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*Speaker: Honourable Tom Osborne, MHA*

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The House met at 1:30 p.m.

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

Admit strangers.

I would like to welcome to the Speaker's gallery Gabrielle MacDonald, her brother Nick, mother Jackie and other members of their family and friends.

### Statements by Members

Today for Members' statements we have the Member for the District of Exploits, the Member for the District of Cartwright – L'Anse au Clair, the Member for Torngat Mountains, the Member for Stephenville – Port au Port, the Member for Placentia West – Bellevue and the Member for Terra Nova.

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

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

I rise in this hon. House today to commend the actions of emergency responders, hospital personnel, firefighting departments, municipal public works crews, road crews and various service organizations throughout the District of Exploits who provided tireless support during and after the flood of Thanksgiving 2016.

This day will long be remembered as the greatest rainfall in over 100 years in Newfoundland, which put our infrastructure past the point of coping with the extraordinary runoff.

I also wish to commend officials within the municipal, provincial and federal government. Each and every one made themselves available and approachable to the concerned residents of many communities.

As repairs were implemented in a prompt and efficient manner, washed-out roads and impasses were back to normal in short order. Many other residential-, municipal- and business-associated repairs will no doubt be going on for some time in the future.

I ask all Members to join me in honouring the efforts of all involved in handling this very difficult situation.

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

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

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

It gives me great pleasure to stand in this hon. House today to acknowledge a family who has devoted 68 years to the business community of Southern Harbour.

Whether it's in Labrador or anywhere in this great country, the Acreman's store is the epitome of a successful small business. Gordon Acreman first established a general store in Battle Harbour in 1948. In 1955, Gordon relocated with his family to Mary's Harbour where he operated out of a small room in his home until the following year when he built his new mercantile store, which is still standing today.

Operating a business in coastal Labrador decades ago was not like it is today. Freight came in on cargo ships and had to be off-loaded using motorboats and wheelbarrows; a far cry from the transport trucks and forklifts of today.

In 1979, Henry, Gordon's son, started working with his father. In 1984, he was joined by his wife Joyce, and they continued the family venture until their retirement on October 31, 2016.

I ask all hon. Members to join me in congratulating Henry and Joyce Acreman on their retirement, and we wish them good health and prosperity in the years ahead.

Thank you, Mr. Speaker.

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

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

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

I rise in this hon. House to offer congratulations to newly elected Natuashish Band Council Chief John Nui. Chief Nui brings a lifetime of experience and a wealth of knowledge to his new position. He's the kind of leader that will put the needs of his community before his own and I look forward to working with him as we advance the causes of our people.

I also want to take a moment to offer congratulations to the other members of the newly elected band council as well: Angela Pasteen, Nachele Poker, Len Rich and Matthias Rich. I know that they will do a great job in serving as band council members under the leadership of Chief Nui.

I also want to say a special thank you to the outgoing council and Chief Gregory Rich, who has given the community of Natuashish positive leadership and dedicated service.

As the Member for Torngat Mountains, I recognize the need for good working relations and I am looking forward to working with the band council.

I ask all hon. Members to join me in offering congratulations and support to the newly elected Band Council of Natuashish and Chief John Nui.

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

**MR. SPEAKER:** The hon. the Member for the District of Stephenville – Port au Port.

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

I rise today to acknowledge 16-year-old Jessica Skinner from Kippens. On October 23, the Grade 12 student of Stephenville High was crowned Miss Teen NL 2016. Further, she was awarded the pageant's titles of Miss Teen Academic, and Miss Teen Photogenic. Jessica was one of 11 contestants in the pageant, having been chosen from over 100 applicants from across Newfoundland and Labrador.

In addition to maintaining an honours average at Stephenville High, Jessica has been highly active in both her school and her community. She's devoted time to tutoring her peers, acting as a student mentor to younger students as well as coaching young figure skaters in the

CanSkate program for the past 10 years. She has also volunteered with numerous community initiatives, including the annual Cancer Relay for Life campaign.

A true role model for her peers and young women all across the province, this remarkable young woman is extremely humbled and honoured to receive the Miss Teen NL award. Jessica intends on pursuing a science degree at Memorial University upon graduation.

I ask all Members to join me in congratulating Jessica on her award, and in wishing her all the best in her future endeavours.

Thank you, Mr. Speaker.

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

**MR. SPEAKER:** The hon. the Member for Placentia West – Bellevue.

**MR. BROWNE:** Mr. Speaker, I rise in this hon. House today to once again celebrate the accomplishments of Marystown's own figure skating champion, Kaetlyn Osmond.

Back on the ice after a serious injury, Kaetlyn started the season off by winning the Finlandia Trophy in early October by beating out a three-time world champion from Japan for first place. Kaetlyn carried this momentum forward into the recent Skate Canada International competition, held at the beginning of November.

Her strong performance at that competition was good enough to earn her a silver medal. She's currently in China, preparing for the next event of the Grand Prix season, the Cup of China.

Mr. Speaker, Kaetlyn's determination and grit, along with her gracious personality and generous spirit, truly showcase the very best characteristics we share as Newfoundlanders and Labradorians. Her hometown and her home province are united in support for her as she continues as an exemplary ambassador for Newfoundland and Labrador.

I ask all Members of our House to join with me in congratulating Kaetlyn for her recent victories and to wish her all the best in the coming competitions.

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

**MR. SPEAKER:** The hon. the Member for the District of Terra Nova.

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

I rise in this hon. House today to recognize the efforts of the Southwest Arm Historical Society.

On November 10, approximately 200 people attended the unveiling of 15 information banners at Southwest Arm Academy commemorating the lives of 26 veterans who left their small, rural communities to serve in various capacities with the Royal Newfoundland Regiment during the First World War,

Historical Society members Lester Green, Peggy Hogan, Wanda Garrett, Elaine Peddle and Andrew Peddle began their research more than a year ago.

In the year of the Centennial of the Battle of Beaumont-Hamel, attendees including dignitaries, legionnaires and family members learned about these soldiers and how each contributed to the success of the Great War. Referencing the information banners, the school's drama club students recanted the stories of hardship, mental and physical illness, heartache, perseverance, courage and, for some, death, thus, providing a lasting legacy of remembrance.

Mr. Speaker, I would be remiss if I did not mention the creative musical talent of 12-year-old Hayley Peddle, who wrote and performed the song, Sailed Many A Mile in honour of this momentous occasion.

I ask all hon. Members to join me in congratulating the Southwest Arm Historical Society and Ms. Peddle for contributing to this lasting legacy.

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

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

#### Statements by Ministers

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

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

Mr. Speaker, to help develop a multi-year provincial roads plan, the provincial government has invited the general public to identify sections of provincial roads and bridges that should be considered for inclusion in the plan via an online feedback form.

Those who use the provincial road system have first-hand knowledge of road conditions. It is important to me, as minister, and us as a government, to extract that knowledge and use it to develop a sound, evidence-based multi-year roads plan.

Participants are asked to identify their region, route name and number and the nearest municipality or landmark as well as the type of issue, such as infrastructure deterioration, which affects their ability to use a road or a bridge. These will be considered for final plan.

The form, currently available, on the department's website, [tw.gov.nl.ca](http://tw.gov.nl.ca), will be available until November 21 and to date, we are encouraged by the level of public participation with over 330 responses so far.

Developing a multi-year approach to road improvement provides clarity and timelines on roadwork, allows government to use available resources more efficiently and allows for earlier tenders so we can take full advantage of our province's short construction season.

Thank you, Mr. Speaker.

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

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

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

I'd like to thank the minister for the advance copy of his statement. I encourage all residents to make submissions to the provincial roads plan; however, I'd like to point out to the minister that the deadline to submit is this coming Monday. So I'm glad to see that 333 people, according to the statement, have already submitted because it don't give them much time,

three days; but, in any event, it is all good to get public input.

The minister promised in the House last session that all of the roads in the province were ranked – there was a ranking for all our roads. When we inquired about the list, we were only given the list of the ranking of the roads that work was done with, not the full list that we asked for. I've asked for it on numerous occasions, so have some of my colleagues in our own districts.

The minister promised this list last year of all the rankings and I encourage him to provide the list now that he promised last year, and even a new list, after the submissions are registered.

Thank you very much.

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

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

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

I too, thank the minister for the advance copy of his statement. I have to tell him, I'm delighted to hear about this public consultation. We're on record for quite a while now as calling for a multi-year road transportation plan.

Having such a plan in place should lead to open and transparent process and, to this end, I urge the minister to ensure that the plan becomes available to public online and that people will be able to track government's adherence to an open and transparent process, as I think they've done in Nova Scotia.

Thank you very much, Mr. Speaker.

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

**MR. SPEAKER:** Further statements by ministers?

The hon. the Minister of Natural Resources.

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

I recently had the opportunity to showcase our mineral exploration and mining industry at

Mineral Resources Review in St. John's, which is Eastern Canada's largest industry conference and trade show, with approximately 700 delegates, exhibitors and visitors.

Mining is a major contributor to our economy with mineral shipments forecast to be \$2.8 billion in 2017. More than 7,000 people are employed in the industry. There are exciting things happening at, for example, Anaconda Mining, which was recently recognized by Canadian Business as one of the fastest growing companies in Canada; Rambler Metals and Mining; Tata Steel Minerals Canada; and the Iron Ore Company of Canada, to name a few, of the exciting things happening in our province. The underground mine expansion project at Voisey's Bay has started and construction at the Vale nickel processing plant at Long Harbour will be completed this year. The Canada Fluorspar has begun constructing the mine in St. Lawrence and there are many advanced exploration projects for potential investment for gold, base metals, rare earths and other commodities.

Our government supports growth in the mineral industry through public geoscience, efficient and transparent regulation, the core storage program, promotions, prospector training and mentoring, and the mineral incentive program.

Additionally, we intend to provide broader sharing of core sample information worldwide through digitalization and web access; and designate officials to help early-stage proponents navigate through regulatory frameworks. These initiatives are included in *The Way Forward: A Vision for Sustainability and Growth in Newfoundland and Labrador*.

I would like to thank all those involved in the Mineral Resources Review. We are working together to attract investment and develop the economy of Newfoundland and Labrador.

Thank you.

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

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

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

I certainly thank the minister for an advance copy of her statement, and I want to wish the Mineral Resources Review – government is certainly well justified in recognizing the important contribution the mining industry provides to our province, the economic impact, be it through revenue to the province or substantial employment opportunities for Newfoundlanders and Labradorians certainly can't be overstated.

During our time in government, there was a keen focus on the mining and exploration industry in this province. An important part of that focus was on building relationships and partnering with key industry stakeholders, some of whom we just mentioned.

In addition, significant investments in the Research & Development Corporation allowed innovative and new technologies to be adopted and fostered by industry, benefiting current stakeholders just as importantly attracting future prospects. We certainly acknowledge there are challenges that exist; however, the one thing greater than any current challenges facing the industry are the vast future opportunities that lie ahead.

Mr. Speaker, we're pleased to hear of government's intention to build upon the foundation laid by our government and continue to support and grow an important industry.

Thank you, Mr. Speaker.

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

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

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

I, too, thank the minister for the advance copy of her statement. It is important that government support the mining industry, an important industry in our province, and I thank the minister for the update of what is going on.

She noted she intends to provide wider core sample information and more help with regulations, initiatives included in *The Way Forward*. However, I would have liked to have

heard the details and a timetable for when exactly these initiatives will be put in place, not just intentions.

I look forward to that information in the future.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Today we have the pleasure of some special guests in the gallery. Most Members of the House are aware of who these individuals are. We had one guest prior, which we had a very special occasion – a constituent of the District of Ferryland who joined us just a few months ago.

This past summer 10-year-old Gabrielle McDonald saved the life of her 13-year-old brother, Nick.

While in Grand Falls-Windsor for a baseball tournament, Gabrielle's family made a visit to Thunder Brook Falls swimming hole for an afternoon of summer enjoyment.

While swimming, Nick was carried out by the strong current and was going underwater. His mother, who could not swim, was screaming for someone to help. Gabrielle swam to his rescue and had been pulled underwater several times while attempting to settle her brother. She did not panic, she managed to reposition her brother, get him on her back and swim to shore.

It was not until they reached the safety of shore that she realized the magnitude of what had just happened and became overwhelmed. Her mother was also crying frantically as she had almost lost her son and daughter.

Nick was a very lucky boy that day because his sister was so prepared and had remained calm.

Gabrielle credits the fact that she enjoys swimming, had been taking swimming lessons and had literally just completed a junior lifeguard camp.

All Members of the House recognize Gabrielle's bravery. They've all provided their signatures as a token of that representation. We also have a certificate to recognize Gabrielle as an outstanding citizen of Newfoundland and Labrador.

This certificate is signed by the Speaker, the Premier, the Leader of the Opposition and the House Leader of the Third Party.

I understand from Gabrielle's family that she's also going to be recognized by the Canadian Red Cross and the City of St. John's.

On a side note, after all of the excitement, Nick's baseball team won gold.

I invite Gabrielle to join myself, the Premier, the Leader of the Opposition and the House Leader of the Third Party as we present her with her certificate.

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

**MR. SPEAKER:** (Inaudible) we have the Broadcast Centre, we're going to give a disc to Gabrielle of the presentation of her certificate. So in a couple of moments I'll ask people to come forward but we're going to try to keep the cameras clear for just a moment.

Gabrielle, I congratulate you. We're very honoured that you're able to join us today in the House of Assembly.

**PREMIER BALL:** Gabrielle, we're glad of what you did (inaudible).

**MS. MICHAEL:** (Inaudible) strong and brave (inaudible).

**MR. P. DAVIS:** Congratulations (inaudible).

**MR. SPEAKER:** (Inaudible) and Mr. Davis.

This flag is presented to Gabrielle by all Members of the House of Assembly.

We invite family and others now to (inaudible). If we can get Gabrielle's mother and her brother to come down for a photo and then we'll send you on your way.

Okay, if I can get other members of the family to come in for a picture as well.

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

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

Now that we've had the sugar, it's time for the spice.

Oral Questions.

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

### Oral Questions

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

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

Mr. Speaker, here in the House of Assembly yesterday the Premier would not commit to bring any agreement that may be reached with Quebec or Hydro-Québec to the people of this province. He would not commit to bring information to the Legislature for debate and ratification before it becomes binding on the Province of Newfoundland and Labrador.

I ask the Premier: Will you make that commitment today?

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

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

We've had the spice, let's put some sugar on it I guess.

Mr. Speaker, this question was asked several times yesterday and, really, what it was about was discussions that were occurring or potentially occurring with Quebec. There are no discussions, so there's really no need at this point to be talking about what would actually come to this House because there's nothing to discuss.

However, Mr. Speaker, when you go back – Hansard is a wonderful thing. The media does a real good job in capturing events that have occurred. Back in 2015 – the story and the narrative that we heard in this House yesterday is quite different than what we are hearing today.

As a matter of fact, we just go back to the Canadian Energy Strategy which was put in place in July of 2015. There was a considerable

amount of work by a number of different provinces. We had Manitoba who co-chaired that event; New Brunswick who co-chaired that.

We had the former premier of Newfoundland and Labrador who also co-chaired that. As a matter of fact at that point they were extremely interested in putting in place opportunities that we could actually advance energy opportunities within our province and within the country.

Mr. Speaker, it seems to me today the former premier is trying to distance himself from those discussions.

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

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

Former Liberal Premier Grimes committed to a full debate and a free vote back in 2002 when Liberals back in those days were about to give away Gull Island, which incidentally led to the resignation of Dean MacDonald as chair of Nalcor over this very issue.

So I ask the Premier: Will you make the same commitment?

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

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

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

Well, I guess I could go back and anchor back to why the former premier didn't have such a suggestion with Muskrat Falls, as an example. It would be a more recent example, I would suggest.

But, Mr. Speaker, I think it's telling too what the former premier is actually saying about what he's been listening to, or what he's heard in the Quebec media and in stark contrast to what he's been saying back in 2015 to what he is saying now. As a matter of fact in 2015, about the project that he just talked about, he went on to say this – former Premier Davis added: For Gull Island, we're happy to sit down and talk about it.

That was with Quebec, of course. That was in August of 2015.

Now, yesterday he was painting quite a different picture about Quebec, so maybe we need some clarification. Before we make any decisions on how we would go forward with this, exactly what has been on the table because none of that was in our transition notes?

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

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

The Premier of the day is sitting opposite us; we're asking questions to the Premier of the day. People are interested to know what this government and this Premier is going to do, Mr. Speaker.

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

**MR. P. DAVIS:** Yesterday, the Premier contradicted statements made by the Quebec minister of Natural Resources that discussions were ongoing at the highest level for several months, is what the Quebec minister said.

So I ask the Premier: Why would a Quebec minister – why do you think at all – make these statements if they were untrue?

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

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

Well ironically again, we have the former premier who is trying to distance himself from his own discussion. As a matter of fact, quite frankly, he left the province to believe yesterday that this was really a meeting, one meeting that occurred which abruptly ended when the Premier Couillard asked to remove the court action.

Mr. Speaker, we were led to believe that there was a meeting that occurred, a discussion that occurred, which abruptly ended by the former premier saying that he would not take those court challenges off.



We would like to know, as part of the discussion, because history does teach us some lessons – and to put it in context, we don't know what discussions are already on the table, Mr. Speaker. So maybe the former premier would like to reach out and say why is it that in July you were saying that it ended abruptly, yet in September he was saying that they were still ongoing talks.

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

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

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

Question one, no answer; question two, no answer; question three, no answer. And each time, pivot, pivot, pivot.

This is supposed to be the open and transparent Premier. This is the man who campaigned and campaigned and asked people to vote. He's going to be more open than ever before and he won't answer a single question here in Question Period today, Mr. Speaker.

Mr. Speaker, it's been three days since Quebec announced that they've been talking with the Newfoundland and Labrador Liberal administration.

I ask the Premier: Have you advised the premier of Quebec that your views are very different from that of the Quebec minister and that there have been no discussions. Have you talked to the premier about that?

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

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

Well, talking about openness and transparency is really what I was talking about, about discussions that the former premier still not openly to put out there for the people of our province.

Mr. Speaker, I need not reach out to Premier Couillard, although we are scheduling a meeting to discuss what's been out there in the media.

All the former premier had to do was pick up a copy of *La Presse* yesterday when – this is what's there, just since yesterday: After opening the door to a renegotiation of a contract for supply of electricity at low cost at Churchill Falls Generating Station, the Quebec government has now backtracked.

There have been no ongoing discussions. As a matter of fact, they said they are open to discussions, they're willing to discuss, but there are no ongoing discussions.

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

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

**MR. P. DAVIS:** Premier, again no answer, so I'll ask it again.

Question number four: Why have you not talked to the premier? What has the premier of Quebec said to you about this?

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

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

We're scheduling a telephone call with Premier Couillard. He's out of the country, like I said yesterday in this meeting. We're scheduling that call.

As a matter of fact, I would suggest that the former premier had many more chats about Churchill Falls and developments of Churchill Falls than I have had. As I said yesterday, the last telephone call that I would have had with Premier Couillard was about letting him know that there would be a notice of appeal where we would be appealing the court action.

So I say, Mr. Speaker, yesterday there was a different tone coming out of Quebec. They are clearly saying that these are not issues that they are discussing right now, but they are open.

Mr. Speaker, as a Premier of this province, it is the responsible thing for me to do. If there's an opportunity to put a good deal in place, put the right deal in place, then my responsibility, on behalf of all Newfoundlanders and

Labradorians, is to have a discussion to see what options are available to us.

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

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

I'd suggest to the Premier and to Members opposite, this is a very, very important issue. This is Thursday, these comments were made and reported to be made on Monday. I can't imagine where the premier of Quebec could be that he can't take a call from the Premier of Newfoundland and Labrador from Monday to Thursday on such an important issue.

Is the premier of Quebec refusing to take your call, Premier?

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

**PREMIER BALL:** No, absolutely, he's not refusing to take my call. There's no reason to do that, but right now, as I said, the last time I spoke with him we were going to schedule a call.

Mr. Speaker, there is one thing about this; there are no discussions on the go. We're not having any discussions.

The urgency around what the former premier is saying, based on media reports coming out of Quebec, we'll have the call when the time is right. Hopefully, that will happen very soon. We're hoping for that. He's out of the country, as I said. We're going to have our conversation to see where things are.

This does require some clarity. It requires some clarity for me, as Premier of this province, because there are no discussions happening right now. The last telephone call I had with him was around the notice of appeal. The telephone call prior to that was on the Agreement on Internal Trade.

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

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

**MR. P. DAVIS:** Mr. Speaker, what the Premier is saying is this is not important enough to get this clarified sooner rather than later. That's what the Premier is saying, and he hasn't reached out.

So I'll ask the Minister of Natural Resources, because we know it's difficult to get answers from the Premier. I'll ask the Minister of Natural Resources: Has she taken the time, on this very important issue, to reach out to her counterpart in Quebec for clarification on his statements that talks have been underway for several months?

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

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

I take exception to the fact that he's saying this is not an important issue. It is an important issue. We want to explore the options.

Mr. Speaker, I can tell you right now, the former premier made it quite clear yesterday that he cut off discussions after three months. If you want to be open and transparent, I say to former premier, why don't you let the province know, once and for all, what it is you were discussing so that we will know what context – you already have this information out there. It went on for over three months. We already know that. Why aren't you open and transparent?

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

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

The Premier wouldn't let the minister answer, so I'm going to ask her again: Have you reached out to the Quebec minister on this matter, and what have you come to understand from talking to the Quebec minister?

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

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

Thank you for the question. It's a very interesting topic and, of course, as the Premier

has already said, this is an important discussion for the people of Newfoundland and Labrador.

I did see my counterpart in Quebec in August. I have not spoken with him since.

Thank you.

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

**MS. COADY:** If I may; at the federal/provincial/territorial meetings in Winnipeg.

Thank you.

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

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

**MR. P. DAVIS:** So we have a very different view point. We have a minister, not media, but a minister who has stated that the discussions have been going on for several months, and the Premier or the minister have not picked up the phone and contacted Quebec to find out why the differences. When they stand in their place and say the discussions have not been ongoing and they won't settle that problem here in the House or for the people of Newfoundland and Labrador.

I'll ask the minister this: Minister, is it your belief that Quebec should first provide redress on the Upper Churchill issue before sitting down on other matters? Do you believe that, Minister?

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

**MS. COADY:** Thank you very much.

It's a very interesting topic that the former minister, former premier is bringing up. He continues to ask these questions over and over again. There are not ongoing discussions. As the Premier has asked him, he's the one who's had multiple discussions on this very issue.

As we've indicated, as the Premier has indicated time and time again, there will be a discussion between the premiers in the coming days, in the coming weeks to discuss this most important

issue. As we know, for the Province of Newfoundland and Labrador, the concerns around the Upper Churchill have been paramount. That's why we've gone back to court. That's why we continue to pursue the court case with the Supreme Court of Canada, Mr. Speaker.

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

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

Minister, I apologize on trying to decipher if you do believe or don't believe.

So I'll ask you again. Do you feel Quebec should first provide redress on the Upper Churchill before sitting down with Quebec on other matters? I ask the Minister of Natural Resources, do you believe that should happen?

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

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

The hon. the Premier.

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

Well, while the former premier is apologizing, maybe he needs to apologize to the people of the province for keeping those discussions that he had back in 2015 secret, why he refused to put that out there.

Mr. Speaker, right now there are no conditions. There's no reason to put conditions on anything to this House today. There is no discussion to put conditions on. When we get there, if we get there – we don't even know if we can ever get there – we will have a conversation with Premier Couillard. We'll have that when the schedules do meet up, Mr. Speaker. I'm looking forward to that conversation because I agree, this situation needs some clarity.

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

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

At least I had the wherewithal to stand in my place and say, yes, the topic did come up in discussions with the premier of Quebec, unlike the Premier of the day is doing. He's trying to deny that those discussions are taking place.

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

**MR. P. DAVIS:** Minister, I'll try to make it a little bit easier for you on this matter. For 40 years Quebec has blocked Newfoundland and Labrador from unrestricted transmission of power.

Minister, I'll ask you: Are you willing to deal with the Upper Churchill issue before entering negotiations with other matters with Quebec? Is it important to you to have redress on the Upper Churchill issue before you go back and do more deals with the same entity?

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

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

I thank the hon. Member for his question. I find it disrespectful in some ways, the tone he has taken with me. And I will say that in this hon. House, Mr. Speaker, I don't think it is appropriate.

I will say that I think that we have demonstrated to the people of this province the seriousness of with which we take the Upper Churchill issue. We have gone to the Supreme Court of Canada on appeal on this very issue. We're spending the people's money to pursue an avenue that we think should be right and just for the people of this province.

Mr. Speaker, I know – we all know, the province knows that the hon. Member opposite has had discussions on this issue and perhaps he could tell us what those were about.

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

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

**MR. P. DAVIS:** Thank you, Mr. Speaker.

I understand what's happening in the Supreme Court, and we fully support that. Newfoundlanders and Labradorians throughout our entire province want redress and want a wrong being corrected and a wrong being righted.

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

**MR. P. DAVIS:** My question to the minister was simple: Do you believe that should happen before you have negotiations on other matters? That's not a disrespectful question; it's a very simple question. Do you believe that should happen? And the minister hasn't answered it.

Well, I ask the minister: Is government or Nalcor engaged in any discussions with Hydro-Québec on a possible partnership on Gull Island?

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

**MS. COADY:** No, Mr. Speaker. We have said time and time and time again we are not in negotiations with Hydro-Québec on issues surrounding Muskrat Falls, Gull Island or the Upper Churchill.

Thank you.

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

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

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

Mr. Speaker, I'd like to ask the Minister of Natural Resources: Can you give us an update on layoffs at Come by Chance Oil Refinery and tell us what involvement you've had to date?

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

**MS. COADY:** I thank the Member opposite for the question. This is a very difficult situation for the employees, their families, the surroundings communities. Layoffs are difficult on all of these people. I have met with the union that is responsible for many of the workers that may be laid off and I've had discussions and my office

has had discussions very recently with the company.

We are quite concerned about layoffs, obviously, and will continue to monitor and follow this. We are also very focused on ensuring the health and safety of workers and ensuring that things are progressing properly at the North Atlantic Refinery and will continue to do so.

Thank you, Mr. Speaker.

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

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

**MR. HUTCHINGS:** Mr. Speaker, we're hearing as well there are some issues in regard to health and safety going forward and some concerns that are being presented by some of the workers.

I would the minister: What talks are you engaged with in trying to deal with those concerns expressed by some workers?

**MR. SPEAKER:** The hon. the Minister of Municipal Affairs.

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

As the minister just said, it's a sad time for a lot of people out in that area. Our government is working with all the workers and the unions involved. One of the members of the union are coming in and meeting with Occupational Health and Safety on some concerns.

I can assure you of one thing – as you know, these layoffs will not take place until March. There's one thing we will not do, there's one thing that we will not bend, is the health and safety of the workers at that plant. Our inspectors will go out and inspect the sites. If there's any occupational health and safety hazard at that site, it will be rectified. We will not put any worker at that site in a compromising position because of health and safety because of layoffs. We can assure you of that.

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

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

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

I want to thank the minister for his thorough answer; I appreciate it. Thank you very much (inaudible) people of the province and certainly the workers at the facility.

Mr. Speaker, yesterday during Question Period, the Premier stated that he discussed the Agreement on Internal Trade with the premier of Quebec, but said there was nothing to do with Upper Churchill contracts.

I wonder if I could ask the Minister of Natural Resources: Do you stand by and understand this statement?

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

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

I understand the Premier was quite clear yesterday; there have been no discussions with the premier of Quebec on the Upper Churchill contract.

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

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

**MR. HUTCHINGS:** Mr. Speaker, in a later response the Premier contradicted his statement by stating that the Agreement on Internal Trade was about the flow of electricity through Quebec.

I ask the minister: Did the talks include the transfer of hydro power from Labrador to Quebec related to the Upper Churchill and/or the Muskrat Falls?

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

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

Well, I'll take that question. I'm also the Minister of Intergovernmental Affairs, and so was directly involved in the Agreement on Internal Trade that was discussed in Whitehorse.

When the discussion took place, there were a number of different things on the Agreement on Internal Trade, which is really essentially free trade within Canada. In the past what had happened, there were a number of different trade deals that were in place that it was more restrictive to actually do trade amongst Canadian provinces. So there was a requirement to actually update the Canadian Free Trade Agreement.

One of the components of the Free Trade Agreement is the free flow of electricity, and the provinces that would mostly be impacted by that would be Quebec and Newfoundland and Labrador. This has been a long, contentious issue. So there is a process that has been established that will take from where we are today to the finalization of the Agreement on Internal Trade that will participate and allow free flow of electricity.

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

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

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

I thank the Premier for your answer, but what I was asking about, in regard to those discussions on internal trade, were there discussions related to the transfer of energy from Labrador to the Quebec related to any of the projects, Muskrat Falls or Churchill Falls, at that time?

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

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

What we have here is a free flow of electricity not connected or related to any particular project or any particular development. It could be any source of electricity as an example, Mr. Speaker.

So it is not project related, not at all. This was essentially around opening barriers, breaking down jurisdictions, allowing for the free flow of electricity.

This has not even been finalized yet on the Agreement of Internal Trade. This is a process that will take quite some time, I say, Mr. Speaker. We're hopeful that we could get free

flow of electricity. It's good for Canadian provinces. Mr. Speaker, it would be good for Newfoundland and Labrador but, right now, it's not related to any specific project.

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

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

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

Mr. Speaker, when the Minister of Natural Resources responded to my correspondence from April 1, about three months ago, she provided some data on the domestic rate forecast which was 21.4 cents.

I ask the minister: How much of the revenue from surplus energy sales from Muskrat Falls had been included in this rate calculation?

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

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

I thank the hon. Member for his question. There are no mitigation efforts in that calculation. As it was clearly articulated in June of 2016, June of this year, it was clearly stated that we would be looking at ways to mitigate those rates. We are looking at ways to mitigate those rates. We have directed Nalcor to do a thorough analysis on how we can lessen the impact to ratepayers in this province of a project that is going to drive rates quite high, and we're quite concerned about it.

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

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

**MR. HUTCHINGS:** Mr. Speaker, the sanctioning of Muskrat Falls built in an allowance to deal with the mitigation of rates and this is one of them. The information that we received from –

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

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

**MR. HUTCHINGS:** The information we received from Nalcor based on the updated assessments in June, just recently given to us, indicates that in 2021 there will be about \$150 million in revenue raised from excess energy. That will proceed to 2040 to well over \$3 billion.

I ask asking the minister: Why would you come out and support 21.4 cents for ratepayers and tell them they are going to pay it until 2021 when there's a clear indication here of how you can adjust those rates? Why are you misleading the people of Newfoundland and Labrador?

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

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

**MS. COADY:** I find the question quite interesting. We have been open and transparent with the people of the province, unlike the former administration, on the whole Muskrat Falls issue. We were clear on what the cost of Muskrat Falls will do to drive up rates in this province. That's what we were clear about.

We have also been clear in saying that we are going to try our very best and have directed Nalcor to mitigate rates because of the Muskrat Falls situation that we find ourselves in this province. We have clearly indicated that we would use the sale of excess power to help reduce the rates, but we were clear in putting out the information to the people of the province what Muskrat Falls will cost ratepayers.

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

**MR. SPEAKER:** The hon. the Opposition House Leader on a very quick question.

**MR. HUTCHINGS:** The minister has indicated that she does recognize that there's a means here to mitigate rates which was built into the development. We had the information that was provided to us on what those numbers will be and what the projected excess revenues will be.

So simply, why aren't you doing that to bring down the 20.4 per cent rate? Are you willing to do it and are you going to do it, a simple question.

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

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

I'm going to answer this question because I was around at the time. We were the ones in Opposition at the time that actually asked and made a commitment to put that money – any excess surplus money, that would go back to offset rates.

The previous administration, what they did is said that prior governments – or governments that were in power at the time could make the decision for themselves how to spend the excess money. That was part of the plan that the minister is talking about. That was their decision.

It wasn't until the former minister, Minister Dalley at the time, made long after the sanctioning of the Muskrat Falls Project – it was Minister Dalley who made mention on a debate, because I was part of it, when he then said to the public of Newfoundland and Labrador that his government would be willing to put mitigation efforts in place that would mean the sale of surplus power, which we do not really know how much that would be.

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

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

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

It's clear from the Premier's statements, both to the media and today in the House, that the government is at least contemplating having meetings with Quebec over Labrador hydro projects.

What I'm asking the Premier, Mr. Speaker, is: What are the government's objectives in taking part in such discussions?

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

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

One of the things that's with any objective, with any deal that it could potentially mean – I don't

even know if we could actually ever get there, it's simply no discussion right now. It seems to me the leader of the Third Party doesn't want any discussions, doesn't want us to enter anything at all that could bring economic benefit to the people of our province.

Our objective is very clear here, it would be if there's an economic benefit to Newfoundlanders and Labradorians that we could use to support social programs, support Newfoundlanders and Labradorians, either in health care, in education, affordable housing, create jobs for Newfoundlanders and Labradorians. I think that's a good thing actually, Mr. Speaker.

So any time we want to normalize relationships with Quebec or if it's with some other provinces for partnerships in potential deals that benefit Newfoundlanders and Labradorians, we're willing to have that discussion but it has to be the right deal for Newfoundland and Labrador.

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

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

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

The Premier obviously is not willing to tell us what exactly he's going to be looking for from Quebec. So thank you, Mr. Speaker.

The Premier's mandate letter to the Minister of Natural Resources instructs her to seek opportunities to develop the Gull Island hydro project, maybe that's an objective.

I ask the minister: Can she inform the House of any meetings she or her official have had with the federal government, Quebec or other provinces concerning Gull Island and the nature of those meetings?

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

**MS. COADY:** Thank very much for the questions.

While it is in my mandate letter, and I would be happy to pursue the development of Gull Island

if the right conditions for the Province of Newfoundland and Labrador exist, certainly not the same conditions that Muskrat Falls was developed, Mr. Speaker.

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

**MS. COADY:** However, Mr. Speaker, there have been no discussions with anyone, federal or provincial governments or any individual, on the development of Gull Island since I've been minister.

Thank you.

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

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

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

I read no provisos in her mandate letter.

Mr. Speaker, I now ask the Premier: Is he aware of any discussions the federal government is having with Quebec or Nova Scotia about hydroelectric projects in Labrador?

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

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

Once again, I want to go back and anchor to the comment that whatever deal, if on any particular – if it's hydro, if it's mining or if it's infrastructure in any capacity around education, the deals will always be structured on evidence based with due diligence done, good analysis done, both financially and impacts on our province. If there's a benefit for Newfoundlanders and Labradorians at any deal, with any province, we will do so based on the impact on Newfoundlanders and Labradorians, and the impact must be a positive one. Let's be very clear.

Right now, back to her question; there are no negotiations ongoing. I have not had any discussions with Ottawa about developments of Gull Island.



Mr. Speaker, let's be very clear, we will be speaking with Premier Couillard as soon as he's in a position to be able to speak to us. I just don't want this to be a two-or-three-minute call. We need to clarify what is actually going on and what's the source of those comments in Quebec. They have significantly backtracked this week already.

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

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

**MS. ROGERS:** Mr. Speaker, government's Bill 43 to create safe access zones for abortion services is a good and bold piece of legislation.

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

**MS. ROGERS:** But it does fall short of providing equal protection for the entire team providing the service.

Mr. Speaker, I ask the minister: Will he reconsider and amend his bill to extend the same extended protection to all service providers and not just doctors?

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

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

I'm certainly very happy to stand here today and discuss Bill 43, which is one of the most progressive pieces of legislation to be introduced into this House of Assembly in some time.

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

**MR. A. PARSONS:** When we talk about access to abortion services, providing safe space for women that want to access medical services, I am certainly very proud to stand here and talk about this piece of legislation which as I discussed earlier today, was first brought to our attention in January and we've been working through since that time to make this bill happen. We will have second reading here today.

This bill is a balancing act between the right to protest, that Charter right, but also a person's right to have safe access to get a medical

service. It took a significant amount of work. It took a lot of legal work to happen, and it was also based on a bill from British Columbia.

Again, we are very happy to debate that bill here in the House of Assembly and we look forward to the Member's support of this bill as we debate it.

Thank you.

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

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

**MS. ROGERS:** Mr. Speaker, history has shown that all service providers, doctors, nurses, counsellors and others have been targets for harassment and intimidation in their work of providing abortion services.

I ask the minister: Why would he introduce legislation creating two categories of protection for service providers when it's not necessary to do so?

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

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

I'm very happy to stand here and discuss this very significant piece of legislation which is, I note, based on a piece of legislation from British Columbia from the '90s. We're the only two provinces to have this legislation that we are aware of.

It's a very fine line when we are discussing Charter rights. The piece of legislation from British Columbia was challenged but it was successfully defended, and that's who we've modelled our legislation on. I'm very happy to talk to that.

Again, I would also look to section 13 of that piece of legislation that says the Lieutenant Governor in Council can enter regulations at any time to protect all individuals for this. So as soon as those come forward, we will be happy to discuss them.

I have to quote Ms. Lynn Moore today who was a driving force to this, when she talked about how quick our government was to move to make this piece of legislation happen.

Thank you.

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

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

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

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

The time for Question Period has expired.

Presenting Reports by Standing and Select Committees

Tabling of Documents.

Notices of Motion.

#### Notices of Motion

**MR. SPEAKER:** The hon. the Minister of Municipal Affairs.

**MR. JOYCE:** Mr. Speaker, I give notice that I will ask leave to introduce a bill entitled, An Act Respecting Procurement By Public Bodies. (Bill 46)

**MR. SPEAKER:** Further notices of motion?

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

**MS. C. BENNETT:** Thank you, Mr. Speaker.

Mr. Speaker, I give notice that I will ask leave to introduce a bill entitled, An Act To Amend The Independent Appointments Commission Act, Bill 45.

Mr. Speaker, I also give notice that I will ask leave to introduce a bill entitled, An Act To Amend The Loan And Guarantee Act, 1957, Bill 2.

**MR. SPEAKER:** Further notices of motion?

The hon. the Government House Leader.

**MR. A. PARSONS:** I stand on a point of order, Mr. Speaker, and it's appropriate to wait until Question Period is over.

During Question Period, the Opposition House Leader in a question stated that the Minister of Natural Resources was misleading the people. That's clearly unparliamentary and I would ask for him to retract the comment and apologize.

Thank you.

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

**MR. HUTCHINGS:** I retract that comment, Mr. Speaker.

**MR. SPEAKER:** On notices of motion?

**MS. C. BENNETT:** Yes, Mr. Speaker.

**MR. SPEAKER:** The Minister of Finance and President of Treasury Board.

**MS. C. BENNETT:** Thank you, Mr. Speaker.

Just for clarity, the Loan and Guarantee bill is actually Bill 41. I may have referenced the wrong bill number when I stood up earlier.

Thank you.

**MR. SPEAKER:** Further notices of motion?

Answers to Questions for which Notice has been Given.

Petitions.

#### Petitions

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

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

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

WHEREAS government has once again cut the libraries budget, forcing the closure of 54 libraries; and

WHEREAS libraries are often the backbone of their communities, especially for those with little access to government services where they offer learning opportunities and computer access; and

WHEREAS libraries and librarians are critical in efforts to improve the province's literacy levels which are among the lowest in Canada; and

WHEREAS already strapped municipalities are not in a position to take over the operation and cost of libraries;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to keep these libraries open and work on a long-term plan to strengthen the library system.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, when the government made its ill-advised, short-sighted decision to close 54 rural libraries in the province, it incredibly included every single library situated in an island community, every single one. One such island community is the historic community of Change Islands in Notre Dame Bay.

Not only was the Change Islands Public Library slated for closure, Mr. Speaker, but there was no public consultation held on the library, so any residents who wished to attend a consultation had to travel by ferry and car to Twillingate to do so, even for the consultation. What a statement of disrespect to the people who live in island communities.

Not only did government intend to close all the island libraries, they didn't hold a single consultation to give people from those communities a meaningful chance to participate in the review.

It was a bad decision, poorly implemented, Mr. Speaker, and the minister couldn't even get the review right. No wonder that people are up in arms. And people in Change Islands were delighted to turn out to a meeting that was held

by the leader of my own party to give them a chance to speak their words, to tell us what their concerns were.

The petitions that I have here in my hands today include the people from Change Islands who want you to know, they want the House of Assembly to know, that they are really upset over what has happened and they want to have that library kept on Change Islands.

Thank you very much, Mr. Speaker.

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

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

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

WHEREAS many students within our province depend on school buses for transportation to and from school each day; and

WHEREAS there have been a number of buses removed from service over the past few weeks for safety reasons, calling into question the current inspection and enforcement protocols for school buses in the province; and

WHEREAS there have been concerns raised by members of the busing industry regarding government's tendering practices as it relates to the provision of school bus services in the province; and

WHEREAS there are many parents throughout our province who have raised both scheduling as well as safety concerns regarding the English School District's 1.6-kilometre policy, the courtesy-seating policy, new double bus run schedule, as well as overcrowding on school buses;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge the Government of Newfoundland and Labrador to strike an all-party committee on school busing to consult with stakeholders and make recommendations to

government for the improvement to the school busing system in our province.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, I'm raising this again today because it is a very important issue. I do want to acknowledge the Minister Responsible for Service NL; I did see in the media I think it was yesterday or the day before that there are going to be some measures taken to improve the inspection processes for school buses. I see that as a very positive thing.

It will be interesting to see what those changes will be. Hopefully, I'm assuming there will have to be something to come before the House of Assembly. If we can do something to improve inspections, as the minister is proposing, I'll certainly be supporting that.

But beyond that, Mr. Speaker, there are a number of other issues as mentioned in the petition around the 1.6-kilometre policy and the safety concerns that parents have for their children, particularly young children that would have to be walking to school now. This time of the year it would be in the dark, potentially with snow covered roads and so on. A lot of areas don't have sidewalks. Even areas that do have sidewalks, such as in my district, they're not always cleared and certainly not right away; it could take a few days, a couple days for sure, before a lot of these areas get cleared.

So there are a number of issues around busing, as I said. I will acknowledge the Minister of Service NL is going to take some action on the inspections. That is a positive step. I hope that the Minister of Education is also going to step up to the plate and deal with some of the other issues around school busing.

Thank you, Mr. Speaker.

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

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

To the hon. House of Assembly of the Province of Newfoundland and Labrador in Parliament

assembled, the petition of the undersigned residents of Newfoundland and Labrador humbly sheweth:

WHEREAS the recreational ground fishery is a part of our culture, history and heritage; and

WHEREAS the federal government is proposing a tag system for the recreational ground fishery in 2017; and

WHEREAS participants would have to purchase licences and purchase tags in order to participate in the recreational fishery;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to urge the federal government not to implement a cost or fee for those participating in the recreational ground fishery in 2017.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, the recreational fishery, or some people call it the food fishery, is a very important part of who we are as Newfoundlanders and Labradorians. It's very important to people who enjoy – I really do enjoy going out on the water and catching a cod fish. I know you do also, Mr. Speaker. So does most Newfoundlanders and Labradorians.

I believe it's important that we take records. I'd love to see a logbook or some kind of a record to take and show what fish is being caught because I think that's what DFO are really looking for. That's what they're saying anyway. They're looking to be able to keep record of how much fish is actually coming out of the water.

But if you look at the cod fishery itself, Mr. Speaker, the recreational fishery takes around 1 per cent or a little bit less than 1 per cent. While 1 per cent is important to be able to log how much fish is coming out of the water and whatnot, it's a very, very small part of what DFO needs when they look at the stock and everything else when it comes to the cod fishery.

I really don't believe that we should be charging Newfoundlanders and Labradorians for going on the water and catching cod fish. Maybe there's a

way that we can ask them to – I know I'd be willing to do it. I went to a meeting at the Capital Hotel where there were a lot of people involved in the recreational fishery. They were all willing to say: Listen, I'll take a logbook and I'll register this and I'll do that, but people do not want to have to pay.

Another thing, too, Mr. Speaker, why is it that Newfoundlanders and Labradorians are the ones that have to pay? Why are we paying for tags? Why are we paying a licence when the rest of Atlantic Canada and other provinces in Canada can do it freely? It just seems unfair to me.

If DFO wants us to log and say, okay, listen, we'll try to register people that are out on the water so we can have a great idea of how much fish is actually getting caught, then I'm sure most people will want to make sure we are responsible in the fishery. That's just part of who we are as Newfoundlanders and Labradorians. It's our right. It's our heritage. It's our culture. It's who we are as a people. We live on the water; we grew up on the water. That's just part of who we are.

So, Mr. Speaker, I believe it's very unfair to ask Newfoundlanders and Labradorians to pay for this tag system or licence.

Thank you very much.

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

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

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

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

WHEREAS the education of children is one of the most important and vital investments that can be made in the success of our children; and

WHEREAS the Government of Newfoundland and Labrador should be choosing educational options that will provide all students of our province with a higher standard of education and

enhance the learning experience for all youth; and

WHEREAS the government's decision to make cuts to teachers and to our educational system will have a negative effect on the students;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to reverse the decision effective immediately.

Mr. Speaker, we've had this discussion from last fall when the budget came down and there were dramatic cuts to our education systems. We saw the backlash from every agency, every stakeholder, a multitude of thousands of parents, students themselves, even people not connected with the educational system, but saw the detrimental effect it would have with the cuts that were being made.

You see the theme here, just in three of the five petitions that are being put forward here. We're talking about major impacts that are happening here. Library cuts, we've got issues around busing. We've got issues now around teacher allocations, blended classrooms. We got issues around the lunch program and having overcrowded processes there. We got issues around supervision, because it's an added responsibility on students. There are more students in a confined area with less ability to be able to be supervised in the proper manner.

Teachers are doing a wonderful job to be able to make sure kids are active and are in a safe environment. Administrators are doing a wonderful job to look at how they encompass better transportation routes. Parents are trying to accommodate by mending their schedules to be able to fit the needs of their students when it comes to extracurricular activities and that, because we've made so many cuts to the education system; all of these.

Mr. Speaker, my fear is, and so are the key educators here and parents, in the next number of years you're going to see a decline in the quality of education, and not because we don't have the best educators out there, not because we don't have the best support mechanisms when it comes to parent supports, after school programs and that, but it's because we've cut in

areas that are going to have a detrimental effect to the education system.

When we're putting blended classrooms together; when we're putting in extra responsibilities in a classroom setting; when a teacher can only handle so many students at a time; when they want to be able to emphasize particularly those kids that may have some challenges around learning, they want to emphasize being able to give them an even keel; when there are no opportunities for kids to be active in a classroom setting; when there's not an ability for the volunteers to be able to come in, in a proper setting because of the numbers to be able to offer lunch programs and ensure all kids are healthy while they're in the school system; when we have issues around kids having to get up in the dark and being dark when they're getting home because their busing schedules have changed, or their older siblings can't be there to ensure they get home safe and we have these latchkey kids programs that are now more prevalent here in this province than it would have normally ever been.

So we have challenges around those types of things here and it's because we didn't look at the long-term plan. If we're going to invest money, where do we invest it to get the best return on our dollar? Everybody knows it's in education. When you make education cuts and they're early in the education system, it has a detrimental effect later in the system, and we're going to pay the price down the road because we didn't do due diligence.

In hindsight, people should look back at this and say we've had everybody tell us a best approach to addressing our education challenges is ensure we invest in the front end. We're not even saying put extra money there. Everybody is saying let's work together. Let's find a way that we can better use the money we're having. When you start cutting it then you're trying to find, which are the priorities?

You shouldn't be prioritizing things in the education system. Everything is important. Everything is part of a continuum to ensure when you start off in pre-kindergarten, when you go into the kindergarten system, when you go into the all-day kindergarten system, which is a great program, and when you go into the full

classroom system you have to have all the services that are necessary. Teachers need to have prep time. Teachers need to also have the support mechanisms.

So, Mr. Speaker, we'll have an opportunity over the next number of weeks to speak to this again.

Thank you.

**MR. SPEAKER:** Further petitions?

Orders of the Day.

### Orders of the Day

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

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

I would call Order 2, third reading of Bill 39.

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

**MR. A. PARSONS:** Mr. Speaker, I move, seconded by the Minister of Natural Resources, that Bill 39, An Act To Amend The Judicature Act, be now read the third time.

**MR. SPEAKER:** It is moved and seconded that Bill 39 be now read a third time.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

**CLERK (Ms. Murphy):** A bill, An Act To Amend The Judicature Act. (Bill 39)

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

On motion, a bill, "An Act To Amend The Judicature Act," read a third time, ordered

passed and its title be as on the Order Paper.  
(Bill 39)

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

**MS. C. BENNETT:** Thank you, Mr. Speaker.

By leave, I would just like the opportunity to re-read for Hansard and for the Clerks at the Table the notice of motion from earlier, if that's okay.

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

Does the hon. minister have leave to revert to notices of motion for a correction?

**AN HON. MEMBER:** Yes, leave.

**MR. SPEAKER:** Leave has been granted.

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

**MS. C. BENNETT:** Thank you to the Members opposite.

Mr. Speaker, I give notice that I will move that the House resolve itself into a Committee of the Whole to consider a resolution relating to the advancing or guaranteeing of certain loans made under the *Loan and Guarantee Act, 1957*, Bill 41.

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

**MR. A. PARSONS:** Mr. Speaker, Order 3, third reading of Bill 40.

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

**MR. A. PARSONS:** Mr. Speaker, I move, seconded by the Minister of Natural Resources, that Bill 40, An Act To Amend The Works, Services And Transportation Act, be now read the third time.

**MR. SPEAKER:** It is moved and seconded that Bill 40 be now read a third time.

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

All those in favour?

**MS. MICHAEL:** Mr. Speaker, (inaudible).

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

The hon. the Member for St. John's East – Quidi Vidi.

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

You didn't see me but I was standing. I understand if you didn't see me when I stand.

I would like to take the opportunity in third reading to speak to Bill 40. I did indicate, when I stood and spoke to it in second reading, that as an MHA from the heart of the City of St. John's it did not affect any of my constituents and it doesn't. I mean there's nowhere around St. John's East – Quidi Vidi that either residences or businesses have access to a highway that this bill would refer to.

But I also did indicate that I understood it could be an issue for people in rural Newfoundland. During the second reading and during Committee I did hear a lot of very important points put forward by my colleagues in the Official Opposition and I listened carefully to those.

Having listened to them, I am in agreement with them that I do not see a rationale for these fees being put in place. It's not like it was a fee that was already there that was even increased, it was a brand new fee. As my colleague for Conception Bay South, I think, pointed out quite strongly a couple of times we haven't received any kind of rationale based in policy for this to happen. We have an act that is giving the government, the minister, the opportunity to set fees. Again, set fees with what criteria? What would be the priority, just set new fees all over the place?

So knowing that and again listening to my colleague for Ferryland, this is something that could be a real hardship in development in rural Newfoundland. When you talk about small businesses, for example, a \$500 fee for a permit that can be a heavy fee, but it's the whole principle of the fees being put forward without any real analysis and not based on policy.

Having listened to my colleagues representing rural areas of the province, I want to say that I will not be supporting the bill.

Thank you.

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

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

I'm just going to make a few comments. I thank the Member opposite for making a comment or two with regard to fees. I can just assure the people of Newfoundland and Labrador that we probably would not be in a position to put fees in if we were not in the fiscal situation we're in. We have to deal with a huge deficit.

As I said before when I talked to the bill yesterday that it's not necessary for us – it's not something that we're trying as a revenue generator for us to make money on. The hon. Member asked a question about what type of recovery because I made a comment as well that the fees will not be a total recovery of costs.

We are using our staff and our personnel to make sure these applications and all the safety measures are there, the site lines are all in place, so it's time consuming and we're taking them away from regular work that's costing us as a province. As a result of that, these fees are being implemented to offset some of those costs. The hon. Member asked the question and I said if I was wrong, I would get back to him – I quoted I think 80 per cent, but it's actually 85 per cent recovery.

So I didn't get back on that because I felt that within 5 per cent, we were okay. But it's about an 85 per cent recovery on that. We're not out there to make money on these permits; we're out there to do an offset on that. We have to make these choices sometimes and we decided that we would put in a fee structure that would, in some way, recover partial costs that we would have to spend to make sure that all of the necessary measures are in place to make sure that we have proper access to our highways.

So, Mr. Speaker, that's the rationale. Nobody likes to have to just arbitrarily put fees in. This is not the situation where we're arbitrarily putting

fees in. As I said before, it's a partial cost recovery and I think it's a fair amount and a fair fee.

Mr. Speaker, thank you for the opportunity to correct that.

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

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

I hadn't intended on speaking on this bill again, but given the fact that the leader of the Third Party has spoken, I feel I have to because I suspect we may see a division now on this vote. I don't know if we will or we won't, but we may. I'm going to be continuing to support the government on this particular bill. Before I stand and support it, if there's a division I, at least, want people to understand why I'm supporting it.

In listening to the minister, at the end of the day, Mr. Speaker, we all know we're in a tough financial situation. We have to find ways to be more efficient and we have to find ways of recovering costs and so on. There are certain services that we all avail of, things like health care and things like that which we all avail of and there's no cost. Although I'm sure people in rural Newfoundland would say there is a cost for travel and all that, but generally speaking, there's no cost. We can send our kids to school. Generally speaking, there's no cost. There are costs, obviously, for school clothes and different things and programs, but they can go to school for free.

Everything can't be free. I think we have to face reality; everything can't be free. So we have to find some areas we can go to make things more efficient, as I said, and also to look at things that we're doing that there's a real cost to, outside of some of these core things that we're doing, core programs and say what things should we charge fees and so on for.

Again, I totally understand where my colleague in the Official Opposition, the Member for Ferryland, is coming from that if there are gaps in the current legislation, they all should have been addressed perhaps at the same time that the fee part was addressed. So I can understand



where he would say, well, why didn't you deal with the whole piece of legislation, fix all the issues there and then add the fee, as opposed to just going after the fee? That can give the impression that it's just a money grab.

But in listening to what the minister is saying, at the end of the day if all we're doing is we're recovering 85 per cent of the real cost associated to this – and I do believe the minister, that there would be a real cost. If someone is going to issue a permit, then there has to be an application process, someone has to process that, somebody has to sign off on it. There may have to be, I don't know, an engineer or an inspector to travel to the site and size it up to make sure where the entrance is going to be, that it's done properly and safely and all those things. There's real cost to that. It's no different than a municipality has to charge permit fees for things they do as well.

Now, nobody wants to see any fees at all and nobody wants to see any taxation. We all know that. I've been pretty clear in my view on some of the taxes in the last budget and things I didn't support. We can agree to disagree on some of that. Although some of it was necessary, no doubt. But when it comes to this particular issue, I think if there are areas we have to go then this is one that is reasonable.

If someone is going to build a brand new home and they're going to spend \$200,000 or \$300,000 or \$400,000 or whatever, a \$50 fee to have the driveway is going to be inconsequential in that scheme of things. If someone is going to put up a big commercial establishment and a big parking lot and there's going to be one or two entrances, \$500 is not going to be a big deal, I don't believe, in that case. Will there be exceptions to every rule? Sure there will. But from an overall perspective, I think it only makes good common sense.

While I totally understand, as I said, what the Member for Ferryland is saying and I would have liked to have seen all of the issues in this particular piece of legislation, if there are any loopholes and things that don't make sense, they all should have been done at the one time. But I don't think we can say because that wasn't done and we just ignore this particular issue and this particular amendment. We can always make

additional amendments at another time to update the other parts of the legislation.

With that in mind, I will support the motion.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Seeing no other speakers, is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

**SOME HON. MEMBERS:** Nay.

**MR. SPEAKER:** Carried.

The hon. the Clerk.

**CLERK (Barnes):** A bill, An Act To Amend The Works, Services And Transportation Act. (Bill 40)

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

On motion, a bill, "An Act To Amend The Works, Services and Transportation Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 40)

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

**MR. A. PARSONS:** Mr. Speaker, I move, seconded by the Minister of Finance and President of Treasury Board, for leave to introduce a bill entitled, An Act To Amend The Highway Traffic Act No. 3, Bill 42.

I further move that the said bill be now read the first time.

**MR. SPEAKER:** It is moved and seconded by the hon. the Government House Leader that he shall leave to introduce Bill 42 and that the said bill shall now be read a first time.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

Motion, the hon. the Minister of Service NL to introduce a bill, "An Act To Amend The Highway Traffic Act No. 3," carried. (Bill 42)

**CLERK:** A bill, An Act To Amend The Highway Traffic Act No. 3. (Bill 42)

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

When shall the bill be read a second time?

**MR. A. PARSONS:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, Bill 42 read a first time, ordered read a second time on tomorrow.

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

**MR. A. PARSONS:** Mr. Speaker, I move, seconded by the Minister of Finance and President of Treasury Board, for leave to introduce a bill entitled, An Act To Amend The Municipalities Act, 1999, Bill 44, and I further move that the said bill be now read the first time.

**MR. SPEAKER:** It is moved and seconded by the hon. the Government House Leader that he shall have leave to introduce Bill 44 and that the said bill shall now be read a first time.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

Motion, the hon. the Minister of Municipal Affairs to introduce a bill, "An Act To Amend The Municipalities Act, 1999," carried. (Bill 44)

**CLERK:** A bill, An Act To Amend The Municipalities Act, 1999. (Bill 44)

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

When shall the said bill be read a second time?

**MR. A. PARSONS:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, Bill 44 read a first time, ordered read a second time on tomorrow.

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

**MR. A. PARSONS:** Mr. Speaker, I call Order 4, second reading of Bill 43.

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

**MR. A. PARSONS:** Mr. Speaker, I move, seconded by the Minister of Finance and President of Treasury Board and Minister Responsible for the Status of Women, that Bill 43, An Act To Create Safe Zones Around Facilities And Homes Of Doctors And Service Providers Providing Or Facilitating Abortion Services, be now read the second time.

**MR. SPEAKER:** It is moved and seconded that Bill 43 be now read a second time.

The hon. the Government House Leader.

Motion, second reading of a bill, "An Act To Create Safe Zones Around Facilities And Homes Of Doctors And Service Providers Providing Or Facilitating Abortion Services." (Bill 43)

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

I am very proud to stand here today and speak to this significant piece of legislation, which the long title, as I just read, is An Act to Create Safe Zones Around Facilities and Homes of Doctors and Service Providers Providing or Facilitating

Abortion Services. The short title will be the *Access to Abortion Services Act*. And in many ways, in the media since this topic has been made public in the last number of months has been called the safe zones bill or a buffer zones bill.

I'm very pleased to be able to stand here and introduce this piece of legislation which will allow for the creation of safe access zones around facilities that provide abortion services, as well as around the residences and offices of doctors and other people who provide or facilitate the provision of abortion services.

This bill is designed to ensure that abortion services are provided in a secure, respectful and private environment. Now, there's no doubt that, whether it be this House, whether it be this province or whether it be this country, there are differing views when it comes to the topic of abortion. Certainly, it has been a debate in this country for decades and it still gets discussed now. In fact, I don't mind saying, since myself and the Minister of Finance had a press conference on this bill about three hours ago, that I've already received some hate mail from individuals who have chastised us on bringing in such a piece of legislation.

The fact is whether it's private or public, this debate still goes on. What we need to recognize and what we need to realize is that this is a legal, medical service and has been so since 1988 when the Criminal Code of Canada was altered by the Supreme Court of Canada, basically, removing this as a criminal offence. That is the law, Mr. Speaker. So as we move forward here, we talk about the fact that if we have a legal service, we have to ensure that people who provide that service and people who wish to avail of that service can do so in a safe manner.

I want to, for this House, provide some background and some history on how I became involved in this matter because it's not a topic that I had dealt with before in terms of the safe access zones. It's not something that I have been aware of or had to deal with.

It was very shortly after our government came in – I'd say it was less than a month after I had been given the mandate of Minister of Justice by the Premier – that I was contacted by our

Minister of Finance and our Minister Responsible for the Status of Women and asked to sit down for a meeting with Ms. Lynn Moore, who's a well-known lawyer in this city and a well-known advocate, and her client, Ms. Rolanda Ryan, who is the owner and operator of Athena Health Centre or Athena Health Services – I might get that wrong. Obviously, I'm interested in sitting down for any meeting where people want to sit down with us to discuss important topics.

It was during this meeting that I was first educated and made aware of the challenges that people are facing and when I was presented with documentary evidence of the challenges people go through. Now I've seen protests when it comes to this topic. I've watched them happen. I've seen that; I've seen the media coverage, but when you see the stress people are undergoing because in many cases the right to protest may be interfering with a person's right to avail of a medical service. When people's privacy is being invaded by the fact that they are being recorded, they're being photographed, they're being talked to, they're being dissuaded as they enter a health facility to avail of a legal medical service.

In many cases, there are individual that use this centre going in for any number of services that face this treatment. It's not just the individuals; it's also the service providers, anybody going here. Ms. Ryan herself has faced this. She can do a far better job than me of talking about the trying times and the abuse she's taken as she's dealing with this, the fact that she's had personal matters, as I alluded to earlier today, that she was trying to attend to and getting protested.

I have to state for the record, obviously, I understand the right to protest, the right to free speech, the right to assembly. I get all that and I respect that as a recognized Charter right. But no Charter rights in this country are absolute, especially so when they infringe on a person's right to medical treatment. I stand by that and I believe that. I understand the balance that you seek to achieve.

That's why this piece of legislation is not one – this one took some time. We had that first meeting in January. At that time, we said we would look into it and we made a promise that we would make this happen. The Minister of

Finance made that promise, I made that promise. I said we would make this happen, but it would take time because this is a piece of legislation that's obviously going to have significant scrutiny. That's fine. Scrutiny of legislation, whether it's by legislators or whether it's by citizens, whether it's by anybody, is essential.

So we took our time. I want to thank at this time – I had a gentleman with us today at our press conference, Mr. Tucker, who's a solicitor within the Department of Justice. He's a fine solicitor. He put a significant amount of work into this, looking across the country, looking elsewhere. A jurisdictional scan on where this legislation exists, where it doesn't, is there a challenge.

In fact, Ms. Moore in our conversation pointed out right there, this has been in place in British Columbia since 1996. Back then, imagine, you're the first jurisdiction to introduce a piece of legislation. Whenever you're dealing with legislation that may infringe on somebody's rights, you're likely going to face a challenge. We've seen it recently over in Nova Scotia where there was a very significant cyber-bullying bill that was brought in to deal with tragic cases of cyber bullying in Nova Scotia, cases that we're all familiar with.

The intentions were right, the movement was right, but at the end of the day when it was challenged in court, the piece of legislation was struck down. It was struck down because the balance was not met and the rights were found to have been infringed and that piece of legislation has no use. So these are the things we're cognizant of.

Now I can't take credit for understanding the intricacies and the details. I'm blessed to be a part of a department that has solicitors and staff, who this is their life and they understand this. And I'm lucky to be able to talk to them and discuss – and in some cases, I feel bad for them trying to explain it to me.

But they've taken a significant amount of time. We've looked and we've said let's look at BC. The positive news about British Columbia was that piece of legislation was challenged. It was challenged at the British Columbia Court of Appeal and then the people that were challenging it, obviously the people that were on

the side of the right to protest we'll say, they tried to get leave to the Supreme Court of Canada and that was struck down.

The law is still in place because it said we must respect the right to protest and we must respect the right to express our views, but it didn't infringe on that. So that is the model that we look to.

Now, this is not a piece of legislation that is in every other jurisdiction, I can tell you that, Mr. Speaker; it's not there. So we looked to this and we spent a significant amount of time looking at this and weighing it because in trying to do something good, we want to ensure that we do it right. We didn't want a case of a piece of legislation – and again I don't want to presuppose how this piece of legislation is going to work. I am assuming that I'm going to get support from my colleagues to make this happen, to protect women in this province that want to avail of this legal health service.

This is not about saying that you have to agree with abortion or not agree. That's not what we're talking about. What we are saying is that a woman that chooses this service has the right to do so with dignity and respect and free from harassment. That's something that I'm hoping we can all agree on, Mr. Speaker.

So we looked to BC and we saw that it was done there. We've looked it, we've examined it and we've gone through this, and we feel that this is the right piece of legislation to provide that protection.

Again, I have some statistics here just so people – and I talked about Ms. Ryan. We talked about the challenges that people face when they try to avail of this service. Ms. Moore took the time to allege that the people, it is one thing – deterrence can take many forms, but we have what you would call active deterrence when we have pictures and videos of patients.

Every month last year, 2015, there were protestors – every single month. In 30 days, the month of October, in 30 days of October 2015, there were 227 protestors. That is a significant number. It doesn't matter what the protest is about. I agree with the right to protest; that is a part of our democracy. I agree with that. But

when we have people that are going beyond that and infringing in people's personal space and making them fear for their safety, videotaping them, I can't agree, and that's why we feel that this legislation is necessary.

During this process, again, since January, the staff in our department, as well as the staff of the Women's Policy, we've reached out and talked to a number of groups. We've talked to clinic owners. We've talked to solicitors, talked to health authorities, talked to police. We've talked to the pro-life group. We've talked to Women's Centres. We've talked to the Coordinating Committee Against Violence, Provincial Advisory Council, the Association of Registered Nurses. We spoke with the Medical Association. We reached out and spoke.

And again, that's what we call consultation. We really do feel that we had consultation. And many of those views obviously, when you look at some of the groups that I just named, were contrary to what we're trying to do. But we have to hear both sides; we have to hear both views when you're making legislation. You can't just hear what you want to hear; you have to hear everything, which will allow us to make the best piece of legislation – one that will survive a challenge and one that will protect individuals.

I note this is about establishing zones around the providers, the clinics, we'll say, homes and offices, going into the clinic or whether it's the actual service provider. So we continued on, we did consultation. During this time there was a court action that was brought, and it was brought to deal with this matter.

At the end of the day, there was a matter in the Supreme Court. It wasn't resolved judicially, we'll say. There was a settlement that was attained where there was a buffer zone of sorts that was obtained through consultation between the two groups – the applicant and the respondent – and a buffer zone was put in place that has been respected.

One would say: Why do you need this legislation if you have that? What I would say is that we shouldn't be forcing people to go to court to establish this when we can put in place legislation that will provide this to everybody and allows us a mechanism to establish these

zones if somebody were to request, as established right there in the legislation. We have that mechanism. But going to court is a costly matter. Going to court is a time-consuming matter. We shouldn't put that on individuals that are trying to achieve this safety.

The Criminal Code has provisions, but again, it can be very difficult to enforce these when we're talking about harassment and intimidation; there's that fine line. Whereas this piece of legislation, which was pre-existing, which we know has faced challenge, which we know that works, specifically sets out what can and cannot be done. And we think that it will achieve the goals that we need and allow for change. If we need to change, if we need to expand, we know that that it's there.

We're very lucky in this province that the majority of our protests have been peaceful and they've been law-abiding but, in some cases, it's gone beyond that unfortunately, and that's why we feel that we are here today. So again, I want to go through some points for this piece of legislation. Every time I talk about a piece of legislation I always refer to the size of it. In many ways it's not a huge piece of legislation in the sense of its size. There are 13 sections to it, but it certainly is huge in many other ways. It is significant.

This act will allow for the Lieutenant Governor in Council, by regulation, to create zones of up to 50 metres around facilities that provide abortion services within which certain activities will be prohibited. Facilities will include hospitals, clinics or doctors' offices in which abortion services are provided.

And abortion services are also a defined term in this act and it means lawful medical services provided for the termination of pregnancy. It will also create zones around the homes of doctors who provide these services. They will be 160 metres from the boundary of the doctor's residence and, again, the LGIC will have the authority to decrease the size of a zone for a particular residence, if need be, by regulation.

There will be the authority to establish an access zone around the homes of a specific service provider, a person other than a physician who provides or facilities the provision of abortion

services, or a class of service providers where a need arises. For example, clinic owners can be given protection in this way, as well as nurses and other staff who work at a clinic. That power is there and it has to go through a simple regulation process.

I have to refer to – I never heard this but the comments were related back to me. I have to thank Ms. Moore. She did an interview after this and she talked about the fact of how quickly this piece of legislation, this concept, moved when you think about the fact that it first came to our attention in January and we're here in November with a piece of legislation on the floor of the House of Assembly. Sometimes things can take a lot longer when it comes to government; everybody knows that. But in this case I think we've moved very expeditiously because we think it's that important, and that's why we're moving quickly.

Going further here: a 10-metre zone will also be created around the office of every doctor who provides abortion services and if they provide abortions at a hospital or a particular facility, they may also have their own office from which they practice; there could be a zone around that as well which can be increased to a maximum of 20 metres.

When we look at these zones, some might say it's an arbitrary number, but in looking at the precedent that was set by British Columbia we know these have worked. This was something that we've done in consultation as well.

Inside these access zones, people will be prohibited from doing certain defined activities. For example, interfering with, physically or otherwise, patients, doctors or service providers; intimidating patients, doctors or service providers; protesting, including handing out leaflets or picketing.

People will be prohibited from recording patients, doctors or other service providers who are in an access zone for the purpose of dissuading them using, providing or facilitating abortion services; nor can they repeatedly email, call or otherwise communicate with a person without their consent for the purpose of dissuading a doctor or service provider from

beginning or continuing to provide or facilitate abortion services.

I say this again, I have to be clear. We're not telling people they can't protest. We're just putting in reasonable limitations which respect to health, safety and dignity of those who wish to avail of a medical service. We're not stopping the right to protest, but there is a reasonable limitation.

People will be prohibited from approaching, following, besetting or directing threatening conduct towards doctors or other service providers or their families for the purpose of dissuading them from providing or facilitating abortion services regardless of whether this occurs inside or outside the designated access zone.

Now, the right to express our thoughts and our opinions and beliefs, sometimes they're unpopular. Sometimes they're contrary to what the mainstream says, but that is a fundamental concept to a democracy I say, Mr. Speaker.

We have a country where we value diversity. We value opinions. We value the difference of opinions. As I've stated before, we have a Charter that guarantees freedom of expression. As I've said before, any Charter right is subject to reasonable limitations prescribed by law that can be demonstrably justified.

Our courts, over the past number of years, have determined that freedom of expression does not include the right to a captive audience or to have your message listened to. People must be able to avoid a protestor's message if they choose. This legislation strikes the balance, we believe. We've put a significant amount of time and effort into this and research and thought. We think we've struck the appropriate balance.

This does not replace Criminal Code provisions that exist for harassment. Those stay in place. This is not about criminalizing antiabortion protest or dissent. It's never meant to prevent legitimate protest. People continue to march. They can protest at this Legislature as they did so today. They can continue to protest; but, they cannot do certain things within these designated access zones. They can continue to email us, as

they've done in the past, they've done today and they will continue to do so. That is their right.

We've reached out to a number of individuals as we drafted this. We wanted a wide swath of opinions on this. As I've said, we spoke to people from one end of the spectrum to the other end. We spoke to a number of people.

Any piece of legislation, especially one with regulation authority like this, we continue to be open. We continue to listen and we will always continue to strive to do what we think is right for this province. We're always open to listening to new ideas and to change. We've done so and we'll continue to do so. As I've said on a number of occasions, we have regulation authority right here.

I'm getting ready to conclude, Mr. Speaker, but one of the things that have been brought up is about the automatic zone around doctors. One of the reasons for this – and this was identified by British Columbia – is that historically it has been the most identifiable target. The goal here is to allow women to have safe and unimpeded access to their health service. If the doctor chooses not to provide this service because of intimation or concerns, the service cannot be provided. Again, we've noted that others are involved in the process.

The regulations are there. I say to anybody, you come to us, we've moved very expeditiously on this and we'll continue to move expeditiously when it comes to protecting the best interest of men and women in this province. I think what we're doing today is what we think is a right step for women in this province who wish to avail of a medical service and for those who are involved in that service.

Mr. Speaker, as I close my part of second reading here, I look forward to listening to the commentary from my friends across the way, my colleagues. I look forward to listening to my colleagues on this side of the House and I look forward to supporting this piece of legislation which I think is one of the more progressive that's been in this House of Assembly for some years.

I'm very happy to be a part of it and I'm very happy to have been on a team to support such important legislation.

Thank you, Mr. Speaker

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

**MR. SPEAKER (Warr):** The Chair recognizes the hon. the Member for Conception Bay South.

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

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

I'm glad to have the opportunity to get up and speak on this bill today. We generally support this initiative.

This bill kind of exposes – it's a fact of life and we see it on a day-to-day basis – what's happening around some of these clinics. You're not reopening the debate of this; it's a very hot topic issue. This is about providing people's rights, as the minister just pointed out.

He did a great job in letting the House know. That is exactly what it is; it's a person's rights. It's their choice. It's a choice people make. In the scheme of things, like he pointed out too, it's not about people's right to protest, but it's what you protest is the question.

I've seen these protests. They are peaceful but they can be very intimidating, I guess, to the people that have to walk through, based on a very personal decision – a deeply personal decision they're making to be faced with those protesters who have their rights as well. They have a right to protest, but you have to find a balance. I think that giving a safe buffer zone to those patients is that balance. It will be debated for many years to come. It's one of those issues. People will find ways whatever side of the argument they stand on.

We do, or I do anyway, support the concept of having a buffer zone around any hospitals, any health care providers and even their homes. That's a reality too, I guess. You don't look at, sometimes, their personal residence. I do agree that it's probably a progressive piece of legislation when you look at the cross-jurisdictional scan. There's only BC with

something similar. That's never a bad thing, to be moving forward something like that.

Mr. Speaker, there's one thing the minister – and maybe, I don't know. I was following through as best I could. When you look at protesters around the buffer zone, it clearly states these protesters – abortion services, providing abortion services. What about other protesters? In today's world, you can find any protester around any building, whether it be a clinic or hospital. A lot of this stuff happens in hospitals as well. How do you differentiate? How do you separate the two? There may be protesters – I guess a protestor kind of seems an aggressive word sometimes, but information lines are really truly what they are. But there may be people there set up that support these people and doctors at what they do. You've got your two different sides of that argument.

So how do you separate the two? We're saying how are you going to go in and say okay, well, your four – I know that might seem trivial, but it jumped out at me. When I was reading the bill I'm thinking, like – and there are other protests; it's not only your pro-life protesters. They could be protesting anything. It could be something that's totally unrelated to that doctor, the clinic. It could be on a totally unrelated issue.

So you're creating a buffer zone, which again, we support, but how do you decide who's allowed and who's not allowed in that buffer zone? Are we saying there are no protestors, even if they are supporters of the pro-choice? I'm sure the minister will provide some clarification when he gets up to speak on that issue later.

Mr. Speaker, the Minister of Education spoke the other day on anti-bullying in the schools. I thought about this bill when I was reading it yesterday. That's what this is, unfortunately. The reality is it's a form of bullying and it comes in many forms. We talked about it in our schools; it's in your workplace. It's on the streets. Again, it comes back to what the minister –

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

**MR. PETTEN:** I never said anything bad that time, Mr. Speaker. I think it was a bit of

clarification. It was complementary, actually. I lost my train of thought with that comment.

As I was I saying, Mr. Speaker, bullying, it happens all over. It just doesn't happen in all those other places. Again, I guess the neat part of this legislation and one that I think is progressive is you're dealing with an issue that a lot of people have always been uncomfortable to go there and to deal with anything related to it, but you're not dealing with the actual the issue that being protested. You're dealing with the consequences of this. It's all legal in our country.

So I applaud that. It is a progressive step. These people, sometimes you look at doctors but I guess you look at those people who go in there and I can't say it enough, I think all of us in this Chamber would know of certain people that have probably had to for varying reasons. It is a deeply, deeply personal thing. It is not a decision I'm sure that is taken easily for the majority. I think we owe it to them and the public to give them somewhat of a safe buffer zone.

This will be something, on a personal level, they'll deal with it for a long time and that's the sad part of it. Those people have a right to have their voices heard and there's other means that they can do that. They don't have to be in those areas.

Once again, I'm not going to talk much longer on this, Mr. Speaker. Like I said, we are generally supportive of it, but I just wanted pass on my commentary but I guess my biggest question is how you separate which protesters are going to be in the buffer zone. It is fine to say if you're going to take the people that protest abortion, they are not going to be allowed to be there to intimidate the doctors and patients but there are other protesters of all different forms, as I said, information lines.

Under our Charter of Rights, they have a right to voice their concerns too. So how are you going to separate the two? I hope the minister can clarify that in later stages and any other questions that may come up along the way I'll probably ask him at that time too.

Thank you, Mr. Speaker.



**MR. SPEAKER:** The Chair recognizes the hon. the Minister of Finance and President of Treasury Board and the Minister Responsible for the Status of Women.

**MS. C. BENNETT:** Thank you, Mr. Speaker.

It is certainly a pleasure for me to stand in the House today to participate in a debate. It is one of the true privileges that we have as Members of this House to be able to participate in debates that are relevant and important. I thank the good people of the District of Windsor Lake for providing me the opportunity to stand here today, particularly to speak to Bill 43, An Act to Create Safe Access Zones around Facilities and Homes of Doctors and Service Providers Providing or Facilitating Abortion Services.

Mr. Speaker, I'm pleased to speak to this bill. I was also pleased to join my colleague the Minister of Justice and Public Safety this morning at a news conference to announce that this legislation was going forward in the House of Assembly this session.

Mr. Speaker, this is about safety of women. This legislation will allow for the creation of safe access zones around facilities that provide abortion services. It will also allow for the safe access around the residencies and offices of doctors and other people who provide or facilitate the provision of abortion services.

Earlier in the debate, the Member for Conception Bay South very eloquently was speaking about the variety of reasons that individuals may choose to participate in public acts of protest or information lines or other things like that. What I'd like to do is also highlight that it is irrelevant, quite frankly, what the purpose of an individual's protest means is. What is relevant is that women who have a legal right in our country to be able to access a legal medical service have the ability to be able to get that service in a safe way. Certainly, this bill goes a long way in providing legislation and laws that will enable that to happen.

Mr. Speaker, as I mentioned this morning, last fall I had the opportunity to speak with Ms. Lynn Moore who was the lawyer representing Rolanda Ryan, the owner of the Athena Health Centre. During that discussion, it was relayed to

me examples of intimidation that women are facing when they come to clinics across Canada and throughout the US to avail of what are legal medical services.

They requested my support to advocate for legislation to ban protests within a certain radius of the clinic. Having researched the information that they provided me, I indicated to both individuals that I was supportive and would work on advocating in this House and within government to put forward a bill that would provide the opportunity for women to have safe access to clinics that provide this service.

After our party formed government, I immediately reached out to the Minister of Justice. I have to say the Minister of Justice was very eager to meet, as he always is, with individuals and stakeholders who want to provide feedback. He provided the opportunity to have that meeting, and then certainly understood the importance of why this piece of legislation would be something that we should consider.

The Minister of Justice took the leadership in his department to consult and I think he's done a very good job today of detailing the amount of consultations he's had, and his department officials have had, in preparing the legislation today. As many Members of this hon. House will recall, this past June there was an agreement with pro-life activists to ban protests within a 40-metre radius of the Athena Health Centre.

At the time, advocates indicated they were still pushing for the legislation, as the legislation would hold more weight than an injunction. While there currently is a 40-metre buffer zone established by the Supreme Court Trial Division for the Athena Health Centre, this proposed legislation will allow for the creation of safe access zones, as referred to as buffer zones, around other facilities if the need arises.

Mr. Speaker, there is no doubt there are differing views on the subject of abortion in our province and certainly across the country. However, it is important to remember that abortion is a legal medical service in our province and access to medical services is a fundamental to our health care system. Abortion services must be available to women in an atmosphere of dignity and

respect, and this legislation is very important to women.

As the Minister Responsible for the Women's Policy Office and the Status of Women in Newfoundland and Labrador, I'm very pleased to support a woman's safe right, a right to safe access to any service that she chooses. A woman should not be subject to intimidation or invasion of privacy based on a personal choice she is making. This is about safety, and I support any action that ensures a woman feels safe and secure in accessing any service, as I said earlier, that she feels is right for her.

In addition, doctors and other service providers who provide these services have to be able to do it in a safe and respectful environment without threats, intimidation, and/or harassment.

Mr. Speaker, we have seen examples in our province, certainly a very peaceful protest of individuals who have a very well-known right to be able to express their opinion. Certainly, this is not about influencing or preventing individuals from sharing what their opinions are and supporting what their beliefs are in the way that they feel they need to.

Mr. Speaker, as I've said, the demonstrations that have occurred in our province for the most part have been peaceful and respectful but, unfortunately, there are cases where emotions can be high, where situations get out of hand, and at no point, in any way, should a woman who's made a very difficult choice for a very large variety of personal circumstances be felt to feel unsafe when she avails of a medical service that she has a legal right to choose and a legal service that is offered. This legislation, as I said, is not about preventing peaceful protest. It is a proactive approach which allows for the creation of safe access zones in any facilities that provide abortion services if the need arises.

Input on the proposed bill, as was mentioned earlier, was sought from various groups and individuals, including the Provincial Advisory Council and the Status of Women, the province's women's centres and Pro-Life NL. The intent is to ensure a balance between the rights of individuals to secure respectful and private access to legal health services with the rights of others to protest or express dissent.

Mr. Speaker, the proposed legislation is modelled on the *Access to Abortion Services Act* in British Columbia which has been established since the mid '90s. From listening to my colleague, the Minister of Justice, share with this House, my understanding is even that legislation has gone through challenges in the court in British Columbia and this particular legislation has proven the test of a court challenge and has proven to be legislation that will be upheld in Canada's courts related to making sure that women have safe access to these legal services.

The legislation from British Columbia provided a useful guide for our province, as has been discussed already this afternoon, as we determined various aspects of the legislation such as proposed distances for safe access zones, potential locations and ensuring the appropriate balance between the right to protest and the right to access health services.

As has been described here today, the legislation proposes a safe access zone of up to a maximum of 50 metres around health care facilities. It also proposes a 160-metre safe access zone around a doctor's residence, and 10 metres around a doctor's office.

In addition, inside and outside a safe access zone, a person is prohibited from repeatedly approaching, accompanying or following a person or engaging in threatening conduct for the purposes of dissuading another person from providing or using abortion services; repeatedly communicating by telephone or other electronic means with another person, without their consent, for the purposes of dissuading them from providing or accessing abortion services.

The proposed legislation allows for a person to recover damages if the law is broken. Proposed penalties are modelled after the BC legislation which, as I mentioned earlier, has successfully been in place since the mid-'90s.

It is important that the penalties provide a sufficient deterrent to anyone who might seek to obscure access to services. Mr. Speaker, fundamentally, the intent of the legislation, as I've said, is to balance the rights of some to protest and express dissent, with the rights of others to secure private and respectful access to legal health services.

Mr. Speaker, I'm sure all of us in this hon. House understand and have empathy for individuals who work in the facilities and also the women who make the very difficult decisions, often, to avail of the services there. Being a woman myself, I can certainly understand the variety of circumstances that women would find themselves in to make these difficult choices, but they have a legal right to access these services. This legislation provides a balance, allowing those individuals who feel their right to protest is important, it allows them to continue to do that, but also ensures a woman's safety, when they are accessing these services, is paramount.

Again, Mr. Speaker, I'd like to add that I am pleased we are proceeding with the legislation today. I would like to thank the officials in the Department of Justice who have been working so diligently with the Minister of Justice and his team in doing, not only the research but also the jurisdictional scan, the judicial scans, the consultations with individuals and stakeholder groups throughout the province who we felt were important to this dialogue. I want to make a personal recognition for the Minister of Justice's commitment to pursuing this legislation in what has been a very expeditious way this year.

I also want to thank the individuals in the Women's Policy Office who have worked to support the Department of Justice as we have worked through the legislation, in getting a piece of legislation into our House that could be debated that we feel will be able to provide legal comfort for those individuals, particularly the women who choose these services and ensure their safety when they access those services. So thank you to the officials in Department of Justice, as well as the officials in the Women's Policy Office.

I'd also like to acknowledge both Ms. Lynn Moore and Ms. Rolanda Ryan for their efforts in bringing this issue to the forefront. I certainly look forward to the afternoon as we debate this important piece of legislation which, as the Minister of Justice has indicated and I would concur, is a very progressive piece of legislation in our province and certainly one that I am pleased to support.

Thank you, Mr. Speaker.

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

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

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

I'm very happy to stand and to speak to Bill 43, An Act to Create Safe Access Zones Around Facilities and Homes of Doctors and Service Providers Providing or Facilitating Abortion Services. I am very proud to be able to stand and to speak to this bill.

I believe that this bill is a good bill. I believe it is good and it is bold legislation; however, it does fall short in some areas. I'm looking forward to speaking to that, to debating about those issues, also to be able to question the ministers responsible in Committee. I also have some amendments that I would like to suggest to the House regarding this bill.

We all know how tough the right to safe reproductive health for women has been in our country. The history of the abortion struggle has been fraught with agony, with hard work, with legal cases, with court cases. When we look at the heroic work that Dr. Henry Morgentaler did and his allies in getting us to the point where in 1980-something – I have my notes here –

**AN HON. MEMBER:** 1988.

**MS. ROGERS:** 1988, where abortion then was no longer a criminal act, where women would have safe access to a legal medical procedure that gave women control over their bodies. Before I go any further, Mr. Speaker, I would like to thank the folks up in the Department of Justice who gave us a very thorough briefing.

I would like to thank all the activists who have worked over the years to bring us to this point, all the activists who have sacrificed much in order to make sure that abortion is a legal, safe medical procedure accessible to all women of Newfoundland and Labrador, to all women of Canada.

Although women in Newfoundland and Labrador do not have the same equal access to abortion services in our province because of our geography, I would hope that the Minister of Health and the Minister Responsible for the Status of Women may be looking at that issue and may address that issue.

We know how important it is to balance the rights of individuals, to balance the rights of people in our society. In my own family, my current partner, we've been together for 25 years now and when we got together, my mother was president of Right to Life. My partner was the manager of the Morgentaler Clinic. We knew how passionate the abortion issue could be, but we also knew how we are able to look at the rights of different people and balance those and ensure that the women of Newfoundland and Labrador had access to safe, therapeutic and legalized abortion.

I remember shortly after my partner and I were together, she called me on the phone one day and she said: Gerry, I'm sorry; I just had to call the police on your mom. That's because the protesters were surrounding the Morgentaler Clinic and women were having a hard time, many who had travelled from all over the province to have access to their safe, medical, legal procedure, had to somehow get their way through into the clinic.

Mr. Speaker, we know how difficult and how important this issue is and how fraught it is, but we are at the point today where we no longer have to debate the issue about access to abortion. Now what we have to look at is we have to ensure that people are free from intimidation, that patients and their families or the people who are escorting them to their medical procedure are safe from harassment, are safe from intimidation. We also have to make sure that people who provide abortion services or help in the facilitation of abortion services are free from harassment, are free from intimidation. That is what our bill is about.

Again, my mother and I would have many discussions about these issues and I would say: Mom, you have every right to protest. You have every right to appeal to the government. That is your given right within our Charter of Rights and Freedoms. However, there are many places

that you can do that. You can do that on Confederation Hill; you can speak to your official representative, whether it be provincially or federally. We talked about that it wasn't appropriate to cause that type of intimidation and harassment, either to patients or to people who were providing abortion services.

Mr. Speaker, I believe the bill that we have has many strengths. I believe that the women across Newfoundland and Labrador and advocates for access to safe abortion and those who provide those services are pleased that we have come this far with the bill. But they've also identified a weakness in the bill and that's what I would like to speak to today.

The weakness in the bill is when we look at the bill it's modelled on what BC has had, but let's remember that their bill was enacted in 1996. That is 20 years ago. Their bill is 20 years old. It's a bill that has withstood any type of Charter challenge, so that gives us some confidence that the bill will be strong, that this bill also will withstand any Charter challenge.

I would like to point to you where I believe the bill falls short of its intention and where the bill can be improved. Of course, if we had legislative committees, we would have been able to look at this issue before the bill coming to the House. We would have been able to have input and probably have had a stronger bill, a bill that was sure to accomplish what its real intentions are, and that is to protect the patients who are seeking abortion services and to protect those who either provide the abortion services or who facilitate in the provision of abortion services. That's what this bill intends to do but, again, it falls short in that.

When we look at some of the definitions in the bill, it says that a service provider under this legislation is defined as: "service provider means a person, other than a doctor, who provides, or facilitates the provision of, abortion services."

Now, we know it is teams who provide abortion services. It is not just doctors. We have doctors – and thank goodness so many doctors were so courageous in the early days of providing abortion services, who often put themselves at

great peril, who at times put their families at great peril, to provide those abortion services.

We also know it's not just doctors who provide these services. Again, we are grateful for the doctors who have in the past provided these services and the doctors who currently provide these services, but it also includes nurses, counsellors and other administrative and support staffs in the clinic who are involved in helping to provide or facilitate the provision of abortion services.

I found it very interesting that the Minister of Justice, when he stood up and introduced the bill, he said: In the past three hours, already himself and the Minister of Finance, who is also the Minister Responsible for the Status of Women, have received hate mail. So they know, at times, the personal risks that those who stand up for this legal provision of services – they know the risks. They have experienced them themselves.

What this bill does is it provides and identifies a buffer zone around the clinic, meaning people can't protest within that within that buffer zone. So that patients who are coming to the clinic do not have to face intimidation and harassment. That seems just and fair; absolutely just and fair. As well, doctors and all the service providers do not have to face intimidation nor any kind of threat or harassment as they enter their place of work. We all know how important workplace safety is.

Now, the other thing this bill does is it also provides for a buffer zone around doctors' residences. Doctors who are performing abortion services often have been attacked, shot and harassed in their own homes. So this provides a service where there is a buffer zone around the homes of doctors who provide the services. It also provides a buffer zone around the offices of doctors who provide services. Again, so that their homes are safe, that they're free from intimidation and harassment in their homes because of the work they do and that they're free from intimidation and harassment in their offices, because many doctors who provide the abortion services do so at clinics, but their own private practices, their offices, are elsewhere.

Where this act falls short – and again this act, remember, is based on a bill, an act, legislation that was passed, enacted 20 years ago in BC. Where this bill falls short is that it doesn't automatically include the other service providers in terms of providing buffer zones around their homes or safety buffer zones around their own offices. For instance, if you have a counsellor – because there are counsellors at the clinic – who does work at the clinic to assist women who are seeking abortions and that counsellor in fact, though, their own private office is somewhere else in the city, it doesn't protect them.

So what this bill says to those who have been harassing people, who have been intimidating them through their protests, it says, okay, you can't go to the home of a doctor. So they'll say, okay, you know what, we'll go after the nurse. We can't go to the doctor because this bill now won't let us go to the doctor's home but – and what's very interesting is that this bill, the Minister Responsible for Justice says that he spoke and met with Ms. Rolanda Ryan, who owns Athena clinic services. She's a nurse. This bill does not automatically protect her and she is the owner of the clinic. She is the one who is most invested in ensuring that these safe, legal medical services, abortion services, are available to the women of Newfoundland and Labrador. I find that bizarre – absolutely bizarre.

It also means that the majority of those who are service providers are women; nurses, counsellors and administrative support who provide or facilitate the provision of abortion services. So what happens, then, is that this bill says to them, well, we can provide you with a buffer zone if you've had a problem. It is putting the onus on nurses; it is putting the onus on counsellors and other service providers to have to go Cabinet and say: I'm being harassed in my home, I'm being intimidated in my home, can you do something about it?

Now, I know that the Minister of Justice in this bill wants to make sure that those workers, that those nurses are protected, that they have a safe workplace to go to and that they're safe in their own homes because of the work that they do. But his bill doesn't automatically do that. His bill is not far reaching enough. I believe that he can simply insert the already existing wording that belongs in this bill about service providers,

simply put that in the appropriate clauses to ensure that this bill actually, in fact, does what he really wants it to do.

The Minister Responsible for the Status of Women said that this bill is about the safety of women. Well, if it's about the safety of women why would she not also say this bill doesn't go far enough. We simply have to make sure that the provision for safety zones, buffer zones around residences and offices would extend to all service providers from the clinic. Why would she not do that if she is so committed to the safety of women? This is about the safety of people in their workplaces, in their homes and in their additional workplaces. So I would say that this is something that can be done quite easily and it doesn't compromise the strength of the bill. All it does is ensures that the bill is far reaching enough that it actually does what it was intended to do.

I spoke with Debbie Forward. The minister said that he spoke with the registered nurses' association. Well, so did I. I spoke with Debbie Forward, the president of the registered nurses' association. She's really, really upset about this. She said why is there a higher onus on other service providers in this bill? Why does this bill not extend to all the service providers who are providing the abortion services in the clinics?

She is one of the ones who pointed out you can't go to physicians houses you're saying to those who are protesting. So okay, well, I'll go to the nurses or the counsellors. Already, Mr. Speaker, I also spoke with Lynn Moore who has worked very closely with the minister on this bill. She is the lawyer; she's counsel for Athena Clinic for Ms. Rolanda Ryan. She wrote me and said: My client respectfully requests that you seek an amendment to section 7 to include service providers' homes without the necessity of going to Cabinet to get regulations. So she is saying that to me.

The other thing is that the minister had said to me earlier that he hasn't heard about any incidences outside of doctors being harassed. I'd like to point to him an email that was sent by Lynn Moore, the lawyer for Athena Clinic, the lawyer for Rolanda Ryan. She sent an email to his department on November 7 and I do have this email here. They said, we wish to recap the

– they're very thankful for the work that the minister has done. The minister has acted quickly and has acted quite boldly, which is great. He is to be applauded for that, and all the staff in his department.

She has asked him: Please consider including staff homes as part of the protected zone. She also goes on to say that there have been protestors putting objectionable material, harassing material at the home of Rolanda Ryan, who this legislation doesn't even protect her, unless she goes to Cabinet and says I'm being harassed at home, can you do something about it.

Mr. Speaker, again, this is based on legislation from 1996. I believe that the minister can do the right thing that he can be even bolder and he can strengthen his legislation. It doesn't weaken it. It won't open it up to a Charter challenge; it simply extends the coverage to protect all service providers, which is already stated in the bill.

Now, I've also spoken with the Provincial Action Network on the Status of Women, which is an umbrella group of eight women's centres all over the province. I know the minister said that the women's centres were consulted. They also said they want to see this legislation amended to ensure that the residences and the workplaces of all service providers – because most of these service providers are women, that the legislation be amended to extend to their residences and to their additional workplaces.

I've spoken with them; they've also said the same thing. Debbie Forward, again, on behalf of registered nurses all over the province, is absolutely feeling that this legislation only goes partway. Why, in 2016, would the government not do the best thing and provide comprehensive coverage, comprehensive protection for all service providers in abortion services.

Thank you very much, Mr. Speaker.

**MR. SPEAKER:** The Chair recognizes the hon. the Member for Mount Pearl – Southlands.

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

It's a pleasure to stand up and speak to Bill 43. I'm not going to take too long and rehash everything that's been said.

Obviously, though, this bill is really not about the abortion debate, not to my mind anyway. I think that debate has been had and the law is what the law is. Whether an individual Member, or collectively, we're pro-life or pro-choice is really irrelevant to this particular piece of legislation.

It is about striking a balance. It's about striking a balance between those who have the right to protest and the right to free speech and to make their views known. I would say that if this legislation had been quashing that right, then I would be the first one to stand up and speak against it, but this legislation is not doing that.

This legislation is creating a fair balance between the right to free speech, the right to expression. At the same time, it's also providing for the rights, the legal rights of women to choose to avail of abortion services, if they choose to do so. In ensuring that if they choose to do so they can do so without the fear of harassment, without the fear of intimidation and everything else that goes along with it.

It covers, of course, as we know a zone, a safe zone, if you will, where they can access these services without those fears. It also deals with issues around people not being able to intimidate them by taking pictures and stuff like that or people in the zone and posting it on social media and all those types of things. I think that it's the right thing. What we're doing here is the right thing to do and I do support this in principle.

Now, that being said, in just listening to my colleague in St. John's Centre, she raised a point which I never picked up on. I'm the first to say, I didn't. I read the bill, I went to the briefing, but it wasn't something that really occurred to me. I'm going to assume that maybe it was just an oversight by those who drafted the bill.

If it wasn't an oversight and there is a good reason why we wouldn't be automatically offering the same protections to nurses and counsellors and anybody else who would work at a clinic, then I'd love to hear what the minister will have to say about it and explain

why we wouldn't want to do that. I'm just guessing it's an oversight and they just didn't think about it.

**AN HON. MEMBER:** No, it's not.

**MR. LANE:** Someone is over there saying: No, it's not. If they have a reason, I look forward to hearing it.

On the surface, based on what the Member for St. John's Centre is saying, and in reading what's there, there's no doubt that it doesn't offer the automatic protection. It does offer a mechanism for somebody who is a counsellor or a nurse and so on to be able to – I'm not sure what the process is, who they would call or whatever, but they could make a complaint to somebody and say I'm being harassed and I need this protection, this zone. I guess it would come in the form of a court order or something or an injunction or something, I'm guessing. Again, I don't know.

Doctors get the automatic protection and everybody else has to apply for protection in some way, shape or manner. That's what it appears to say here. That's what the Member is saying. In listening to her and reading the section she points out, that's how it appears to me. Obviously, if she has spoken to the president of the Nurses' Union and other people who are involved with abortion services and so on and they're saying the same thing, lawyers and so on, they must think there's some merit to it as well.

In the absence of hearing a good, solid reason why it shouldn't be done, I would certainly support, in principle, what the Member here for St. John's Centre is saying. But beyond that, whether it happens or doesn't happen, whether there's an amendment and it's passed or it's not passed, it's still much better than what we have now which is nothing. I will support the bill in any case, but if there's a way that we can work together to strengthen the bill, then that's what we're all supposed to be here for.

Thank you, Madam Speaker.

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

**MADAM SPEAKER (Dempster):** The Speaker recognizes the hon. Member for Topsail – Paradise.

**MR. P. DAVIS:** Thank you, Madam Speaker.

A lot of interest in this bill this afternoon, Bill 43, that we're debating. It's an important bill, An Act to Create Safe Access Zones Around Facilities and Homes of Doctors and Service Providers Providing or Facilitating Abortion Services.

This is a new bill. I believe it's a good bill as well, and support many of the comments of other Members in the House this afternoon on the importance of this bill. It is to provide – and it does that – access to abortion services, abortion service facilities and to the services themselves. It restricts activities of interference and protest, beset physical interference, intimidation and so on.

I'm just having a look at the BC bill, the British Columbia bill. I think the minister referenced earlier that there are only two provinces in the country that have such legislation right now, one in British Columbia and one for Newfoundland and Labrador, if this so is passed here in the House. I expect it will be passed, possibly with amendment, maybe not, but there are very great similarities.

If you look through the BC bill, mainly the same definitions, the same usage of terms and so on and there's nothing wrong with that. There's nothing wrong with that, Madam Speaker, in looking at legislation that other jurisdictions have and then applying it to Newfoundland and Labrador. Now there are some small differences in the legislation. I just got a copy of it a few minutes ago but there are some differences, not significant differences but there are some differences there.

In this act, after it lays out definitions, it talks about activities restricted in access zones. As has been referenced – I don't want to repeat everything that other Members of the House have already said. The Member for St. John's Centre has very eloquently described and discussed abortion services and how this is about patients and access for patients that shouldn't be interrupted or interfered with for abortion

services, which is really a medical service. We're talking about making sure people are not interrupted or interfered with their right to obtain those medical services because under the law it is their right to do so and they should be able to do so without harassment, intimidation and so on.

Under section 3, it deals with the activities restricted in the access zone. It lays out a zone, an access zone which is described as 50 metres, a 50 metre buffer essentially. It is "... established under subsection (1) includes the parcel on which the facility is located and a prescribed area that extends out a distance not exceeding 50 m from the boundaries of the parcel on which the facility is located." When I read that, you have a boundary of a piece of property which the facility is located on and then 50 metres out from those boundaries is where this zone is.

Now, there is an exception to that. That's when private property not owned or part of the clinic or the property of where the abortion service is provided, then there is an exception to that if property – so I use the example, and there are many examples in many areas. I know right here in St. John's, especially in the older parts of St. John's but even some of the newer areas as well, very prevalent older parts where there are housing, many houses that are attached to each other. They may be duplexes, but many houses and buildings attached to each other.

We've seen many areas of the province, and sometimes in our center core of the city, where these types of services are sometimes found, that there are adjoining buildings or sometimes adjoining driveways.

I did have a minute earlier to speak to the minister and I told him I'd reference this this afternoon. I'm sure he'll explain it when he closes debate this afternoon, but the concern is and the question is: In the case where – I know there are privacy issues as well and I'm sure he'll probably describe those.

The question is: When you have a property where abortion services are being provided with a driveway access or a walkway access, and there is an adjoining property that has an adjoining driveway, or maybe an adjoining



walkway, as I understand it under the legislation, that adjoining walkway on private property, adjacent to it, is not part of the buffer zone and some of the activities, as laid out here, could they occur in that adjoining property? I would think that probably adjoining properties and private properties are excluded from the 50-metre buffer zone because it is difficult to limit activities on a person's personal space.

It is under a number of sections, under section 7, under section 8 when it talks about access zones and under section 9, as well. I'm sure the minister will probably speak to that in closing debate and maybe when we get the chance to go to Committee, we can have a further discussion on it.

What's to stop a person on an adjoining property to erect signage? What's to stop them next door to be verbally expressing their views while they're not engaged within that buffer zone? I'm not sure if there's a way to actually fix that or solve that or if it's an issue for the minister. Again, he may describe that in his closing.

I'd be remiss if I didn't mention – in Question Period the minister mentioned Ms. Moore, Lynn Moore, a well-recognized name in Newfoundland and Labrador. She's a lawyer, a practising lawyer in the province, has been for many years. I know Ms. Moore. She's very capable and has a significant and understanding and grasp of these matters and issues, and related issues and matters. I respect her view points. I can tell you that Ms. Moore and I have disagreed in the past. I'm sure she'll agree with that, but I always respect her views and her knowledge.

The Member for St. John's Centre referenced that and talked about that and her herself, as I mentioned, who has a strong knowledge and understanding around topics related to this bill. She raises a point, and I heard comments from the Member opposite who raised them when it specifically talks about doctors, under section 7.1. Section 7.1, refers to, "An access zone is established for the residence of every doctor who provides abortion services."

I know the Member raised a question about what about other people who are engaged with the service provider. So I look forward to the

minister's comments on that as well. He may have an explanation for it. I'm sure we'll have further discussion as it goes along.

Madam Speaker, I wanted to reiterate my support for this bill. It provides, I'm sure – and I know that people who are obtaining abortion services for whatever reason, that it's a difficult time for them and it can be a very difficult decision to make and process to go through. We must be respectful to people who access health services, no matter what they are, that are legally provided and legally able to be obtained in the province.

It's not about abortions themselves; it's about access to services that our law and our country allows them to obtain. They should be able to do that without interference, without harassment or other obstruction. That's what this bill is doing, is going to do. In the spirit of that, we do and I do – I support this – but there are some nuances that have been described through debate by my friends who spoke ahead of me that we look forward to an explanation from the minister.

Thank you, Madam Speaker.

**MADAM SPEAKER:** The Speaker recognizes the hon. Member for St. John's East – Quidi Vidi.

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

I am pleased to stand this afternoon and to add my voice to those who have spoken to Bill 43, An Act to Create Safe Access Zones Around Facilities and Homes of Doctors and Service Providers Providing or Facilitating Abortion Services.

I'm just going to take that title for a minute and read it again: An Act to Create Safe Access Zones Around Facilities and Homes of Doctors and Service Providers. I find it very interesting that the name of the act puts the position of doctors and service providers side by side, equally. Yet, when we get into the act, protection for them is not equal.

I'll come back to that, but I couldn't read the title of the act without pointing that out. It's been spoken to by my colleague for St. John's

Centre and our colleague from the Official Opposition for Topsail – Paradise. I will speak further to it as well, as well as our colleague for Mount Pearl South.

I want to speak first to the fact that it's too bad in this day and age that we have to do something like this and that is to actually have to put in buffer zones. The reality is there are issues in our society where we have strong divided positions on those issues, and one of those is abortion. As has been pointed out by other speakers, and especially my colleague from the Third Party, we fought a hard battle in Canada and other countries, too; hard battles were fought to make sure that women could safely access abortion. The decriminalization of abortion was an extremely important moment in our country. But I think we all know that there are always going to be divided positions because it's an issue that, for many people – well, for everybody – has a strong moral part to it and different people have different ways of interpreting that.

One thing I know for certain, I know a lot of women who have had abortions and I do not know one who has told me it was an easy thing to do, that it was an easy decision. In most cases it was hard to do, but they were in a position where that, for them, had to be their choice. So decriminalizing abortion was so important for women in order to know that they have this choice, they can make it when they need to make it and they can do that safely. That's extremely important.

What concerns me today around this, the fact that there are always going to be opposite voices, you're always going to have people exercising their right to protest. I know that's a right, but there are two rights here that have to be protected.

We have a climate today, almost worldwide, where some rights and some things that we hold sacred are being questioned. And what we just went through – and I'm not doing this to be dramatic or choose to be of the moment, but of the moment, even here in North America after the American elections, we can't take it for granted any more. I don't know if we took it for granted before, but we can't feel safe in a way that we did. The door has been opened for

people with really extreme positions to become violent about those positions. That's a reality. While the election that took place in the States was in the States, that impact is being felt around the world.

So we have a new openness in the minds of some people that all types of protests, no matter how they're carried out, are all right, that it's all right to be a racist, it's all right to be a misogynist, it's all right to be sexist. I don't think there are any of us in this room that believes that.

So we have a climate developing where I think it makes this bill extremely timely. Here in Newfoundland and Labrador we're a small population, we know each other. We might be inclined to think, oh, nothing really dangerous could happen here; protestors are nice, they're kind. They're just out there having their voice, especially the pro-life protestors.

My colleague for St. John's Centre talked about her mother. Her mother was the president of the pro-life movement. I knew Philomena Rogers. There's absolutely no doubt in my mind that there's no time I could ever conceive of Philomena Rogers being violent when she was protesting, using her right to publicly show what she stood for. But unfortunately, not all protestors are Philomena Rogers. Not all protestors would be able to have a healthy relationship with her daughter-in-law who ran the Morgentaler Clinic while she was the president of the pro-life association in this province.

I'd like to think they all are because I know a lot of the faces, I know a lot of the people. But as some of my colleagues have said, and I think the Minister Responsible for the Status of Women said it, emotions can get really high. People can act from emotions in a way that we need to protect the others they are protesting against. We have to. We have to protect the women who are choosing to have an abortion and we have to protect those who are offering the services. I'm proud that here in Newfoundland and Labrador I don't think yet that we've had physical violence, we haven't had a doctor shot at, but anything can happen. And we have to make sure, especially in today's climate, that we are minimizing that potential.

Now what bothers me – and has been referred to by my colleague for St. John’s Centre and other speakers have picked up on what she has pointed out. It bothers me that in this bill, as has been pointed out, even though the title says, An Act to Create Safe Access Zones Around Facilities and Homes of Doctors and Service Providers – even though it says that, it doesn’t treat equally the doctors and the services providers.

The section that talks about the Lieutenant Governor in Council being authorized by this legislation to “establish by regulation an access zone for the residences of a class of service providers or the residence of a specific service provider,” I read that and I say why? Why wasn’t it just the same as for the doctors? If we could make it automatic with the legislation that the doctors will get that, then why wouldn’t everybody who is a service provider get the same protection?

So what has to happen? Something has to happen in order for the Lieutenant Governor in Council to acknowledge that there’s a problem, and something gets set up for a service provider, either as a group or as an individual. Does something have to happen? Does somebody have to actually physically feel harassment? Do they have to have people on the sidewalk in front of their house really harassing them and putting them through stress, and then they have to go through a process of trying to get something put in place.

That’s not good enough. We should see everybody who is involved in offering the services of abortion clinics, of facilities where abortions are offered. They all need protection. I do point out to the Minister of Justice that we do have to look at this in the context of what is happening socially today because it’s not a pretty picture out there. Thanks to what happened during the US presidential election, people are being given permission today in a way that they didn’t have over the past years to be hateful.

I’m not saying all the protestors who go to the Athena Clinic are hateful or that they are violent. But even if there’s one person who has been emboldened by what happened in the United States – where abortion is one of the issues by the way. The vice-president elect is actively

against access to abortion. So we have to be concerned about the climate that’s being created and how that climate can embolden people here in our province. I’m really begging the Minister of Justice and I’m begging the Minister Responsible for the Status of Women to really look at this seriously.

I have not heard an argument yet that explains why everybody is not protected by the legislation automatically. It’s not equal protection. It’s not automatic for the service providers who aren’t doctors and it should be.

**MS. ROGERS:** And most are women.

**MS. MICHAEL:** As my colleague has just pointed out, most of them are women. Let me remind you that it’s not all women who are part of those protest lines that get set up. There are men who are part of that as well.

We need to protect the women, whether they’re nurses, doctors, social workers, psychologists, it doesn’t matter. We need to protect everybody who’s working in the clinics and we need to make sure that we don’t allow the opportunity for violence.

We shouldn’t be waiting until somebody does something in front of the home of one of these providers, or does something, even if it’s just psychological harassment as they’re trying to go into their home. We shouldn’t wait for that to happen, we should be protecting them so that they can either walk up to their home or drive in to their driveway, get out of the car, go up their walk without having any harassment going on.

So I’m hoping that the ministers are going to take very seriously what’s been presented by my colleague that is now being supported by other Members here on this side of the House for this position. I cannot understand why it can’t be done.

As my colleague has said, she’s going to be bringing forward amendments that show how easily it could be done. It’s just as easy to identify the other service providers from a clinic as it is to identify the doctors. It can be done; it can be easily done.

I cannot imagine – there are lawyers who are standing behind the position of saying that all the service providers should be included. I know that my colleague has spoken to doctors who think that the other service providers should be included. I'm sure she'll speak to that more in Committee when she brings forward her amendments.

We have to take this seriously. I'm really happy we're doing this, but let's not do it – I won't say the word that just came to me. Let's go the whole way, not half you-know-what.

**MR. A. PARSONS:** Say it.

**MS. MICHAEL:** Not half arsed. I was told by the Minister of Justice to say it, so I said it.

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

**MADAM SPEAKER:** Order, please!

**MS. MICHAEL:** Let's do the whole thing, let's do it right. Let's get it all right at the same time. I would love to think that we can, together, vote for this bill as I know it could be amended very easily and those amendments will be brought forward. So I won't beat it to death because we'll be going into Committee and we can speak further to it.

Thank you very much, Madam Speaker.

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

**MADAM SPEAKER:** If the hon. Minister of Justice and Public Safety speaks now, he will close debate.

**MR. A. PARSONS:** Thank you, Madam Speaker.

I'm very happy to be able to stand up again and speak to this important piece of legislation, and I would like thank my colleagues, both on this side and the other side, for their contributions to this important debate. The first thing that I appreciate is that every single person in this House who spoke is in acknowledgement that this legislation is the right direction in which to be going.

I acknowledge that, I appreciate the support, and I think we all know that this bill is a huge step in the right direction, a huge step forward. It's very significant, not just here, but across the country this is being discussed right now. I'm very happy to have been able to listen to the individuals that brought this forward. We listened, myself and the Minister of Finance, and worked with them and took what I'm sure has been an issue for them for some time and made it happen with what I would consider a very quick turnaround, very expeditiously in terms of legislative drafting. Sometimes things can take so long when it goes through a government process.

So I appreciate the comments. I understand and empathize and, in many ways, I agree with exactly where every Member that spoke went. The big concern seemed to be: I like the legislation, but it needs to go further. I get that. I understand that. But the big thing, the big struggle that we have faced, that I have faced within the department as we discussed this, as we mulled it over, as we talked about it, I think that we can better protect women, doctors and service providers by taking something that will work, rather than stretch and risk the possibility that constitutionally this will be tossed out. That is a very real challenge.

Now I see the Members shaking their heads. I'm not sure how much legislative research they have put into this topic, but I can guarantee you that solicitors within the Department of Justice have put a significant amount of research into this. I understand what they want. I understand it; I agree with it. That's why I've taken the liberty of taking a number of notes as I listened to what everybody had to say, and I'm going to refer to it. So it's not a case of disagreeing with their concept. It's a case of recognizing that the Charter is a very powerful document and the rights that it protects within are very important too, including the freedom of expression. It is not to be trifled with.

Now, the first thing I'm going to do is I'm actually going to refer to the case that this stems from, *R. v. Spratt* from British Columbia. I'm going to look at this and this will explain – again, the Member for Mount Pearl – Southlands, I appreciate his comments; he said he thought it was an oversight. It's not an

oversight – not an oversight. It's very deliberate, very specific.

The legislation out in British Columbia was challenged on the basis that it infringed freedom of expression. The Court of Appeal stated the legislation was constitutional as a reasonable limit on the freedom of expression. So what it found is that (a) there was an infringement of the Charter right; but, (b) that right was overruled by the fact that it was unreasonable per section 1. It's not absolute; it is not absolute.

One of the factors, and when there was an analysis done, it's called minimal impairment. In other words, where freedom of expression is infringed upon we must impair that right in a minimal way, otherwise the legislation will be struck down as unconstitutional. So we could put in a piece of legislation where we have broad coverage and it gets tossed out, and where are we? We're back to square one without the protection.

In paragraph 88 of the Spratt decision – which I would invite everybody to look up because it's easily accessible – it stated the following with respect to minimal impairment. “In my view the zone around the Everywoman's Health Centre is reasonably tailored to the location and circumstances of the clinic.... It is not the business of the court to fine-tune the area around the clinic in which protest is banned unless the size of the area can be said to amount to a constitutional impairment. I am not persuaded that it is.”

The BC legislation, which we have modelled ours exactly on, allows for fine tuning. It allows us to add in the future. It allows us to change to encompass the concerns that have been brought forward by the Members of the Opposition and have been brought forward by myself, by my colleague, by people within our department. This is not a new argument or point I am hearing today. It's one we've had the same argument about.

We've had debate within our own department talking about this. I want the best piece of legislation that is going to stand the test of challenge. I want that, but sometimes we have to be careful. What we know is that BCs stood the test.

Now, it might still be challenged. I'm confident it will succeed, but I'm also confident that the provisions within section 13 under regulations allow for the Lieutenant Governor in Council to draft regulations to encompass any concern that is brought forward on a timely basis, and I'm going to talk more about that now in a second.

What's going on opposite is that we're not pinpointing. What they're saying here – the judge, the BC case they're saying you have to pinpoint, you have to fine-tune. We have to take this and be very careful because if you're going to infringe on a person's right, you have to do so in a minimal fashion. What we're hearing over here is have a broad, broad buffer zone, protect broad swaths automatically. And we are not convinced, we're not sure that this will be constitutional. That's not a risk I want to take. I want a bill that brings us light years ahead of where we are.

Is it perfect? No, but it has provisions that allow us to fine-tune the legislation. It's stood the test of challenge and I'm very happy to be able to have this piece of legislation that will stand that test.

The Leader of the Official Opposition mentioned some property concerns. Section 5 does cover that in part. The fact is that there's no intimidation. One of the concerns is about the property. Right now, as it stands, we have only one clinic that exists. The private property concern in relation to that clinic is non-existent, so that does not exist. However, the private property exception does allow for a person to hang a sign in their window. We can't stop that. That would be the infringement. But, again, a very good point made by the Member, the Leader of the Official Opposition. I'm very happy to try to answer it.

The Member for Conception Bay South; I appreciate his comments and his support. He discussed it and he said it's a touchy subject. Do you know what? He's right. This is. It's difficult when we talk about this topic which there's still – as the Member for St. John's East – Quidi Vidi has said, there's still debate going on. Even though this has been legal for decades, there's still that debate going on. But this debate right here is not about that. This debate is about

protecting those that want to avail of the service. This is what this debate is about.

The Member for St. John's Centre, who again, I know supports this. I know she supports this, but I understand her concerns, I get that. The fact is – and I can tell because she's not going to agree with anything I say here, that's fine, but I'm going to put my point out and sometimes you don't agree. I understand and get the concern that she's putting forward, but the problem is that we've put a significant amount of work into this. We want a piece of legislation that, as I've said before, will stand the challenge.

She brought up conversations with Ms. Moore. I've been a part of those conversations and I have the emails too. Do you know what? I appreciate the fact that she took the time to bring this to my attention. She deserves huge credit, along with Ms. Ryan and every other person that's fought this fight and has brought it forward to people like me so that we can hopefully do something. They deserve the credit.

Ms. Moore took the time to write to us and said, we appreciate the meeting, we appreciate your efforts and here are some of the suggestions. One of them was to consider including staff homes as part of it, and to talk about considering the possibility of expanding it and talking about the zone at 50 metres. We had these conversations.

We wrote back to Ms. Moore – and I have to give a huge amount of credit to the solicitor that was handling this file. The BC legislation which we discussed is the model for the act, provides for the automatic zone around the doctor's office, but allows the Lieutenant Governor in Council to create regulations establishing a zone around residences of a certain class of service provider or the residence of a specific service provider where necessary and appropriate to do so. If the BC model is adopted, any new clinics can be added to the regulations, where necessary, without returning to the House of Assembly to amend the legislation. It can be done in a timely fashion, and you know what? It will be done in a timely fashion, the same way that this legislation was done.

In the Spratt decision – this is where we talked about the same thing I mentioned earlier – the

key factor was the minimal impairment of protestors' Charter rights and it has to be a reasonable tailoring to the location and circumstances. While we appreciate your suggestions, there is a concern that blanket provisions, including all service providers as well as all clinics, would hamper the ability to create the type of specific tailored and easily identifiable zones that were upheld in BC. It stood the test.

That said, should the proposed legislation pass in the House of Assembly this session, the Department of Justice and Public Safety will most certainly be in contact with your client as we turn our attention to drafting regulations that will hopefully address the concerns you've raised, including the appropriate size of the zone for the Athena Health Centre.

What I've been told by my staff is that those concerns were discussed with Ms. Moore and she understood. Again, I'm not going to put words in her mouth, she's able to speak, but this is what's passed on by me. She understands the concerns. She is probably of the same mindset of you and in many ways the same mindset as me, which is, we want to do everything we can. But I would rather have something that works than something that's going to get tossed out and provide no protection to the females and service providers of this province. This is a huge step forward and I want one that's going to stand the test.

I heard one of the points was we need to be bold. That implies the suggestion that we are not being bold. Well, I would say two things, Mr. Speaker; number one, we're putting in a piece of legislation that only exists in one other province. We're going where a number of other provinces haven't gone and I'm proud to do so. It's the right thing to do. I agree that it's the right thing to do.

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

**MR. A. PARSONS:** We are doing something that is bold and it's based on the work of all those individuals that have fought this fight and brought it to our attention. We're happy to do it.

But the second part of that, it's one thing to be bold and it's another thing to overreach and do

something that is not sustainable and will be tossed out. Where are we then? We are not where we need to be.

We need to ensure constitutionality. We need to ensure that. Without that, if we infringe on the rights, where are we then? I'd say we're farther behind, way farther behind than where we are now with a piece of legislation that is going to protect rights, is a giant step forward and it will stand the test. I'm confident that it will stand the test.

I'm not going to risk it based on the logic used out in BC where they talked about the minimal impairment. Again, this legislation, section 13, allows for you to draft regulations. They can be drafted very quickly. We as a government have shown – in this piece of legislation, the minister; she made a promise, she kept the promise, she brought the issue forward. We've got it done. We did it in a very, very quick fashion and we'll continue to do so.

We will continue to do what we have to ensure that people's rights are respected, but to ensure that women and service providers in this province are provided with a level of safety that they have not had in the history of this province. We need to do more but we're always willing to listen. Right there, in black and white: We're willing to come back to you and work with you to create regulations to ensure that all your concerns are addressed – all the concerns are addressed.

Mr. Speaker, in closing this, you know what, being passionate about this is something that, I think, is shared by all of us. It's certainly shared by me. It is something that, while it hadn't been on my radar prior to January, it has been since then. There's been a lot of effort. This is not a piece of legislation that's just housekeeping; this is not a piece of legislation that is just run of the mill. This is important and I want it to succeed. I want it to work. I want it to stand the test. I think it will provide a level of protection that is not currently there.

I'm very happy with the support of my colleagues on both sides and with the support of the people that have made this work, that have done the work legislatively. I'm very happy to sit now and look forward to the Committee stage

and hopefully to the ultimate passage of this bill that will see protection put in place for females in this province as well as service providers.

Thank you, Mr. Speaker.

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

**MR. SPEAKER (Osborne):** Is the House ready for the question?

The motion is that Bill 43 be now read a second time. Is it the pleasure of the House to adopt the motion?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against?

Carried.

**CLERK:** A bill, An Act To Create Safe Access Zones Around Facilities And Homes Of Doctors And Service Providers Providing Or Facilitating Abortion Services. (Bill 43)

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

**MR. A. PARSONS:** Now.

**MR. SPEAKER:** Now.

On motion, a bill, "An Act To Create Safe Access Zones Around Facilities And Homes Of Doctors And Service Providers Providing Or Facilitating Abortion Services," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 43)

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

**MR. A. PARSONS:** Mr. Speaker, I move, seconded by the Minister of Finance and President of Treasury Board and Minister Responsible for the Status of Women, that the House resolve itself into a Committee of the Whole to consider Bill 43.

**MR. SPEAKER:** It has been moved and seconded that the House resolve itself into a Committee of the Whole to consider Bill 43.

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

All those in favour?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against?

Carried.

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

### Committee of the Whole

**CHAIR (Dempster):** Order, please!

We are now considering Bill 43, An Act To Create Safe Access Zones Around Facilities And Homes Of Doctors And Service Providers Providing Or Facilitating Abortion Services.

A bill, "An Act To Create Safe Access Zones Around Facilities And Homes Of Doctors And Service Providers Providing Or Facilitating Abortion Services." (Bill 43)

**CLERK:** Clause 1.

**CHAIR:** Shall clause 1 carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

On motion, clause 1 carried.

**CLERK:** Clause 2.

**CHAIR:** Shall clause 2 carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

On motion, clause 2 carried.

**CLERK:** Clause 3.

**CHAIR:** Shall clause 3 carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

On motion, clause 3 carried.

**CLERK:** Clause 4.

**CHAIR:** Shall clause 4 carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

On motion, clause 4 carried.

**CLERK:** Clause 5.

**CHAIR:** Shall clause 5 carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

On motion, clause 5 carried.

**CLERK:** Clause 6.

**CHAIR:** Shall clause 6 carry?

All those in favour?



**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

On motion, clause 6 carried.

**CLERK:** Clause 7.

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

**MS. ROGERS:** Thank you very much, Madam Chair.

I would like to speak to clause 7(1) which reads as is: "An access zone is established for the residence of every doctor who provides abortion services." Again, I would like to say that the legislation that our current bill is modeled on was written in 1996 in BC, in British Columbia, where there were a number of very high-profile violent acts against doctors who were providing abortion services. It was very important that this legislation was enacted in BC at the time.

I have had the opportunity when looking at the proposed bill, again looking at really what is the intent of the bill. The intent of the bill is to ensure that women who are seeking abortions are free from harassment and intimidation when they go to the facility for their abortion, and that those who work at the facility, whether it be doctors or service providers including nurses and counsellors and other administrative people, also are free of intimidation and harassment when they go to work to provide those services.

Then what the BC bill did was also to ensure that anyone who provides those services, whether they be a doctor or a nurse, also are able to return to the sanctity of their home and not be harassed or intimidated because of the work that they do. This particular clause 7(1) is about providing that, the safety for a doctor who works at a clinic, to be able to return to the sanctity of his or her home without being faced with harassment or intimidation because of the work that he is doing.

I believe that now that we are in 2016, we realize that there are teams that work at abortion facilities. They are doctors, they are nurses, they

are counsellors and they all must be afforded the same protection under the law. The onus to seek protection should not be on what are mostly women, who are nurses and counsellors who provide the services at these facilities, should have to appeal to government to say I need that protection too – so that they have to appeal to government in saying I'm not automatically covered under this.

Again, what we see is that if there are limits set out – I know that the Minister of Justice said that we are seeking broad-ranging and broad swaths of zones. Well, that's not true. It's about the people who are providing the service. So I'm not sure how much discussion was had about, okay, what is the difference between someone who calls themselves doctor and then someone who calls themselves nurse and someone who may be a technician in the OR, and that they are all working together to provide this medical service and they are all targeted. They all experience harassment. They all experience intimidation. What this bill is about is making sure that people aren't experiencing that in their workplaces, in their safe, legal workplaces, and in their homes.

So I believe, because again it's 2016, it's not 20 years ago, and that because of the history of what has gone on in the past 20 years, and the very fact, Madam Chair, that the owner of the abortion facility who has invested so much personally in terms of making sure that we have a facility that acts with dignity, with care, with respect to provide a vital, legal medical service – she is not protected automatically under this act because she is a nurse. There's something wrong with that.

I've also had the pleasure of speaking to doctors, asking them what they think. They say, of course, we work as a team; of course, the whole team should be afforded the same equal protection as what this bill is proposing.

So, Madam Chair, although the Minister of Justice has said that he fears the possibility of a Charter challenge, I believe that the difference between a nurse and a doctor or a counsellor is not talking about making broad swaths of access zones. It's about strengthening the bill to ensure that it actually does fully what it intends to do.

In light of that, he did say we did everything in a quick fashion. Again, I believe if we had legislative committees where we would have looked at this bill before it came to the House that we would have talked about these issues that we may have been able to come to some kind of solution before this bill reached the floor.

But in light of this, I would like to propose an amendment to clause 7(1) of the bill: that the bill is amended by inserting immediately after the word “every” the words “service provider and of every.” The issue and definition of service provider is included already in the bill. It is not adding anything substantive, but simply to say that also those who are providing the service are extended the same amount of protection.

It is seconded by the Member for St. John’s East – Quidi Vidi.

Thank you.

**CHAIR:** The Member for St. John’s Centre has proposed an amendment to Bill 43. The House will take a brief recess to consider the amendment.

### Recess

**CHAIR:** Are the Whips ready?

The Speaker is asking if the Whips are ready.

The Speaker has reviewed the amendment and found that the amendment is in order.

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

**MS. ROGERS:** Thank you very much, Madam Chair.

I’m very happy to find the amendment is in order. I have a specific question for the Minister of Justice. I understand the Minister of Justice may be concerned at times about the bill to make sure that any kind of change to the bill, whether or not it would make it more vulnerable to Charter challenges. However, it appears from this angle how protecting a nurse in the same way we would protect a doctor, would weaken our bill. I’m not sure how that would be.

We’re not talking about broad swaths of access zones. In fact, we’re not talking about whether someone is walking up Signal Hill or whether someone is at the mall. We’re talking about their residence. Is there a difference? It is that a doctor who provides services in an abortion facility is more worthy of protection than is a nurse who is part of the team providing the services? I’m not so sure how that could possibly weaken this bill.

I’d also wonder, Madam Chair, whether or not the minister – and I’m sure he’ll answer my question – has actively sought out advice from a constitutional expert, from an expert on our Charter of Rights and Freedoms because I would suspect that would be really important at this point. I know there has been a lot written about the case of *Watson v. Spratt*. That is what he is suggesting where his concerns are, that something like that might happen again.

We already know that one person with the clinic has already had people come to her home and put objectionable literature in her own mailbox in her house. She’s not a doctor, she’s a nurse. Why would we wait for a problem to happen? Why not just nip it in the bud? Why not extend this protection, this proactive protection, to those who are providing the services? It’s not clear to me why it would be different, whether you are wearing a stethoscope or whether you are wearing a nurse’s uniform, providing services in the same facility. We know that women have a right to safe medical procedures, and that those who are providing those procedures also have a right to a safe workplace, a safe home. I cannot see how anything would be lost by extending this service.

If we believe that a doctor, a physician has the right to protection under this law and freedom from harassment in their home, why would we not believe and extend that to every member of the health care team? Again, we’re not talking about making unusually large swaths of access zones, we’re not talking about walking up Signal Hill or going to the mall, we’re talking about their homes.

We have the benefit of foresight. We know our community; we know what has been happening in our community. So if government feels it’s necessary to specifically state the need for

protection around the homes of doctors, why would we not also see that we specifically need that protection around the homes of nurses or counsellors or those who are involved in this work?

So if the legislation allows for other service providers to come to government for protection – we know that already this bill is allowing for other service providers to come to the Lieutenant Governor in Council to plead for protection. It's because we know that's needed, so let's do it. Let's do the right thing.

I would also like government to provide us with some kind of – and the minister to provide us with some kind of – brief on how this would weaken our chance. Why it would weaken the bill if that in fact is the case, if we need some expertise, some counsel from a constitutional or a Charter of Rights expert.

We know and I believe that we live in a small province, in a small city where we are dealing with a handful of people who have persistently and consistently, for years, harassed women, their families, their escorts and the staff who are providing a safe, legal medical service. They have persistently harassed them and intimidated them. I, myself, have gone to that clinic for meetings and have been also harassed.

We know there's a problem. Let's fix it in the best way we possibly can. The minister knows there's a potential problem for other service providers in that clinic, whether it be nurses or counsellors. Let's do it right.

I know the minister is anxious to get this done quickly. I applaud him for responding so very quickly. I applaud him for bringing this to the House, but I believe, as do many, that it's important to extend this very basic protection service to not just doctors but to the other service providers.

I thank you very much, Madam Chair.

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

**MR. A. PARSONS:** Thank you.

I'm going to try to keep my comments brief. We did have a constitutional expert look at this; her name is Dr. Barbara Barrowman. She is medical doctor, she is a solicitor and she works with us in the Department of Justice and Public Safety. We're very lucky to have someone of her quality, someone who clerked at the Supreme Court of Canada that was able to look at this. I take her opinion very seriously and she is in support of this.

Number two, I know the Member's interpretation might not be that this is broad, but her interpretation and the court's may be two separate things. I'm going to rely on the expertise of the solicitors including constitutional experts that are in the Department of Justice and Public.

Number three, what we're suggesting protects the bill, provides the protection, and we can still get the same coverage by pinpointing through the regulations. The protection is there. The regulations are in the drafting stage. So it covers off the concern the Member is expressing, which is why not have the coverage, why not have the protection? The protection is coming. We've had these discussions.

So here's what we're suggesting. We're suggesting why take the risk, if she's pinpointed there's a risk? She hasn't concluded whether it would or would not be tossed out but she has acknowledged there is a risk. So why not avoid the risk, have the bill and still pinpoint the protections and use regulation of power, which we don't have to come back to the House of Assembly and get it done. All looked at, approved by solicitors within the department, including constitutional experts and looked at out in the BC court.

Thank you, Madam Chair.

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

**CHAIR:** The Speaker recognizes the hon. Member for St. John's East – Quidi Vidi.

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

I'd like to say to the minister that nobody is questioning the expertise in the department, but

even in the area of expertise with lawyers – surely this minister knows being the one lawyer in the House – there are different interpretations of anything. That’s what courts are all about, all the different interpretations.

The phrase from the constitution that the minister referred to, “The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.”

The question is: If it’s demonstrably justified to have the protection for doctors, why wouldn’t it also be demonstrably justified to have them for other service providers? That’s the point I think that really needs to be worked at.

There are different things that could happen here. We could actually use our Standing Orders as it is right now. We could actually have different voices come in and speak to it because we already have a lawyer saying to us there is the potential in this piece of legislation that you could have one group questioning the fact that doctors are protected and they’re not, and bring a Charter challenge because one group is not being protected. Nurses aren’t being protected. They could, as a group, look to a Charter challenge on that. Doctors are protected by the legislation, but they aren’t automatically protected by it. Social workers could do the same thing as a group.

So there’s more to it. I think we have a very tricky thing here, because it’s legal stuff that we’re talking about and there are different positions. I really implore the minister, and I know all your people are up there listening to this discussion. This is serious. This is not doing it for the sake of just prolonging Committee. This is to do what Committee is about. It’s to really explore all aspects of what we’re dealing with. I beg to differ; it’s not as simple as accepting one interpretation when we already have another interpretation, legal interpretation.

Do we get the different minds to sit down together and try to pull it apart? There are groups out there like LEAF, the national organization dealing with legal issues of this nature, that deal with this all the time. We could

get LEAF to give us an interpretation if we just didn’t want an individual lawyer.

I think as it is written, it is actually opening up the possibility of a Charter challenge based on different groups’ interests being affected, that not all the groups are getting equal treatment. And you have a Charter challenge possibility right there.

I don’t think this is too complicated to just solve by standing in Committee and going back and forth like this. I think we need to make a decision of how we can really sit down and get this resolved before we move out of Committee. This is what Committee is supposed to be about. Let’s use it to do what Committee is about. It’s not just to play a game. It’s to really try to fully interpret what can happen with this piece of legislation.

I’m sure the minister doesn’t want us to do something imperfect if there’s no need to do something imperfect. Let’s make it the best possible piece that we can get.

Thank you, Madam Chair.

**CHAIR:** The Chair recognizes the hon. Member for Mount Pearl – Southlands.

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

I want to speak to this as well because the last time I did speak I supported, I guess, the notion of the amendment and what the Member for St. John’s West was saying. I still support that notion; I think everybody does, quite frankly. I don’t think there is anyone who would disagree that a nurse should be given the same protection as a doctor would if they’re involved in performing abortion services. I don’t think anyone would disagree with that.

The problem we have, quite frankly, is we have an amendment now that has come forward – I understand what the Minister of Justice is saying, that he had his department look at it. I’m not questioning any of those people or their abilities or whatever. I don’t know that they’ve actually examined this amendment specifically and commented whether it would be a constitutional issue or it wouldn’t.

I do agree with the Member for St. John's Centre, that what is being proposed is not broadening it. As she said, we're not talking about someone can't go in the mall or up on Signal Hill or anything like that. It's not like we're saying every nurse in the province is going to have their house protected. There are only a few of them. I would imagine there are not that many people we're talking about. There are only a handful of people. All she's saying is that if I'm a nurse or if I'm a doctor, that people can't come and harass me at my home. That's what's being said. That's the intent. I have to agree with that intent.

That being said, the quandary we find ourselves in now is the minister is saying that it is going to be a constitutional issue if we do it. I certainly don't want to be part of, I guess opposing any kind of a bill that's going to have a positive effect, something that we all agree with. So it puts us in a bit of a quandary for sure.

The only thing, Madam Chair, I would ask or suggest is there is nothing here that I'm aware of under the House rules that would say necessarily – I stand to be corrected – that this has to be passed right now. There is nothing saying this has to be passed on Thursday afternoon.

It's important legislation. We all agree with it. I'm glad the minister reacted quickly to get it forward, but whether this actually gets passed today or Monday or two weeks from now, I don't think that's going to make a big difference one way or the other.

If we can allay some of the concerns and have a look at the legal opinion – I mean the minister is privy to those legal opinions but nobody else was. I wasn't privy to any legal opinion. Nobody on this side, I'm aware of, was privy to any legal opinion. This comes down to a legal opinion. We're not lawyers, or some of us are. The minister is a lawyer, but beyond that the rest of us are not lawyers. I'm not a lawyer. So if we had the opportunity to see that legal opinion or to have a briefing and talk to somebody who can explain why this can't be done, then I'd be fine with it. Everyone would be fine with it. I don't know that we have to pass it right now.

So that would be my suggestion, Madam Chair, is that we would have an opportunity to speak to

whoever in the minister's department on this particular amendment from a legal point of view and explain why it can't be done. If it can be done, I believe it should be done. But if the legal opinion is that we can't do it without risking the bill, well then, obviously, we can't do it.

On the piece the minister is talking about, the regulations, we can do it anyway under the regulations; I want him to clarify that. Because what I'm hearing from the minister is that we can put these regulations in place that will specifically address that issue of a nurse's home or a counsellor's home. If he can stand up here and say, absolutely, without a doubt, that once this is passed and in a month's time or two months' time or whatever it is that the regulations comes out, and there will be a regulation that will be written that will specifically say that a protestor cannot protest at a nurse's or – what's the wording – service provider's home, and that's there, word for word, written in the legislation, and it's enforceable, if he can say that then I'm good with it. We're only talking in circles, if that's the case.

That would be my commentary on it, Madam Chair. We're all here to do the right thing. We all think it's good legislation. It's just about making sure we've covered off all the bases and everybody is protected. There's nothing wrong with that. That's why we were elected to do that.

Thank you.

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

**MS. ROGERS:** Thank you very much, Madam Chair.

Again, the issue we're dealing with is extending protections to those who are providing this service. We know that doctors work within a team. The doctors I spoke with said they want their team included in the expanse of those protections. I understand the complexity of making laws, making legislation. I understand the complexity of the potential of Charter challenges and constitutional challenges. I think we all understand that and we all take that seriously.

I spoke with Debbie Forward, who is the president of the Registered Nurses' Union. She talked about the issue of violence at work and how that's a huge issue now, violence in the workplace. So we know that this bill is taking care of that. It's taking care of the actual facility.

She had the same question: Why are physicians only being provided and not nurses? Why are only physicians being provided this extended protection at their homes and not nurses or not counsellors? She believes that the reason that this bill comes to the House is that there is recognition for the need for it and recognition for the safety, but the bill, in this particular aspect, only goes halfway. Why only one provider? Why is it that the home of one provider is encompassed in this bill, proactively?

She feels, too, why can we not have a bill that proactively encompasses the homes of all the providers and support the team who is working together? She also felt that there is so much work being done right now in recognition about violence in the health care system. She said that we have to look at trying to mitigate the harassment and leaving out one class of worker in that facility, it only goes halfway. This is a partway measure.

Thank you very much, Madam Chair.

**CHAIR:** Is it the pleasure of the Committee to adopt the amendment?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

**SOME HON. MEMBERS:** Nay.

**CHAIR:** The amendment is defeated.

On motion, amendment defeated.

**CHAIR:** Shall clause 7 carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, clause 7 carried.

**CLERK:** Clause 8.

**CHAIR:** Shall clause 8 carry?

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

**MS. ROGERS:** Thank you very much, Madam Chair.

I, once again –

**CHAIR:** Given the hour of the day, I will now rise the Committee and report progress on Bill 43 and ask leave to sit again.

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

**MR. SPEAKER (Osborne):** The hon. the Deputy Speaker.

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

The Committee of the Whole have consider the matters to them referred and have directed me to report that some progress was made on Bill 43 and ask leave to sit again.

**MR. SPEAKER:** The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed her to report the bill with some progress and ask leave to sit again.

The hon. the Government House Leader.

**MR. A. PARSONS:** Mr. Speaker, I can see the hour of the day. We are in Committee and we are debating this very important bill. I would ask if I would have leave to ask that the House resolve itself into a Committee again to continue considering this bill.

**MR. SPEAKER:** Does the hon. the Government House Leader have leave?

**AN HON. MEMBER:** Leave.

**MR. SPEAKER:** Leave.

**MR. A. PARSONS:** Mr. Speaker, I move, seconded by the Minister of Finance and President of Treasury Board and the Minister Responsible for the Status of Women, that the House resolve itself into a Committee of the Whole to consider Bill 43.

**MR. SPEAKER:** The motion is that the House resolve itself into a Committee of the Whole to consider Bill 43.

All those in favour?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against?

Carried.

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

### Committee of the Whole

**CHAIR (Dempster):** (Inaudible) An Act To Create Safe Access Zones Around Facilities And Homes Of Doctors And Service Providers Providing Or Facilitating Abortion Services.

**CLERK:** Clause 8.

**CHAIR:** Shall clause 8 carry?

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

**MS. ROGERS:** Thank you very much, Madam Chair.

Once again I would speak to clause 8(1): "An access zone is established for the office of every doctor who provides abortion services."

We know that some of the service providers in abortion facilities – for instance, nurses – may work only temporarily or part time at the abortion facility and they have another place of work. It may be with another doctor in their office. They may do private practice nursing. The same with counsellors; they may provide

counselling services in the abortion facility but have a private practice in an office outside.

Once again we're looking at the issue of why is it that we are providing this protection only to a doctor. We believe that this protection should be provided to a doctor, but that it should also be extended to these service providers so that it's clear if there is an acknowledgment that this kind of protection needs to be extended to a doctor because of the potential of harassment, because of the potential of intimidation in their place of work that it would go, it would make logic and sense to also see the potential of a similar type of harassment, similar type of intimidation at the workplace of nurses, of counsellors, of other service providers.

So in light of that, Madam Chair, I propose an amendment, seconded by the Member for St. John's East – Quidi Vidi: Subclause 8(1) of the bill is amended by inserting immediately after the word "every" the words "service provider and of every."

I have this to hand out. Thank you.

**CHAIR:** The Member for St. John's Centre has submitted an amendment. The House will now take a brief recess to consider the amendment.

### Recess

**CHAIR:** Are the Whips ready?

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

**CHAIR:** Order, please!

I have considered the amendment put forward by the Member for St. John's Centre and I have ruled the amendment out of order. I made by decision based on O'Brien and Bosc, page 767, "... if it is inconsistent with a decision that the committee has made regarding a former amendment ..."

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

**MS. ROGERS:** Thank you very much, Madam Chair.

I regret that we're not able to pass and accept my first amendment on section 7(1) and also the following amendment. While we were on recess, I got an email from one of the incredible, courageous doctors who is doing great work in this province, who is also one of the abortion providers.

Her email said – it was a text, actually – and her text said, “I've been listening to you in the House of Assembly and I want to thank you for trying to get protection for our nurses and our counsellors.” Just plain and simple. And that's what this debate has been about. This debate has not been playing politics; this debate has not been about trying to scuttle anything. This debate has not been about one-upmanship or trying to rain on anybody's parade.

I believe that we were all excited and happy to see this legislation come through, and that we were all happy to see this legislation come to the House. It's legislation that's needed, but let us not forget that it was legislation based on legislation that was enacted in BC 20 years ago at a time when there were a number of doctors who were shot in BC, who were violently accosted and it was predominantly the doctors.

The interesting thing was that in the email from Lynn Moore, the lawyer for Rolanda Ryan who is the owner of Athena Clinic, who is absolutely committed to ensure that the women of Newfoundland and Labrador have access to safe, legal abortions in an atmosphere of absolute respect and dignity, Lynn Moore wrote – when she asked government to consider including staff homes as part of the protected zone – she said: We recognize the hope is to avoid a successful Charter challenge by not straying too much from the model afforded by the BC legislation.

That being said, Newfoundland and Labrador is a much smaller province than BC and the players in this province are slightly different than are compatriots to the West. My client is, for all intents and purposes, the face of abortion services in our province and for this reason we ask that you consider including the homes of the staff at the clinics that provide abortion services as part of the safe access zone. This is especially important since for the first time in nine years my client had mail dropped at her home one month after the injunction was secured.

The injunction was very important, particularly for the women who were seeking medical services so that they would be free of the horrendous intimidation and harassment they were experiencing when they were going to the clinic and for the staff as well. But because the injunction was just around the clinic, then the protestors chose to go to the home of one of the service providers. That's what we're talking about here today.

Although we can walk away feeling proud that this bill had come to the House and will be enacted in legislation, we can feel proud about that; however, we also know that I believe this bill is flawed in that it doesn't fully accomplish what it is intended to do, and that is to provide the safety and the dignity and the respect of those who provide this very important service to the women of Newfoundland and Labrador and also to their families.

So I will leave with a certain amount of confusion and that confusion comes not because I don't know what I'm talking about, but that confusion comes because it makes no sense to not do the right thing at this time. Twenty years after BC's legislation was enacted, for us to simply just take that 20-year-old law as is and present that in our House.

The doctors have asked for it to be expanded and changed. Again, it is not changing access zones, not creating a wide swath but affording the same and equal protection to mostly the women nurses and counsellors who are providing services to the women of Newfoundland and Labrador in our only free-standing abortion clinic.

So I believe it is unfortunate. I'm dismayed that we've decided to just rush this through now. I'm glad that this legislation came to the House quickly, but I'm disappointed that we were not able to thoroughly look at this issue of ensuring that all of the service providers who are providing this crucial service to the women of Newfoundland and Labrador are not afforded the equal and the same protection as the doctors who are part of the team, the nurses who are part of the team, the counsellors who are part of the team.



The doctors want to see this done, the nurses want to see this done, the counsellors want to see this done and you can be damn sure that the women of Newfoundland and Labrador want to see this done as well.

So, Madam Chair, I will sit. I believe that we may not have done the best that we could have done tonight.

**CHAIR:** Order, please!

I remind the hon. Member that her time for speaking has expired.

**MS. ROGERS:** Thank you very much.

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

**MR. A. PARSONS:** One thing – I have a number of things, but the first thing, just in response to that, the women of Newfoundland and Labrador want this done. The men and women of Newfoundland and Labrador want this done.

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

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

**MR. A. PARSONS:** I listened to the Member opposite and didn't interrupt; I would expect to be accorded the same courtesy.

Men and women are doing these professions. I'm going to point back to the law in BC, 1996. It has not been amended once – not been amended once. The reason is because (a) it works; and (b), they add in what they need by regulation, which is what we are doing here. There are regulations in draft stage right now involving Ms. Ryan that will be enforced the same day we bring this act in, providing the protection that you asked for, providing the protection that you want for anybody. It's worked in BC.

Why would we risk throwing it out, because you don't agree with it, when I have constitutional experts and lawyers that have looked at it? I understand that doctors and counsellors want it expanded. I get that, but there's a reason that we

are doing it like this. Because it will work, it will provide the protection.

I'm disappointed that the Member opposite – this should be a day that I thought was going to be celebrated because we're bringing forward legislation that was going to be for the betterment of people across this province. Now the Member doesn't like it because she doesn't agree with the interpretation.

I will take the interpretation provided by constitutional experts, by lawyers, by people that we consulted and that's worked in British Columbia for 20 years. It successfully withstood a challenge. It hasn't been amended, and it will provide protection.

I've said it so many times, but again, I'll say it here: This is going to work. I'm very proud of this legislation. It's in the best interests of the people of this province.

Thank you, Madam Chair.

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

**CHAIR:** Order, please!

Shall clause 8 carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

**SOME HON. MEMBERS:** Nay.

**CHAIR:** Carried.

On motion, clause 8 carried.

**CLERK:** Clause 9.

**CHAIR:** Shall clause 9 carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

On motion, clause 9 carried.

**CLERK:** Clause 10.

**CHAIR:** Shall clause 10 carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

On motion, clause 10 carried.

**CLERK:** Clause 11.

**CHAIR:** Shall clause 11 carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

On motion, clause 11 carried.

**CLERK:** Clause 12.

**CHAIR:** Shall clause 12 carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

On motion, clause 12 carried.

**CLERK:** Clause 13.

**CHAIR:** Shall clause 13 carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

On motion, clause 13 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?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

On motion, enacting clause carried.

**CLERK:** An Act To Create Safe Access Zones Around Facilities And Homes Of Doctors And Service Providers Providing Or Facilitating Abortion Services.

**CHAIR:** Shall the long title carry?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

On motion, title carried.

**CHAIR:** Shall I report Bill 43 carried without amendment?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

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

**CHAIR:** The hon. the Government House Leader.

**MR. A. PARSONS:** I move, Madam Chair, that the Committee rise and report Bill 43.

**CHAIR:** The motion is that the Committee rise and report Bill 43.

Is it the pleasure of the House that I do now leave the Chair?

All those in favour?

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against?

Carried.

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

**MR. SPEAKER (Osborne):** The hon. the Deputy Speaker.

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

The Committee of the Whole have considered the matters to them referred and have asked that I report Bill 43 carried without amendment.

**MR. SPEAKER:** The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed her to report Bill 43 carried without amendment.

When shall the report be received?

**MR. A. PARSONS:** Now.

**MR. SPEAKER:** Now.

When shall the said bill be read a third time?

**MR. A. PARSONS:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

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

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

**MR. A. PARSONS:** Mr. Speaker, I move, seconded by the Minister of Natural Resources, that the House do now adjourn.

**MR. SPEAKER:** The motion is that the House do now adjourn.

All those in favour?

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** Those against?

Carried.

On motion, the House at its rising adjourned until tomorrow, Monday, at 1:30 p.m.