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Speaker: Honourable Ross Wiseman, MHA

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The House resumed sitting at 7:00 p.m.

MR. SPEAKER (Wiseman): Order, please!

The hon. the Government House Leader.

MR. KING: Thank you, Mr. Speaker.

At this time I call from the Order Paper, Order 4, second reading of a bill, An Act To Amend The Mineral Act, Bill 15.

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

MR. DALLEY: I move the bill, Mr. Speaker, and certainly it is seconded by the hon. the Minister of Education.

MR. SPEAKER: It is moved and seconded that Bill 15, An Act To Amend The Mineral Act, be now read the second time.

Motion, second reading of a bill, "An Act To Amend The Mineral Act". (Bill 15)

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

MR. DALLEY: Thank you, Mr. Speaker.

It is certainly a pleasure to stand this evening and have some discussion about an amendment, Mr. Speaker, An Act to Amend the Mineral Act and regulations. It is a piece of work here that we want to do.

Essentially, the spirit of what we are doing here today is trying to encourage more exploration, encouraging companies to explore more, and creating opportunities perhaps for more land to become available for prospectors. We all know the significant impact of the mining industry in this Province. There is tremendous prospectivity in this Province. There are tremendous things happening in the Province around mining.

Collectively, and in discussions with industry, and considering the impact of the mining industry, particularly around exploration, what it will have on jobs and opportunity and again, particularly in rural Newfoundland and Labrador, it is important that we do all we can to help facilitate, promote, and encourage

exploration, Mr. Speaker. Essentially that is what we are about to do with this particular act this evening.

The Mineral Act, Mr. Speaker, was proclaimed in 1976, so it has been around for some time and it applies to surface rights. It does not apply to quarries, petroleum, water, and subsurface rights; so, when we are going to do some mining, what is in the ground basically.

There are two aspects of this act, Mr. Speaker. One is the mineral exploration licence. That provides an exclusive right to explore for minerals, to go out and look around, scratch the surface. Prospectors go out and do some work. It is very, very important to the mining industry in the Province. They would go out and do some work, explore, and see what is out there. To get an exploration licence currently under the act you get a five-year term, but it can be held for up to twenty years, renewable every five years.

The second part, Mr. Speaker, is a mineral lease. Once you have obtained a mineral exploration licence and you have made some sort of discovery, the mining lease provides you the right to remove the minerals, which you can actually develop into a mine. The licence holder can demonstrate that there is the existence of a viable economic resource, make application, and then be granted a mining lease. These leases are issued for a period of twenty-five years and can be renewed every ten years subsequently.

Mr. Speaker, I will give a slight overview of what the current legislation is, and then I will speak about the changes that we are proposing this evening. The current legislation, particularly around the mineral exploration licence – and, again, that is to explore, not to develop the mine but to explore and see if there is anything available there, if there is any resource there that we can develop into a mine.

Mr. Speaker, currently you can hold the exploration licence for a twenty-year term, and the maximum size of the licence would involve 256 claims. The claims are 500 metres by 500 metres. Within that one licence a company could hold up to 256 claims. These claims are renewed every five years. Each time you renew, there are fees attached. Initially, after five years

it is \$25, then it goes to \$50, and then it goes to \$100. Per each claim, each of the potential 256 claims per licence, you would have to pay a fee. Each year as you move towards the twenty years you pay a little more money.

Mr. Speaker, the incentive, what drives that is for companies to ensure that they are doing a piece of work. It is going to cost you money just to sit on the land. We want the land explored. We want new discoveries found. We want new opportunities created.

Mr. Speaker, the current legislation also allows the licences to be grouped. You can have more than one licence, adjacent licences. You can group them together; you can split them. The reason they do that, and it is permitted under the current legislation, is that each year in addition to your cost for your exploration licence, you also have to pay per claim. What the commitment is then from anybody who is holding a claim within the Province, you have to spend a certain amount of money on exploration. You do not pay the money to government. Essentially what you do is you go out and spend money on exploration.

Then each year you have to pay – basically you have to do enough exploration to take you up to a certain amount of money. In year one of five it is \$200 per claim with it increasing \$50 a year. In years six to ten it goes to \$600 right up to year twenty, Mr. Speaker, where if you are company and you are holding claims, land in this Province, you have to pay up to \$1,200 a year per claim. You do not pay that to government, but you pay it out in exploration.

The idea, the spirit, and the intent of the act, what it is built around here are the regulations that provide opportunity for exploration but encourage companies to get on with their work, get out there and find some discoveries. All of this we recognize, particularly in rural Newfoundland and Labrador, creates jobs and creates opportunity. As well, it drives the economy out in these regions and provides some open opportunity.

The current legislation: twenty years, 256 claims in a licence, there are fees per claim, Mr. Speaker, to renew them, but each year you have to spend a certain amount on exploration. As

well, companies sometimes want to spend money on exploration in a certain area of the licence. They may just take one claim within the licence and spend an entire chunk of money on that, Mr. Speaker. If they spend in excess of what is required, then we will allow them to carry that over up to nine years.

That is the existing legislation, Mr. Speaker. I want to say this evening that we are not changing the existing legislation, we are adding to it. Whatever is in place for up to twenty years is going to stay in place. Prospectors, junior mining companies, larger companies, all that is laid out in the act right now will stay there, Mr. Speaker. What we have done is made some changes. What we found, and the feedback we have had from industry at the end of a twenty-year life and a twenty-year limit of their exploration licence, is that it is discouraging exploration over the full term of their licence.

As many would know involved in the mining industry, that it is a long process from an exploration to junior mining companies buying into and spending more money on exploration and then to get it developed into a full mine. It takes years and years of work, Mr. Speaker.

What they are finding, particularly because of the cyclical nature of the mining industry around commodity prices and the ups and downs, there are periods of time where it is very difficult to attract investment and financing. It is difficult to attract junior companies to come in and do some work. They find it difficult to attract financing, Mr. Speaker. As well, ultimately the prospectors will find it more difficult to attract a junior mining company to have interest in what they have found.

There are some challenges at the end of the set term of twenty years, again, due to the cyclical nature, Mr. Speaker. As well, when we look at other jurisdictions, many of them have different time frames and certainly unlimited time frames as well. These are some of the other things that have been brought to our attention, Mr. Speaker, and in speaking with industry.

As a result, we want to take a look at some challenges, take a look at some of the changes and recognizing that many of our current exploration licence holders are due to expire.

They have gone through their twenty years. They are expiring. They want to continue with some investments. Some of them remain optimistic that there is opportunity there, so they want to hold on to these properties as well.

Again, the spirit of what we are trying to do here is to find some balance within the industry, certainly to encourage companies to continue with investment. At the same time to obviously indicate to industry, we want you to spend your money on exploration but if you are not, then you are going to have to turn the land over. We do not want warehousing of land.

We want land available for prospectors. We want them to get out there and do their work. They are a great group in the Province, Mr. Speaker, about 325 of them, and obviously they do some significant work. Some of the first steps in the basis of mines in this Province started with prospectors going out and doing their work.

So, Mr. Speaker, to find that balance we did some consultations throughout this in terms of surveys under mineral licence. We have talked to the companies. We have talked to prospectors on feedback, Mr. Speaker. Even as we have developed this through, we have stayed engaged in terms of finding a balance here with this act.

We have also done Aboriginal consultations, Mr. Speaker, on the amendments. It is taking a little more time, but it is certainly a very worthwhile exercise as well. We value their input.

What we are proposing, Mr. Speaker, in this act – the current guidelines, regulations, and expectations of the act will stay in place for up to twenty years, but we are going to extend it from twenty years to thirty years. We will add an additional ten years, Mr. Speaker, in terms of providing opportunity for companies to explore their current land claims, but in doing that, we are not about to allow them to just hold the land without any expectation or increased expectation that they would invest and spend money in exploration.

What we have done is, we have increased the annual expenditure requirements. From years twenty-one to twenty-five it will be \$2,000 per

claim, and years twenty-six to thirty it will be \$2,500 per claim. Mr. Speaker, some may see that number as high, but the reality is, if you want to get the exploration done, if you do not want to spend these higher fees, then spend them during the twenty years in which the fees are much lower. That is an incentive here to encourage exploration, get more money spent, and go out and find some new discoveries.

As well, we have decreased the licence size from 256 claims down to 100. That will require them to spread out their exploration money even more. As well, we have built in frequent renewals and increased fees so that each year, after twenty years, companies will need to pay \$200 per claim, or anyone who is holding a claim in the Province will have to pay \$200 per claim after twenty years. Again, Mr. Speaker, it is to incentivise the whole process to get out and explore and put your money into exploration and try and create new opportunities for the people of Newfoundland and Labrador.

We are also prohibiting some of the grouping of the claims, Mr. Speaker, so that you cannot hold up an entire land mass in 256 claims but just do exploration in one small area. We are going to prevent the grouping so that after twenty years you have to start moving out. You have to start using up and getting out there actively pursuing to see if there are any discoveries to be made out in your claims.

As well, Mr. Speaker, one piece in the old legislation is that if you spent more than was required you could carry your investment of exploration over for nine years. After twenty years, Mr. Speaker, we are limiting that to five years. We have tightened it up; we have increased the expectation for spending on exploration.

The spirit of what we are doing here today is to encourage more exploration. We want whether to explore and to create opportunities, or we want the land turned over so we can avoid the warehousing and holding of land, and from there to offer obviously more opportunities for our prospectors to get out on the ground and do their work.

Mr. Speaker, the benefits of what we are doing here today basically provides additional time,

whether it is for currently operating companies or companies that have made some late discoveries, an opportunity to delineate and develop their resources. We believe it is going to promote and increase mineral exploration activity and mining developments within the Province.

We believe the time frames in which we have built in here will allow companies time to get through the cyclical nature of this industry and an opportunity to raise some funds. We will move closer in line with other Canadian jurisdictions. Hopefully more land is going to become available for claim staking which helps drive the economy, particularly the impact that this will have on the rural areas becomes increasingly more and more important.

That is the first piece, Mr. Speaker. The second piece to the changes in the act is more of a housekeeping piece, but there are a couple of things that we need to do. Back in 2008 an amendment was made to the act. At that time the requirements changed to move from an exploration licence into a mining lease, to move from the exploration to be able to get an application. A mining lease allows you to hold the land for twenty-five years and ten years subsequent after that.

The requirements prior to that, Mr. Speaker, were less restrictive. In working with the industry we took a look at that. The requirements changed in 2008. It basically said that if you are going to move from an exploration licence to a mining lease, in 2008 it was determined that in order to do that you have to demonstrate that you have found something that is of economic benefit, an economically viable resource. If you had done so, then you could make application and prove that. When the analysis is done you would get a mining lease which allows you to hold the land, then, for a twenty-five-year period.

That was put in place in 2008, Mr. Speaker, but what we need to do now - back into the act of housekeeping, at the time this was put in, the act is not clear as to what happens to those prior to 2008. We know from 2008 onward, anybody applying for a mining lease would have to prove the economic viability, but prior to that, Mr.

Speaker, they were not under the same expectations.

Basically, what we want to do here is make some changes to clarify the act to ensure that anybody coming forward looking for a mining lease would have an obligation to demonstrate the existence of a mineral resource that is sufficient in size and quality to be potentially economic. In fixing the language here, Mr. Speaker, it will be clear to all of those who currently possess a mining lease and looking to come back for renewals.

Secondly, Mr. Speaker, the housekeeping piece; again, to clarify the language here, it was put in, in 2008 but we want to clarify the obligation of anybody who is owning a mining lease, they would have to ensure that they submit a written application for renewal no later than three months prior to the expiration of the original lease or the extension. Whether you are on the original or you have an extension, if you want to continue with that you have to submit it three months prior to its expiration. At the same time, if you are looking for a new mineral lease you would now have to demonstrate the economic viabilities.

Mr. Speaker, this is a couple of changes that we need to make to the act. Mining, obviously, is a tremendous industry in this Province with tremendous potential, tremendous prospective, Mr. Speaker. We have a long history of mining. There are tremendous things happening in this Province, both here on the Island and certainly in Labrador as well when we look at opportunities with Alderon, recent agreements with the Julianne Lake alliance, and other discussions with some large companies.

It is a tough industry, Mr. Speaker, but I have to tell you, my experience with these people is they are very committed to it, they are very passionate. I know for the prospectors, everybody is looking for the next Voisey's Bay, and that is exactly what we want in this Province, Mr. Speaker.

With that, Mr. Speaker, that is the spirit of the changes we want to make to the act and I certainly look forward to the comments from others in the House.

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

MR. BALL: Thank you, Mr. Speaker.

I will just take a few minutes to speak to Bill 15. Before I begin, yesterday we had a briefing session on this with the Department of Natural Resources. I want to thank the staff for the job they did yesterday in educating us and answering the questions we had in the time that we spent with them yesterday, questions around the bill to amend the Mineral Act.

This is an act, as the minister said, that has been in place now since 1976. I think the minister did a good job in explaining what the objective is here. It is an extension of the current legislation.

We have reached out today and have had discussions with some people involved in the industry and agree with the comments that were made yesterday in the briefing session. Most people are in favour of this. What it is, of course, the whole objective here is to make it a little easier for people to get in a position where a mining lease or an exploration lease would become a viable mine and a huge contributor to the Province's economy.

As we know, I think it has been previously mentioned here, we have seen \$3.7 billion last year in 2013 and \$3.8 billion in 2012. When you look at numbers like this it is certainly a significant contributor to the economy of the Province, and indeed, in creating employment especially in Labrador right now and other areas of the Province.

I will say, this weekend coming I understand there will be a mining conference in Baie Verte where some of the people who will be affected by this will be there. They will be networking and communicating with each other. I believe the minister will be there speaking on Friday night. I certainly intend to be there myself on Friday night to meet with many of those groups as I have in the past.

Mr. Speaker, I think the extension of a ten-year period beyond – which is really a twenty-year extension period that we see already. So this is an additional period. Coming with that are certain conditions that will be put on mining

companies to make sure they are put into a position where they become a sustainable and viable mining operation, therefore creating benefits to the Province as a whole. I understand, I have seen bits of this even in my own district where we have seen junior mining companies or prospectors come in, and they are excited, of course, and eager to find, as the minister said, that next Voisey's Bay; yet, twenty years in this business can go pretty quickly.

Just last night in speaking to the Budget, I brought up how volatile the iron ore pricing has been for many, many decades now in the Province. Back in the 1970s it was in the \$10 or \$11 range, yet we have seen in recent years where that commodity in itself has now become of substantial value. Seeing where we are getting mining interests in Labrador West with the new Kami mine, of course, there will be many benefits that will come to the Province as a result of that.

What it speaks to is that twenty years in this business can go by pretty quickly and sometimes we have seen the challenges that junior mining companies have had to deal with trying to get to a sustainable mine. This legislation I believe takes the twenty-year term, what we have right now, extends that an extra ten years because just getting capital and getting financing in place, putting the company in a position where it can become part of a larger group of companies that can share and develop the resource. We have seen that happen in the past in our Province.

Right now, as the minister said, there is a maximum of 256 claims on a licence. Going from year twenty to year thirty, this will go down to 100 claims. It will take more of a commitment from those companies to spend more money to make sure those claims are kept in place and therefore preventing people from just land banking and staking out areas of the Province.

One of the things we found out yesterday in the briefing session was that half the Province right now is staked out or there is a claim on about half the Province. The question was, what about the other areas? You have to take out the watershed areas and some other parts of the

Province that is really just not fit or not suitable to develop a mine.

Mr. Speaker, the other thing I would just draw attention to is the size of the claim. I was surprised with this yesterday because I asked. When you look at a company that could potentially have 256 claims as part of their inventory, how big is a claim? The answer was it is 500 metres by 500 metres. When you think about it, that is not a very big parcel of land when you are going out into an area and you are exploring and hoping to find something when you look at the size of the Province. With a claim of 500 metres by 500 metres, let's say you need to have a lot of luck I would say when you go out and you want to find that body of ore which will eventually become a sustainable mine.

Mr. Speaker, I will say this is a piece of legislation that we will be supporting. There are ten companies right now. One of the other questions that was answered yesterday is we have ten companies at thirty-seven licences that are set to expire over the next five years. This is a retroactive piece of legislation I believe, going back into March of this year. There will be restrictions put on those mining companies. They will be required to do more work and keep the claims active. Therefore, it will become more expensive for those mining companies to keep the claims active. We wish them certainly all the best. We hope that many of those claims right now will become viable mines in the future.

Mr. Speaker, for me right now there is not a whole lot as we move from this particular piece of the legislation and move into Committee at some later date, and then if there are some questions that we would have of the minister, I am sure he would be more than willing to get involved with that.

One other note is that we have been asked some questions around the Voisey's Bay area, what would happen in that particular area. That area right now, once it expires, cannot be reclaimed and re-staked because of the Aboriginal community which obviously are directly involved in it, that being two groups: the Labrador Inuit Settlement Area, and the Labrador Inuit development area. These will not

come up for re-staking once the licences expire. What will happen here is once you have come from the exploration piece, of course, the objective is to get this into a mining lease where you would see the significant investment, and therefore the benefits to the Province.

Mr. Speaker, it is not my intention to belabour the discussion on this piece of legislation tonight, Bill 15. It is something that we, as the Official Opposition, will be supporting. We have talked to a number of groups, a number of prospectors involved in this as well. There is support for this piece of legislation in the Province. We see this as an enhancement. We have compared it to other jurisdictions across the country. It seemed to be a reasonable balance on what we saw when you compare it.

This is a piece of legislation that we will be supporting. We look forward to actually more exploration in the Province and indeed more viable mines in our Province, creating economic benefits and employment for Newfoundlanders and Labradorians.

With that said, Mr. Speaker, I will take my seat right now. I look forward to the debate continuing.

MR. SPEAKER: The hon. the member for Happy Valley-Goose Bay.

SOME HON. MEMBERS: Hear, hear!

MR. RUSSELL: Thank you, Mr. Speaker.

I love the way that sounds. It is a pleasure again to rise in this hon. House, Mr. Speaker, and speak to an Act to Amend the Mineral Act and regulations. As I always do when I rise in my place, I want to give a shout of thanks out to the great people of the District of Lake Melville who always are there to support me, back me, and have faith in me to get the job done for those people.

I have just a few comments and I will be brief as well, because ultimately we are all going to be in this House, I think, supporting this small amendment to the legislation, Mr. Speaker. It is about encouraging exploration and leading to new discoveries, which in turn drive our

economy. It starts to create jobs and opportunities for the people of the Province.

As a native Labradorian, Mr. Speaker, I will tell you this: when we look at the people who are employed by Voisey's Bay, Wabush Mines, IOC, I have seen lives changed by the opportunities that present themselves with those types of developments. I have seen Aboriginal people become skilled. I have seen their families develop a higher quality of life because of those wages that are associated with said work.

With that, Mr. Speaker, of course it has already been said here, perhaps by the Leader of the Opposition, or our own minister too, in terms of how big mining and the mining sector is in terms of being a major contributor to the GDP. In 2014 it is to be near \$3.8 billion. That cannot be understated and that trend is definitely going to continue. That represents about 9 per cent for GDP overall. The majority of that comes from Labrador.

If you want to talk about employment, as I just said, in terms of the mining industry, in 2013 there were 3,000 person years. In 2014 that is going to increase to about 3,700; the gross value of all of that, Mr. Speaker, being around \$3.4 billion. That trend will continue into 2014-2015.

We have had some little setbacks; we have had some new discoveries. Mr. Speaker, at the Scully Mine in Wabush, we have seen some people displaced. Our government was there; we were on the ball.

MR. SPEAKER: Order, please!

I remind the member that this is an amending bill very specifically around a piece of legislation.

MR. RUSSELL: Sure.

MR. SPEAKER: It is not a broad bill with respect to the value of the mining industry which might have been the subject matter of the original act when it was passed. I would ask the member to confine his comments very specifically to the amendments at hand covered off in this bill.

MR. RUSSELL: Absolutely, Mr. Speaker.

I will be very brief in mentioning some of the other projects. I just want to say the changes that we are making are very progressive. Very modern legislation is what we want to call this. What it is saying is that we want to encourage the exploration; we want to see people get finds, Mr. Speaker.

In Labrador we have heard stories about the old hunters and trappers who would go out and chip off a piece of copper right off the ground, Mr. Speaker. This is what we are talking about. We are talking about seeing those prospectors develop into junior mining companies, and then, of course, raise their capital and be able to pay the new monies required in order to keep their estate claims, and then see them eventually develop a full mining operation which will lead to employment.

One thing I wanted to reinforce was the position of government in terms of Aboriginal consultation too, Mr. Speaker. It is an older piece of legislation. In making these progressive changes we have consulted with the Nunatsiavut Government. When you look at some of the projects that are coming up in Labrador, like the Petmin group that are looking to go in near Happy Valley-Goose Bay and make some pig iron out of that stuff, they are going to be consulting and they have consulted with Aboriginal groups as well.

Mr. Speaker, we have seen Aurora, a junior company, develop into Paladin Energy. What we have seen is consultation with the Aboriginal governments, the same as our government does here, where they go in and start talking about infrastructure and the requirements. Now we start talking about roads, we start talking about power, and we start talking about all those good things which give a chance to enhance the neighbouring communities as well. If we talk about the way the licensing works – and of course what we want to see is those people go from prospecting to actually get into having the ability to actually mine and develop that project.

I can see that a lot of people want to get up and speak to this tonight so I am just going to say this one last parting comment if you will, Mr. Speaker. It is very progressive what we are

doing here. We are doing it so that we can further opportunities for people of this great Province. We are doing that in consultation with Aboriginal groups, and we are doing it in the best interest of all the people of the Province.

Consultations have happened at all levels with the people who are interested in mining and with the governments and Aboriginal peoples adjacent to these finds, Mr. Speaker. I tell you what: it is very, very bright in terms of our future when it comes to the opportunities.

This legislation and these amendments will help spur on and help generate this activity in our Province. I am going to be in full support of this. I am glad to hear from across the way that we are also going to have the support of the other members in this hon. House.

With that I will take my place, Mr. Speaker.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

MR. J. BENNETT: Thank you, Mr. Speaker.

I, too, am happy to speak in support of this bill. I have taken an interest in mining, coming from a community that was a mining town and a region that could really use a mine. The one thing that we really need in the Great Northern Peninsula is a mine.

I have gone through the bill and I cannot find anything wrong with it. If I could find anything wrong with it I am sure I would mention it. I have even checked the spelling and the math.

Mr. Speaker, this is a useful bill because it helps streamline the process to get from when you have a mineral sample that has some degree of minerals in it that is worthwhile, to get yourself to the production stage. It extends the time. For this particular bill twenty years would have been available before, but now the extension provides an incentive for people to continue to develop what they would consider to be a potentially producing property from one that might be non-producing.

Mr. Speaker, in the area that I come from north of Gros Morne National Park, it is approximately twice as big as Prince Edward Island. It is practically all rock, trees, bog, and water. There has to be a mine there and there is no mine there today that is operating; however, there was a time when we had prospectors, and we do not have many prospectors any more.

This type of legislation is an incentive to help people who have had a find. They can go prospecting tomorrow or they may be attending the course in Stephenville this week where they can learn the prospecting craft. That is also sponsored by the government. If they find something they can send it to Springdale to Eastern Analytical and have it analyzed for roughly around \$30. They can stake their claim and, as my leader said, a claim is approximately a half of a square kilometre. They can stake the claim electronically today. They do not have to run around and drive stakes in the ground and do all that sort of thing; they can stake a claim electronically.

Now they have a situation where they need to do some sort of exploration. The government has programs available to assist in mining. I am sort of mystified that the minister or somebody has not promoted it more so; because if a person has a find, they can do an application to the Province and they can receive funding. That funding will give them up to \$6,000. That way they can develop the mining prospect that they have discovered. After the \$6,000 program, they can further go into another program to further explore and further develop the land.

Why I am saying this is if somebody is going to commit a lot of time and effort, a lot of their own resources, they want to know that if it pans out, so to speak, they are going to be able to hang on to the lease, they are going to be able to hang on to that license and be able to develop it, and then maybe develop a mine in their own right or in partnership with others.

If they are not interested in it, clearly it should revert to the Province. Maybe somebody discovered zinc and it was not enough, and a little later on somebody might be able to discover tin or silver or whatever. It is important from the Province's point of view that

the land be explored and developed and not hoarded, not stockpiled.

It is also important from the prospectors and the small exploration company that they be able to not risk too much if they are investing time and money into developing their mining prospect. They want to be able to renew for the five years, then another five years, and then another five years. After twenty years they can now renew annually for up to the end of thirty years. This gives them some more measure of security. If they have invested time, money, and effort into something that looks pretty good, they are going to be able to hang on to it for longer and develop it. It also keeps in place for the Province an opportunity that the land would revert to somebody else to be able to prospect and go over the land.

Mr. Speaker, this is a useful piece of legislation. It helps further the opportunities for mining in our Province. I think the opportunities for mining are really, at this point, undiscovered. We have had so little exploration in our Province compared to other regions that it is mindboggling, maybe because we have had, and still have, many other resources. I think it is important that we develop our natural resources on land, and mining clearly is one. I think this act furthers that interest.

Those are my comments, Mr. Speaker. I am happy to support the bill.

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

MS MICHAEL: Thank you, Mr. Speaker.

We were looking at each other, wondering who was going to take the turn. Thank you for recognizing me.

I am happy to stand and speak to Bill 15, An Act to Amend the Mineral Act. It is not a complicated amendment that we are dealing with here for sure. The minister did a great job in explaining the bill that we are dealing with. It is obviously something that we will vote for, because I think it is a needed amendment and, as I understand it, an amendment that is supported by the junior mining companies.

I do not know a lot about mining, but I actually learned a fair bit when I was on the Voisey's Bay Environmental Assessment Panel back in the late 1990s. One of the things that I learned was the amount of prospecting that was going on here in Newfoundland and Labrador. I realized it was quite a bit.

I guess I had an old fashioned notion of prospectors and what it was like with the gold rush out in the North, and some ideas of large companies with mines. I had lived in two mining towns in the Province over the years, Baie Verte and St. Lawrence, so I certainly had a notion of the mines and the large companies. I had really not much of a clue with regard to the degree of prospecting that goes on in the Province.

I learned the role of junior companies. They play a very important role in the whole mining field because they are really the ones who do the exploration. They are the ones who are on the ground in the early stages. They are the ones who are making the discoveries, finding the ores.

Looking at their role is extremely important for the whole mining industry. What is good for the junior exploration companies, I suggest, is good for the larger companies that eventually come in and pay for what these junior companies have found.

These prospectors do put a lot of work and a lot of time in looking for finds, looking for something that is going to be worthwhile for a large mining company.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MS MICHAEL: It does take time for them to search. I think this act, or this bill that we are talking about tonight that will amend the act, is recognizing that. It is recognizing that the junior companies need time, that discoveries can come as late as fifteen years down the road. Our current act recognizes twenty years of maybe allowing junior companies to hold land tenures so that they can continue their exploration. What this is recognizing is even twenty years is maybe not long enough.

What we have with this bill are mechanisms that will allow a junior company to hold a claim going right through to thirty years. We have the rules and the regulations with regard to how they renew their claims. It is just not a given; they have to renew and they have to pay for that renewal. One of the things that does is it also recognizes the fact that if they did not have to pay for renewal, if they only could hold something for thirty years, there may not be an incentive to be looking.

As the minister said – the language he used and it was the language that was used in the briefing that our office received – you cannot have the junior mining companies warehousing land. We cannot allow junior companies to be sitting on land that they actually are not prospecting, that they actually are not doing any exploration on.

The thing that this bill is doing is making sure that the junior companies understand they cannot do that warehousing. If they are going to continue, they have to renew their leases and they have to continue exploration. They can also – if they do not want to keep the land and they want to give up – revert the claims to the Crown. That is one of the things they can do.

When they feel they do not want to keep it any longer, they can sell their claim. That has to be approved by the minister. They can pay fees and continue exploration, and that is what this bill is about, and they can revert the claims to the Crown. They have options. This bill is helping them with those options.

It is the hope of the ministry I understand again from the briefing, that this will encourage more exploration activity. I would hope that such is the case. There is no doubt that mining is a lucrative industry in our Province. Mining revenues currently are about \$3.7 billion for the companies. I personally would like to see how we could get more royalties from the large companies because I think that we should be getting more for the land, but that is not the issue with the junior companies. I am talking about once we are into production and the huge multi-national corporations, for the most part, that are running the major operations in our Province.

When it comes to the juniors, the large companies need them. They do not want to be

into the exploration. That is not what they want. They want junior companies that are out there doing the work, and junior companies want to have their work recognized. Part of that is the recognition that it takes time to make the find, there is no doubt about that. I have met some people who are prospectors and do the exploration. I think it takes a certain kind of personality too, to be involved in this whole field.

I am not going to belabour the issue, Mr. Speaker, because I think it is pretty straightforward. The one thing that I would say to the government is that as we continue supporting the mining industry, which we should do, and as we continue regulating that industry, and as we continue helping with growth in that industry, we need, at the same time, to be making sure our concerns around environmental use and environmental degradation which can happen to the land, is something we are also working on at the same time and not just turning everything over to an industry like the mining industry.

MR. SPEAKER: Order, please!

I ask the member to make her comments relevant to the bill, please.

MS MICHAEL: Yes, sure, Mr. Speaker.

Having said that, I think that is some substance of the points that I want to make.

Thank you very much.

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

SOME HON. MEMBERS: Hear, hear!

MR. FORSEY: Thank you, Mr. Speaker.

I think we sort of got our signs mixed up there, myself and the Leader of the Third Party, for a minute there, Mr. Speaker, but we have that straightened out.

It is certainly a pleasure to take a couple of minutes to speak on the amendment to the Mineral Act, Bill 15. It is fairly clear and

straightforward. It seems like the speakers so far are in favour of the amendment.

Basically, there are two things here. It will “allow a mineral licence to be extended for an additional 10 year period beyond the 20 year extension period and prescribe requirements for licence holders who retain licences during that additional period; and amend the requirements for renewing a mining lease.”

In listening to the minister, he certainly had an explanation in good detail on the exploration licence and also on the mining lease. This is important to the Province, and I do not have to look very far, Mr. Speaker. Out in Central Newfoundland there is a lot of exploration on the go in Central, in the Buchans area right on down through the Exploits Valley. So we want to keep that going. We want to encourage the exploration.

I have friends who are prospectors. They are involved in junior mining. Right now, there is some drilling and mining on the go very close to my community, Mr. Speaker. So, it certainly creates opportunities for the mining industry and we want to encourage that.

There are a couple of examples I would like to put forward, Mr. Speaker. For argument's sake, Marathon Gold continues to develop the Valentine Lake Project. The company has identified close to 1 million ounces of minable gold. That is the kind of thing we are trying to encourage, and it develops into a full-fledged mine and then of course we get into all kinds of economic activity.

Minco is conducting a preliminary feasibility study on the Lundberg property in the Buchans area. Minco is also exploring other properties in the historic Buchans mining camp area. This is all related to what we are doing here. It is to encourage the exploration part of it, Mr. Speaker.

The Buchans mining camp area operated between 1928 and 1984 and consisted of five main mines. These included the Lucky Strike, Old Buchans, Oriental, Rothermere and the MacLean's mines. I am sure my colleagues next door, Grand Falls-Windsor – Green Bay South, and Grand Falls-Windsor – Buchans, are quite

familiar with these mines as well. Canadian Zinc is advancing the South Tally Pond project which is close to the Duck Pond mine and mill. The company is exploring several other properties in the area as well.

This is the kind of thing that we want to see. We want to see exploration. As was mentioned earlier, when you stake a claim the licence can be up to 256 claims in the licence. Now, a claim is very small. It is only 500 metres by 500 metres, as was explained earlier; however, you can have a total of 256 claims in that particular licence.

As I said, these are some examples of opportunities underway in Central Newfoundland. Encouraging exploration through modern, competitive legislation is important in maintaining Newfoundland and Labrador's position as a strong mining jurisdiction.

Mr. Speaker, despite some challenges, the provincial government is confident in the future of the mining industry. We continue to support exploration in the Province through geoscience initiatives and incentive programs. It is the right thing to do, to support an industry that drives significant economic and employment opportunities for the people of our Province.

By the way, this is mainly in rural communities of our Province where the majority of mining operations are situated. I do believe the minister and the Opposition went into the detail of the amendment, and they also stated they would support it. Of course, this is why we are bringing it in.

Basically, it is an amendment. We want to encourage the exploration. We want to encourage mining and keep the positive growth in the industry, and of course it only bodes well for the Province, especially in our rural areas, Mr. Speaker.

With that, I will take my seat and I am sure everybody will be supporting this piece of legislation.

Thank you.

MR. SPEAKER: If the hon. the Minister of Natural Resources speaks now he will close debate.

The hon. the Minister of Natural Resources.

AN HON. MEMBER: (Inaudible).

MR. SPEAKER: Okay. With the agreement of the House, we will switch speakers to the hon. the Member for Torngat Mountains.

MR. EDMUNDS: I am sorry, Mr. Speaker, for the delay.

I have just a few comments on Bill 15, An Act to Amend the Mineral Act. We, as previous speakers have said, will support this legislation.

I would just like to go back, Mr. Speaker, to the exploration stage that immediately followed the Voisey's Bay discovery. At that time, Mr. Speaker, there were claims staked from one end of Labrador to the other. In going through the legislation, particularly to the Vale site, the area that was staked is slated to expire. I would just like to point out that around the footprint area itself at the Voisey's Bay site, which includes the mine site and the shipping port, in every direction for 100 miles that land was staked.

The process led to some intense negotiations between the federal government, the provincial government, and the Labrador Inuit Association at the time. I understand that in this legislation claims that are set to expire on Labrador Inuit Settlement Area, or LISA, the Labrador Inuit development area, or Labrador Inuit lands, will not be re-staked. I am glad to see that this is being done for one reason, Mr. Speaker. When you look at this legislation being introduced or mandated to allow for junior companies to gain revenue in order to carry out exploration programs, I would just like to go back and point out that some of the sites I have seen up there with junior – we call them fly-by-night companies, was the sad state left on the land.

These junior companies had enough funds to go in and start an exploration program, but at the end of the program they in fact did not have enough money to take their camps down. I have seen a state where black bears have gone into abandoned camps. I am hoping with this thirty-

year legislation, with the extension, that conditions can be put into place that would make sure these companies have in fact placed a reasonable bond – I know this government does not practice that very well – to allow them to take their camps down and get them out there, and to have that level of security for the Province to not allow the mess that we have seen over the years by these companies.

I have to point out, Mr. Speaker, that inside the Labrador Inuit Settlement Area there has been an ongoing zone; I am not sure what the status is, but it was called exemption of lands. At the point of negotiations or signing of the deal, there was no expiration to take place on the mineral exempt lands.

In terms of looking at the next Voisey's Bay, the fact that the Labrador Inuit Settlement Area will not be up for renewal for staking, I am hopeful there is a negotiation process ongoing with the Nunatsiavut Government that would in the future allow for some exploration. This is not a big footprint area. Once you look at the Voisey's Bay Project in terms of its geographical size, for the benefit that it brings to the people of Nunatsiavut and to the people of the Province, the footprint area and the environmental impact is not that big.

I just have to say that I will be supporting this legislation. I do hope the government takes it a little bit further to ensure that companies that do go up there to do exploration are made responsible to clean up the mess when they pull out because I have seen the state of affairs up there and it is a sad sight for the environment.

Thank you.

MR. SPEAKER: The hon. the Minister of Natural Resources, when he speaks now he will close debate.

MR. DALLEY: Thank you, Mr. Speaker.

I certainly want to thank all members for their comments this evening. The member opposite raised a couple of important points around further staking and development in the Voisey's Bay area. Obviously, the Innu and Inuit have overlapping land claims, Mr. Speaker, and have been involved in selling the plans for that. That

is in place going forward and as a result, Exempt Mineral Lands. At that time, obviously, the Aboriginal groups would have significant input in any direction that would take. As well, we do have the support of the Nunatsiavut Government with these amendments.

The other point that the member opposite raises; within the mining sector government requires a closure and rehabilitation plans to be on file as well. They are updated as well, Mr. Speaker, over time. A couple of important points have been raised, but just to let the member know they have been covered.

Mr. Speaker, I do want to thank members in the House today for their comments, but I also want to take time to thank the members of the mining industry from the prospectors – a very important group. I have had opportunity to meet with them. I really like their enthusiasm. I appreciate their support for this as well, all the way through, whether you are a prospector, IOC, Vale, it does not matter. It is the makeup of the industry that is important.

I want to acknowledge, Mr. Speaker, to the people of the Province, we were recently recognized by the Fraser Institute and Newfoundland and Labrador was ranked ninth in the world.

SOME HON. MEMBERS: Hear, hear!

MR. DALLEY: We were ranked ninth in the world as a jurisdiction most attractive to do mining business and mining investment. I think that is a credit to the people in the industry and a credit to our government and various departments of environment around regulation and a place to come and do business, but certainly with the efforts and co-operation of the industry as well. I want to acknowledge them this evening as well.

Thank you, Mr. Speaker.

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'.

Motion carried.

CLERK: A bill, An Act To Amend The Mineral Act, Bill 15.

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

MR. KING: Now.

MR. SPEAKER: Now.

On motion, a bill, "An Act To Amend The Mineral Act", read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 15)

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

MR. KING: Thank you, Mr. Speaker.

I move, seconded by the Minister of Natural Resources, that the House resolve itself into a Committee of the Whole to discuss this bill.

MR. SPEAKER: It has been moved and seconded that the House resolve itself into a Committee of the Whole and that I do now leave the Chair.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

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

Committee of the Whole

CHAIR (Verge): Order, please!

The Committee of the Whole will be considering Bill 15.

A bill, "An Act To Amend The Mineral Act".
(Bill 15)

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: Clauses 2 through 6 inclusive.

CHAIR: Shall clauses 2 through 6 inclusive carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, clauses 2 through 6 carried.

CLERK: Schedule A.

CHAIR: Shall the schedule carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, Schedule A carried.

CLERK: Schedule B.

CHAIR: Shall Schedule B carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, Schedule B 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 Mineral Act.

CHAIR: Shall the title carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, title carried.

CHAIR: Shall I report the bill without amendment?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

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

CHAIR: The hon. the Government House Leader.

MR. KING: Thank you, Mr. Chair.

I move, seconded by the Minister of Natural Resources, that the Committee rise and we will report the bill as is.

CHAIR: The motion is that the Committee rise and report the said bill carried without amendment.

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 (Littlejohn): The hon. the Member for Lewistown.

MR. VERGE: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 15 carried without amendment.

MR. SPEAKER: The Chair of the Committee of the Whole reports the Committee have considered the matters to them referred and have directed him to report Bill 15 without amendment.

When shall the report be received?

MR. KING: Now.

MR. SPEAKER: Now.

On motion, report received and adopted.

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

MR. KING: Thank you, Mr. Speaker.

At this time I call from the Order Paper, Motion 4. I move, seconded by the Minister of Finance and President of Treasury Board, that the House resolve itself into a Committee of the Whole to

Consider a Resolution Relating to the Raising of Loans by the Province. (Bill 23)

MR. SPEAKER: It is moved that the House resolve itself into a Committee of the Whole to consider Bill 23.

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 (Verge): Order, please!

We are now debating the related resolution and Bill 23.

A bill, "An Act To Authorize The Raising Of Money By Way Of Loan By The Province". (Bill 23)

Resolution

"That it is expedient to bring in a measure to authorize the raising from time to time by way of loan on the credit of the province a sum of money no exceeding \$600,000,000."

CHAIR: Shall the resolution carry?

The hon. the Minister of Finance.

MS JOHNSON: Thank you, Mr. Chair.

I rise in the House today – again, a long day – to speak to Bill 23, the Loan Act, 2014. As members of this House and members of the public would recall, during Budget 2014 we indicated that we would have to borrow up to \$1 billion this year. This legislation will provide authority to borrow up to \$600 million as part of the borrowing requirement this fiscal year. The Department of Finance also has existing authority under the Financial Administration Act to borrow the remaining \$400 million.

So, Mr. Chair, through this legislation the Province will have the ability to borrow at the optimal new issue size and avoid arranging loans in the capital markets for small or odd amounts. Government needs the ability to borrow in the capital market when conditions such as interest rates and market liquidity are favourable.

Mr. Chair, I would like to point out that the passage of this bill does not mean that the Province will automatically borrow the authority amount. Actual borrowings will only be undertaken when it becomes clear that we will have an actual cash requirement. Should the Province's actual financial results for the year be better than forecast at Budget time, then we will borrow less than forecast. So we will only borrow what is needed, is the bottom line.

Mr. Chair, our government has been very transparent about the fact that we will borrow money this year. We predicted last year that we would likely need to borrow in the current Budget year, 2014-2015, and we confirmed this on Budget day.

While we are projecting that we will borrow this year, we do so knowing that it is a short-term measure, not a long-term trend. We will not borrow to fund our day-to-day operations. We will take advantage of low interest rates to fund further investments in infrastructure, and additional equity in oil and gas and Muskrat Falls. As I said, we are not borrowing for operational purposes. In fact, Budget 2014 projects that there will be \$400 million in cash provided from operations.

Even as we borrow this year, we will maintain a cash balance of no less than \$500 million to maintain sufficient liquidity to meet day-to-day obligations. This is one of the things our bonding agencies tell me that they look for in having that liquidity available. If that was not there, that could impact our credit rating.

Mr. Chair, the growth in our economy has helped the Province build a strong financial foundation which has contributed to surpluses in six of the past ten years. This has resulted in our government not having to borrow money for operational purposes since 2004.

Since 2005-2006, we have generated surpluses of approximately \$5.7 billion. We have used that surplus to pay off debt from years ago that has come due, and to pay for new much-needed infrastructure and to finance equity investments.

Overall, net current and capital expenditure growth in Budget 2014 is limited to 2.1 per cent as compared to Budget 2013. This includes approximately \$852 million for infrastructure and about \$523 million equity for Nalcor.

SOME HON. MEMBERS: Hear, hear!

MS JOHNSON: Strong fiscal management by this government since 2003 is reflected in the fact that growth in net program expenses continues to be less than growth in revenue. When you look at the growth in our net program expenses that is 83.6 per cent, and when you look at the growth in revenue it is 89.1 per cent.

Mr. Chair, our government is committed to continuing to support economic prosperity and social responsibility, while continuing with our long-term plan for strong fiscal management as outlined in our 10-Year Sustainability Plan. As we committed in the Budget this year, we will return to a surplus in 2015-2016.

That is basically it in a nutshell. We are seeking the legislative authority to borrow the \$600 million. As I said, it is not for day-to-day operations. It is for much-needed infrastructure and it is for our investment into Nalcor.

As I have also pointed out, we did indicate on Budget day that we would need to borrow \$1 billion, but we currently do have the authority to borrow \$400 million under the Financial Administration Act. We are still saying we need the ability to borrow up to \$1 billion, but only \$600 million of that through this Loan Act.

A very important point that I want emphasize is that we will only borrow as the need arises to borrow. This does not mean we will go out automatically tomorrow and borrow that money. We will only borrow as needed. When it becomes clear that we have a cash requirement, we will then go borrow.

So that is it in a nutshell. I certainly welcome debate on this, and any questions the Opposition

may have I would be happy to answer them now, or as usual in Committee.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. KIRBY: Thank you, Mr. Chair.

It is a privilege for me to stand in my place and say a few words to this bill, Bill 23. Before that, Mr. Chair, for everybody watching at home at this hour, this is a money bill which allows members of the House of Assembly to speak on a variety of topics, whatever they so choose, within reason of course.

I just wanted to say right off the top that it is nice to be having some nice weather outside. I wanted to commend the groups in my district for organizing community clean ups, as is customary during this time of the year. Last weekend I had an opportunity to go down to the Rabbittown Community Centre and participate in a community clean up down there.

On Sunday, the tenant association that represents tenants at the Wigmores, Austin, Thorburn, and Cumberland Crescent areas organized a community clean up. It was a privilege for me to go down and chat with people and help out there.

I believe this coming weekend our friends with the West Heights Tenants Association in the New Penneywell and Beothuk areas on the hill up there, up on Mount Ken, are going to be organizing another community clean up. So we will all have had our hands well dirty before the next few weeks are out.

Again, I just wanted to commend those groups for taking leadership, for demonstrating to people in our community that when we all come together we can certainly accomplish things. The least of these is the beautification of the grounds around our homes.

Now, I want to say a few words to this piece of legislation here, and I will not belabour any of these points. This bill, Bill 23, enables the

Progressive Conservative government to borrow up to \$600 million. Now the average person can really barely comprehend the notion of borrowing such a sum of money. Most people are fortunate enough to be able to get a mortgage to borrow maybe \$150,000 to \$200,000 or \$250,000. That is about what most people can expect to be fortunate enough to borrow. That is to house themselves and their families. This is an amazing sum of money.

The Minister of Finance just stated as well, that they are also planning to borrow up to another \$400 million. One billion dollars in spending in what we hear on the airwaves day in and day out from this government is a time of prosperity. We are living in the boom times. I have heard prior Ministers of Finance talk about a white hot economy and this is the heyday and so on and so forth.

At a time when things are purportedly going so well, we are borrowing \$1 billion. Putting \$1 billion on the credit card of the next generations – and I say it because it will be generations paying this off – of young Newfoundlanders and Labradorians. It comes as quite a shock in the face of all the rhetoric around this government's style of management and their purported record of success. It really calls all of that into question.

Mr. Chair, this is why people are out there saying they cannot support this government anymore. The people come up to me and they say to me, I cannot support this government anymore. I voted PC in the last election, but I cannot vote for the PC Party anymore in the face of this. Not just this, I mean this and the cloak of secrecy with which the government has conducted itself, the long list of broken promises and half measures that we have seen over the past number of years, all of this has culminated in this public discontent that we see.

I was fortunate enough recently to attend the fiftieth anniversary of the Marine Institute. The Marine Institute is a fascinating, amazing, post-secondary institution in Canada. It is absolutely amazing what our people have managed to accomplish at the Marine Institute.

As you well know, Mr. Chair, when you go out to public events you have an opportunity to

chitchat with people and get to understand a bit about their work and how they see things. I could not get over the number of people who talked about, not just the direction, or misdirection of public policy and finance in Newfoundland and Labrador today, but also the neglect that we have seen in various sectors, despite government making investments here and there.

Just take the Marine Institute, more or less over the course of a fifty-year period they have managed to take that institution and make it probably the best institution for naval and marine studies and research in the country, but we do not want to just have it to be first in Canada. Of course, we want it to be first in the world, on the globe. You cannot do that at the Marine Institute by continuing to cram and cram and cram increasing numbers of students and programs into the same space.

We have not seen any building of new infrastructure up on Ridge Road, I do not know since when, in the fifty years perhaps. We have the Engineering Technology Centre – which is not part of the Marine Institute, it is part of College of the North Atlantic – but no new space to grow and to become a global institution. That was one of the conversations I had.

It is not only that, if you look at our K-12 education system as it stands today – as I said in the House of Assembly last week, the Diagnostic and Statistical Manual of Mental Disorders, the DSM-V edition, which is more or less the primary text that mental health practitioners, physicians, counsellors, psychiatrists, psychologists all go to when they look at issues associated with mental health and disorders of various types. That has now been updated, yet we are not going to implement or adopt the definition of specific learning disorder, which is really intended to broaden what we know as learning disabilities in order to ensure that kids who have learning disabilities get the attention they need early enough, to get interventions early enough to help them to succeed in school. We are not going to do that until 2015.

I heard the Minister of Education say it is new, it takes time and so forth. Our kids can't wait for some bureaucratic machinations to work

themselves out. That is not going to work for them. It is going to be too late. It is like a lot of things that we have seen from the other side.

Back in 2007, we had the ISSP and Pathways Commission Report. It was supposed to fix the problems that we have in the school system as it relates to the provision of services for students with special education needs. Some of those things are very inexpensive. Take, for example, the recommendation that there be public disclosure of assessment and wait-list information. Of course, parents want to know this. They want to know how many kids are on the wait-list for an assessment at their school; how many kids are on the wait-list for an assessment at the Janeway. They want to know this.

Government has claimed a new-found connection to openness and transparency. After all of the outcry or the imbroglio that ensued after Bill 29 was rammed through this Legislature about two years ago over the wishes of the Opposition, over the wishes of the people of the Province, over the wishes of anybody who knows anything about freedom of information in the world really, after all of that, government now claims it is open. Why can't they take simple wait-list information and put it on the Internet, on their open government Web site? Why can't they do that? That would not cost a whole lot of money. That was a key recommendation of the ISSP and Pathways Commission Report.

Other simple things are procedures to address the needs of all at-risk students; procedures to address the needs of gifted students. Gifted students, children, students who perform well above their peers, they are some of the most neglected kids in our school system. Some of the most neglected are some of our most bright students. They are also some of the students who are most prone to threat of suicide, because of neglect, because of the boredom they experience, because they have such difficulty fitting in. Very, very little is being done in that regard.

We have talked numerous times about the need to expand the role of assistants in schools to that of teacher assistants, to not just have student assistants. Student assistants perform a very

vital, important task in the classroom. There is no question about that, but those tasks are very limited. They do not provide the level of assistance that our children with disabilities really need to have. We need to have teacher assistants in the classroom working alongside teachers; teacher assistants who are skilled in learning pedagogies that understand everything from how to perform instruction properly to how to perform assessment properly.

In other provinces in Canada, community colleges are training paraprofessionals such as these, graduating them every year, and they are being integrated into the school system. It is much like you would see in the health sector. It is just a variety of different professionals performing different tasks, and it makes a lot of sense.

At community colleges in Canada you can study to be a teacher assistant, a special education assistant, and an autism assistant. There are a whole variety of new professions and disciplines. If we want to expand post-secondary education, if we want to give our young people more choices about what it is they are going to do after high school, well here you go; here is something else to add.

Government is always talking about how they want to reorient College of the North Atlantic, the public college system, to meet the labour market needs of today. I can buy into that. I can see where it is you are going, but I do not see a whole lot of additions. We see cuts, like we saw with the Adult Basic Education and other training programs, all across the Province. We do not really see much of anything new.

I think this really boils down to where we are today and why we run into so many people who say they cannot vote for the PC Party anymore. That is because this government is truly and genuinely out of gas. Not only is this Province running out of oil and running out of gas, this government is very, very quickly running out of fuel, and not the kind that is on the Grand Banks either.

AN HON. MEMBER: (Inaudible) ideas, too.

MR. KIRBY: Yes, and ideas.

We are not seeing a whole lot new. I think that really is symptomatic, it really is something that displays the exhaustion we see on that side, how tired they have become and how little innovation we are seeing. Which is really unfortunate, because I know people in our school system, in the college system, in the university system, our young people are full of ideas, new ideas, full of innovation, bursting with energy. Instead, we have a tired process, a tired government, a tired PC Party that is just sort of muddling through and struggling along.

You even have people like former Lieutenant Governor, Mr. Crosbie, who was very involved with the PC Party for most of his political career, and he is on the front page of *The Telegram*, the front of the CBC Web site and the top of Here and Now, NTV, Open Line and VOCM. He is all over the news criticizing the government for the way that they have shut down, they have clammed up, they have stepped back and they have just shut the people out. That is ultimately what we are facing here. That is why I have to say that this really comes as some shock, Mr. Speaker.

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

MR. KIRBY: Thank you.

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

MS PERRY: Thank you, Mr. Chair.

It is certainly a privilege for me to rise tonight and speak to Bill 23, and before I get into it I will say this government is anything but tired. Members opposite will take note, over the next few months, of just how much energy and enthusiasm and commitment we do indeed have.

Now, Mr. Chair, this piece of legislation that we are passing here tonight is really just a routine piece of business. In this year's Budget we are forecasting to borrow \$1 billion. What, in effect, this legislation does is it gives the authorization to the Province to borrow.

Now, we are not going to need to borrow that full \$1 billion, Mr. Chair. We are in a very good financial position, as everyone knows, with our

A+ credit rating. We are in a very great position to sell Treasury bills. That is how the Province does indeed raise a significant amount of its funds.

We expect to raise at least \$300 million in T-bills towards the \$1 billion requirement we have on our Budget. We get these T-bills at a very favourable rate, Mr. Chair. It is usually somewhere below the 1 per cent mark. It is a 1 per cent interest rate. It is certainly some of the cheapest money that we can avail of; the cheapest source of funds that we can get.

Mr. Chair, we also have some sinking funds available to us as a Province. That will contribute another \$300 million or so, Mr. Chair. So our borrowing requirement is not going to be excessive. Why do we need to borrow in terms of where we are as a Province? This money we are borrowing is because we have options. We can raise taxes or we can borrow money. The way our Province is performing, we are certainly in an excellent position to be able to borrow that money.

The way we look at it, it is a short-term measure and we will certainly be able to afford to pay this back, and then some, Mr. Chair, with the types of investments we are making in the economy of Newfoundland and Labrador today.

We did not want to restrict or constrict the economy in anyway, Mr. Chair. We wanted to continue to invest in much needed infrastructure. We did not want to have to wait a year or two until we see things back in the surplus, which certainly will happen next year. We did not want to have a delay.

We wanted to proceed with the construction of schools, with the building of roads, with the investment into Municipal Capital Works; the much needed water and sewer projects that town councils need. The much needed road investments that town councils need, Mr. Chair, and we wanted to invest in dialysis units throughout the entire Province of Newfoundland and Labrador, not just in centralized areas but in rural remote areas where people need it most.

To us, this borrowing is very much a wise expenditure at this point in time. Far wiser than increasing taxes and placing the burden back on

the taxpayers of Newfoundland and Labrador for years and years to come. We will borrow the money, we will repay the money in short order, and we will have fabulous infrastructure, much needed infrastructure in place as a result of it.

It is our investments in things like Nalcor and Muskrat Falls that are going to ensure that we are going to have the revenue in the long-term that we need to continue these such investments, Mr. Chair. It speaks to the foresight and the vision that our government has and the confidence that our government has in the people of Newfoundland and Labrador.

I, for one, will certainly be supporting this bill. It has been quite a long time, Mr. Chair, since we have had to borrow money in the Province; I believe since about 2003-2004. It was once a regular occurrence. It was once needed to do day-to-day operations of government, and we are certainly not in that position here, Mr. Chair. We have more than enough money to run the day-to-day affairs of the Province. This money, as I said, is going to be used for infrastructure, investments in communities, and investments in the people of Newfoundland and Labrador.

I will be rising in support of this bill. I am quite honoured to support this bill, and quite pleased with Budget 2014.

Thank you so much, Mr. Chair.

SOME HON. MEMBERS: Hear, hear!

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

MR. JOYCE: Thank you, Mr. Chair.

I just want to stand and have a few minutes to speak about this bill. I see I have ten minutes to speak. I want to speak a bit about the Bay of Islands.

Mr. Chair, I hear some members opposite, and I am not here to be argumentative tonight. I am definitely not here to be argumentative tonight, but we saw a Liberal nomination last night, Mr. Chair, and he won by three votes.

SOME HON. MEMBERS: Oh, oh!

MR. JOYCE: Mr. Chair, I hear the people over there teasing the member. Do you know what I just said to the member? I said do not worry about what they are going to say. The three votes he won by are going to be three votes more that they are going to have at their PC convention on July 5 or July 6.

SOME HON. MEMBERS: Hear, hear!

MR. JOYCE: Let's not worry about any of this, Mr. Chair. We are going to talk about this bill for a second now. I heard the member talk about how this is just a minor bill. I mean \$600 million is a minor bill, a small bill, this is just something minor. That is unbelievable; we are talking about taxpayers' money.

Mr. Chair, I am just going to have a few words about the Bay of Islands and talk about some of the things and how to use some of that money. I know the Minister of Municipal and Intergovernmental Affairs, there is a lot of concern about the lack of infrastructure in the Bay of Islands. I will say we had a great meeting, myself and the minister, with the Towns of York Harbour and Lark Harbour concerning amalgamation. There were some concerns brought forward and some commitments that the town would like to have. The minister, I give him credit, he did not make any commitments. He will bring it back to see what he can do for them.

Mr. Chair, that is a major part of the Bay of Islands. It is very much tourism. They are looking for water and sewer, a fire truck, and other things. The minister has said he would bring it back and see what he could do to try to facilitate the amalgamation.

Mr. Chair, as you go up a bit further in the Bay of Islands and you look at Humber Arm South, there is a portion of Frenchman's Cove in the Town of Humber Arm South that was committed to water and sewer back in 2008, 2009. They did one phase of it, but the second phase is still not done.

Just as an example, probably about three weeks ago there was a fire there. I spoke to the person today who was in the house. Luckily, a person happened to be walking by and got the people out of the apartment. The big concern is that

there is no water there, no town water system. The fire department had a hard time fighting the fire itself.

This is a part of the Bay of Islands, Mr. Chair, that was committed to way back. Well before I was re-elected in 2011, and it is still not done. It is a concern. I can honestly say there have been no major investments in the Bay of Islands for a long while, none. This year I think there is about \$300,000.

We are waiting for amalgamation in York Harbour and Lark Harbour. Also, as the minister said, that may be a fair chunk of change. I will give him credit, it probably will be. It probably will be if some of the conditions that the town would like to see to move the town forth are looked at.

Mr. Chair, we will move on up from Humber Arm South, then we will look at Mount Moriah. There are a few concerns in Mount Moriah about the extension of the water. Last year they received funding to do engineering for a new installation of a fire station, a building for their fire truck. This year they did not receive any funding for it. They put in for some roads. Last year they received some money for the roads. This year there was absolutely none for the town roads.

Go into Irishtown and Summerside, Mr. Chair. In Irishtown and Summerside, I think they have a \$75,000 commitment from Municipal Affairs to upgrade their water system for the chlorination building. That will help the water. As we go on out now – and there are major concerns in Irishtown and Summerside. Water is one, and the sewer in Summerside is another. The sewer in Summerside is a major concern.

Mr. Chair, as we see the announcements made in a lot of PC districts, somewhere – and when you look at the spreadsheet, these are priorities for the department in Corner Brook. There has to be funding for some of it. We always hear the government talking about all the money they are spending in the municipalities. I have to say, I do not see it. I do not know about other members on this side if they see the amount of money, millions and millions being spent in their districts, but I do not see it. I honestly do not see it, Mr. Chair.

As you move out from Summerside you go into Meadows. Meadows did well last year with the roads. This year they are looking for some money for the roads and some money for the ball field. There was no money, absolutely none.

We go into Gillams, Mr. Chair. Once again, there is no money there for Gillams for water and sewer, absolutely none. For the third or fourth year in a row, none.

We go into McIver's. Two years ago McIver's got some for an outfall. In the last two years, nothing in McIver's.

This year, Mr. Chair, water and sewer – Cox's Cove received some money to help out with the flow of the water in Cox's Cove, but very little. It might be \$125,000, or close to that. I do not have the figure in front of me.

There has to be sometimes when there are districts on this side, Mr. Chair, that need water and sewer. It cannot be just one part with water and sewer. You cannot all of a sudden just take twelve districts and say: Okay, none of you, you do not have a problem with water and sewer. I have to give the Minister of Advanced Education and Skills credit, Mr. Chair. If you are going to go out and do applications, you at least try to be fair. I understand the political process. I understand that, Mr. Chair, but at least you try to be fair with it.

I know there is money left back with it, Mr. Chair, that if there is anything else that pops up in his department there is some flexibility. I understand that 100 per cent, but when you get departments out in the regions that are making recommendations which are health concerns, they have to be looked at. They just have to be looked at, Mr. Chair.

You try to work with the government officials. I will use Transportation and Works. I spoke about this last night, Mr. Chair. Last year we had floods. With \$600 million that we can borrow, I am hoping some of this money can be used. We had floods there last year. I went to the former minister trying to get some work done, but we could not get it done. The current minister did. He stepped in and made some

changes for the winter. Mr. Chair, he did step in and made some changes.

This year, there is a place in Hughes Brook, Mr. Chair. Hughes Brook Hill and it is very dangerous. I am talking about the ruts are extremely dangerous. I went to the minister, I sat with the minister, and the department came back and said it is extremely dangerous. Guess what? It is going to be done. That is the way the system should work, Mr. Chair.

There are three other spots in the district that have major faults in the road. One is out by Coppermine Brook, one is in John's Beach, and one is in McIver's. I went to the minister and I said here is the problem. The minister received letters upon letters from the town councils. He said: Eddie, here is what I will do. There are Geotech engineers on the scene, when we come up with a solution that is going work, we will fix it.

I went back and told every town council, here is what the minister said. Do you know what they said? Perfect. Finally someone is listening. Finally someone is going to try to fix our problem. They are not saying it is going to be fixed to their satisfaction 100 per cent because if the road shifts there is not a lot anybody can do, but at least they have the confidence, Mr. Chair, of saying there is a minister who is sitting down and listening to their concerns, not just writing back some form letter, but is saying to the people: I understand your concern, here is what is happening and here is what we are going to do.

I told each council that. Do you know what they all said, Mr. Chair? Every council, through their person, do you know what they said? Finally, someone is looking at it.

Mr. Chair, a lot of times we get up here and we banter, and a lot of times we are out for political gain, but there are times when we are all elected to represent all people of the Province. In this case it works. In the case of Advanced Education and Skills, it works. Do you get what you want? Of course not. You can never get – no matter which government is in, you can never get what everybody asks. It just cannot happen. I would never expect this government to give everything that we want to get. You cannot do

it. If we are ever on that side, you can never do it, Mr. Chair, but you have to make priorities.

To me, the two priorities when it comes to Municipal Affairs and Transportation and Works is water safety and road safety. You may have some roads that are bumpy, but are they safe? If they are safe, fine. If they need to be fixed – and I mentioned to the minister earlier about some parts of roads that are flooding, the minister said: Send me a note. There are no guarantees but he will look at it, and that is the way it should be.

Mr. Chair, I am sure I will be back to have another few words. Thank you for the opportunity.

CHAIR: The hon. the Member for Bonavista North.

SOME HON. MEMBERS: Hear, hear!

MR. CROSS: Thank you, Mr. Chair.

It sure is a pleasure to stand again tonight to offer a few thoughts and a few comments towards Bill 23. I am sure in the next few minutes I will try to react to a couple of comments made from the other side and try to offer some enlightening comments as to the approach that this government is taking towards this activity that we are finding is a new activity for us, and something that we have not had to do.

I would like to thank the Director of Debt Management in the department for the brief briefing we received a couple of mornings ago. It was an eye opener in many ways. Number one is the fact that we are talking about borrowing. That is something new for this government, Mr. Chair. It is the first time we have had to consider borrowing for any major expenses that we want to undertake, capital expenditure, since 2004. It is something that we have to sort of rewrite the act for.

The other act would give us a little bit of borrowing power, Mr. Chair, but it would be probably out of date by the time we would need to extend this. Therefore, this amendment for the bill is going to rescind the Loans Act from

2004. It will put a new act in place to allow us to borrow at this time.

Like I said, there has been no borrowing activity since 2004. That is ten years. For a decade, Mr. Chair, this government has not needed to borrow any money for capital expenditure. Because of that record, we are going to now rely on this.

As a couple of previous speakers from the opposite side mentioned, and I have a couple of comments here – I am going to go to these notes first, Mr. Chair, just to get there. I might get back in time to where I want to go, but \$600 million. Like the member opposite said, that is a big number. It is bigger than any of us can dream about in a personal life, but because of the AAA rating we are given, because of how we are recognized by all of the bonding agencies and the lending agencies around the world, Mr. Chair, we have the ability to go borrow that so we do not have to do any of the other options.

I will lay out what some of the options are, Mr. Chair, on the alternate side of where we would have to be. Just think about what we had to do in the years leading into 2004. We were borrowing on quite a regular basis. If your pattern is borrow, borrow, borrow year after year to meet your capital and your operating expenditures, you would need to look at that record and you would have trouble finding someone who would want to let you have some of their money so you could meet your obligations.

Another member on the opposite side talked about we could probably dream of mortgaging or borrowing up to maybe \$250,000. That would be what we would extend as our amount. If you look at the Province as a whole and you take that ratio and you expand that by the size of the Province, the size of our budget and the size of our ability to borrow, than that does not compare too unfavourably to what this Province is doing at this time.

We are recognized in the lending agencies as a very, very good risk. In fact, most of the agencies will look at us as not a risk at all, Mr. Chair. We are operating on a good platform here, that we know the direction we want to take this Province. We have been following that plan. We now have another sustainability plan

for the whole economy over the next decade, Mr. Chair, and as we go into that we can actually develop that, and borrowing is just one option.

What is the other option, Mr. Chair? My friend on this side, she started to lay out some of these options. In the last taxation year we left just about \$600 million in the pockets of taxpayers. If we took all of that taxation money back we would be able to proceed without borrowing. Then, who is paying for it, Mr. Chair, at that point? You are not borrowing against a capital asset and let the asset pay it off for you. You are going out there and you taking money out of your taxpayers by not letting them have the tax breaks that we have set up.

The other part of this that we might go and get some of it is the change in the Corporate Income Tax rate for small businesses, Mr. Chair. We could have left that at 4 per cent. That extra 1 per cent would have gotten us some of it, Mr. Chair, but did we do that? No, we did not do that. We could have taken the HST rebate off fuel for seniors, and all these other options. That is money that is out there that we have lain in the hands of people in the last few years.

Did we go out and take that back, Mr. Chair, for this when we had the option to borrow? We will not have to take one plug nickel out of the pocket of any Newfoundlander at this point to finance this operation and to move it forward. Mr. Chair, when it moves forward, what is it going to do for us? When we move forward with the plans and the developments that we are creating, they are going to be turning over money for us. They are going to be helping us to instill more money back into our economy.

If we are going to borrow some of this for our equity stake in Nalcor and in Muskrat Falls, then over the next twenty to thirty years, the next two decades, Mr. Chair, we will have – the forecast from previous finance ministers, and their statistics are pretty sound, it will return billions of dollars into our economy over the next twenty-five, thirty, or forty years. It will start off in small amounts but as we own more of the stake, Mr. Chair, it will just build and build and build.

By the borrowing we do today, I heard a member over there saying we are putting it on the credit card of our kids. We are borrowing this so we will not have to use a credit card for our kids, Mr. Chair, or they will not have to use a credit card in thirty or forty years' time. I think that is sound management. I think that is the way we need to go and that is the good thinking we need to be doing, and that is the excited thinking we are doing over here because we are not tired. We are not tired. We are not running out of time. We know the direction. It is sound, Mr. Chair. We can take us in that direction.

Like I said, this Loan Act, even though it sounds like we are going to need to borrow a billion dollars, we have the authority right now under the Financial Administration Act to come up with \$400 million of that, but we will not need to borrow that either, Mr. Chair, because we can go out and auction Treasury bills. I think the way they work is you can auction them off and you can bank them. The money you get for the purchase of them and the interest you make off what you sell in the Treasury bills more than covers the interest it costs, so therefore you are more than just breaking even, Mr. Chair. It is a way of putting money into the economy.

We also have the Sinking Fund she referred to. That is like you are always putting money into a savings account. Mr. Chair, wouldn't you do that every day if you had the opportunity? You are putting aside a little, tiny bit. Just a little bit here and a little bit there, a little bit again. If you have a few dollars next week, you put it aside.

It is like that savings account you have put aside for a rainy day. I have one, Mr. Chair. If you get on my Internet banking, a rainy day account. A cute name I have on it, a rainy day account, because in the future there might be a rainy day when we are not so well off as we were three years ago. Today is probably the rainy day. There are no big thunderstorms, the sky is not falling. It is just a rainfall, and we are going to get through this period, Mr. Chair, because of the management we put in place in the past eight to ten to twelve years.

We are going to go forward. This will not be the major hit that it would be if we had the record of

borrow, borrow, borrow. This is borrow number one, with a slight more borrowing next year to finish it up, but the forecast, Mr. Chair – all the lending agencies know about this – is in 2015-2016, we are going to be back in surplus spending again. What are we going to do when we get there? We are not going to need to borrow. Then we are going to start looking at making sound investments against our debt again, Mr. Chair. We are just hitting a little bump in the road.

The Member for Bay of Islands talked about roads. Well, this is like a bump in the road. We are hearing it and we will move over the bump. In the next short while we will not have to worry about putting another bill like this through the House, Mr. Chair, because we will be back in surplus spending again.

I think this is wise action, Mr. Chair. I commend the Minister of Finance for bringing this bill forward. I will be supporting it. Anybody with a good, sound judgement will be supporting it.

Thank you, Mr. Chair.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The hon. the Government House Leader.

MR. KING: Thank you, Mr. Chair.

I move, seconded by the Minister of Fisheries and Aquaculture, that the Committee rise, report progress and ask leave to sit again.

CHAIR: 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: All those against, 'nay'.

Carried.

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

MR. SPEAKER (Verge): Order, please!

The hon. the Member for Port de Grave.

MR. LITTLEJOHN: Mr. Speaker, the Committee of the Whole have considered the matters to them referred, have asked me to report progress and ask leave to sit again.

MR. SPEAKER: The Chair of the Committee of the Whole said that the Committee have considered the matters to them referred, report progress and ask leave to sit again.

The hon. the Government House Leader.

MR. KING: Thank you, Mr. Speaker.

At this time I call from the Order Paper, Order 5, second reading of a bill, An Act To Amend The Labour Relations Act. (Bill 22)

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

SOME HON. MEMBERS: Hear, hear!

MR. CRUMMELL: Thank you, Mr. Speaker.

Mr. Speaker, I move, seconded by the Member for Labrador West, that Bill 22, An Act To Amend The Labour Relations Act, be now given second reading.

MR. SPEAKER: It is moved and seconded that Bill 22 be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Labour Relations Act". (Bill 22)

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

SOME HON. MEMBERS: Hear, hear!

MR. CRUMMELL: Thank you, Mr. Speaker.

Mr. Speaker, this bill amends the Labour Relations Act to (a) provide workers with a mandatory secret ballot to vote on a union certification application, and (b) amend the conciliation provisions and reorder the strike lockout provisions.

Currently, the Labour Relations Act provides for card-based certification of a union at 65 per cent or more of the workers in a bargaining unit sign a union card when the required conditions of the legislation are met. If the presented signed union cards are between 40 per cent and 65 per cent, the Labour Relations Board will conduct a secret ballot vote. If less than 40 per cent of employees support the certification application, it will be dismissed without a vote. Mr. Speaker, the proposed amendment will change the manner in which workers express their preference to be represented by a union.

The bill proposes the implementation of a two-stage process where (a) an application is made to the Labour Relations Board based on over 50 per cent of the workers in a proposed bargaining unit signing union cards, and (b) followed by a mandatory certification vote by secret ballot.

Mr. Speaker, what this bill proposes is to revert to the mandatory secret vote process that was present in our Labour Relations Act prior to 2012. Statistics indicate that in the vast majority of cases applications for certification which are presented to the Labour Relations Board with the requisite support of the membership and which are subsequently sent to a vote are confirmed when a secret ballot is taken. Based on this, the amendment passed in June 2012 was intended to streamline the process, to cut out an extra step in determining the true wishes of workers to join a union. That was the intention, Mr. Speaker.

So, what has changed? Why is this bill proposing to repeal and replace an amendment proclaimed twenty-three months ago? Since these amendments, we have heard significant concerns from employers and the card certification system. As a government, it is a responsibility to listen to any concerns that are raised with us. We have listened to those concerns and we have considered their arguments.

Mr. Speaker, we have heard from employers that the card-based certification process eliminates their opportunity to talk to their employees. Let's not forget that an employer communicating with their workers during a union certification process is not prohibited. Yet under the card-based certification system,

circumstances can arise where certification of a union as a bargaining agent can occur in a workplace without the employer having any knowledge of the process.

There is literature available, as well as various polls and studies, which show that workers overwhelmingly support the right to be fully informed and to have the opportunity to mark their X in secret. For instance, a poll conducted by Leger, a national market research and polling firm, on October 2013 confirms this, with 84 per cent of workers who completely or somewhat agree that a secret ballot vote should be required, and 93 per cent completely or somewhat agree that workers should be entitled to obtain information from both the union and the employer.

Mr. Speaker, the marking of an X in secret is a powerful symbol of our democracy, and I believe after considering all of the information again that a two-stage certification process creates the best balance and fairness for workers. This amendment does not eliminate or reduce or interfere in any way with the ability of a union to inform, promote, or persuade union certification. They have that right as long as they, like employers, conduct themselves in accordance with the Labour Relations Act.

The unfair labour practice section of the Labour Relations Act is unchanged. Employers and unions are equally required to play fair to ensure that workers are not intimidated or coerced. Any allegation of misuse of this opportunity to inform and persuade can be referred to the Labour Relations Board. This amendment will confirm an informed process by which all perspectives are expressed and considered and voted on by workers in secret.

In addition, Mr. Speaker, we are making changes to the conciliation process. This government recognizes that parties to a collective agreement often require assistance in order to successfully conclude collective bargaining. Conciliation services are provided to employers and unions by the Labour Relations Agency. With the assistance of our conciliators, a settlement is reached by the parties in over 95 per cent of cases.

The Labour Relations Act outlines a process for requesting conciliation services from the agency. Currently, a party to a collective agreement must request the appointment of a conciliation board as a prerequisite to legal strike or lockout, but in practice, however, the consolidation officer rather than a board is appointed to assist the parties in concluding a collective agreement. This amendment will reflect this current practice and the initial request for conciliation services will be for a conciliation officer and not a conciliation board.

Mr. Speaker, the minister is not losing any authority with this amendment. In instances where it is deemed appropriate, a conciliation board can still be appointed. This amendment will also clarify that parties have the ability to request appointment of a conciliation board following the commencement of a strike lockout. The current legislation does not specify this.

Finally, Mr. Speaker, the strike lockout provisions will become more streamlined. The conditions precedent to a strike lockout will not change, only the order in which they appear in legislation.

I look forward to the debate on this amendment and I ask that all hon. members support this piece of legislation.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. JOYCE: Thank you, Mr. Speaker.

I will just stand here for a few minutes to speak on this bill. This is a bill we are amending that the government brought back in June 2012. We are amending the bill that they brought in, in 2012. It reminds me of Bill 29, Mr. Speaker. We bring it in, we go through it, and now all of a sudden we are coming back here.

Mr. Speaker, I just want to read something. In 2012, I was part of that debate. I just want to read something that I said at the time. Here is what I said at the time: They should be given the

facts – the workers – and then enjoy their democratic right to have a vote. That is the way it should be.

We are parliamentarians. Anything that we do in this House of Assembly, we are here because the people vote to get us here. That is our democracy: to vote.

I gave an example back in 2012 why I was disagreeing against this bill at the time. I remember when the union was in to certify – and I have no problem with unions certified. I have no problem with unions whatsoever – absolutely none. It is a part of our life. Unions should be, union workers – I want to make that very clear.

The fight, Mr. Speaker, at the time got kind of personal, kind of bitter. I remember when the situation happened and they came back and said we have a number of people who signed cards, certification. I remember the fight at the time. I was not elected, but I worked in Clyde Wells' office at the time and I was one of the ones who said this is not right. This is just not right. I saw the tactics that were going on, on both sides – not just one, on both sides. I said it is just not right.

I approached the government at the time. I was an executive assistant at the time. I said we have to change this. What we changed it to at the time, Mr. Speaker, was that if you get a certain number, 40 per cent of the people who are certified as workers in your company, then we have a secret ballot vote. Mr. Speaker, what is wrong with that?

I remember back when the former minister brought this to the House of Assembly and I was trying to explain to him why this should not happen. Mr. Speaker, we were almost told well no, this is the way – we had these public consultations, this tripartite committee that we were setting up. We had all these public consultations and that is what everybody agreed to.

Mr. Speaker, we, at the time, thought we had all of these public consultations. We were told at the time that everybody was consulted. Mr. Speaker, I have in Hansard that the former minister – and I am not here to criticize. I am definitely not here to criticize. I say to the

Minister of Advanced Education and Skills, I am not here –

AN HON. MEMBER: IBRD.

MR. JOYCE: I say to the Minister of IBRD, I am not here to criticize. I am here to try to get it right. You can laugh, but you remember you voted for this.

MR. SPEAKER: Order, please!

I ask the member to direct his comments to the Chair.

MR. JOYCE: I am sorry, Mr. Speaker. I am trying to speak serious here, but the Minister of IBRD is over there laughing. She voted for this. Now she has to turn around, swallow her pride, and vote to change it again. I am trying to get it right, like I tried in June 2012. That is what I am saying.

At the time we, on this side, were told that there were consultations with all of the committees involved. We were told that. Guess what, Mr. Speaker? I am saying what is here in Hansard. We were told that there was a committee set up. This was lower on the agenda.

Guess what? The minister finally said no, it was not discussed. I have no reason as to why the minister is saying this and in agreement with this, that there has been public consultation, there have been issues with this, but he has discussed this with all the parties and this is something that he came up with. So, Mr. Speaker, that is one part of it. That is definitely one part of it, and I agree with the change that the minister is making.

The second part of the bill that was brought in place was that the first offer would be brought to the workers. Guess what? I stood up against that again, Mr. Speaker. I stood up here in this House. I have Hansard – I will not read it, but I stood up against that. I was against that fundamentally because what is happening is you are subverting the union leadership, which I think is wrong.

That is why I stood up against that, defending the union leadership, Mr. Speaker, because the union leadership should have that authority. It is

like the people in this House of Assembly. If there is something brought to the House of Assembly, we should have the authority to vote if we should bring it further or not. We should not say, okay, do not bring it to the Cabinet; just bring it right on to the people. It is not the way it works, and that is why I voted against that at the time. We did not have to vote. There was no standing vote, Mr. Speaker, but I spoke against it.

Again, I have to say, that was never proclaimed. The part we all voted on back in June 2012 was never proclaimed, Mr. Speaker. That was the other part of it that I defended the union on.

Mr. Speaker, I will not stay any longer on this bill. I will just say that I did bring it up before. I know that I have members of the Official Opposition who are going to speak on this, who are going to go through different parts of it, but I have to say – and I will say this very strongly – when a democratic vote is taken properly, there is no other special right that we can have to say aye or nay, is to have a secret ballot, which I support 100 per cent.

Thank you, Mr. Speaker.

MR. SPEAKER: 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 get to speak to Bill 22. The hon. member on the other side talks about two years ago there was some discussion around the legislation and there was some changes done after consultation. I want to note to this individual twenty-five years ago, I was part of some of the changes in this piece of legislation. It is a living document. It is something that continues to move forward as we improve how we work with the labour movement, how we work with employers, how we work with the unions, and this indeed is another part of us moving that forward.

As the minister has noted, over a period of time, after assessing what other information was there, after consulting with people, after reviewing, we felt there is a better way that we can move this

piece of legislation forward and improve the whole process. The amendments that are being put forth are exactly to do that. The member agreed that what we are proposing now improves this piece of legislation, and I am glad he agrees with that. I am glad he is going to support it and I would hope everybody would support it.

From somebody like myself who came from a union background, very active, very engaged, part of the whole union process, but a very strong believer in democracy – and democracy, the simple process, vote, a private vote, a secret vote means something. It means people have an individual way of promoting democracy, an individual way of making sure that their own views are the ones that are counted.

This piece of legislation draws towards doing that and this came basically after we looked at what needed to be adjusted in this legislation, and there are two particular parts here – conciliation. Conciliation is first about how do we make sure we are better equipped to get labour and employers to come up with collective agreements, come up with an agreement that works for both, that is in the best interest so there is less disruption in our labour markets, less disruption in the services that we offer people.

We did that by looking at what is the best approach here; and conciliation, we found, is the best approach. We have trained qualified people within the department that fall under the act, and fall under the auspices of following their professionalism and how they do their jobs. We looked at that. We felt that in collective bargaining, parties sometimes encounter difficulties, but we are saying that we can help move them forward. We can help come to collective agreements. The best way to do that, instead of going with the old process that we had, that people would come in looking for a conciliation board where you had to appoint multiple individuals to look at a process, we felt one individual, a qualified individual who understands both sides of the bargaining process would come in, would sit down, would try to look at exactly how far apart both of the entities were and then try to find common ground and move it to a collective agreement that would be workable for everybody.

That is what we ended up doing here. We have asked both parties – in this piece of legislation, we are bringing it to a point that the first step they would need to do when they contact the minister responsible under the Labour Relations Act is that they are looking for a conciliator to move in there, to work with both groups. We have done that. We have looked at certain things that we wanted to put in place.

We know that over the last six years 95 per cent of the labour negotiations where a conciliator was put in place were settled very quickly and very diligently among both groups, without too much adversity, and people move forward based on that.

The legislation currently written requires parties to request a conciliation board in order to get into a strike or lockout position. What we look at there is a conciliation officer is appointed. That person then will do exactly what is necessary to be able to find a solution to this process.

Conciliation boards are very rarely used. There are only a couple of incidents since 2006. They are normally in a more volatile collective bargaining area where there is a multitude of factors that have to be engaged, or you might need three or four entities that have specialities sitting on a board to really examine both sides; but, even in those, we have been very successful in coming to an agreement with all parties involved.

This piece of legislation addresses that. It cleans up and does some of the housekeeping, but it also makes it very clear that the first process that either side in a bargaining negotiation has to use is to go look for a conciliation officer and request that from the minister. The process after that, the consolidation officer will then report back to the minister for review based on what the findings were, if there is common ground, how close they are to an agreement, if they have come to an agreement, if there are situations there that cannot be overcome, or if indeed there is a recommendation to go to a conciliation board. That is reviewed then and addressed by the minister. Again, I am glad to say 95 per cent of these get solved very quickly. It is very important as we do that.

The second part of this, Mr. Speaker, is the card-based certification. As we have talked about it – there is no doubt we had a debate about it in this House two years ago. We have gone from one system that had worked, from the early 1990s, to something else that we thought, because of consultation with the parties out there, that this would be a better approach. We have since looked at that and gone back and said: What would really work for the industry? That means those who are in the unions, also the employer. What is in the best interest? What really promotes democracy and promotes the fact that there can be a better agreement among the parties?

What was felt here after looking at other jurisdictions, seeing which jurisdictions make this work, seeing what their success rates have been, was that we would go now to a secret ballot voting process for all of our negotiations when it comes to that process, that the card-based certification process would not exist in our Province any longer.

We looked at the rationale behind that. We looked at the research that we had done. We looked at our own polling. We looked at the success rates when you manage to be able to do that. We looked at what the employers were saying were some of the restrictions or some of the challenges, but more importantly we looked at what the employees were saying. That they wanted to have a process where they would get all of the information upfront. They would be able to make an informed decision when it came to if they wanted to be certified or decertified.

They also wanted to have privacy on how they voted. They also wanted to know there would be a process in how the votes are done and counted and sealed. All these things are normal democracy that we do in this House of Assembly. We all were elected based on that same principle. That is what we wanted to bestow on everybody else. That is a privilege and a right we want to give them.

Sometimes you go back and review things and you try to improve it, and in this case that is what we are doing here. We are doing it, but in the hands of making sure that labour and the employers are taken care of. This is not a one-sided thing, by no stretch of the imagination.

This is about making something equitable for all involved and making sure that we solve a lot of the disputes before they get too out of hand, before we have to go to the conciliation board level where then you have a massive dispute and you are into lockouts or strikes. We are trying to prevent that.

This piece of legislation does that. It is open; it is democratic. Does it make us say yes, we have had to review things? We are open enough to do that. We are big enough to admit that. We now realize there is a better way of doing it and this is a way of improving on this piece of legislation. We have looked at things like this. We looked at the simple things.

What are the changes of the certification provisions of the Labour Act? Card-based certification will be repealed and will return to a previous two-step process involving sign a card and a subsequent certification secret ballot. It is something we had that worked. We did not have a lot of pushback, but we had pushback in an area.

Like in every piece of legislation, over a period of time you review it. You review it because you feel sometimes maybe it is getting stale, maybe there is a new approach. Maybe there are some new pieces of information that you need done to get things moving. In this case, that is what we did. We came up with what we thought would be the card-based certification. We have since moved away from that.

This piece of legislation we are going to put forward now will put that back on an even keel; put it back to where it was. Sometimes the old cliché, you fix something that was not broken. In this case we probably did that prematurely, but we are going to go back and fix it. We are going to fix it so that it benefits everybody engaged.

As part of this process, we know the end result will be more openness. There will be more agreements settled. We have a conciliation process in place that works. We have the resources within the department to do that. We have the qualified people to do it, and both the employers and the employees understand the process. We want to make it clear. This is user friendly.

The legislation is put in such words that any union would understand what it is all about; so would the employees. That is what we wanted to make sure, it works in that process. We have looked at that. We have put it in place. We are coming in and making these amendments. We know we have support from a number of the entities out there.

I would think and hope a lot of people who are in the same boat I was a number of years ago, as union members would understand and respect why this is in the best interest of themselves and their employers. That the secret ballot process is another example of how we move democracy forward and how they are part of a bigger process.

So, Mr. Speaker, I will be supporting this, and I would hope my colleagues in this House will be doing the same.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. J. BENNETT: Thank you, Mr. Speaker.

Mr. Speaker, two years ago we were presented – we in the Official Opposition, I guess the entire House – with changes to the Labour Relations Act. One of the changes that was hotly debated, or should have been hotly debated and maybe was not, was that unions could only be certified by way of a secret ballot. That would seem normal. The secret ballot process has been in use for a long time.

The Opposition was prevailed upon, by having it explained to us that there were trade-offs. That government had consulted with the employer groups and labour groups and they were content, more or less, in exchange for cards to be signed that would indicate 65 per cent of employees in a prospective bargaining unit wanted to be certified to be members of that union, there would be an automatic certification without a vote.

The trade-off, or one of the trade-offs, was that if an employer was in a collective bargaining

discussion, if they were involved in negotiations with a union, then they could reach over or reach around the union and make an offer to the employees. So the employees could vote on it without the union leadership having any say really in the members having a vote.

That was presented to the Opposition by government as being a rational, reasonable, compromise of the two parties, and apparently that was not true. Apparently, it was not a fair compromise. There had been insufficient consultation, or very little consultation. Now we are told that for the past couple of years, since that bill was passed, there have been discussions back and forth to undo what the Opposition went along with in good faith at the government's request two years ago.

It is sort of a warning. Opposition parties should be extremely careful. When government offers something and they say they have had consultation with all parties and everybody is happy, and you should go along with it, and we did, maybe we ought not to have.

Mr. Speaker, the proposal that is before us today, the bill that is before us today seeks to undo – at least this is what we are being told – what we did two years ago. I am afraid it goes further than undoing what was done two years ago, and I will get to some of that part in a moment.

Mr. Speaker, by way of the secret ballot; we live in a culture and a society today where I think generally we take secret ballots for granted. Well, it has not always been the case. The secret ballot – also referred to as the Australian ballot – was introduced in the format that we are familiar with in two Australian states, Victoria and South Australia, in 1856. From there it spread to Great Britain, where we have our political heritage, in the Ballot Act of 1872. The United States adopted it in the presidential election of 1884.

Secret ballots have been around for quite some time. Generally, it is seen as the most democratic way that people can express their view and say what they want, to support for or against. By contrast – even minimal research over the last little while can disclose – some of the issues with card checks and different courts in the United States have commented – we do

not have a lot of court litigation related to secret ballots or union drives. We are probably blessed in that respect.

By way of example, the United States Fourth Circuit Court said, "It would be difficult to imagine a more unreliable method of ascertaining the real wishes of employees than a 'card check,' unless it was an employer's request for an open show of hands." That is pretty strong language coming from the Fourth Circuit of the United States Court of Appeal, which is just below the United States Supreme Court.

The Ninth Circuit Court referred to the National Labour Relations Board in the United States saying, "Congress and the Supreme Court regard a secret ballot election conducted under the Board's auspices as the preferred method for resolving representational disputes in the manner that best ensures employee free and informed choice."

In support of free ballots and a proper democratic election, in the United States the US House of Representatives by Bill H.R. 2346, last year, just a year ago this month, introduced the Secret Ballot Protection Act. It has three key features. This is similar to what we are looking at here. It says the Secret Ballot Protection Act, "Require a secret ballot election before a union can be certified or decertified," – so it goes both ways – "eliminating once and for all the threats posed by the card check scheme". It also prevents employers from bargaining with any union that has not been certified by a secret ballot election, and it prohibits any unions from negotiating with an employer before they have been certified by a secret ballot election.

So, Mr. Speaker, it seems clear that the bill that we passed two years ago was not well thought out. It needs to be undone. I think that part clearly will be undone by this bill; however, government has a tendency to put some good stuff in with some stuff that is not so good so that you are sort of forced to vote for all of it.

If you continue on, Mr. Speaker – to read directly from the Labour Relations (Amendment) Act that is before us today, this current bill which is Bill 22, if we look at conciliation, what they are saying at paragraph

107 is that, "A member of a conciliation board or a person who has been appointed for that purpose in writing by the board may, without authority other than this section, enter a building, ship, vessel, factory, workshop, place or premises in the province where work is being or has been done or started by employees or in which an employer carries on business or a matter or thing is taking place or has taken place, considering the matters referred to that board, and may inspect and view work, material, machinery, appliance or articles there and interrogate persons in or upon the place...". Mr. Speaker, interrogate persons.

This bill now is going to give freewheeling power to either someone from the board or someone appointed by the board to enter into any of these premises without search warrants, without warning, without consent, go over all of this, and interrogate people on site. It goes on to say, "...a person shall not hinder or obstruct the board or a person, so authorized by it, in the exercise of a power conferred by this section or refuse to answer an interrogation made under this section."

Mr. Speaker, this has to be the hobnail boot clause of this piece of legislation that is supposed to fix up the mistake that government talked us into helping them make two years ago. Clearly, the secret ballot is a very important feature, but this feature to literally jam this down people's throats to say that the board can send someone over to interrogate your employees pretty much anywhere in the Province, on your ship or at your business, or plant or factory, this is completely unnecessary and I do not understand why the government is bootstrapping this section onto to the other section to get a result it seems nobody is looking for.

Mr. Speaker, to add insult to injury a conciliation board recommendation is not compulsory; it is not binding. So, after doing all of this, after violating people's charter of rights, presumably, or their privacy rights, interfering with them under threat of law that you could be found guilty of an unfair labour practice and/or fine, even now the report that is made by the conciliation board, they do not have to go along with it anyway.

It seems like legislation that seeks to undo something that was not very well thought out and it also adds more stuff and more power that nobody seems to be looking for so that it is all rolled up into one little ball and we are supposed to vote for the whole package.

Mr. Speaker, I am quite certain that the Official Opposition will be supporting the bill. We may well be trying to get some revisions or amendments or changes to it because it is necessary to undo the mistakes of a couple of years ago, but why is it necessary to add more mistakes to the new bill that seeks to undo the mistakes from the old bill that we did not need in the first place?

I just do not get it, but maybe the minister will be able to explain that in more detail. Those are my observations tonight, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

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

It is indeed a privilege to get up here tonight again and represent my district – the beautiful District, as I always say, of Cape St. Francis. Mr. Speaker, this is an important bill we are doing here tonight. The Opposition member was just up that time and you would not know if every bill that we have put up in this House, no matter what it is, they jump up and agree with it. I have noticed there are times in this House when there are bills that come up that they do not agree with, but this one, when we put it in, in 2012 they did agree with it, Mr. Speaker. They had ample time to do their investigations and everything else, their research, like they do on most bills, just as well as we did.

Mr. Speaker, he says is we are undoing something. I say that we are making things correct and we are changing things – not all things are always done whenever you bring anything in. We do not live in a perfect world, Mr. Speaker. Sometimes there is stuff that gets done and you have to reflect and look back and

say okay, what is the best way and what is the best process, and look at things after a while – I know it is only twenty-three months since this bill has been brought in, but you have to look at things that you are doing and say okay, maybe we should have done it or we should have left it alone. That is what we are doing here with a part of this bill.

Mr. Speaker, there are two parts to the bill. One is to provide workers with a mandatory secret ballot to vote on a union certification, and the other part is to talk about conciliation and what happens in a conciliation process. A lot of times when there are disputes, whether it is strikes or lockouts or whatever, that assistance is required. Both the union and the employer go through all the processes and they look and say we are at this stalemate right now and there is no way that we can solve this, we need some help, somebody needs to come in and conciliate and just see what is happening here with the bill.

The process before was that they made an application to the Labour Relations Agency and the employer or the union came in and said: Listen, we need to get somebody to come in and to conciliate, come in and get the two parties sat down and perhaps they can give different perspectives and we can settle our dispute. Most times when a conciliator is put in place, 95 per cent of the disputes are settled. I was just thinking the other day when I went over to the briefing – and I also must thank the people over to Service NL for the briefing they gave us. A lot of times when you go to those briefings, you find out a lot of information and there are a lot of things going on. I think they said that since the 1990s there was only six times that a conciliation board had to be put in place to settle a dispute. In most cases, nearly in every case, a conciliator is put in place.

Mr. Speaker, like I just said, when a conciliator is put in place, 95 per cent of the disputes are settled, but the process is what we are changing here in this part of the amendment. What we are changing here is that the request always goes in for a conciliation board; but, in most cases, a conciliation board is not what is put in place; it is a conciliator. So, the process is changed now that you will go and you will ask for conciliation and a conciliation officer will be put in place. It does not take what the minister can do – the

minister still has the right to appoint a board but right now, like I said, in most cases when you ask for conciliation, it is a conciliation officer that goes in place.

All we are doing is changing the process. Before, you asked for a conciliation board but you get an officer. Now you go in and you ask for conciliation and you will get an officer. If it is serious and if down the road you go to the minister, he still has the same right to go and put that board in place. That is the only change in this part of the amendments that we are doing.

The other part now is to do with card certification. After the last time, in 2012, I spoke to some employers and I spoke to employees and union people and everything else and there were some concerns that I know some people had who spoke to me about this part. When I look at it, I always look at the way our democracy works. I will tell you a little story now. The first time I ran for election in Flatrock, the guy who ran against me, a good friend of mine – this is about a secret ballot. Two of us were sat down and we were just wondering who was going to win the vote and when the vote came out I think I won by 350 to 50. He looked at me and said: Kevin, there are a lot of liars in Flatrock.

Mr. Speaker, a secret ballot – people can say what they want when they are out there in a group of people but what they really believe is when they get in there and they get the chance to mark that X. There is nobody with a gun to their heads. We are not over in the Ukraine where you are frightened to death to go in. It is a secret ballot. It is a right that we had people fight in wars for. It is a right that everybody in this country and everybody in this part of the world – it is great to be able to have that right.

It is probably the biggest right we have as civilized countries, is the right to be able to go in and mark your X. That is basically what this is doing now. In some cases, unions do a fantastic job. They represent their people really, really well. In some cases, there are going to be companies out there and they want to be unionized. There are two parts to it. There is the part that the union has to be able to explain the benefits that we are going to give you as a union, but it is also a part that the employer

should also have that same right to give his part, should be able to tell the unionized people this is the effects that it is going to have on my company. These are the pros and these are the cons.

Everybody gets informed and everybody gets their same say, but this is what it is doing. At the end of the day, it is that person who walks in and makes that X. When you make that X, that is your right – nobody else will know how you made the X unless it comes out 100 per cent and they will say well boy, you voted for it. That is the way it is, and that is the process that this is all about, this card certification, is giving people the right to do it.

What happens basically on this part of it is that 50 per cent say okay, we want to be unionized and they go to the Labour Relations Board, so they ask for certification. The Labour Relations Board has five days to say okay, we are going to call a vote; but that five days gives the union, gives the employer, time to say listen here, these are the implications of the union. This is what we can offer you. As union reps, you can get this. The employer has the same right; but, at the end of the day, it is the right of the employee.

The hon. minister got up and he gave us some statistics. I think some of the statistics that he gave us is that 84 per cent of workers agree with a secret ballot. Eighty-four percent of workers in the workplace agree that it should be a secret ballot. I can see why, because it is a right that we all earned, and a secret ballot gives them the right to do so. Ninety-three percent, he said, completely or somewhat agree that the workers should be entitled to obtain information from both the union and the employer – 93 per cent of the workers out there.

That is what this bill is all about. This bill is not about the union. This bill is not about the employer. This bill is about the workers. This bill is about the workers' right and the workers' right to have the freedom and what our democracy is all about, the right to mark your X. That is what this bill is about.

Mr. Speaker, like I said, I spoke to employers and I spoke to workers. I do not think that most workers in any part of the workforce today have

a problem with being able to go in and secretly mark their X. Now, maybe there will be some backlash, I guess, against the unions because unions would rather do it where you go in, you get your people in place, bang, bang, it is done, and there is nothing anybody else can do.

There is also the right of the employer to be able to inform the worker of what they can give and what they can do. It is a choice that they will make and it is a choice that they deserve to make. I really believe that it is a fair bill. I think that looking back on what we did in 2012 that it is a real good thing what we are doing with this bill to go back to where it was before 2012, because I think it is the right thing to do.

Mr. Speaker, after listening to our Premier today and listening to his speech, there is a lot of things that we do and there is a lot of things you have to do because it is the right thing to do. This is the one thing that is the right thing to do. It is the right thing for the employer, I think it is the right thing for the unions, and I really think the main person that it is the right thing for is the worker. It is to give them the right to mark their X and put it in a place where – there is no way that somebody can come back and intimidate or whatever. There is a part of the act there that is under the part of the Labour Relations Act and it is called unfair labour practices.

Under that, both the union and the employers are protected. It is to secure that the workers are not intimidated. There are all kinds of rights there that they have if some kind of intimidation or anything is in place – I know everyone on this side, and what I hear from the Opposition over there, will be supporting this bill because it is a good thing and it is the right thing to do.

Thank you very much, 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 am quite upset that I have to get up and even talk to this today, knowing that what we did two years ago was the right thing. I speak from life experience here when it comes to unions, when

it comes to the whole certification process and what I dealt with years ago when it came to almost unionizing the taxi industry. There is one industry, buddy, I tell you, Mr. Speaker, that needs it. We would not be here now today talking about lone worker legislation. We would not be here talking about the violence that is undertaken in that particular field. We would not be talking about the need for more safety equipment because we would probably have that legislated.

Let me tell you, when it comes to conciliation, teachers are a fine example of when the last time was that they were called in. Two years trying to negotiate with a government, exercised in frustration –

MR. SPEAKER: Hear, hear!

I would ask the member to speak to Bill 22.

MR. MURPHY: Absolutely, Mr. Speaker.

Still, the topic of conciliation, we have a good example right now of a consolidation officer that was appointed and hopefully that agreement will work out. Let me tell you about having that union card at the time and going through the whole process of unionizing. Having that card gave me a sense of ownership, and that is what this does for anybody who signs on to a union. That is the whole purpose of being a card-carrying member of a union when it comes to the whole certification process.

Mr. Speaker, I find it hard to believe that in this Province, with the transient workforce that we have, how you would not be able to have that card-carrying member out there. It is pretty hard as it is now to get –

MR. KING: A point of order, Mr. Speaker.

MR. SPEAKER: Order, please!

The hon. the Government House Leader, on a point of order.

MR. KING: Mr. Speaker, this is just a point of order to the relevance of the bill.

It is my understanding in amending legislation that we speak to the purpose of the amendments

of legislation. With all due respect, the member is talking about being a card-carrying member of a union. This bill speaks to the process of a union certification happening. It does not speak to the elements of being a card-carrying member or what it means to be a part of a union. There is nothing to do with that in this legislation.

MR. SPEAKER: Order, please!

There is no point of order, but I would ask the member again to speak to the principle of the bill in second reading.

MR. MURPHY: Thank you, Mr. Speaker.

Maybe I am having trouble as regards the concept that government is trying to carry on here with, because as far as I am concerned, what this is doing is weakening what workers have earned these past couple of decades when it comes to workers' rights. I just feel that something is being done here that is going to end up lowering wages in this Province. I want to be very cautious when I say this to government when they are bringing this in, that we have a danger here of losing what we have now.

Wages will be lower. There is going to be a little bit less of a wage level that is going to be earned on the part of the worker who has signed on here when it comes to this whole process. Frankly, I am nervous about it. I really am, and I fear what is going to be down the road when it comes to labour relations in this Province.

We know the government, for example, came out and said – the minister just said a few minutes ago that they came out and consulted with everybody, but they did not consult with the heads of the union in the Province. I am saying to myself – and our leader asked questions in Question Period earlier today about having that three-way agreement - you figure if the employers were going to be getting together with government and talking about the issues that are affecting our labour market out there that the heads of the labour unions in our Province would have been invited to that same table, but they were not. They were not consulted with on this.

I have to ask government what their intentions are when it comes to this. It is quite disturbing

to see, for example, for our own government workforce, we have probably 8,000 members, and as far as I am concerned, according to what the minister said, they were not consulted with it. That is the best information that we have on it.

MR. SPEAKER: Order, please!

I remind the member one more time that you must speak to the principle of the bill in second reading. Your comments cannot be irrelevant. I would ask the member to speak to – there are three points to the bill, and to confine his comments to that.

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

MR. MURPHY: Thank you, Mr. Speaker.

When I read this, perhaps a better briefing for me might have been a little bit in order here. As far as I am concerned, what is being done here with the lack of consultation I think is an important topic that I have to bring up.

I wanted to reflect on the process of union certification, trying to relate it back to my life experience of what happened. I do not know, Mr. Speaker, if I am being out of line when I say that because I think life experience is what this House is all about, so I will try to be a little bit more clear as regards what happened. I can only reflect on the taxi industry. It is the only place I think there was ever an attempt, while I was in that workforce, that certification was attempted.

I do know that in the ensuing time period when the certification was underway, while some of us had signed cards and wanted representation by a union, at the same time there was a lot of time in between that the campaigning, if you will, could be done on the part of the employer and the sell job was put on us that – well, I guess for all intents and purposes, Mr. Speaker – allowed us to change our mind when the full facts on both sides were not even in. I do know one thing, nothing changed in the industry since, even though the promises were made.

There is an importance here as regards the union that is out there and the changes that have happened out there in the workforce. There is a reason why we have different things, including a

Labour Relations Act that deems how negotiations would happen or even deems how a worker is treated in a workplace.

I want to reflect, too, that in the taxi industry we were more or less a transient workforce. The same thing happens with the offshore industries, for example, we have different shifts that happen. Again, I am really worried about this. I do not like the fact that there is – I can understand where government might see that there would be a voting process.

They are trying to call it a secret ballot, but when I read other sections of the act and what I was told when I was out looking for information on it – I am also told, for example, that if there were 1,000 employees in the workforce and only 300 voted, it can be said that the other 700 who did not vote actually did vote a no position, for example, or a yes position when that vote is taken, depending on what the question was. So that worries me, that because somebody did not drop their ballot that that could potentially happen.

I wanted to start off by leaving those comments with you, Mr. Speaker, and with the House, and perhaps the government can further explain its intention of what it is trying to do here.

Thank you very much.

MR. SPEAKER: Are there further speakers?

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

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

I am very happy to stand and speak to this bill, the amendments to the Labour Relations Act. I have some concerns about the proposed amendments. Predominantly, I would like to start off by questioning the minister on how the amendments came about. I am particularly interested when we have a tripartite committee, that is an established committee that has been working well, and we know that labour was not invited to this discussion. Mr. Speaker, that is absolutely outrageous.

We are seeing a very definitive, very specific amendment that is a reversal. It is a reversal to

what we have seen in this act, a reversal that came about from hard work. We had an act that came about from hard work, from respect, from integrity by a tripartite committee. Now this reversal comes apart. It is a complete violation of the strategic partnership that was established to look at our Labour Standards Act, at our Labour Relations Act.

That was the basis on which we made decisions, through the recommendations of a tripartite committee. A strategic partnership that again was respectful, that was informed, that was honoured by this House, that was honoured by this government, that was honoured by employers, and was honoured by labour. That is how we got the act that we have now. The amendments that are put before us in this House tonight are a violation, a complete violation of that process. It is a violation of trust. It is a violation of integrity.

I am curious, Mr. Speaker; I would love to have been at the Cabinet table to see which minister brought this to the Cabinet table. How did they explain this amendment? How did they explain how this amendment came about without even consulting labour? It is nothing short of a complete violation; a violation of trust that labour has put in this government, that labour has negotiated in good faith with this government on the Labour Relations Act. I cannot imagine, Mr. Speaker, how it came about. I would love to have been a fly on the wall to hear the description. I would love to have been a fly on the wall to see how this came about, because it is nothing short of a violation of trust.

Today, the Premier stood in this House and talked about prosperity and wealth. He talked about how that prosperity and wealth that we –

MR. SPEAKER: Order, please!

I remind the member that her comments in second reading of this bill should be confined to the amendment that we are talking about. I have given the member some time to bring that around. I would ask her to do that now, to make her comments relevant.

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

The Premier was talking about labour. He was talking about how important the labour is in our Province, that the prosperity and wealth we experience as a Province is on the back of labour, the people in our Province who work so hard. That is what this bill is about. This bill is about our workers.

MR. SPEAKER: Order, please!

Again, I would ask the member to speak to the amendments that are found in Bill 22.

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

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

Mr. Speaker, today in response to this bill unions are saying that government has given in to the employer lobby, rather than standing up for the rights of workers. They say that government is dressing it up as democracy and the secret ballot when it is really taking away these rights. This is what this bill is doing. Rather than protecting the rights of workers, by imposing a secret ballot within the workplace it is taking away from the rights of workers.

They say the change will make it harder for workers to exercise their Charter of Rights to assemble and form a union by allowing employers to interfere with that right. The freedom of association, Mr. Speaker, and the right to free collective bargaining are fundamental human rights. That is what we are talking about in this bill.

We are talking about the freedom for workers to assemble, the freedom for workers to have collective bargaining. That is a fundamental human right and I am sure that everybody in this House agrees to that. It is endorsed by the United Nations and the International Labour Organization.

In 1944, the International Labour Conference adopted the Declaration of Philadelphia which said in part that labour is not a commodity – and I know we all believe that in this House – and that freedom of expression and freedom of association are essential to sustained progress. That is what we are talking about here, Mr. Speaker, the right of workers –

MR. KING: A point of order.

MR. SPEAKER: Order, please!

The hon. the Government House Leader, on a point of order.

MR. KING: Thank you, Mr. Speaker.

I would just like to draw the Speaker's attention again once more to the whole issue of relevance. I will just refer to the House of Commons procedures that we use here often, Mr. Speaker, on page 623. Very clearly the rules state that we debate the points that are relevant to this bill. This is amending a piece of legislation. There are three points stated here.

I have also sat here and listened at length to the member talk about the Charter of Rights and Freedoms, and bills out of the United States. I am failing to see the connection between that and the three pieces of amending legislation, Mr. Speaker, that we have here.

Thank you.

MR. SPEAKER: Order, please!

There is no point of order.

I would ask the Member for St. John's Centre to continue.

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

Mr. Speaker, in 2012, section 47 of the Labour Relations Act, pertaining to certification of a union, was amended in our own act to allow certification by getting 65 per cent of members to sign union cards. If 40 per cent to 65 per cent of members sign cards, then it goes to a vote of the members.

Currently, certification is automatic when 65 per cent of employees sign union membership cards. That is automatic. When at least 40 per cent, but less than 65 per cent, of employees sign union cards, a certification vote by secret ballot will still be required.

Before 2012, once 40 per cent of eligible employees signed union cards and the union

filed a certification application, a second voting process had to be followed. The employer had the ability and the time to communicate with employees during the time period between the certification application being filed with the Labour Relations Board and the certification vote taking place, which was generally a five-day period.

In our own Labour Relations Act we had one of the most stringent provisions in the country. It was brought in 1994 under Clyde Wells after an industrial inquiry into attempts to unionize certain fish plants. Mr. Speaker, when we were looking at this, we had a tripartite committee.

The industrial inquiry recommended that workers vote twice for their union to come in. First, they signed the union cards, but that is no longer enough. Even if 90 per cent or 100 per cent of the workers sign the cards, they also have to vote. This gives employers time to undermine the union before the votes, and that was a concern, Mr. Speaker.

That is why we have the act that we have, before what is being put before us here tonight. What was put before us here tonight, what we had before what is being put forward here tonight, is a result of experts coming together at the table, again out of trust, out of respect, out of integrity, and out of caring for the workers of this Province.

As the Premier said today, the wealth and prosperity we experience in our Province today, which is great for many, is because of the great work and because of the dedication and the labour. It is on the backs and off the sweat of the brow of the workers who have worked to build the Province to what it is.

Mr. Speaker, our act – before what is put before us tonight – was to protect that work, was to protect those workers. It was to ensure that workers had representation. Representations that ensured they had a safe working place, that they had fair wages, that they had ample benefits, that they had fair benefits, that they had fair protection in their workplace and for their future, which would benefit all the people of the Province, which benefits the communities in which they work and in the communities that they live.

Mr. Speaker, that is how that particular act came about. That is how those changes came about two years ago. Now what we have before us is such a violation. It is such a violation of the trust and the work that was done at a table where government was present, where labour was present, and where employers were present. It was a strategic partnership that worked. Now I am forced to stand to speak to an act that I cannot help but think is sneaky and disrespectful. The piece of legislation that has come before us now is sneaky, it is disrespectful, and it is a violation.

This is a movement. What we have before us now, Mr. Speaker, is we know that labour is about protecting the rights of workers in our Province. What we have before us here is a movement against our people. This is a movement against the protection of our people. This is not an amendment that protects the rights of our people. Again, the process in which this act is tabled before us is so disrespectful, is so dishonest, is so sneaky, and is so duplicitous.

Mr. Speaker, I cannot believe, after the work that has been done, not only the concrete work that brought us to the act that we had two years ago, but the work that it took to build a relationship of trust and to build that strategic partnership, and then to again violate that.

In other provinces, Mr. Speaker, and federally, either 50 per cent plus one, or 60 per cent to 65 per cent of the workers had to sign cards and then no extra vote was necessary. That was in Manitoba, New Brunswick, PEI, and Quebec. That is something that we work towards, Mr. Speaker.

Card certification was one of a series of amendments the provincial government has enacted to maintain a positive labour relations climate, and that is what we had. That is what we had. We had a positive labour relations climate because of the process; the process that government agreed to. This government agreed to that process. Employers agreed to that process, they were at that table. Labour agreed to that process. Then this government has turned around and has been sneaky. It has done something without having labour at the table. It is such a violation of trust. It is such a violation

of the rights of our workers. It is such a violation of their families.

It is a mystery, Mr. Speaker, and absolutely confounding to think that government would violate that trust at this point, would violate that process. One that they had to work so hard to build an atmosphere of trust and respect, and an atmosphere of integrity and honesty. This is double-crossing the workers of our Province. This is double-crossing the unions who are representing them. This is absolutely unforgivable.

Mr. Speaker, at this point I do not know what else there is to be said about this legislation except that government has promised, this current Premier has promised to listen and he did not. This government has not followed through on that promise because nobody is listening to labour. As a matter of fact, not only were they not listening to labour, they totally cut them out of the process. They violated the process that they themselves had set up, and that was not done in consultation with anyone. Unless they were consulting with someone and even in that process, cut labour out of it.

Mr. Speaker, who does this benefit? How does it benefit our workers? Who is this really benefitting? Why was there no consultation? Why is government ramming this down? There was no consultation with labour. I cannot believe it, Mr. Speaker. This example of how this act comes before us is exactly an example as to why we need unions to protect our workers. That is what this act is. It is an example of why we need those unions.

This is not about protecting workers, because if it was about protecting workers then labour would have been at the table. Instead, they were excluded from the table. They were excluded from the process. Again, the process that this government committed to. Government has double-crossed, it is a breach of trust, it is a breach of process, and it is a double-crossing of the strategic partnership. I do not know how this –

MR. KING: A point of order, Mr. Speaker.

MR. SPEAKER: Order, please!

The hon. the Government House Leader, on a point of order.

MR. KING: Yes, Mr. Speaker.

We are speaking to a bill here introduced by the hon. the Minister Responsible for Labour, and I would suggest the member is using unparliamentary language to suggest that what he has presented here is in breach of trust and breach of confidence. I ask the member to retract those statements.

MR. SPEAKER: There is no point of order.

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

MS ROGERS: Thank you, Mr. Speaker.

What I was talking about was the process that got us to this point, that got us to the amendments on this bill. Mr. Speaker, again, I do not think that can be said enough. I really, really do not think that can be said enough. I wonder, Mr. Speaker, what was in the minister's mind to think that it was okay to do this?

We have certain procedures in this House. We have certain processes that we follow. The only way we can get our work done is that we respect those processes. We respect those procedures, that there is a strategic partnership in this House.

We have three parties, and our Labour Relations Act was subject to that tripartite committee. It was a well-defined process. It was a strategic partnership, again, that this government initiated, and initiated for all the right reasons. That committee continued on and it had a process. It had a procedure, and why that would be violated is beyond me. To what end?

Obviously, if government felt that the amendments we are speaking to tonight were good for workers, then they would not have hidden the process from labour. I believe that this whole process of coming up with these amendments was actually deliberately hidden from labour, because labour knew nothing about them – labour who was sitting at the table. Can you imagine, Mr. Speaker, in some kind of business arrangement, some kind of agreement, to omit one of the partners of an agreement or a treaty?

MR. SPEAKER: Order, please!

The Speaker is reluctant to interject too frequently in a debate that is so important to the people of Newfoundland and Labrador, but it is also important to the process of the debate in the House that we adhere to certain principles in the debate. One of the fundamental principles that we have many discussions about in this House is relevance to the debate at hand.

If the House is okay with it, can we stop the clock so the member does not lose her time?

I just want to refer members to the Explanatory Notes inside the first page of the bill. This talks about an amendment to the Labour Relations Act. There are three very specific points mentioned here. This is about an amendment to "...the certification process regarding the requirement for a representation vote; remove the requirement for parties to collective bargaining to request a conciliation board in order to advance the collective bargaining process; and" – the third and final point – "reorder the provisions relating to conciliation proceedings and strikes and lockouts."

This is a very specific amendment to an already existing act. Issues around the value of the unionized labour movement, the value or criticisms about unfair labour practices, or issues around the value of unions and the process that was used to come to the establishment of the act in the first place are all important issues. No one would dispute the fact that they are statements of fact that members are making as they stand on their feet, but they have little relevance to the bill before us this evening.

So, the debate around a particular bill has to focus on the bill itself. There are many interesting stories and interesting facts about any subject matter that we may bring before the House that might be valuable for people to learn and understand, but they are not relevant to the bill at hand.

I would ask members to really focus their commentary on the bill before us this evening. Particularly, if you find yourself challenged to find out what that might be I always suggest that you refer to the inside cover and that brings your

attention back to the issue at hand before the House this evening.

I will ask the member to – we will start the clock again – if she would conclude her comments.

MS ROGERS: Thank you very much, Mr. Speaker, for those instructions. I really appreciate that.

Mr. Speaker, once again, card certification was one of a series of amendments that this provincial government has enacted to maintain a positive labour relations climate. They were based on recommendations of three reviews of our labour relations framework, guided by the tripartite labour relations committee. That is what brought us to the point before the amendments this evening.

The government release in June 2012 said that amendments will modernize provincial labour laws. I believe that the government was very, very proud of modernizing our labour laws. Mr. Speaker, I believe that, in fact, what is being proposed before us this evening does quite the opposite and takes us backward, that it is regressive rather than progressive, and that it is a shame that they have not included all members of the tripartite committee.

Thank you very much, Mr. Speaker.

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

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

I am glad to have the opportunity to speak to Bill 22, a bill that I am not very happy about because of one of the particular pieces that is in the bill. That is the changes to the card-based certification that we have here in this Province and that we had in this Province before 1994.

We had changes in 1994. Then, in 2012, many of us in this room discussed and debated the bill that we are amending tonight. That bill, which brought in the amendment of card-based certification, was a bill that I was extremely pleased to see and a bill that was the result of four years of hard work and consultation at the

tripartite table that has been referred to by my colleague for St. John's Centre.

The card-based certification that was brought in, I think – and so did the government think at that time. This government thought it as well that the card certification was a move forward. The press release that was put out at the time in June, just two years ago, said that the amendments will modernize provincial labour laws.

So this government, two years ago, thought that the bill that they brought in and that we passed in this House was going to modernize provincial labour laws. Tonight, we are being told that what they brought in two years ago in card-based certification, that it was wrong and that now what is happening is modernization.

I would like to say that one of the reasons we have one of the highest percentages of unionized workforce in the Province throughout our country – we have the highest actually – is because of card certification and that is something that the labour movement itself attests to. That is why they support what is happening. They support what we have in place.

This government has told us and has asked us to believe that they listen to people who are involved in an issue, in a situation. For example, tonight, we had a piece of legislation where we were listening to the junior companies involved in the mining industry. The Minister of Finance when she closed the Budget talked about how pleased she was during the consultation process because she heard the issues of people and people are now telling her that she listened and the Budget reflects things that they are saying.

Well, the Newfoundland and Labrador Federation of Labour which represents tens of thousands of workers in this Province says that the card-based certification is the way to go. That the card-based certification is the method that really does give freedom to workers when it comes to becoming certified.

There are many labour lawyers who have studied and written about card-based certification. One of those lawyers has said: Card count gives union members a strong sense of belonging. People are being asked to sign

membership cards, being asked to choose to be a member of a union, not just voting in favour of one. A union is only effective at settling disputes if the membership feel engaged and members who have signed their names to a card feel that sense of ownership.

This is an objective person, a lawyer who does represent labour and employers and who has observed card-based certification and the role that card-based certification plays. This same person talks about the experience of our mobile workforce in Newfoundland and Labrador and how difficult it is for unions who are trying to unionize if the people they are trying to unionize move from workplace to workplace. So, sometimes you have somebody who is at Bull Arm and then not too long later that person is working up in Voisey's Bay or maybe working in Long Harbour.

Trying to hold meetings to get people unionized is extremely difficult and card-based certification is the thing that helps people express their opinion. What I have heard from the government side on this issue is that the only way to express democracy or have a democratic right is by going to a ballot box. I am not saying that ballot boxes are a bad thing, of course not; but you cannot equate a ballot box in which you are choosing among people and the process of card-based certification. They are two different realities.

When we approved the legislation back in 2012, we approved a package that did include a vote on offer if the card-based certification did not meet all its criteria. So, for example, the card-based certification in our current act that has not yet been amended says that if 65 per cent of the people identified in the bargaining unit, if 65 per cent of them sign cards, then you get certification. If the number is between 40 per cent and 64 per cent, then you have a vote on offer.

In the last two years, since we approved the act back in June of 2012, there have been twelve certifications. Ten of those certifications went smoothly, ten of those certifications met all the criteria, and the bargaining units were approved. Two went to a vote. There have been no problems identified. The unions have not identified a problem with the card-based

certification and they do not understand where this is coming from. The government is saying they listen to people who are affected by this situation. Well, the labour movement is saying they know that card-based certification works. So they are the voice that should be at the table and be part of this discussion.

The card-based certification which exists, as we know, in a number of provinces, as well as on the federal level, as well as in three of the territories, is proving itself to be correct. Here, when we approved it back in 2012, we were pretty stringent. Because saying there had to be 65 per cent of the identified members of the bargaining unit sign the cards was pretty high. There are some places in the provinces that have it – the federal one, for example, is 50.1 per cent. So we were pretty high, we were pretty strict, and the labour movement agreed to that percentage of the identified members of the unit who signed the card.

Some years ago, in 2007, when we were under the old process that we had, there was an article written in the *National Post* by a lawyer – an assistant professor, actually, at the Osgoode Hall Law School in Toronto. She looks at the whole thing of the mandatory vote procedure, which at that time applied in BC, Alberta, Ontario, Nova Scotia, and Newfoundland and Labrador. She looked at the card-based procedure, which at that time was in Saskatchewan, Manitoba, Quebec, New Brunswick, and Prince Edward Island. What she says, and the conclusion that she comes to, is that both procedures have strength, there is no doubt about it, and both also have weaknesses.

She goes on to say, “The question of whether the card-based or mandatory vote procedure is ‘better’ is really a question of which more accurately reflects employees’ true wishes about union representation”. It is not that one is democratic and one is undemocratic. Does the card-based certification and does the vote in the ballot represent what the workers want?

What we approved in our legislation back in 2012 had a whole process for showing that the cards that were signed and the people who signed those cards knew what they were doing. This is what they wanted. That is what is

important, according to this professor at Osgoode Hall Law School.

The important thing is, does it reflect the wishes of the workers? That is what is important. What I am saying is, based on our experience; it seems that the process does show that the workers are happy. What we should be doing, Mr. Speaker, is not ending something after two years, but saying we need actually to keep it in place longer in order –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The Speaker is having difficulty hearing.

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

I am having difficulty hearing myself, to tell you the truth, so thank you.

I have lost my thought. I was talking about the importance of the workers themselves. Yes, we are not evaluating this long enough. In the two years that it has been in place there have been no hiccups. There has been nothing indicating that there is anything wrong – absolutely nothing. There have been no hiccups, so if we want to find out if this is the right way to go then why not go a bit longer with it?

I cannot believe the speed with which this is happening here. I cannot believe that this legislation is being brought in without consultation with all the stakeholders. It is not enough for me to hear a minister say that he spoke to workers. The Newfoundland and Labrador Federation of Labour represents tens of thousands of workers, all of whom believe in the card-based certification and most of whom – it would not be all of whom because we did not always have it – are in unions because of the card-based certification. The card-based certification is working. If we want to evaluate it, then let’s leave it in place longer and then evaluate it, but let’s not get rid of it.

When we approved the legislation in 2012, we had the two pieces in the legislation: we had the card-based certification and we had the vote on offer. Those two things balanced each other out.

The vote on offer was something that gave a sense of security to the employers in the face of the card certification so that it could ensure that if there were any questions - and the criteria set out all of that - there would be a vote to ensure that this was a sure thing.

The government that put that legislation on the floor here two years ago chose not to enact that second piece of legislation. What we are doing here tonight is, instead of saying let's enact that piece of legislation to balance the card-based certification, no, we are going to get rid of the card-based certification and bring in this piece of legislation which was supposed to be something to balance things on behalf of the employers. We are getting rid of what was there for the right of the workers and bringing in what was there to balance the employers' rights in light of the card-based certification.

Mr. Speaker, I just cannot say strongly enough that we have to put an end to these regressive amendments that government is attempting to have passed in the House of Assembly this week for the Labour Relations Act. I would like the Premier to ask his minister to go back to the table with Bill 22. My caucus and I are offering to work with government to create amendments that allow the people of this Province the right to unionize and to have legislation that is faithful to the original intent of the work and consultations that the strategic partnership was involved in. I therefore move that Bill 22 be not now read a second time, but be read a second time six months hence.

Thank you, Mr. Speaker.

MR. SPEAKER: Order, please!

The House will take a brief recess to review the amendment proposed by the Leader of the Third Party and to see if it is in order.

Recess

MR. SPEAKER: Order, please!

I have reviewed the motion, the amendment. The amendment in terms of its form and substance is in order, but there is an issue with respect to the seconder for the motion. I recognize that the member stood on a point of

order and indicated and cited, without identifying the section, O'Brien and Bosc as a reference that a seconder was not required for the motion.

I just want to clarify a couple of things that might have led to that conclusion. The member was using a reference in Chapter 16 of O'Brien and Bosc. I will cite from page 764, Chapter 16. The last sentence in the second paragraph says, "Each amendment must be submitted in writing to the Chair of the committee" - the operative word here is committee - "and may be moved in either official language. In contrast to the rules that apply to motions presented to the House, no seconder is required."

If you look at the footnote that makes reference to, the 317 footnote is in reference to the Standing Order 116 in the House of Commons. The House of Commons Standing Order 116 says, and I will read it for you, "In a standing, special or legislative committee, the Standing Orders shall apply so far as may be applicable, except the Standing Orders as to the election of a Speaker, seconding of motions, limiting the number of times of speaking and the length of speeches." The reference used in Chapter 16 is one that refers to the Committee of the Whole and we are not in the Committee of the Whole.

If you are using O'Brien and Bosc as a reference, the more operative chapter would be in Chapter 12. I refer the House to the top of page 557 in Chapter 12 where it says, "All motions in the House require a seconder...". That is in referencing Standing Order 65 in the House of Commons.

I bring members' attention to a little further on in Chapter 12. On page 559 there is a schematic. Figure 12.2 talks about the moving of motions. It schematically lays out procedurally how motions are made and seconded. So that is the reference in O'Brien and Bosc.

In our own Standing Orders, there are two Standing Orders that deal with the issue of amendments, 37 and 60. Standing Order 60 deals with the Committee of the Whole and 37 deals with substantive motions. So the motion, as I said earlier, would be in order in terms of forms and substance, but it is not admissible

because we do not have a seconder; however, I would advise the House that the member who was speaking and made the proposed amendment has time left on the clock.

So if the member would wish to make the amendment a second time, but having a seconder, and that seconder cannot be someone who has already spoken to the motion. I would indicate to the member that she has time left on her clock, but she is now speaking to the main motion and not the amendment. The amendment is not admissible.

The hon. the Leader of the Third Party.

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

Thank you very much for the clarification and your ruling. Not seeing anybody outside of my caucus who is jumping up wanting to second the motion that I have already made, I obviously cannot make that motion again; however, I will continue to use the time that I have.

The reason for the motion was that I really do believe that we are rushing this whole thing without an adequate discussion of what the card-based certification is all about. That we had this legislation brought in very quickly without any warning, without any warning even to the labour movement, no warning here to this House and a briefing that took place twenty-four hours ago that had all kinds of implications. We are rushing through without a full discussion and a full analysis of why this works, why card-based certification occurs throughout our country, and I do mean throughout the country. It occurs in Quebec, New Brunswick, here, at the moment, Manitoba, Prince Edward Island, Northwest Territories, Yukon, Nunavut, and in federal industries. In all of those areas in our country, the card-based certification is there.

This House should be looking at why it is still in all of those places and why it is working. Why it is so important for us to have card-based certification. Why we have such a high rate of unionization in this Province, which means we have workers who have benefits. It means workers who signed those cards and said I choose this union; I want to be part of it, to have health care. Why these workers have pensions

plans. Why they have safer workplaces. This is why we want unionization and card-based certification is proven to work. Yet, we are rushing it here in this House. The government is rushing us.

We had a bigger discussion in 2012 than we are having now around this issue. There has been no proof that the card-based certification does not work. It is working. Why? Who is it that does not want it? Who is it that does not want it to work? Who is motivating the government over there? They certainly did not talk to the Federation of Labour which represents 65,000 workers in the Province, as I have said earlier, most of who have signed cards to be in the unions that they are in. They certainly did not talk to them, but I can only assume that there are employers who are talking to them who have their ear, somebody who does not want unionization happening in this Province at the rate that it happens, somebody who does not want unions. This is what this is about, Mr. Speaker.

The choosing to say no to the unions who are saying this is the way to go, choosing not to listen to them, choosing to say I am sorry; we know what we are talking about. I cannot believe that is what is going on. People who do not know what they are talking about telling the leaders in the labour movement that they do not know what they are talking about when they say we know that card-based certification works.

That is what I want. I want us to slow this down. I am asking this government to slow it down. They could choose to take this off the table for the moment. They could choose to stop this process so we could do a real analysis of what card-based certification is all about.

I only reference tonight to some of the people who are out there doing this work, to some of the people who are analyzing it, to some of the people across this country and in our own Province, because one of the quotes I was reading from was from a lawyer in our own Province, people who have looked at it, studied it and know why it is working. Talk to them, just do not talk to the labour movement, talk to the labour movement too, and take the time to really assess it.

Yes, do not look up; do not pay attention. We are making a crucial decision here tonight. We are turning our backs on workers in this Province at a time when we have a lot more development going on, new workplaces where we are going to need people unionized, and we are going to make it harder for them to be unionized.

Do we want safe workplaces? Do we want workers who have benefits? That is what the unionization is all about; that is what the card-based certification is all about. That is what we should be voting for in this House instead of the majority in this House laughing at it, mocking it and saying oh, we did not know what we were doing two years ago.

Four years of consultation were taken two years ago to come to the point where we had the card-based certification brought into our legislation. Four years of consultation, and here we are today – what, four hours? We have not even been four hours and we are going to vote out something that took four years to put in place back in 2012.

That is what I am asking. That is why I wanted us to slow this down. We are not slowing it down because, why? That is what I want to know. Who has the ear of government? Who has the ear of people in this House? Who is it who does not want more unionization going on in this Province? For unionization to take place more easily for the sake of the people of the Province, for the sake of the workers of the Province, not for the sake of those who make their money from our natural resources.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Minister of Service NL, if he speaks now he will close debate.

MR. CRUMMELL: Thank you, Mr. Speaker.

Mr. Speaker, I just want to reassure everybody at home, certainly everybody in the Province and everybody in the labour movement, we definitely want the very, very best labour relations regime possible for the people of the

Province. Mr. Speaker, we believe that Bill 22 will help us achieve this.

The member opposite, the Leader of the Third Party, she has referenced several times that we do have the highest rate of union membership in Canada. Almost 40 per cent of the workforce are unionized. Mr. Speaker, the workforce here has been unionized under the current Labour Relations Act that has been in place for a number of years through the secret ballot process.

In the last two years, since we came into card-based certification, the rates of unionization, the certification of unions has stabilized. It has not changed one little bit. There is no evidence either which way to show that secret ballot vote or card-based certification is plus or minus when it comes to the rate of certification for unions in this Province. Again, we are the highest percentage unionized Province in all of Canada. So, for the member opposite to stand on her feet and say that we are going in the opposite direction is definitely untrue.

Mr. Speaker, the bottom line here is how can you argue against secret ballot? Since I became Labour Relations Minister a month ago, I dug into it. I have researched this very intently. I have talked to my officials in my department and every bit of research, every bit of polling, and every study that I have looked at has said that workers want secret ballot voting when they are making important decisions for themselves, their families, and their workplace. It is overwhelming. The evidence is 80 per cent to 90 per cent in every single study I have seen.

Mr. Speaker, this is throughout Canada. This is throughout Atlantic Canada. Workers want the secret ballot vote when they make decisions in their workplace, and that is what this is about today. This is about nothing else. This is about democracy. The fundamental symbol of democracy is that secret ballot vote. So, Mr. Speaker, we stand on that.

When we hear the member opposite talk about consultation; Mr. Speaker, we know that unions are not supportive of the secret ballot vote. For whatever reason, I am not quite sure, Mr. Speaker, because, again, that is a fundamental symbol of democracy for the people of the

western world and for people all over the world who are looking to become democracies themselves. So when we talk about where we are going here, I just fail to see what we are missing here, because we do understand what we are talking about.

Mr. Speaker, the bottom line here is we decided to review this. We made a decision to revert to the secret ballot process. The research shows that workers want this.

Mr. Speaker, I look forward to seeing the vote in the House, and I am sure we will have the majority of the members in this hon. House vote in favour of this amendment.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

SOME HON. MEMBERS: Nay.

MR. SPEAKER: Motion carried.

AN HON. MEMBER: Division.

MR. SPEAKER: Division has been called.

Summon the members.

Division

MR. SPEAKER: Are the Whips ready?

All those for the motion, please rise.

CLERK: Premier Marshall, Mr. King, Mr. Hutchings, Mr. O'Brien, Mr. Davis, Mr. McGrath, Mr. Crummell, Mr. Felix Collins, Ms Johnson, Mr. Jackman, Mr. Verge, Mr. Littlejohn, Mr. Hedderson, Mr. Dalley, Ms Sullivan, Mr. Kent, Mr. Sandy Collins, Mr. Brazil, Mr. Granter, Mr. Cross, Mr. Little, Mr. Pollard, Mr. Forsey, Ms Perry, Mr. Kevin

Parsons, Mr. Cornect, Mr. Hunter, Mr. Dinn, Mr. Russell, Mr. Ball, Mr. Andrew Parsons, Mr. Osborne, Mr. Joyce, Ms Dempster, Mr. Edmunds, Mr. Bennett, Mr. Lane, Mr. Kirby, Mr. Mitchelmore, Ms Bennett.

MR. SPEAKER: All those against the motion, please rise.

CLERK: Ms Michael, Mr. Murphy, Ms Rogers.

MR. SPEAKER: Order, please!

CLERK: Mr. Speaker, the ayes; forty; the nays: three.

MR. SPEAKER: Motion carried.

CLERK: A bill, An Act To Amend The Labour Relations Act. (Bill 22)

MR. SPEAKER: This bill is now read a second time.

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

MR. KING: On tomorrow.

MR. SPEAKER: On tomorrow.

On motion, a bill, "An Act To Amend The Labour Relations Act", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill 22)

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

MR. KING: Thank you, Mr. Speaker.

I move, seconded by the Minister of Finance, that the House do now adjourn.

MR. SPEAKER: It has been moved and seconded that this House do now adjourn.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

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

Motion carried.

The House stands adjourned until 2:00 p.m.
tomorrow.

On motion, the House at its rising adjourned
until tomorrow, Wednesday, at 2:00 p.m.