thank you.

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

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

**MR. OSBORNE:** Thank you, Mr. Speaker.

I thank the minister for an advance of the statement. We on this side of the House also want to thank the men and women of the winter maintenance crews who help keep our highways safe. The weather was particularly nasty this year, Mr. Speaker. It certainly put a challenge to the winter maintenance crews and they stood up to that challenge. It is not easy with winter conditions such as we have had this year to ensure that our highways are safe.

I would like to make a couple of recommendations, though, to the minister, and that is looking at expanding the snow-clearing efforts, especially on our major highways, such as my colleague from Burgeo – La Poile has been asking for. We see people in this Province travelling the highways around the clock. They have to travel highways around the clock, and if the highways are not clear, it is not safe to do so.

We should also, in addition to commending the highway crews, Mr. Speaker – I know during the most recent storm down on the Southwest Coast, Route 470, the City of Corner Brook lent some of their resources and manpower to our provincial highway crews to help keep that clear. That is another example of the fact that – it is government's responsibility to provide the equipment and to provide the manpower and the resources that are necessary. We need to ensure we have enough resources to ensure that our highways are safe.

**MR. SPEAKER:** Order, please!

I remind the member his time has expired.

**MR. OSBORNE:** Thank you, Mr. Speaker.

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

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

**MR. MURPHY:** Thank you, Mr. Speaker.

I would like to thank the minister for the advance copy of his statement, as well. I have to place emphasis on the words "work tirelessly" in this particular release because we know, and we are thankful for the hard work that our winter maintenance crews are doing, but we have to look ahead.

Yesterday was a shocking example to this minister about the monies that have been put into roads over the last ten years. The Auditor General has commented on how much money needs to be put into roads and bridges in this Province. It amounts to somewhere near \$800 million. How many people are driving around tireless as a result of hitting the potholes and everything with the disgusting road conditions that we are faced with?

Government needs to revisit this and make sure there are going to be strategic investments in roads so that they can be done and our crews will not have to be working tirelessly as much as what they were.

Thank you very much.

**MR. SPEAKER:** Order, please!

The hon. the Minister of Natural Resources.

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

**MR. DALLEY:** Mr. Speaker, I rise in this hon. House today to highlight our Province's participation at the Prospectors and Developers Association of Canada's international mineral

convention and trade show recently held in Toronto.

Newfoundland and Labrador was well-represented and garnered significant interest in our Province's mining investment opportunities. The provincial government hosted a reception attended by over 300 leading representatives of mining companies, explorationists, and investors, and managed a high-traffic booth on the convention floor. The provincial delegation included officials from the Department of Natural Resources, Mining Industry NL, exploration companies with projects based in the Province, prospectors, and supply firms.

During the conference, I met with Vale Canada, Labrador Iron Mines, and Teck Resources Limited to discuss the status of their projects and long-term development plans. On the convention floor, I had the opportunity to talk with officials while visiting the booths of many companies including Marathon Gold, Rambler Mines and Metals, Altius, Canadian Zinc, and Duralite Drills.

Meetings were also held with officials from the China Ministry of Lands and Resources on existing and future opportunities for involvement in the mineral sector. This builds on previous discussions with the Chinese government to promote our Province's mining potential.

Mr. Speaker, in an international survey released by the Fraser Institute, Newfoundland and Labrador was ranked as one of the top ten most attractive jurisdictions for mining investment worldwide. We have a proven record of discovery and development of world-class deposits, including Voisey's Bay, Buchans, and the Labrador Trough.

Our government's decision to proceed with the construction of a third transmission line between Churchill Falls and Labrador West will ensure power for new mining developments planned in the region, fuel further industrial growth, and improve reliability for all customers.

This multi-billion dollar industry is significant for the Province, with annual shipments forecast to be near \$3.8 billion, and highly-skilled jobs for more than 8,000 people. With a total of fourteen commodities produced or mined here, there is a keen interest in our exploration and development potential which will contribute to the long-term industry growth.

Our government is committed to the sustainable development of our mineral resources and we continue to make strategic investments in our Province's mining sector to build on the tremendous prospects in Newfoundland and Labrador.

Thank you, Mr. Speaker.

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

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

**MR. BALL:** Thank you, Mr. Speaker.

I want to thank the minister for the advance copy of his statement. To the members of the House of Assembly here, we had our own MHA from St. Barbe who attended the conference as well. He actually held three prospecting workshops in his own district, as an interest that he has. So prospecting, of course, is alive and well in the Province. Of course, the mining sector is a major contributor to the provincial economy, and it will be that for years to come, I am sure.

Even though there has been optimism within the mining industry, like many industries in our Province, it also has some challenging times. Just recently, of course, with the closure of Wabush mines and the visit we made there, there are obviously a lot of people in that area very anxious to get the Alderon site and the Kami project started, as that would obviously provide long-term employment for people in that area. In recent days, we have also heard that Duck Pond will be closing in Central Newfoundland, putting some 300 Newfoundlanders and Labradorians out of work. That just speaks to the volatility we see within that industry.

Members of this side of the House, and I know myself, we were very vocal and publicly supported the construction of a third line into Lab West because we understand the security of getting that for future developments in Lab West. That is an important piece of the infrastructure that is required there.

Mr. Speaker, this was a prospectors and a developers association. All of us from time to time would dream about two young guys who were actually flying over what potentially and eventually became a huge resource at Voisey's Bay. Of course, we all know as a Province right now, the financial impact to our economy that the opening of Long Harbour will have on the future of Newfoundland and Labrador.

Mr. Speaker, I want to thank you for the opportunity to present to the statement.

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.

First of all, I want to thank the minister for the advance copy of his statement. The mining boom is truly to a great degree a success story in Newfoundland and Labrador. There is no doubt about that. It is great to see that we are one of the top ten most attractive jurisdictions for mining investment in the world.

I point out to the minister, that indeed it is a multi-billion dollar industry there is no doubt, that now has some of the largest multinational corporations in the world involved in the exploitation of our mineral resources. Indeed, Vale is the largest mining company in the world.

I am not sure why this government then has to give companies that come here financial assistance and call it an investment. In light of companies that do not understand our workplace culture, we do need to protect our workforce and

our environment. I think that is where we should be investing, Mr. Speaker.

Thank you very much.

**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.

The injustice to the shrimp quota cuts speaks to the need for our Province to have more say into our fisheries. In 2002, our Province formed an all-party committee to respond to the failure of the federal government to manage our cod resources.

I ask the Premier: Since the cuts to the shrimp quotas are so devastating to our Province, will you follow the 2002 example and establish an all-party committee to prepare a common position on recommendations to the federal government?

**MR. SPEAKER:** The hon. the Premier.

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

**PREMIER MARSHALL:** Mr. Speaker, the hon. Leader of the Opposition continues to ask questions about us encroaching upon federal jurisdiction. Under our constitution there are certain things where they have control. There is nothing we can do other than encourage them, other than advocate, other than inform them and convince them of our position and the fact that these cuts, even though scientifically they may have been required, are disproportionate in the way they virtually harm the inshore harvesters and people working in the fish plants. An all-party committee working together to make a recommendation, I would be all in favour of it.

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

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

**MR. BALL:** Thank you, Mr. Speaker.

To simply say that it is federal jurisdiction, we already know the federal Conservatives are on record as saying in 2006 and to a letter to the previous Premier in 2007 – or 2011, if the Province is interested they are willing to work with the provinces. That is the reason why we are asking for the all-party committee.

In 2002, the all-party committee involved leaders of all parties in this House of Assembly as well as members from Parliament and our Senators. It was formed in 2002. They presented a report in March of 2003. So, I agree with presenting the united front.

I ask the Premier: Will you write your Prime Minister and ask for this to be put in place?

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

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

**MR. HUTCHINGS:** Thank you, Mr. Speaker.

Mr. Speaker, over the past number of years, we have engaged with the federal government with regard to – as the Premier said, it is federal jurisdiction – asking to engage in a process where we would have joint management and have more control of the fishery of coastal communities in rural Newfoundland and Labrador. Indeed, it has always been a priority for us.

Mr. Speaker, in light of that and their unwillingness – because that is what it has been. Prior ministers, prior to me, have engaged with the federal government and they were not open to joint management. Even in that light what we have done as a government is continued on and driven economic opportunity in the fishery through leading innovation programs like FTNOP, which we invested \$14 million over the past number of years.



We have worked with the federal government in opening up new trade agreements, new access, and new markets. We have invested in marketing over the past number of years to a tune of \$10 million. Through all of that, we are driving the industry with or without the federal government, Mr. Speaker.

**MR. SPEAKER:** Order, please!

The hon. the Leader of the Official Opposition.

**MR. BALL:** Thank you, Mr. Speaker.

Well, the minister says that if you are interested or they have been interested – he talked about what they have done for the fisheries, but what you have not done is based on a letter that came from the Prime Minister in 2006 and his commitment in 2011.

I ask the minister: Have you even asked for a joint management commission?

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

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

**MR. HUTCHINGS:** Mr. Speaker, it is unfortunate that the hon. member wants to politicize this issue; it is so important. This is not about one party or another; this is about Newfoundland and Labrador. It is about those involved with the industry. It is about those communities and about businesses that support the industry. It collectively is about Newfoundland and Labrador.

I was at a demonstration the other morning, as other members were as well, and there at that time, collectively with the harvesters and everybody that was there, the FFAW and all concerned, it was recognized that this should not be politicized; this should be one group speaking one voice for Newfoundland and Labrador to have the changes made that are needed, but as well to go forward and look at joint management which is needed, which was shown in the past.

I ask the hon. member to go back and check a former leader of his party, Premier Grimes. In 2013, in May, he recognized at that point the executive summary of a report he did, that for a quarter of a decade this has been an issue that has been driven by Newfoundlanders and Labradorians and continues to be driven today.

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

**MR. SPEAKER:** Order, please!

The hon. the Leader of the Official Opposition.

**MR. BALL:** Thank you, Mr. Speaker.

Any time I stand in this House representing over 2,000 plant workers who could potentially be put out of work, talking about devastating cuts to the shrimp quotas in our Province, that is not politics; that is representing the people of Newfoundland and Labrador.

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

**MR. BALL:** I ask the minister: Have you even asked to put a joint fisheries management committee in place? Have you asked for that?

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

**MR. HUTCHINGS:** Mr. Speaker, the Premier just said we are welcome to go with a joint committee from the Legislature here in regard to that. I have indicated that prior ministers who have been involved with this portfolio have asked the federal government in regard to joint management, setting up a procedure to move that forward. It has not been productive to date.

As I said before in this House, based on the inventory that we have built in this Province, this government has built, in regard to science and technology, in regard to innovation, in regard to working with the inshore fleet, and all of the things we have done, as well the \$400 million fund we have, we believe the time is right to engage the federal government. We need shared jurisdiction; we need management of that industry as we continue to grow the

fishery in Newfoundland and Labrador, which we believe in, Mr. Speaker.

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

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

**MR. BALL:** This is now an open government and you are listening to the people of the Province; that is what we have been told.

I ask the minister: Will you table those documents and will you go ahead, take the Premier's advice, and put the all-party committee in place?

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

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

**MR. HUTCHINGS:** Mr. Speaker, I usually do take the Premier's advice, I tell the hon. member. Often, I do; I am guilty of that. I have to say that I do take his advice most of the time.

I will be happy to provide any documentation we have to the hon. member and what he has indicated, and I will certainly be happy to present it to the House.

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

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

**MR. BALL:** Thank you, Mr. Speaker.

Yesterday, the Minister of Justice said he would sign off on an appointment of a conciliation officer for negotiations for our teachers when he received the request. We know that the request was delivered two days ago.

I ask the Premier: Has a conciliation officer been assigned to help the stalled negotiations for our teachers?

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

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

**MR. KING:** Thank you, Mr. Speaker.

Just to offer a little tiny bit of clarification to that request, there are two types of requests that come in: some that I am responsible for on behalf of the Labour Relations Agency; some go directly to the Labour Relations Board. For the benefit of the Leader of the Opposition, in this particular case it has been approved and signed off but it is by the Labour Relations Board, not by me personally.

A conciliator has been appointed. I was copied with a piece of correspondence this morning. I forget who the name of the person is. I am told that the NLTA is in receipt of this correspondence and it will be moving forward.

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

**MR. SPEAKER:** The hon. the Member for Carbonear – Harbour Grace.

**MR. SLADE:** Mr. Speaker, over two weeks ago, we asked government for their plan if the fishing season is delayed by heavy ice. As you know, this is the heaviest ice conditions we have seen in decades. Government said they are aware of the situation and they were monitoring it.

I ask the minister: Can you provide an update on the compensation available should the fishery be delayed this year?

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

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

**MR. HUTCHINGS:** Thank you, Mr. Speaker.

We are fully aware in regard to the ice conditions and some of the challenges. We have been in touch with DFO and continue to be in touch with them in terms of ice conditions. To date, there has only been one region in regard to a delay in the fishery, in terms of the crab industry. That is the only one I know.

In 2007 a request was made to the federal government - it was late April or early May at that time - in regard to some assistance. At this stage we are confident that the fishery will move forward, but if it is not, we are engaged with the federal government. Certainly if there is assistance to be provided, we will provide that through the federal government and collectively, Mr. Speaker.

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

**MR. SPEAKER:** The hon. the Member for Carbonear – Harbour Grace.

**MR. SLADE:** Mr. Speaker, this is a very serious situation. Families depend on this income, and if the fishing season is delayed, government needs to step in.

I ask the minister: Why have you waited until so late in the process to even begin discussions with the federal government? Shouldn't there be a standard process to follow in a situation like this?

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

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

**MR. HUTCHINGS:** Mr. Speaker, I will just clarify. I did not say discussions just started, discussions have been ongoing. Monitoring the ice conditions and monitoring what DFO is saying and what they are hearing from the harvesters in regard to the opening of the fisheries, and if there is delay they will push out the start date.

There has been no delay in terms of discussions with the federal government. We are fully engaged with them on the issue. As I said again, in terms of intervention, if that is required we will be there to do it. If you go back and look at other programs we had in regard to plant workers, over the last seven years we have had \$9.5 million in terms of plant work adjustment programs. So when there is need for us to be there, we are there, and we will certainly

advocate and make sure the federal government is there when the time is due, Mr. Speaker.

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

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

**MR. LANE:** Mr. Speaker, tonight the English school board will be holding a public meeting on the one restrictive recommendation for school reorganization in Mount Pearl. This option is not sitting well with many parents, students, and teachers in Mount Pearl.

I ask the minister: Will he stop thumbing his nose at the citizens of Mount Pearl and commit a reasonable level of funding to address the Mount Pearl school reorganization?

**MR. SPEAKER:** The hon. the Minister of Education.

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

**MR. JACKMAN:** Mr. Speaker, I will not dignify a response to some of that type of questioning. This is an open process. Is the man saying that we should be having meetings with them? If that is what he is saying, ask him to stand up and say that.

Mr. Speaker, I am not about to interfere in this process. The school board is carrying out a process, information has been posted on their Web site, they will engage with the parents, and from that a decision will be made.

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

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

**MR. LANE:** Mr. Speaker, I am not asking the minister to interfere. I am asking the minister to provide the financial flexibility to the board so they can put forward some recommendations that work for everybody.

Mr. Speaker, in Estimates earlier this week the minister indicated that he has not handcuffed the

school board to using all existing infrastructure; yet, the school board says their hands are tied by government.

I ask the minister: Will he speak to his hand-picked board before tonight's meeting to clarify this conflict and get on the same page with this important issue?

**MR. SPEAKER:** The hon. the Minister of Education.

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

**MR. JACKMAN:** Mr. Speaker, I do not know where he is getting his information from that I have handcuffed anyone from the board. If he has something, then table it.

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

**MR. SPEAKER:** Order, please!

**MR. JACKMAN:** Mr. Speaker, I would certainly hope the board in looking at it and the parents in looking at it will look at using what space is there first. If they decide on something other than that, they will bring it to us and then a decision will be made. We are in no way handcuffing the board.

**MR. LANE:** (Inaudible).

**MR. JACKMAN:** If he would stop shouting, Mr. Speaker, I will give him his answer. We are in no way handcuffing the board.

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

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

**MR. EDMUNDS:** Mr. Speaker, court docket in Happy Valley-Goose Bay is twenty-eight pages long compared to Grand Bank court docket, which is just under four pages, all of this with just one Crown attorney on staff. On the latest Goose Bay docket, there are 225 failures to comply and breach of undertakings, forty-two sexual assaults, and seventy assault and resisting

arrest charges, all waiting to be processed over several dockets.

I ask the Attorney General: Will you now admit the justice system in Labrador is under-resourced, and when will you get serious about these important issues?

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

**MR. SPEAKER:** The hon. the Attorney General.

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

**MR. F. COLLINS:** Mr. Speaker, it is difficult to answer the member's question in forty seconds because he refers to technical procedures in court that is difficult to respond to in forty seconds. He talks about a twenty-eight page docket, for example, last week in the Happy Valley-Goose Bay court. He did not say how long it was for. I am assuming it is for a week. That includes first appearances, it includes plea dates, it includes dates to set a date, items that would be taken care of seconds or minutes, some of them. He has an officer of the court over there who would know that.

Mr. Speaker, that twenty-eight page document for a week compares favourably with the docket in Stephenville and the docket in Harbour Grace. The docket in St. John's for a week, by the way, is ninety-nine pages long.

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

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

**MR. EDMUNDS:** Mr. Speaker, when you do not have the resources, it is hard. This is not about interfering in the courts' job. This is about giving the courts resources to do their jobs.

Mr. Speaker, in last year's annual report, Goal 2 stated, "By March 31, 2014, the Department of Justice will have enhanced its responsiveness to clients' diverse needs and interests.". Clearly,

they have not met this goal in Labrador. Justice in Labrador has gotten worse.

I ask the minister: Why have you failed to live up to your own goals when it comes to Labrador?

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

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

**MR. KING:** Thank you, Mr. Speaker.

I thank the member for bringing that question to the floor of the House of Assembly once again. It is a very important question and I acknowledge he is very persistent in following that issue, as he should be. I acknowledge the challenges we face in Labrador, I say to the member opposite.

There are a number of things happening. We had meetings this past Friday with Legal Aid. We are working very hard to try to address some further challenges that they have identified to us in addition to the investments we made two weeks ago, Mr. Speaker.

As well, I can tell the member that we are working hard on the Crown attorneys positions. I acknowledge, as you point out very clearly, that when we have positions that are vacant in Labrador, it causes a tremendous strain on the system. We are moving Crown attorneys from St. John's in to try to assist with that overburden at this point in time. We are doing whatever else –

**MR. SPEAKER:** Order, please!

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

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

**MR. BENNETT:** Mr. Speaker, the minister cancelled the Family Violence Intervention Court to save \$1 per person per year. A federal Department of Justice study in 2009 estimated the annual cost of spousal violence in Canada at

\$7.4 billion or \$220 per person. It has also concluded that children exposed to family violence are more likely to end up in violent relationships when they grow up.

I ask the Minister of Justice: Has this Province carried out a comparable study to the federal one?

**MR. SPEAKER:** The hon. the Minister of Environment and Conservation.

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

**MS SHEA:** Thank you, Mr. Speaker.

Mr. Speaker, this government wholeheartedly agrees that the effects of violence in Newfoundland and Labrador, especially on our young people, are something that we need to address. We have invested in the Violence Prevention Initiative and we will continue to address in that initiative.

We understand that the projects and the work that needs to be done can best be done by our community partners, Mr. Speaker. We also know that we need to put significant attention into our Aboriginal communities as well.

We have had the Violence Prevention Initiative. We are committed to our regional co-ordinating committees, which are right across Newfoundland and Labrador. Mr. Speaker, shortly we will be able to roll out Phase II of the Violence Prevention Initiative. This is all about ensuring that the young people and the next generations of Newfoundlanders and Labradorians do not have to suffer the effects of violence.

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

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

**MR. BENNETT:** Mr. Speaker, one of the positive features of the Family Violence Intervention Court was that participants were required to plead guilty, thereby saving the cost

of going to trial. The minister cancelled the court to save \$1 per person per year.

I ask the Minister of Justice: Can he advise how many trials were avoided by these guilty pleas and how much money the Family Violence Intervention Court saved each year it operated?

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

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

**MR. KING:** Mr. Speaker, as my colleague the Minister Responsible for the Status of Women just said a few moments ago, we take this issue very seriously. I certainly do not want to trivialize it by putting the focus purely on some of the issues the member has raised over there.

We have invested in any number of initiatives over the last number of years including, as I have said in this House of Assembly before, the creation of a new Department of Child, Youth and Family Services. We recognize the importance of focusing on supporting children and youth, particularly when children are most vulnerable.

I also want to remind the member that it is just in the current Budget that we made a significant announcement of investment to focus on domestic violence, by following a successful model that has been implemented by the RNC, under Constable Suzanne FitzGerald, now expanding that model across the RCMP; and, I might add, across the entire Province of Newfoundland and Labrador so that everyone benefits from the service.

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

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

**MR. OSBORNE:** Thank you, Mr. Speaker.

Mr. Speaker, here is a part of the tender document calling for the rehabilitation of 11.75 kilometres of highway to Fleur de Lys, which was supposed to be completed by September 30,

2014. I have a part of the copy of the addendum, which was issued a week later, restricting the amount of work that can be completed this year to \$2.25 million, which is roughly four kilometres.

I ask the minister: Why did you allow the people of Fleur de Lys to believe they would see 11.75 kilometres of roadwork completed this year, when in fact it is only about four kilometres? I will table both documents.

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

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

**MR. MCGRATH:** Mr. Speaker, I am glad that the member across the way asked the question again today. He has gone to Fleur de Lys, then he went down to Baie Verte, now he is gone back to Fleur de Lys. Our government decided this year – and I explained this on Wednesday and I explained it on Monday. What we decided to do was put large projects together. We worked very closely with the Heavy Civil Association and we decided to put those projects together so that we could put them out and instead of piecemealing, we want to get work done. We have the Heavy Civil Association 100 per cent behind us, backing us on this, Mr. Speaker.

The tenders are here, all of the tenders. You want to talk about open government, I am more than happy to table the complete tenders for the four projects that I have already announced. I am glad to get the tenders out there to the public and let the public know that this government is committed to getting the work done.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Order, please!

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

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

**MR. OSBORNE:** Thank you, Mr. Speaker.

I am glad he tendered both documents, Mr. Speaker. I have given copies of these to the media, which does show that he cut it back from 11.75 kilometres to about four kilometres.

Mr. Speaker, the residents of Fleur de Lys demonstrated last year because their highway is in such deplorable condition. You have given them false hope, I say to the minister, by allowing them to think that the highway would be completed this year.

I ask the minister: Isn't it time to remove the politics from pavement and deliver what you promised in the original tender, which is 11.75 kilometres of roadwork to be completed by September 30 of this year?

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

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

**MR. MCGRATH:** Thank you, Mr. Speaker.

Mr. Speaker, one of the stipulations that we put in our tenders is that a minimum amount of work has to be done. There is no stipulation saying that there is not a maximum of work allowed to be done. If they want to do the thirty-three kilometres this year, they can do it. Mr. Speaker, I would like to read a paragraph if I am allowed from a letter from the Heavy Civil Association and I will table this also.

It says, "Your efforts and actions here make an incredible difference to our industry by ensuring we are able to make the most of our short construction season and as you stated, enabling us..." –

**MR. SPEAKER:** Order, please!

I ask the member to table the document, please, and proceed with his answer.

**MR. MCGRATH:** I table the document, Mr. Speaker, giving us 100 per cent from the Heavy Civil Association.

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

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

**MR. OSBORNE:** Mr. Speaker, naturally the road builders would commend government for early tenders but to delay the tenders again and again is unacceptable, and to take a tender which says 11.75 kilometres and reduce it to four kilometres is unacceptable.

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

**MR. SPEAKER:** Order, please!

**MR. OSBORNE:** Mr. Speaker, I ask the minister again: Will he commit to completing the full 11.75 kilometres and not put the cash flow restriction in place which prevents the contractors from doing the work?

**MR. SPEAKER:** Order, please!

The hon. the Minister of Transportation and Works.

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

**MR. MCGRATH:** Thank you, Mr. Speaker.

Mr. Speaker, if he were to read the full tenders he would realize that we are not putting any restriction on a successful bidder in the amount of work that they do. If they want to complete the work in one year, thirty-three kilometers, which to me would be probably a wise thing to do, then they are a year ahead in their work.

**MR. OSBORNE:** (Inaudible).

**MR. SPEAKER:** Order, please!

The member has asked a question; I would ask him to give the minister an opportunity to answer the question.

**MR. MCGRATH:** Thank you, Mr. Speaker.

I cannot be heard when I am being yelled at like that from the Member for St. John's South.

We are not putting a restriction on the amount of work that they want to do. If they want to do thirty-three kilometres this year, please do.

**MR. SPEAKER:** Order, please!

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

**MS DEMPSTER:** Thank you, Mr. Speaker.

Budget 2014 cited the low income cut-off measurement of a 5.3 per cent poverty rate, celebrating that we are tied for having the second lowest poverty rate in Canada. They conveniently ignored the low-income measurement, which poverty reduction advocates favour. This measure states 13.8 per cent of our population is living in poverty, that we actually have the sixth lowest rate of poverty in Canada.

I ask the minister: Why are you denying the reality of poverty levels and, instead, selectively choosing lowball numbers?

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

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

**MR. O'BRIEN:** Mr. Speaker, there are many measurements in regard to the baseline for poverty right across Canada and right across North America. What I do know is that this government has invested over a billion dollars in regard to poverty reduction to date when we first tabled that strategy. As a matter of fact, in this Budget alone, Mr. Speaker, there is going to be \$170 million spent on poverty this year all across other departments, along with \$4.8 million to raise the income rate for vulnerable people in this Province.

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

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

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

In responding to questions in this House, the Premier has been giving conflicting answers about who exactly will be doing the research for the \$500,000 study announced in the Budget on radiation services in Western Newfoundland.

I ask the Premier: Would he please clarify who exactly is doing the study, and what the timeline is for the entire process?

**MR. SPEAKER:** The hon. the Premier.

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

**PREMIER MARSHALL:** Thank you.

Mr. Speaker, there is \$500,000 in the Budget to do a study to look at radiation therapy in Western Newfoundland, and also beyond Western Newfoundland and other areas because, obviously, in doing this study for one area you would have to look at the entire Province as well. The person who will do the study will be some independent person. The Department of Health will be examining potential people. There will be an RFP go out.

The timeline; I hope the timeline is very quick. Again, when we get people, independent people to do the work, we have to make sure they have the time they need to do the work. I would hope that we would get their response, their answer, their advice and recommendations in very short order.

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

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

**MS MICHAEL:** Thank you, Mr. Speaker.

The Premier, in his answers, has made reference to external consultants. He also made reference to the bureaucrats and to the bureaucracy dealing with it, so I want to make sure he is clear about what the role of the bureaucrats is. That is my question to the Premier, Mr. Speaker. I want to know what the role of the bureaucrats is, Mr. Speaker.



**MR. SPEAKER:** The hon. the Premier.

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

**PREMIER MARSHALL:** Mr. Speaker, we are very fortunate in this Province to have highly dedicated and highly qualified public employees who do their work and give advice, obtain evidence and provide it to us with analysis and recommendations so that we can do our job that we have been elected to do by the people of the Province.

From time to time we go and get some impartial people to come in and take a look at that evidence, and help guide us and inform us in making the proper decision. We are elected to make the final decisions. The bureaucrats, the consultants that we engage, they will provide us with facts, statistics, and advice. We will make the decision.

For radiation, if there is a model that could offer safe, high-quality radiation for the people of Western Newfoundland, we are committed to find that model.

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

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

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

I ask the Premier: If it is determined by the study that radiation services should be offered in Corner Brook, will they be started in the existing hospital or will people have to wait years for these services in the new hospital?

**MR. SPEAKER:** The hon. the Premier.

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

**PREMIER MARSHALL:** Mr. Speaker, if the recommendation is to offer this service, obviously, given the fact that the hospital is about to go to design build, it is important that we start the construction now so that it is ready

for when the hospital is ready, which will be about six years from now.

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

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

**MS MICHAEL:** Is the Premier therefore telling the people in Western Newfoundland that they are going to have to wait at least six years for radiation services to happen over there?

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

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

**MS MICHAEL:** I ask him to clarify: Is he telling the people of Western Newfoundland that they are going to have to wait at least six years for radiation services if the study says that?

**MR. SPEAKER:** Order, please!

The hon. the Premier.

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

**PREMIER MARSHALL:** Mr. Speaker, we are not going to spend the money twice. Obviously a new hospital is being built and we are going to make provisions for the necessary bunkers in that hospital so that radiation therapy can be provided.

First, there is no place – there are two places in the country that are offering this service with only one machine. Based on the numbers out of Western Newfoundland, there will be one machine. We have to determine first if that is safe. Maybe there has to be two machines. We also have to determine –

**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: Did he consult with court and legal services including the Provincial Court, the judiciary and legal aid before he cut the Family Violence Intervention Court?

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

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

**MR. KING:** Thank you, Mr. Speaker.

We continue to have a dialogue here in the House about the government's commitment to justice and the family violence in the Province. I thank members for continuing to ask the questions because I think it is an important discussion. As I said a few moments ago, if I go back a number of years it was our department who recognized the challenges that the Province faced when we created the Department of Child, Youth and Family Services.

It is also our government that just announced in the recent Budget, Mr. Speaker, of a significant investment in family violence through the model being used by the Royal Newfoundland Constabulary under Suzanne FitzGerald. That is a model that we are going to take and we are going to move across to the RCMP. We are going to make the service available right across the entire Province of Newfoundland and Labrador.

**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: Did he consult with Public Prosecutions before he cut the Family Violence Intervention Court?

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

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

**MR. KING:** Mr. Speaker, any time we bring in a new initiative, like I just spoke about a few moments ago with the RNC and RCMP, we do a tremendous amount of consultation because we are talking about an adoption of a policy and an investment of public funds in a new policy for government. We always consult on that, and I was involved in the consultation process myself with Constable FitzGerald as well as the senior leadership of the Royal Newfoundland Constabulary.

We recognize that the model they are using is one that for the first time in a long time will provide a service with respect to family violence and the prevention of family violence by identifying potential perpetrators. It will provide the service across the entire Province of Newfoundland and Labrador, Mr. Speaker, and that is what is important to this government: making sure services are available everywhere to everyone.

**MR. SPEAKER:** Order, please!

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

**MR. SPEAKER:** The hon. the Member for St. John's Centre for a quick question without preamble.

**MS ROGERS:** Mr. Speaker, I ask the minister: Why did he ignore the recommendations of his internal review to institute permanent funding for the Family Violence Intervention Court?

**MR. SPEAKER:** The hon. the Minister of Justice for a quick response.

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

**MR. KING:** Mr. Speaker, I can say this again, I have said it many times in this House, we consult on a regular basis. We ask for reports on a regular basis. We seek out recommendations on a regular basis. Recommendations are just that; they are recommendations. That does not mean government is bound to follow the recommendations. It is merely advice that is provided to government in decision making.

**MR. SPEAKER:** Order, please!

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

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

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

Answers to Questions for which Notice has been Given.

Petitions.

### Petitions

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

**MR. LANE:** 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 current government regulations deny busing services to students who live closer than 1.6 kilometres from school; and

WHEREAS parents have expressed concern that children living within 1.6 kilometres of school face dangers in walking to school, such as congested streets, busy intersections, and no sidewalks, especially during winter weather conditions; and

WHEREAS the \$75,000 review of the school transportation system completed by Deloitte recommended the Department of Education consider reducing the 1.6 kilometre eligibility zone for Kindergarten and elementary students; and

WHEREAS the \$75,000 Deloitte report also noted that only 10 per cent of those surveyed for the school transportation system review agree the current 1.6 kilometre policy is reasonable for students and families; and

WHEREAS parents are continuing to demand more flexible policies to meet the current needs of school children;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to change the outdated 1.6 kilometre school busing eligibility policy in order to ensure safe travel to school for primary and elementary school children in the Province.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, as indicated, I would like to present this petition to the House once again. This is a policy that certainly needs to be revisited, as indicated in the petition. There was a study carried out, a report done by Deloitte, to the government recommending that this be revisited – particularly for younger children, elementary children.

Certainly that is something that I have heard from parents in Mount Pearl; various elementary schools have contacted me about this issue. I know my colleagues have received concerns raised to them by their constituents as well. The Member for St. John's North has actually raised this on a number of occasions.

When you look at this winter in particular, you look at all the snowfall we had, you look at the fact that many of the city sidewalks are not cleared and pedestrians are forced to walk out on the side of the road. Mr. Speaker, when you look at those conditions and then you have to picture young children having to walk in the roads, on the side of the roads in these conditions, in many cases in busy high-traffic areas, it certainly is a major safety issue. I strongly urge the Minister of Education to show some leadership in this issue and to have this

issue revisited and look at reducing that kilometre distance.

Thank you, Mr. Speaker.

**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 Route 430, the Viking Trail, is the primary highway on the Great Northern Peninsula; and

WHEREAS the current road condition of approximately sixty kilometres between Plum Point and Eddies Cove East have sections that are in dire need of resurfacing and/or repaving; and

WHEREAS it is government's obligation to provide basic infrastructure to all Newfoundlanders and Labradorians; and

WHEREAS an improved road network on the primary highway is needed to enhance road safety and help with local commerce, as well as deal with increasing passenger traffic levels in this section of highway;

We, the undersigned, petition the House of Assembly to urge the government to allocate funds under the provincial roads program to pave this section of Route 430.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, Route 430, as it is a primary highway, it is in a very unique position given the transportation flow of goods and services. Also, when we look at tourism potential, we have Gros Morne UNESCO site in Gros Morne Park; we have the Viking settlement, L'Anse aux

Meadows, which is a UNESCO site; and we also have, in St. Barbe, the Strait of Belle Isle ferry crossing that goes to southern Labrador to also reach a UNESCO site in Red Bay – three key areas here. Look at the condition of the road, this petition for Route 430.

Also, on the other side in the Labrador Straits, we need to make sure that we have good road infrastructure. My colleague, the Member for St. Barbe, as well certainly agrees that these are types of things that we need to do if we are going to advance the flow of goods and services and allow people to travel safely in our economy.

Mr. Speaker, I put forward this petition to the House of Assembly.

Thank you.

**MR. SPEAKER:** The hon. the Member for Signal Hill – Quidi Vidi.

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

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

WHEREAS violent workplace incidents involving convenience store clerks and gas station attendants are a serious health and safety issue; and

WHEREAS many public and private sector employees are being left in vulnerable situations, especially in the opening and closing of their buildings and establishments; and

WHEREAS all workers deserve protection from danger and harm; and

WHEREAS current government regulations are woefully inadequate in providing even basic protection for these vulnerable workers; and

WHEREAS it is the responsibility of employers to keep workers safe and the responsibility of government to ensure employers adhere to regulations;

We, the undersigned, petition the House of Assembly to urge government to immediately enact legislation and regulations to protect workers in hazardous workplaces, including late-night shifts in convenience stores and gas stations. This legislation must direct employers to have a minimum of two workers on site after 10:00 p.m. and before 6:00 a.m., or have a secure barrier between the worker and customer in place between these hours.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, I am very glad to stand today and speak to this petition. I have had this petition presented to me before and I have stood on behalf of petitioners with regard to it. I continue to receive this petition.

It is not understandable to me why the government would not look at its legislation and change the current regulation which calls for measures which are reasonably practicable and become specific, Mr. Speaker. It is not costing the government money to do that. It could offer an incentive to small businesses with regard to offering the security; for example, if a business said we are not going to have two people working during the hours overnight but we would like to put up a barrier that would keep the workers safe during those hours, there could be an incentive offered to help small business with doing that. If government did think about doing something that like, there would be a very minimal cost, Mr. Speaker.

Something must be done to make sure that workers who are working overnight from 10:00 at night to 6:00 in the morning can feel safe. Many of those workers are students. Many of them are trying to earn money to keep themselves in post-secondary education. To work is not a choice; it is what they have to do and these are some of the jobs that are being offered to them through our economy.

It is not costing the government. Why will they not put it forward? Why will they not put in a regulation that will ensure that our workers are safe? It is a necessary part of occupational health and safety, Mr. Speaker. The workers who are doing this work very often are low paid; they very often have no choice about where they are working.

Thank you very much, Mr. Speaker.

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

**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 until 2013 calcium was applied to provincially-owned gravel roads in and around communities to suppress dust; and

WHEREAS dust suppression is very helpful for residents experiencing health conditions like asthma and allergies; and

WHEREAS the cost of administering the calcium program is very affordable to government; and

WHEREAS dust suppression is an effective way of improving safety for the travelling public;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador beginning in 2014 to reinstate the calcium application program on provincially-owned gravel roads in and around communities.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, I have been up a number of times on this calcium issue and I will continue to do

that. It is a huge, huge issue. Every time I am back in the district I am asked about this by constituents. Are we getting the money reinstated? It does not matter if it is calcium as long as it is some form of dust control.

Through social media and on my Facebook I do not know if there is a day, Mr. Speaker, that somebody does not raise the issue. I think it was just this week a couple of days ago someone signed my wall and said an elderly lady in their community was wondering if there was something she could get to put around her door. How sad is that when she is probably living on a very fixed income and already does not have enough money to make ends meet.

There are breathing problems. There is a whole number of health things: lungs, respiratory. In the summertime the dust is really, really bad, Mr. Speaker. You cannot get out, you cannot walk.

I mentioned before, there was a child who was medevaced out one night on a flight, while I was in the community of Cartwright, because of breathing problems. It is not a lot of money that we are talking about. I believe it was only \$700,000 that was spent provincially.

We see that Budget 2014 called for some upgrades to the Point Amour Lighthouse. We are going to be enhancing, and so we should, the tallest lighthouse in Atlantic Canada; yet, tourists are going to have to drive through a sandstorm to get out and visit. It is a real deterrent.

We are not talking about a lot of money, Mr. Speaker. I really would urge the minister to go back and look at this and reinstate the calcium, or consider some other form of dust control on this very important issue, at least to the people of Cartwright – L'Anse au Clair.

Thank you.

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

**MR. BENNETT:** 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 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, I noted from the summary provided by Hansard, that I have presented this petition more than fifteen times. The residents of Trout River, while they are appreciative that their cries are being at least announced and heard, they are disappointed that they are being ignored. They are disappointed that in the year 2014 – and the Town of Trout River is the third largest community in Gros Morne National Park. They have outstanding restaurants there, internationally known, internationally renowned. The Town of Trout River has a vibrant, small, inshore fishery – they are left behind in technology to the extent that they are unable to access cellphone service.

Mr. Speaker, the residents of Trout River cannot understand why this government will not partner with the private sector and begin moving forward to provide them with cellphone coverage that most residents tend to expect and believe they should reasonably be provided with.

Thank you, Mr. Speaker.

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

**MS ROGERS:** Thank you very much, Mr. Speaker.

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

WHEREAS the 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, defence 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 of 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, I am happy yet again to stand up and present this petition on behalf of the people of Newfoundland and Labrador about the Family Violence Intervention Court. I was astounded today, when I asked the Minister of Justice if he consulted with court and legal services including the Provincial Court, the judiciary, and legal aid before he cut the Family Violence Intervention Court, he started to talk about Child, Youth and Family Services.

Mr. Speaker, that has nothing to do with the Family Violence Intervention Court. Child, Youth and Family Services is about services for children and the protection of children, not about women who are victims of family violence or children who are victims of family violence. This was a bona fide court that did the work it was supposed to do, as even the minister said it did.

I cannot believe, Mr. Speaker, the amount of diversionary tactics. He could not give me a straight answer. I asked him if he consulted with Public Prosecutions before he cut the court. He did not answer that as well.

I asked him why he did ignore the recommendations of his own internal review that said government should institute permanent funding for the Family Violence Intervention Court. That is how successful the court was. He did not answer that question, as well. Why would he not, Mr. Speaker, listen to the recommendations of his expert panel, of his expert review?

Mr. Speaker, if he is saying he did consult, that he consults all the time, I want to see the reports of those consultations because I do not believe those consultations happened. I believe that he did not consult either with Adult Custody,

Community Corrections, Victim Services. Mr. Speaker, this has been an uninformed decision, not based on evidence-based decision making.

Thank you very much, Mr. Speaker.

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

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

**MR. JOYCE:** Thank you, Mr. Speaker.

I stand today to present a petition on the hospital in Corner Brook.

WHEREAS we wish to raise concerns regarding the delay of the construction of the new hospital in Corner Brook, Newfoundland;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to commit to the planning and construction of a new hospital in Corner Brook as previously committed to and in a timely manner as originally announced without further delay or changes.

Mr. Speaker, I have again petitions here of people from Pasadena, Mount Moriah, Cox's Cove, all over Corner Brook, Meadows. Once again, I raise this concern on behalf of the residents of Western Newfoundland and Labrador.

Mr. Speaker, the government now is going to commission a study on the new hospital in Corner Brook, which I was hoping we would have started two years ago so we would have the information that they would have to share with the people in Western Newfoundland instead of denying it.

I heard the Leader of the Third Party ask questions today. I am glad, I am so glad. I say to the people of Western Newfoundland, I will look for support for anybody for the new hospital, for radiation, but somebody should have told her. Six years ago is when this started, and now we hear questions being asked.

The Leader of the Third Party said, well, they have radiation because they have radiologists. Let's keep this debate about the facts. The facts are, just because you have a radiologist does not mean you have radiation. There is no radiation in Corner Brook, I say to the Leader of the Third Party. Now, she agrees. I am glad.

We have to have this argument, and we have to have this discussion, Mr. Speaker, with informed information. We cannot stand up here and say across the House, well, they have radiologists therefore they have radiation. That takes the debate down, Mr. Speaker.

I heard the Leader of the Third Party once again – and I welcome everybody. I will welcome anybody, Mr. Speaker, who wants to support radiation and a PET scanner in Corner Brook. I will welcome anybody. I look forward to it.

When you hear the Leader of the Third Party: Why don't you put it there now before the new hospital is built in five or six years? Just to give you an example, in our research – and at no time am I trying to defend the government, but I have to speak to facts – in Peterborough, it took five years from the time they said yes we are going to do it to the time they went through the program to actually have radiation – took five years. In Sault Ste. Marie, it took almost six years.

So, when the Leader of the Third Party stands up and says we should put it in the old hospital, do not wait for the new; we need to get the facts. The facts are: We start now, put it in the design, five or six years, and then we can offer the radiation. So I say to all members: Get your facts, let's all work together, and let's get this done.

Thank you, Mr. Speaker.

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

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



**MR. KING:** Mr. Speaker, I move, seconded by the Minister of Finance and President of Treasury Board, to go to Orders of the Day.

**MR. SPEAKER:** It is moved and seconded that we go to Orders of the Day.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

Motion carried.

### Orders of the Day

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

**MR. KING:** Thank you, Mr. Speaker.

At this time I would like to call Order 6, second reading of a bill, An Act To Amend The Revenue Administration Act, Bill 9.

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

**MS JOHNSON:** Thank you, Mr. Speaker.

Mr. Speaker, I rise today to discuss the proposed amendments to the Revenue Administration Act –

**MR. SPEAKER:** Order, please!

**MS JOHNSON:** Sorry.

**MR. SPEAKER:** Is the minister going to move and –

**MS JOHNSON:** I can do that, too.

I move, seconded by the Minister of Justice, that we now bring in second reading of An Act To Amend The Revenue Administration Act.

**MR. SPEAKER:** It is moved and seconded that Bill 9, An Act To Amend The Revenue Administration Act, be now read a second time.

Motion, second reading of a bill, “An Act To Amend The Revenue Administration Act”. (Bill 9)

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

**MS JOHNSON:** Thank you, Mr. Speaker.

As I was saying, I would like to discuss the proposed amendments to the Revenue Administration Act today. This is housekeeping in nature, but important. This act outlines in law how the Government of Newfoundland and Labrador is to administer provincial taxes under its jurisdiction – taxes like the gasoline tax, health and post-secondary education tax, insurance companies tax, minerals tax, retail sales tax, and so on.

These taxes are under the administration of the provincial Department of Finance and provide revenue to the government, revenue which in turn provides funding for programs and services for the people of the Province.

The amendments to this act to be debated today are under Part I, General, of the act. The proposed amendments will follow the guidance of the Canada Revenue Agency and will strengthen the department’s administrative position.

I would like to provide some background to the current language under the act before we discuss the merits of the amendments. The act currently provides the minister with the ability to demand the production of books and records from a person, syndicate, trust or corporation, or an agent or official of a person, syndicate, trust or corporation for the administration and enforcement of the act and regulations.

The act requires that this person is or may become a third party to the taxpayer. The term “third party” is not defined in the act, so it is unclear what type of relationship, if any, is required in order for the minister to exercise his or her discretion to request information under this provision. It is necessary to amend this act to remove reference to this undefined term in

order to remove ambiguity from the act, making clear the provision that currently allows the minister to request books and records.

Review and revision of legislation is a necessary and regular activity within government. Such amendments, as we know, are important to ensure the laws that govern us and that they are up to date, relevant, and concise.

In discussing the proposed amendment to the Revenue Administration Act, I would first like to outline the necessity of the provision which provides the minister authority to review books and records of a taxpayer. Tax revenues belong to the people of Newfoundland and Labrador. As stewards of these revenues, it is government's responsibility to ensure the fair and consistent application of provincial tax laws to provide the correct amount of tax revenue for the benefits of our citizens.

The Revenue Administration Act currently provides the minister with the authority to demand the production of books and records from a person, syndicate, trust or corporation, or agent of those persons for the administration and enforcement of the act and regulations.

Books and records, as defined under the act, means any recorded information, an original or copied form relating to a taxpayer or taxpayer's returns, including every kind of financial book or record, all purchase invoices, sales invoices, sales tapes or other documents or original sale of purchase, statement of account, bank statement or statements of other financial institutions, and so on. It is clearly outlined in the legislation the type of financial documents to which government is privy.

Within the section of the legislation which references the authority to demand books and records, it requires that the person is or may become a third party. This language is ambiguous and must be revised to strengthen our administrative position. Whereas terms such as books and records, among others, are clearly defined in the legislation, the term "third party" is not defined in the act or regulations. A plain

language meaning is someone other than the taxpayer that is involved in a transaction.

Another provision within the act is named "demand on third party" and it refers to someone who is or is about to become indebted to a taxpayer. The Interpretation Act says that section titles are not law and so the implied meaning of third party in this provision has no bearing on its meaning in the production of books and records provision. This amendment is removing the requirement that a person be a third party to a taxpayer in order for the minister to demand books and records.

It is important to note for both members in this hon. House and for those in the business community that this amendment is not expanding the current authority of the minister; it is simply clarifying the law with respect to the demands to produce books and records. The books and records that are being requested under the law have to be requested for the sole purpose of administration and enforcement of the Revenue Administration Act. As I mentioned before the act covers various taxes.

Records cannot be requested for anything that is not related to provincial taxes under the act. Simply put, the minister and the government has not been allowed under the law, nor will they be granted under the law permission to request books or records for a purpose other than in relation to administering and enforcing this specific tax law.

The powers conferred by this provision are consistent with and no broader than similar powers existing in the Income Tax Act of Canada used by the Canada Revenue Agency in the administration of corporate and individual income taxes.

To conclude, I would like to reiterate that government has the definitive responsibility to ensure that the provincial tax system is administered consistently and in accordance with the law for the benefit of the people of the Province. In order to accomplish this, amendments are needed from time to time to ensure legislation is current, clear, and concise.

Our tax regimes will be better for this. The amendments that are proposed to the Revenue Administration Act will strengthen government's ability to administer this legislation and protect valuable revenue for citizens. That is it in a nutshell. It is very simple but very important, Mr. Speaker.

Thank you.

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

**MR. JOYCE:** Thank you, Mr. Speaker.

I listened to the minister very intently and we had a briefing on it – a phone call actually. I thank the minister and her officials for that. As the minister mentioned in her few words and in the phone call that we had on the briefing, this is more housekeeping than any major changes to the act itself.

A few things that we would like to have on the record is that – and to be sure of what the minister has been saying and we concur, that this in no way gives the minister or the government any more power under the act. We want just to make the business people and the people out there confident that this is not a grab by the government to try to get more powers.

This will keep the same powers that the government has now. It is also for the bank statements and books that are related to financials for the company. I just wanted to put that on the record also, in our conversation with the minister today.

As we all know in government, and the minister stated today, routinely you go through acts. You try to revise the acts and bring it up, take things out and add things for more clarity. In this one here, this is just adding clarity to the act. This is not giving any extra powers to the government or to the minister. This is just putting clarity in the act as we go through it.

I say to the minister, we will support this. It is a housekeeping matter. We just wanted to be on the record that this is for administrative purposes

only. When you go and look at the books and you look at the bank records, it is for the administration dealing with the companies. We will be supporting this bill. This will provide clarity for the act and for people who are reading the act. It is not just for the government and the officials in the Department of Finance. It is for the individuals and companies that will fall under this act, to ensure they have clarity also of what needs to be done.

We will be supporting this, Minister. As I said, this is just housekeeping. This is going through the bills, and in this case here, saying that we need – and there are other sections. I think it is section 11, reference to third parties in section 11 is unnecessary. We are taking that out now for more clarity.

We will be supporting the bill. This is just part of the routine to clean up the bills to make sure that people have clarity when they deal with the government. So, Minister, we will be voting for this.

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

**MR. SPEAKER (Verge):** The hon. the Member for Conception Bay East – Bell Island.

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

**MR. BRAZIL:** Thank you, Mr. Speaker.

It is indeed an honour to be able to address this House as we look at a bill, An Act to Amend the Revenue Administration Act.

Mr. Speaker, as the minister had mentioned, while this is a housekeeping amendment, it is still very important. Because everything we do in this House, every piece of legislation and any amendment has an impact on the citizens we represent and, particularly, in how we govern and how we make sure that the tax dollars that we use to govern and provide for programs and services are accounted for. In this case, this is a particular one also.

I had the privilege of being with my colleagues, the Member for Lake Melville and the Member

for Fortune Bay – Cape La Hune, and with some very competent bureaucrats who sat down and explained not only that this was a minor housekeeping amendment, but the whole intent of the act.

The intent of the act, Mr. Speaker, as all of our acts, particularly under the Financial Administration Act, is about accountability and making sure every dollar owed to the government is owed properly and every dollar owed to the government is accessible; but at the same time, representing the fact that we do not want to infringe on people's rights. In this case, this is exactly what it does. It makes sure it clarifies for anybody dealing with government, particularly around audits, particularly around financial information that may be necessary for the tax auditors to be able to their job, to make sure it is legitimate when they get it.

We do not want people out there being confused or being threatened in any way. This is the opposite. It protects the citizens we deal with, but it also gives the officials the ability to adequately deal with what needs to be done and to work with the individuals and companies out there to say: Here is what is owed and here is what it is based on. If you want to challenge that, fair enough, but we have the documentation or we would like to proper documentation, and we have done that here.

I am going to admit the Member for Bay of Islands did note that. This is in no way about giving government extra power or control over the citizens. By far, it is the opposite; it is clarifying. It is specifically saying we will now deal with third-party individuals, but only those relevant to an audit being done and only relevant to the information the authority, in this case, the officials in the department, would actually need to do the proper audit.

In this case, while it is housekeeping, in talking to the officials, the officials have outlined any piece of housekeeping cleans up what we are doing, makes it more coherent, makes it more understandable, and puts it in layman's terms and plain ideas so the average person who might phone in and say explain to me why you are

trying to access this piece of information, will be able to do it. Tell me what impact it will have on my audit. Tell me what impact it will have on determining how much money I owe. In this case, they have very diligently done that.

We have passed hundreds of pieces of legislation over a period of time here. A lot of it is a lot of open debate. Some of it is very controversial. Some of it is in the best interests of particularly cleaning up the wording. In this case, this is what this is. We are just changing it to make sure which is or may become a third party is moved from this piece of this legislation and is replaced. The understanding is now any third-party individual who deals with particular companies or individuals who are being audited by government and needs clarification on the piece of financial information, will particularly only deal with what is relevant to this part of the act.

Mr. Speaker, I am glad to be able to say we support this, and I support it personally. I know my colleagues in the briefing with the questions we had, we now understand exactly why this is an amendment that needed to be done.

Thank you, Mr. Speaker.

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

**MR. SPEAKER:** The hon. the Member for Signal Hill – Quidi Vidi.

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

I, too, am happy to stand and speak to this bill and to take part in saying yes to a piece of legislation that will bring clarity to our Revenue Administration Act, because it is very important that our legislation is clear, that there are no ambiguities in legislation. I think what we have here in front of us today is something that removes some ambiguity that was there in the Revenue Administration Act with regard to the definition of a third party as it relates to the act.

The bill would amend the act "...respecting the persons from whom the minister may demand

the production of books and records for the administration and enforcement of the Act and the regulations.” It does relate specifically to audits, and making it clear from who the minister may demand the production of books and records is extremely important.

During the briefing the bureaucrats did note, the officials who took part in the briefing did note that it was a minor housekeeping matter. However, a question was asked in the briefing of whether or not it was related to anything that was actually happening now, anything that was ongoing. The official said to ask the minister. The question was pressed on the official and the official was adamant that we ask the minister with regard to that point.

Then, in Estimates, the question was asked of the minister who noted that the amendment had implications regarding an audit the Department of Finance has commissioned regarding Vale sale of Voisey’s ore. It is rather interesting that this was pointed out by the minister in Estimates. There is nothing wrong with that. We have a particular audit that is happening and an audit that does involve third parties, obviously, if it is an audit that is related to Vale sale of ore. It is extremely important that if there are third parties there, Mr. Speaker, third parties that have papers that relate to this, it is important that government be able to get at it.

Mr. Speaker, I am hearing comments being made to me here, we were represented at the Estimates. The person who was there representing me at Estimates reported to me what was said, Mr. Speaker, at Estimates, as is the job of the person who was asked to represent me there.

Mr. Speaker, I am reporting what has been reported to me. I am not saying this is a bad thing. I am saying this is an example of where the clarity is needed. Because if Vale, for example, is now being audited with regard to its sale of ore, and it has to do with another party that was involved in buying the ore, and there is something questionable there, then it is really important that those doing the audit be able to get the papers from that third party.

This is an example, Mr. Speaker, of how practical this piece of legislation is. I think it is extremely important that this is here. I think it is extremely important in a case of something like that, an audit of one of the mining companies who are working in our Province, there be no doubt the officials were able to access all the documentation, all the papers, and everything that is available to be able to make sure the audit is accurate, that the audit completely covers the issue, and that we get a full answer in an audit.

This is something that protects the taxpayers in the sense it protects the public purse. It is a piece of legislation that will ensure due diligence is always done with regard to the public purse, with regard to monies that are owed to the government and therefore to the people of the Province, and with regard to those who are doing business in our Province and who are gaining – and that is fine, they should gain – from the work they do and from the exploitation of our minerals, for example, if that is the case with a company. We should also make sure we are getting everything we should be getting.

This piece of legislation will ensure that kind of protection. For that reason, Mr. Speaker, I obviously will be voting for it.

Thank you.

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

**MR. SPEAKER:** The hon. the Member for Lake Melville.

**MR. RUSSELL:** Thank you, Mr. Speaker.

It is an honour to stand in my place here and speak for a few brief moments on this amendment, Mr. Speaker, to this piece of legislation. It is fitting that tax season is upon us and if my nan is watching at home today: Nan, I will have your taxes done shortly.

This is certainly just considered to be housekeeping, Mr. Speaker, but as the Member for Conception Bay East – Bell Island said, it is very important because we are duty bound in this Legislature to make sure our legislation is

the best it possibly can be. If that means repealing a small subsection and adding in something that protects taxpayers and protects us as the government getting our taxes, because if people owe us money we obviously want that money, it is very important, as the Member for Conception Bay East – Bell Island said.

Basically, what we have to do is make sure if minor changes or amendments are made, we are doing what is in the best interest of the people of the Province. In this particular case, it is a matter of one small sentence being removed, Mr. Speaker, but what that allows us to do is provide clarity, clarity to anybody who is dealing with the government in a tax situation, clarity to people who want to make sure if they have people representing them in a tax situation, that our tax regime is the best that it can be and those people are protected.

The bottom line here is I am glad to see everybody stand up and say their piece on how they are going to be supporting this amendment. Although considered a housekeeping issue, it is important. If there is anything that is certain in life, Mr. Speaker, it is death and taxes. We want to make sure that anybody paying their taxes is protected. We want to make sure our legislation is the best for the people of the Province.

I am going to stand in my place and support this amendment. Housekeeping as it is, Mr. Speaker, it is important to make sure that our tax regime is the best that it is and our legislation is the best that it possibly can be. With that, I will take my seat.

Thank you, Mr. Speaker.

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

The hon. the Minister of Finance.

**MS JOHNSON:** Thank you, Mr. Speaker.

I certainly appreciate the speakers who have spoken about this particular bill. I thank the Opposition and the Leader of the Third Party for

their support. I thank the members on our side of the House for speaking to this bill.

As we all know amendments are needed from time to time. It is only good that governments do review the legislation that they have to ensure that it is up to date, but also to ensure that it is concise and that it is clear and current, Mr. Speaker. Again as we said, this is housekeeping but it is important that government has the ability to administer the legislation. It is also important that we protect the revenue that comes to the Province because it is for the taxpayers of the Province.

As I said, this is housekeeping, but important. I thank all members for their support to this bill.

Thank you.

**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 Revenue Administration Act. (Bill 9)

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

When shall the 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 Revenue Administration Act", read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 9)

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

**MR. KING:** Thank you, Mr. Speaker.

At this time I move, seconded by the Minister of Finance and President of Treasury Board, that the House resolve itself into Committee of the Whole to consider Bill 6, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act, The City Of St. John's Act And The Municipalities Act, 1999, as well as Bill 9, An Act To Amend The Revenue Administration Act.

**MR. SPEAKER:** It is moved and seconded that the House resolve itself into a Committee of the Whole to consider Bill 6 and Bill 9.

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):** Order, please!

We are now considering Bill 9, An Act To Amend The Revenue Administration Act.

A bill, "An Act To Amend The Revenue Administration Act". (Bill 9)

**CLERK:** Clause 1.

**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 Revenue Administration Act.

**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:** Order, please!

We are now considering Bill 6, An Act To Amend The City Of Corner Act, The City Of Mount Pearl Act, The City of St. John's Act And The Municipalities Act, 1999.

A bill, "An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act, The City of St. John's Act And The Municipalities Act, 1999". (Bill 6)

**CLERK:** Clause 1.

**CHAIR:** Shall clause 1 carry?

The hon. the Member for Bay of Islands.

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

I am just going to stand and have a few words on this bill. As we can see, there are some good things in this bill. One, is allowing people – as we all know, there are a lot of volunteers in Newfoundland and Labrador who sit on the council. We know that there are a lot of people in Newfoundland and Labrador who travel away for work. It is a part of it that when they are away for work, they would love to be able to still participate in the council meetings and have decisions instead of having to be absent or not partake.

In this section, Mr. Chair, in this part of the bill, I agree, because I know people who are on councils who do travel away, who still want to participate and still want to, when they make a decision, to know the facts and be able to help their towns. So, Mr. Chair, in that aspect and that part of the bill – again, I am sure the minister will outline, and he probably already did, how long this can go on that this person still has to remain a resident in the town. It is my understanding it is up to the town to set the parameters of the meetings.

My only question to the minister and to the government on this: Is it better to have set parameters for all the towns so that you can have it set so every town would be uniform? Once you say, okay, you can set a set of rules, you can set a set of rules, you can set a set, you can see the confusion. People would always be saying: Well, we are doing it over here, why can't we do it here? – or, they are doing, so we should be able to do it.

That is just something the minister could speak on when he stands. If we can set the rules, if it is for three meetings, four meetings, up to six months. Somehow, that when you have to (inaudible) municipalities. I heard someone mention the other day about municipalities, they

are responsible – and they are responsible. They are very responsible.

I just think anything that we could put in to avoid confusion and avoid conflict among municipalities, we should do it. If there is some way to put it in regulations about that, so they would be uniform all across the Province of Newfoundland and Labrador, I think we should.

I am not sure what consultations you had with MNL or what consultations you had with these towns, I am sure the minister could mention that. If you look under the Municipalities Act, once you get into the Municipalities Act, it is for all the municipalities in the Province; yet, we are going to bring in legislation where municipalities can have their own discretion. I am not saying it is a bad thing, I am not saying it is a good thing. I just do not know the justification why it is done that way.

The second part of the bill, Mr. Chair – I will probably have a few words later after the minister speaks, and I think there are a few of my colleagues who are going to speak on this also – is about selection of youth. Mr. Chair, at no time does anybody on this side of the House think that you should not participate in a democratic process – at no time, absolutely no time.

I heard it mentioned when they brought up some of the parameters: well, you can appoint someone who is young. People say, well, you have more responsibility than councils. Mr. Chair, we are trying to avoid any potential problems. That is our goal.

When you bring in a piece of legislation in this House, as the Official Opposition it is our role to take the legislation, go through the legislation, pass on concerns to government so we could strengthen the legislation. That is the goal.

There is no one on this side of the House in the Official Opposition, ever in my presence, ever question the integrity of a town council across this Province, and I am sure the members opposite also. This is not just us, all the members. I know a lot of members opposite



served on town councils, and I give you credit for that. I give everybody credit, but when we raise a concern here it is not to be facetious. It is not to try to embarrass anybody. It is to try to strengthen the legislation.

When you say, well, you could pick someone under eighteen years of age at the time of the appointment, I agree with having youth involved. I agree. I was vice-president of our school council when I was sixteen-years-old, so I know the political process. I understand the democratic process. I understand that.

I look for youth to be involved, but some way we have to ensure that the legislation is put in place so that it cannot be abused and people's rights are protected. When you see the regulations on this and the legislation to appoint someone, I am sure some of the councils will appoint youth, and they will do it in a responsible way. Absolutely, they will do it in a responsible way.

Mr. Chair, what we have to be aware of – and we all do it here. We all signed the Oath of Confidentiality that if we have private information about somebody, we cannot go out and talk about it. We all agree to that and we all understand that. My question, how are the rights of citizens going to be protected if there is someone there who is not elected, who is appointed? I am assuming they do not: Will they have access to confidential information? I am assuming they do not.

What protections are in the regulations to prevent town councils – it is only Johnny, Johnny will not say anything. What regulations and what penalties are in place if that ever happens? I am not saying it will. I am definitely not saying there would be irresponsible town councils out there, but it may happen.

We, as an Opposition, feel confident that there should be some kind of regulation put in place to protect it as much as we can. Bringing youth into the democratic process, we all agree. Absolutely, we all agree. Bringing youth into the democratic process, but to ensure the safety,

the privilege, and the confidentiality of people who are living in those towns is paramount for all of us in this Legislature.

I am not sure what regulations are put in place. I am not sure what safeguards are put in place. The minister, I am sure, will talk about that, Mr. Chair, when we speak on it. That is what we have to safeguard about.

Mr. Chair, I will close in a few minutes because I know there are members opposite here. I am assuming I am speaking on behalf of the Opposition, I am very confident that the minister spoke to MNL. I am assuming, and the minister can stand, MNL has voted and agreed to appointing someone eighteen years old.

I am sure the minister spoke to MNL. I am sure MNL has endorsed this 100 per cent. I am sure MNL either passed it at a board meeting or an executive meeting somehow that we support this. We stand in this House every day and say we should consult with the group that is affected. We should consult, we should get their concurrence.

I am confident the minister did do that. I am confident the minister does have something that he can stand up and say yes, I will table the letter from MNL, I will table the minutes of the meeting from MNL that, yes, we concur, we were consulted. We were asked about this, we gave our input. Not only did we give our input is that we said okay, here are some things that should come around it.

Mr. Chair, I may stand again, but I am willing to bet here in this House of Assembly that the minister would not bring in a bill in this House of Assembly without having the concurrence, full support, and a letter of Municipalities Newfoundland and Labrador.

That is why when I see that MNL concurs with this because I am sure when MNL – and when you know the people at MNL and –

**AN HON. MEMBER:** It was a prior resolution in this House.

**MR. JOYCE:** Pardon me?

**AN HON. MEMBER:** It was a prior resolution.

**MR. JOYCE:** They may have had a resolution or they may have had an executive meeting that approved it. I am sure the minister will table that also, that resolution. Mr. Chair, I can assure you if the government opposite is saying that we have to consult, we are open, we have to be part of all the groups that we represent, I am confident that it was done.

The Minister Responsible for Public Engagement, I am sure he could even put the letter or put the minutes of the meeting that MNL sent the minister or the letter, I am sure you could put it on the Web site so we all can see it. When we go back to our municipalities and we say how can we vote against this, how can we talk about this, MNL supported it. Mr. Chair, I feel very confident that we will have that; and, once we get that, then we can carry on with the discussion a bit more.

I will sit down. I see my time is up now, Mr. Chair. I am sure there is members on this side also who would like to speak about that. We are all going to have a few words on that.

I just ask the minister: Do you have the concurrence from MNL? I am not sure of the meetings that you had, the discussions that you had, because if I go back to the City of Corner Brook and say you may appointment someone eighteen-years-old, you may go ahead and appointment them, you may bring them into a meeting –

**AN HON. MEMBER:** Under eighteen.

**MR. JOYCE:** Under eighteen-years-old – they have to be under eighteen. If I go back and they say: What are you talking about? I say: Well, MNL, your governing body went ahead and approved this. Mr. Chair, I am confident we have it. I am confident the minister does have it. If we do not have it, I think we should take this bill, put it aside, have discussions with MNL and bring it back at a later date; but if the minister has it, no problem because that is the governing

body and if that is what they want – they are the ones that know what is best for their municipalities; they are the ones in consultation with the towns –

**MR. BENNETT:** They are elected (inaudible).

**MR. JOYCE:** They are the ones who are elected in the towns. That is right, I say to the Member for St. Barbe; they are elected in their towns. They know what they want. They are representing the municipalities that are being affected here, Mr. Chair. So they are in consultation with their towns on a regular basis. They are going and saying here is what we would like to bring forward; here is what we agreed to, and here is what we want.

So, I ask the minister to table that so we can all, with a clear conscience, say we support MNL. We concur with MNL. We had discussions with MNL. We have a motion from MNL saying that yes, we agree with this and we think this should be brought forward.

I am sure there are other members, so I will sit and let the minister answer some of those questions.

Thank you, Mr. Chair.

**CHAIR:** The hon. the Minister of Municipal and Intergovernmental Affairs.

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

**MR. KENT:** Thank you, Mr. Chair.

I thank the Member for Bay of Islands for his contribution to the process here today. I had no doubt that he would participate in this debate and have some things to say. I appreciate his constructive comments.

I was pleased to hear him acknowledge that there are some good things in the bill. I certainly agree. I want to address several of the points that he has raised here today and I look forward to hearing from other members opposite, as well.

He raised the question of whether it is better to have concrete parameters set and really clear, specific guidelines. I understand his concern. It was raised by other members during the course of debate yesterday, as well. What I can assure him and what I can assure members opposite and all members of the House is that, as a department, we will provide very clear guidelines and we will provide best practices and we will provide lots of support, orientation, and training to make sure those parameters are available and there is lots of guidance and support available to communities that want to pursue either of these options we are creating.

They are options. We recognize many of our communities are unique. They are all unique. We also know municipalities in the Province are very concerned about the fact that their legislation is very prescriptive. What we are doing here is creating a couple of enabling provisions. We are not forcing anybody to do either of these things. We are not forcing any community to allow people to participate in meetings electronically. We are not requiring anybody to appoint a youth representative in their community should they not wish to do so. We are simply creating options; we are creating flexibility. I think they are provisions communities will be interested in exploring.

Regarding the issue related to youth, it is much the same. We will provide lots of guidance; we will provide lots of support. The member is correct that the intention is not that youth representatives will participate in privileged meetings or Committee of the Whole. The intent is they would have an opportunity to participate in public debate and in public discussion in the council chamber.

We have to respect the democratic process. These young people will not be able to vote. They are not elected to vote. Therefore, they would not be participating in that portion of the public process, nor would they participate in privileged meetings.

To the issue of consultation, as I am sure the member is aware, we have had discussions with MNL and MNL is not in complete support of

everything that is in this bill. We first consulted with Municipalities Newfoundland and Labrador in 2012 on this when changes were first being explored. Officials in my department met with staff of MNL to discuss potential amendments. No concerns about either provision were raised at the time and we would have expected they would have been at the time, and that was the express purpose for engaging them early in the process.

Mr. Chair, I can tell you I have great respect for the folks at Municipalities Newfoundland and Labrador. I consult with Municipalities Newfoundland and Labrador on lots of issues. They are a critical stakeholder for my department. We do not always agree. We will not always agree, but we have a good working relationship. Knowing there are questions and concerns related to the youth provision specifically, I have offered to meet with the board of directors of MNL, and that is being scheduled, to further explore the issue. I really believe through the guidelines and through the support, the advice, and the training we will provide, we will be able to address those concerns.

The good news is, and I sense from the members' comments as well, we all agree on the importance of engaging young people; it is just a question of how to do it, and that can vary from community to community. We do not want to be prescriptive. We want to give communities options. This is just another tool in the toolbox, as I said yesterday.

When the original legislation was placed on the Order Paper back in the fall some concerns were expressed and they were similar to some of the points that were raised in the debate yesterday. I feel we have adequately addressed those concerns and we clarified, for instance, in terms of other groups like seniors or persons with disabilities. They already have the ability to run for council or sit as elected members, so they would not necessarily need special seats on councils, of course.

Anyway, I look forward to ongoing dialogue with all our stakeholders. We have consulted

with youth organizations as well and there are a number of youth organizations that are very excited about the possibilities here.

I acknowledge the concerns of members opposite. I acknowledge the concerns of MNL. I look forward to further discussions. The key point I wish to reiterate is we are not forcing anybody to do anything; we are simply creating some options that are going to be available to our 276 municipalities.

I hope we are going to do more of that, Mr. Chair, because I believe we need legislative reform. We need to look at the Municipalities Act. We need to look at the cities acts. We need to look at the Urban and Rural Planning Act. There are changes needed and I hope in the future our legislation for municipalities will be more enabling. This is, I believe, a step in the right direction.

I hope that addresses some of the point the member raises and, again, I thank him for his participation in the debate.

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

**CHAIR:** The hon. the Member for Bay of Islands.

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

I will just stand again. I just want it to be on the record. If MNL does not agree with this, why is the government bringing something forth that the governing body of all municipalities in the Province is not in agreement with? Would it not be more common sense and would it not be a more rational approach to say let us just take this off the table?

Let us just split this bill so we can bring the parts in that everybody agrees with, MNL also, the Opposition agrees with – the Third Party can speak for themselves – and the government agrees with about allowing town councillors, the people in municipalities who serve on the town councils free of their own time, I might add. A lot of them do this because they want to give something back to their towns. We are enabling

those town councillors to participate in municipal events, vote on things, get full information, and I think we all agree with that. We all agree we should make accommodations because a lot of Newfoundlanders do go away to work and may miss a meeting. They can go on teleconference, Skype, FaceTime, whatever other means that they can have and whatever is approved by the town council.

I ask the minister: Why would someone bring this part of the legislation in about picking someone under eighteen and just say okay, here, you are on the town council now and you are going to sit there as advisory, without the full concurrence, without the full consultation, and without the full approval of MNL who oversees, who is the umbrella?

Mr. Chair, you take yourself when you were a mayor out in the town. You would go to MNL and say: Okay, here is what we want; MNL will speak on your behalf. In this case, the minister is saying: Yes, they do not agree with it, I never had full consultations with them, yet we are going to go ahead with it anyway.

Now, most municipalities would like to be consulted. Most municipalities would like to say we do not want that, and hopefully – but not in this case – government would listen. So, MNL, in my opinion – now I have not spoken with MNL on this, I have to say. I was shocked when I heard the minister say – he did not come out totally and say yes, MNL is in full concurrence. I assumed that he would stand up and say that, but obviously he never.

So, Mr. Chair, I am very confident – and I never spoke to MNL – that MNL are looking at some issues that can arise out of this that can cause a lot of problems for the towns, that they will have to deal with, that their municipalities, their town councillors, their mayors will have to deal with in the future. I would assume that is why they are saying: No, we are not in total concurrence with this. So, I do not know if the minister wants to delay this bill until he has time to consult with MNL so we can try to come up with some – there is no rush. I say to the Government House Leader, there is no rush to

get this through. We will back here again in May; we will be back here later on. Give us time, work together, work with MNL.

Once this is approved, Mr. Chair – it is kind of cute here we are with legislation and there are parts to this legislation; one, everybody agrees with. There is no one in this House of Assembly who would disagree with it. The second part, MNL does not agree with it, so we are going to go ahead and vote for something that MNL does not agree with, that municipalities across Newfoundland and Labrador, through their umbrella group, is saying: No, we are not in agreement with this; we never had enough consultation in this.

**MR. BENNETT:** There is not much respect.

**MR. JOYCE:** There is not much respect, Mr. Chair. The Member for St. Barbe, the bigger picture is: We are not going to consult with you. Fiscal framework – they want to consult on fiscal framework and they want to move ahead; but, no, when it comes to this, we are not going to consult with you on this. We are not going to consult with you on appointing someone under eighteen on the town. In the minister's words, we do not always agree.

The question has to be asked: Why would you bring it in, if the umbrella group does not agree with it? Why would you bring it in if you are not ensuring that the municipalities agree with it across the Province? Why are you forcing them or putting this on the table, which MNL – and I have not spoken to them; I will. I was shocked that the minister did not say yes, they are in full concurrence with this. I am absolutely shocked that he was not. I am absolutely shocked that he did not stand up and say yes, here are the meetings we had, here is the consultation we had, here is the resolution and for them to say that yes, we are in totally – why would we want to do it without having the full consultation? Why would we not want to have full consultation?

Once we had two parts of the bill – one, we agree; two, that there is no consultation. We, as an Opposition, now have to say: Are we going to

vote against this one part we like, and people say oh, you do not allow now people – I just think it is not fair for government to put anybody in that position. Separate the two bills; you would get concurrence on one, no debate, done, over with, leave it at the municipality.

The second part, putting it on a bill that they know that we all support just to say well if you do not want it, fine but you have to vote for it anyway because if not you are going to deny the volunteers who are on town councils across this Province, you are going to deny them the opportunity to partake in council meetings in the town's business while they are away, while they want to participate. You are saying you vote against that you are voting against giving the volunteers – it is not fair, Mr. Chair. What is happening here, once again, you are putting two things together and saying either vote for it all or vote for none of it.

Mr. Chair, I ask the minister and I am assuming the minister: Can you tell us how many meetings you had with the MNL on this? Have they come out in full support? Have they passed a resolution? I know the minister last time said no, we do not always agree, so I will ask point-blank questions – and this is what Committee is for, just to let people know. When we get in Committee on a bill we can ask questions; it is a to and fro on the bill. I ask the minister point blank: Do you have a resolution or an executive resolution from MNL saying yes, we support for town councils to appoint a person under eighteen on their town council? I ask the minister: Do you have it? If you have it, end of discussion. If you do not have it, why don't we just put this bill off until later on in May so you can have proper consultation?

This is just the nature of the business. Maybe a year, maybe two years, maybe in six months this minister may be moved to another department. That is just the nature of governance, you move to different departments. That is just nature. Who is going to be left with this here? It is the volunteers back in the towns. That is why it is so important; that is why it is so necessary for us to do it right. That is why it is so necessary that we should ensure that we have full concurrence

with MNL on this here – that we have full concurrence that yes we agree; do it.

I ask the minister point-blank questions: Do you have concurrence? Will you table the documents that the MNL either passed a motion through their executive branch or through their AGM that they are in full concurrence so we can stand up and support the whole bill, Mr. Chair, not just support one of it and major have concerns? I ask the minister: Will he just produce that if you have it, and tell us if you have it, yes or no?

**CHAIR:** The hon. the Minister of Municipal and Intergovernmental Affairs.

**MR. KENT:** Thank you, Mr. Chair.

The Member for Bay of Islands always gives a passionate and entertaining presentation. I thought I had addressed this point but I will be even clearer. I can certainly go into more detail about discussions that have happened with Municipalities Newfoundland and Labrador.

At a previous Municipalities Newfoundland and Labrador convention there was a resolution passed related to the remote attendance provision, but there has not been any kind of resolution passed by either the board, or the executive, or the convention related to youth involvement. I was not the minister at the time; this is an issue that we have been working on for some time.

When the previous minister and officials from my department, who are still there, met with staff of MNL to discuss amendments related to youth representation in 2012, no concerns were expressed at the time. We would have expected that if there were concerns that would have been an appropriate time to express them.

A year passed and no further concerns were expressed as well. When we got into discussions further in the fall, there were some concerns and questions raised. We feel we have addressed many of them. Even some of the concerns that were raised by the Opposition are

similar to some of the questions that were raised by MNL and stakeholders at the time.

We clarified some of those issues, and recently we have reached out to MNL again. I have offered to meet with the board of directors, and a conference call is being arranged, to have a more detailed discussion about how we can work together to advance youth engagement.

I believe we should proceed with this bill because it is an improvement. It is an opportunity that we are going to give to communities throughout Newfoundland and Labrador. Again, it is simply an option. We are not forcing anybody to do anything.

If there is not a single community in the Province that wants to use either of these provisions then they do not need to, but I know, after seventeen years of public life, most of which I spent in municipal government, that communities across this Province are crying out for enabling legislation, and that is what we are doing here. We are actually moving away from our traditional approach of very prescriptive legislation and we are saying, here are some options that are available to you.

We are not forcing anybody to do anything. We are going to make lots of support available and training available, best practices available to support this work. I think enabling legislation is what municipalities have been seeking, and it is what we are responding with.

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

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

**MR. MITCHELMORE:** Thank you, Mr. Chair, for the opportunity to speak in Committee to Bill 6, An Act to Amend the City of Corner Brook Act, the City of Mount Pearl Act, the City of St. John's Act and the Municipalities Act, 1999.

After hearing the dialogue that is happening this afternoon it seems like there is a real flawed approach when it comes to how legislation gets

passed in this House of Assembly. When you look at it, when it comes to one piece of this bill, there is acceptance. I just want to go back to the point that when we look at legislation and when we look at making rules for the Province, it is about being participatory. We want people to participate, not to be restrictive.

The minister talked quite a bit about engagement and how important it is to be engaged; yet, you draft amendments and then you do not have concurrence with the people, like Municipalities Newfoundland and Labrador, that are going to be impacted, that are going to be pulling that out. We see a real shift in what the minister had said around – the Member for the Bay of Islands had talked about, why don't you have a standardized policy or make those rules, make things clear?

The minister in a member's statement today talked about how he put forward a handbook – or yesterday – to make things consistent so that people can follow through. Now you are saying, well, we do not need to do that. So we see a lot of flip flopping from government on the other side.

When it comes to participating, the Municipalities Act should allow people to participate. I had an incident in my district where the Municipalities Act was restrictive. One piece of the act was taken and it said that if you did not participate in three regular meetings held by council you could be dismissed from council. That happened in my district. The meetings were not regular, but the councillors were still dismissed and they were not permitted to run in the last election. That seems like it was not fair.

This is why in one piece of this legislation when it comes to looking at using electronic means for people who travel, who are away, or may have a medical piece to deal with appointments, things like that, that they could actually participate from a distance. I have certainly been an advocate when it comes to looking at telecommunications when it looks at how we can be more connected in a globalized world, and our councillors are in that same boat.

This is something that MNL supports, this is something that I support, our caucus supports, but when it comes to the youth piece it seems like there is not clarity here, Minister. There is not real clarity. It is very vague and you are trying to push through a piece of legislation that can have ramifications going forward. If this gets passed, this piece on youth, then we may have to come back and make further amendments to the legislation. Like the Member for Bay of Islands said, why would you want to rush this through if it is not something the stakeholders, like Municipalities Newfoundland and Labrador, completely agree with?

I have some questions here around this particular piece of legislation. The minister has made statements saying that we are appointing a youth member to council or many youth members, and we are appointing them because they are not at voting age. Different groups, as was mentioned, whether it is people with disabilities, could run for council. Seniors can run for council. The majority of councillors, likely, are seniors, particularly in rural parts of the Province.

My point here, Minister, is that in the vague reply, it provides no clarity. What does it mean if you are a youth under the age of eighteen? Well, the term of a council is four years. If the Town of Flower's Cove, for example, decided we are going to appoint a youth and that youth is just a day under eighteen, now are they permitted to sit in council meetings until they are just about twenty-two during that session? Where is the clarity in this bill that actually provides some consistency?

Would it not be better if you had set a clear minimum age and a clear maximum age, that at the age of eighteen that person no longer sits because they could be permitted to run for council, at that point once they reach past voting age? They could still be involved in youth committees; there could be a youth caucus. Any particular town or municipality or city across this Province can have youth involvement. It can be done in a way.

Where this is just an option, it puts forward, how necessary is this legislation if it is not clear? Because you are going to create a lot of additional stress when it comes to issues that will come up in departments that municipalities will face. There will be complaints and concerns. The burden will trickle up to the Department of Municipal Affairs, to your staff, who have a number of other issues they are going to have to be dealing with when it comes to municipalities and how they are being serviced.

I understand the intent of the legislation, the spirit of it is good. The spirit of it is certainly good but there needs to be some amendment made to this piece of legislation that creates further clarity, and there needs to be concurrence with Municipalities Newfoundland and Labrador. I find it astonishing that concurrence does not exist at this point in time. That creates a serious concern for me.

When we look at this piece of youth, and it has been brought up by other colleagues. What is the intent if we are going to have somebody who could be at majority, who could run for council? Imagine if a seat opens up, people resign from council for various reasons, and then they could run in a by-election but they are sitting. They are already appointed there in the youth capacity because they are over the age of eighteen. There is no limit restricting that, to be there around the council table. Does that create some challenge or problem around this particular piece?

We want youth involved. We want them engaged, but the clear definition of what a youth means here and how long they can stay, the term is not clear either. Maybe it would be a good thing to create those guidelines and have that clarity. Is that something that would come out in regulations after the fact, or should it be put squarely in the legislation? I think there needs to be clarity in the legislation.

I ask the minister if he would answer those specific questions that I have put forward.

Thank you.

**CHAIR:** The hon. the Minister of Municipal and Intergovernmental Affairs.

**MR. KENT:** Thank you, Mr. Chair.

I thank the Member for The Straits – White Bay North for getting involved in the debate once again. I will quickly comment because I know there are other members who have questions as well, and some of the points have already been covered.

We will provide very clear guidance and support, as much as is required. We are happy to provide a lot of guidelines, a lot of advice, and a lot of training to make sure that communities have the tools they need, should they wish to go down this road. This is about making our legislation less restrictive.

The member talked about experiences in the past he has had with our municipal legislation. I believe we have to give communities more flexibility. They have to be empowered to be able to address issues like this. That is simply what we are doing here.

Discussion on this particular matter has been ongoing for almost two years. It was some time in 2012 – I cannot tell you right now exactly when – that the discussion started with MNL. The discussion is ongoing as I have said. We have met with a number of youth organizations who are very excited about the possibilities that exist here.

This is a real positive step forward for us in terms of youth engagement by creating one more option. That is not to say that existing structures and methods of engaging youth in our communities are not acceptable; in fact, we encourage them. We want to work with Municipalities Newfoundland and Labrador and our communities to explore all of those things and encourage youth involvement in whatever way we can. I trust that members opposite would be supportive of that as well.

We welcome suggestions; we welcome ideas on other things we can do to engage young people.



What we are simply doing here is opening the door and creating some options.

To the point around minimum age, maximum age, we will provide advice, and we will create guidelines. We want to respect the role of municipalities to manage their affairs. This is an opportunity to say we have confidence in our municipal leaders. We have trust in their judgment and their ability to use some of these powers that we are prepared to provide.

I have a lot of confidence in our municipal councillors, most of whom are volunteers. I have great respect for them. I have great confidence that they will make good decisions in terms of utilizing these provisions.

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

**MR. MITCHELMORE:** Thank you, Mr. Chair, for the opportunity to speak again. I need further clarity before I am able to vote on a particular bill.

I asked the minister some very specific questions when it came to the minimum and maximum age and what the implications are. If there is someone who is under the age of eighteen and then becomes over the age of eighteen, what implication is that? Can somebody be twenty-one years old and still be appointed this youth on committee and be participating in that dialogue, even though they would have the opportunity then, after they reached the age of eighteen, to sit on council should a by-election or should any other seat become vacant? They would have that democratic right to do so. Is their term expired once they hit the age of eighteen? There is not any clarity here in this particular piece of legislation. Will the minister answer that particular question?

**CHAIR:** The hon. the Minister of Municipal and Intergovernmental Affairs.

**MR. KENT:** Thank you, Mr. Chair.

There is no specific definition of youth contained in this legislation. In various

governments around the country and around the world, there are various definitions of youth; but what this provision is aimed at, quite clearly, is allowing young people who are not old enough to vote to have an opportunity to participate.

So, in my view, would it be appropriate for a council to allow someone to continue into their twenties in this role? No, it would not, but I have trust and confidence in our municipal leaders. I think our intent is clear.

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

**MR. KENT:** We have consulted, I say to the member opposite. I believe that this is a good opportunity to get more young people, who are not yet old enough to vote, engaged in the process. We will provide lots of guidelines. We will provide lots of advice. We will provide lots of support because I am definitely acknowledging and hearing the member's concern, but I do not feel we need more prescriptive legislation for our communities in this Province.

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

**MR. MITCHELMORE:** Thank you, Mr. Chair.

It seems that clarity is the real problem here when it comes to this particular bill, Bill 6, because right now the minister is saying that the intention of this bill is to allow someone under the age of eighteen to sit on council in the public meetings and to participate, yet there is no clear definition that it has to be somebody under the age of eighteen. He said the definition of youth does not set these clear parameters.

So what is the definition of youth, as put forward in this legislation? Will it allow somebody who is twenty-five – I mean, when we look at youth and we look at youth engagement in the Province, they say youth is up to thirty-five. Mr. Chair, I am twenty-eight years old here, so I am classified as a youth. Will that allow somebody who is up to thirty-

five, who is not elected, to sit on a council for that period of time?

If the intent of the legislation is to have somebody under eighteen to be there, then shouldn't that be clearly defined in the legislation that it is meant for a group that cannot be elected because they do not meet the age requirement in the Municipalities Act? That should be clear.

I ask the minister: Why isn't that clear and will he make it clear? Will he take this legislation off the table right now, go back to MNL, go back to his department, and make the legislation definitive so that we can have better legislation in the Province so that people and youth can certainly have the engagement that they need and our communities can be more active? This can be good legislation; as it is written, it is not.

**CHAIR:** The hon. the Minister of Municipal and Intergovernmental Affairs.

**MR. KENT:** Thank you, Mr. Chair.

I appreciate there is lots of interest in this legislation. That is great news, because I think this is an important opportunity to advance youth engagement. We have a real challenge getting people generally involved in local government in various places in this Province, and this is an opportunity to encourage and inspire our young people to step up and learn more about the process and have an opportunity to participate.

To answer the member's question, I do not feel we need to be prescriptive. I believe that we can leave the legislation as it is intended and give communities flexibility here. I recognize that common sense is not always that common, but in this particular instance I have lots of confidence in our municipal leaders. Should they wish to go down this road, we are simply making an option available to them. We will provide lots of guidelines. We will provide lots of clarification. We are happy to provide whatever support is required for the communities that wish to take this step.

We will be only the fourth jurisdiction in the country to make this kind of move. I think it is bold; I think it demonstrates our commitment to involving youth in new and innovative ways, and this is just one way. There are many ways that young people can engage in their communities, and we look forward to working with other stakeholders in advancing all of that.

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

**MR. MITCHELMORE:** Thank you, Mr. Chair.

Certainly, the issue is not around getting youth involved; we want youth involved in our communities, in all levels and all capacities, whether they are getting involved volunteering, whether it be fundraising, whether it be through their school groups, and things like that. We want that type of youth engagement. There are a lot of great clubs and organizations. Youth are doing incredible things across Newfoundland and Labrador.

This is something that we want, but I want the minister to answer my very specific question then, because youth is not defined. He is not being clear. The intent of the legislation was to allow somebody under the age of eighteen to sit on council. Could we end up, Mr. Chair, with this legislation being passed that we have candidates who ran in a general municipal election who were under the age of thirty-five, not win but end up sitting on the council, in the council chambers in public meetings because they are over the age of eighteen. Where is the clarity here? There needs to be clarity.

If it is under eighteen, it needs to be listed that the person has to be under eighteen and that either their term expires at eighteen or would allow them to go until they are about twenty-two or twenty-three years old. That consultation has to be done or there is going to be significant problems and ramifications for municipalities, small and large, across Newfoundland and Labrador.

The Minister of Municipal Affairs should take this legislation, should call on rising the Committee, go back and consult, and bring this legislation back to the floor so we can have legislation that allows true youth engagement in the best possible way.

Mr. Chair, I ask the minister, that this move forward in that way because there is no clear answer. Basically, what the minister is saying is that somebody twenty-four, twenty-five, thirty years old could be sitting on council if unelected, and that is not the intent of this legislation at all. Unless there is an amendment made and unless that clarity is there, this is very problematic.

**CHAIR:** The hon. the Member for Mount Pearl South.

**MR. LANE:** Thank you, Mr. Chair.

It certainly is a pleasure to stand up and have a few words on Bill 6.

Mr. Chair, when we spoke on the last reading of this bill, I raised a number of concerns. There are two distinct pieces here within this legislation. Of course, the first piece deals with the ability of individuals who serve on a council to be able to participate via Skype and so on.

Somebody could be, for example, serving on a council, they are working perhaps up in Alberta or whatever the case might be, there is a council meeting tonight, and with this legislation they would be able to participate either by a conference call or Skype, or something like that, from Alberta, participate in the meeting. As long as they can be heard, and as long as they can hear what is going on, then they can participate in that meeting.

Mr. Chair, that is not unusual. It is certainly not unusual in the business world. You see it happening all the time actually. I think the spirit of that is a good thing. I absolutely support it.

I do have, though – and I just want to put it on the record. I do have a concern. I do have some concern, Mr. Chair, as it relates to the fact that

as that piece of legislation is currently written there is no provision there to say how many meetings one could miss or how many meetings one could participate via Skype or via conference call and never step foot in their municipality.

Now, there was clarification given that under the current Municipalities Act, and I am assuming under the City of Mount Pearl, the City of St. John's, and the City of Corner Brook Acts, it says a year. If you miss a year's worth of council meetings or if a year goes by and you do not participate in a council meeting, then you can be removed from that town council or from that city council.

I do have to say, though, Mr. Chair, even with that clarification I still have some concern. It seems a little long to me. Personally, I would think at least within three months or six months. I cannot say right here and now what that number should be, but a year seems a little long. I would say at least within three months, six months or so on, you should have to appear at a council meeting in person.

The reason I say that, Mr. Chair, having served on council myself for eight years in the City of Mount Pearl, I realize there is a lot more to being a city councillor or a town councillor than simply attending a council meeting. Anybody who has served on council would know that. Certainly, there are lots of members across the way who are former councillors, former deputy mayors, former mayors, individuals who have served on Municipalities Newfoundland and Labrador, who would tell you that there is much more to being to be a town or city councillor than simply attending a council meeting once a week, once every two weeks, or once a month, whatever the schedule may be.

Quite often when you are meeting, and I go back to my experience with the City of Mount Pearl, you would have a number of issues, for example, that would be coming forth from the planning department where somebody wanted to put a certain development in place and it required rezoning. Of course, you could have all kinds of issues around rezoning. There could be

environmental issues, there could be safety issues, there could be traffic issues, there could be concerns raised from somebody perhaps who is in a residential area which is adjacent to what is being proposed, and neighbours and residents may have concerns.

You may have other businesses in the area that may have concerns around what is being proposed. In that particular case, quite often – particularly if you are being thorough in your job in voting on these things in a council, which I know all councillors, deputy mayors and mayors are. I would say every time you get into this routine, certainly I would, if there was a development being proposed, I would get aboard my car, I would drive down to the location where that particular development was being proposed.

I would get out of the car, walk the parcel of land, that area. I would size up the traffic, if there were potential traffic issues. I would size up the traffic, where the roads were, what the layout would be in comparison to what was being proposed. I would try to think to myself, do I see any concerns here from a traffic point of view?

I would view the area to see: Are there any potential environmental issues? Are there any safety issues? For example, are there schools nearby? Is there a park nearby where children could be and could somehow be impacted? Would there be noise issues that would impact adjacent properties and so on?

I would also, as part of that process, speak to residents in the area. I might go across the street perhaps, knock on a couple of doors and ask people what they thought, or there might be a business next door, talk to the business owner and ask them what they thought, what their concerns were.

Of course, in many cases there would probably be public hearings. Now you are into a process where you not only have council meetings, but there could be public hearings held by the council. Then sometimes you get into

commissioners' hearings. There are two sets of hearings.

The council itself has their hearing, and then in a lot of cases you could have a commissioner's hearing where you would attend and hear from the general public as to how they felt about a particular development, what their concerns were and so on. Then eventually, at the end of that entire process, you would reach a point where you were able to make an informed decision. An informed decision based on viewing the area, walking through that area, looking at the development, speaking to neighbours, speaking to business owners, people who own adjacent properties, speaking to all the stakeholders, attending public hearings, attending the commissioner's hearing and then be able to gather all that information, plus read the reports. Granted, part of it as well is reading reports. There could be a traffic engineers report. There could be a report from the planner, or a committee report because, of course, there are committees of council and they would bring forth reports. You would read that.

One could argue from time to time if you were to miss a meeting and you were away, you could sort of go through that paper exercise of reading the reports and make a decision. You could argue that from time to time. As an ongoing concern, I would suggest that in order to really make informed decisions you need to be there, boots on the ground, talking to people and so on.

I certainly recognize – which is the spirit of this legislation – the fact that there are councils out there, particularly in the rural areas, where they are having difficulty in getting people to run for office. They are having difficulty in getting people to stay once they are elected.

We have seen situations where we have had a number of uncontested council elections in a lot of towns. We have had situations where they never had enough people to fill the seats and then somebody had to take the initiative to go out and actually try to recruit people to fill the seats, and sometimes maybe even beg and plead with people to take the seats. We have seen those types of things happen. Having the ability

to put in a piece of legislation to allow people to participate and make it easier for them to participate, Mr. Chair, to deal with that issue, I think is a good thing.

Mr. Chair, I have five seconds so I am going to sit down and get back up again, or I can keep standing. It is up to you.

**CHAIR:** Order, please!

I remind the member his time for speaking has expired.

Shall clause 1 carry?

The hon. the Member for St. Barbe.

**MR. BENNETT:** Thank you, Mr. Chair.

Mr. Chair, it seems to have started maybe in the minister's mind as a piece of feel-good legislation that could be passed and nobody would pay attention to it. On reviewing it and on making inquiries of Municipalities Newfoundland and Labrador, clearly they are opposed to the first 50 per cent or the first half. The kiddy section of the bill, they do not like. Maybe the minister – and I cannot understand why he would not be familiar with levels of government: federal, provincial, municipal. I think he may have even served on a town council at some point. I think that he would understand.

The federal government looks after all these federal issues and the provincial government looks after these provincial issues and in order to carry out generally the administration of the Province, the provincial government creates municipalities. We have created all of these municipalities and we say that we want to consult with them. Why wouldn't we want to consult with MNL, with Municipalities Newfoundland and Labrador?

I understand that it is the position of MNL that they are opposed to the first half of this bill that the minister has introduced. This is a minister who is supposed to maintain good faith with all of these municipalities. He says that he wants to

have an open dialogue. He says that he wants to help put together and introduce and pass a new fiscal framework that would deal with all of the financial dealings of all municipalities in the Province of Newfoundland and Labrador; however, in spite of saying this, he wants to pass a bill to permit people who are under the age of eighteen to be able to attend and participate in council meetings in a manner that has not been made clear, with no age guideline whatsoever.

Quite frankly, Mr. Chair, it seems to be antidemocratic. It seems to me that if the people of a particular town or maybe for that matter a city – maybe if the people from the City of St. John's want to elect a city council to run the affairs of the city then they have made their decision, they have made their call, they have made their choice and they say this is the mayor, this is the deputy mayor, these are the councillors. Oh, by the way, we are saying to all the voters we think that you also should have some youth representatives. Well, it seems like in a way of trying to encourage youth participation, which all of us would agree with, that they are trivializing the value of the vote.

They are trivializing the value of being able to elect your council to carry out your business. Worse than that, the first half of this bill at least seems to be an affront to municipal councils. This piece of legislation is trying to force down the throats of the municipalities of this Province a piece of legislation that they said they do not want. How can that possibly improve the provincial-municipal relationship when there are so many other really serious issues to be dealt with? I am not saying that participation of young people is not a serious issue, but they have not asked for it.

Mr. Chair, any time that the federal government – and from time to time, they pass legislation and we complain; they pass all sorts of legislation and then they leave the implementation up to the provinces. In many cases, they leave the funding up to the provinces. They just pass these laws willy-nilly because they feel good about it.

We do not like that. We are saying that is fine; we can pass laws willy-nilly now and we can impose this on the municipalities. That makes no sense at all. To me it seems to be an affront to the municipal councillors. As if they do not have enough to worry about today, they have to have this piece of legislation which they have said we do not want and we do not like.

Quite frankly, Mr. Chair, the representatives of Municipalities Newfoundland and Labrador have tuned in and they are watching this debate and they are watching this minister that they are supposed to liaise with, this minister that they are supposed to communicate with, the Opposition is asking him questions, being quite respectful and trying to convince the minister that he should not proceed with this piece of legislation that Municipalities Newfoundland and Labrador have said we do not want, we do not agree with it, we do not like it and we do not need it. He says he does not care and going to shove it down your throat anyway. You are going to take it, you are going to like it, and that is the way it is going to be.

Mr. Chair, I know he has not been a minister for very long, but I understand he was involved in municipal council. So imagine how he would feel if he was on a municipal council of maybe, say, Mount Pearl, for example, and all of a sudden the House of Assembly passes legislation that he did not want and does not need. It could be any kind of legislation. This sets a very poor precedent and, quite frankly, I can see how it is not good for the municipal-provincial relationship.

The department should be passing laws. Why do we pass laws? Why do we come here? We pass laws for the better administration and the better management of the government. If we pass a law, first of all, it should be something that is needed. Ideally, it should be something that is wanted; it should be something that is understandable, is comprehensible, something that can be applied reasonably and rationally.

Mr. Chair, none of that applies to this bill. There is no age category except it must be under age eighteen. It does not say how long the term

is. It could be for the entire of the electoral term. It does not say that the person must drop off at age eighteen. It says that there can be more than one. It does not provide any sort of an appointment process. How do we know how the person is supposed to be appointed?

Quite frankly, Mr. Chair, this seems like a real affront to all of municipalities that government needs to co-operate with and expects to co-operate with. In fact, the provincial government has created the municipalities. We have a Municipalities Act.

It would seem to make sense to me that, if we are going to amend the Municipalities Act in the Province, why would we not have consultations? Why would we not say to MNL: We are here, the House is in session, we want to know what extra powers, extra flexibility, or extra consideration do you want that we should put into the Municipalities Act? Talk to them and say: Tell us what you want and we will see if we can do it, see if it will be lawful, see if it will be helpful, and see if it makes for the smoother operation of our municipalities, instead of basically gumming up the works, ignoring them, passing legislation they have not asked for, do not want, do not like, and are opposed to.

The Member for Bay of Islands said if the minister could table for us any correspondence from Municipalities Newfoundland and Labrador that says we want this legislation, anything that says we need this legislation, or anything that says we like legislation. They have annual general meetings. Would it not be more appropriate if we are going to make amendments to the Municipalities Act that these amendments generally should originate with Municipalities Newfoundland and Labrador? That is the lawful body that represents all of our municipalities – hundreds of our municipalities.

It is a real irony that I see on the one hand. If you take a comparison with the Department of Education, by comparison the minister says: I am not going to interfere with the boards because they are the boards. They are appointed, so I guess they are still a board.

On the one hand, one department says I am not going to interfere with an independent, autonomous body, and over on the other side with Municipalities Newfoundland and Labrador the minister is saying: We are going to put in this legislation whether you like it or not. By the way, I hear that you do not like it. We are going to pass the legislation regardless, so tough. We have the power, we are going to pass the legislation. That is completely inappropriate, it is heavy handed, and it is not in the spirit of passing proper legislation.

Thank you. Maybe the minister would like to respond.

**CHAIR:** The hon. the Member for Mount Pearl South.

**MR. LANE:** Thank you, Mr. Chair.

I want to pick up where I finished off last time. I apologize; it was a bit of a flip on my part on the procedural piece.

Anyway, just to continue. As I said before I sat down the last time, basically I was talking about the first piece of the legislation and talking about the concern I had as it relates to councillors, mayors, or deputy mayors in this case who in theory could be out of the Province for a full year and never attend a council meeting. As long as they do the Skype thing it is fine, and explaining the fact that I have concerns about that because there is a lot more to being a member of a council than just simply attending a meeting.

There are many other steps in the process to informing yourself. As I said, whether it be talking to developers, talking to residents, talking to other business owners, attending public hearings and all that kind of stuff that goes along with it before you make that informed decision. Simply a paper exercise on an ongoing basis, I have some concern with that.

As I said, I do agree with the spirit of it, however. I agree with the spirit of what they are trying to do. If you have situations where there is a councillor, a mayor or so on, who may be

there working up in Alberta, maybe they are working out on the rigs and because of their shift schedules and so on there are times they cannot make a meeting. If this allows them to now participate in that meeting via conference call, via Skype and so on, that is a good thing. In principle, I totally agree with that. As I said, it is normal in the business world for that type of thing to happen. I would support that in spirit.

The whole year piece, I have to be honest, I do have some concern about that. That is one piece. I just wanted to say for the record, I do have that concern. I realize, I think the minister said this was passed in a resolution of MNL. I do not know if it was exactly as written, but that concept was passed through MNL.

If MNL does not have an issue with it, they do not have a concern with it, I will put my concerns on the record in Hansard that I have those concerns. If MNL, as the umbrella organization that represents municipalities in this Province, is okay with that amendment as is, who am I to tell them otherwise? I am all for it. I will put my concern aside. I will note it for the record, but I will support that piece of the legislation.

Now we come to the second piece of this bill, and that relates to youth. I know a number of members have spoken to this. I am just going to again, for the record, reiterate those concerns. I share those concerns. I raised those concerns in the last reading of the bill before going to Committee of the Whole. I will just raise them again for the record.

Mr. Chair, as I indicated before, and as other members over here have indicated, anything we can do as elected officials to provide youth with greater opportunity to participate in their communities, anything we can do in that regard, that we can reasonably do, I am all for it. Everybody over here on this side of the House, or at least I can say for this party, I am assuming the Third Party would also be supportive of that as a general statement. I am sure they are, but I am not going to speak for them. They can speak for themselves, but I am sure they are, and they will do that when they get their opportunity.

So that part I absolutely support that; however, the piece of legislation or the amendment to the Municipalities Act, the City of St. John's Act, the City of Mount Pearl Act, the City of Corner Brook Act, this amendment around youth, as has been brought forward, is very, very vague, I think is the issue. It lends itself to all kinds of interpretations.

While on the one hand I certainly would support the principle in providing some greater flexibility in municipalities, particularly more flexibility in municipalities where they have the infrastructure, the staff, the budget and so on, and have that ability, the persons on staff and so on to research these things, to develop policies and procedures, all that good stuff. When the resources are there, I believe we should be offering more flexibility on a number of issues throughout municipalities.

I would encourage the minister, now that I am onto that, to actually make some significant changes to the City of Mount Pearl Act for sure, and the cities act, to have a new cities act, which is less prescriptive and provides more flexibility for the cities for sure. I would suggest even the urban municipalities as well because they do have the staff, the infrastructure, the budget and so on, to deal with a lot of those things.

This piece of legislation around youth, and my colleagues have raised a number of concerns which I would share in terms of, it does not say how old, it just says under eighteen. So, again, just to go to the ridiculous, it could be a five-year-old. I know in practical terms that would not happen, but is it ten years old; is it eleven or is it twelve? Like you say, if someone gets appointed as a youth rep and they are seventeen years old, just about to turn eighteen, and the council is there for four years, does that mean that person stays there until they are almost twenty-two, even though at this point when they turn eighteen they can actually run for office? So, there are issues around that.

How do they get appointed? Who does the appointments? What about if you have a number of youth who want to be involved? How do we ensure that there is fair opportunity

for everyone who is interested to be given consideration? So, there are all kinds of issues around that, which I think need further clarification. We do need to have some consistency across municipalities in how that would be dealt with.

Now, my biggest issue – and again, while I can live with the first piece around the Skype and the meetings, even though I have those concerns which I outlined, my biggest concern around this youth piece, which I have a number of concerns, but the biggest one is that apparently, from what I am hearing here today, Municipalities NL – which is the umbrella group representing municipalities in this Province who are duly elected by the member municipalities to serve and be the spokespersons for municipalities in this Province; and they were elected by individual councillors and mayors and deputy mayors who likewise were elected in their own municipalities, duly elected by the people to represent them.

This organization, which I was certainly proud to be part of – I served as Avalon Director with Municipalities Newfoundland and Labrador - I can tell you that they are a great bunch of individuals there right now, and have been in the past, serving on that board. They have tremendous staff, very knowledgeable staff. To hear that this organization has concerns and does not agree with what is being proposed – so I am led to believe here today – in terms of this piece of the legislation, I have real concerns with that.

I really believe, as has been said that government, and the minister really ought to – there are one of two things he can do. I am going to get into those two things when I speak again, but time is not permitting now so I will take my seat and I will have an opportunity to continue.

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

**MR. MURPHY:** Thank you, Mr. Chair, for the opportunity to speak to Bill 6.



I know it is an enabling legislation but the thought occurs to me and I want to come back to this point – and I did bring up this point, I guess, it was probably last year if not the year before, probably one of the first years I was elected, that here we are in the Newfoundland and Labrador Legislature and we come in here and we speak for the people. We speak for cities and towns at the same time. We are here making changes right now to the City of Mount Pearl Act, the City of Corner Brook Act, and the City of St. John's Act. I think that at the same time we should be looking at modernizing these acts anyway.

It is a consideration for government to think about: that if we want these cities and towns to have the independence that they can have, rather than us being depended on to make the changes for them, so that they can make the changes for themselves. I encourage government to look at these acts and like I said to modernize them, to update them at the same time. I know that there are certain things in there; for example, the City of St. John's Act still uses descriptions of tax levies that they can use within the City of St. John's that are still expressed in imperial gallons. I just wanted to bring that point forward.

Having said that, one of the most important things, I think this is a lesson in opening Pandora's box of questions. When I rose to speak to this particular piece of legislation the other day, I brought in some of the views that were being talked about by some of the various groups, for example, like Municipalities NL in an article that was there in their *Municipal News* magazine talking about where they would stop with the demographic that they were talking about. Because while they were talking about the age of eighteen and over, at the same time having multiple demographics – everybody can vote when they are eighteen or older; we know that. Now we are getting into a selection process as regards to the definition of youth, and that can be defined by anybody.

Here is a perfectly good example of it. When it comes to the political parties of this Province, each one of them has a nomination process and

that process would involve, of course, the election of candidates who would run in various districts. I do not know what the age restrictions are, for example, for the Liberal Party, but I think the Tories across the floor here, the government, for a nomination process when they are nominating a candidate – and correct me if I am wrong – but I believe that that age of voting eligibility starts off at fourteen years old. I will question that.

I do not know if any of the government members can answer that particular question as regards to what the voting age is in the nomination process. For us, it starts at sixteen. We recognize sixteen as being the start of the age unit to recognize that. At the same time in our party, we recognize youth as being defined as reaching upwards of twenty-six years old.

That is our definition of youth. Some people may think that some people are married when they are twenty-four years old or twenty-five years old, I really would not consider them youth; they are adult. We talk about youth at the same time as being young adults. You can see the Pandora's box that is being opened here, Mr. Chair.

I would recommend that the government would come back and revisit this piece of legislation, too. It sounds positive, it sounds great, but the definition of youth has been questioned, as we did the other day when it came to talking about that whole demographic of youth that has been already brought up in this particular situation.

Perhaps the minister can answer that question himself about what they consider youth. We asked them to participate in an electoral process. The federal government has the age limit of eighteen as does the Province I think, and I am pretty sure about that. At the same time they draw the line there.

While a political party might have fourteen, sixteen years old as their definitions, the Province has another definition, and the federal government has another definition. Now we are going to see the provincial government under this piece of legislation redefine that line again.

There has to be a standard I would agree, but it is not going to be able to happen without consultation. I would like to have the minister comment on that.

Thank you very much.

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

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

I do not have a lot to say, but there is a point I would like to make with regard to the amendment that is being suggested in this bill with regard to having unelected youth nominated to municipal boards. The concern has been raised already, and I will raise it again. That has to do with the fact from what we understand from articles in the *Municipal News* and other conversations, this is not necessarily something that is agreed to by Municipalities Newfoundland and Labrador.

This government has said and has been pounding us with it lately that they are open, they are transparent, they are going to listen to people, they are going to sit at tables with people, talk to people. Well, when it comes to this bill and the amendment that is being proposed, obviously the people they should be talking to are the people who make up municipalities and the boards of municipalities. The body that represents them is Municipalities Newfoundland and Labrador.

I think a lot of us have sat at the annual general meetings of Municipalities Newfoundland and Labrador. I think we all know it is a very, very democratic body. All kinds of conversations take place inside of Municipalities NL. People who are the staff and those who are in the elected positions for MNL are not people who make decisions on their own. They do not take positions on their own.

If MNL is representing that this is problematic, then I would suggest to this government that one of the worst things they could do is make a change to the act which has to deal with the

three cities that are covered under this bill and to do that, Mr. Chair, without the agreement to that by the MNL. If they really believe in consultation, if they really believe what they are saying, then they would not do that.

Would they, for example, make a change to acts that have to do with the medical profession that the Newfoundland and Labrador Medical Association did not agree with? I should hope not. I should hope they would not. If they were going to sit and make changes to acts which would govern the medical profession, that the professional body of the medical profession would be at the table with them and the decision would be made together. It is the same way with this, Mr. Chair.

I am sure the minister had all good intentions. I have no doubt about that, and some of those good intentions are probably based on his experience, but we cannot be making decisions in the House based on the feelings and the experiences of individuals. We have to be collective, and we have to be collective in every aspect of the work we do.

Mr. Chair, I really urge the minister to rethink this piece. I will not speak to all the ‘problematics’ of it; they have been spoken to. I know my own colleague to my right here has spoken to it. It just is not the way to go.

I absolutely believe in getting young people involved. We want young people to become involved in the political system, and certainly at the municipal level is a good way to do that. Encourage the municipalities, encourage MNL to look at programs that they could put in place to get young people involved, have committees of young people but let the municipalities come up with that.

Mr. Chair, I just urge the minister to meet with MNL, to talk to them, to make sure that anything that is being done is being done with the agreement of the body that represents the municipalities in this Province. I do hope the minister is going to take this under advisement, more than I have spoken to it now. I think if they want to really show they are consultative –

the new Premier promised that he was going to sit with people, going to listen to people, and that means really listen to their reasoning.

I think the reasoning around this one is very solid. The reasoning I have seen so far from MNL is very solid. I really do encourage the minister to not move forward with this proposed change.

Thank you very much.

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

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

**MR. KIRBY:** Thank you, Mr. Chair.

It is a pleasure for me to rise and add my contribution to this bill, An Act to Amend the City of Corner Brook Act, the City of Mount Pearl Act, the City of St. John's Act and the Municipalities Act, 1999.

I would like to preface my remarks, Mr. Chair, by saying that as somebody who was for the duration of my youth – it ended some time ago, unfortunately, but for the duration of my youth I was involved in a number of different organizations in my community and at the university. I have the utmost respect for young people who choose to do a civic duty and get involved with organizations like Allied Youth, like the Scouting movement, the cadet movement, student councils, and other forms of student government and volunteerism they get involved in. I would like to preface my remarks by pointing that out right from the top.

I have some concerns about this. I understand here is the place certainly for passing the legislation that helps make all sorts of organizations better in the Province, that helps make municipal councils better, that helps make our councils stronger, but we have to consult the experts in this area. We have to consult the experts in the area of municipal governance in order to achieve what it is we are going to do.

The Minister of Municipal Affairs said he has trust and confidence in MNL, in Municipalities Newfoundland and Labrador. I am glad to hear that. So I hope he would consult them and get their advice on this particular piece of legislation.

We have many members on this side who are former councillors, deputy mayors, and mayors in their own communities in their home districts. We also have a lot of former councillors, deputy mayors, and mayors on the other side of the House, in the governing party, and I am surprised we do not see more of them rising on their feet to talk about this particular bill. Whether they support it, whether they think it is a good idea, whether they think you need to consult with the experts, or maybe you are the experts. Maybe you have already given your expertise and been part of it to the Minister of Municipal Affairs.

I would be interested to hear from any other former mayors, councillors, and deputy mayors on the other side about what they think about this because it seems like it might be flawed. We have seen flawed legislation pass through this House of Assembly since this government took power in 2003 on a number of different occasions. Now some of it has not had significant implications. I will give you an example, Mr. Chair.

Now I was very new, in our first session we passed a bill called Bill 3, An Act to Amend the Enduring Powers of Attorney Act. Before that session was over, we were back here in the House of Assembly debating Bill 56, An Act to Amend An Act to Amend the Enduring Powers of Attorney Act because they never did their homework. They never did their research. They never consulted with the experts and we had flawed legislation that we passed through the House of Assembly, An Act to Amend An Act to Amend the Enduring Powers of Attorney Act, Bill 56. Not as infamous as Bill 29.

That was good because we were able to come here and catch that, but you remember what happened with that Abitibi mill in Central

Newfoundland. You remember what happened there.

**CHAIR:** I am going to remind the hon. member to speak to the bill, please.

**MR. KIRBY:** Thank you, Mr. Chair, I really appreciate it.

So we have to be careful that we do not ram legislation through this House of Assembly, I say ram it through the House of Assembly. We do not want to do that. We have to make sure that everything is well reasoned. We do the research. We do our homework and consult the experts. Of course, as we have said, the minister has pointed out that he has – I believe his exact words were trust and confidence in Municipalities Newfoundland and Labrador and he would consult them. The other thing about this, Mr. Chair, which is extremely important, is the fact well, the government is open now. It is an open government now because they had the tea party out in the lobby of the House of Assembly that evening and they have a new Web site up. They even have a new Web site full of outdated information. They have all sorts of information on the Web site and they are an open government, so obviously an open government would consult with the experts at Municipalities Newfoundland and Labrador about this.

The shocking part about this – and I get to sort of one of my key points; I do have a lot to say about this, Mr. Chair. I know members opposite who used to be on municipal councils, used to be mayors, used to be deputy mayors, those of you who have been on councils as councillors, mayors or deputy mayors, you would be interested to know that, apparently, correspondence has been forwarded to the Minister of Municipal Affairs from Municipalities Newfoundland and Labrador indicating that they have concerns about this. They have concerns about this legislation.

I am very surprised that the minister can, on the one hand, stand up and say that he has trust, respect, and confidence in Municipalities Newfoundland and Labrador and their

perspective. Then, on the other hand, try to push this legislation through here that does not have the concurrence of the experts in this area. Not only are they experts, they have to deal with this. It is fine and dandy to pass this through and have it proclaimed, but the people who will have to deal with the repercussions of this potentially flawed – and I am not saying that it is definitely flawed; I have some grave concerns myself. This potentially flawed legislation will be falling into the laps of the people who are trying to govern our municipalities, and it is a hard job. It is a hard job, Mr. Chair; there is no question about that, and a lot of these people are volunteers.

We should, in fact, as Members of the House of Assembly, particularly the Minister of Municipal Affairs, should be going out of our way to try to collaborate with municipalities, to co-operate with municipalities. Not to pass legislation that is going to make their job more difficult, and they are doing it on a voluntary basis.

I think it was really interesting to listen to the Member for Bay of Islands when he got up and he caught this and he said right from the very beginning: Has there been a motion passed by MNL? Has there been a discussion of this at MNL? Are there any minutes from MNL meetings that indicate that they have concurrence, that they agree that this is a good idea?

Then I believe he said: Is there a letter? Can you produce a letter? Can you produce correspondence, basically, showing that they agree with this? Of course, Mr. Chair, as I said, it has come to my attention that there actually was correspondence forwarded to the Minister of Municipal Affairs expressing concerns about the passing of this legislation, that it will create more difficulty for municipalities across Newfoundland and Labrador.

This is not going to make their job easier. It could potentially make their job harder. Now, why would we make the jobs of the good people who in many, many, many instances are doing this job voluntarily in their communities – why

would we do that? I am sure the Minister of Municipal Affairs would not want anybody to make his job harder; of course not.

So, I think we really need to have a rethink. As I said before, we have seen, not just in this sitting of the House, not just since 2011 – I explained Bill 3 and Bill 56 as sort of the undoing of the bad legislation that was passed in Bill 3, and then we would come back with Bill 56, a whole new piece of legislation, and debate that in order to fix the problematic legislation that we had passed under the Enduring Powers of Attorney Act, we the whole expropriation of the mill, the Abitibi mill –

**CHAIR:** I am going to ask the member to come back to the bill.

**MR. KIRBY:** – all those problems created before, but we do not want to go down that road again. The best thing to do is not recreate the problems of the past.

The members opposite have had over a decade; they have had almost eleven years basically to try to get this right, to produce legislation that has the concurrence certainly of the stakeholders who directs (inaudible) –

**CHAIR:** I remind the hon. member his time has expired.

**MR. KIRBY:** Thank you, Mr. Chair.

**CHAIR:** The hon. the Member for Mount Pearl South.

**MR. LANE:** Thank you, Mr. Chair.

It is great to get back to where I had ended – my third opportunity. As I indicated, even though I have concerns with the first piece of the legislation – which I do – around the Skype, again, supporting it in spirit, but having concerns around the fact that there is nothing there to say that somebody needs to at least attend a meeting in person within three months, or six months, or whatever. They could actually go a full year and never set foot on the soil in their municipality. I have a concern with that. If that works for

Municipalities Newfoundland and Labrador and they are satisfied with it, so be it. I have made my concerns known on the record, but if they support it, fine.

On the piece around youth involvement and youth engagement, I absolutely support youth engagement; however, I have concerns around the vagueness of this piece of legislation. All the concerns which I have already stated and my colleagues have stated where it is very open ended leads to numerous interpretations, so obviously that is a concern.

As I finished off by saying the last time I spoke, the biggest concern I have in terms of the youth piece is the fact that allegedly I am led to believe here today that Municipalities Newfoundland and Labrador does not support this amendment. That is what I have been led to believe here today.

I have not been speaking to Municipalities Newfoundland and Labrador about it – I have not. I think it would be great if perhaps all the other members, as has been indicated – because we have a lot of former mayors and councillors and so on. The Minister of Transportation is over there chirping there now. He served on a municipality; maybe he has something to say about it.

I would love for the Minister of Transportation to get up on his feet now when I sit down and he can talk to this piece of legislation, seeing as how he seems to be so informed; he has so much to say. Say it to the people of Newfoundland and Labrador.

Mr. Chair, I do have a concern around the fact that MNL is not comfortable with this piece of legislation. There are two things I would recommend to the minister, and all due respect to the minister. There are two ways we can go with this, from my perspective at least. What we have here is we have two distinct clauses all contained within the one bill. They are not linked in any way; they are two distinct clauses. It is almost like an omnibus bill, except there are only two pieces instead of a hundred pieces like you see the Conservatives do in Ottawa, try to

ram that stuff through. In this case there are two distinct pieces.

What they need to do in my view is they can either set this aside for now, withdraw the bill altogether, actually go and do the consultations, proper consultation with Municipalities Newfoundland and Labrador on the two amendments, and then come back – because there is no major hurry for this. I have not heard anybody screaming out for it, per se, although I do realize that in terms of the attending meetings remotely by Skype and so on is something a lot of municipalities would like to see and they need. The youth piece is certainly not something I have heard people kicking and screaming, saying we need to do this – we need to do this. I have not heard municipalities say that.

Mr. Chair, we can either take the whole thing off the table here, withdraw the bill, and do the consultations, proper consultation with Municipalities Newfoundland and Labrador – and when I say consultations, given the fact that this piece of legislation, to my knowledge, is not going to cost the government a dime – I heard the minister say: Sometimes we agree and sometimes we disagree with MNL. That is fine.

I can understand when there are issues, perhaps, that the government would not agree with MNL on when it comes to things that are going to require capital investment or more funding to municipalities and so on. I can understand if MNL is saying we need you to double our MOGs and the government is looking at it and saying: Well, we cannot double MOGs because we would not have money for health care, education, and all that kind of stuff. That makes sense to me, where they would say we cannot always agree and we do what we feel is in the best interest of the overall picture.

This piece of legislation, from what I can gather, is not going to cost this government a dime. It is not going to cost them a dime. So if it is not costing them anything, if it is not impacting the provincial government in any way, then why would you force a piece of legislation down the throats of MNL, something they do not agree

with? They can withdraw the whole thing or another suggestion to the minister would be to separate it.

Separate the bill, come back and make an amendment, and in that amendment you would simply make it two separate bills or leave in the bill the part about the remote participation in council meetings, leave that there and take this whole youth piece off. Make the amendment by removing that particular clause. That way, if we did that, then we could all vote on the remote participation piece. While we do have some concerns, I think we would all support it. We would all vote in favour of that one because MNL apparently are in favour, so we would be in favour. We would support that particular piece.

Then the other piece around youth, which we do support having youth involvement, but they could take that piece and go back to Municipalities Newfoundland and Labrador, have the consultations, listen to what – they claim they listen these days. Listen to what the municipalities have to say. It is not costing them a dime. If MNL are not in favour of this particular clause or if they would like to see the clause amended in some way so that everyone was comfortable with it, then bring it back at a later time in a separate bill, and then we can have some informed debate around that particular bill.

It would also give us as members of the Opposition, all parties over here, give us an opportunity then to discuss that particular amendment with MNL and we can hear for ourselves from them whether they agree with it or they do not agree with it, or any concerns they have. Then we can have an informed debate. Then we may or may not vote in favour of it.

For now I have to say that as this bill currently stands with these two distinct clauses not linked in any way – one clause I have a concern with, but I can live with if MNL is happy with it. This other clause that MNL is not happy with, if we cannot separate those two and I am going to be forced to vote on something where there is one piece of this bill that MNL, who are the people

who are going to have to live with it, these are, as my colleague said, the experts in this area. If these people are against that then I am going to be forced, unfortunately, to vote against the entire bill.

I will be forced to vote against that entire bill, which is unfortunate, because I think the first part around remote participation, while there are some concerns there, I think overall is a good thing. I think municipalities support it, they need it, and it would be beneficial. I hope I am not put in a position to vote against that because I cannot live with this, because MNL does not agree with it. So, I am asking that this amendment be made, and if it is not made I am going to have to be against it, sorry.

**CHAIR:** The hon. the Minister of Municipal and Intergovernmental Affairs.

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

**MR. KENT:** Thank you, Mr. Chair.

It is good to stand up again. I have been in my chair all afternoon. I have not gotten up. I have been listening intently to members opposite, and I say that in all sincerity. It does not always work that way in this hon. House, but I am very interested in what members have to say. In fact, I have been following the discussion very closely, and I think there are some interesting points that have been raised.

I want to acknowledge the questions and concerns. We had a really good debate in second reading. We had multiple members on both sides of the House speak about the provisions that are in this bill. I would like to just respond to a few of the points that have been made.

Again, and I do not want to be repetitive. That is why I am not rising after every speaker to say the same thing over and over again. We believe municipalities should have more flexibility. We believe that municipalities for decades have been asking for less prescriptive legislation and more enabling legislation.

The previous speaker was saying that these two issues are completely separate in the one bill. Well, the common link here is these are both provisions that are about giving municipalities choice, giving municipalities flexibility. It does not mean they have to enact either of them. That is totally the choice of each individual municipality in this Province.

In terms of restrictions and parameters that members would like to see put around these provisions, well we are empowering our councils to do just that. We are not going to simply say, well, go figure it out on your own. We are going to provide whatever kind of training and guidance and support and best practices that we can. I really believe our communities in this Province need to be empowered, to have a greater say in decision making.

I have met with dozens and dozens of municipalities over the last six months as minister. I have attended the MNL convention. I just got back from the Professional Municipal Administrators Association convention in Gander. I am preparing for MNL's municipal symposium coming up in a couple of weeks' time. I met with a community from Cartwright – L'Anse au Clair District this morning.

My door is open to municipalities. If municipalities in this Province have questions or concerns about this bill, or any other piece of our legislation, or any other issue, my door is open. It has been open for the last six months and it will stay open. I want to continue to listen to what communities have to say.

I agree with the Member for Mount Pearl South that community leaders do need to be on the ground. They do need to be visible, they do need to be present, and they need to be active in understanding the issues that are before them in their communities. I do not think there is any council in this Province that would say you can attend remotely forever and never attend a council meeting. I am confident that our communities will put the proper provisions in place and use these new enabling powers in a responsible way.

This is about giving our communities choice. I know the Member for St. Barbe said that this is somehow anti-democratic. I actually believe that getting more young people involved in our communities is going to be good for democracy.

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

**MR. KENT:** There are a number of ways that community leaders and municipalities can do that. I acknowledge that. I was the President of the Mount Pearl Youth Advisory Council many years ago – about twenty years ago actually. I had an opportunity to participate in the council process.

It was sort of a situation where sometimes we felt like we were to be seen and not heard. We did not get to participate in public debate. We might get a meeting with the city council once or twice a year if we were lucky. We got paraded into the council chamber during winter carnival and had an opportunity to run a mock council meeting and raise certain issues.

One of the reasons I chose to run for municipal council at age nineteen was because I believed that young people need a greater voice. That is what this legislation is about for me, Mr. Chair. I say that in all honesty and all sincerity. I believe we need more young people to take an interest in local government.

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

**MR. KENT:** There are a number of ways to do that. I respect the views of members opposite. I acknowledge the views of members opposite. There are numerous ways that young people can be engaged, but we have to move beyond tokenism.

To say that young people should not have an opportunity in debate because they are not old enough to vote, I fundamentally disagree. To back away from an opportunity like this would fly in the face of everything that I have worked for in my career, so I cannot do that, Mr. Chair. I believe this is a step forward.

The key to address most of the concerns that have been raised by members opposite – and I thank them for that – is we are not requiring anybody to do anything. We are not requiring one of our 276 municipalities to appoint a youth representative or to allow people to attend meetings remotely. We are giving our municipal leaders choice. We are giving them enabling legislation and I want to do more of it.

I want to review the Urban and Rural Planning Act. I want to review some of the regulations that are in place that impact our municipalities. I want to review our Municipalities Act. I want to review the cities acts as well. It is something that I have been passionate about and have believed in for a long, long time and now I have the unique privilege and opportunity to be able to provide leadership for this department, and that is what I am going to do, Mr. Chair.

I know members opposite have been straying, so I want to stick with the legislation that we are debating here in Committee. What Municipalities Newfoundland and Labrador said specifically is, in terms of the youth piece, they do not think it adequately addresses the issue. MNL wants to work with us on youth engagement. We are willing to do that; that is what we will do. We are going to be talking to the board of directors in the days ahead, and I look forward to having a full discussion around other opportunities to get young people engaged. There are many ways to do it. This is just simply an option we are giving communities; that is all, and we will provide whatever support and advice the communities need.

We are working with youth groups. I have talked to a number of youth groups about these provisions. I have talked with a number of municipal leaders about these provisions, but there are a number of youth groups that are very excited about this possibility. Having been a young person who was chairing a youth advisory council that was set up, supposedly, to promote youth engagement, I remember the struggle in terms of getting our issues taken seriously. I think having an opportunity for our young people who cannot vote to still have a meaningful say in what is going on in their



communities is a great opportunity. It is a great opportunity for this House to show some leadership and to create provisions in our legislation that only exists in three other jurisdictions in this country.

One of the things I have witnessed in my seven years here is that, quite often, Newfoundland and Labrador is the ninth or tenth to adopt certain amendments or pieces of legislation. We always carefully watch what is happening across the country and then make our decisions based on those learnings, but this is an opportunity to show leadership. We need more young people to get engaged in our councils. We have not filled all of the seats on councils in this Province.

Our Make Your Mark campaign has made a difference; there is no doubt about it. I believe that there is a lot we can do to inspire more young people to take an interest and to step forward. For me, fundamentally, Mr. Chair, that is what this bill is about. We are working with youth groups. We are working with communities. We will provide lots of support and guidance, and we have done jurisdictional research.

To address the comments by the Member for St. John's North – and I thank him for getting involved in the debate as well – multiple members on this side of the House spoke in second reading in support and many more are prepared to do so now that we are in Committee and they are welcome to do so.

We have done research on this. It was suggested by a member opposite that this will somehow make lives harder for our municipal politicians. Nothing could be further from the truth. We need more people to take an active interest in local government. The remote attendance provision in this legislation will absolutely make life easier for municipal councils that are struggling.

I think these changes to our Municipalities Act and our cities acts are positive steps forward. We are not requiring anybody to do anything. If we were, Mr. Chair, if we were saying to

communities across the Province thou shall do this, thou shall appoint youth representatives, or thou shall allow your councillors to participate remotely, then I would be very concerned about what I am hearing in debate here today, but that is not what we are doing.

We are allowing flexibility. We are creating options. We are creating choice. We are empowering the thousands of volunteers around this Province who lead our community councils. I have faith in them, Mr. Chair, and I have faith in this process as well.

I will conclude my comments at this point.

Thank you.

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

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

I understand the hon. the Premier wishes to make a statement, with leave.

**AN HON. MEMBER:** By leave.

**CHAIR:** The hon. the Premier, by leave.

**PREMIER MARSHALL:** Thank you, Mr. Chair.

Mr. Chair, I was shocked and deeply saddened when I learned that former Finance Minister Jim Flaherty passed away today. It was just three weeks ago that I wrote to Mr. Flaherty to commend him for his outstanding service as Canada's Finance Minister throughout the past eight years.

I truly believe it was largely because of his steady hand on the wheel that Canada was able not only to weather the worst global downturn in memory, but to outperform most other countries and stand tall as a paradigm of prudent fiscal management. He made Canada's example the benchmark for others to aspire to achieve.

In my letter to him, I told Mr. Flaherty that Newfoundlanders and Labradorians are particularly appreciative of the work he did and

the decisions he helped to make, to strengthen and to grow our Province's economy. Our Province and our people have benefited greatly from his strong leadership as Finance Minister and will continue to benefit from those decisions for many generations to come. It was my privilege to work closely with him as Premier and as provincial Finance Minister on many occasions, and I greatly enjoyed our conversations.

Mr. Flaherty's work has benefited so many. His legacy is now an important and indelible part of Canadian history, and he has done his country proud.

I ask hon. members to join me in expressing, on behalf of the people of Newfoundland and Labrador, our deepest sympathy to Jim's wife, Ontario's Deputy Opposition Leader Christine Elliott, and their entire family.

Thank you, Mr. Chair.

**CHAIR:** The hon. the Member for Bay of Islands.

**MR. JOYCE:** I thank the Premier for that. On behalf of the Official Opposition, we would also like to pass on our condolences to Mr. Flaherty's family. Anybody who commits their life to public service gives up so much of their private life, and Mr. Flaherty will be noted as a person who was dedicated to Canada to try to improve Canada as a whole.

I know the Premier spoke about Mr. Flaherty on several occasions, the close relationship and the close friendship. I know the Premier himself feels deeply saddened today because of the passing because of the friendship you developed with Mr. Flaherty.

On behalf of the Official Opposition also, would you please pass on our condolences to the family? To Mr. Flaherty, his family, public life is hard, but when you make the commitment that he made to Canada it must be acknowledged. We thank him also for the contribution that he made to Canada, which in turn was to Newfoundland and Labrador.

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

**MR. MURPHY:** Thank you, Mr. Chair.

We, in the New Democratic Party, also recognize the role that Mr. Jim Flaherty had in this country. He was part of an ideal and represented us very well, I think. I know that the Premier of this Province had a special kinship with the minister and worked his way through some severe economic problems that this country dealt with in 2008, particularly, is memorable.

Whatever stripe you are in this country and whatever we are in this Province, we recognize that he had one of the hardest roles in this country, keeping the country stuck together during the financial crisis that it was. He did his job very well. He served his country extraordinarily proud at the same time. I think that we all felt a little bit of a loss, if you will, upon his retirement just a short time ago.

At the same time, we join the Premier and the Official Opposition in offering our condolences and all the best to his family. We know that this country is going to be in a – I guess you could say we are going to be in a little bit of mourning for the next little while, but we wish his family all the best.

Thank you very much, Mr. Flaherty, for your service. It will be long remembered.

Thank you very much.

**CHAIR:** As Chair, I would like to thank the Premier and the members of the Opposition for their statements. I will take the liberty to ask all members of this House if we would like to stand in a moment of silence in honour of Mr. Flaherty and the job that he performed.

[A moment of silence is observed.]

**CHAIR:** Thank you to all members.

The hon. the Government House Leader.

**MR. KING:** The member opposite actually, sorry.

**CHAIR:** We will now convene Committee once again with the Member for Cartwright – L’Anse au Clair.

**MS DEMPSTER:** Thank you, Mr. Chair.

I will pick up and continue and offer a few more thoughts on Bill 6, but I just want to say, in remembering Mr. Flaherty, as soon as I read that I thought about what he said just at the time people were questioning why he was stepping down. He said: I think the time has come now to spend more time with family.

The message in all of that, all of us who are here in the House, sometimes you do not have much balance in your life when you put your name forward in public life and we contend to always look ahead and we are going to do this and that down the road; but I think the moral in the story of the sudden passing again of Mr. Flaherty is that we all need to find some time in every day because, really, we only have today. You can spend your life any way you want, but you can only spend it once. So there are messages in that and certainly he will be missed and he will be remembered for the good work that he did.

Mr. Chair, I spoke yesterday to Bill 6 and at that time I echoed the concerns that I had. Having spent years in municipal politics myself not only as a leader in my community, but then I was privileged to represent all of the towns in Labrador on the provincial municipalities’ board. It is a board that I have the utmost of respect for, Mr. Chair.

While I agree with a portion of Bill 6, I agree with taking advantage of the social media and that is the age that we have moved in – and actually it was interesting, yesterday I had a phone call. You never know who is watching you, really, and I guess I had mentioned Mayor Gary Gosine, the Mayor of Wabana, and his interest in participating in council while he was in a hospital bed at the Miller Centre. He happened to turn on Channel 71 and he saw me mentioning his name and he phoned and said: I

appreciate you guys supporting that, because that is where we need to move.

Mr. Chair, however, the youth piece I have a lot of concerns with; and I now have a copy of MNL’s position on that youth piece on Bill 6. I am just going to share that in the House today.

It says, “MNL is against the provision for enabling municipal councils to create an appointed, non-voting youth seat to represent the views of this constituent group. While we fully support youth engagement, especially youth who have not reached the age of majority and therefore cannot offer themselves as municipal candidates, we do not believe Bill 6 adequately addresses this issue. We acknowledge that the Bill simply enables councils and does not compel them.” So it enables but it does not compel. “However, once the expectation is set that this authority exists, most councils will come under pressure to use it.”

One of the things that I always say is we cannot be experts in everything. We cannot know it all. That is why it is imperative for us to go out and to network, to engage, to listen to the groups that are more knowledgeable. The Municipalities Newfoundland and Labrador board represents I think it is 276 councils in the town. They do some very, very valuable work, a broad knowledge from urban towns, urban issues, to the rural, and all of the challenges that they face.

I think because in their stand they say we acknowledge the bill simply enables and does not compel, I believe by voting for Bill 6 as it stands right now we are just opening up to cause division among councils.

When I look back at the number of rural communities that I represent and you look at how the young people are all networking, engaged, and they are connecting with each other, they will say –

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

**MS DEMPSTER:** I hear the Member for Burin. I would love to encourage him to stand on his

feet, speak to Bill 6, and tell us how he feels about it. That is what I am doing right now.

As I said yesterday, Mr. Chair, I support young people. I have given most of my adult life volunteering for young people. I find it ironic that here we are coming to the end of Volunteer Week and we want to vote on a bill that is going to create headache for people who volunteer. There is something wrong with that. I am sorry, I cannot support that. The pressures –

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

**MS DEMPSTER:** Now I hear – I invite all the members opposite, if you want to weigh in, instead of trying to heckle me down. We have to be role models to these young people, don't we? A lot of times they think that the House of Assembly becomes like a den of lions or something. We have to conduct ourselves more properly here in the House.

We are in a debate where we all get to take our turn to stand on our feet and talk about how we feel about this. This is my concern. You are going to see one young person is going to say well I was appointed this way, and someone else is going to say I was appointed that way, and we think twelve years old is good, and we think fourteen is good. While we support youth and we support youth involvement, there is just simply too much of a grey area here.

Mr. Chair, councils are democratically elected governments. The process of democratic election is a fundamental element of our political system. I think that should not be devalued, no matter how honourable the intention.

There are no designated – and I mentioned this yesterday – non-voting seats in the House of Assembly or in the House of Commons. So we have no designated non-voting seats in the House of Assembly or in the House of Commons, and MNL's stand is it demeans the municipal democratic process to create them in this world now. How can you have the two? You are going to have a board, you are going to have a council that runs, they go through an election process and they are elected and they

sit, yet there are going to be people sitting at that table there by appointment. I think you just have that huge conflict.

It is very grey; I firmly believe that it will cause divisiveness. When I look at my rural communities and I look at the leaders, I think it is going to just cause divisiveness among the councils.

Mr. Chair, I am happy again to speak to Bill 6 for the second time and given the hour of the day, I will move that debate be adjourned.

Thank you.

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

**MR. KING:** Thank you, Mr. Chair.

I move that the Committee rise, report progress, and ask leave to sit again.

**CHAIR:** The motion is that the Committee rise, report progress, and report Bill 9 carried?

**MR. KING:** (Inaudible) ask leave to sit again.

**CHAIR:** Okay.

The motion is that the Committee rise, report progress, and ask leave to sit again.

All those in favour, 'aye'.

**SOME HON. MEMBERS:** Aye.

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

**MR. KING:** Sorry, Mr. Chair, I apologize. We did two bills in Committee. I think that is what you were looking at me for. Yes, my intention was to report Bill 9 without amendment, and to report Bill 6 and ask leave to sit again on Bill 6.

**CHAIR:** The motion is that the Committee rise, report Bill 9 carried without amendment, and to report progress on Bill 6 and ask leave to sit again.

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 (Wiseman):** Order, please!

The hon. the Member for the District of Lewisporte.

**MR. VERGE:** Mr. Speaker, the Committee of the Whole reports that they have considered the matters to them referred and have directed me to report Bill 9 carried without amendment, and Bill 6 with progress and ask leave to sit again.

**MR. SPEAKER:** The Chair of Committee advises that the Committee has approved Bill 9 without amendment.

When shall the bill be read a third time?

**MR. KING:** Tomorrow.

**MR. SPEAKER:** On tomorrow.

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

**MR. SPEAKER:** The Committee has advised reporting progress on Bill 6 and asks leave to sit again.

When shall the Committee sit again?

**MR. KING:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, report received and adopted. Committee ordered to sit again on tomorrow.

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

**MR. KING:** Thank you, Mr. Speaker.

Given the hour of the day, I move, seconded by the Minister of Education, that the House 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'.

This House stands adjourned until 1:30 p.m. on Monday.

On motion, the House at its rising adjourned until tomorrow, Monday, at 1:30 p.m.