



Province of Newfoundland and Labrador

FORTY-EIGHTH GENERAL ASSEMBLY
OF
NEWFOUNDLAND AND LABRADOR

Volume XLVIII

FIRST SESSION

Number 58

HANSARD

Speaker: Honourable Tom Osborne, MHA

Tuesday

13 December 2016

The House met at 1:30 p.m.

MADAM SPEAKER (Dempster): Order, please!

Admit strangers.

Today I'm pleased to welcome to the public gallery Mr. Mark Peddle and his father Mr. Paul Peddle. Mark is representing Special Olympics Mount Pearl and will be the subject of a Member's statement.

Also in the public gallery we have Mitchell Brophy. Mr. Brophy is from the Holyrood Volunteer Fire Department and is also the subject of a Member's statement.

Welcome.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

MADAM SPEAKER: Today we have Members' statements from the District of Ferryland, the District of Mount Pearl North, the District of Harbour Main, the District of Labrador West and the District of St. John's East – Quidi Vidi.

I recognize the hon. Member for Ferryland.

MR. HUTCHINGS: Thank you,

Madam Speaker, I rise today in the hon. House to recognize the Southern Shore Folk Arts Council on the vital role they play in the Southern Shore Shamrock Festival and Arts Centre. This group has been an integral part of both cultural and tourism development in the region for decades.

This year was the 31st Annual Southern Shore Folk Art Festival. It is because of the commitment and enthusiasm of the many staff and volunteers that continues to make this event such a huge success.

The Arts Centre was a commercial landmark in Ferryland, but with its transition of many years of hard work of its restoration it is now an exceptional venue for cultural events, public art displays, dinner theatre, concerts and other

social gatherings for the residents of the region, as well as tourists to enjoy our culture and enjoy the hospitality of the people of Newfoundland and Labrador.

Madam Speaker, I ask all Members of the House to join with me in congratulating the Southern Shore Folk Arts Council on their many years of success.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: I recognize the hon. Member for Mount Pearl North.

MR. KENT: Thank you, Madam Speaker.

I rise in this hon. House today to recognize Mount Pearl athlete Mark Peddle. Mark helped co-host the Special Olympics Canada National Awards on November 17 at the Glenn Gould Studio in Toronto. Mark joined TSN Sportscaster Vic Rauter to recognize the athletes, coaches and volunteers throughout the year.

Mark has been a member of Special Olympics Newfoundland and Labrador for the last decade or so. Mark has excelled with Special Olympics and has been presented with a whole host of opportunities. Recently, he attended his fifth Special Olympics Canada Games, which took place in Corner Brook.

This isn't Mark's first time hosting for a Special Olympics event. Mark attended an Athlete Leadership Course, where he started his training as a public speaker and advocate for Special Olympics. He has had lots of practice. He has accepted the Special Olympics Canada's Team of the Year award this past November at the Awards Gala.

Mark said at the time: "I am very honoured to have this opportunity to represent Special Olympics Athletes from across Canada. I look forward to giving the awards ceremony a Newfoundland flair." And he certainly did. Mark is an inspiration to all.

I ask all Members of this hon. House to congratulate Mark for doing such a tremendous job on behalf of Newfoundland and Labrador.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: The hon. the Member for Harbour Main.

MS. PARSLEY: Madam Speaker, two weeks ago, I had the pleasure of attending the annual Holyrood Volunteer Fire Department ball and awards night. The evening was a festive one as the department, members of all council and community came together to celebrate these volunteers.

One such individual is Mitchell Brophy. Mitchell first joined the Holyrood Fire Department in 2013. In 2015, Mitchell attended the Marine Institute's Stephenville campus where he completed a series of firefighting courses including NFPA 1006, High Angle Rescue Level Two, Confined Space Level Two and Vehicle Extrication Level Two.

Once completed, then he returned home to Holyrood and continued on with the Holyrood Volunteer Fire Department. On December 3 of this year, at 20 years of age, Mitchell was awarded the Holyrood Volunteer Fire Department Firefighter of the Year, which was presented to him by his father Doug who had received the same award 25 years earlier.

Mr. Speaker, the volunteer fire departments are without a doubt the backbone of our communities. I ask all hon. Members to join me in congratulating the Holyrood Volunteer Fire Department on another successful year and wishing Mr. Mitchell Brophy a prosperous career in the field of firefighting.

Thank you, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: The hon. the Member for Labrador West.

MR. LETTO: Thank you, Madam Speaker.

I rise in this hon. House to congratulate members of my district who recently participated in the Newfoundland and Labrador Amateur Bodybuilding Championships held in St. John's on November 26. This event is the only Canadian Bodybuilding Federation sanctioned event in the province.

I want to congratulate Denis Peters who placed second in Heavy Weight; Greg Louvelle who placed second in Grand Masters Bodybuilding; Sarah Hounsell who placed fourth in Bikini Short; Jo Anna Kent who placed second in Bikini Medium; Angela Maddox who placed fifth in Bikini Medium; Robin Porter who placed seventh; and Krya Louvelle who placed eighth in Bikini Medium.

As a result of their standings, Greg, Denis and Jo Anna are automatic qualifiers for the national event hosted by the Canadian Bodybuilding Federation in Laval, Quebec in May 2017.

Madam Speaker, it takes a lot of dedication, discipline and training to compete in this sport, and all participants are to be congratulated for their hard work.

I ask all hon. Members to join me in congratulating those people for their accomplishments, and wish them success at the national competition.

Thank you, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. MICHAEL: Thank you, Madam Speaker.

Today I celebrate a festival that attracts visitors from around the province, the country, and even the United States to my District of St. John's East – Quidi Vidi.

The Mummies' Festival began in 2009 as a joint project of the Heritage Foundation of Newfoundland and Labrador, and Memorial's Folklore Department. The next year festival organization moved to community volunteers and in 2011 the Mummies Festival incorporated as a non-profit.

The eighth Mummers Festival is taking right place now. The highlight for many is the parade. On Saturday past, thousands of people gathered for the march through the downtown route, and it was a glorious day for that event!

The Rooms, as the repository for our cultural history, is always part of the Mummers Festival. Mummer Mayhem on Sunday saw families get together to make their own mummers, and tomorrow night, the final event of the festival is “King of All Birds,” a public forum about wren traditions.

Madam Speaker, I ask all hon. Members to join me in congratulating the Mummers Festival. In the traditional greeting, here’s to “a pocketful of money, And a cellar full of cheer. And we wish you all a Merry Christmas and a Happy New Year.”

Thank you, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: Statements by Ministers.

Statements by Ministers

MADAM SPEAKER: The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Madam Speaker, I rise today to speak to the significant piece of legislation which will be given second reading in the House this afternoon, An Act Respecting The Seniors’ Advocate.

SOME HON. MEMBERS: Hear, hear!

MS. GAMBIN-WALSH: Once established, Madam Speaker, the Office of the Seniors’ Advocate will be a voice for seniors, their families and caregivers. As well, the Seniors Advocate’s mandate to identify and address systemic issues impacting seniors will assist policy-makers and front-line service providers. The Advocate will work with other entities, including the Office of the Citizens’ Representative and Seniors’ Resource Centre of Newfoundland and Labrador, but will not duplicate or impeded their mandates. Rather, it will focus on systemic issues affecting seniors and make recommendations accordingly.

In Newfoundland and Labrador, almost 20 per cent of our population is aged 65 or older. Within 10 years, that number is expected to increase to 27 per cent. These are statistics we simply cannot ignore, Madam Speaker.

We have heard from many individuals and seniors’ organizations that the establishment of a Seniors’ Advocate Office is a necessity in our province. Today, Madam Speaker, we are demonstrating our commitment to the seniors of Newfoundland and Labrador. We have heard their concerns, and we have taken action.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MS. PERRY: Thank you, Madam Speaker.

I thank the minister for an advance copy of her statement. This side of the House is always pleased when we see that initiatives are presented in the best interest of the province. Our seniors are the men and women who have given the most to our society and they deserve the utmost respect and consideration from our government. However, Madam Speaker, I do have some concerns with the Act Respecting the Seniors’ Advocate which we will be debating this afternoon.

This legislation does not help individual seniors with their various challenges. It does not give the ability for the Advocate to look into issued when requested by a senior. Instead, the legislation outlines that inquiries from seniors are simply to be passed along to the citizens’ advocate. This does not live up to the promise which the Liberal government has made.

While I think the Advocate is a great idea, the Advocate needs to be empowered to address the challenges and issues which seniors bring to their attention.

Thank you, Madam Speaker.

MADAM SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Thank you, Madam Speaker.

I thank the minister for an advance of her statement. Our caucus has been calling for a seniors' advocate since 2011 and are happy to see government finally move on this. Government's last budget cut or reduced many services that seniors rely on. If government had done a thorough analysis of the systemic impact of their decisions on seniors' lives, they never would have made some of their short-sighted decisions.

Madam Speaker, the Seniors' Advocate will surely have their work cut out for them.

Thank you very much.

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

MR. CROCKER: Thank you, Madam Speaker.

I rise today to recognize the Forestry Services Branch of my department on the continued certification of its Environmental Management System to the ISO 14001:2004 standard.

This certification positions Newfoundland and Labrador on the leading edge of environmentally-responsible forest management.

Madam Speaker, ISO is the world's largest developer and publisher of international standards. The branch achieved certification in 2015 and we were pleased to hear recently that we have once again achieved this prestigious distinction with registration continuing through 2017. To maintain this certification, the branch successfully demonstrated continuous improvement in its Environmental Management System.

The ISO certification is a commitment outlined in the Provincial Sustainable Forest Management Strategy. That document, along with our commitment in *The Way Forward* to increase timber allocations and harvest levels by 2020 will help shape the forestry industry in our province.

Madam Speaker, the ISO certification is voluntary and it establishes a solid foundation for organizations that wish to have their forest management activities certified against a sustainable forestry management system. Forest industry stakeholders support certification on Crown forest land as it ensures we have a resource that will benefit many generations of Newfoundlanders and Labradorians.

Once again, I applaud the efforts of our Forestry Services Branch to retain this ISO certification.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: Before the Speaker recognizes the Member for Cape St. Francis, I ask Members for their co-operation to keep the noise level down in the Chamber.

The hon. the Member for Cape St. Francis.

MR. K. PARSONS: I want to thank the minister for an advance copy of his statement. On behalf of the Official Opposition, I would like to congratulate the staff of Forestry Services on their continued ISO certification. This certification was first awarded to the Forestry Services Branch in December 2015. The ISO certification is awarded based on environmental management suitable for nature activities, products and services.

As the (inaudible) recognizes the hard work and dedication of many professionals in our civil service, I join with the government in congratulating these people.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

I too thank the minister for the advance copy of his statement. This is great news, and I congratulate the department on the wonderful work they are doing. Government touts

economic diversification and the forestry industry is ready for development, yet we hear from this government exactly what we heard from previous governments on the forest industry, very little.

I agree with the minister, we have a forest resource which will benefit future generations of people in the province. My question is, how far into the future, Madam Speaker?

Thank you.

MADAM SPEAKER: Oral Questions.

Oral Questions

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

Yesterday, the Minister of Natural Resources was unable to answer what was a fairly straightforward question.

So I'll ask the Premier today: If he can inform this House of Assembly if the CF(L)Co is undergoing a corporate restructuring?

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

MS. COADY: Thank you, Madam Speaker.

In response to the question yesterday, I said I'd be certainly happy to get details of any information that is required from CF(L)Co. Members opposite will remember, that in June of this year Nalcor made the decision and split apart both the generation and transmission divisions within Nalcor.

I have asked questions about whether CF(L)Co is undergoing any complete reconstruction or any complete restructuring and the answer to that is no. There are some changes being made as we progress towards accepting these transmission assets. There will be additional work probably and additional opportunities for people within CF(L)Co, but there will be no job losses. It's simply a maintaining of responsibilities within the CF(L)Co and realignment.

Thank you, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

The minister wasn't aware yesterday, so I'm going to ask some more questions on this today as we move forward. Now you did mention there wasn't a complete restructuring.

What restructuring is actually taking place in the structure itself of CF(L)Co? Explain to us what restructuring is taking place.

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

MS. COADY: Thank you, Madam Speaker.

There are some subtle organizational changes and there are some very expanded roles. So what will happen as we move forward, as we progress towards the transmission assets coming over, there will be some subtle changes within the organization. They are not substantive.

There are no job losses. These will occur during 2017 as we move towards the movement of transmission assets. These are not substantive. I'm quite perplexed as to why the concerns around this issue. Perhaps they can inform me of why there are concerns.

SOME HON. MEMBERS: Hear, hear!

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

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

Newfoundland and Labrador and Newfoundlanders and Labradorians hold a 65.8 per cent share –

SOME HON. MEMBERS: Hear, hear!

MR. P. DAVIS: – and are significant shareholders in CF(L)Co. It's important to the people of the province that they understand what's happening when they have such an important stake.

I will ask the minister: Who is leading this restructuring, these structural changes that are happening in CF(L)Co? Is it her own department? Is it Nalcor? Is it driven by government?

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

MS. COADY: Thank you very much, Madam Speaker.

To be quite clear, Nalcor is responsible for the transmission assets. They have a division that is headed up by an accomplished engineer – who is heading it up. That was announced back in June of last year.

As these transmission assets move, there will be some additional responsibilities, additional opportunities for people within the organization, but there will be no job losses that I am aware of.

Thank you very much, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

We've been told that employees at CF(L)Co have been advised of this restructuring. It's going to take place in the very near future, maybe as early as January.

What was the purpose of advising employees of that?

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

MS. COADY: Madam Speaker, I thank the hon. Member for his question. Internal communication is very important for every organization, including that of Nalcor. These transmissions assets will be starting to be moved over, obviously, in the very near future, in 2017-2018.

There will be some expanded roles within CF(L)Co. There will be some additional

responsibilities because of the change in transmission. This is not an unusual circumstance considering the magnitude of the transmission project.

Madam Speaker, there will be no jobs losses that I'm aware of.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

I ask the minister if she can give us some more information, provide more information to this House, in what she's referring to in a change in transmission?

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

MS. COADY: I'm not quite sure of why he's asking the question, a change in transmission. There was a change in June of last year from Nalcor where it has now a division for transmission and a division for generation. This occurred back in June of last year.

We are getting ready now for the transmission assets, Madam Speaker. This is part of the timelines of all the things that have been occurring, getting prepared for Muskrat Falls.

I understand there are no job losses expected. There will be some expanded duties and responsibilities based on these transmission assets.

Thank you, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I can tell you my concern is not about job losses; it's about controlling of a significant asset owned by Newfoundlanders and Labradorians.

Does this structure have anything to do, Minister, with ongoing talks that are happening with Hydro-Québec on hydroelectric sales and development in Labrador?

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

MS. COADY: Madam Speaker, this is not something I directed Nalcor to do. This is not something I directed within CF(L)Co. This is something that the skills that are within the organization have determined is the most important thing for these transmission assets to expand the responsibilities and duties of those management and executives that are responsible for these transmissions.

It has nothing, that I'm aware of, to do with Hydro-Québec. We are not having ongoing discussions on something that has not been disclosed, Madam Speaker.

I guess I'm a bit astounded that the Member opposite has been asking these questions without context. This is because the transmission assets are within the organization; we're expanding responsibilities for the executive and management, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

The context is quite simple, Madam Speaker. We're hearing discussion about it. Yesterday the minister didn't know if there was any restructuring taking place. Now she's informed herself and she seems to be very well informed today, but she shouldn't be surprised we're asking questions when we've heard about it and she didn't know anything about it. That's the context, Madam Speaker; it's a significant asset.

Well, I'll ask the Premier or the minister to inform this House of Assembly if there's currently any board openings or vacancies on the CF(L)Co board.

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

MS. COADY: Madam Speaker, the question asked yesterday, which I said I would take under advisement, was about the management within CF(L)Co. I've come to this House today to advise that there will be subtle changes within job responsibilities, but there's no massive change in structure.

The change in structure took place in June of last year when the two divisions, one transmission and one generation, took place. Now as we prepare for the transmission assets, Madam Speaker, there are going to be some subtle duty changes within management and within executive.

Those are part of a normal structured process that are not directed by the Department of Natural Resources –

MADAM SPEAKER: Order, please!

MS. COADY: They are directed by Nalcor.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

Well, we did ask the question yesterday and the minister did say that she would look into it and take it under advisement. She also said when she was asked if CF(L)Co is undergoing a corporate restructuring, part of her answer was not that I'm aware of. And what I said is today she seems to have informed herself and found out, and I'm glad she did.

So I'll ask the question again that I just asked a moment ago and never got an answer to, and ask her to inform this House of Assembly if CF(L)Co has any board openings or vacancies.

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

MS. COADY: Thank you, Madam Speaker.

As the Member opposite knows, the Independent Appointments Commission has been looking at

the board of Nalcor. We are now looking at all the boards under Nalcor's responsibility. We will be filing positions as they become available.

There will be a full governance review of those positions as well. It's very important, as we move forward, to have the best people in the best positions to make sure that the responsibilities and the assets within Nalcor are well managed.

Thank you, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I appreciate the information from the minister.

I will ask the minister, just to be clear: Are you saying the Independent Appointments Commission are participating in the replacement of vacancies at CF(L)Co?

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

MS. COADY: Thank you, Madam Speaker.

To be very clear, what I said is there is a governance review underway at Nalcor. The Independent Appointments Commission has put in place a very robust board of Nalcor that will now take on the responsibility of looking at what are the requirements under Nalcor, what are the requirements of, for example, Newfoundland and Labrador Hydro, what are the requirements of CF(L)Co, what are the requirements under that? We will move forward once we have that review undertaken.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

I'm not certain, I think she did say that the Independent Appointments Commission is involved in replacing vacancies in the CF(L)Co board, but the minister can speak to that further if she likes.

I have another question for government, Madam Speaker. People continue to be outraged and expressed their views and concerns about the Liberal cuts to snow clearing. Now other provinces have policies where plows are on the road with the start of a weather event. I asked yesterday and the minister answered.

I'll ask the Premier: Will you support the reinstatement of 24-hour snow clearing on the province's busiest roads?

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

MR. HAWKINS: Thank you, Madam Speaker.

Again, I'll just repeat what I've said before. We have 24-hour snow clearing when weather warrants it. Certainly, last night the conditions warranted it and our plows were on the roads, and we will continue to do that, Madam Speaker.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

Media are reporting that one of the requirements that must be met before snow plow operators can be called out is an accumulation of 10 centimetres of snow.

I'll ask the Premier: Can you confirm that 10 centimetres must be on the ground before the snow clearing strategy that the Liberals have now begun to have as policy, before that policy kicks in?

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

MR. HAWKINS: No, Madam Speaker. There are some target areas that we look at, and certainly conditions of the road are important for us. As I mentioned before, we have 24-hour snow clearing in areas that previously had it. The only difference that we have is the fact that 24-hour snow clearing – if it's warranted, we will have our plows on the roads.

Thank you, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Madam Speaker.

I ask the minister: Can ambulances and emergency responders travel safely on roads with 10 centimetres of snow on them?

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

MR. HAWKINS: Thank you, Madam Speaker.

Again, I answered that question, I think, probably two weeks in a row with regard to the protocol when there's an emergency. There's absolutely no difference in our protocol for emergencies than the previous administration had.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Madam Speaker.

An official in the minister's department stated that would be the trigger. Ten centimetres of snow, 50 kilometres an hour of wind and freezing rain would be the triggers to call out snow clearing to the roads. The minister is denying that but we've read differently, and his own officials have also stated the same.

I ask the minister: Has your government consulted with emergency responders to communicate with your reductions in 24-hour snow clearing and give them the opportunity to voice their concerns?

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

MR. HAWKINS: Madam Speaker, we haven't consulted because of the fact that we haven't reduced 24-hour snow clearing. We have very clearly stated that we have – there are a number of targets that when we reach a point, then we will have our plows on the road when it's warranted and we have 24-hour snow clearing. There's absolutely nothing different.

Last night, there were conditions that warranted us having our plows out. Our plows were on the road. We'll continue to do that, Madam Speaker, as we go through the winter.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: The hon. Member for Conception Bay South.

MR. PETTEN: Thank you, Madam Speaker.

When asked if any regional staff and operators had expressed concerns with cost-cutting measures, the Minister of TW arrogantly replied, and I quote: "If the Member opposite is so interested in that he can ATIPP it and get it"

I ask the Premier: Will you instruct your minister to proactively release this information?

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

MR. HAWKINS: Thank you, Madam Speaker.

I would be more than glad to do that. As a matter of fact, we welcome suggestions from all of our workforce.

We have dedicated men and women in our department that are on the highways. Certainly, if there are any suggestions that they have, we welcome that at any time. I would certainly be more than willing, if we have any information on that, to release it to the Member opposite.

Thank you, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Madam Speaker.

Minister, to be clear: When you referred to plows being available for 24-hour call-out, does that apply to all provincial roads or just the 4 per cent?

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

MR. HAWKINS: Madam Speaker, I thought I made it clear. Maybe somebody else on this side may want to make it a little clearer than what I've been doing because, obviously, the message is not getting across.

I have made it very, very clear that whatever was in place by the previous administration that we do have access to 24-hour snow clearing when the conditions warrant it. We will continue to do that, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: The hon. the Member for Conception Bay South.

MR. PETTEN: So, Madam Speaker, I want to ask that same question again because yesterday it was 4 per cent of the roads that the 24-hour snow clearing was no longer available on. So I'll ask it again. To be clear, when you refer to the plows being available for 24-hour callout, does that apply to all provincial roads or just the 4 per cent? Just answer the question, Minister.

MADAM SPEAKER: Order, please!

The hon. the Minister of Transportation and Works.

MR. HAWKINS: Thank you, Madam Speaker.

If the Members opposite had been so concerned, they would have had 289 covered last year on 24-hour snow clearing. They didn't. They identified 13 routes for 24-7. They identified nine for 24-5. So, Madam Speaker, what we've been saying very, very clear, they've asked the question about 24-hour snow clearing and we are providing 24-hour snow clearing when the

conditions warrant in areas that they've identified previously, and we'll continue to do that.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Madam Speaker.

Yesterday the Member for Bay of Islands advocated for 24-hour snow clearing. You are the government; what are you going to do about it?

SOME HON. MEMBERS: Oh, oh!

MADAM SPEAKER: Order, please!

The hon. the Minister of Municipal Affairs.

MR. JOYCE: Thank you, Madam Speaker.

I say to the Member, I advocated for having plows on the road, when necessary. I heard the Leader of the Opposition talk about road conditions. I just want everybody in this province to know the minister of Transportation who took highways, all depots, go to your depots at 9 o'clock at night no matter what the conditions, was that minister – he was the minister who was a part of that decision.

I'll ask the Member: Can you tell me if the people in the Bay of Islands lives, conditions and their safety is worth it, not having 24 hours, when necessary, or should it just be for 4 per cent of the people of the province? Ask your leader; he's the one who would not let tractors on the road after 9 o'clock at night and he was the minister of Transportation that caused that.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: Order, please!

The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Madam Speaker.

The spokesperson with TW indicated to the media that snow clearing crews are frequently

checking forecasts. Who is actually monitoring the roads?

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

SOME HON. MEMBERS: Oh, oh!

MADAM SPEAKER: Order, please!

MR. HAWKINS: Thank you, Madam Speaker.

I think yesterday I also made it very clear that we do have professional people that are monitoring the conditions of the road. We have supervisors that are monitoring conditions of the road. I also made a comment – not that we're depending upon these people – if there are other people that are using the highways the same as they have access on reporting accidents or reporting conditions, that mechanism is in place as well, Madam Speaker. If, in fact, that request comes in, we will actually deploy resources depending upon the conditions. If it warrants it, we will have our resources out.

Thank you, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. PERRY: Madam Speaker, can the minister advise this House if the Seniors' Advocate will be afforded the same legislative authority as the Child and Youth Advocate?

MADAM SPEAKER: The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Madam Speaker, as I said this morning in the media release, we will not duplicate services. The Citizens' Rep does that job. So the Office of the Seniors' Advocate will not be duplicating services in this province.

SOME HON. MEMBERS: Hear, hear!

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

MS. PERRY: Can the minister explain why section 17 of the legislation to appoint a Seniors'

Advocate states that if seniors come to the Advocate with concerns, they should be referred to the Citizens' Representative?

MADAM SPEAKER: The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Madam Speaker, this is a great day for seniors in the Province of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MS. GAMBIN-WALSH: Today this government will put forth a promise that we had to seniors in this province. The Member for Fortune Bay – Cape La Hune has been in government since 2007 and since that period of time, seniors have been asking; they've been asking for a voice. And in this vulnerable times, Madam Speaker, in these times of fiscal restraint seniors need a voice, and the Office of the Seniors' Advocate will do just that.

SOME HON. MEMBERS: Hear, hear!

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

MS. PERRY: Madam Speaker, we agree seniors need a voice, and that's why the legislation is so concerning, because this position will have no –

SOME HON. MEMBERS: Oh, oh!

MADAM SPEAKER: Order, please!

MS. PERRY: – authority. So if a senior is in government care who is being abused or suffering, calls to the Seniors' Advocate will only result in a referral to the Citizens' Representative.

Is that what you're saying, Minister?

MADAM SPEAKER: The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Again, Madam Speaker, this is a good day for seniors in the Province of Newfoundland and Labrador. We are going to give seniors –

SOME HON. MEMBERS: Oh, oh!

MADAM SPEAKER: Order, please!

Order, please!

If the Speaker has to speak anymore, I will name Members and you will not be permitted to speak for the remainder of the afternoon. You guys decide how this will go.

The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: This speaker is about to give seniors a voice. We're about to do something the previous administration did not do, Madam Speaker.

The Office of the Seniors' Advocate, seniors all across Newfoundland and Labrador have been calling for this.

SOME HON. MEMBERS: Hear, hear!

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

MS. PERRY: Madam Speaker, it's disconcerting to see the colleagues didn't listen to the Minister Responsible for the Status of Women yesterday.

My next question: Will the Seniors' Advocate be legislated to report to the House of Assembly the concerns he or she has with government decisions affecting seniors, or is this merely a liaison between departments and Cabinet?

MADAM SPEAKER: The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Madam Speaker, it's evident the Member did not do her research on the Office of the Seniors' Advocate. The Office of the Seniors' Advocate will report to the House of Assembly.

SOME HON. MEMBERS: Hear, hear!

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

MS. PERRY: We certainly have done our research, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

MS. PERRY: We want the people of the province to know how this position is window dressing, but we hope to see that it will be much more. We'll talk about that in the debate later today.

If the Advocate is the voice of seniors, why does the minister's Seniors' Advocate legislation not include aspects of the *Adult Protection Act* from 2014?

MADAM SPEAKER: The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Madam Speaker, I'll stand in this House of Assembly again and say this is a good day for seniors in the Province of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MS. GAMBIN-WALSH: Seniors in this province will have an additional voice today.

Madam Speaker, we have a Citizens' Representative. We have organizations like the Seniors Resource Centre. We have the 50+ Federation. We have the Provincial Advisory Council to the minister. We have the pensioners group and it goes on and on.

Right throughout this province, as we spoke to seniors and as we spoke to these groups who represented the seniors in Newfoundland and Labrador, they wanted and they asked for an Office of the Seniors' Advocate.

We consulted with all these groups last week and all these groups are happy that we are doing this today.

SOME HON. MEMBERS: Hear, hear!

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

MS. PERRY: When government learns of incidents where seniors are suffering abuse or mistreatment while in government's care, will

the minister make it mandatory to have these incidents reported to the Seniors' Advocate?

MADAM SPEAKER: The hon. the Minister of Children, Seniors and Social Development, time for a quick answer.

MS. GAMBIN-WALSH: Madam Speaker, we work for seniors in this province, we advocate for seniors and we represent – each and every one of us here in this House of Assembly, as MHAs, represent our constituents. That's all of our roles.

Thank you, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. MICHAEL: Thank you, Madam Speaker.

Proposed enhancement to the Canada Pension Plan omitted inclusion in the new program of dropout provisions for parents, especially women who do the majority of child raising and persons with disabilities. This means that no enhancement is planned for work time lost due to parenting or disability issues.

I ask the Minister of Finance: Will she commit to insisting that this serious omission be fixed when at the federal, provincial and territorial Finance Ministers' meeting scheduled for December 20?

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

MS. C. BENNETT: Thank you, Madam Speaker.

Thank you to the Member opposite for the question. One of the privileges for me, as a representative in this House, is to serve in the capacity of not only the Minister of Finance, but also the Minister Responsible for the Status of Women. It is a unique privilege that at the federal table with my colleagues, particularly on Finance, that I believe I'm the only one that has that responsibility.

To the Member opposite, I would assure her that all conversations from my perspective at those tables are led through the lens of both those portfolios, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Madam Speaker, government's budget is affecting seniors and other people.

John can't afford a dentist. He tried pulling his own aching tooth out with pliers. Roger lost his dentures and can't afford a new set even though his doctor said he needs them to eat properly. Paul got new dentures, understanding the reduced Adult Dental Program would cover the cost. Now he learns he has to pay \$300 extra to get them, a full month's groceries. He has to choose between dentures or food. He can't have both. These folks and many others need more than two front teeth for Christmas.

I ask the minister: People are hurting and can't afford dental care, what is he going to do?

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

MR. HAGGIE: Thank you very much, Madam Speaker.

The issue of the Dental Program, the changes that were made align it with five other jurisdictions in Canada. It's better than three others in addition.

With regard to individual cases, particularly the Member opposite references a gentleman, I think it was, who got dentures organized through the program. If work was in progress prior to the change, those dentures will be honoured.

If there are any outstanding issues, I would be delighted if the details would be provided to my department. We can see where we can go with individual cases, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Madam Speaker, this is a systemic issue, it's not about individual cases.

Catherine has severe osteoporosis. She fell and broke her hip. After surgery she had intensive home care for a few weeks then was dropped like a hot potato. She gets absolutely no home care now.

Fred is an 85-year-old veteran with severe arthritis. He slipped and fell at home. He too had post-hospital stay acute home care support. After a few weeks he too was dropped like a hot potato. His arthritis is so severe he can't even sign his name, let alone cut his vegetables.

MADAM SPEAKER: Order, please!

I ask the Member to get to the question.

MS. ROGERS: I ask the minister: Can he not see this wrong-headed policy of streamlining? His push is going to cost more by forcing people into long-term care facilities when they only need a few hours of home care to stay in their homes?

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

MR. HAGGIE: Thank you very much, Madam Speaker.

The prime determinant of home support has, and will continue to be, the clinical needs of the individual under assessment. This is a team-based affair. It's done with clinical experts within frameworks that are set out by evidence-based and evidence-informed practice.

If there are occasions where there are enhancements to home care, it is often difficult sometimes to explain where those enhancements are no longer needed. Anyone who feels they are not getting the clinical hours that they need has recourse to appeal and to discuss, and ask for new assessment at any time, Madam Speaker. And I would suggest in the first instance that would be the way to go for these people.

Thank you.

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

MS. ROGERS: Madam Speaker, again this is a systemic issue and it's many, many, many individuals who are facing this problem.

People with persistent health issues have had their bus passes taken away even though their doctors write letters advocating for them. The bus pass allows people to get to mental health support groups they need in order to stay healthy or to get to the Gathering Place for food and services. Many are waiting months for decisions on their appeals.

I ask the minister: How does taking away bus passes, isolating people from health services they need to stay well save government money?

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

MR. HAGGIE: Thank you very much, Madam Speaker.

I best be careful about my language. I don't want to run into trouble.

We have a list of folk who are not easily identifiable, for whom issues have been identified. I would challenge the Member opposite, if she is aware of constituents of hers who are in difficulties and are having trouble with the system, it is her responsibility as an MHA and their representative to bring them to me so we can deal with them. To bring them in this fashion here is disingenuous.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: Time for Question Period has expired.

MR. P. DAVIS: A point of order, Madam Speaker.

MADAM SPEAKER: The Leader of the Opposition on a point of order.

MR. P. DAVIS: Thank you.

Standing Order 49, Madam Speaker, I'm going to speak to this afternoon. During Question Period there were many outbursts from Members opposite on government side of the House. One in particular loud and directly at a

Member in the Opposition from the Minister of Education, but most disconcerting this afternoon was a comment by the Member for Labrador West towards my colleague, the Member for Fortune Bay – Cape La Hune, while she was on her feet speaking this afternoon.

Under section 49 it refers that, “No Member shall speak disrespectfully ...” but specifically says, “... use offensive words against any Member of this House.”

I submit to you, Madam Speaker, that the words heckled from the Member opposite were very disconcerting. They were very offensive towards my colleague from Fortune Bay – Cape La Hune, and I ask the Speaker to direct the Member to rise, withdraw the comment and apologize to the House.

MADAM SPEAKER: The hon. the Government House Leader.

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

I’m happy to stand here and respond to this point of order. Unfortunately, I never heard any such utterance as mentioned by the Member opposite. Certainly, this House does get boisterous on both sides of the House during Question Period, but I can honestly say I never heard anything so I would suggest that an opportunity to review the tape –

SOME HON. MEMBERS: Oh, oh!

MR. A. PARSONS: I would say if I could make my point, or respond to the point of order without being heckled I would appreciate it.

MADAM SPEAKER: Order, please!

MR. A. PARSONS: Again, I never heard any such utterance. It’s hard to respond to it when the words itself were not mentioned earlier. It was just the allegation of offensive language but there’s no offensive language that we could hear and I would suggest the Speaker has to take it under advisement at best.

MADAM SPEAKER: Order, please!

I will not have a debate back and forth. The Speaker did not hear the comment. If the Member for Labrador West wants to stand and withdraw he can, or the Speaker will review the tapes and report back tomorrow.

The hon. the Leader of the Opposition.

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

I didn’t want to specifically have to get into the words spoken. I will be quite willing to share the words spoken from the Member opposite but as you’ve said if he wants to rise and withdraw the comments that will be more than satisfactory to Members of the Opposition.

SOME HON. MEMBERS: Oh, oh!

MADAM SPEAKER: Order, please!

Presenting Reports by Standing and Select Committees.

Presenting Reports by Standing and Select Committees

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

MR. BRAZIL: Thank you, Madam Speaker.

As the Chair of the Public Accounts Committee, it’s an honour for me to table the first report of the Standing Committee of the Public Accounts for the 48th General Assembly.

SOME HON. MEMBERS: Oh, oh!

MADAM SPEAKER: Order, please!

MR. BRAZIL: Thank you, Madam Speaker.

I’d like to thank the Committee Members: the Member for Fogo Island – Cape Freels, vice chair, the Member for Bonavista, the Member for Harbour Grace, the Member for Conception Bay South, the Member for St. John’s Centre and the Member for St. George’s – Humber.

I also would like to thank the staff of the House of Assembly in the Clerk’s office, the Auditor General and his officials and Speaker for his help and support.

It's an honour for us to table this, our first report, in the 48th General Assembly.

MADAM SPEAKER: Tabling of Documents.

Tabling of Documents

MADAM SPEAKER: In accordance with section 19(5)(a) of the *House of Assembly, Accountability, Integrity and Administration Act*, I hereby table the minutes of the House of Assembly Management Commission meeting held on November 23, 2016.

Notices of Motion.

Notices of Motion

MADAM SPEAKER: The hon. the Government House Leader.

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

I give notice, pursuant to Standing Order 11, that this House not adjourn at 5:30 p.m. on Thursday, December 15; and further, pursuant to Standing Order 11, I give notice that this House not adjourn at 10 p.m. on Thursday, December 15.

Thank you.

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

Petitions.

Petitions

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

MS. MICHAEL: Thank you very much, Madam 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 plans to remove the provincial point-of-sale tax rebate on books,

which will raise the tax on books from 5 per cent to 15 per cent; and

WHEREAS an increase in the tax on books will reduce book sales to the detriment of local bookstores, publishers and authors, and the amount collected by government must be weighed against the loss in economic activity caused by higher book prices; and

WHEREAS Newfoundland and Labrador has one of the lowest literacy rates in Canada and the other provinces do not tax books because they recognize the need to encourage reading and literacy; and

WHEREAS this province has many nationally and internationally known storytellers, but we will be the only people in Canada who will have to pay our provincial government a tax to read the books of our own writers;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government not to impose a provincial sales tax on books.

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

Madam Speaker, I'm very pleased to bring this petition to the House of Assembly. People were absolutely shocked when the budget came out this year and had in it this terrible, draconian measure of putting a tax on books. It's something that has been unheard of in this province and in this country, really. We are one of the few places, even on an international level, that is doing this.

Here in Canada, we are the only province who will be doing this. Nova Scotia and PEI recently looked at doing it, but the public protest was so great that they just dropped the idea. In Nova Scotia in 2015, there was a petition and a social media campaign by publishers and book sellers and students and librarians, but of course this government doesn't pay attention to what the public says. So they are going ahead with this tax on books which will start on January 1.

We have, as the petition says, the highest illiteracy rate. We should be so concerned about keeping our young people and our adults

reading. Madam Speaker, this is going to stop that. Our illiteracy rate is going to go up.

Thank you very much.

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

MS. ROGERS: Thank you, Madam 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, threatening 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.

Madam Speaker, these particular stacks of petitions are from the good people in King's Point. Like many people who were told last spring their public library would soon close, the people of the picturesque community of King's Point in Green Bay, a popular tourist destination, were devastated.

Library services in King's Point date back all the way to the 1940s when local resident Norman Strong started the library with a couple of boxed of books that came from St. John's via coastal boat. In the mid-1940s, Nellie Tilley took over

distributing books from her sun porch. The library was later set up in Yates store before the Tilley Memorial Library was opened on main street, its current location, in 1974.

From that day to this, the library in King's Point has been a beehive of activity. How could Norman Strong or Nellie Tilley have foreseen that in 2016, the library they gave life to would be providing computer access and training, Wi-Fi access, preschool programs, special programs for youth of all ages, reading programs and contests, public health presentations, movie nights, family literacy program, and Every Child Ready to Read workshops or that it become home for the Women's Institute in the community. What Norman Strong and Nellie Tilley did realize, Madam Speaker, is that a strong public library is a cornerstone of a vibrant community.

The people of King's Point deserve the support of their government to support this important service in the future. They need to be reassured once again, Madam Speaker, that their library will continue to exist. That government will not cut this very important service that belongs to all the people of King's Point and the communities in that area. To take away this would be taking away from children, young families, seniors and youth.

Thank you very much, Madam Speaker.

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

MR. K. PARSONS: Thank you, Madam 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 in July 2016 the Dorset Fisheries plant in Norman's Cove-Long Cove burned to the ground in a massive industrial fire; and

WHEREAS the plant employed about 240 people from the immediate area and many of whom are now out of work;

WHEREUPON the undersigned residents, your petitioners, humbly pray and all upon the House of Assembly to urge the government to take immediate action to provide the residents of Norman's Cove-Long cove area with the necessary supports to help them rebuild their local economy.

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

Yesterday, Madam Speaker, I got up and presented the same petition. The Minister of Fisheries kind of heckled me saying oh, yeah, right 240. Well, yesterday's petition had over 100 names on it and if you want to look at the petition that I have today, it has over 200 names on it. So there are a lot of people in that area that are very concerned about what's happening to their local economy. They are very concerned about what's happening to their jobs. All they want is answers and it seems like they can't get any answers from this government whatsoever.

Madam Speaker, when you have this many people signing a petition and none of them are from St. John's area, all of them are from Chapel Arm, Long Cove, Thornlea, Bellevue and all this area where they're very concerned about what is happening to their fish plant.

What they've been told is all that's going to be put back there is probably an ice facility to ice up and an unloading facility. These are jobs that people are really concerned about. These are residents – most of the people that worked in this plant are in their late 50s, early 60s and they're very concerned. It's pretty hard to try to find some kind of employment in any area of the province. They were assured when the plant burned down they were assured by government representatives that they'd be there for them, that they'd make sure that their plant was rebuilt. They'd make sure that those jobs would be safe in the future. All they're asking is where is government now and what are they doing for these people.

Thank you very much.

MADAM SPEAKER: The hon. the Member for Mount Pearl North.

MR. KENT: Thank you, Madam 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 there has been a reduction in the hours of operation for X-ray services at the Placentia Health Centre; service has been reduced from 24 hours a day, seven days a week to 8 a.m. to 4 p.m., Monday to Friday; and

WHEREAS this reduces the availability of an important diagnostic tool for physicians at the Health Centre having a direct impact on patient care. The reduction in service impacts the ability of physicians and nursing staff to perform their jobs and can potentially delay diagnosis and treatment;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to reverse this decision and restore the provision of X-ray services to a 24 hours a day, seven days a week service.

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

Madam Speaker, over 1,800 residents of Newfoundland and Labrador has signed this petition to express concern about the reduction of the full-time function of the emergency room at the Placentia Health Centre. That Health Centre serves the entire region, not only Placentia and the Dunville area, but the Cape Shore, Fox Harbour, Ship Harbour, even St. Mary's Bay North and Long Harbour.

You can't simply predict that someone requiring an X-ray will only show up between 8 a.m. and 4 p.m. Monday to Friday. If the resource is available at the site, medical professionals should have appropriate access to use of the equipment.

The current set-up with the service not being available on weekends or after 4 p.m. on weekdays puts a restriction on the diagnostic ability of the professionals working at the site. On weekends or after hours, people now either get referred to Carbonear Hospital or are asked to come back when the technician is available. This has the potential to delay treatment and

diagnosis. Multiple trips to the Health Centre also create a burden on the system overall.

Following the initial announcement of this change, the Town of Placentia asked Eastern Health if the on call lab technician could operate the X-ray machine if called in for blood work. Eastern Health did agree to this; however, not all of the lab technicians are cross-trained for the use of the X-ray machine. Now it all depends on who's called in for the lab. So far this has worked out to be about half of the time.

The Placentia area is a growing region, but cuts to services like this will impact the ability of that community to attract new growth and development. Plus, more importantly than that, there's a health and safety concern that we've been asked to bring to the House of Assembly on behalf of the people of that region.

So I'm happy to do so today on their behalf, but wish we didn't have to.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Madam Speaker.

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

WHEREAS the government has cut vital funding to the Boys and Girls Clubs in this province, negatively impacting important programs and services;

WHEREUPON the undersigned, your petitioners, humbly pray upon the House of Assembly to urge government to reinstate previous funding in order to allow this organization to carry on its positive work in the community.

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

Madam Speaker, Boys and Girls Clubs, along with a number of other youth organizations, have been dramatically cut in the last set of cuts that were set out seven months ago, but only notified to these organizations a few weeks ago. And keeping in mind that these organizations provide services to 41,000 young people in this province and they have over 1,600 volunteers. They have a combined budget of \$54 million and we're nickel and diming them by making cuts that are very important to their core funding. And this is what this is all about. This is about key things like core funding.

And the Premier stood and talked about the new groups that they had funded through the Grants to Youth Organizations. I have to clarify that because that administration didn't fund any new core groups. What they did was take money from Boys and Girls clubs, from Scouts, from Big Brothers Big Sisters, from other organizations, small organizations in rural Newfoundland and Labrador to put into other organizations. And that's not a good investment for the people of this province; it's definitely not a good investment for the young people of this province.

What they should have done is saw the hindsight and found a way to improve the amount of money that is put into Grants to Youth Organizations so that more young people could avail of the services that are important for them to stay developed as young people in our province.

Again, a testament should be noted to the private sector that have to step up here because they're in awe of exactly the cuts here and how dramatic the impacts are going to have.

I have to give a call out to DF Barnes, one of the companies that jumped up automatically – because of connections with some of the particular organizations that were cut – and put a major bit of funding in for the James Hornell Boys & Girls Club in Buchans because they know they're going to be restricted on how they can make up that money in a small community. They did the same for the provincial Big Brothers Big Sisters because they realized the impact that a major 50 per cent cut on their core funding would be.

So the corporate world understands how government is not doing its part during this year, particularly around Christmastime. The corporate world doesn't want to be a scrooge, it wants to show the real meaning of Christmas and they want to show the real meaning of investing in our young people here, and they've done that.

So shame on the government for cutting these young people, shame on the government for not seeing the benefits of investing the taxpayers' money in the right areas, and shame on them for not understanding our citizens need a better choice in this province.

So, Madam Speaker, I'll have an opportunity to do this, as we get through the House, over the next number of weeks.

Thank you, Madam Speaker.

Orders of the Day

MADAM SPEAKER: The hon. the Deputy House Leader.

MS. COADY: Madam Speaker, I call Order 2, third reading of Bill 58.

MADAM SPEAKER: The hon. the Deputy House Leader.

MS. COADY: Madam Speaker, I move, seconded by the Minister of Health and Community Services, that Bill 58, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act, be now read a third time.

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

Is it the pleasure of the House?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MADAM SPEAKER: All those against, 'nay.'

Carried.

CLERK (Barnes): A bill, An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act. (Bill 58)

MADAM 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 City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 58)

MADAM SPEAKER: The hon. the Deputy House Leader.

MS. COADY: Madam Speaker, I call Order 3, third reading of Bill 59.

MADAM SPEAKER: The hon. the Deputy House Leader.

MS. COADY: Madam Speaker, I move, seconded by the Minister of Health and Community Services, that Bill 59, An Act To Amend The Workplace Health, Safety And Compensation Act, be now read a third time.

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

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MADAM SPEAKER: All those against, 'nay.'

Carried.

CLERK: A bill, An Act To Amend The Workplace Health, Safety And Compensation Act. (Bill 59)

MADAM 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 Workplace Health, Safety And Compensation Act,” read a third time, ordered passed and its title be as on the Order Paper. (Bill 59)

MADAM SPEAKER: The hon. the Deputy House Leader.

MS. COADY: Madam Speaker, Order 4, third reading of Bill 62.

MADAM SPEAKER: The hon. the Deputy House Leader.

MS. COADY: Madam Speaker, I move, seconded by the Minister of Health and Community Services, that Bill 62, An Act To Amend The City Of St. John’s Act And The City Of St. John’s Municipal Taxation Act, be now read third time.

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

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

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye,

MADAM SPEAKER: All those against, ‘nay.’

Carried.

CLERK: A bill, Act To Amend The City Of St. John’s Act And The City Of St. John’s Municipal Taxation Act. (Bill 62)

MADAM SPEAKER: This bill is now 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 City Of St. John’s Act And The City Of St. John’s Municipal Taxation Act,” read a third time, ordered passed and its title be as on the Order Paper. (Bill 62)

MADAM SPEAKER: The hon. the Deputy House Leader.

MS. COADY: Madam Speaker, Order 7, second reading of Bill 64, An Act Respecting the Seniors’ Advocate.

MADAM SPEAKER: The hon. the Deputy House Leader.

MS. COADY: Madam Speaker, I move, seconded by the Minister of Children, Seniors and Social Development, that Bill 64, An Act Respecting the Seniors’ Advocate, be now read a second time.

MADAM SPEAKER: It is moved and seconded that Bill 64, An Act Respecting the Seniors’ Advocate, be now read a second time.

Motion, second reading of a bill, “An Act Respecting the Seniors’ Advocate.” (Bill 64)

MADAM SPEAKER: The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Madam Speaker, I am very pleased to stand today to speak to Bill 64, an act to establish an Office of the Seniors’ Advocate. In Newfoundland and Labrador, almost 20 per cent of our population is aged 65 or older. Within 10 years that will increase to just short of one-third of our population. These are statistics we simply cannot ignore.

It is crucial to have an even stronger focus on seniors than what exists today. The challenges and opportunities resulting from our aging population must be considered when we develop policies, programs and services. We have heard from seniors, seniors’ organizations and major stakeholders. They feel the establishment of a Seniors’ Advocate office is a necessity in our province.

In *Budget 2016*, we committed \$500,000 yearly for the Office of the Seniors’ Advocate, once established. We made a promise in our five-point plan to establish this office and have been working diligently to develop well-thought-out and comprehensive legislation. We are proud to stand today as we move forward to fulfill that commitment.

Last spring, we debated how to best address advocacy for seniors. We recognized and were advised that we did not want to duplicate services or confuse the public. We knew we had a Citizens' Representative who accepted complaints from individual adults of all ages, including seniors. We also knew that we had a strong, well-respected community organization that is the Seniors Resource Centre that is already providing a valuable information and referral service. We decided to strengthen that service and provided the Seniors Resource Centre with an additional \$200,000 to expand their service.

We also knew we had a gap. While seniors could have individual complaints address by the Citizens' Representative and be able to call the Seniors Resource Centre to get information, there was no mechanism to address systemic issues. When I refer to systemic issues, I refer to problems in an overall system rather than specific individual or isolated factors.

These are problems that invite a policy or program response, an area we need to learn from and change; therefore, systemic issues can cover a broad range of areas such as availability of appropriate housing, access to medications, accessible transportation or access to affordable food and the list goes on.

Madam Speaker, we made a decision to solve that gap by drafting legislation to establish the Office of the Seniors' Advocate. The office will identify, review and analyze systemic issues, which will be the core mandate of the office; work collaboratively with seniors' organizations, service delivery groups and others to identify and address systemic issues; and make recommendations to government respecting changes to improve services to and for seniors.

This is a good opportunity to clearly outline the powers and duties of the Advocate, Madam Speaker. The powers and duties of the Advocate are consistent with other offices with similar responsibilities. The Advocate will receive and review matters related to seniors; initiate and participate in reviews related to seniors; conduct research, including interviews and surveys; consult with seniors, service providers and the public; request information, other than personal

information, such as that acquired through the *Personal Health Information Act* or the *Access to Information and Protection of Privacy Act*; make recommendations to government, government agencies and service providers and community groups about legislation, policies, programs and services impacting seniors; and inform the public about the Office of the Seniors' Advocate and promote awareness of systemic challenges faced by seniors.

The Independent Appointments Commission will actively recruit for the Seniors' Advocate position. This is a consistent, merit-based process for appointments to statutory offices and agencies, boards and commissions. This is one of the most open and accessible appointment processes in Canada. The commission seeks individuals who are qualified, with a passion for this province and a strong desire to serve. In conjunction with this process, regulations will be developed in consultation with key stakeholders over the next several months. It is anticipated that the Office of the Seniors' Advocate will be up and running by spring 2017.

Madam Speaker, seniors in our province have consistently and strongly expressed the need for an Office of the Seniors' Advocate. The Seniors' Advocate will be a strong, independent voice for a significant portion of our population and their families as we look to address the individual and system-wide issues which impact older adults in Newfoundland and Labrador.

When we spoke to individuals and seniors' groups, we heard loud and clear that the current structures in place to handle information services and address individual issues impacting seniors are not working. The Seniors' Advocate will work with other entities, including the Office of the Citizens' Representative and Seniors Resource Centre, but it will not duplicate or impede their mandates.

We are also working closely with the Seniors Resource Centre to make sure the public is well aware of their information and referral system, which is easily accessed through a convenient toll-free 1-800 number. The office will benefit seniors and also provide us with valuable feedback when we are making program changes.

Mr. Speaker, Opposition will be eager to criticize government for introducing a new office during a time of fiscal restraint; however, this office is essential. This office is not a luxury. Everyone in our province understands the harsh fiscal realities we, as a government, have had to address over this past year, but we also understand the challenges we face with a rapidly aging population.

Our government has a plan to ensure we are prepared for this demographic change through smarter spending and sustainable investments. A number of these investments are already positively impacting the lives of seniors in our province. For example, over \$63.7 million for the Newfoundland and Labrador Income Supplement to help eligible low-income seniors, individuals, families and persons with disabilities and an annual investment of more than \$57 million for the Seniors' Benefit.

We committed to providing the best possible services and programs for seniors while respecting their independence. We made a public commitment in our platform document and again in our *Five Point Plan* and have reaffirmed our commitment on many occasions.

In fact, our Premier led an exercise in 2014 which provided an opportunity to hear first-hand from seniors all over Newfoundland and Labrador. The Let's Connect initiative allowed seniors a mechanism to have their voices heard and our Premier heard the message about the need for a Seniors' Advocate loud and clear.

Mr. Speaker, we know there's a policy gap where we do not have an avenue to address systemic issues that impact seniors. The establishment of the Office of the Seniors' Advocate will address that. This government is fulfilling its commitment. We are addressing a demonstrated need. In times of fiscal restraint, the most vulnerable need a strong voice.

From a jurisdictional perspective, Mr. Speaker, Alberta and British Columbia currently have a seniors' advocate. New Brunswick has an ombudsman with expanded powers to include long-term care services. Not all models are the same. Our province has modelled the legislation on that of British Columbia, with one major difference: the BC Seniors Advocate reports

directly to the minister responsible for seniors, and our direction from Cabinet is that the Advocate report to the House of Assembly.

It is important that the office we create is designed to serve our province and our seniors, Mr. Speaker. As our Premier stated this morning, we want to ensure that those who are unable to advocate for themselves will have their needs met through an advocacy office. The independence of this office will be enshrined in legislation and will help ensure the rights and interests of our seniors are given a strong, clear voice.

The Seniors' Advocate has to work with our existing organizations and resources to address issues in Newfoundland and Labrador. The model we implement will be designed to make that happen. As I stated earlier, the Seniors' Advocate will be a strong, independent voice for Newfoundland and Labrador's seniors, along with their families. It follows through on our government's election commitment to establish this important office.

Again, I cannot express it enough. In these times of economic challenges, vulnerable people need to have a voice for their sake and ours. I look forward to debating this legislation in the House of Assembly.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Warr): The Speaker recognizes the hon. the Member for Fortune Bay – Cape La Hune.

MS. PERRY: Thank you so much, Mr. Speaker.

It's certainly an honour and a privilege to rise in this House once again today to speak to this very important piece of legislation.

We are pleased here as Members of the Opposition that a Seniors' Advocate is being put in place for the Province of Newfoundland and Labrador. We certainly are not opposed to establishing a Seniors' Advocate; however, if we're going to have an advocate, it's our position, Mr. Speaker, then let's do it right.

There are some weaknesses in this bill that I'm sure Members on this side of the House, both the Official Opposition and the Third Party, will be highlighting in an effort to strengthen the bill.

This bill, of courses, will establish the Office of the Seniors' Advocate and appoint a person to act as an advocate for the interests of seniors. This was an election promise made by the Liberal government and it was included in the minister's mandate letter. Department officials have advised us, will be expected to operate in a fiscally responsible capacity that does not duplicate the services or mandates of existing entities. We've heard a lot about them here today, Mr. Speaker, such as the 50Plus Club, the Seniors Advisory Council, all of these mechanisms and organizations, the Seniors Resource Council that are in place and doing an absolute fabulous job.

But the issue becomes, are they being listened to? When we see the budget that was brought down in 2016, in the spring of this year, we clearly saw that they were not being listened to. It is our true hope the Advocate will actually be listened to by Members opposite and we are hoping we will see reversal of all the damaging decisions that were made to seniors and the hardships they will have to endure this winter as a result of *Budget 2016*. I am absolutely sure a Seniors' Advocate that was truly listened to by the people and actually had authority would never have allowed Cabinet to bring down such a budget with such devastating impact on seniors. Let's hope this position will be in place before the next budget and will ensure that seniors are protected.

In a time of fiscal constraint, Mr. Speaker, the Liberal budget is increasing the size of the bureaucracy. One of the questions that comes to my mind is with the existing groups that are out there – they're doing an absolutely fantastic job. No doubt, additional support for them in the future is something that hopefully we will see the Advocate look for on their behalf, Mr. Speaker, so that they can actually deliver real services to people where it matters.

On the surface, to us, this position does look like a Liberal appointment that will be advising government, but we are yet to see where the teeth is in being able to hold government

accountable. That's really our only major concern with this bill. There is no mechanism here for the Advocate to actually hold government accountable, Mr. Speaker.

At full operations, this office is projected to cost taxpayers \$500,000, Mr. Speaker. Five hundred thousand dollars could go a long way towards providing seniors with heat and light, with affordable housing, with groceries, with diabetic test strips, with funding for home care, with hours of home care. Five hundred thousand dollars could go a long way, so we truly hope that the addition of another bureaucratic position will actually have some impact on the well-being of seniors. We will hold government accountable and frequently question government as to whether or not they are listening to what the Advocate is bringing forward, Mr. Speaker.

The Advocate definition as it relates to the current Child and Youth Advocate is far different from the definition of the proposed Seniors' Advocate. If you'll allow me, Mr. Speaker, I will read into the record what the differences are: "The Office of the Child and Youth Advocate is established (a) to ensure that the rights and interests of children and youth are protected and advanced and their views are heard and considered; (b) to ensure that children and youth have access to services and that their complaints relating to the provision of those services receive appropriate attention; (c) to provide information and advice to the government, agencies of the government and to communities about the availability, effectiveness, responsiveness and relevance of services to children and youth; (c.1) to review and investigate matters affecting the rights and interests of children and youth; and (d) generally, to act as an advocate of the rights and interests of children and youth."

That is a stark contrast to the definition of the role of the Seniors' Advocate which is established to: "(a) identify, review and analyze systemic issues related to seniors" Mr. Speaker, I for one truly believe that our existing organizations have done a fabulous job in identifying what the issues are affecting seniors. Getting the results in terms of what changes they need, we'll hopefully see that as a result of the Advocate's office but there are no teeth here to enforce that.

The definition goes on to say in addition to identifying, reviewing and analyzing systemic issues, they will “(b) work collaboratively with seniors’ organizations, service providers and others to identify and address systemic issues related to seniors; (c) and make recommendations to government and government agencies respecting changes to improve seniors’ services.”

Mr. Speaker, what I’d really like to focus on here is they will be making recommendations to government and government agencies, as do the existing entities that are there to support seniors. Will they be listened to, is the key issue –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MS. PERRY: – that we need to be concerned about as taxpayers in this province who are now responsible for another layer of bureaucracy.

It says, they will “work collaboratively with seniors’ organizations, service providers” To that end, government is telling us there will be no duplication and we will have to wait and see. Certainly, we hope we won’t be hearing from the existing groups a year from now that they are still frustrated and they have just one more layer to go through before they can get their voices heard.

We truly do hope that this position will be a strong voice for the senior. We all agree I think every person in Newfoundland and Labrador, that seniors need a strong voice. We truly hope this is what we will see come forward.

I will list now shortly the powers and duties of the Seniors’ Advocate. As I referred to in Question Period earlier today, one of our concerns is that there’s a lot of window dressing there as opposed to actual and real powers and duties that will hold government accountable.

I’ll refer again once more to the Child and Youth Advocate who was given a mandate to investigate matters of individuals who are in the care of government. With thousands and thousands of our seniors in the care of government, the Seniors’ Advocate, we truly believe, ought to have been created using the

Child and Youth Advocate model and actually have some teeth in their ability to advocate to government. Apart from issuing reports, though, the independent office has no ability with the legislation as it’s currently written to hold government accountable for its actions.

The Seniors’ Advocate has no mandate other than to review and recommend – a role that would essentially be performed by the minister responsible for seniors, Mr. Speaker. It’s nice she will be having more advisors, but certainly it’s important for government to listen to, not just the Advocate but all the existing seniors groups that are in place today and bringing their concerns forward to government for attention.

Given the aging population and future demographics, the powers and duties of this position will not provide the proper advocacy needed by seniors. As time goes on, the Advocate will be able to advocate for that themselves, we would trust, Mr. Speaker.

I will list now some of the powers and duties of the Advocate. This comes from section 16 of the legislation.

“In carrying out the powers and duties of his or her office the advocate may (a) receive and review matters related to seniors; (b) initiate and participate in reviews related to seniors; (c) conduct research related to seniors, including interviews and surveys; (d) consult with seniors, service providers and the public; (e) request information, other than (i) personal health information within the meaning of the *Personal Health Information Act*, and (ii) personal information within the meaning of the *Access to Information and Protection of Privacy Act, 2015*; (f) make recommendations to government, government agencies, service providers and community groups respecting legislation, policies, programs and services impacting seniors; and (g) inform the public about the Office of the Seniors’ Advocate and promote awareness of systemic issues related to seniors.

“(2) A service provider, department or government agency who receives a request for information under this Act shall, if he, she or it has custody or control of the information, provide the information.”

Mr. Speaker, one of the things that is lacking in all of this, we see the word systemic issues over and over and over again. We see broad strokes of a definition of systemic issues, but we have no clear articulation by government of what some of these systemic issues are. Hopefully, we will learn more about that as the debate in the bill goes on.

In 2014, Mr. Speaker, the *Adult Protection Act* was proclaimed. This act protects vulnerable citizens in Newfoundland and Labrador from abuse or neglect, namely seniors. The *Adult Protection Act* was the former administration's commitment to putting resources and supports in place to protect those who represent the most vulnerable sectors of our population.

The Seniors' Advocate has been given no role or authority to see that the *Adult Protection Act* is actually enforced. The role of the Seniors' Advocate is to review systemic issues within government. Again, as I've said, other than broad strokes, they have really not defined what they mean by this, Mr. Speaker.

Again, I will reiterate, our concern is that this legislation has no real teeth. The Seniors' Advocate has no real authority to enforce any of the concerns that are brought forward to them by seniors.

A Liberal – I guess through the IAC – appointee will be appointed to the Seniors' Advocate position. Will this person have the power, I guess is the question, because they will have no real independence like the Child and Youth Advocate.

MR. A. PARSONS: A point of order.

MR. SPEAKER: Order, please!

A point of order, the hon. the Government House Leader.

MR. A. PARSONS: We are debating an independent office of this House of Assembly, so for the Member opposite to suggest that the position will be filled by a Liberal appointee is offensive to the office itself.

Thank you.

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

MS. PERRY: Thank you, Mr. Speaker.

Will this position, will the Seniors' Advocate, really have the power to influence Cabinet decisions, and will they really have the power to reverse Cabinet decisions that negatively impact seniors, such as the numerous decisions that negatively impacted seniors in *Budget 2016*? Again, Mr. Speaker, I would say based on the emails of concern we received all across this province and continue to receive today as seniors are going through a very hard winter and unsure of how they're going to make it through, given all of the tax hikes and cuts they endured in *Budget 2016*.

The impact on seniors, if only there was an advocate that could have advised government to not impose those heavy burdens on our seniors this winter, it would have been great. I truly hope one of the first things we'll see as a result of this Advocate is some reversals to the negative budget decisions that were made for seniors this year.

So with that, I will conclude my comments and finish with this closing comment, that the Office of the Seniors' Advocate is not legislated with the ability or power to be a truly independent voice for seniors. So we hope that as one of the first courses of business the Advocate does, is to recommend, unless we're able to achieve it here in the House over the next two days, recommend that this legislation be strengthened to give the Advocate the actual authority they need to make the decisions that are in the best interest of the seniors of Newfoundland and Labrador who are the very first priority of each and every one of us, and we all care about what's best for them.

Thank you so much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Lewisporte – Twillingate.

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

I'm happy to rise and speak of this important piece of legislation as parliamentary secretary to Children, Seniors and Social Development. I'm thrilled to support Bill 64, the establishment of the Office of the Seniors' Advocate. I think it's a landmark piece of legislation, one that recognizes how vital it is that we grant Newfoundland and Labrador seniors an independent voice to speak on their own behalf in the provincial Legislature.

We all know the financial reality that Newfoundland and Labrador is facing. We all know the previous government left our finances in a sorry state.

SOME HON. MEMBERS: Hear, hear!

MR. D. BENNETT: The people might argue that with Newfoundland and Labrador finances in hard shape, we can't afford to establish this office now and we should wait until times are better. They may argue that this is one of those nice legislations. To anyone making that argument, I would respond: We can't afford not to establish this office.

SOME HON. MEMBERS: Hear, hear!

MR. D. BENNETT: With a rapidly aging population, we are facing the reality that one-quarter of our population will be over the age of 65 in a few years. That's one in four Newfoundlanders and Labradorians. These people will live longer and will require more health care services. It's something we need to prepare ourselves for.

The establishment of a Seniors' Advocate will help us do just that. Let's not forget that the whole point of establishing this office is to improve the way we deliver services and care to our province's seniors.

The Advocate will hear first-hand from Newfoundland and Labrador seniors what works and what doesn't work. And similar to the Child and Youth Advocate, the Seniors' Advocate will make recommendations to be prepared through legislation.

These recommendations will help us get better and smarter in the way we deliver our services. It will make us more efficient and more

effective. In the long run, they will help us to keep costs down by proposing fixes in areas of the system where waste might be occurring. Where it isn't working, we will make ways to fix that.

Again, with such a large scale of our population reaching the age of 65 and above, this is something we need now. It's not window dressing; it's not a luxury, as our Member across tries to refer to.

SOME HON. MEMBERS: Hear, hear!

MR. D. BENNETT: It is a must-have and anyone who makes the argument that we can't afford it now isn't thinking of the short- or long-term benefits. It's a \$500,000 investment now that will pay extensive dividends in the future.

SOME HON. MEMBERS: Hear, hear!

MR. D. BENNETT: The changes and refinements that we make to our delivery and care of services will benefit all Newfoundlanders and Labradorians for the long term. The Seniors' Advocate will allow us to pinpoint and target specific areas of the system that require adjustment.

So that's the economic argument. There's also a social argument to be made as well. Our government has clearly demonstrated, even though we are faced with staggering deficits, the most vulnerable in our society should not have to shoulder the burden of eliminating that deficit. We demonstrate it in a number of ways, such as creating the new Newfoundland and Labrador Income Supplement and enhancements to our existing Seniors' Benefit.

We know that seniors, as a demographic group, are a vulnerable segment of our population. Sometimes they lack family supports or financial security. Sometimes they are plagued with health issues that go unaddressed. Sometimes they are exploited or neglected. The senior population of Newfoundland is vulnerable to all of these social issues. What the Seniors' Advocate will do is help us, as a government, to identify the factors that lead to these social issues and help us to come up with measures to alleviate them.

The Advocate will complement the work of the Citizens' Representative in helping us to address the social issues on both an individual level, as in the case of the Citizens' Representative, and on the systemic level as in the case of the Seniors' Advocate. In effect, we will be able to double our efforts in taking care of the social issues of our seniors, and that's something I'm very proud to support.

As parliamentary secretary for the Department of Children, Seniors and Social Development, I can see first-hand the excellent work in delivering these services.

Mr. Speaker, our front-line staff are some of the most caring and dedicated public servants you will find anywhere. But with that being said, there's always room for improvement. We can always do things better and smarter. We can always be looking for ways to deliver services more efficiently and more effectively. We can always be trying to improve the level and quality of care that we give to our aging population. The Seniors' Advocate will help us to accomplish this.

We will be able to refine and retool the services we deliver to a growing segment of our population, and that's what it's all about. We want to chart a path forward that helps to ensure that Newfoundland and Labrador seniors remain healthy, active and engaged citizens for as long as possible. We want them living in their own homes for as long as possible and we want them to be active in an age-friendly community.

Above all, we want to be able to provide them with the care in a way that respects their dignity and recognizes their life-long contributions to our society. The Seniors' Advocate will help us to accomplish just that.

I've been very pleased with the level of priority this government has placed on seniors in Newfoundland and Labrador. Even though *Budget 2016* was a difficult budget, we were still able to bring a range of measures to make the lives of our seniors much better. This included two income supplements that I just mentioned, which totalled close to \$75 million. We also invested \$45.9 million to support over 44,000 seniors through the 65 Plus prescription drug plan. It included \$300,000 for the Seniors

Resource Centre to enhance the information and referral services. It includes funding to support the continued development of age-friendly communities throughout our province. And, of course, *Budget 2016* includes funding for the creation of a Seniors' Advocate office; a very important piece of legislation.

In closing, Mr. Speaker, I'm thrilled that I'm standing here today, just a year after taking office, and debating this very important bill; much like the great piece of legislation that we debated yesterday, to support our volunteer firefighters. I am certain this will be one moment that I will be very proud of, the moment when we decided, as a government, to give Newfoundland and Labrador seniors the voice they deserve in the House of Assembly.

SOME HON. MEMBERS: Hear, hear!

MR. D. BENNETT: I very much look forward to this continued debate on the legislation. I look forward to the appointment of the Seniors' Advocate next spring. I feel this is something that has been long overdue in Newfoundland and Labrador. I'm very proud to serve in a government that is bringing in much-needed legislation like this.

Thank you and I respectfully ask all hon. Members to support Bill 64, An Act Respecting the Seniors' Advocate.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. LANE: Thank you, Mr. Speaker.

It's a pleasure to stand and speak to Bill 64, An Act Respecting the Seniors' Advocate. Mr. Speaker, I think this is a bill that there is no doubt is long overdue. I think it's something that every Member in this House of Assembly will support. I certainly will support it. I plan on doing that because it is, I think, a step in the right direction.

We hear all the time, all of us, on all sides of the House, the ongoing issues and struggles of

seniors throughout our province. Whether it be issues with health care, and we know there are issues there for sure. We know there are issues with home care. As an example, I can think of calls that I've received from individuals that had concerns as a result of the budget and the increased home care fees that they have to pay, a higher percentage. Also, issues around reduced hours of home care for seniors.

There are also issues that exist around paid family caregivers as another example. We know there were issues in terms of increases to the cost of medical supplies for seniors who are living at home as well. There are programs to cover certain medical supplies, and we know that the seniors' portion – or the patients' portion, I guess; it didn't have to be a senior, but in most cases seniors. Their contribution has increased. So we know there are concerns there. We know there are concerns as it relates to affordable seniors housing. I certainly have that in my district and I know we have issues throughout the province as it relates to affordable seniors housing.

There's no doubt there's a long list and we can keep adding to that list. We can talk about the diabetes test strips and the impacts that decision is having. We can talk about the non-prescription, over-the-counter drugs that were cut and the impacts that is having on seniors. We can go on and on. It's not my intent to go on and on about these things, but I guess it's to point out the fact that there are issues affecting seniors in this province, very significantly. And as I said, we hear from people all the time.

That's why having a Seniors' Advocate is a good thing. I think it's good to have someone who their sole job, their sole position, if you will – and I understand there'll be an office and there'll be some support staff. That person's sole mandate, if you will, will be to explore issues that affect seniors, explore policies that affect seniors, and I'm assuming make recommendations to government on things they can do to improve those policies. Whether those policies, as I said, be issues around health care, whether they be issues around housing, issues around home care, issues around prescription drugs and a whole host of other issues – seniors living in isolation, senior abuse, seniors who are struggling at home, seniors who are having

issues that are living in personal care homes and ensuring that personal care homes are up to standard and so on.

Having someone who would be focused on all of those seniors' issues, specifically and solely, is a good thing, and to be able to put a senior's lens on all of the government programs that impact seniors. That's a positive thing and everybody here, I'm sure, supports that.

I know when we get into Committee of the Whole, there are going to be a number of questions that Members will have on this side of the House, I'm sure, on some of the specific issues, but looking at it from an overall perspective – which generally when we're debating second reading of a bill, we're debating the bill more so in principle as opposed to clause by clause – although we can do clause by clause if we want to, but generally that's left for Committee of the Whole.

I guess the biggest overall issue that I see and I think other Members have seen – it's already been pointed out – is the fact that this individual in this office doesn't have the ability to investigate specific concerns and those concerns will be referred to the Office of the Citizens' Representative.

I understand where government is coming from in terms of duplication and so on. I would suggest the Office of the Citizens' Representative is a very busy office, no doubt about it, and has numerous issues and concerns to deal with. I think it wouldn't be a bad thing to have someone like the Seniors' Advocate to specifically be able to address specific issues causes and concerns that a senior would have.

No different than the Child and Youth Advocate because, as we know with the Child and Youth Advocate, you could have an issue that, in theory, you could be doing the same thing there. You could say if we have an issue with a child or a child in care and you went to the Child and Youth Advocate and they said: No, b'y, we're only here to deal with policies, so to speak. I'm not going to deal with any specific issues. We have a child here who potentially is in a dangerous situation or whatever, but I'm not going to deal with that. I'll refer you on to the Office of the Citizens' Representative.

That's not what happens. What happens is that the Child and Youth Advocate will specifically look into that case and look into that concern, if they feel a child is in danger and the situation is not a good one and so on. I think that's the right thing to do and that's what we're doing there.

So it does beg the question, I guess, and maybe it's a matter of philosophy, but it does beg that question: What makes the Seniors' Advocate in that regard any different than the Child and Youth Advocate? Why is it that the Child and Youth Advocate can address specific issues and concerns and safety issues related to a child, but the Seniors' Advocate, who is still dealing with a vulnerable person, perhaps someone who doesn't have any family to advocate for them – because we know when it comes to our own families, we advocate for our parents, our grandparents, but there are a lot of people who don't necessarily have any family, which is sad but it's true. They're out there for sure.

We all deal with a number of those people who don't have, for whatever reason – maybe they never had any children of their own, perhaps, could be an issue, maybe their family member is living on the Mainland. They moved away on the Mainland and mom or dad is living on their own with really nobody to advocate for them. So it makes you wonder.

I guess it's just a question, I suppose, why the Seniors' Advocate would not be able to address – especially if it was a serious concern, why the Seniors' Advocate wouldn't be able to take that on and address that concern for that individual as opposed to referring them to the Citizens' Rep. I would suggest, in a lot of cases, there are a lot of seniors who are out there who are having issues. They really don't know who to turn to and they're very hesitant and everything to call up a stranger or whatever.

For some of those people, when they finally make that decision and work up the courage or whatever the case might be to make that call and explain their situation, and then after going through their whole situation only to be told, I'm sorry, there's nothing we can do to help you and we're going to refer you to someone else, call another number, I wonder would that deter certain seniors. Would they throw their hands up in the air and say, you know what, I made I took

that step to try to get that issue addressed – I took that step, I made that call, I put my whole story out there to a stranger and at the end of the day they said sorry we can't help you, call somebody else.

I wonder would that deter that person from taking it a step further and therefore not having their issue addressed at all. I'm not saying it will happen or won't happen but these are questions and these are concerns that I would have and I'm sure others would have as well.

As I look at the legislation, I look at section 16 in particular, the powers and duties of the Advocate. If I look at 16(1)(a) basically it says that the Advocate will receive and review matters related to seniors. So one question would come to mind – and again, I guess we'll get at it in Committee – is well, received from who. They're receiving matters from who. We've been told that there're not going to receive matters from a senior who calls the office. So who would they receive the matters related to seniors – receive and review these matters from who?

Does the minister give the Seniors' Advocate, like I want you to review this matter and then, a little while later, I'd like for you to review that matter? Is it the Seniors Resource Centre who calls up the Seniors' Advocate and says I want you to review this matter? Whose matter are they reviewing and making recommendations on?

Who sets that agenda as to what the issues are? How does the seniors' rep even know what the issues are? Because if they're not talking to actual seniors themselves and they're not taking individual complaints, which would lead to them knowing what the systemic issues are, how do they get that information? I'm just wondering.

I know for a fact, and I'm sure all Members would agree on all sides, we've all gotten calls from a senior, or anyone in public for that matter – but I'll just use a senior – on a specific issue and you had no idea what the policy was; I had no idea, you had no idea, what the policy was or what the issue was until you actually dug into that specific case.

When you dug into that specific case and you started asking questions, emailing the department and all that kind of stuff, then you'd find out well, we can't do this because of such and such a policy. And you probably didn't even know that policy existed. Then, of course, you find out why is that the policy, why doesn't this happen, why does it happen this way, that way, and sometimes you get an answer and sometimes you don't.

But it comes down to policy issues and you wouldn't know it, as an MHA, unless you actually took that call from the senior to begin with, until you took that call yourself and understood that specific concern. It is then, after investigating that, that you learn okay, this is not just an individual issue for this one person. Maybe it's legislation, maybe something in the act that would need to be changed, maybe it's something in the regulations or maybe it's just a policy of the department or of the health authority or whatever the case might be. A lot of times you don't even realize what the policy implications are unless you actually receive that complaint to begin with from a constituent.

I would suggest that the same thing would apply to the Seniors' Advocate. If the Seniors' Advocate is not getting calls from citizens about problems they're having in certain areas, then how do they know what the problems are and hence how they do know what programs are not working for seniors?

That would be a question I would have when it says receive and review matters related to seniors – who are they receiving them from? I would wonder could an MHA, for example, call the Seniors' Advocate? Could that happen? So a senior calls their MHA and could the MHA then call the Seniors' Advocate and say this is the problem with this senior's policy or program or something in the act or whatever, I would like for you to investigate it?

So if an MHA called them, would they investigate it? Or if the Seniors Resource Centre called them and said this is a problem for a lot of seniors that are coming to our place, I'd like for you to investigate it. Would they take a complaint from the Seniors Resource Centre? Or is it only if the department itself, if the

Department of Seniors said we would like you to review this policy, that policy, whatever?

I'm not saying that it's going to happen that way; I don't know. I'm just asking. I'm throwing it out there. I'm sure the minister – I see her taking notes and I'm sure she's going to address some of these things. I'm sure when we get to Committee of the Whole and whatever, she'll answer the questions. I'm throwing it out there because these are questions I would have.

The same thing, “initiate and participate in reviews related to seniors”; that's 16(b). What reviews? What's the review based on? Who initiates the review? What is the catalyst that starts this review? Based on what, reports from who and so on. It's not clear. There are a lot of things here I think that we could use some clarification. I'm sure we're going to get some clarification.

Like I said, personally, I think that if the Child and Youth Advocate can look at specific issues, I just find it a little odd why the Seniors' Advocate would be different. You would think that they'd both be the same, but I'm sure there's a reason. They're saying duplication but duplication exists between the Child and Youth Advocate and the Citizens' Rep. We don't care about duplication when it comes to that, so I'm wondering why we care on the other end why it's an issue.

That's really my biggest concern – I think everyone's biggest concern. There are some specific other things I'm sure, but that's the biggest overall concern. Beyond that, hopefully a lot of these things will be addressed in Committee. Even if they're not, and they're not to everybody's satisfaction, if it doesn't go far enough as maybe everyone would like to see – and there would be debate on that I'm sure. But whether it does or doesn't, I suppose, it's still a step in the right direction.

I agree; I believe that it's a good thing to do. I believe that a lot of seniors have been asking for this, the pensioners group and so on. I think they would welcome it. I'll support it on that basis, but I just hope the office will have some teeth to investigate things, that investigations can be triggered not just by the department asking them to review their policies, but they could take it

upon themselves – whether it be from complaints they received from the Seniors Resource Centre, any other seniors' groups, complaints from MHAs, for example, on policy-related items, not necessarily specifics but on policy-related items.

So if an MHA were to call and say this is an issue affecting a lot of seniors, I've been getting calls on it – I have a problem with this policy that exists at Eastern Health or this policy that exists at one or the other departments or whatever, AESL or something like that – then I would hope that could lead to some sort of a policy investigation, if you will, or a policy review by the Seniors' Advocate. And then that review would be done, the report would be public and then everyone would know – it would be done by an independent body and everyone would know that this is a legitimate concern for seniors that needs be addressed. I think that's really what the legislation is all about and I hope that will happen.

With that said, I'm going to take my seat. I'll just conclude once again by saying that from an overall perspective of actually having a Seniors' Advocate, I think it's a good thing. I'll support it one way or the other, but I'm hoping that some of the answers we get back will sort of allay some of the – I don't know if I'll say concerns, but will give us more confidence in the ability of the office as outlined in this particular act.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. the Member for Harbour Grace – Port de Grave.

MS. P. PARSONS: Thank you, Mr. Speaker.

It certainly is a pleasure to stand here today, of course, and represent the people of Harbour Grace – Port de Grave to speak to Bill 64. As the minister outlined, this is certainly a good day for seniors here in our Province of Newfoundland and Labrador.

Stats Canada estimated that Newfoundland and Labrador will have the highest proportion of seniors in the country by 2026. Let me repeat that again, Mr. Speaker. Stats Canada estimated that our province will indeed have the highest

proportion of seniors in the country by 2026. That's something to think about.

Of course, as we know, that's why this enhanced focus on seniors is about – that's what it's all about – to chart a path forward that helps to ensure seniors remain healthy, active, engaged citizens living in their own homes, and active in their own age-friendly communities for as long as possible. I can attest to this, how important this is, Mr. Speaker.

In my District of Harbour Grace – Port de Grave, I have a number of strong, vibrant seniors 50-plus clubs; Bishop's Cove, for example. The Town of Upper Island Cove also has a very active membership; also the Town of Bay Roberts, Shearstown, Butlerville, Spaniard's Bay, the Goodwill seniors. It is something where they can get out and socialize among one another and maintain their habits, of course. It says something about their quality of life.

I will say, too, Mr. Speaker, the minister has been very dedicated and helping with regard to securing funding. That they go to these very, very important organizations. We also want to ensure that when the time comes they are cared for, seniors are cared for in a manner which respects their dignity and their lifelong contributions to society, because as we know, Mr. Speaker, seniors built Newfoundland and Labrador. They built our great province, they built our country. They deserve to live their golden years in peace and in quality of life, and without worry about where the next meal is going to come from.

We've often heard the story; seniors have to often choose between medications or food or heat and light. Well, the Seniors' Advocate will certainly give these seniors a voice to speak out. This will be a position that will report independently to the House of Assembly, as the minister outlined, on seniors issues. As we move forward, we will continue to listen to our senior citizens and their families and hear what their priorities are and how we can help to overcome challenges that we face together.

I also will reiterate what the minister outlined, that other jurisdictions have certainly come online with this and have established seniors'

advocate offices, such as in British Columbia, Alberta. We know that Saskatchewan, their Official Opposition is calling on government, currently, to establish a seniors' advocate office.

Just as our Liberal leader did in 2014, then Liberal Leader Dwight Ball announced that a Liberal government would indeed commit to pass legislation to create the Office of the Seniors' Advocate. Mr. Speaker, that day has finally arrived. It is a good day in Newfoundland and Labrador for our seniors.

SOME HON. MEMBERS: Hear, hear!

MS. P. PARSONS: As we know, many seniors – I think about my grandmother, for example, she's very fortunate. My mother comes from a family of 13, so people are more than happy and eager to help my grandmother, for example, but not every senior has this luxury or is as fortunate.

Those seniors who are living alone – I think about now we are in the winter months. Not every senior has someone who can get out and actually shovel their walkway. So God forbid if something were to happen and a senior living alone, or even a couple, they're not able to clear their property or whatnot, should there be an emergency they'd be in big trouble.

I would also like to commend the Office of the Seniors Resource Centre, how they have enacted this program. They have volunteers from the community called the Snowbusters Program. It's actually something I would like to initiate in the District of Harbour Grace – Port de Grave where volunteers come in; there is a database of seniors who do not have people to care for them, where they can come in and do things like clear snow. But this certainly is a no brainer.

I look forward to the co-operation of Members on all sides of the House because of course support for the Office of the Seniors' Advocate is support for seniors in Newfoundland and Labrador. As we know, there are seniors who are wealthy but not every senior is wealthy. Not every senior can draw a great pension or at the same time also still have a salary, Mr. Speaker.

Again, I look forward to the co-operation of Members on all sides of the House. I won't take

much time to speak to this bill. It is a lovely bill. It is a good bill for seniors in our province, Bill 64. I look forward to the co-operation.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

Thank you for recognizing me this afternoon to speak to this bill, An Act Respecting the Seniors' Advocate, Bill 64. We started debate in second reading on it this afternoon, and for those people who are tuned in because they have an interest in this bill, I know there are many, second reading is usually the time where the bill is debated in a high level. As the debate continues, the next stage is in Committee, then generally more detailed discussion and debate occurs with it.

I've been sitting listening to Members of the House debate this bill here this afternoon. I look forward to more information because there is much here in the bill that Members on this side of the House, in our discussions, want to know more about and more about the office, how it will operate, the intentions of the office and so on.

I've looked at a couple of other pieces of legislation, because under this act the Seniors' Advocate will be an Officer of the House of Assembly, and under the particular act also references not eligible to be nominated for an election, to be elected or sit as a Member of the House of Assembly. It talks about its independence and so on. It's the very same type of language that we see in the *Child and Youth Advocate Act* on the operations of the Child and Youth Advocate office. So there are many parallels when we look at both legislations.

If we look at the description, even under section 2, which under section 2 of bills we find definitions. I'm looking at two different pieces of legislation here, Mr. Speaker, so bear with me for a moment. Under legislation, under section 2 are definitions. It's where things are defined. So

when you read through the act you understand what they mean.

Under the bill before the House today on the Seniors' Advocate, it defines an "advocate" means the Seniors' Advocate appointed under section 4." It's very straightforward. If you look at the *Child and Youth Advocate Act* an "advocate" means the Child and Youth Advocate appointed under section 4." So there are a lot of commonalities in both pieces of legislation.

But I'd also refer to the establishment of the office under section 3, which is interesting to compare because both acts again are similar in structure and how they're formed. Under the *Seniors' Advocate Act*, "The Office of the Seniors' Advocate is established to (a) identify, review and analyze systemic issues related to seniors; (b) work collaboratively with seniors' organizations, service providers and others to identify and address systemic issues related to seniors; and (c) make recommendations to government and government agencies respecting changes to improve seniors' services."

When I look at the *Child and Youth Advocate Act* there is some difference here, Mr. Speaker. So very early in the act we start to see somewhat of a difference of an Advocate for children and youth versus an Advocate for seniors. The differences start to show. We're going to be looking for more explanation and understanding of this as debate goes on, as I mentioned.

Under the *Child and Youth Advocate Act* it is "(a) to ensure that the rights and interests of children and youth are protected and advanced and their views are heard and considered; (b) to ensure that children and youth have access to services and that their complaints relating to the provision of those services receive appropriate attention."

So the *Child and Youth Advocate Act* lays out that the Advocate will ensure that access to services by children and youth and their complaints relating to the provision of those services will receive the appropriate attention. I would expect to see the same thing in the *Seniors' Advocate Act*, but I don't see it here, Mr. Speaker. It talks about the Advocate will work collaboratively with seniors' organizations.

I'm delighted to hear that because there are many.

The minister, in Question Period today, talked about some of the structures that exist for seniors today. She talked about some of the structures that exist for seniors today. She talked about the advisory council on seniors. She talked about the pensioners. She talked about the provincial organizations, of 50-plus groups and so on. Maybe she didn't reference them but those types of organizations that exist in our province that work very well and provide great services and opportunities for seniors. It says, work collaboratively with those types of organizations and others to identify and address systemic issues related to seniors. So that's twice it refers to systemic issues, make recommendations to government and so on.

A big difference in this act and the *Child and Youth Advocate Act* – and I go over to section 17, I believe it is, in the *Seniors' Advocate Act*. This is a big difference here, Mr. Speaker, that we're going to be looking for the minister – and maybe when she closes debate in second reading this afternoon, she can provide more details on this.

Under section 17 it says: "Where the advocate becomes aware of a matter relating to a senior, the advocate may refer that senior to the Citizens' Representative for investigation of that matter." The Member for Lewisporte – Twillingate this afternoon referenced duplication of government services. He went on to say it's important to have an Advocate.

I agree with that; I understand the intent of this bill. The intent of the bill is despite all those other organizations and structures for seniors that are in place, what the government wants to do is establish an Advocate office. I know with the Child and Youth Advocate that one of the things that keeps the Child and Youth Advocate busy – and the Child and Youth Advocate in recent times, the outgoing Advocate, has worked hard to increase the advocacy role of her office because there hasn't been that much of it. Their office has been investigation based.

When a death of a child occurs, a report of a significant event, when the Advocate's office becomes aware, they investigate those types of

matters. That's what the Child and Youth Advocate does: investigate them. The treatments and response from government, primarily, and how government dealt with matters that are important to that particular child or youth. Has government properly responded to providing proper care, programming and oversight on a child or youth, the most vulnerable people in the province, who need those oversights and assistance supports from government? That's primarily what the Child and Youth Advocate does.

I think my last count, there were somewhere around nine investigations the Child and Youth Advocate has underway and issued reports very recently and has been doing that from time to time. I'm sure the new Advocate will be doing the same thing.

Here's the big difference, Mr. Speaker, on the *Seniors' Advocate Act*, under section 17 it says: "Where the advocate becomes aware of a matter relating to a senior, the advocate may refer that senior to the Citizens' Representative for investigation of that matter."

Now, I know the Member opposite talked about duplication and it doesn't mean duplication, but there is duplication when it comes to children. For children, we have a separate process to investigate matters, very serious matters; loss of life of a child or youth, a significant event around a child or a youth. The Advocate, an independent Officer of the House of Assembly for Newfoundland and Labrador has the ability to investigate what happened and why it happened. Essentially investigate the services provided by the government to determine what happened and why it happened. And then, very importantly, is to make recommendations so that these events don't happen again in the future. That's essentially what the Child and Youth Advocate does.

For the Seniors' Advocate, under the *Seniors' Advocate Act*, it says: "... the advocate may refer that senior to the Citizens' Representative for investigation of that matter." That's what it says. It's very different. It's not an Advocate insofar as a Child and Youth Advocate. And I believe based on all the seniors that I speak to – not all of them, but the ones who talk about this; I talk to lots of seniors, but they don't all talk

about this. Representatives of seniors' organizations, representatives who are members of the advisory council for seniors, people involved with the administration of seniors groups, those people, I believe, when you say we're going to bring forward a piece of legislation that's going to give an Advocate for seniors, and someone files a complaint about the services or programs a senior is receiving from government, then they believe that Advocate is going to be able to investigate. That's not what it says in the legislation, Mr. Speaker.

While Members opposite say this is a good thing and good legislation, we all need to understand and before we jump up to support it, move away and just blankly say oh, we're supporting it and that's it; we support the concept of it – but before we just support the legislation, instead of just getting up reading from our notes and so on, we should dig into it – all Members – and have a clear understanding of what it is we are supporting because it's not a piece of legislation to investigate wrongful or lack of programs and services by government to our seniors.

And we know and Members opposite talked about – again, I'll refer to the Member for Lewisporte – Twillingate talked about the growing number of seniors in Newfoundland and Labrador. He's absolutely right, Mr. Speaker. He's absolutely right. We are the fastest aging population in the country, the last numbers I saw, and I assume that maybe Members opposite say that's still correct. We're aging faster any other province in the country. We know that seniors need an outlet and a place to go. When I say a place to go, I mean contact or family members need a contact when they don't believe that their senior is being look after.

Recently we saw in the media a family from I believe it was Clarendville, husband and wife, where the husband and wife were being separated after some 60-odd years of marriage. I saw two or three media reports on it. The report indicated that they have two levels of care and one is now in Clarendville area and in St. John's and now at Christmas they're apart. Not just Christmas, anytime, they're apart.

We know that happens in health care from time to time. I know the Minister of Health and Community Services, my understanding is – I

shouldn't say no and put words in his mouth – but my understanding is the Minister of Health and Community Services has taken an effort to rectify this and taken an interest in that particular case, and I praise him for doing that, but those types of things happen.

Under the *Child and Youth Advocate Act*, if that was a child or children separated, then one of their outlets, one of their options, one of their avenues of recourse would be to go to the Child and Youth Advocate. If government has not been able to successfully resolve their concerns or their issues, one of their outlets for that would be to go to the Child and Youth Advocate and say please help us. The Child and Youth Advocate could advocate on their behalf. That's one of the areas that the Child and Youth Advocate has been working hard with outreach and so on around the province so people understand the role of the Child and Youth Advocate and say I can advocate for you as well.

Not only do I have to investigate a terrible event, a troublesome circumstance, a loss of life or a significant event, the Child and Youth Advocate is saying I can still advocate for children and youth. When you've got nowhere else to turn in government for a child or youth who's involved with government, maybe in the care of government, may rely on government for programs and services for revenue and income and caring, depending on the age of the child, you can also go to the Advocate to say, I have a problem; government's not doing for me what I need. That's one of the things the Advocate can do, the Child and Youth Advocate.

Well, here is very different. That's what we're going to get to when we get to Committee and talk about this more in depth more. I'm saying it now too, Mr. Speaker, in all sincerity I raise this now at this point in the debate, so as the debate goes on the minister can understand some of our thoughts and be prepared to have a discussion in Committee, because in Committee that's essentially what happens. There's a discussion between the Opposition Members and the minister. Sometimes Members opposite will rise in Committee and ask a question of the minister and the minister answers. We don't see that too often, but that can happen in the Committee process as well.

The Seniors' Advocate will not be there to investigate but to refer seniors to the Citizens' Representative for investigation. I'm working to get some more details on this, Mr. Speaker, and I hope to be able to have it for debate later today.

My understanding is the Citizens' Representative is a very, very busy office as it is. While nobody wants to create unnecessary duplication, red tape and more governance or administration unnecessarily, nobody wants to do that, we also want to make sure that the intent and service is served for seniors.

Government took the department that's responsible for seniors and grew it from just the department involved with children and youth primarily, and family services. Of course, they put family in it because the goal is to keep families together and make families whole and make them a healthy unit and healthy relationships and so on in a good way.

While they are there as child, youth and family services, the focus should be – we know the past of child care and child protection in our province has been well known. In previous years a lot of steps were taken to build child protection services to make them stronger and better and to make improvements. Lots of improvements have been made. I know government opposite has an interest in continuing to make those improvements. We've heard the minister make those comments as well.

One of the concerns that arose was when they meshed seniors, wellness, some grant programs and so on there now, and child, youth and family services and some others. I read a list of them on the website for the minister the other day of her responsibilities, a long list of responsibilities for that minister now. Not just a single focus on child, youth and family services, but a very long list.

Some of those other functions can probably happen very effectively. We certainly want to make sure that the minister keeps a very strong focus on children and youth. Now we have the seniors portfolio added to that portfolio, but the legislation for a Seniors' Advocate act, which the minister is bringing forward – and I'm sure she spent an enormous amount of time preparing

this legislation and focusing on it and sending staff back and having questions about it. I'm sure she just didn't take it and say, well, thank you from the staff and I'm going to bring this to the House.

I'm sure there's a lot of back and forth, because that's what happens in government. When ministers get briefed and they're discussing legislation with officials, there's a lot of going back and forth. If the minister is not happy with a certain section of it she'll say go back and look at this further. I'm sure all that happens, and I'm sure it did. It will be interesting to know what kind of conversations she had specific to section 17.

Mr. Speaker, there's another piece of legislation that I don't see referenced in the *Senior's Advocate Act*, and maybe if it is referenced here the minister can bring it to my attention. I apologize to her if I missed it or skipped over it somewhere along the way, but it's a very important piece of legislation passed here in this House of Assembly in 2011.

In 2011 it was An Act Respecting The Protection of Adults – passed here in 2011. It's called the *Adult Protection Act*, is the short title. It refers to – again, I'll go back to the definition section. There are a lot of people not familiar with this or forgotten that this act was passed back in 2011. It creates an office of provincial director of adults in need of protective intervention.

Under this act, under section 4 it says, "This Act applies to every person who is not a child or youth as defined in the *Child, Youth and Family Services Act*" It is very interesting, Mr. Speaker, that particular section, because we have a Child and Youth Advocate and what this act, people who are awarded or provided protection under this act is anyone who doesn't come under the *Child, Youth and Family Services Act* "... including a person who is a patient or resident in (a) facility operated by an authority established under ... the *Regional Health Authorities Act*; (b) a personal care home as defined in the *Personal Care Home Regulations*; (c) a long term care home; (d) a community care facility; and (e) assisted living facility."

That certainly does not encompass all adults and it certainly doesn't encompass all seniors, but all seniors are adults, Madam Speaker – I say Madam Speaker, not Mr. Speaker, because Madam Speaker is now in the chair – but that doesn't encompass all adults or all seniors but it deals with adults in need of protection, similar to how the Child and Youth Advocate deals with that as well.

It defines "An adult in need of protective intervention means an adult who lacks capacity and who (a) is incapable of caring for himself or herself, or who refuses, delays or is unable to make provision for adequate care and attention for himself or herself" It goes on to say, "An adult in need of the protective intervention means an adult who lacks capacity and who ... (b) is abused or neglected." So there are similarities in the nature of that particular legislation.

In actual fact, Madam Speaker, if I may just take a moment, because it is also to point out that under this act, the director – there's a reporting requirement similar to the *Child and Youth Advocate Act*, the *Child, Youth and Family Services Act*. Under this piece of legislation, there is a requirement that: "A person who reasonably believes that an adult may be an adult in need of protective intervention shall immediately give that information, together with the name and address of the adult, if known, to the provincial director" – which is the director under the act – "a director, a social worker or a peace officer."

When it refers to director, there's the provincial director but there's also a definition here, "'director' means a person appointed by an authority who has responsibilities under this Act" So you have to report it, similar to a matter of child abuse or neglect in our province. We have laws that say if you know that, if a person in the province is aware of that, it has to be reported.

An adult in need of protection also has to be reported, if a person is considered to be an adult in need of protection. A person who makes the report "shall report all the information of which he or she has knowledge." It can be made to a peace officer.

When it is, “the peace officer shall, as soon as possible after receiving the report, inform the provincial director” – of Adult Protection – “a director or a social worker.

“(4) This section applies notwithstanding that the information is confidential or privileged, and an action does not lie against the person providing the information ...” So it protects you. If you provide information in good spirit and intent and you believe it to be true, you have information, you have to pass it on. There are going to be no repercussions to the person who does that.

Then it even goes on to say, Madam Speaker, where an evaluation – because it lays out with an evaluation, “A director shall complete an evaluation where he or she (a) receives a report under section 12; (b) is referred a report from a person who received it under section 12; or (c) reasonably believes that a person may be an adult in need of protective intervention.”

Then there’s an evaluation. “Where an evaluation has been completed and a director believes, on reasonable grounds, that the adult is in need of protective intervention, the director shall direct that an investigation be completed.”

That’s not entirely what a Seniors’ Advocate is about, Madam Speaker, but I would suggest – and I hope in closing that the minister refers to this. Maybe she can describe to us that instead of having a piece of legislation for a Seniors’ Advocate, which takes in some of what the Child and Youth Advocate does – instead of having protection of adults to be reported and investigated when an adult is in need of protection, there seems to be there may be some synergies or some parallels in these two pieces of legislation that, if you put them together, they become similar to what exists in legislation today respecting children and youth.

I would respectfully ask that maybe the minister in closing could help along the process, especially when we get to Committee, if she could deal with and talk about some of these matters. Because a Seniors’ Advocate here is, I believe it could be a very important role in the province, but is limited to establishing – the advocate is established is limited to “(a) identify, review and analyze systemic issues related to

seniors; (b) work collaboratively with seniors’ organizations, service providers and others to identify and address systemic issues related to seniors; and (c) make recommendations to government and government agencies respecting changes to improve seniors’ services.”

The office of the Advocate is established to do those things. The office of the Advocate for seniors is established to do that. So it’s not an investigative role. It is an independent Officer of the House but it’s not an investigative role. It cannot make decisions for government. It can only make recommendations on systemic issues: identify, review and analyze systemic issues and also to make recommendations to government respecting changes to improve seniors’ services.

So what we’re going to do in debate this afternoon is ask, why is the Seniors’ Advocate not more than that? Why does it not have more teeth in the legislation to be able to provide an investigative role? When there’s an issue with a senior – as we heard about recently, the one in, I believe it was Clarendville, where two seniors are apart and they have nowhere else to go, or they feel their issues have not been addressed by government, and it’s not an isolated case. We’ve seen these in the past, Madam Speaker.

When a person does not have other recourse, another place to go, the Seniors’ Advocate could have been that office to go to. That could have been the place for a senior to go to, and we don’t see that here in the legislation. I think we’re going to have more discussion on that as debate goes on this afternoon.

I look forward to hearing from the minister on some of these. Maybe the minister can clarify all of the matters I’ve raised on this, this afternoon. I’m glad it’s here; it’s here for us to discuss. It has potential to be a good piece of legislation for the province. We’re here to discuss it and to debate it, then make our decisions as we go along and ask government to explain some of the differences, nuances and so on.

That’s what we’re here to do, and we’re going to do that because we know – we all hope someday to be seniors, not too soon, but we hope to be seniors. I am a member of a 50-plus club. I joined a 50-plus club in Paradise a little while ago. I am a member. I’m old enough, you’re not.

The Member for Mount Pearl North is not, but I am and that gives me a good opportunity as well to hear from them. They're quite often quite eager to express their view points and so on. It's good to have that outlet. I visit the personal care homes in my district from time to time and it's a good opportunity as well where seniors express their view points.

So we certainly want to make sure that any legislation brought forward is an opportunity to provide an office that has some teeth in it and can have the power to investigate when things go wrong, make recommendations on how to make them better, similar to what the Child and Youth Advocate can do, and we don't see that in this legislation.

Thank you very much.

MADAM SPEAKER (Dempster): The Speaker recognizes the hon. Member for Harbour Main.

SOME HON. MEMBERS: Hear, hear!

MS. PARSLEY: Madam Speaker, it is my pleasure to stand in this hon. House today from the great District of Harbour Main. It gives me great pleasure to stand and speak on Bill 64 for the Seniors' Advocate.

This is a great day for Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MS. PARSLEY: In 2014, Liberal Leader Dwight Ball announced that a Liberal government would commit to pass legislation to create the Office of the Seniors' Advocate. A PMR was introduced on April 22, 2015, that urged government to establish a Seniors' Advocate office. It should also be noted that every sitting PC MHA voted against this motion.

The Seniors' Advocate would be independent of government and would not report to the minister but instead to the House of Assembly and the Auditor General, similar to the Child and Youth Advocate. Appointees to the Seniors' Advocate office would be selected by a proposed Independent Appointments Commission on the basis of merit. This legislation will give

independent power to seniors to represent their rights and interests.

Madam Speaker, I just heard the Opposition Leader talk for a moment about the *Adult Protection Act*, but from what I can understand about this act, there are social workers who take care of that. That probably would become independent from the Seniors' Advocate, but as every one of us in this House today and people of Newfoundland and Labrador, we have a due diligence ourselves to report anybody we feel is in neglect or needs support. It's like a child in child protection, if you know something is going on and you don't report it, well then you're kind of responsible.

I think in the Province of Newfoundland and Labrador where we have so many seniors who are out and on the go, people in towns are more in tune with everything. That if we have seniors who are in need, I'm sure they will go to the proper authorities.

Just recently, I attended five seniors' events over the weekend, five dinners. I think one on Friday evening, the hon. Member from CBS attended with me. We had over 80 seniors from the men's club. Around the room that night they talked about the Government of Newfoundland and Labrador investing \$76.4 million to increase their benefits. It was good things. It was monies that were given that they could go out, have their dinners and socialize, and be a part of the community.

In Holyrood on Saturday night I attended one with – I think there were over 170 seniors. Saturday evening down in the Town of Brigus we had 75. Tomorrow in Harbour Main we have 85 to 90 seniors all over the age of 75 years of age coming to a luncheon which I'm invited to.

As far as our seniors; with the money the government has invested and the care, the social workers, our minister has done an awful lot of work to ensure that our seniors are taken care of. From a very young age I had a keen interest in seniors. In the Town of Harbour Main, regularly dinners were passed out. I was called Meals on Wheels because I felt when someone didn't have a Christmas Day dinner it was my duty to give it to them.

So as far as worrying about seniors having to go from the Seniors' Advocate to the seniors' independent, we didn't have a Seniors' Advocate before this bill, so what were we doing then? I think what we all have to do this afternoon is get a few questions answered, get this bill passed and let our seniors have what they should have in life, that's security and someone to fight for them.

It's great for the seniors who get out but there are also some seniors who don't have family members and this Seniors' Advocate today will replace that and be able to be there for them. So if they're in need, they can bring it forward – I guess they can bring it forward to the MHA and then go on to the Seniors' Advocate. We can also advocate on their behalf because that's why each and every one of us are in government today, it's for the people of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MS. PARSLEY: So rather than belabour this, I will sit down and look forward to the debate.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

I'm very happy to stand and to speak to Bill 64, An Act Respecting The Seniors' Advocate.

I would like to say that I will be and our caucus here will be supporting this act. We have since 2011, even before the election in 2011, called for a Seniors' Advocate. Perhaps what we may have called for may have had a little more legislative clout and a little more teeth, but at this point I believe it's a step in the right direction.

Some people talk about the tsunami of seniors that's facing Newfoundland and Labrador. This is not a tsunami. A tsunami comes unexpectedly and uncontrolled. We've known the demographics have been there. We've known

about the aging, shifting population in our province, shifting to a more aged population. So it's not unexpected. It's not an unforeseen emergency.

Therefore, all governments, whether it was the previous government or the current government, should have been preparing, knowing we had this demographic shift, the fastest growing demographic shift of seniors in the whole country. What that means in terms of our health care system; what that means in terms of a housing strategy, which we still do not have; what that means in terms a number of services, whether it be transportation or what have you.

Again, we welcome this step. It could have been stronger. It could have had more legislative clout. We're disappointed by that, but we will be supporting the legislation.

Earlier in the House today I raised a number of issues. I raised a number of cases of people who've been negatively impacted by the current budget. Some of them were health care issues, some were other issues. I was challenged by the Minister of Health and Community Services. He said I was – what was the word he used?

AN HON. MEMBER: Disingenuous.

MS. ROGERS: Disingenuous, he said. He said I was disingenuous, with the undertone that I've made them up. Well, I have all of their files right here. We have gone to the Department of Health, we've advocated on their behalf. So they are real people, and that's the thing. What we're talking about here, Madam Speaker, is real people, real seniors throughout the province who are affected negatively, sometimes positively but often negatively, due to decisions that were made in the last budget that was introduced in the House this year.

Madam Speaker, these real people have real issues. This is what we would hope the Office of the Seniors' Advocate would do. That the Office of the Seniors' Advocate is to look at systemic issues and how decisions that are being made are actually affecting the lives of real people – not theoretical people but real people – in our province who live all over our wonderful Province of Newfoundland and Labrador. So seniors, many of whom have worked hard all

their lives, either in the paid labour force, or many at this point who perhaps haven't even worked in the paid labour force, but women who have born children, raised families, helped perhaps a little bit with the family business, but have done their part as well in taking care of families and raising children.

We have the highest proportion in Newfoundland and Labrador – I've said this in the House many times and I'll continue to say it again. We have the highest proportion of seniors in receipt of GIS, the Guaranteed Income Supplement and OAS, the Old Age Security, which means people basically living below the poverty line. That is the fate of many of our seniors, and the highest percentage of seniors in the whole country in receipt of OAS and GIS. We have a big problem here in our province.

We've talked a lot in this House about the health care issues that will be particular to seniors. There is this mythology that seniors eat up the largest bulk of our health care system. We can't talk about seniors constantly as being vulnerable people; we have seniors who aren't very vulnerable. But what does make their lives more difficult are the economic challenges they face and the challenges they face in other issues; for instance, around housing, around access to community supports so that they can continue to live independently and in a healthy manner. That's what we would hope. It's my hope that's what this Seniors' Advocate will be able to do.

When we look at the budget that was introduced here in the House, I was concerned. We have a Women's Policy Office; we have a requirement that they be able to apply a gender lens to any policy, including the budget. Now we know that didn't happen. There wasn't a gender lens applied to the overall budget that was introduced in the House.

We also have a Seniors Policy Office. They probably weren't permitted the opportunity to apply a lens of how the budget is affecting seniors because if they were, this budget would never have come into the House in the form that it has because of the negative effects on our seniors in terms of the cancellation of the Adult Dental Program, the cancellation of the over-the-counter drug program.

We've heard from dentists. We've heard from family members. We've heard from seniors directly. We've heard from doctors about the ramification, the trickle-down effect of the cancellation of the Adult Dental Program and of the cancellation of over-the-counter drugs, where we have seniors who cannot afford their calcium supplements, their vitamin D supplements, their iron supplements. We have doctors telling us about that. We have advocates telling us about that. We have seniors telling us about that.

That's a very real effect of the budgeting process where there wasn't a seniors lens applied, where there wasn't a gender lens applied to decisions that this House makes. That's what we hope this Seniors' Advocate will be able to do, looking at the systemic issues.

Sometimes we have to tell personal, individual stories which are reflective of, in fact, systemic issues. That's what I have done here in the House in the past few days. I've talked about individual cases that give us a sense of systemic issues. Not just individual issues that, well, the Minister of Health will solve the problem of this particular person or the minister of Housing will solve the problem of this particular person. We know they are systemic issues.

The issue of affordable housing for seniors; we have seniors living in some of the most deplorable boarding houses across the province. We have seniors who cannot afford to downsize, who have been living in the family home for years. They need to be able to sell that family home and then downsize and live in a rental situation or buy a smaller place. They cannot: (a) because they're not going to get enough money for the house they're living in; and (b) because they can't afford the high rents or they can't afford to buy a smaller unit.

We know there haven't been any new rental subsidies in the province for the past few years; yet, we have people continuing to age, people continuing to need rental subsidies. What happens, in fact then, is that the majority of their money – and I've said this before, if they're on OAS and GIS maybe they're going to get around \$1,200 a month. If you're living in St. John's or Corner Brook or Clarenville even – even though that's not a large municipality, but Clarenville

where the rents have gone up, increased because of developments in that area, your rent is going to be at least, let's say \$700 – mostly it's going to be more than \$700 to get a decent place to live. Then your heat and light might be \$200. Then your cable and your phone, maybe that's going to be at least \$100.

Right there we have \$1,000, which leaves you as a senior with \$200 to buy your food for the month, to buy your clothing, to buy your over-the-counter meds, which no longer are covered, to pay for your dentures or your dental program. I did, I had a senior call my office who'd been trying to take his tooth out with pliers on his own because he could not afford to go to the dentist. That's not an exaggeration, that's a true story.

So hopefully, what will happen is that this Seniors' Advocate will identify the systemic issues that affect the real lives of real people in our province. They're not just stories. They're not made up. This is not being disingenuous. This is what people are facing.

The Seniors Resource Centre has done a lot of great research in the past few years about what is it – how are people planning for their senior years in terms of housing. And 90 per cent of the people want to stay in their own homes, but they don't have a plan. Well, a lot of them don't have a plan because they don't have the money to be able to plan, but they want to stay in their own homes.

That then brings us to the area of home care. We've had a number of people call us, seniors call us or families of seniors calling us who say all they need is a few hours of help, a few hours of home care to help keep them in their homes. Social workers are also telling us they have been told to do a refocus to see how they can shrink the number of home care hours.

Are people getting more home care hours than they need? There are a lot of people who are not getting – maybe they got home care hours when they got out of the hospital if they had surgery, and then all they need they say is just a few hours a week for some help with housekeeping, some help with meal preparation.

One woman said her home care hours now have been cut down to two hours a week. She said when she needs the home care worker to bring her to the doctor back and forth, there's no way that two hours is enough. She's got to get to that space, then she has to wait to see her doctor, and then she has to get home. So it's not working.

We're hearing those stories again and again and again and it's because it's a systemic issue. I'm sure that many of our MHAs here in the House are hearing similar stories.

I do have a few questions about the scope and how this is going to operate. For instance, we've been told very clearly that the job of the Seniors' Advocate is not to duplicate already existing services. For instance, this Seniors' Advocate will not do individual advocacy. Okay, so what will happen is that people will be sent to the Citizens' Rep, or maybe people will be sent to the Human Rights Commission or to the regional health authority – to the proper official within the regional health authority if there are specific gaps or complaints.

So my question is that's very interesting and then people will know it, but then how does that information get back to the Seniors' Advocate? Will the Citizens' Representative be aggregating information about issues that affect seniors? People may not even go to the Seniors' Advocate, then, if they know for instance that they're supposed to go to the Citizens' Rep or if they're told by their own MHA. How will all that information about systemic issues about gaps in our services, how will that be fed back to the Seniors' Advocate?

Not every senior or the family of every senior will also – they'll not all call the Seniors Resource Centre. Will there be a reporting mechanism not just of the Seniors' Advocate to the House, and not only the Seniors' Advocate referring for instance to the Citizens' Representative, will there be a reporting back. Because, in fact, what we need is to really look at how are our policies, how are our services really affecting seniors?

I also want to know, will our Seniors' Advocate be – because I believe the Seniors' Advocate will need to look at service delivery in our long-term care facilities or in our personal care

facilities. Will that Seniors' Advocate have access to both our public facilities and the private facilities? Or will the Seniors' Advocate only be able to rely on random complaints that may or may not come to the Seniors' Advocate office because people will be instructed to go to the regional health authority or to the Citizens' Rep.

I'd like to know that. I believe it's really important for the Seniors' Advocate to be looking at issues of the cost of dental, vision and medical supplies because these are things that are not currently covered now. The over-the-counter drugs, vision care and dental care, I cannot tell you how often we get calls about this. Again, I'm sure every MHA does there.

How is it if the Seniors' Advocate through their research – and they make recommendations to government, they make recommendations to the House. Their report will be an annual report. How will that be monitored? Who will ensure there's any kind at all of assurance that the recommendations they make will be followed and will be executed? Is there any mechanism there?

Every now and then the Auditor General will look at a plan or a strategy and assess whether or not that's actually being followed. Whether government has actionable items and whether those actionable items, whether there's evaluation attached with that and how the roll out of those actionable items take place.

Will our Seniors' Advocate look at the issue of the residential care bed wait times? That's a really important issue. We have seniors waiting in hospital because they don't have residential beds available to them. I have a few cases in my district of families calling us about those issues, where seniors are basically languishing in hospital and we know that –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Bragg): Order, please!

It's getting a little loud in here again.

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

Will our Seniors' Advocate visit emergency rooms across the province to look at how that medical care is being delivered to seniors? Will our Seniors' Advocate also look at the whole issue of the need for primary care centres? That's a really important issue. That's the one way of keeping seniors out of emergency rooms. It's another way of keeping seniors out of hospital.

Housing; will our Seniors' Advocate look at the issue of housing and the community supports that seniors need in order to be able to remain in their homes? The issue of affordable housing for seniors is crucial.

Supportive housing for seniors; what kinds of different levels of community supports do seniors need in order to be able to stay in their own homes?

My question is: Will Adult Protection be required to report to the Seniors' Advocate? Again, we're told that the Seniors' Advocate is going to refer individual cases on to the appropriate services, but what is that two-way communication.

Will the Seniors' Advocate look at the whole issue of cost pressures on low-income seniors? Because that's what keeps them in adequate housing, that's what keeps our seniors enabled. We talk about prevention in this House. There's a Ministerial Statement about eating healthy and getting exercise but many of our seniors are telling us they can't because they don't have enough money.

The rising cost of food, the rising cost of electricity. Is our Seniors' Advocate going to look at the rising cost of electricity and how that affects our seniors? The rising cost of food, the rising cost of transportation; yet, the income for our seniors is not rising. It may be rising a little tiny bit but certainly not at the rate of the rising cost of housing, food, electricity and transportation.

So all of these issues, it is my hope we would for sure see the Seniors' Advocate take a look at, but we have to ensure that it's not just about airy-fairy wishes. That in fact there are some teeth –

MR. SPEAKER: Order, please!

I would like to remind the Member her time for speaking has expired.

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

MR. SPEAKER: The Speaker recognizes the Member for Cape St. Francis.

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

It is indeed a privilege to get up here today. I always say from the beautiful District of Cape St. Francis, but I got to say to represent the beautiful people in the District of Cape St. Francis. A lot of the people in my district are seniors and they're beautiful people.

As an MHA, probably the one thing I enjoy the most is attending any function that I can when it involves seniors. At this time of year, as MHAs we get the opportunity to go to different seniors functions and attend community events. As you attend community events, nearly all communities recognize the importance of seniors in their communities.

I attended in Logy Bay-Middle Cove-Outer Cove on Friday night their seniors' dinner. I had a few scuffs and there was a lady down there, Mrs. Roche, that I didn't get a chance to dance with this year but I know I'm going to hear tell of it the next time I speak to her.

I think this is a good piece of legislation, I really do. I think that anything we can do for seniors to make their lives a little bit easier or give them a mechanism to be able to voice their concerns and have their voices listened to is good.

The idea of an advocate, I have no problem whatsoever with because I think in the last session of the House of Assembly – it's not too often, Mr. Speaker, I get excited or get a little bit riled up, but I went on the last time in the House and told the people here that the Seniors' Advocate in Cape St. Francis, and I gave them his name and his name was Kevin Parsons, because that's what I do as part of my job as being an MHA. I know I'm not the only one in here. I'm sure all elected people in this House

take their jobs very, very serious, and we do hear from seniors and we do advocate on their behalf. They need that voice.

A lot of times you'll find with seniors that sometimes they really don't want to bother you or they don't want to do this or they don't want to do that. I just tell them, listen, you're not bothering me. That's part of my job. My job is to help you in any way I can, no matter if it's through a home repair program or it's to assist in any way or make a phone call on your behalf and things like that. That's what we do as MHAs.

The role of a Seniors' Advocate, I was hoping would have a little bit of authority to be able to really advocate on behalf of seniors. So if there's a senior out there who really feels this is bothering me; it could be something to do with home care. Home care is a big thing today because as we know, and as Members on the opposite side, I'll restate it, that we have a whole lot more seniors. Every year it's growing and growing and growing. Home care is a big part of what's happening. I know in the area I'm from, it's hard get home care workers because there are not that many people out there doing it any more. The need is so high.

We need an advocate to be able to – it could be a home care worker, probably there might be some abuse. There may be something there that if there's no family member to be watching what's happening, the senior needs some way to say look I'm getting this home care, maybe there's somewhere I can go to make sure I'm getting what I'm supposed to be getting. It could be anything like that.

In other cases, not only with home care workers, it could be family. We've seen it a lot of times where sometimes – I know there were ads in the paper last year called seniors' abuse. I don't know what this legislation is going to do for that person. Is it going to tell them to – we listened to your concerns and now we're going to put it on to the Citizens' Representative to hear your concerns.

The whole part of this legislation, which I agree with – like I said earlier, I agree with an advocate. I hope an advocate can do the job. I still want to do my job. I still want to represent

the people who elected me to do the job, and seniors in particular. I reach out to seniors wherever I go to make sure they know I'm there to voice their concerns.

What we're doing here today, this Advocate should be something that a senior can say, okay, that's the person who's going to make sure the policies that are in place are going to be kept for me. I'm not going to be pushed on to anyone else. This is the person who's going to answer my call.

Just like we said with the Child and Youth Advocate; the Child and Youth Advocate has big responsibilities, and so should the seniors' representative. The seniors' representative should have the responsibility that if a senior is out there today and has major concerns then someone should be answering to it.

A big issue that is in my area, and it's all over Newfoundland and Labrador, is long-term care. I know all MHAs hear about it all the time. Sometimes families do their best to keep their loved ones at home as best they can, but sometimes the burden just gets a little bit too hard and families can't cope with what's happening.

I don't know why, maybe it's because I'm an MHA and I see it a lot more. Dementia plays a big role in home care now. I've been dealing with a couple of families in my district, and I dealt with it in my own family. You get to the point where seniors need long-term care.

Right now, I know the minister is after bringing it up a couple of times, there is a long wait list. It's hard on families. Do you know what? Maybe this Advocate could understand the problems and families will have somewhere to go when they realize their loved one is in such dire straits. That happens a lot. It never hits home with you until you really get involved in it.

I know there are a lot of people out there today who have family members and they're looking to get them in long-term care. That's something where an advocate can really come and represent that senior because at that point in their lives somebody needs to speak for them. Someone needs to say, listen, the family is at ends with

this and we need this person to advocate on our behalf. Now we do it as MHAs. We do it all the time as MHAs.

The other thing, from the last budget – I'm not being negative. I try not to be negative at all, but with the last budget we put a whole lot of strain on our seniors. I know that every Member in this House of Assembly hears from seniors in their district and they hear from people that are having a hard time. Most of them don't complain. They don't complain, they tell you the story, but I'll get by or I'll do this.

The cost of medications, over-the-counter drugs, basically, that were covered for years and all of a sudden they found themselves having to come with an extra \$30, \$40, maybe \$15, maybe \$20, maybe as low as \$10. That cost to a senior is so – you know what they do when they get their cheque, they can almost tell you where every cent is going. Here's what we're going to spend, here's our food bill, here's the light bill, here's what our transportation is going to cost and so forth. When you put a cost of \$10 or you put a cost of \$15, whatever, it's a burden on them.

The other thing it does, it really puts a lot of stress on them. I remember my mother who was a public health nurse. She always told me that stress is one of the worst things out there that you can do to anybody. Stress causes all kinds of different illnesses and whatnot. Stress to her was almost like a killer. She said stress causes so much.

The stress that's on our seniors today is high. When you look at things like the cost of heat – and the HST got put back on the heat bill this year, so the cost of heat went up a little bit for them. Again, that's another cost. When you're on a fixed income, you're adding a little bit to the medical costs, you're adding a little bit to the heating costs.

I have a neighbour next door to me. His biggest beef was his car insurance and his house insurance going up by 15 per cent. Those people are on fixed incomes. Those people are on incomes that are – they're looking for this person to be able to speak on their behalf. Maybe it's some way that an advocate can go and talk to government and say, listen, how about giving these people a break, how about

doing this and here are the reasons why. They have a fixed income, they can't afford the extra bit, so why don't we just look at some way and advocate on their behalf just like we do in here.

We'll get up and do it as representatives, but maybe it will be bigger clout if it came from a person that was representing seniors all over the province. That's what I was hoping this advocate would have the power to do.

I look at things that we do and we do well. There are things we do in government, and I applaud government on both sides of the House; any time we can help. I look at the Home Repair Program. It's a little program we do that helps our seniors stay in their homes. I'm sure the Minister of Health and everyone else would want to see our seniors stay in their homes because it's a cost.

The cost for long-term care could be \$10,000 a month but if we invest in our seniors, invest in their homes and make sure their homes are – I know the REEP program was there for years, and what a great program. It was putting insulation in people's houses. Maybe fixing a furnace or making it more efficient, and doing the small little things like that.

Now the grant was only for \$3,000, but can you imagine how much that could – to our whole economy, what a big deal that is when we can spend \$3,000 or \$4,000 on a senior's home to make it more energy efficient so that senior doesn't need to worry about a major heat bill and stays in their home a little bit longer.

We could have an advocate to say, listen – and show you the stats – if we do this, this will reduce the cost of health care, this will reduce the cost of long-term care, in what we have to do. It may even slow down on what's going to happen to the wait-list for seniors.

I think everybody in this House agrees with a Seniors' Advocate. I think everybody in this House agrees with what I'm saying today, that we should be doing everything we can for our seniors. I believe that most Newfoundlanders and Labradorians, because that's who we are as people as far as I'm concerned. That's why I always say it's the greatest province in Canada to live, and the greatest place to live is in Cape

St. Francis, but other than that we're living in a good place.

Again, I look at the care we're giving to our seniors. We can always do more. We're after coming a long way, I'm sure over the last number of years, giving seniors what we can.

So this advocate we're planning on introducing here today, we need to give the advocate the power to be an advocate. We need to give the advocate power to be the person who is going to stand up and speak for seniors. We need an advocate to be able to go to the budget consultations and say listen, these are the things that are killing seniors. These are the things that are making us move away from our homes.

We need an advocate who can really have a voice, who can stand in and bring to the public, and not just bring it to government the concerns. Make policies. Listen to the concerns of the seniors. Listen to what they have to say and be a voice for seniors, just like the Child and Youth Advocate.

There are seniors out there who, through no fault of their own, are being abused. It doesn't have to be – it could be a family member, it could be anything. They need someone to speak for that person. That's what we want today in this bill. We want this bill to have the teeth that it should, so that person can bring stuff to the House of Assembly, bring to the minister and bring to the public the concerns that seniors really have.

I've just expressed a few concerns that I have about this bill. Like I said, I want the Seniors' Advocate – I feel that I'm an advocate for seniors, but I think whatever we can do to improve that is good. Let's give it the teeth that it deserves.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: If the hon. the Minister of Children, Seniors and Social Development speaks now she will close debate.

SOME HON. MEMBERS: Hear, hear!

MS. GAMBIN-WALSH: Mr. Speaker, I want to address some of the issues that have been raised in this hon. House today regarding the Office of the Seniors' Advocate.

First of all, regarding accountability; the Advocate reports directly to the House of Assembly. He or she will report annually to the House. The Advocate has a responsibility to make those recommendations public. That is how he or she will be held accountable, Mr. Speaker, by government and by the public.

In terms of the Citizens' Representative, Mr. Speaker, this office currently addresses complaints from all adults, including seniors. Let us be clear, that this is not new. It is their responsibility and always has been. The Citizens' Representative addresses individual concerns and complaints, and quite capably I might add. This means all adults, including seniors.

Seniors throughout our province, Madam Speaker, have been told us there is no mechanism to address issues that impact a broad range of people, that there is a gap. We are going to address that gap. There is no need to duplicate the role of the Citizens' Representative or diminish its mandate.

In terms of how the Seniors' Advocate will receive information, Madam Speaker, the Seniors' Advocate will make sure that all calls received are referred to the most appropriate resource. The Advocate will work closely and collaboratively with the Citizens' Representative and the Seniors Resource Centre and refer to the director of Adult Protection if necessary.

We have a network of social workers throughout our province that connect daily to seniors who are vulnerable and need advocacy. That should not be the role of one advocate but rather the many resources in our system. The *Adult Protection Act* I am very familiar with, Madam Speaker. In fact, I was lucky in that I worked alongside Ray McIsaac as this act was being drafted.

The *Adult Protection Act* protects adults who lack capacity and are victims of abuse and neglect which means all adults, including seniors. It is government's responsibility, not the

Seniors' Advocate, to ensure that the act is adhered to. In fact, we have a clause in that act that we evaluate it every five years and have just completed a mid-term evaluation.

Anyone can call the Office of the Seniors' Advocate. The Advocate will identify issues in a range of ways. He or she will work closely with seniors' organizations, retiree groups, pensioners and others with an interest in seniors' issues. The Advocate may review reports by other parties that impact seniors. I am especially glad that we have enhanced the Seniors Resource Centre information and referral service and they will be working closely with the Advocate to identify systemic issues.

It's liked a three-legged stool, Madam Speaker. It is our intention to be fiscally responsible and not duplicate services. One leg is the Seniors' Advocate who addresses systemic issues, the second leg is the Citizen's Representative who responds to individual complaints and the third leg is the Seniors Resource Centre, which provides information and refers people to the right places. They track the trends and forward the pressing issues to the Seniors' Advocate. Together, this three-legged stool provides a solid foundation to address all issues impacting seniors in our province.

Thank you, Madam Speaker.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER (Dempster): Is the House ready for the question?

The motion is that Bill 64 be now read a second time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MADAM SPEAKER: All those against, 'nay.'

Carried.

CLERK: A bill, An Act Respecting The Seniors' Advocate. (Bill 64)

MADAM 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: Presently.

On motion, a bill, “An Act Respecting The Seniors’ Advocate,” read a second time, ordered referred to a Committee of the Whole presently, by leave. (Bill 64)

MADAM SPEAKER: The hon. the Government House Leader.

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

At this time, I would call Motion 1. I would move, pursuant to Standing Order 11, that the House not adjourn at 5:30 p.m. today, Tuesday, December 13.

MADAM SPEAKER: The motion is that the House do not adjourn at 5:30 p.m. today.

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

MADAM SPEAKER: All those against, ‘nay.’

Carried.

The hon. the Government House Leader.

MR. A. PARSONS: I would now call Motion 2 from the Order Paper, Madam Speaker. I move, pursuant to Standing Order 11, that the House not adjourn at 10 p.m. today, Tuesday, December 13.

MADAM SPEAKER: The motion is that the House not adjourn at 10 tonight.

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

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

MADAM SPEAKER: All those against, ‘nay.’

Carried.

The hon. the Government House Leader.

MR. A. PARSONS: Madam Speaker, I would move, seconded by the Minister for Children, Seniors and Social Development, that the House resolve itself into a Committee of the Whole to consider Bill 64.

MADAM SPEAKER: It is moved and seconded that I do now leave the Chair for the House to resolve itself into a Committee of the Whole to consider Bill 64.

It is the pleasure of the House to adopt the motion?

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

MADAM SPEAKER: All those against, ‘nay.’

Carried.

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

Committee of the Whole

CHAIR (Warr): Order, please!

We are now considering Bill 64, An Act Respecting The Seniors’ Advocate.

A bill, “An Act Respecting The Seniors’ Advocate.” (Bill 64)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The Chair recognizes the hon. the Member for Fortune Bay – Cape La Hune.

MS. PERRY: Mr. Chair, a lot of discussion has happened here this afternoon with respect to this bill. Again, it’s all in the interest of ensuring that we have the strongest legislation that we possibly can have to benefit our seniors. In principle, we’ve all stated here that we do agree with the Seniors’ Advocate as a concept.

Can the minister explain for us the precise role that the Seniors' Advocate will play with regard to seniors in our province?

CHAIR: The Chair recognizes the hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Mr. Chair, in the event of answering the questions, not playing trivial pursuit here right now, I will definitely answer that question. What will be the role of the Seniors' Advocate? That was the question directly.

The mandate of the Office of the Seniors' Advocate is to "(a) identify, review and analyze systemic issues related to seniors; (b) work collaboratively with seniors' organizations, service providers and others to identify and address systemic issues related to seniors; and (c) make recommendations to government and government agencies respecting changes to improve seniors' services."

So that is the mandate of the Office of the Seniors' Advocate. I believe that is the question.

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

MS. PERRY: Can you explain for us why the Seniors' Advocate does not have the same legislative abilities as the Child and Youth Advocate?

CHAIR: The Chair recognizes the hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Like the Child and Youth Advocate, the Office of the Seniors' Advocate will be independent of government and will report to the House of Assembly. However, unlike the Child and Youth Advocate who addresses children's issues 16 and under or 16 to 18, the Seniors' Advocate will address seniors and adults.

CHAIR: The Chair recognizes the hon. the Member for Fortune Bay – Cape Le Hune.

MS. PERRY: Yes, but can you elaborate – and I'm going to ask that same question again – with

respect to legislative abilities? They can review and write reports, but will they have any legislative ability to make changes? For example, like in the case of a senior who is being abused, will they have the authority to investigate?

CHAIR: The Chair recognizes the hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: I think I've already said at least six times that the Citizens' Representative will do the investigation and not the Seniors' Advocate.

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

MS. PERRY: And that is why we continue to ask. Our point is we strongly believe that the Seniors' Advocate should have the same legislative ability and actually be a real voice.

Will the Seniors' Advocate have the ability to advocate on behalf of an individual for a higher quality of care or service from government?

CHAIR: The Chair recognizes the hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: The Seniors' Advocate will not advocate for individual issues; however, if a group of people come together with the same issue or concern, or if that particular issue or concern comes from MHAs numerous times or from family members – so it's going to be systemic.

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

MS. PERRY: What is the staffing level expected to be at the Office of the Seniors' Advocate?

CHAIR: The Chair recognizes the hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: First, the Seniors' Advocate will be put in place by the Independent Appointments Commission. Once

the Seniors' Advocate is in place, we will evaluate the needs and determine the office capacity, how many staff, et cetera. There's \$500,000 allocated.

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

MS. PERRY: How will this compare to the staffing or funding provided to the Child and Youth Advocate or the Auditor General's office?

CHAIR: The Chair recognizes the hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Both of the other offices have higher budgets than \$500,000. That is the allocation right now as we start. We want to be fiscally responsible in starting off this office. If there is a demand and a need, we will address it as we move forward.

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

MS. PERRY: The act states that the Advocate would not have access to personal records of seniors. Was the Office of the Privacy Commissioner consulted when this legislation was being drafted?

CHAIR: The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Yes, consultation was done by staff.

CHAIR: The hon. the Leader of the Opposition.

MR. P. DAVIS: Thank you, Mr. Chair.

I'm just listening – I'm very interested in the questions and answers being provided here in Committee this afternoon. And a couple of questions back, the minister made a comment that the Advocate will not advocate for individual issues. I'm wondering if the minister could expound on that aspect of the legislation and the intent.

CHAIR: The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: We have many resources out there. We have the Citizens' Representative who will represent individual issues. We have the Seniors Resource Centre out there who will navigate and assist seniors. The Advocate will advocate for systemic issues. They will not advocate for an individual, an individual situation. However, if multiple concerns come forward, similar, they will certainly take that issue and advocate for that particular issue.

CHAIR: The hon. the Leader of the Opposition.

MR. P. DAVIS: Thank you, Mr. Chair.

I appreciate the answer from the minister. And again, I have been making the comparison. In second reading earlier today, I made comparisons to the Child and Youth Advocate who is an independent Officer of the House of Assembly. It was established to ensure the rights and interest of children; provide information and advice to agencies, the government and communities about availability, effectiveness, responsiveness and relevance to services to children and so on; and to ensure the children and youth have access to services and that their complaints related to the provision of those services receive appropriate attention.

I don't want to go too far down the bill at this point in time, but just on that fact the Child and Youth Advocate's role partly is to advocate on behalf of children and sometimes individual children.

We know that there are a growing population of seniors. We know that the complexity of seniors' issues is growing. So if the Advocate can't deal with individual issues, maybe the minister can tell us how is the Advocate going to become aware of issues that are systemic if they don't have the ability to investigate or discuss or deal with a senior's individual issue.

I'll just give you an example, Mr. Chair. I'm thinking to myself a hypothetical scenario. If a senior came to the Advocate say in the western part of the province and had an issue and the senior called the Advocate on a matter in Labrador and someone came with an issue in the eastern part and the Advocate was just hands off because that's not the role of the Advocate, how

is the Advocate going to be become aware of what systemic issues are if the Advocate doesn't have the ability or mandate to deal with individual seniors?

Again, we see in the similar legislation for children with Child and Youth Advocate. I can think of many occasions when the Child and Youth Advocate as a result of an investigation became aware of matters that were consistent issues, systemic issues throughout child protection or services being provided to children and brought them together in a comprehensive way where the Child and Youth Advocate could say we have an issue here that I've seen in individual cases which, in her view, is expressed to become, to use the words of the bill, a systemic issue.

I'm just at a loss to understand how the Advocate is going to do the work if they don't start with individual issues to get a pattern or a likelihood of a systemic issue. Maybe the minister can elaborate on how the Advocate will become aware of systemic issues without dealing with and understanding individual issues?

CHAIR: The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: First, I'll just clarify a couple of things before answering that. The Citizen's Rep does not investigate a matter falling within the Office of the Child and Youth Advocate. That's section 19(f) of the *Citizen's Representative Act*.

A child under the CYA act is under the age of 16, or a youth is a person 16 but under 19. So children are dependent and, by definition, are not an adult, and a senior is an adult. So further on the question, how is the Seniors' Advocate going to be aware of the issues. Well, the Seniors' Advocate, as I explained earlier, is one of the tools. We have the Seniors Resource Centre, we have the Citizens' Representative and we have the Seniors' Advocate. We have the Provincial Advisory Council to the minister. We have the Department of Aging and Seniors. We have the 50+ Federation and we have the pensioners.

We have a huge group of people. The Advocate is going to become aware because these organizations are going to bring those situations forward.

I spoke to the pensioners earlier today and they were delighted and they said now we have an avenue to address some of our systemic issues. This is what we're doing.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The Chair recognizes the hon. the Leader of the Official Opposition.

MR. P. DAVIS: Thank you, Mr. Chair.

I'm not trying to be difficult on this, I can assure you. We want to understand not only what the legislation is, but how it's actually going to function and be meaningful. I'm sure all Members of the House want to use the opportunity while this is being developed to get the best value from a piece of legislation.

I'm quite aware what a child and what a youth is under legislation. This is about seniors. Under the act, it's about an individual, it's defined under section 2 as a senior means an individual who is 65 years of age or older, or less than 65 years of age and receives seniors' services as well. So it doesn't necessarily mean 65 and over; it could be someone less than 65 who's receiving seniors' services.

Seniors' services is also defined: "... means the programs, services or systems of support, prescribed in the regulations, that are related to health care, personal care, housing, transportation or finances that are used by or associated with seniors."

I'd suggest, Mr. Chair, that's a very broad range of services that are very important to a growing number of seniors who are finding it more and more difficult all the time to make ends meet, to continue to provide for themselves what some people consider to be the most basic needs: over-the-counter drugs, their trip to the grocery store, how they travel from place to place, transportation, how to keep their house warm, the standard of living they have in their home, are all covered under seniors' services.

So it could be a person under 65 who's receiving those seniors' services and anybody over 65. If you want to have an Advocate who's going to advocate on behalf of those people – just to be clear – is the minister saying here today, and she can reiterate it if she likes, or try and describe it better, but the Seniors' Advocate will not advocate for those individual people.

She just listed off a number of organizations and groups that exist, such as the Advisory Council and so on. There's a Youth Advisory Council too and there are organizations who do advocate on behalf of children and youth. Choices for Youth are a great example of organizations who advocate on behalf of youth.

There are many youth-serving organizations, some who were recently discussed here in the House regarding grants, who provide great services to children and youth and who also advocate on behalf of youth. I've had lots of those organizations contact me directly and advocate on behalf of youth.

It's great to have all those services, but if we're going to create an Advocate for seniors, which in the ministers own words is not to advocate for individual seniors, then I would suggest that maybe there should be an amendment or a change to the legislation to allow for the Advocate to advocate.

That's what I'm trying to suggest to the minister. I'm not trying to be difficult. That's why we're asking these questions, so we can try and get a very clear understanding under the *Child and Youth Advocate Act* – child is defined, youth is defined. What the Child and Youth Advocate is to do is well-defined, advocating. One of the roles the Child and Youth Advocate has told me herself that she's worked hard to try and increase an understanding in the province that she is there to help children and youth and families when they need someone to advocate for them.

What this bill is about – it's not about that. It's about systemic issues, which is in section 3. We're not to that yet, but in a general way it's not about that. It's only about – I'm really at a loss in understanding exactly what it's supposed to be about, but identifying an issue and analyzing systemic issues. I'm at a loss. If the

minister can tell me, how does the Advocate, not dealing with individual issues, become aware and learn, investigate and understand what some of those systemic issues may be?

CHAIR (Finn): The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: There has been extensive consultation done on the Office of the Seniors' Advocate. I have met with groups that represent thousands of seniors across Newfoundland and Labrador. Just last week, I brought every group to the same table just to make sure I was getting this right. I was doing what they wanted to do, what they wanted government to do. That table that represents seniors in Newfoundland and Labrador told us they wanted an Office of the Seniors' Advocate that advocates for systemic issues for seniors across Newfoundland and Labrador.

The Office of the Citizens' Representative advocates for individual situations, they represent individuals. The Office of the Seniors' Advocate will operate and address systemic issues.

CHAIR: The hon. the Leader of the Opposition.

MR. P. DAVIS: Thank you, Mr. Chair.

I wasn't planning to get up again at this point in time (inaudible). Just to be clear, what the minister has just said is that in all her consultations with all these organizations they did, they asked for a Seniors' Advocate to advocate for systemic issues, not for individual seniors. I think that's what the minister just said.

I just want to clarify. If that's not what she meant, I give her opportunity to clarify, but what I thought she just said is that all the seniors' groups she met with only asked for a Seniors' Advocate to identify, analyze, review systemic issues related to seniors, not individual issues. Maybe the minister can comment.

Thank you.

CHAIR: The Chair recognizes the hon. Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: So to be really clear, these are the issues that were identified in some of the conversations; issues that would benefit from the input of an Office of the Seniors' Advocate. Age-friendly communities, diversity, income and finances, secure housing, lifelong learning, advanced care planning, end-of-life and estate planning, safety and violence prevention, housing, it goes on. These are the types of issues that the seniors groups across Newfoundland and Labrador want us to advocate – want an office of the Seniors' Advocate to advocate for.

CHAIR: The Chair recognizes the hon. Member for St. John's Centre.

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

One of the things about the Citizens' Rep is that the Citizens' Rep does not make any comments on policy. Basically, what the Citizens' Rep does, as I'm sure we all know here, is that the Citizens' Rep makes an assessment on whether policy has been followed, so that's a little bit different.

The Citizens' Rep will advocate on behalf of an individual, but only in relation to whether or not policy is being followed or executed as it should be. The role of the Citizens' Rep is not to say, hmm, this policy is not serving this person as it should. The policy is not being executed properly.

So I have a similar question, as my colleague who was just before me. I'm really concerned that we really need a Seniors' Advocate who can look at systemic issues, but how will that person, how will that office get a handle on them unless – so if individual cases are being directed to the Office of the Citizens' Rep or to the Human Rights Commission or to Adult Protection, what is the two-way communication there?

Is there going to be any requirement for the Office of the Citizens' Rep or for the office of the Adult Protection or the Human Rights Commission to report to the Seniors' Advocate, to report on the types of cases they are getting so that we can see, in fact, where there are problems. I know we'll hear from – it seems we're going to hear from the Seniors Resource

Centre with their new data collection through iCarol, but that only works if people are calling the Seniors Resource Centre.

There are a lot of people who wouldn't call the Seniors Resource Centre, only because it may not cross their mind to do so. Particularly, if somebody needs a different kind of care or is not receiving the kind of care they need, or there's a real problem with the care they're receiving, then they're going to be directed to the regional health authority and the proper channels there, but is there a requirement.

There should be a requirement where the regional health authority, where the Citizens' Rep, where Adult Protection, where the Human Rights Commission reports back to the Seniors' Advocate. Otherwise, I don't know how the Seniors' Advocate is going to get a handle on what's happening, aside from non-profit organizations across the province.

CHAIR: The Chair recognizes the hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: It is our intent to be physically responsible and not duplicate services. The Seniors' Advocate, the Citizens' Rep and the Seniors Resource Centre will work together with the Office of the Seniors' Advocate. But I will certainly take what you just said under advisement as we move forward.

CHAIR: The Chair recognizes the hon. the Member for St. John's Centre.

MS. ROGERS: Thank you.

I also want to take the opportunity to thank all the good folks who gave us a great briefing only yesterday on this bill. I want to thank particularly, Suzanne Brake, who has been head of the seniors' policy office, the seniors' advisory office. I want to thank her for her great work.

We were told this legislation was really strongly based on what is happening in BC, on the BC's Seniors Advocate office. Now, the Seniors Advocate office in BC has a 30 member advisory council, specifically for the seniors' advocate. It is not by chance that they will meet.

It's not maybe this one will be involved or that one. There is a mandated advisory council for the seniors' advocate in BC.

I would ask the minister, is there an intention to actually mandate a seniors advisory council for the Seniors' Advocate?

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

MS. PERRY: Thank you, Mr. Chair.

I'd like to ask the minister if the mandatory reporting of deaths and critical incidents can be applied to this officer, especially with respect to seniors in government care. Is that something you'd be willing to do?

CHAIR: The Chair recognizes the hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: This is an Office of the Seniors' Advocate; it is to represent seniors and systemic issues.

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

MS. PERRY: What mechanisms are available to the Seniors' Advocate then to hold government accountable for the seniors they are responsible for?

CHAIR: The hon. Chair recognizes the hon. Member for St. John's Centre.

MS. ROGERS: Mr. Chair, I would like to say again that I think this is a step in the right direction. I was looking forward to the exchange here in the Committee process.

I'd like to ask the minister again, perhaps she wasn't able to answer my question but I'll ask it again. I ask this in good faith, absolutely in good faith. Is there a plan to have to mandate a specific advisory council made up of diversity and engage seniors from across the province that are the office's eyes and ears on the ground around the unique challenges for seniors?

That's what's happening in BC. I ask this in good faith and in good intention. That's how BC

operates so that there is a mandated specific, formalized advisory committee specifically for the Seniors' Advocate. Is there an intention for that?

CHAIR: The Chair recognizes the hon. Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: As I previously said, I will certainly take the MHA's statement under advisement, noting of course the population of Newfoundland is a little over 500,000 in comparison to the population of BC.

We will definitely take it under advisement, and we have done significant comparison. I actually in fact met with the minister from British Columbia, the minister from Alberta and the Seniors' Advocate from BC.

CHAIR: The Chair recognizes the Member for Mount Pearl North.

MR. KENT: Thank you, Mr. Chair.

Unfortunately, we're not getting some of the answers we feel are critical with regard to this legislation. The concept of a Seniors' Advocate is not a bad concept, but we're talking about an Advocate that won't have the ability to do any investigations. They won't be able to advocate.

We have thousands of seniors, hundreds of thousands of seniors in this province who will have concerns and issues they might like to be explored but we're going to have an advocate that's only going to deal – well, to use the minister's language that we're hearing repeatedly. He or she is only going to be able to look at systemic issues.

The needs and concerns of individual citizens of our province cannot be addressed by this Seniors' Advocate. I applaud some of the Members on their feet in Committee stage who are posing some legitimate questions that deserve answers. For instance, why is the Seniors' Advocate not permitted to investigate vulnerable seniors who are in the care of government? I think that's a question that deserves an answer.

Secondly, what mechanisms are available to the Seniors' Advocate to hold the government

accountable for the seniors they are responsible for? These are straightforward questions; they deserve answers, Mr. Chair.

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

MS. PERRY: Thank you, Mr. Chair.

I would like to ask the minister: Why was the *Adult Protection Act* not integrated into the powers and duties of the Seniors' Advocate?

CHAIR: The Chair recognizes the hon. Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: I was just about to answer the previous question.

The Citizens' Rep will do the investigation component. I've said that numerous times here today. That is their mandate to investigate. The Seniors' Advocate will advocate on behalf of seniors on systemic issues.

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

MS. PERRY: Okay, I'll repeat the question that I had just asked. We thank you for your reply to my hon. colleague for Mount Pearl North.

Why was the *Adult Protection Act* not integrated into the powers and duties of the Seniors' Advocate?

CHAIR: The Chair recognizes the Member for Mount Pearl North.

MR. KENT: It's not always about giving the minister time to respond. Some of the questions she's not willing to answer.

I'll ask again: What mechanisms will be available to the Seniors' Advocate to hold the government accountable for the seniors they're responsible for? We haven't heard any.

So we're going to have a Seniors' Advocate that can, I guess, comment on broad systemic issues, but not be able to effectively advocate for seniors that they're going to have a responsibility to advocate for. It just doesn't make any sense, Mr. Chair.

My colleague for Fortune Bay – Cape La Hune has posed a number of questions as well, in addition to the ones I've raised, that haven't been answered. So again: Why was the *Adult Protection Act* not integrated into the powers and duties of the Seniors' Advocate? It makes good sense.

We're not against this concept but the legislation, as it presently stands, is fundamentally flawed. We're trying to get some answers in Committee stage to try and fix it, and make it practical and sensible so it can actually do something to help seniors in our province.

CHAIR: The Chair recognizes the hon. Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: The Office of the Seniors' Advocate will be independent of government and will report to the House of Assembly and the Auditor General. That is the mechanism of reporting.

CHAIR: The Chair recognizes the Member for St. John's Centre.

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

I would like to ask the minister, because it is somewhat similar to what the Official Opposition were asking but a little bit different. I'm wondering: How will the progress of the province in responding to the issues raised or the recommendations raised by the Advocate, how will they be monitored or evaluated?

For instance, if the Advocate is pointing out to a real systemic problem, because we do that as the Opposition, community groups, advocate groups do that kind of thing as well. How will that be monitored and evaluated?

If the Advocate is making specific recommendations, be it around, say for instance, having a portable rent subsidy for seniors; housing is a huge issue for seniors, we know that. If the Advocate is recommending a specific rental assistance program for seniors with portable rent subsidies or if the Advocate makes any recommendations about home care, for instance, that we don't have a fully integrated public home care system. If the Advocate

recommends those kinds of things, how will that be handled by government? What will be the obligations? How will it be monitored, evaluated? That's my question.

Thank you.

CHAIR: The Chair recognizes the hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: We're all very familiar with the recommendations and the reports that are put forward by the Child and Youth Advocate. The Office of the Seniors' Advocate will report to the House of Assembly and put forward recommendations and reports the same way.

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

MS. PERRY: Thank you, Mr. Chair.

The Child and Youth Advocate was appointed to be the voice of children and youth. In her role, she was rightfully critical of the government and her advocacy pressured the government to do better.

Can the minister explain to us why the Seniors' Advocate is not afforded that same voice for the seniors? As well, a second part to that, apart from consultation, research and reviews, what actual powers are going to be provided to the Seniors' Advocate?

CHAIR: The Chair recognizes the Member for Mount Pearl North.

MR. KENT: Thank you.

We really would appreciate an answer to that question. So in fairness to the minister, I'll read the question again and perhaps she'll have a moment to gather her thoughts and be able to respond.

The Child and Youth Advocate was put in place by the former administration, as my colleague just outlined. The Advocate was appointed to be the voice of children and youth. In her role, she was rightfully critical of government and her

advocacy often pressured the government to do better.

The question, Mr. Chair, is why would the Seniors' Advocate not be afforded the opportunity to be that same voice for seniors, because that's a concept we would fully support.

The notion of independent advocates and independent offices of this House to do work on behalf of the people of the province makes good sense, but it has to have purpose. The person in the role, the office has to have some teeth so to speak. The office has to be able to actually do something other than just be sort of a feel-good opportunity for the government to say they've done something.

There have been many issues raised this afternoon on important issues affecting seniors in our province. And we don't have any assurance that, as a result of this legislation, those concerns will be any better addressed, especially if the Seniors' Advocate can't actually advocate.

Why would the Seniors' Advocate not be able to be a voice for seniors in exactly the same way that the Child and Youth Advocate can be a voice for children and youth in our province?

CHAIR: The Chair recognizes the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: We do have the Citizens' Representative and then we need an Office of the Seniors' Advocate. The Citizens' Representative will do the legislation and the Office of the Seniors' Advocate will do the systemic issues. The Child and Youth Advocate just happens to do both for people 18 and under.

CHAIR: The Chair recognizes the Member for Mount Pearl North.

MR. KENT: I'd like to ask the minister to elaborate on the kinds of systemic issues that she expects the Advocate will be raising and addressing on behalf of seniors in the province.

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

MS. PERRY: Now I'm going to support my colleague for Mount Pearl North and reiterate that question because it's one that has permeated my mind the whole day as the day has gone on. They keep talking about systemic issues and how they're going to solve all the systemic issues. So if she could provide for the people of this province an example of how this Advocate position will address a systemic issue that is of major concern, then we certainly would appreciate that, Mr. Chair. An example of the systemic issues is the first part of the question.

I'd also like to ask her why the Citizens' Representative is the first point of contact for seniors contacting the Seniors' Advocate. I'll refer to my days in regional economic development. We used to help people navigate the government system. The absolute worst thing that a person wanted to hear when they called our office was to be referred somewhere else. They want help with their problem from the person they are calling. They don't want to have to make call after call after call after call and may never get an answer to their question.

Again, our first question from Mount Pearl: Can you give us an example of the systemic issues you hope to resolve with this position at a cost of \$500,000 a year? Then the second part: Why is the Citizens' Representative the first point of contact?

CHAIR: The Chair recognizes the Member for Mount Pearl – Southlands.

MR. LANE: Thank you, Mr. Chair.

I guess a question for the minister. I'm just wondering and I'll just use as an example – I'm trying to understand the connection between the Citizen's Rep and the Seniors' Advocate. So if a senior citizen goes to the Citizen's Rep because they felt that they were being treated unfairly somehow by the system, for argument sake, my understanding is that the Citizens' Rep would investigate that matter to see if the department or agency of government that was involved, if they were indeed following policy and if they weren't, obviously, would point out that policy was not followed, this person wasn't treated fairly and so on and, hopefully, it would be corrected.

If the Citizens' Rep should look at that situation and it is determined that the department or agency indeed did follow policy but the policy itself is what's flawed – it's not the fact that the policy wasn't followed; it's the fact that the policy itself was a flawed policy. Currently the Citizens' Rep, as I understand it, can't make recommendations and so on about the policy, only about whether the policy was followed. I believe that's what the Member for St. John's Centre said.

If it's a case of it being discovered that the policy itself is flawed by the Citizens' Rep, would the Citizens' Rep then automatically flag that issue and somehow communicate it to the seniors' rep to say here is a specific case that happened and in my investigation of the specific case I realized or I believe there is a flaw in the policy itself whether it's the health authority, the government department whatever – would that communication happen between those two entities and then the Seniors' Advocate would pick up on that and then investigate the policy piece? Is that automatic thing going to happen?

CHAIR: The Chair recognizes the hon. Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Yes, as I described earlier, they will work together and policy is systemic.

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

MS. PERRY: So how much red tape then will be placed on the Citizens' Representative with the establishment of this office and how much additional expense will be incurred through additional staffing that may be required at the Citizens' Representative?

CHAIR: The Chair recognizes the Member for Mount Pearl North.

MR. KENT: Mr. Chair, I'll just review the issue again and give the minister a chance to respond.

What we're wondering is: Why is the Citizens' Representative the first point of contact for seniors contacting the Seniors' Advocate? We just start finding it hard to understand how this is going to add a lot of value if the Seniors'

Advocate is not actually going to be able to investigate issues and raise issues on behalf of individual citizens that have concerns.

And what kind of additional burden, what kind of red tape will be placed on the Citizens' Representative with the establishment of the Seniors' Advocate? What kind of additional resources will be needed by the Office of the Citizens' Representative?

Seniors in our province, upon hearing that there's going to be a Seniors' Advocate, which has been a big promise – one of the few unbroken promises of this administration. When people hear that now there's going to be a Seniors' Advocate, naturally there are going to be more inquiries, a greater interest and more seniors are going to be hopefully coming forward looking for assistance with issues.

So they're immediately going to find out that the Seniors' Advocate is not in a position to help them and then they have to go contact the Citizens' Representative. So what additional resources are being provided to the Citizens' Representative to address that upcoming reality?

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

MS. PERRY: No, the minister.

CHAIR: Oh, excuse me.

The Chair recognizes the hon. Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: We know this is a good day for seniors in our province, the Office of the Seniors Advocate. We have consulted with seniors right across Newfoundland and Labrador. We have consulted with groups and we have done our homework.

Every sitting PC MHA voted against the motion introduced on April 22, 2015, urging government to establish an Office of the Seniors' Advocate.

CHAIR: The Chair recognizes the hon. Member for Mount Pearl – Southlands.

MR. LANE: Thank you, Mr. Chair.

Mr. Chair, without repeating the whole question all over again – that's the problem of course when you're in this format because if someone jumps up and whatever. The minister did answer my question, but I guess she spoke a little bit low. I'm a bit far away and my hearing is not what it used to be. I just wonder if she could repeat the answer to my question about the automatic connection between the Citizens' Rep, they discover that there is an issue around policy, which they can only look at, is policy being followed versus is the policy flawed.

So the Citizens' Rep, as a result of an investigation, a direct complaint from a senior, finds out or discovers there's a policy that he or she believes there's a flaw in, will he or she automatically report that to the Seniors' Advocate so that the Seniors' Advocate can then investigate the policy? And I apologize for asking it twice, but I didn't hear you the last time, minister.

CHAIR: The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: What I did say was that the Office of the Seniors' Advocate, the Citizens' Representative and the Seniors Resource Centre will work together. What you're describing is policy, and policy is systemic change.

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

MS. PERRY: Thank you, Mr. Chair.

Why is it that the *Child and Youth Advocate Act* states that the House of Assembly Management Commission may make regulations but the Seniors' Advocate differs?

It states the regulations will be made by the Lieutenant Governor in Council – for people out watching this that is just the 12 or so, just a dozen or so people in Cabinet – whereas the Management Commission is responsible to the House of Assembly. So that's a big difference between the *Child and Youth Advocate Act* and the seniors' act. Can you explain why the difference?

CHAIR: The hon. the Member for Mount Pearl North.

MR. KENT: I think that's an important question that does require an answer, why the difference. But to the minister's comments around Members on this side of the House not voting for a private Member's motion, it's because of the concerns we're raising here in the Committee stage of debate.

We're going to have a Seniors' Advocate that's not going to be able to effectively do anything. We're going to have a Seniors' Advocate that's going to talk about broad systemic issues. It's going to cost hundreds of thousands of dollars.

Any investment that's going to result in effective advocacy for seniors is a good thing. We're not arguing that, but if individual seniors come forward with specific concerns and issues, the Seniors' Advocate is just going to simply say go call the Citizens' Representative. So that's why we voted against the motion. It has nothing to do with the concept of a Seniors' Advocate. There's nothing wrong with a Seniors' Advocate, but give them the tools, give them the ability to be able to do their job; just like we did with the Child and Youth Advocate, which has made a difference in the quality of care for children and young people in this province.

So let's do the same for our seniors. We're hearing from some of the most vulnerable people in our society each and every day. We're hearing stories of seniors that can't get the support they need, who are falling through the cracks, who have been impacted by budget cuts over the last year. They have legitimate concerns that need to be heard. The concept of having an independent voice who can actually do something about their concerns is a good thing.

If the minister chooses not to answer the questions posed by the Member for Fortune Bay – Cape La Hune, that's fine, but we have a responsibility to raise those questions and concerns. To suggest that we didn't vote for a private Member's motion somehow because we don't support seniors, that's absolute nonsense. That kind of political rhetoric is not going to help us make good decisions during this debate.

CHAIR: Shall clause 1 carry?

All those in favour?

SOME HON. MEMBERS: Aye.

CHAIR: Those against?

Carried.

On motion, clause 1 carried.

CLERK: Clause 2.

CHAIR: Shall clause 2 carry?

The Chair recognizes the Leader of the Opposition.

MR. P. DAVIS: Thank you, Mr. Chair.

Under clause 2, which is the clause – normally, and in this case as well, is the definitions section of a piece of legislation. It refers to the Advocate meaning the Seniors' Advocate appointed under section 4, the House of Assembly Management Commission, the department. It also has the definition of a senior. It means “an individual who is (i) 65 years of age or older, or (ii) less than 65 years of age and receives seniors' services”

I just ask the minister: How low an age could that actually be for an adult who is receiving seniors' services? Is there an age? Is it 60 or is it 55? Could someone who's 40 conceivably be receiving seniors' services?

CHAIR: The Chair recognizes the hon. Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Yes, sadly, in long-term care facilities we do have individuals who are 40 that are receiving seniors' services. So that could be a possibility in a long-term care facility.

CHAIR: The Chair recognizes the Leader of the Opposition.

MR. P. DAVIS: Thank you. I appreciate the answer from the minister.

In the next section under 2(e) it defines seniors' services. It defines it as “the programs, services or systems of support, prescribed in the

regulations, that are related to health care, personal care, housing, transportation or finances that are used by or associated with seniors” So it’s programs or services or systems of support, prescribed in the regulations as listed that are associated with seniors.

It also lays out under section 2(f) service providers. It means “the public or private persons or bodies prescribed in the regulations who fund or deliver, in whole or in part, seniors’ services.” Both of those refer to regulation.

I’m just wondering if the minister could clarify if there are draft regulations available or details pertaining to regulations that she can share with the House.

CHAIR: The Chair recognizes the hon. Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: They will be further defined in regulation.

CHAIR: The Chair recognizes the Leader of the Opposition.

MR. P. DAVIS: Thank you.

Maybe I wasn’t clear, Mr. Chair, and I apologize if I wasn’t. So I’ll ask the minister again, if she has any draft regulations or is there any insight as to what content of the regulations will be that she’s able to provide today. Maybe she’s not, but I just ask if she does.

CHAIR: The Chair recognizes the hon. Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: As I said with any other time, they will be further defined in regulation and that will be done January to May. Hopefully, the office will be open in the spring.

CHAIR: The Chair recognizes the Leader of the Opposition.

MR. P. DAVIS: Thank you, Mr. Chair.

We’ll see those regulations, I assume, before the act comes into force. Of course, that would have to happen.

A question from myself that I asked to hon. minister a few minutes ago about 65 – about the definition of a senior, less than 65 years of age and receiving seniors’ services. So to be clear, if a person who is receiving seniors’ services, for example, personal care or health care, but the person is under the age of 65. Just to be clear on what the Advocate role could be – it’s a little bit off this section but it fits the definition – is that even though there could be individual circumstances where a person say age 40 who receives intensive care and support and assistance from government or a government agency or a service provided, paid for or regulated by government. Even an individual case like that, it has to be a systemic issue.

The Advocate won’t have any power to deal with an individual case under those circumstances, which I would say are probably low in number, but in those cases, am I to understand the Advocate won’t have any ability to deal with those types of matters?

CHAIR: The Chair recognizes the hon. Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Individuals will not be excluded. They will be included. This is about systemic issues and policy.

CHAIR: Shall clause 2 carry?

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

CHAIR: All those against, ‘nay.’

Carried.

On motion, clause 2 carried.

CLERK: Clause 3.

CHAIR: Shall clause 3 carry?

The Leader of the Opposition.

MR. P. DAVIS: Thank you, Mr. Chair.

In clause 3 in the bill, which we’re debating here, the *Seniors’ Advocate Act*, it lays out the reason why an Office of the Seniors’ Advocate

is being established. And this is a very important part of the bill, I suggest, Mr. Chair. It's kind of the meat of what it's about or, as my colleague says, it's the teeth, or lack of, that surrounds this bill. So it's under section 3 and I'll read it because people, I'm sure, who are interested in this don't know what section 3 says.

It says: "The Office of the Seniors' Advocate is established to (a) identify, review and analyze systemic issues related to seniors; (b) work collaboratively with seniors' organizations, service providers and others to identify and address systemic issues related to seniors; and (c) make recommendations to government and government agencies respecting changes to improve seniors' services."

This is an area where we have a little bit of a problem. Because the bill doesn't give any authority for the Advocate to investigate matters, to look in and investigate matters, so we're not sure what the authority the Advocate will have to do that investigation, access to information or files, or policy or government officials. We don't know how that's going to happen. Also, it shines a contrast in what the Child and Youth Advocate legislation says.

And for those who are just tuning in, the Child and Youth Advocate is an independent Officer of the House. The Seniors' Advocate will be an independent Officer of the House. The Child and Youth Advocate is established under legislation. The Seniors' Advocate will be established under legislation. They will report directly to the House of Assembly. The Child and Youth Advocate will deal with matter pertaining to children and youth and services from government. The Seniors' Advocate will deal with seniors, aged 65 and older, or it could be less than 65 if they are receiving seniors' services, primarily from government or agencies providing them.

The Child and Youth Advocate can advocate for individual children; the Seniors' Advocate cannot. The Child and Youth Advocate can investigate matters pertaining to serious incidents of children: death or loss of life of a child who is in the care and control of the government or receiving services from government; or may have been at government property when the death or incident occurred; or

may have some government program or service that's involved when an incident occurs or terrible circumstances of the death of child or youth. The Seniors' Advocate has no ability to investigate.

So this kind of comes down to section 3 in some ways, because there is no allowance for the Seniors' Advocate to – and I'll go back to the *Child and Youth Advocate Act*. It says under the *Child and Youth Advocate Act*, the same section, section 3, where it says the Office of the Child and Youth Advocate is established and it lists out why the Child and Youth Advocate is established. The bill before the House today lays out why the Seniors' Advocate is established. I just read those, just let me compare them.

"The Office of the Child and Youth Advocate is established (a) to ensure that the rights and interests of children and youth are protected and advanced and their views are heard and considered" – this does not allow for the views of seniors to be heard – "(b) to ensure that children and youth have access to services and that their complaints relating to the provision of those services receive appropriate attention" – there's no similar allowance for seniors – "(c) to provide information and advice to the government, agencies of the government and to communities about the availability, effectiveness, responsiveness and relevance of services to children and youth"

I suggest what's contained in section 3 in the bill before the House today is much less specific and much more general than that.

The Child and Youth Advocate was established "(c.1) to review and investigate matters affecting the rights and interests of children and youth" The Seniors' Advocate legislation has no such provision. When the minister herself has said there are cases when people even younger than 65 rely on long-term care, very critical, intensive quite often, long-term care for their own lives – we know of cases where their own existence depends solely on the long-term care provided by government. So there's no ability to investigate that care.

And "(d) generally, to act as an advocate of the rights and interests of children and youth." There's no such section relating to the *Seniors'*

Advocate Act. It's a problem. I know the minister is probably getting a little tired of hearing this from us over here.

It's a very important matter, Madam Chair, to us, that the Advocate be permitted to understand what the issues are of individual seniors in our province and people who are under the age of 65 who rely on services and programs. It's very important to us. It's also very important that they be able to advocate on their behalf – to investigate and also advocate on their behalf.

At this point on section 3, I'm going to propose an amendment to Bill 64: Clause 3 of the bill is amended by deleting the word "and" at the end of paragraph (b), by deleting the period at the end of paragraph (c) and by adding immediately after paragraph (c) the following: (d) to ensure that the rights and interests of seniors are protected and advanced and their views are heard and considered; (e) to ensure that seniors have access to services and that their complaints relating to the provision of those services receive appropriate attention; (f) to provide information and advice to the government, agencies of the government and to communicate about the availability, effectiveness, responsiveness and relevance of services to seniors; (g) to review and investigate matters affecting the rights and interests of seniors; and (h) generally to act as an advocate of the rights and interests of seniors.

Now, Madam Chair, I have only just referenced this for a moment before I finish up my remarks on it. That is essentially what is laid out in section 3 of the *Child and Youth Advocate Act*. It is essentially what the Child and Youth Advocate has been established to do. It is not contained in what the Seniors' Advocate can do or should do or is established to do.

Now, I respect the minister's comment earlier that in all of her meetings with seniors' organizations, she says they didn't ask for this. They only asked for systemic issues to be a matter for the Advocate to deal with. But I'm sure that if those groups are understanding what this proposed amendment is and how the differences exist in the Seniors' Advocate legislation proposed before the House today from the current *Child and Youth Advocate Act* that I'm thinking seniors are going to be very supportive of this amendment and say, yes, it

would be a good thing to have an Advocate who can advocate for individual seniors.

It would be a good thing to have an Advocate who can investigate matters pertaining to individual seniors and, through that process, be able to carry out what is already contained in the bill before the amendment that the Advocate is established to identify, review and analyze systemic issues. I fail to see and the minister hasn't been able to explain how a Seniors' Advocate will understand what those systemic issues are if the Seniors' Advocate has no power to investigate individual cases.

That's the difference. The *Seniors' Advocate Act* allows to identify, review –

SOME HON. MEMBERS: Oh, oh!

CHAIR (Dempster): Order, please!

MR. P. DAVIS: I'm just explaining the difference here.

CHAIR: Order, please!

The hon. the Member for Topsail – Paradise.

MR. P. DAVIS: Thank you, Madam Chair.

I'm finishing up, and I know Members opposite want to see what the amendment is and I'm going to sit down momentarily but I just want to make sure that everyone understands the significance of the amendment.

The amendment will ensure consistency with the *Child and Youth Advocate Act* who I believe is highly respected in our province today, providing a valuable resource to children and youth who receive services from government; identifies issues, individual issues, systemic issues and advocates for children.

The *Seniors' Advocate Act* does not allow the Seniors' Advocate to do that: to investigate issues involving seniors who are 65 years of age and older, or those who are less than 65 and receiving seniors' services, and cannot advocate for individual seniors.

We know the Citizens' Representative is a very busy office and this is going to put extra

workload on them. Anyway, I won't get into that. I'll get to that later. I'm quite glad to table this amendment.

CHAIR: The Member for Topsail – Paradise has proposed an amendment to Bill 64, An Act Respecting the Seniors' Advocate.

This House will take a brief recess to consider the amendment.

Recess

CHAIR: Are the Whips ready?

Okay, I have reviewed the amendment, and pursuant to O'Brien and Bosc I have ruled that the amendment is out of order. An amendment is out of order procedurally if it exceeds its scope, or introduces a new proposition.

The hon. the Member for Mount Pearl – Southlands.

MR. LANE: Thank you, Madam Chair.

I'm just wondering about section 3 that we're on here now where we talk about identify, review and analyze systemic issues related to seniors. So a question for the minister – while I understand that the Seniors' Advocate won't be taking complaints directly from seniors, if an MHA becomes aware of an issue around seniors that's a policy issue, would the seniors' rep then take submissions from an MHA relating seniors' policy issues?

CHAIR: The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Yes, certainly, as it is the job of the MHA to represent your constituents.

CHAIR: Shall clause 3 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 3 carried.

CLERK: Clauses 4 through 15 inclusive.

CHAIR: Shall clauses 4 through 15 inclusive carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 4 through 15 carried.

CLERK: Clause 16.

CHAIR: Shall clause 16 carry?

The hon. the Member for Mount Pearl North.

MR. KENT: Thank you, Madam Chair.

We do have another amendment to propose. I'll start by saying we're not opposed to the concept of a Seniors' Advocate, as I've said several times during this debate. The concept makes good sense.

What we're trying to do is strengthen the legislation so that the Seniors' Advocate actually has some real ability, some real power, some real authority to do the work that I would think government would want such an advocate to do. I would think as somebody who's going to be an Officer of this House – an office of this House – I would think all Members of the House would want the Seniors' Advocate to be truly empowered to do advocacy, to do investigations, to speak out on behalf of the concerns of some of our province's most vulnerable.

In the case of the Child and Youth Advocate that's actually worked quite well. The Advocate is, in that instance, is able to comment on specific cases and actually does investigations of specific cases and reports to the public on specific cases. That has been valuable in terms of providing appropriate protection for children and youth.

The amendment I would like to propose is to section 16 of this legislation. I am moving this amendment, seconded by the Member for Cape St. Francis: Subclause 16(1) of the bill is amended (a) at paragraph (a) by adding immediately after the word “receive” a comma and the word “investigate”; (b) at paragraph (b) by adding immediately after the word “reviews” the words “and investigations”; and (c) at paragraph (c) by adding immediately after the word “research” the words “and investigations.”

I submit that amendment for the House’s consideration, Madam Chair.

CHAIR: The Member for Mount Pearl North has proposed an amendment to Bill 64. This House will take a brief recess to consider the amendment.

Recess

CHAIR: Are the Whips ready?

AN HON. MEMBER: Yes.

CHAIR: Okay.

I have reviewed the amendment proposed by the Member for Mount Pearl North, and pursuant to O’Brien and Bosc, page 533, I have ruled that the amendment is out of order.

An amendment is out of order procedurally –

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

– if it exceeds its scope or introduces a new proposition.

The concept of investigation that was in the amendment is outside the purview of the bill.

Shall clause 16 carry?

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

CHAIR: All those against, ‘nay.’

Carried.

On motion, clause 16 carried.

CLERK (Murphy): Clauses 17 to 26 inclusive.

CHAIR: Shall clauses 17 to 26 inclusive carry?

The hon. the Member for Topsail – Paradise.

MR. P. DAVIS: Sorry to disappoint Members opposite. I’ll only have 30 or 40 questions on this one.

Thank you, Madam Chair.

I know sometimes Members get a little bit of a break and sometimes they use that time to gas up, get a bit of fuel in their bodies and so on and now they’re energized again.

Madam Chair, we’re on section 17 to 26.

AN HON. MEMBER: Yes.

MR. P. DAVIS: I thank the Member opposite.

Section 17 is another very important section of this legislation. It refers to the Citizens’ Representative. It’s says, “Where the advocate becomes aware of a matter relating to a senior, the advocate may refer that senior to the Citizens’ Representative for investigation of that matter.”

Before I get into all the nuances of the Citizens’ Representative, I’d like to ask the minister, may and shall are two different terms. The *Seniors’ Advocate Act* refers to may.

I’d ask the minister if she considered requiring or making it mandatory for matters to be referred to the Citizens’ Representative and, if so, why is it still may and at the discretion of the Citizens’ Representative to do so?

CHAIR: The hon. the Government House Leader.

MR. A. PARSONS: Madam Chair, I can speak to this.

Obviously, I’ve had some experience dealing with debates where we talk about the concepts of may versus shall. I think this section allows the Advocate full authority to consider

something and forward it on, rather than using the word shall which means you're forced to pass it on. Regardless of being able to consider it or not, you must pass it on. In some cases that can be unnecessary; whereas, the term may – it says here where the Advocate becomes aware they may refer that to investigation, but you shouldn't be forced by using the word shall to refer everything on for investigation, especially where in the Advocate's position it does not deem necessary.

CHAIR: The hon. the Member for Topsail – Paradise.

MR. P. DAVIS: Thank you.

I thank the Minister of Justice and Public Safety for his answer. It is exactly what I suspected was the case.

In all seriousness, Madam Chair, again, we are on section 7. I'm referring to section 17 which states, "Where the advocate becomes aware of a matter relating to a senior, the advocate may refer that senior to the Citizens' Representative for investigation of that matter."

Madam Chair, I would ask the minister responsible in bringing forward the legislation if she can give us in her assessment of the bill, in all of her consultation with seniors groups and organizations and representatives, has she done or the department done any analysis on what impact that would have on the workload of the Citizens' Representative?

CHAIR: The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Yes, we have had discussion with the Citizens' Representative. We are aware that it may, in fact, increase the workload and we will deal with that in the future if it so occurs.

CHAIR: The hon. the Member for Topsail – Paradise.

MR. P. DAVIS: Thank you, Madam Chair.

Minister, has the Citizens' Representative provided any input on that? What would be required in his office to be able to deal with this

additional workload, and you can elaborate on your discussions with him?

CHAIR: The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Madam Chair.

It's too bad a lot of these questions are not being answered because I think they're very important questions being posed by my colleagues. I wish the minister would get up and answer some of these questions.

Like I say, we're doing a piece of legislation on the Seniors' Advocate. It's all fine and it sounds fine in theory but it doesn't have a lot of teeth to the legislation in a sense that –

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

MR. PETTEN: Thank you, Madam Chair.

It doesn't have a lot of teeth in the sense of what the Seniors' Advocate can really do other than refer stuff as we've stated over and over. We haven't had answers on it to the Citizens' Rep. I think a proper Seniors' Advocate is to advocate, as my colleagues have said and we've said repeatedly here in the House, is advocate for seniors.

So it would be nice for the minister to get in her place and answer the questions that are being posed by my colleagues because I think, as a minister, she owes it to the seniors in the province.

Thank you very much.

CHAIR: Order, please!

The hon. the Minister for Children, Seniors and Social Development.

MS. GAMBIN-WALSH: I think Hansard will show that I have answered numerous questions here today.

SOME HON. MEMBERS: Hear, hear!

MS. GAMBIN-WALSH: I just find it time consuming to be answering the exact same question over and over and over.

CHAIR: The hon. the Member for Topsail – Paradise.

MR. P. DAVIS: Thank you, Madam Chair.

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

MR. P. DAVIS: We appreciate the patience of the minister. We know that it is not easy. I've done in the House the same thing that she's going through now and I can tell you Members opposite kept us here for hours on times in Committee and asking questions. And that's what the House of Assembly is for.

The question I asked the minister, which she didn't get up and answer – and maybe if she has the time she can. I asked her if she could elaborate on the information she received from the Citizens' Representative. And I can tell you, Madam Chair, when she wouldn't answer that question it raised alarm bells from me personally. Because I asked a question and she had indicated that she had received some response from the Citizens' Representative. The indication she provided without – I can't speak to the specific words she spoke but the response I took it to be was that there were some concerns that were expressed by the Citizens' Representative and I asked her if she could provide us more information on that.

I don't remember anybody today asking that question before. If they did and I missed it, I apologize for that, but I certainly don't remember anybody asking that question before and I certainly don't remember the minister providing that information.

The reason I raise it, if we review what the Citizens' Representative does – laid out in his reports, as he does quite often, he talks about the role of the Citizens' Representative. And they do an enormous amount of work. From April 2015 to September 20, 2015, complaints and inquiries that the Citizens' Representative dealt with totalled 473, from April 1 to September 30, 2015; from September 21 to March 31, 2016

another 267 inquiries, complaints and investigations done by the Citizens' Representative.

They are from all over the province. They are actually laid out in the annual digest 2015-2016 published by the Office of the Citizens' Representative. The point why I raised that is because every electoral district in the province has had investigations conducted, or inquiries or complaints filed with the Citizens' Representative; some as low as one complaint, question or inquiry, and there are some here as high as – Signal Hill – Quidi Vidi, 166; St. John's East – Quidi Vidi, 154.

There are others here; for example, St. George's – Stephenville East, 32, which is a fair number; Stephenville – Port au Port, 32, an area of the province where there are significant, significant responses. I'm sure a Member opposite may reflect on that a little bit. Terra Nova, 31, the District of Terra Nova; and there's one there that's written as unknown, 55, but there are others. There are a variety of numbers throughout the province.

So the reason why I ask this question and I ask the question of the minister is because she stood in her place and she gave what I interpreted to be some response from the Citizens' Representative which either expressed some kind of concern or a need for additional resources. All I did was ask her if she could provide more details as to what that response is. That's when she never rose from her seat.

So I'll ask her again – maybe she needed some time to review it, and that's fine if she did. If she does have the information, maybe she can provide it to the House.

CHAIR: The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: Just based on those numbers alone, can you imagine the workload of the Office of the Citizens' Rep if we did what the Opposition was asking us to do here today? It would be huge; it would be unmanageable. The Office of the Citizens' Rep, if the workload increases, we will address it in the future.

CHAIR: The hon. the Member for Topsail – Paradise.

MR. P. DAVIS: Thank you, Madam Chair.

The hon. minister's response raises some more concerns in that she just raised concerns about imagine the workload if they were to do what we've asked to be done. I think that's what I just heard the minister say: Imagine the workload if they were to do – so I think she's referring to our questions about the Seniors' Advocate not having the ability to investigate or to advocate for individuals, or investigate individual's concerns, complaints or issues regarding government services. Because that's what it's about. Investigations, just to be clear, theirs is no benefit to sugar-coat it. When the Child and Youth Advocate does an investigation, it is about government services –

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

MR. P. DAVIS: – to children.

So are you telling me, Madam Chair, I just got an extra three or four minutes? Is that what happened?

CHAIR: The hon. the Member for Topsail – Paradise.

MR. P. DAVIS: I won't use up the time on the clock; I'll be cognizant of that, Madam Chair.

But the minister's comment was that imagine the work. I have to say that caused me a little of concern. I'm sure this is not about trying to reduce the amount of work that the Seniors' Advocate is going to do or the effectiveness that the Seniors' Advocate is going to do because that's what we've been asking for. We've been asking for the legislation to provide power, to provide a mandate for the Seniors' Advocate.

I'm very careful, Madam Chair, there were proposed amendments that you've already dealt with and it's not appropriate for me to deal with those, but I'm just responding to the minister's comment about imagine how much work there would be to do.

I'll ask the minister again – she still never answered it. What feedback did she receive from the Citizens' Representative? Is there an anticipation by the department, an assessment done by the department or an evaluation done by government to assess or to make a prediction or assessment of what the range of work could be, that could be sent to the Citizens' Representative, what that increase may be? There must be some kind of assessment to determine that and I ask the minister if she could provide that information?

CHAIR: The hon. the Minister of Children, Seniors and Social Development.

MS. GAMBIN-WALSH: In consultation with the Citizens' Representative, the Citizens' Rep has been very supportive of what we are doing.

CHAIR: The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Madam Chair.

Just to reiterate – and I think we've said it and I want to repeat again. We believe the Seniors' Advocate is a great concept; we're not opposed to that. We believe it needs more legislative powers, this position does, and I think we've clearly stated that over and over again, like I said earlier.

The Child and Youth Advocate is a good example of what we believe the Seniors' Advocate needs to be. Just simply referring it on to another agency as in the Citizens' Rep, I don't think that's what the public expect. I believe the seniors in the province want someone to advocate or investigate. I think that's what they expect to be able to have the ability to investigate.

I'm after taking in a lot of this debate this evening and listening back and forth. We all have seniors in our district and I think to put it in really simplistic terms if you have a senior in your district and they come to you, you're their main advocate. As an MHA representing your area, you are their number one advocate.

If an issue gets a bit sensitive or complicated to have that Seniors' Advocate there to deal directly with those seniors on their specific

issues whether it be housing, income related, prescription drugs, housing, you name it, or we get into other situations where those seniors may be living in a government home that's under care of government in one of our seniors' homes. Maybe they have issues there. You can help bridge them to get to the Seniors' Advocate.

As Members representing this House of Assembly representing your districts, you want to have somebody in that role that has the ability to bring about change. Having to pass it off to the Citizens' Rep, with all due respect to everyone involved, it's not what seniors in our province expect.

If you have an issue where you deal with families and it's a child safety issue, it's a critical incident issue, the Child and Youth Advocate has pretty broad-reaching legislative powers to go in and investigate and bring about – or we hope to bring about – some important change. That's all we're asking for. We've spent a lot of time here this afternoon – I think we're trying to bring it to light. That is the issue. We're not opposed to a Seniors' Advocate.

I want to highlight something else, too, that was said earlier – and my colleague for Mount Pearl North commented on it – when the minister quoted that back in April 2015 it was a private Member's motion on the Seniors' Advocate voted down. This former administration created a Seniors Department, a department dedicated to seniors. The current administration went and took Seniors and Child, Youth and Family Services and combined it together. I just want to put that point out on record. We did create a Department of Seniors, Madam Chair.

Basically, I guess the question is why are you making the Citizens' Rep your first point of contact and why aren't you giving more legislative powers to the Seniors' Advocate position?

CHAIR: The hon. the Minister of Municipal Affairs.

MR. JOYCE: Thank you, Madam Chair.

I'm just going to have a few words on this. I'm here listening to debate back and forth and I hear

all the questions about the Citizens' Rep and about the increase.

I just want to put this on the record: When the previous government brought in whistle-blower legislation, there was an increase in funding to the Citizens' Rep because of the number of calls they were receiving. The Citizens' Rep is an Officer of the House of Assembly that goes to the Management Commission. If they have a concern about the number of calls that they're receiving, even from the Seniors' Rep, they bring it to the House of Assembly.

The Leader of the Opposition should know that because he sits on the Commission. He should know that because he was in Cabinet that brought in the whistle-blower legislation. He was in Cabinet. He may have been the premier at the time; I'm not sure – in 2014. No, I don't think he was the premier then, but he was definitely in Cabinet or a part of Cabinet when it was brought in.

You're saying here because you're just going to bring on concern from the Seniors' Advocate to pass it on to the Citizens' Representative it's going to increase pressure on the Citizens' Rep. It was already done with the whistleblower.

What did the Citizens' Rep – they came to the Management Commission, asked the Management Commission for more funds, which was done. So this is not some rocket science that all of a sudden you're saying oh, you're going to have these large demands from the seniors because it's disingenuous to say it. I'll tell you why it's disingenuous, because they're the ones that approved the funding for the Citizens' Rep when there was an increase in calls. They actually did it.

For the Leader of the Opposition to stand up and say oh, what are you going with the Citizens' Rep, Minister – what are you going to do if they have too many calls? He knows that's an Officer of the House of Assembly who reports to the Management Commission who must ask for the funds. So it's disingenuous – it's really disingenuous.

And we'll just look the Privacy Commissioner, Madam Chair, they went and got some extra

funds; brought it to the Management Commission.

As the minister said very well, and said it many times, if they see an increase there's a mechanism for the Citizens' Rep to bring it to the Management Commission.

I just want the people of Newfoundland and Labrador to know – there are two Members, the Leader of the Opposition and the Opposition House Leader who sits on that Commission. So when that comes to their attention on the Management Commission if they feel that there's an increase in the number of inquiries, they have the authority and they have the right to approve the funds. They know that.

So they're trying to pin it down and say oh, it's the minister's fault. This is common in the House of Assembly when you set up Officers of the House. I won't get into any of the political debate on it, Madam Chair. I won't get into any debate on it, but I just had to clarify that because I was here when that was done – I was here. I was here when the increase was done, when they asked for an increase in this hon. House. I was there when it was brought to the Management Commission. I was here when the people who voted on it, sitting in your chair, sitting in these chairs, part of the Management Commission, increased the funds.

So what we're saying here is the Citizens' Rep who is going to have concerns, if he comes out with something – there's another big point that the Opposition is trying to make about the Seniors' Advocate. The other point is that well, you're going to bring it to the Citizens' Rep. Any senior in this province, as we speak today, has the right, has the ability to bring it to the Citizens' Rep anyway. What we're doing here is we are putting a layer in for seniors who may not have the ability, maybe inquiring how to go about it, maybe saying here's a major problem around the province to look into, to bring it to the Citizen's Rep or bring it to the House of Assembly.

The Opposition always ask the government, why don't you bring it to the House of Assembly? This minister is bringing the Seniors' Advocate, the reports, to the House of Assembly. If there's something in the report you don't like, here's

your opportunity, stand up and ask questions. Stand up at any time and question the report.

That person will be an Officer of the House. That person can come to the Management Commission. They're on the Management Commission. So to stand here and try to just continuously ask the minister about these questions which they have the control of under the Management Commission, which they can vote on, which they have the authority to say you need more funding or no you don't need no funding is disingenuous.

I can tell you, I deal with a lot of seniors. I go to a lot of seniors' functions around here, a lot in the Humber – Bay of Islands, a lot in the Corner Brook area, and I mean a lot. I know them very well. I know every one of them very well. I can tell you they're encouraged with this here. They're encouraged about this here.

For anybody to give the impression that they're not encouraged is absolutely giving the wrong impression in this hon. House. If the Leader of the Opposition and the Opposition House Leader don't want to stand up in this hon. House like they should and say if the Citizens' Rep has too many inquires we will seek funding, they're not doing their job. They're not doing their job.

So if they want to stand up here and admit that you can't give any more to the Citizens' Rep, we can't ask for any more inquires to the Citizens' Rep because he may have too many inquiries and they may not be able to handle it, they know the mechanism because they are sitting on the Commission.

I'm not here to defend the minister one bit because the minister is doing a great job here today, but I am here because I was over on that side when the whistleblower came in and when they stood in this House with the Management Commission and increased the funding. They increased the funding.

I know for the Privacy Commissioner, they increased the funding also in this House. That is a part of the House. When you are an Officer of the House, you have the ability to go to the Management –

CHAIR: Order, please!

MR. JOYCE: I know they never said 10 minutes but I'll sit down because I'll have plenty of more time. I see the Leader of the Opposition – I just hope that he'll be able to explain his position on the Management Commission.

CHAIR: I remind the hon. Member his time for speaking has expired.

The hon. the Member for Topsail – Paradise.

MR. P. DAVIS: Thank you, Madam Chair, thank you very much.

I want to respond to some of the comments by the Minister of Municipal Affairs. We were ready to wrap up debate on this, but I can certainly tell you I'm not ready to wrap up debate at this point in time now, because the Minister of Municipal Affairs on at least two occasions, maybe three occasions, used the term disingenuous on Members opposite.

A Minister of the Crown, a minister of government, one of the most senior politicians, most senior MHA in this House is accusing the Opposition of being disingenuous. When we have an important bill before the House about the seniors of Newfoundland and Labrador, he has the gall to stand in his place and accuse us of being disingenuous.

I am not prepared to sit in my seat and not respond to him when I have access and ability to do so. I'm not prepared to do it. I've done it since I came here in 2010 and listened to his rhetoric. I've sat in my place and looked across at him, and I put up with what he had to say. I can tell you now, and I put this House on notice now and Members opposite, I will not continue to do it. I will not continue to put up with what he puts us under in this House on a regular basis.

SOME HON. MEMBERS: Hear, hear!

MR. P. DAVIS: Either when he's standing in his place or his comments when he's not standing in his place. I will not do it, and I will speak to it.

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

MR. P. DAVIS: For him to stand here three times saying we're disingenuous, not once – and I will quote him because I wrote it down when he said it. He said we're standing in our place and asking: What are you going to do if the Citizens' Representative gets too many calls? No one here said that. No one over here said that; never said that at all.

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

MR. P. DAVIS: What I asked the minister was: Has the government done an assessment, adjudication or some kind of understanding of what the impacts will be on the Citizens' Representative, on the Office of the Citizens' Representative? The Minister of Municipal Affairs stands up and says we're disingenuous because we asked very legitimate questions.

The minister stands up and says: Well, he's on the Management Commission. The Leader of the Opposition and the Opposition House Leader, they're sitting on the Management Commission. They can give him extra money. As simple as that, we can give him extra resources. He knows himself that's not true. I say to him that's disingenuous on his part because that's not the case.

We just can't stand up and write a cheque to the Citizens' Representative, I say to the minister. We can't. The Management Commission can't get up and say someone is going to get an extra million dollars or half a million dollars. We can't do that. If it is, it's an authority the Management Commission had that I never knew. It don't matter about budgets, go ahead and spend more money. I didn't know they could do that, I can tell you that.

The minister says we stood here and we faulted the minister, was his words. It's the minister's fault, is what he said. It's the minister's fault. I don't know if anyone stood here and said it was the minister's fault. As a matter of fact, I stood here today on occasion and said: I'm sure the minister has knowledge of the bill. I'm sure she has gone back and forth with her staff. I'm sure they came and discussed it and they flushed it out. I'm sure she sent them back. I'm sure she's done all of that.

Part of the reason why we have a House of Assembly is so all of us as elected Members of Newfoundland and Labrador can come here and debate the bills. That's why. Can we make suggestions and do it more than once? Sure we can. Can we try and explain why we think it's valuable to make a change to a bill and do it more than once? Sure we can, because that's the process. Because that's what happens, Madam Chair; that's what happens. That's what we're here to do. We're here to debate bills, to have discussions and ask questions.

I've sat on the government side of the House with Members opposite. Probably the Minister of Municipal Affairs as well stood up and raised a question and we said you know what; we should have put that in the bill. The Member is right; we should probably put that in the bill. That's what we're doing here today. For the Minister of Education, I'll tell him it is relevant. It is relevant to what we do here in debate and what we have to say.

Seniors are encouraged by it. I'm sure they're encouraged by the thought and notion, as are we, of a Seniors' Advocate. The minister said the seniors are encouraged by it. No doubt, no doubt.

The minister made a comment earlier, and I'm sure she was not being fully technical in her comment as saying that seniors only asked for systemic issues to be looked at by the Seniors' Advocate. I'm sure that's not exactly – seniors that I know don't talk in those kinds of words. I'm sure she didn't mean it, but we're certainly not here to disagree that seniors are not encouraged by an advocates act. We've said here, numerous Members over here have said we appreciate that. We think it could be a good piece of legislation.

It's all our responsibilities. Members on the opposite side, Cabinet does it. I'm sure when they sit and discuss bills and they talk about ways to make the bills better and things that should be included that weren't included and how things are worded. Cabinet does all that too. Members in the backbenches on the government side, Members here in the Opposition side, it's the same kind of thing, Madam Chair. But we're certainly not going to sit down and not ask

questions when we have a responsibility to do so.

The minister at one point in time said to ask questions is disingenuous. It's absolutely not; it's our right to do it. We haven't accused anyone of misleading or doing anything untoward the House, or sacrificing the integrity of the House. We haven't done any of that. We haven't suggested that from any Member on either side of the House, or any party during this debate here today. We haven't done that either.

But we'll certainly stand here in our place and discuss sections that are important to the bill. Like section 17, which says, "When the advocate becomes aware of a matter relating to a senior, the advocate may refer that senior to the Citizens' Representative for investigation of that matter."

The minister himself has said you could do that all along anyway. You don't even need it in the bill, is what it sounded like he was asserting. I'm certainly not going to put words in his month, but he said you can do that anyway. And he's right, you can do it.

I also know when the Citizens' Representative becomes aware of a matter, maybe the senior is not in a great position to contact the Citizens' Representative himself, then the Seniors' Advocate can do it on their behalf and make sure. I suspect that's why it's there. I suspect that's why it's "may." We heard earlier why it's "may" from the Minister of Justice, the Government House Leader.

Madam Chair, I'll take my seat, but in doing so – and the minister has had time to review it – I will ask the question once again: Has she done any assessment or does she have any expectation of what the additional workload will be on the Citizens' Representative?

SOME HON. MEMBERS: Hear, hear!

CHAIR: Shall the motion carry?

All those in favour?

SOME HON. MEMBERS: Aye.

CHAIR: All those against?

Carried.

On motion, clauses 17 through 26 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: A bill, An Act Respecting The Seniors' Advocate.

CHAIR: Shall the title carry?

All those in favour?

SOME HON. MEMBERS: Aye.

CHAIR: All those against?

Carried.

On motion, title carried.

CHAIR: Shall I report Bill 64 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 Deputy Government House Leader.

MS. COADY: I move, Madam Chair, that the Committee rise and report Bill 64.

CHAIR: The motion is that the Committee rise and report Bill 64.

Shall the motion carry?

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 (Warr): The hon. the Deputy Speaker.

MS. DEMPSTER: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 64 carried without amendment.

MR. SPEAKER: The Chair reports that the Committee have considered the matters to them referred and have directed her to report Bill 64 carried without amendment.

When shall the report be received?

MS. COADY: Now.

MR. SPEAKER: Now.

When shall the said bill be read a third time?

MS. COADY: Tomorrow.

MR. SPEAKER: Tomorrow.

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

MR. SPEAKER: The Deputy Government House Leader.

MS. COADY: Mr. Speaker, Order 5, seconding reading of Bill 61.

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

MS. COADY: I move, seconded by the Minister of Finance and President of Treasury Board that Bill 61, An Act To Provide The Public With Transparency Regarding Public Sector Compensation, be now read a second time.

MR. SPEAKER: It is moved and seconded that Bill 61 entitled, An Act To Provide The Public With Transparency Regarding Public Sector Compensation be now read a second time.

Motion, second reading of a bill, "An Act To Provide The Public With Transparency Regarding Public Sector Compensation." (Bill 61)

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

SOME HON. MEMBERS: Hear, hear!

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

Mr. Speaker, I'm pleased to stand in the House this evening to discuss the bill entitled the *Public Sector Compensation Transparency Act*. On June 7, 2016, our government made a public commitment to introduce, during this fall session of the House of Assembly, legislation requiring the proactive disclosure of compensation information for public sector employees.

I am pleased to stand here today and say that we are following through on that commitment. The *Public Sector Compensation Transparency Act* will require an annual listing of all employees in departments, agencies, boards and commissions, health care bodies, educational bodies, and Crown corporations who receive total compensation of more than \$100,000 a year. This list will include the name of the employee, the employee's official job title, the name of the department or public body in which they are employed, the total compensation, a breakdown of the total compensation into base salary, overtime, shift premiums, retroactive pay and bonuses, as well as severance where applicable.

The act will require the provincial government and public bodies to have their lists published annually, no later than June 30. And the list will be posted to the Human Resource Secretariat website. I would like to point out that we are

reviewing the possibility of having it published earlier than that date.

As part of this legislation, in instances where disclosure of this information could reasonably be expected to threaten the safety, or mental or physical health of an employee, the individual can apply to their deputy minister or head of the public body for exclusion. And to illustrate just how seriously this government takes accountability and transparency, the annual published compensation list will identify whether and to what extent these exclusions have occurred.

Mr. Speaker, legislation such as the one we are debating tonight is standard practice in a number of provinces and will allow Newfoundland and Labrador to join with British Columbia, Alberta, Manitoba, Ontario and Nova Scotia in enacting legislation requiring proactive disclosure of compensation information.

This legislation is not about knowing an individual's salary; it's about being open and accountable on how public money is being spent. It is important for the people of the province to have access to information about government's spending in an open and transparent way. It costs the provincial government \$3.8 billion annually on employee salaries and benefits, or 45 per cent of the total expenses of \$8.5 billion that is spent this year. So it stands to reason that this information should be made available.

Mr. Speaker, our government respects the rights of citizens to access information on how public funds are used and our government is committed to practise strong fiscal management on behalf of the people of this province. This includes the disclosure of public sector employee compensation information, which we are debating in the Legislature this evening.

The Government of Newfoundland and Labrador is committed to restoring openness, transparency and accountability in the information provided to the public. Disclosing compensation information of public sector employees promotes transparency and accountability and provides taxpayers with information about how government spends public funds.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The Speaker recognizes the hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you, Mr. Speaker.

I am glad to rise this evening to speak to Bill 61, *Public Sector Compensation Transparency Act*. As just outlined by the Minister of Finance are some of the key principles behind this. Certainly, first and foremost, it is openness and transparency in regard to releasing a list. As the bill identifies, the work that's done behind it in regard to the rationale has some thresholds in the release and the total compensation, what the compensation elements would be that would be released.

There is also, in the bill, it speaks to specific exemptions, how you could avail of those exemptions. Certainly, the bill gives the legislative framework which governs how compensation of total public service employees would be disclosed. So that's what it is. It's a framework, sort of a how-to, with this process of how it would work.

There's, to my understanding, a set of regulations that would complement the bill. I understand it would come into force the same time as the bill which, obviously, the legislation and the law would be high level in terms of the authority. The direction and the regulatory framework would be prescriptive in regard to how the application of that law would take place and the various elements of it.

The bill governs what is disclosed in terms of total compensation when disclosure occurs, I think, July 1 of each year and as well, as I said before, an exemption process. The regulation will note that the threshold – and my understanding is this will be included in the regulation – for compensation is \$100,000 along with other detailed information.

Who the legislation would apply to; it applies to all government employees who were active during a calendar year. It's my understanding – and as we get to Committee we can ask some

questions on this I'm sure – it will not apply to contractors or fee-for-service individuals.

So an example; salaried doctors would have their compensation disclosed, but it's my understanding – and maybe I'll ask further – fee-for-service doctors would not. There would be a differential between the pay structure in that particular profession. That's my understanding, but as I said, we'll find clarity of that later as we move on in debate.

The legislation will also apply to all government departments and it's my understanding the majority of boards and agencies in regard to that. The comptroller general can be directed to audit the disclosure statements to ensure accuracy, but the legislation and regulations both will come into force at the time of proclamation.

Disclosures – I heard the minister indicate this as well – will take place electronically. That needs to be worked out exactly where on the government website that will take place and all the lists would be contained. I'm not sure if each department would report separately. Agencies, boards and commissions; I think they'll report on their own website. But, again, we'll have some questions on that when we get to Committee.

There's also a distinction, it's my understanding, for anybody that's familiar with the budget process and what's disclosed at that particular time in regard to budget amounts and what's contained in those budget amounts and oftentimes for salaries. This is not the same as the *Salary Details* that will be released in that budget. The budget at the time gives an estimate. Anybody who's ever looked at the *Estimates* documents would show positions and often rendered a number in regard to those positions, whether it's two or three of similar title or classification of positions in the department, then that would associate to an actual dollar figure, but it wouldn't be specific to an individual and what that total compensation would be over and above the threshold that's spoken of here of \$100,000.

Section 2(i) defines total compensation “paid in a year to an employee, but does not include leave payout or an amount paid in lieu of notice upon termination of employment.”

Leave payouts and pay in lieu of notice, I think there's some concern in regard to more personal information that would be released through that or could be determined from that type of information.

Specifically related to the issue of termination; if someone was terminated in regard to the specifics of what that compensation would be, it certainly could lead to some disclosures there. There could be discussions about whether that would contravene someone's right to privacy. My understanding is the regulation will note the total compensation for an individual when disclosed and there are some categories that will be looked at within that definition of total compensation.

My understanding in regard to section 2(i) looks at such things as salary, overtime, any bonuses, shift premiums, retroactive pay, severance and other earnings. Those types of things would be included, as defined in the legislation. I guess those requirements would be part of the regulatory framework that would accompany the legislation, defining exactly what total compensation would be.

As I said earlier, the amount disclosed would be rounded to the nearest hundred dollars. This is done appropriately in regard to releasing that information.

We talked about the threshold. The disclosure would be July 1 of each year, and that would be contained in sections 3 and 4 of the bill.

The other component of the bill is related to exemptions. An employee of the public service and/or the agencies, boards and commissions, an employee can apply to be exempt from disclosure if he or she feels something would be compromised in regard to their safety, physical health or mental health.

Any piece of legislation we have to have adherence to in regard to privacy, and disclosure of any information, however small or significant, could impede or compromise a person's safety, physical health or mental health. That application would be made to the deputy minister of a department or my understanding to a CEO of one of those boards, commissions or

agencies. That would follow the provision of section 7 of the bill.

The test to determine if disclosure would occur is the same that occur under ATIPP in the execution of that specific legislation. Again, if the decision, after the exemption is requested, our understanding from the briefing we got, a decision of the DM or the CEO, if not satisfactory to the employee, my understanding it can be appealed to the President of Treasury Board.

I'm not sure after that where it will go but that's something we certainly talk about in regard to Committee. Then there are issues in the timeline of the appeal, and then some details. I guess that will be in the regulatory framework as well in time to get that exemption, who it's requested to, if it's turned down what the process will be. So it's very important that people have that understanding. If there is an issue of concern they have, is there protocol clearly defined on how they can exercise their rights to challenge it, have a process that's in a normal time frame, get a quick response and we can give them a benefit and confidence that there's due process and they can access the due process.

Under exemptions again; there will be a disclosure report which lists how many employees – our understanding is – have been exempt and what the overall value of the total exemption is. That goes to the openness and transparency. Again, there's a process in place. Most would be released over that \$100,000 threshold but if people had concerns of privacy or other concerns in some of that information being released could breach their security in whatever realm, there's a process here they could apply, but then that's reported and made available to the public.

My understanding is the Privacy Commissioner – as most legislation here – wanted to review any legislation that runs through this House. From that perspective, you have that set of expertise and eyes in regard to the implications of that piece of legislation and has ruled that we may have some questions on that when we get to Committee.

The final point, section 8 of the bill allows to make those exemptions for a group of

employees. My understanding is this occurs in other jurisdictions. It could be various professions; it could be things like groups, like police officers, correctional officers.

My understanding is while this happens in other jurisdictions, if there are no such exemptions in place now, it's my understanding in this piece of legislation – I don't know if that's something that will be looked at in the future or if the decision is not to have them. Or at some point in the future that Cabinet can look at the possibility of doing this in regard to the piece of legislation and having those exemptions based on professions or other areas of concern, and that would be an order-in-council.

I understand that Cabinet would do the review, issue an order-in-council which would be public. Then the public would know that based on this piece of legislation they have decided to exempt a specific group from this. I believe to date there are none exempt. That's something that might happen in the future.

Mr. Speaker, I do support this piece of legislation, but we'll be eager to have some questions when we go through Committee. Depending on the minister when she closes debate in second reading, she may answer those questions.

I certainly do support the piece of legislation. I look forward to further views by Members of the House as we move forward.

Thank you, Mr. Speaker.

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

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

I'm quite pleased to stand tonight and speak to this bill, Bill 61, the public service compensation disclosure. I won't go through every clause and explain every clause. The minister has done that quite well and so has my colleague, the MHA for Ferryland.

I have some sections I want to ask questions on. I'll wait for Committee for that. I have some general comments that I'd like to make.

I have a real concern – and I'm sure that as we go through this maybe, actually, the Government House Leader, the Minister of Justice will be able to speak to it, if not, the Minister of Finance. It's the timing of this bill that has me concerned, and that is we're dealing with a bill that is talking about disclosure. I have no problem with disclosure.

But at the same time, we know that going on right now there is a court case in which two public sector unions, the NLTA and NAPE, are in court arguing that according to the ATIPP legislation, names should not be revealed in disclosure; it should be roles, positions, but not particular names attached to a position. I have no position on that, I'm putting out that this is in the courts. My understanding is it could be a while before this is settled.

So I'm really a bit confused about if the government brings in – if they pass this bill and they bring this bill in at this moment, and this is based on having names revealed and if the NLTA and NAPE win their argument with regard to the ATIPP legislation, we have a bit of a conundrum on our hands. I really don't understand why the government is moving on this bill before the court case is settled. After the court case if the unions win their argument, you can have one bill saying names can't be used and another bill saying names will be used.

I don't understand why the government is not waiting until they get to the point where there is a ruling because it does seem to be a legal conundrum. I'm not a lawyer, and I'll never pretend to be one – I sometimes think that maybe that could have been a profession for me, and maybe in another life I might do it; you never know. I'm not one right now, but I do think I have an instinct that says this could be problematic.

Now, I'm sure that the Department of Justice must have looked at this and so I'll be looking for an explanation of why it's timely to bring this bill in while we have this court case pending. That's one of my first overall concerns about the bill.

Another concern – and this has been happening now with more of the bills that are being brought into this House by this government. It is sort of

another way of saying the devil is in the details and the details here are the regulations. Now, we've had other bills that we've said this about as well.

There are two things in particular that are going to be in the regulations that are referred to in the bill but are going to be in the regulations, and one is the public bodies that the act would cover. So who are the public bodies that the act would cover? They're not spelled out in the bill. What's spelled out in the bill is that the regulations, which are put in place by the LGC, that's where you will find who the public bodies are.

At the briefing, there were a number of potential public bodies mentioned; the PUB, the French and English school boards, the health authorities, including salaried doctors, MUN, Marble Mountain, mental health review board, The Rooms, the WHSCC review board, WorkplaceNL, municipalities – and we're not certain; we think Hydro is mentioned, but we don't think Nalcor was. What's bothering me is that none of those are going to be listed in the legislation, they're going to be in the regulations and there's nothing in the legislation to indicate to us what is the criteria that's being used to determine which public bodies come under this legislation.

So if you're going to put the list in the regulations, at least should the bill not have in it, at the minimum, the criteria for determining how that list gets developed? So that's a real concern and I would like to hear what the minister has to say about that.

The other thing that will be in the regulations, and again without much direction with regard to criteria, is the exemptions. The exemptions of who will be excluded, what groups, what classifications will be excluded is also in the regulations. Cabinet may exempt a category but the groups that will be exempted will be in the regulations. And again, it would seem that the only criteria that's going to determine who is exempted is the disclosure of information about groups of employees who could reasonably be expected – or the information that could be reasonably be expected to threaten the safety or mental or physical health of the employees.

Now again, in the briefing there were certain groups that were mentioned: police, Crown attorneys, correction staff, and I guess what we need an explanation of is why would the information about people in those groups be a cause of safety being threatened or mental or physical health being threatened, why would that be the case for them and not for other groups. That's something else I would like explained.

It reminds me of the bill that we had with regard to the access to abortion where there was protection for the doctors who work in the clinics, but not protection for social workers and nurses, et cetera, again without a clear explanation of why that was the case. We have the same kind of conundrum here as well.

So two major pieces that Cabinet is going to have the responsibility for doing, and that's choosing the public bodies that will be affected and also naming the exemptions will all be in the regulations. We will not have any discussion of those here in the House, and there are really no criteria in the regulations now. The government may say that 8(1) which deals with the safety or mental or physical health, that that's criteria, and I would say no, that's a broad statement. But what are the criteria for determining that safety or physical or mental health would be threatened?

So these are two major areas for me with regard to this bill – the timing of this bill in relationship to the court cases that are ongoing right now, and the material, especially these definitions that are going to be in the regulations. I have a number of separate questions that I will ask when we get into Committee. Overall, I'm not opposed to disclosure – disclosure is important. But how we do it has to be thought through, and why is it happening at this point in time when I really do think we could end up with two pieces of legislation here in the House that are contradictory to each other. So these are the major questions for me.

There was one other, though, before I finish this. And it's the issue around non-profit organizations. In Ontario, for example – and it was pointed out in the briefing and I agree. In Ontario, where they have quite large NGOs because very often the NGOs are head offices of national NGOs, that it does require non-profit

organizations who get government funding to be covered by disclosure legislation as well. It was decided here not to do that. Again, we were told that the NGOs here are small – very small.

In Ontario, for example, if an NGO receives \$1 million or more in funding from government and if they receive between \$120,000 and \$1 million, if the funding is 10 per cent or more of their revenue, they do come under the legislation. Now, the intention, I think, is that here our NGOs are small and wouldn't be getting that much money from government.

We had a case recently here in the province where disclosure of the chief officer of a group in our province – and that was the Iris Kirby House; none of this is secret. We all know about this. There was a real job with regard to getting the full information on what that person earned. I don't think we've had a full public disclosure actually of all of that stuff that went on.

Now, Iris Kirby may not be getting \$1 million from the government but if we scale things to our size, we could come up with a figure that says there are certain organizations that if they receive this much money from the government then they also should be a part of disclosure.

I'd like more of an explanation of why that decision was made. Is there any thought to – if not in this bill but down the road – changing that? Because like I said, we've actually had an example here in the province of people trying to get information on a key person's salary and it became quite a public issue, as we all know.

Those three points then, Mr. Speaker, I look forward to hearing so more in-depth explanation from the minister.

Thank you very much.

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

MR. KENT: Thank you, Mr. Speaker.

I'm pleased to have a chance to speak to Bill 61 regarding the *Public Sector Compensation Transparency Act*. This is something I very much believe in. It's something I advocated for and it's something that during our time in

government, in our final year in government, we committed to do.

I'm not going to say a whole lot about the legislation. I think it's good legislation. We do have some questions and concerns that we'll get to during Committee stage, as my colleague as outlined quite well. I just want to provide a bit of context here.

This was not only something that we talked about doing. We released a draft Open Government Action Plan, which the Liberal government has now abandoned. Not only have they abandoned the open government plan, they've dismantled the Office of Public Engagement.

A sunshine list is a very small example of the kinds of initiatives that government should undertake. There are 66 governments, I believe, in the world that have adopted a commitment to open government. If you look at the draft plan, which I don't know if they've hidden it yet – I don't know if it's still online or not, but it was online and there was public feedback gathered. The plan was about to be finalized in our final days in government.

Then after the Liberals took office, the former minister responsible for the Office of Public Engagement did commit multiple times to pursuing not the whole Open Government Action Plan – it was clear that government wasn't committed to that, but she did indicate that there was some commitment to at least pursuing some elements of it. I guess this is one of those examples.

I'll just read from the draft Open Government Action Plan. I won't read all of the text. It's there for anybody to see; it's a lengthy document. Under section 7 – and there are dozens and dozens of commitments in this plan, all of which I think have real merit and I would encourage government to pursue. But in section 7 specifically the key milestones for the delivery of this commitment, which is around increased transparency in appointments in human resources; “7.1 Publish a compensation disclosure list for all core government employees earning more than \$100,000 annually, including salaries, wages, overtime pay, bonuses, allowances, honorariums and

severance pay. 7.2 Extend compensation disclosure to include agencies, boards and commissions by April 1, 2016. 7.3 Release salary ranges by classification for government employees.”

The commitment was right there. There was a timeline attached to it. There was work underway to do this. So I will commend government for following through and carrying out this commitment. But for the Finance Minister to suggest that this was some brand new revelation that happened back in the spring, it's not the case. There's documentation online that indicates otherwise. This was long in the works.

Some of the challenges around payroll and human resource systems and compiling that data were well underway prior to this current government taking office. Nonetheless, it doesn't really matter who gets credit or blame here; it's going to now get done and that's a good thing. But I think the context is important.

What's also important is the fact that this government has abandoned the Open Government Initiative. They have abandoned most of the initiatives that are in the draft Open Government Action Plan. There was a commitment to open dialogue, open data, information and collaboration, and there are dozens and dozens of initiatives contained in the Action Plan that have a lot of merit. So for a government that talks all the time about how open and transparent they are, it seems a little ironic that they have dismantled the Office of Public Engagement, which might explain some of the recent cuts to grants to youth organizations, and they've abandoned the Open Government Action Plan.

So sunshine list, it's a good thing. Being more transparent around government appointments and government compensation, all of that is good and it was a commitment clearly outlined in the draft Open Government Action Plan.

So I will support this bill. We have some questions that we hopefully can ask very shortly, but I would urge government to revisit the Open Government Action Plan and take action on some of the other initiatives.

The sunshine list is one that we described as low-hanging fruit, and it really is. There are a number of other items in the plan that could easily be achieved if government had the will and desire, and I hope they'll revisit that. Despite moving away from open government and public engagement, I really hope that they'll revisit some of the groundwork that's been laid because there's a lot of good stuff in that plan that really should see the light of day. This is one very small example but it's a good thing. It's consistent with best practice in open government, not only in Canada but across North America and around the world, and that's a good thing.

So let's get on with that, but let's not forget the dozens of other initiatives that this government has now abandoned, because they're important too.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. LANE: Thank you, Mr. Speaker.

I'm only going to take just a minute just to say that I will be supporting this bill. I think it does speak to openness and transparency. I don't think anybody is going to be against that. I think that the public, more and more, demand more openness and transparency, and that's what is being delivered here in this particular piece of legislation. So I think we have to proceed with it.

I'm not sure who initiated it first or who took it over, or whatever; it doesn't really matter as has been said, as long as it gets done, that's the important thing.

The only fundamental issue, I guess, or the more controversial piece about this as I would see it, depending on who you talk to, is releasing the names. I don't think anybody has any problem whatsoever in terms of releasing the positions, the salaries and so on. But when you start releasing people's names, personally, I think there are a lot of people who have issue with it;

obviously the NLTA has issues with it because we have a court case ongoing.

So I would share the concern of the Member for St. John's East – Quidi Vidi when she talks about the fact that if this is being challenged in court as we speak, then why would you pass something not knowing if it's even going to stand up based on a court challenge. That would be the only concern, but beyond that I'd certainly support the spirit of openness and transparency.

Thank you.

MR. SPEAKER: If the hon. the Minister of Finance and President of Treasury Board speaks now she will close the debate.

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

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

I thank the Members in the House who have taken the time to speak to the bill. I certainly thank my caucus colleagues for all of their support as we're working through the bill and getting it into the House today for second reading and for debate.

I want to thank the Member for Ferryland for his support on the legislation. I'm happy to answer his questions, specifically, in Committee as we go through. He did reference a question that I will just, for clarity, provide the answer now and that was with regard to physicians. He asked the question around would physician salaries be included.

As he indicated, the salaried physicians will be included in disclosure, but fee-for-service physicians are not covered in this piece of legislation. This only refers to individuals that are being paid by the public purse, so to speak, in the context of a salary. This legislation is designed for that and doesn't address the issue of fee-for-service physicians at this time.

The other points that he discussed, some specifics around the draft regulations, I can certainly answer in Committee, but I also just wanted to mention around the need to have confidential information around payment in lieu

of notice. As he suggested, it is a very difficult thing when an employee, for any reason, is terminated, not working with their employer. Oftentimes, in those particular cases, there are tremendous sensitivities around the legal issues of those situations. Oftentimes, assumptions can be made if there's a payment in lieu of notice or without a payment in lieu of notice. It's for those reasons that particular piece of information will not be disclosed as part of the information that we will be expecting to be shared to the people of the province

The Member for St. John's East – Quidi Vidi spoke specifically about several, kind of, themes. While I do want to reference just briefly – I, too, wish that I had been a lawyer in a previous life. When officials were working with me on this particular bill to get it through our Committee process and bring it through the Cabinet process, we had lengthy discussions around the current court case that is in the courts today. For clarity, for the Member opposite, my understanding is that court case relates to a specific challenge related to the language that is in the ATIPP legislation.

Our legislation today is, quite bluntly, a piece of legislation that is a commitment based on a government policy decision. Our policy, as we've discussed earlier this year, is that we will disclose this information. The court challenges that are happening are happening in relation to activities that relate to a different piece of legislation. I can't speak to the validity or the invalidity of those court cases; they're going to work their way through. This piece of legislation, for us, and the timing is because we know we need this legislation. We had promised the people of the province they would have this legislation in the fall and we're committing to that promise.

What happens with the court cases is yet to be determined, but I would argue this is not a conundrum as the Member opposite referred to. This is, quite frankly, an implementation of the policy decision our government made; hence, the bill is in the House for debate this evening.

I also wanted to mention – just respond really briefly to her comments with regard to the not-for-profits. Certainly, the not-for-profit that she mentioned in her comments, particularly Iris

Kirby House, is one that is a file I worked on very closely with the Minister of Health at the time. While the Member opposite referenced questions about salary disclosure from not-for-profits – and she, I believe, made reference to that one – the truth is, as a government, we have an accountability to monies that we provide not-for-profits to receive their financial statements. When we receive their full financial statements and their full consolidated statements, then we have the full picture.

Certainly, one of the things that we were very sensitive to when we looked at this piece of legislation was making sure that we didn't create additional burden for those not-for-profits that do great work. We have a lot of incredible people working – whether it's in transition homes, whether it's in community centres that receive funding, whether it's a seniors organization, et cetera – where we felt their time needs to be focused on the clients they're serving. The value, at this time, of including NGOs as part of this legislation wasn't something we felt was a burden we wanted to put on those organizations.

With regard to the Member for Mount Pearl North, I'm thrilled that the Member opposite is going to be supporting this bill as he clearly said in his comments. It's an important piece of legislation as he's already acknowledged. I certainly want to take a few moments to respond to his comments with regard to our government's position when it comes to the principles of openness, transparency and accountability.

What we've done and actions that have demonstrated our commitment to openness; *The Way Forward* document, the vision for the province that the Premier released, includes more than 50 specific initiatives including a reporting process at the end of the phase with report cards being issued on the progress of the initiatives starting with the first one in the spring of 2017. It's a very transparent, very open process.

The Independent Appointments Commission, a merit-based appointments process; we became Canada's first province to establish a legislated, merit-based appointment process. All opportunities for available board positions are

posted online and everybody has the opportunity to apply.

We brought in a *Public Procurement Act* with key enhancements that include increased oversight of a broader range of procurement activity, more transparency in the procurement process, increased consistency in procurement practices and greater flexibility in how the public bodies can procure what they need. We've also brought this legislation in, the compensation disclosure, which will require as I've said already, the annual listing of employees in departments, agencies, boards, commissions and Crown corporations with a salary of over \$100,000.

Public Accounts; I'd remind the Member opposite that we tabled Public Accounts earlier this past year, and established an enhanced salary detail disclosure as part of that process, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MS. C. BENNETT: When it comes to consultations on public engagements, the Government Renewal Initiative, the Business Innovation Agenda, immigration, wage subsidy, apprenticeship, *Lands Act*, *Assessment Act*, climate change, *Children and Youth Care and Protection Act*, the *Personal Health Information Act* and multi-year roads plan all had communication, consultations and public engagement.

Mr. Speaker, I'll go on to the House of Assembly. There's been more advance notice for the Members opposite. There's been increased accountability for parliamentary secretaries and parliamentary assistants. We've also launched a searchable online database of arbitration awards and collective agreements, an enhanced searchable orders-in-council online database with new ability to export search results into an Excel spreadsheet and an online listing of available opportunities for all appointments to agencies, boards and commissions.

Mr. Speaker, I recognize that the Member opposite is very passionate about open government. We are too. I really appreciate his support and look forward to his questions in Committee.

Mr. Speaker, I'd also say that this particular piece of legislation – I know the Members opposite asked a number of questions with regard to the details around potential regulations. Since many of those may be reflected in some of the different points that are going to be talked about when we go into Committee, I'll hold those answers to provide when we're in Committee.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The motion is that Bill 61 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: Those against?

Carried.

CLERK (Barnes): A bill, An Act To Provide The Public With Transparency Regarding Public Sector Compensation. (Bill 61)

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

MR. A. PARSONS: Now.

MR. SPEAKER: Now.

On motion, a bill, "An Act To Provide The Public With Transparency Regarding Public Sector Compensation," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 61)

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, that the House resolve itself into a Committee of the Whole to consider Bill 61.

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

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

All those in favour?

SOME HON. MEMBERS: Aye.

MR. SPEAKER: 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 61, An Act To Provide The Public With Transparency Regarding Public Sector Compensation.

A bill, "An Act To Provide The Public With Transparency Regarding Public Sector Compensation." (Bill 61)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The hon. the Member for Ferryland.

SOME HON. MEMBERS: Hear, hear!

MR. HUTCHINGS: Thank you, Madam Chair.

I just had a couple of points I'd like to bring up with the minister; one is in regard to physicians and the salaried physicians. I'm just wondering if the minister could speak to the fact of the fee-for-service physicians. Obviously, they would be paid as well, at the end of the day, from the public Treasury.

Why wouldn't there be a calculation done on the annual remuneration that they would accrue over a particular year based on their profession? Why wouldn't that amount be released to the public?

CHAIR: The hon. the Member for Mount Pearl North.

MR. HUTCHINGS: You're not going to answer?

MS. C. BENNETT: What was the question?

MR. HUTCHINGS: That was a question.

MR. KENT: That was a question.

MS. C. BENNETT: I'm sorry, I was expecting more.

You want to do one at a time?

MR. KENT: We thought it would be easier if we asked one at a time, but we can list them all if you want.

MS. C. BENNETT: Whatever you prefer.

MR. KENT: It might be more efficient if we do it one at time, if you're comfortable with that, because then we probably don't need to backtrack as much.

CHAIR: Order, please!

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

Thank you.

MR. KENT: I am. You're actually in my line of sight, Madam Chair. I was talking to you.

I'll take my seat and let the minister respond.

CHAIR: The Chair recognizes the hon. Minister of Finance and President of Treasury Board.

MS. C. BENNETT: Thank you, Madam Chair.

The legislation that we're proposing in this bill specifically speaks to only those individuals that are considered to be salary. Fee-for-service physicians are not considered salary. Any plans to disclose information around fee-for-service physicians would have to happen – at this stage my understanding is – under different legislation.

CHAIR: The hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you, Madam Chair.

Just a little bit of clarity – would need to happen under another piece of legislation. This is the legislation looking specifically at the disclosure of compensation. So if the definition of compensation was expanded to include fee-for-service physicians, it would be encompassed in the legislation under the definitions.

I'm not really sure why the expansion of that definition wouldn't include fee-for-service physicians and, again, the rationale for excluding them from this piece of legislation.

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

MS. C. BENNETT: The legislation, Madam Chair, is designed specifically related to employees. Fee-for-service physicians are not employees.

As I said to the media today, should our government undertake to disclose the fee-for-service physician compensation or their comp package, we will put that under different legislation. It's not included here because they're not employees.

CHAIR: The hon. the Member for Mount Pearl North.

MR. KENT: I have no problem with what the Minister of Finance is saying in terms of its accuracy. Fee-for-service physicians are not employees, but the spirit and intent of the legislation, the way we read it, certainly seems to suggest those who are being paid with public funds should be included.

I get the loophole related to fee-for-service physicians. It was an issue that we wrestled with when we were working on the sunshine list, but I'm curious if the Minister of Health has a view. To me, given the millions of dollars that are spent in this province – and it's a good investment, it's a necessary investment. But given we're talking about hundreds of millions of dollars when it comes to fee-for-service physicians it seems, to me, there should be a

level of public disclosure around that information.

So salaried physicians, their salaries are going to be published. But those physicians that are fee-for-service, that information won't be publicly disclosed. I know there's some sensitivity. There are probably a good number of fee-for-service physicians who would be uncomfortable with that information being put out there, but there's also a whole bunch of public sector employees who are going to be uncomfortable with their salaries being published. In some cases, we're talking about physicians who make – this is certainly not the majority, but there are fee-for-service physicians that are making over a million bucks a year.

I think there is a need for some level of public disclosure. I'm curious if the Minister of Health has a view. I accept the Minister of Finance stating her position, but I'm just curious how does government feel? Do you not feel there should be some level of public disclosure around the millions of dollars that are being invested in fee-for-service physicians? I frankly believe the public has a right not know, with all due respect to the physicians involved and to government.

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

MS. C. BENNETT: Thank you, Madam Chair.

I'm thrilled, certainly, that the Member opposite has passionately explained to this House of Assembly how he personally supports the disclosure of compensation related to fee-for-service physicians.

The government of the day, our government, has made the decision to do this particular piece of legislation in the context of employees who work for the province. Fee-for-service physicians, as the Member opposite well knows, not only includes individuals who may be paid fee for service, but also includes individual physicians who may be incorporated and as such requires different legislation and would require different policy decisions.

Madam Chair, we're doing this in phases and I'll certainly take his passionate plea to disclose physician fees under advisement.

CHAIR: The hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you.

I respect the information given by the Minister of Finance, but I'll just reiterate, the ability to define what compensation means in this legislation could be easily adjusted to bring fee-for-service, or anybody else in under it as part of the remuneration. So I don't think it needs to be done through another piece of legislation, but I'll accept that and we'll move on.

The other issue I had is with the disclosure report. The exemptions, obviously, will be identified in that disclosure report. That report, I assume you've had discussions with the Privacy Commissioner, could be ATIPPed. So in that particular case, if that's ATIPPed, was there any discussion about that through a secondary process that those exemptions could be made public if someone was to waive that disclosure report?

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

MS. C. BENNETT: Madam Chair, I'm not sure I understood or heard – in fairness, I'm not sure I heard all of the Member opposites but I'm going to make an assumption that what I –

MR. HUTCHINGS: (Inaudible.)

MS. C. BENNETT: Absolutely.

Thank you.

CHAIR: Before I recognize the speaker, I would ask Members to keep the noise down in the Chamber. Members are having difficulty hearing each other.

The hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you, Madam Chair.

So my question is, under legislation there's ability for an exemption's clause where someone who is not content with having the information released can look for an exemption and that's heard. Then, based on that, there's a disclosure report under the legislation that's required each year.

In that disclosure report, if there are names in there and in a particular year someone appeals to the Privacy Commissioner for release of that information and it is released, was there discussion about the fact if that would happen or if there's a probably for it to happen? Because what you've done, while there's an exemption that someone could have that exemption, at a future process that information could be released. So was there any discussion about that or concerns with that?

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

MS. C. BENNETT: Thank you, Madam Chair.

I appreciate the Member repeating his question. My understanding – and certainly I'll wait for officials to provide any additional information just in case I'm missing something – is that the exemption language that we've chosen to use in this particular piece of legislation is identical to the language that's used currently in ATIPP. We did that very specifically because we wanted to make sure the definition was the same in both.

The disclosure, just for clarity, if an individual decides they want to go through the appeal process and they appeal to the deputy minister – which in our case it could be the deputy minister, it could be the CEO of a Crown agency – the deputy and the CEO would make the decision and then an appeal process would bring it up to the President of Treasury Board. When the report is disclosed, if there are a number of individuals who have been excluded because of an exemption related to their name, their earnings would be consolidated, that number would be released and then a number of individuals who would be included in that consolidated number would be disclosed in the document.

If somebody – and I guess the Member opposite is asking. If somebody ATIPPed or asked a question about the details behind the report, that was one of the reasons, my understanding from speaking to officials, we opted to have the identical language that's used in ATIPP, so the standards would be the same to avoid that.

CHAIR: I ask Members again for their co-operation. If you want to carry on side

conversations, please take them outside the Chamber. We're debating a very important piece of legislation and having difficulty hearing.

The hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you, Madam Chair.

Just to follow up, my understanding is if an exemption was asked for and wasn't granted, the appeal process would be to the deputy minister of the department or the CEO of an agency, board or commission. I'm just wondering – then if the appeal wasn't accepted, then I guess an appeal could be made to the Privacy Commissioner to get that information. Why wouldn't it just go to the Privacy Commissioner? Why would we have that intervener, the deputy minister or a CEO?

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

MS. C. BENNETT: So for clarity for the Member opposite, the appeal process – just to make sure we are all talking about the same thing. The deputy minister of the department or the chief executive officer of the public body would provide a written notice to all the employees in the department or the public body that the information in section 3 and section 4 of the act will be disclosed within 60 days.

An employee could file an application under section 7(1) of the act within 14 days of his or her receipt of the written notice, referred to in subsection 1. The deputy minister or chief executive officer then would provide their decision to the applicant within 14 days of receipt of the application.

An employee who is dissatisfied with the decision of the deputy minister or the chief executive officer may file an appeal under subsection 7(2) of the act within 14 days – is what our plan is – of his or her receipt of the decision of the deputy minister or the chief executive officer. And then the President of Treasury Board should provide his or her decision regarding the appeal within 14 days of the receipt of the appeal.

So, Madam Chair, in the legislation we opted – when we did the jurisdictional scan of other

provinces that have this legislation, there's only one other province that has an appeal process, and we felt it was a very important piece to include. Alberta, as I'm sure, was referenced in the briefing, for the Members opposite – at least I would hope it would have been.

Alberta has exemption regulations as part of their legislation, and in that case the appeal is heard by the minister. What we did to depoliticize the process, we have added the deputy to the process. Based on consultation with the Privacy Commissioner, based on consultations with leadership in the Human Resource Secretariat, and based on the jurisdictional scan of other provinces, we felt this was the best way to make sure there was a depoliticized process. Understanding that government's position and policy decision is that we want to disclose, but in recognizing that individuals may have particular safety concerns or personal concerns they might want to question with regard to an appeal, we wanted to make sure we had an appeal process that was not only reflective of processes that were in other provinces, but also provide an opportunity to depoliticize that by having the deputies and the CEOs involved in the process.

CHAIR: The hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you, Madam Chair.

Just one more question, a point of clarity. So the final appeal would be to the President of Treasury Board, which is usually the Minister of Finance. Would it just be the Minister of Finance who would hear that appeal, or would it go to the actual Treasury Board?

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

MS. C. BENNETT: No, it would just be to whatever minister. In this case, I happen to be the President of Treasury Board. Whatever minister is the President of Treasury Board would be the minister that would be responsible for the final appeal.

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

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

I thank the minister for responding to the question I raised in second reading. If I could come back to it, Minister, just to see if I can get full clarity, and it had to do with the whole thing of having the ATIPP with the court case happening around whether or not a name needs to be required, and then if this bill gets proclaimed before that court case happens and there are names in the bill and the court case says that names aren't required – I understand the fine legal point that you were explaining there, and you did say you had a lot of discussion with Justice over this.

Even though the two acts would be dealing with different things, different aspects, still the very fact that the bill that has the names in it, if ATIPP were found to not require names, some group could still see here a potential clash and you could still have a court case with regard to those two bills. Because I think it would be a matter of opinion. Whether or not the purpose is the same, there's still the issue of one saying names aren't required around privacy and the other one having names in the bill.

So did you discuss that level of that potential? If this bill gets put into practice prior to the court case, or even if it gets passed, you still have that potential of further court action and why not wait. Why not wait until that court case is taken care of?

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

MS. C. BENNETT: Madam Chair, government has a policy position and our policy position is reflective in this act. What the Member opposite is referring to is a court challenge currently underway that relates to specific language in a specific act. And my understanding is there's a technical language issue in the ATIPP act which is being challenged.

This particular act that we are bringing in today is an act that's based on government's policy and it is also an act that I would remind the Member opposite is in multiple provinces. This is not new; it is not new that provinces disclose the names of individuals. It happens in several

provinces in Canada. It is the position of this government that names be disclosed.

Madam Chair, the Member opposite, I can understand her question as to why would we not wait. I respect her question but our feeling is that it is important to get this information out. The people of the province have been very clear that this is something that they expect in the spirit of openness and transparency. Other provinces have this legislation. And we believe that this act which is modeled after other jurisdictions will be a piece of legislation that will stand the test of time.

CHAIR: Shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Clauses 2 through 12 inclusive.

CHAIR: Shall clauses 2 through 12 inclusive carry?

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

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

I have a couple of questions – they are related and I'll probably ask the question in a related way. It has to do with section 12. Section 12, of course, is the section that says the Lieutenant-Governor in Council may make regulations and 12(b) says that those regulations will designate entities as public bodies under this act.

I guess I have two questions around that one. One is nowhere in the bill except that statement does it say what guides the LGC in designating the entities. Obviously, it's not all public bodies and there will be bodies that are designated. So what is going to guide the LGC in making that decision?

The other question is – there were names of public bodies put forward in the briefing, and we think Hydro was one of those names. I'm asking does that mean that Hydro itself or does it mean Nalcor and, if not Nalcor, why not?

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

MS. C. BENNETT: Thank you, Madam Chair.

For the Member opposite, it is our intention that in the regulations we would see reflected: the board of commissioners of the public accounts, so the PUB; the Pippy Park Commission; Central Regional Health Authority, College of the North Atlantic; the French school board; Eastern Regional Health Authority; the Electoral Districts Boundaries Commission; the Government Purchasing Agency; the Human Rights Commission; Independent Appointments Commission; Labour Relations Board; Labrador-Grenfell Regional Health Authority; Marble Mountain Development Corporation; Memorial University of Newfoundland; mental health review board; Multi-Materials Stewardship Board; Municipal Assessment Agency; Nalcor Energy; Newfoundland and Labrador Centre for Health Information; Newfoundland and Labrador Film Development Corporation; Newfoundland and Labrador Housing Corporation; Newfoundland and Labrador Hydro; Newfoundland and Labrador Liquor Corporation; Newfoundland and Labrador Medical Care Plan; NL 911 Bureau Inc.; Newfoundland and Labrador English School District; Provincial Advisory Council on the Status of Women; Provincial Information and Library Resources Board; Public Service Commission; Research & Development Corporation; Royal Newfoundland Constabulary; Student Loan Corporation of Newfoundland and Labrador; The Rooms Corporation; Western Regional Health Authority; Workplace Health, Safety and Compensation Review Division; and WorkplaceNL.

Mr. Chair, the intent of the organization that we selected, which will be reflected in the regulations, was to make sure that we were able to capture the largest group of employees who work in the over 120-plus agencies, boards and

commissions that we have. Those will be the ones that will be in the regulations.

CHAIR (Finn): The hon. the Member for St. John's East – Quidi Vidi.

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

I just need to get clarification from the minister because I wasn't able to hear. I had to try to get this into my ear in time, so I wasn't clear if the minister was giving me a list from which others will be chosen or that as the list that will be –

MS. C. BENNETT: That was the list.

MS. MICHAEL: That was the list, okay.

Thank you very much. I really appreciate your giving you that information, Minister, because I think it's important that we recognize how wide it is.

My other question is sort of related to that. It has to do with the exemptions, the categories of groups that can be exempted. Again, that will also be in the regulations. Are you able, at this time, to give us that list as well?

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

MS. C. BENNETT: At this stage, Mr. Chair, there are no groups identified as part of the regulations, is my understanding. We expect there may be groups that would come forward as part of the first year of implementing this process. As groups come forward, we will certainly be making decisions on that, but as I'm sure the Member opposite and other Members in the House of Assembly can appreciate, there are some sensitivities, depending on particular positions, particular areas where public servants work that may require some exemptions, but at this stage there are no groups identified.

CHAIR: Shall clauses 2 through 12 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 2 through 12 carried.

CLERK: Be it enacted by the Lieutenant Governor and House of Assembly in Legislative Session convened, as follows.

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, enacting clause carried.

CLERK: An Act To Provide The Public With Transparency Regarding Public Sector Compensation.

CHAIR: Shall the long title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report Bill 61 without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

CHAIR: The Chair recognizes the hon. Deputy House Leader.

MS. COADY: I move, Mr. Chair, that the Committee rise and report Bill 61.

CHAIR: The motion is that the Committee rise and report Bill 61.

Shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

MADAM SPEAKER (Dempster): The hon. the Member for Stepehenville – Port au Port.

SOME HON. MEMBERS: Hear, hear!

MR. FINN: Thank you, Madam Speaker.

Madam Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 61 carried without amendment.

MADAM SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 61 carried without amendment.

When shall the report be received?

MS. COADY: Now.

MADAM SPEAKER: Now.

When shall the bill be read a third time?

MS. COADY: Tomorrow.

MADAM SPEAKER: Tomorrow.

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

MADAM SPEAKER: The hon. the Deputy House Leader.

MS. COADY: Thank you, Madam Speaker.

Order 6, second reading of Bill 63.

MADAM SPEAKER: The hon. the Minister of Municipal Affairs.

SOME HON. MEMBERS: Hear, hear!

MR. JOYCE: Madam Speaker, I move, seconded by the Member for Lab West, second reading of Bill 63.

MADAM SPEAKER: It has been moved and seconded that Bill 63 be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Lands Act." (Bill 63)

MADAM SPEAKER: The hon. the Minister of Municipal Affairs.

MR. JOYCE: Thank you, Madam Speaker.

Crown lands accounts for approximately 88 per cent of our province. The *Lands Act* provides a regulatory framework for allocation and management of Crown lands. It was last updated in 1991 and needs updating.

In 2005, a review of the act was undertaken with the objective to: (1) identify ways to make the act more user-friendly; (2) access section 36 adverse possession of squatter's rights; (3) review section 7 related to shoreline reservations, and sections 30-35 related to the unauthorized occupation for potential changes; (4) examine business processes and policies for necessity and efficiency.

Madam Speaker, the amendments to the *Lands Act* introduced today are part of the many improvements that are being made to the Crown Lands legislative framework and processes to enhance service deliver and public access to Crown lands. As noted in *The Way Forward*, government is focused on enhancing access to Crown lands. These changes are complimentary to increasing access to Crown lands for municipalities and moving forward, placing more information online.

Madam Speaker, the amendments respond to concerns around the length and complicated process for gaining access to Crown lands, inadequate provisions in the act for dealing with illegal occupation and inconsistent shoreline reservations. Applications for Crown lands currently can take anywhere from six months to three years to finalize.

Amendments that will streamline the Crown *Lands Act* application process includes: permitting the minister to approve a greater number of applications rather than seeking Cabinet approval, which will reduce the processing time; requiring that notices for applications on the shoreline reservations be publicized concurrent and not be for a submission to an application; and requiring only one application for section 36 applications that are in the shoreline.

Madam Speaker, it is estimated that there are several thousand unauthorized structures on Crown lands: trailers, campers, buses, cabins, gates and wharves. These structures can cause public health safety and environmental issues such as improper sewer disposal, unsafe storage of hydro carbons, damage to animal or plant species and increased risk of forest fires.

Recommendations that will address illegal occupation include: clearly stating whether unauthorized use for occupational Crown lands, updating the definition of illegal structure to include gates, other manmade structures and permitting emergency removal of illegal structures.

Madam Speaker, with regard to shoreline reservations, there has been some confusion over the required size as well as the complaints about the time it takes to receive approvals. The consultation showed support for maintaining a shoreline reservation and has recommended that a 15 metre reservation be required in all circumstances. Residence also in the reservation entitled grants, licences and leases already issued by being grandfathered in.

Government has decided to follow the recommendations of the review committee with respect to leaving the timeline for adverse possession unchanged. The amendments modernize modern provisions in the act by

requiring notice to be provided on the departmental website along with any other medium deemed appropriate by the minister.

The review committee report also included recommendations related to the Crown Land branch business processes. These range in complexity. The department has already begun implementation of 63 recommendations that do not require an additional budget or policy direction. For example, updating Crown land application forms and making improvements to the website. These recommendations are responsive to recommendations made by the review committee and our government does its best to be responsive to the needs of residents and municipalities in the province.

I ask all Members to support these proposed amendments, Madam Speaker.

I'll just speak for a second on behalf of all Members in the House of Assembly; especially a lot of us who take in any rural part. The confusion that we have with Crown lands – not only Members opposite, the former minister was in the same boat. There's a lot of work.

There were a few small changes in the report but I did support this when it came in. I stood in the House of Assembly and I did support it. I recognize the minister, the Member for Ferryland, who did a lot of work on this report and I want to recognize that. Most all of the recommendations that you brought in are in this report.

I remember having discussions with the minister at the time. I said anything that we can do to improve Crown lands – because anybody in this hon. House that dealt with Crown lands knows the confusion that it was and will be for a while until we get it straightened out. This is not knocking anybody because I think the procedure is just that – once the review and the implementation of a lot of the recommendations, it will speed it up.

To the residents out there; we know the frustration with Crown lands. With approval from the House of Assembly with these recommendations, we will streamline applications. We will make it more efficient. Also, we will improve opportunities for

businesses in the province. That is also a big part of this.

By no means are we trying to close off Crown lands for the people of the province. We are trying to enhance the Crown lands. We want to make it economically viable and we also want to make sure it is environmentally friendly, the best we can do. We want to ensure that the residents enjoy the lands in Newfoundland and Labrador but do it in a safe, efficient and very proper manner.

I look forward to the support from everybody in this. Again, I want to recognize the Member for Ferryland who worked on this. I was at the interview when you brought it in and I supported this at the time. Of course, I'll be supporting it again.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: The Speaker recognizes the hon. the Member for Cape St. Francis.

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

It's indeed a privilege to get up and speak on Bill 63. As MHAs – and I think the minister just said more so with rural MHAs – Crown lands is a huge, huge piece of work for us. It's a job a lot of times, Madam Speaker, to direct people, your constituents.

Sometimes, as the minister alluded to a little while ago, it can take six months to three years to finalize an application. Minister, I think in some cases it could even be a little bit longer that it takes to go through. Sometimes it's hard to get the affidavits and get the things in place that you need. I will ask the minister a couple of questions about it.

We talk about going through the quieting stages, using quieting of titles more than what they're used in Crown lands right now. Because in a lot of cases when you talk about Crown lands, I know in my own particular area, there has to be a usage and show that the piece of property was used, probably for some kind of farming or cleared or something like that. Yet, there can be

all kinds of rock walls, there can be fences. There can be all kinds of markings to show the area was used by people.

I believe, Minister, there was a court case just about three years ago that really took notice of ownership of property. It was the Walsh property down, actually, in my own area. It was down off the Torbay Bypass Road. At that time, the family went to Crown Lands and they looked at the piece of property that was there. There was only a certain part of the property that was cleared, but they had showed that they cut logs; they cut a lot of wood on it. There was a pond on the property and they used to do a lot of fishing in that pond and everything else.

When it went to court, the court overruled Crown Lands and gave them the ownership of the property. I think that's what happened in that case. I think it led to a lot of the *Lands Act* and what we're looking at here today to get changed.

The minister just alluded to the lands review. There were 51 recommendations back in that time. Most of them are included in this bill. I have to say I like the bill. There are a lot of questions. It's like a typical bill though. There are a lot of regulations that are going to have to come in afterwards to really give you the gist of what the bill can really do. I hope those regulations will make it easier for people to get ownership of their property.

I know as a young boy, my father used to have me in – we had a piece of property. I think every four or five years he made sure the boundary was cut right around the property. If that had to be a piece of Crown land, the boundary wouldn't have made any difference. Under the particular type of grant, you'd have to show that the land was worked. A boundary or affidavits or even a survey, sometimes, in Crown lands doesn't mean that piece of property is yours.

One day I went over to Crown Lands arguing with one of my constituents. They basically said anybody can go and get affidavits; anybody can go get a survey. They use aerial shots to show whether the land was cleared or whether the land was worked at the time, so I'm hoping that's going to change a bit.

That's where we come in to – and I spoke to the minister about this already – squatter's rights and how we look at parcels of land. The one question I do have for the minister – and I'll ask him it now because he can answer it when he gets up to close. I know that you have to show the connection between 1957 and 1976, but under the recommendations, when I read the *Lands Act* review, it was recommended perhaps that would change to go to 1957 to 2007. They even talked about probably having it floating.

The reason for it – and I know, again, going back to my own personal part of it with my father in Flatrock being an older gentleman, he knew everyone who owned the property. So if you go back to '57 to '76, today it's a job to get people to be able to give you the affidavit to actually know the ownership of that property. In '57 their memory back then is – I guess you'd want somebody who was at least in their 30s or 40s or something like that who knew the property.

The Minister of Fisheries is shaking his head over there. I understand. That's a problem we have in a lot of communities now. People are getting older and it's a job to be able to get somebody to be able to give you an affidavit for that time period.

Minister, that was the one thing that really stuck out to me; knowing that I have a lot of issues in my area and affidavits are getting more difficult all the time to get. It's because of the time period, like I said, from 1957. You can correct me if I'm wrong, but I thought the recommendation under the review was probably to move that.

Actually, when I look at it now the Law Society of Newfoundland and Labrador; that was one of their recommendations. They recommended that it be moved from '57 to 2007 and I guess lawyers know because lawyers are the ones that have to go out and get your affidavits. Minister, that's just on the squatter's part of it. I'm sure you can answer the question for me.

The other thing about this act, again, when you're talking about quietening of titles – quietening of titles are done completely different than what's done at Crown Lands. When you're

doing quietening of titles there are a lot of things that they'll take into consideration.

I know that over the years – I know we're all familiar with this – people cleared land. They threw rocks and there was a rock wall. That rock wall sometimes indicated where the property was. Years go by and trees grow, but the rock wall always stays there. That's an indication that can show you sometimes where the boundary is.

I had one – actually, I had two circumstances where I went in on the property with my constituents and we walked through the property and stuff like that and we found areas where the wire – years ago, they used to use this wire to go round and that's how they mark out their property. And we found areas where the wire could be growing right into the middle of the tree. So that will give you an indication, sometime, that that property was owned by somebody. Somebody had it marked; it's like a marker on the property.

Now, on quieting the titles, that's recognized. You can recognize a rock wall. You can also, if you go in – and a lot of cases people will see this walking through the woods – you'll see an old wire fence or you'll see an old piece of fence that's there. Now, if you go back years ago that would show you that that piece of property obviously was divided by ownership. So one person either fenced it off or didn't and the other person was going to.

And these are all little things I know that people are looking at me and saying, yeah, that can happen. But to the person that owns the piece of property – and, in a lot of cases, it's land that was handed down. Land that was brought down. I know going back again – my father, he's going to turn over tonight. Anyway, I used to listen to him and he used to be able to tell me where the marks were to on every piece of property in Flatrock.

He knew what this person did. So-and-so used barbed wire. So-and-so used old wretched wire that they used to use and then he'd say, so-and-so, look at the rocks he picked off that; he was picking for 20 years. And that was how they marked out their property. But today it's a big issue with Crown land. Because what happens, in order to see the ownership of the piece of

property, in most cases with Crown lands today you have to go back and show the land was worked. They can go back to – and, Minister, you can correct me. I think it's six or seven years that there were actual aerial shots that you can go over to Lands over in the Howley Building and you can pick out the piece of property and they can go and show you that in 1957, this is what was cleared in the property and they can go to 1962, I think 1967, 1973 that they can actually show you how the land was worked at that time.

So if the piece of property, for example, was cleared by your family members – and like all of us, I know growing up every Friday or every Saturday we were in cutting wood. You'd cut your wood off your land and that was your piece of property, but everybody had that piece of property. As the older people passed away, the families had no way of showing who owned the property. I don't know if other MHAs have the same issues that I do, that every time I went to Crown Lands it was a job – when they didn't take the fact that an affidavit that the elderly people would say that 20 acres belonged to Kevin Parsons or the survey showed that goes back to '75, that property belonged to Kevin Parsons or I could show there were marks there. That didn't work.

I'm thinking what this is going to do, and I'm hoping what it's going to do, is it's going to make it easier. People who own a piece of property sometimes – property is a strange thing in Newfoundland and Labrador. It means a lot. The property itself may not have any value, but knowing that piece of property is owned by a family means a lot to the family because they go back to the years that they cut wood on it and they knew this is a part of who we are as individuals, as families. I know where I'm from, we could go in the road and we knew who owned every piece of property because our father would tell us along the way and what they did with every part of it.

Today, it's a huge issue for residents in my district that squatters' rights have to – I'm almost sure, the minister can answer this too. Squatters' rights really don't exist in Crown Lands. It does in quiet but in Crown Lands – so minister I'd like to know how that's going to

work when we go to the new legislation and stuff like that.

I made a note here about how important it is to families because it's passed down through family members. Over the years you had farming, you probably had some cattle, and everything else and it means a lot to the people.

I know I'm dealing with one piece of property that clearly I went in and walked around it again and there rock wall and then there was wire in the wood. We could clearly see that it was marked out, but when they went to Crown Lands – there was about 20 acres there and because only seven acres was shown on the photo as being cleared, that's all they were allowed to say was theirs. I'm hoping that will change. If you can prove the piece of property was yours, then you would be able to go do it.

Also, part of this bill that's pretty interesting, I know when you go over to the Howley Building with your constituents, which I do – I'm always interested in land. I go over with them and sometimes it's very difficult to be able to find a piece of property because you have to go through all these old maps. If you go look for the aerial shots, they'll give you a spot and then you have to pick out the one where the aerial is. You can only imagine if it's aerial shots for all Newfoundland, it's pretty difficult.

But Crown Lands now are working to put together an atlas online. I really think that's great because for one thing, it'll eliminate a lot of work that's done over and make the process even faster, and it may help the individuals at Crown Lands and Lands employees to be able to do their work a little bit – and the process will be a whole lot quicker for Crown lands. Minister, this is an important tool that we can use and it'll make the process a lot better. So I'd like to find out when that would be put online.

Madam Speaker, when it comes to reservations, we all dealt with – I can remember being the mayor of Flatrock and the East Coast Trail came down and you always say oh, how nice it is down my with the East Coast Trail, and it is absolutely beautiful. The East Coast Trail is a fantastic for Newfoundland and Labrador. But we had issues – that was back when I was mayor

of the Town of Flatrock – around getting the ownership of the properties close to the water.

I'll have a question for the minister on the 15 metres, and I'll probably do that in Committee. I remember also working with the Town of Torbay in Three Island Pond and they had some issues. They wanted to make a walking trail around the pond. This again is great because what this will do, this will be able to give them the 15 metres that they needed at the time. The big problem at that time – and, Minister, this was a problem, too. It wasn't that it had to go to the minister, but it had to have the approval of Cabinet. When Cabinet's busy – and we all understand there are a lot of important issues on the go in Newfoundland and Labrador – 15 metres around a pond for a walking trail, sometimes, probably can be shoved away and said we'll deal with that on another day. We've got more things to do than that.

So I think that is a real good part of this legislation, that that will be moved and the minister can make the approval. I think I'm right on that, Minister; that's how it works. Reservation before was 10 metres, so now it's 15 metres.

The other part of this also when it comes to municipalities, it's important for the municipalities to – well, for water and sewer, for example, and also for roads going down into beaches or going down in different parts of the communities. They'll no longer have to go through Cabinet to be able to do this.

This will expand it – this is like a free grant, Minister, is how it will work for municipalities. They won't have to go through the acquisition and say that they have to buy the property, so it will go as a free grant.

Other things with the free grant part of it is you'll see municipal buildings, recreation and parks, and that's pretty big in small municipalities. I dealt with that in the Town of Bauline when we built their new building. The minister was down last week and I'm sure he was pretty impressed with the new town hall in Bauline. That was built on Crown land. We had to go through the process of getting that.

Really, I'd say that delayed the start of that building at least a year because by the time we got the land – and that's what happens in a lot of these cases, it's the delay – and I'm not, by no means, saying anything derogatory about the people at Crown Lands. I can assure you they do a great job. They are very, very, very busy, but sometimes you get put on the shelf. There was one day I was over there and I asked how long it was going to take. They could tell you six months, a year or whatever it was. So that's important.

I believe also under this part when it comes to municipalities, I like that it goes to the minister so the application can be pushed through and it doesn't have to go to Cabinet.

There's also a part now that won't change for churches and cemeteries. That's important too because sometimes as more die, cemeteries get bigger and they need to expand. I'm not sure but there may be an application in from the Town of Flatrock on that one. I know that they're looking to expand theirs.

Those things are important. Anything that we can do when it comes to Crown Lands to make the application go through quicker – I'm not saying just rush through things; the due diligence has to be done to make sure that people have the right to their piece of property and searches are done so people have their property. But it's important when people go to Crown Lands and they get the answer, well, you're going to be waiting 18 months; you're going to be waiting a year. It's frustrating. It's very frustrating for families.

The timelines are going to change. One important part is there will be a website that the application will be up in five days, and that's pretty good knowing that they'll be able to see it. I believe that the period of notice used to be 60 days and now the period of notice is 30 days, I do believe, in the act. I read that somewhere. So that's pretty important.

Also, a lot of times on Crown lands it has to be gazetted and the approval has to go to Cabinet. Minister, before it had to go to Cabinet, but I think you're the one now that can do the approval and that's also considered the record for government. When it goes to be gazetted

then that would be considered the record for government, right?

Like I said, Mr. Speaker, there are a lot of good things in this act. I read it and went through it. One problem I have – and the minister always gets up and gives me credit for going to the briefings, but I didn't get a chance to go to this one because it was 3 o'clock in the day and I don't like to miss any of the activity here in the House of Assembly because there's too much important stuff going on. But I'd like to thank our research people and the people who went and gave me all the information on the briefing. As usual, they did a fantastic job of giving me the ideas. I'm sure the minister has some more ideas of what's here, but I'll have a few questions for him in Committee. I know he can answer them and hopefully this can be put forward and it will be a great thing for the residents of Newfoundland and Labrador.

It's an act that we've all been working on and I know when the Member for Ferryland was minister he brought in the review and everybody was excited about it. I think that down the road anything that we can do to make families access the piece of property, or not really access a piece of property, it's something that you own, something that was in your family and something that you can say this is mine.

Also, when you look at Crown lands, there was a bill brought in earlier for municipalities to be able to use Crown lands and I think it's fantastic. What that does, municipalities can now go and apply for a piece of Crown land. They don't need to have the money upfront. Once the money starts coming in and whatever they do with the Crown land – but that's good for municipalities, so there are some good things happening when it comes to Crown lands.

I think that – like the minister alluded to earlier – 88 per cent of the province that is considered Crown land, so there's a lot of land out there available. There's a lot of land available to individuals. It's a job to get a piece of Crown land now in the Northeast Avalon because most of it has been taken up. I know there are people looking for cabin areas and different areas to be able to build cottages and stuff like this, so any improvements we can do to the process make

the process a little bit faster so people can go and apply for it is a great thing.

So I'll have some questions for the minister, but thank you very much for your time.

MR. SPEAKER (Bragg): The Speaker recognizes the Member for Labrador West.

MR. LETTO: Thank you, Mr. Speaker.

I'm going to be very brief. Crown lands are something that I've been dealing with for a long time, especially with municipalities and being involved in MNL. I'm sure everybody in this House has dealt with it as well.

I just want to say that this act we're bringing in today, this bill – and I think the Member for Cape St. Francis really gave a good, detailed analysis of how the act will expedite applications. That's what this is all about. It's giving applicants a faster turnaround time on their applications. I know that we've all experienced that in this House. Some of these applications have gone on for years.

I guess more efficient processes by increasing the land area for which the minister has authority to issue grants from 20 hectares to 30 hectares is just one example. That's what's common throughout the act is that the minister will have more authority to make the decisions and will avoid the time it takes to get these applications through Cabinet. That's going to be the main thrust of this bill is to expedite the applications and make it more efficient.

Some of the other ways of doing that is the application process now and the notice process will now run concurrently. Previously, the applicant had to publish the notice two months in advance of making the application. That's going to shorten the time as well.

Along the shoreline, there are certainly some improvements there with regard to the uses and the expanded categories.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. LETTO: Again, the minister will have that authority to make those decisions.

The same thing for adverse possession; the definition of a legal structure has been expanded to allow for more appropriate means of determining whether a structure on a piece of Crown land is illegal or if it's legal. The timeline for compliance with removal notice has been reduced from 60 to 30 days. That's a big step forward there.

The benefit for municipalities – which is something that we've dealt with for many years – now municipalities are no longer required to obtain title on the shoreline to carry out water and sewer work or public roads. The amendments expand the purposes for which municipalities can obtain a free grant for undertakings in the public interest. Again, for the applicants, as I said, there are a number of improvements in the bill that will allow the applicant a faster turnaround.

Mr. Speaker, I won't take any more time, I know it's getting late. Basically what this bill – and as the minister alluded to, there's been a lot of work put into the *Lands Act* to improve it. I think this bill here today, Bill 63, goes a long way in achieving that. It's just another way of living up to our commitment, certainly, in *The Way Forward* document that we will make Crown lands more accessible to applicants, to municipalities and anybody who requires the use of Crown lands.

Thank you, Mr. Speaker.

MR. SPEAKER: If the hon. the Minister of Municipal Affairs and Service NL speaks now, he will close debate.

The hon. the Minister of Municipal Affairs and Service NL.

MR. JOYCE: Thank you, Mr. Speaker.

I must say, you look good in the Chair, Mr. Speaker. You're doing great for a rookie getting in the Chair. You're doing a great job, I give you credit for that. I can say the mayor of your town would be proud of you tonight.

Mr. Speaker, I'll just answer a few questions that the Member for Cape St. Francis brought up. One of the things he mentioned – and it was in the recommendation. The recommendation in the report was keep it from '57 to '77, but the recommendation was to change the squatter's rights. It was changed to squatter's rights. It was in the recommendation to change it, but make it easier for people. That's why they will accept the courts. What the courts would accept is much easier than affidavits and an aerial view.

So the two recommendations that the minister – and I could see the confusion because what happened at the time, I think the Law Society recommended changing it up to '77, any 20 years in between. The minister at the time at his press conference, that's what he did. In the report itself it was to keep it at '57 but make it easier, except what the courts would accept which would make it much easier.

The second thing that the Member brought up was the atlas. We're working on the atlas with OCIO. Mr. Speaker, the problem we're running into with that now – and we're working on it – is making sure the confidential information is kept confidential. That is part of it, but the idea of the atlas is to have all Crown lands of the Province of Newfoundland and Labrador on the atlas.

Any restrictions on Crown lands would be on the land. So you can go on the atlas, you can look at the Crown land. You can see, okay, I want this piece of land. Oh, I can't because it's reserved. I can go with another piece. If that piece is clear title that you want; you can actually apply for it online. That is the goal.

The problem we're running into – and it can be done because we're doing it for driver's licences and others – is getting your credit card payment online. So that is the goal, you can go online. Instead of going up to the Crown Lands office, Mr. Speaker, walking in, haul out the maps; show us where the land is. Once you show where the land is, make an application out, pay your money, \$110, and go ahead.

What you can do now with the atlas is do it all online. That would save a lot of time going into the office. That will show that sometimes people – and I'm sure the Members opposite and the Members on this side also. When you go in and

you make an application for a piece of land and then it comes back and says, no, you can't apply for the land because there are restrictions on the land. I think we all went – and you're trying to get your \$110 back then. So it's a bit of an issue then also.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. JOYCE: Thank you, Mr. Speaker.

So that is a part of it. The Member for Cape St. Francis brought up some good points. Just for an example what he was saying in the shoreline reservation. A shoreline reservation, once it's done, by the time you get it into the department and it is approved and get it to Cabinet is about a four-month process. Just that alone is off the table.

He mentioned also on some cases with the shoreline when you have to put the notice up. The way the notice was in the past, and we're hoping to change, is that before you apply for a shoreline notice, you had to put out to the media somewhere or advertise for 60 days. After those 60 days you could put your application in. Now, when you apply, you can put your application in. Even that there alone will save a lot of time.

There's a lot that I could go through – by the way, before I go another further, I apologize to the Member and I apologize to the Third Party. That briefing was set up at 3 o'clock. That went by me and I apologize.

No, no, I know you're wringing your fist up at me. It was my fault. I take responsibility for that. I say to the Third Party also I know the staff was there, but I know the House of Assembly was open too. So I'll take responsibility for that and I apologize for that. I know staff were there but I do apologize for that.

I could go through most of the sections that were in place but we know – the Member for Mount Pearl North is showing me a Christmas card with a dog and I have four of them. I have four.

MR. KENT: (Inaudible) dogs.

MR. SPEAKER: Order, please!

MR. JOYCE: It's a nice looking Christmas card and merry Christmas to everybody.

I can go through each one, but as I said earlier, I know everybody had a copy of this before because I know the former administration brought this in. I've said it before; the Member for Ferryland did a lot of work on it. When it came up I was down at the press conference and I supported it. There are a few minor changes that we're making to it, but 99 per cent of this here I supported at the time and I still support at the time. That's why I know this copy, I can go through it but I don't think there's any need, Mr. Speaker, because I know most people had a copy of Crown lands.

The other thing we're doing, Mr. Speaker, is a lien review in Crown Lands. We're doing a lien review to see how we can speed up the application process. That is very important and it's moving ahead great. We have someone seconded to do that for Crown Lands and that's working out very well also.

I'll say to the people who are listening and to all the MHAs here in the House of Assembly, I know the frustrations about Crown Lands. I experienced it, I know the experience. We're hoping to change it. I have to give credit to the former government and the Member for Ferryland for having the Crown Lands review done. Now, we're just putting it into it then.

I know the Member for Cape St. Francis mentioned broadening the definition of scope of usage for municipalities to get free land. Now, we can use municipal buildings – and now it's for municipal buildings and parks. The new broader legislation that we're putting in, that was in this here, the scope – municipalities can get the free land. It broadened that scope so you can use it for economic development or you can use Crown lands for some other reason in your town right now.

I could go through each one but I won't because I know everybody had an opportunity for it. Mr. Speaker, I know at times there's a lot of controversy in this House, but I know when there's a good bill that comes in that's supported by both parties, three parties, I know it will be approved. I know there are going to be

questions. I hope I answered most of the questions for the Member.

I have to give the Member for Ferryland credit for bringing this in. I have to give the Member for Cape St. Francis credit also because the work of the bill is to get information on them. I'm hoping through questions he asked and questions he's posing that we're getting the information out to the public.

I'll sit down if there are any questions, but I'm hoping I answered most all the questions that came forward. I can tell you when this is brought in – which is just an extension on what was brought in back in 2015 – it will make it much easier for people in this province, much quicker to access Crown land, to get land they're rightfully due and to ensure we're doing the duties for the people of Newfoundland and Labrador.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Is the House ready for the question?

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

Is the House ready for the question?

AN HON. MEMBER: Yes.

MR. SPEAKER: The motion is that Bill 63 be now read a second 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: A bill, An Act To Amend The Lands Act. (Bill 63)

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

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

MS. COADY: Now.

MR. SPEAKER: Now.

On motion, a bill, "An Act To Amend The Lands Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 63)

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

MS. COADY: Mr. Speaker, I move, seconded by the Minister of Municipal Affairs, that the House resolve itself into a Committee of the Whole to consider Bill 63.

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

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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

Carried.

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

Committee of the Whole

CHAIR (Warr): Order, please!

We are now considering Bill 63, An Act To Amend The Lands Act.

A bill, "An Act To Amend The Lands Act." (Bill 63)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The hon. the Member for Cape St. Francis.

MR. K. PARSONS: Mr. Chair, I have a couple of questions I would like to ask you, one is about the 15 metres. In some cases when you look at – that can be around the coastline. I know when we had issues with the East Coast Trail there was a reservation in one of the towns that had it 50 metres that they had a conservation area, basically, but that went from the high water line.

When you look at – in some areas, when you go along cliffs and everything else, I'm just wondering is there anything in that with the 15 metres? It's not the high water line. I hope there's some kind of way you can have it so that it does actually take in part of the shoreline.

CHAIR: The hon. the Minister of Municipal Affairs.

MR. JOYCE: Yes, it is the shoreline reservation; 15 metres for the shoreline reservation. In some cases you can come 15 metres and have the big wall. It is 15 metres for the shoreline reservation. I think the question is that it's not from the high water mark. It's from the shoreline reservation. In some cases a high water mark may come up to the rocks, so how can you go up if the rocks are up. What it is, it's the – under this new legislation and you use the East Coast Trails, the minister has the discretion. So that has changed also. Before it had to be done.

The other thing in the metres is there were two sets, one 10 metres, one 15. Now anybody who has the exemption will be grandfathered in. From here on in all reservations will be 15 metres. It will be 15 metres from here on in. So that's the two big changes, but the minister does have the discretion to change that now. It's a shoreline reservation, usually from the shoreline to the end. But the minister does have the discretion, like for the East Coast Trail.

CHAIR: The hon. the Member for Cape St. Francis.

MR. K. PARSONS: Minister, just to be clear on that, because sometimes it can be a trail

going around a pond or something like that, that's a little bit further off. All they need to do is put in their plan and get permission from the minister and he can go ahead with that. That's okay. That's what I think you mean there, so I'm okay with that.

When it comes to the shoreline, in a lot of cases sometimes it's the grade also. You can have rocks along areas where there's a lot of rock down underneath, but still if they do they can come to you and ask for approval. That's a big improvement because a lot of times it would have to go to Cabinet. It took a long period of time and you can explain the case.

The last question I have for you has to do with enforcement. Sometimes, with municipalities in particular, there are people who will go in and they'll put up a shed or they'll put up a shack and they'll put up whatever has to be done. In most cases people put up stuff that is okay. There's no problem, they're in the woods. They have a little lean-to to go in for their cup of tea and do a bit of ice fishing but in some cases, I've seen it in different municipalities where municipalities are really worried there could be a fire. There are all kinds of vandalism on the go. It's a real eyesore what they've done and stuff like that. But a lot of times municipalities don't have any authority or nobody seems to know who has the authority to go in and do any enforcement in these areas.

I was hoping a part of this act also would go to enforcement so that a municipality can come to Crown Lands and say listen, there's a cabin in there, we're nervous about it. They have big fires. They don't care anything about it. The place is a mess, and what do they do? That's my question.

CHAIR: The hon. the Minister of Municipal Affairs.

MR. JOYCE: I knew that was going to come up, and that's a great question.

The next steps we're looking at – and I'll just read it here, some of my own notes that I made. Continue to work with legislative counsel on drafting further amendments, including powers of inspectors, ticketing regime, higher fines for offences, and continued implementation of

related business process improving updated policies on staff training.

The next step – and that’s a great question – is right now when we’re bringing this in, the staff aren’t trained to go in for ticketing and removal but they will be. That is the next step of this act is to educate the staff and train the staff to go in and do the exact same – anything in the municipalities, municipalities right now have the right to do it. Outside, you’re correct 100 per cent, is there should be some form of ticketing; there should be some form of policing. That is our next step to do that, to train people to do that for ticketing and offences to go in and do that also.

I just want to make it clear, and I know the Member for Terra Nova is very interested in this – this comes from a very serious accident. One of the provisions we made in here, if someone puts up an illegal structure, like a gate, or they put up some wire, now the minister has the authority –

AN HON. MEMBER: Bonavista.

MR. JOYCE: Sorry, Bonavista. Sorry about that.

We know the person very well. We met with him. He came and was very adamant, that if someone puts up a wire gate now illegally, we don’t have to put it on that you have to remove it. We have the authority, after this bill, to walk in and remove it, and charge it back to that person. That is for safety reasons, Mr. Chair.

That was brought in, and I know the Member for Bonavista was pushing for that very hard. I know a good friend of theirs is the reason way, the Member for Bonavista and their friend.

I just wanted to put that out there. That’s in there for safety. Before you had to put a little notice up and you had 60 days. Now if we know it’s there, we can walk in, take it down, destroy it and charge it back to the person. So that’s a big step and you can pass that on. That’s going to be in this bill also. It’s very important for all for safety.

Thank you.

SOME HON. MEMBERS: Hear, hear!

CHAIR: The Chair recognizes the hon. the Member for St. John’s East – Quidi Vidi.

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

Minister, the Member for Cape St. Francis has asked a couple of questions I was going to ask so I won’t go there, but I would just to go a little bit further with regard to the whole issue of trail protection.

We know a key stakeholder is the East Coast Trail but there’s much more to the trail system than the East Coast Trail. I’m wondering, in going further in another way, have you looked at the whole thing of having legislative protection of coastal lands and have what they have in Nova Scotia, a *Trails Act*, which actually really does protect coastal lands and trails and take it out of the *Lands Act*? Have you given thought to that, because it seems to be successful in Nova Scotia?

CHAIR: The Chair recognizes the hon. the Minister of Municipal Affairs.

MR. JOYCE: Thank you, Mr. Chair.

To be honest, no I haven’t, but I will. I’ll tell you why. I already had one meeting with the chairperson of the East Coast Trails. I’ve been trying to arrange a meeting now maybe in the New Year because of the break, but I’m sure that’s going to be brought up. If that is something that is brought up to see what we can do, I’m definitely for it.

I know out on the West Coast we have a lot of trails and also, they’re not protected. They’re put in by the Outer Bay of Islands group. I travel them a lot. I climb the mountains a lot with them, but there is no formal protection in place for it.

I, as the minister, never did look at that. I have to be honest, but it was brought up by the East Coast Trail Committee. I only met with the president once, but they asked for another meeting, and we will have another meeting. If that’s brought forward, I will look into it. If

there's something we can do, I have no problem with protecting the trails of the province.

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

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

This is not so much a question, but to add to what the minister said. I can't remember the name of the family – and the Member for Bonavista might know this – I remember hearing this person one weekend, probably on CBC, talking about a trail that his family, he and his wife have done out on the Bonavista Peninsula that has become very, very popular. Again, that's what he was talking about, the lack of protection. I see the Member nodding, so he knows who I'm talking about. I'm delighted to hear you say that you're open to that discussion, because the trails are all over the place.

MR. K. PARSONS: (Inaudible) I just have one more question for the minister.

CHAIR: Order, please!

The hon. the Member for Cape St. Francis.

MR. K. PARSONS: Put the light on, I'm not home.

Anyway, Minister, it's about cutting wood. A lot of times people who are using Crown land go through a domestic cutting area to use Crown lands. A lot of times in communities, I know in small communities there are only small bits of domestic cutting areas. It's a problem in some areas because they're getting used up and there's not as much wood there.

Would this mean that Crown land will open up a few more areas for domestic cutting in small communities? I know it's a part of the management part, but it's something that's been asked to me before from constituents, that they'd like to see more land open up through – and I'm just asking if you can do that through Crown lands?

CHAIR: The hon. the Minister of Municipal Affairs.

MR. JOYCE: Thank you, Mr. Chair.

What happens – and this is in another department but I'm familiar with it from out my way. The management plan, what it is they do a five-year plan and at the end of five years then they seek input to change how they should develop the next five-year plan. So my recommendation to any of the towns is that when the next five-year plan is up, is to make recommendations to that.

A lot of places out on the West Coast, what they do, is they expand. People have to go further, but there is a five-year woodcutting plan. Everybody's included in that five-year plan and it's revisited every five years so people can have input and make suggestions and possible changes to it.

CHAIR: Shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

Clause 1 carried.

CLERK: Clauses 2 through 25 inclusive.

CHAIR: Clauses 2 through 25 inclusive.

Shall they carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 2 through 25 carried.

CLERK: Be it enacted by the Lieutenant Governor and House of Assembly in Legislative Session convened, as follows.

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The Lands Act.

CHAIR: Shall the long title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

CHAIR: The hon. the Government House Leader.

MR. A. PARSONS: I move, Mr. Chair, that the Committee rise and report Bill 63.

CHAIR: The motion is that the Committee rise and report Bill 63.

Shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

MADAM SPEAKER: (Dempster): The hon. the Deputy Chair of Committees.

MR. WARR: Madam Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 63 carried without amendment.

MADAM SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 63 carried without amendment.

When shall the report be received?

MR. A. PARSONS: Now.

MADAM SPEAKER: Now.

When shall the said bill be read a third time?

MR. A. PARSONS: Tomorrow or presently, with leave.

MADAM SPEAKER: Does the hon. the Government House Leader have leave?

AN HON. MEMBER: Yes.

On motion, report received and adopted. Bill ordered read a third time presently, by leave.

MADAM SPEAKER: The hon. the Government House Leader.

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

I thank my colleagues for leave to proceed to third reading.

Madam Speaker, I would call from the Order Paper, Order 5, third reading of Bill 63.

Madam Speaker, I move, seconded by the Minister of Municipal Affairs, that Bill 63, An

Act To Amend The Lands Act, be now read the third time.

MADAM SPEAKER: It is moved and seconded that Bill 63, An Act To Amend The Lands Act, 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.

MADAM SPEAKER: All those against, 'nay.'

Carried.

CLERK: A bill, An Act To Amend The Lands Act. (Bill 63)

MADAM SPEAKER: This bill is now 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 Lands Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 63)

MADAM SPEAKER: The hon. the Government House Leader.

MR. A. PARSONS: Madam Speaker, I would ask my colleagues for leave to proceed with third reading of Bill 61.

MR. SPEAKER: Does the hon. the Government House Leader have leave?

AN HON. MEMBER: Yes.

MADAM SPEAKER: The hon. the Government House Leader.

MR. A. PARSONS: Thank you.

Madam Speaker, I would call Order 5, third reading of Bill 61.

I move, seconded by the Minister of Finance and President of Treasury Board, that Bill 61, An Act To Provide The Public With Transparency Regarding Public Sector Compensation, be now read the third time.

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

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MADAM SPEAKER: All those against, 'nay.'

Carried.

CLERK: A bill, An Act To Provide The Public With Transparency Regarding Public Sector Compensation. (Bill 61)

MADAM SPEAKER: This bill is now 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 Provide The Public With Transparency Regarding Public Sector Compensation," read a third time, ordered passed and its title be as on the Order Paper. (Bill 61)

MADAM SPEAKER: The hon. the Government House Leader.

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

I would ask my colleagues for leave to proceed with third reading of Bill 64.

MADAM SPEAKER: Does the hon. the Government House Leader have leave?

AN HON. MEMBER: Leave.

MADAM SPEAKER: The hon. the Government House Leader.

MR. A. PARSONS: Thank you.

I would call Order 7, third reading of Bill 64.

I move, seconded by the Minister of Children, Seniors and Social Development, that Bill 64, An Act Respecting The Seniors' Advocate, be now read the third time.

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

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MADAM SPEAKER: All those against, 'nay.'

Carried.

CLERK: A bill, An Act Respecting The Seniors' Advocate. (Bill 64)

MADAM SPEAKER: This bill is now 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 Respecting The Seniors' Advocate," read a third time, ordered passed and its title be as on the Order Paper. (Bill 64)

MADAM SPEAKER: The hon. the Government House Leader.

MR. A. PARSONS: Yes, Madam Speaker, I would suggest prior to making a motion for adjournment that we hear from the leaders of the parties.

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

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

We've adjusted well to having Madam Speaker instead of Mr. Speaker today. I congratulate you on a good job you've done.

SOME HON. MEMBERS: Hear, hear!

MR. P. DAVIS: I thank the Madam Speaker and the Government House Leader for giving us an opportunity to address the House this evening. This will be the last day we sit for the fall and before the Christmas break.

I just came to my chair and I have what I presume to be a Christmas card enclosed as well.

I don't think – it's probably a card but anything else but a Christmas card. Thank you to whoever laid that on my desk. I appreciate that.

We spend a lot of time here in the House. Here we are now at 9 p.m. on a Tuesday night and we sometimes spend long days here. We debate bills and we talk about matters of interest to the public and matters that come before the House. Sometimes we get a little bit energetic and enter in debate in ways that maybe sometimes we reflect and say we should have found a better way or a different way to do that.

That's part of what we do here in the House of Assembly, but we also do take time to stand here and to offer best wishes to each other. At the end of it all, and no matter what side of the House we sit on or what our role is here in the House of Assembly, we're here to serve the people of the province, to do what's best for the people of the province and to do work and make our best efforts to make Newfoundland and Labrador as best as it can be. We can't do that alone. Madam Speaker, we can't do that alone.

Just the operations of the House of Assembly, there's a tremendous amount of work and effort in staff even behind the scenes. Every day in the afternoon we get what we refer to as the blues – I think I can probably use props for once – and this is the first draft of *Hansard*. Everything that's said in the House is reduced to writing and is done by a team of staff who sit in an office here in the building. Sometimes they'll work days and weeks after the House is finished sitting, catching up and finalizing *Hansard* and so on.

So we thank them because having these blues which are draft copies come to us – this is Question Period today and we have it usually by 4 o'clock in the afternoon or 3:58 or 3:59 as we did today. I was looking for them today and the Clerk had them soon after because the staff had provided them. We appreciate the work they do.

The people of the province can tune in to watch what happens in the House as a result of the Broadcast Centre. There are cameras here in the Chamber and there are also a team of people that operate the Broadcast Centre. We offer our best wishes and our thanks and appreciation to them. While we're here in the nighttime, they're here

in the nighttime. Not only that, but they're here before the House starts in the daytime to prepare the operations.

I've been in the House during the off-hours. They're in testing equipment, making adjustments and fixing microphones, speakers and ear jacks. They do all that kind of stuff as well as their broadcast equipment. So there's more work than just while we are here in the House. We thank and appreciate them as well.

Outside of the House, when you go outside and in the galleries here, we have Commissionaires who come and work. They spend the time. There are Commissionaires in the gallery as well. There are government security staff that work outside as well in the House. They do the job of ensuring when the public comes to the House that they're directed in the right way and they go through the processes and procedures here. We're thankful and appreciative and wish them all the best for the holiday season as well.

Here in the House we have all of these people around us, from the Sergeant-at-Arms to the Table Officers to the Pages in the House, a couple of them who are brand new here as well, and also the people who work in the Office of the Speaker and of the House of Assembly. There's a full staff who work in the House of Assembly besides the one previously mentioned that do administrative work and support. We wish all of them very well.

Madam Speaker, if I may take a moment to go beyond the boundaries of the House of Assembly in my best wishes, the province is operated by hard-working and dedicated staff. I'm not going to specify snowplow operators tonight – wait for it, wait for it – but there are people who work in very difficult conditions, work in stressful and have very tough work and jobs they do and people who continue to make government operate throughout the year.

So we wish all public servants, directly core public servants or staff of agencies, boards and commissions who do the work of government – and I know many of them. I fully believe in the competent and dedicated hard-working public service that Newfoundland and Labrador is very, very lucky to have. So I wish all of them all the best for the holiday season upcoming as well.

To my colleagues here in the House, and I'm sure the other leaders will speak as well, we extend those best wishes to Newfoundlanders and Labradorians everywhere. All of us know Newfoundlanders and Labradorians inside the province, but also those that live away or live outside the province full time and sometimes part time.

We know for some people in our province the holiday season can be challenging and can be difficult. We think about those people as well because we know the holiday season is not always a positive celebration for everyone, but sometimes can be difficult and personal for many, many people. So we do wish all of them a very merry Christmas. We wish them all the very best in the new year.

I extend all that to all Members here in the House of Assembly as well. Our colleagues on this side of the House, to Members on the other side, the Third Party and the Independent Member, I wish you and your families all the very best.

As I mention them, I'd be remiss if I didn't take a moment to talk about our own staff. Every Member here in the House of Assembly has political staff that work for them and their party. Ministers have departmental staff, but we have our political staff and our people who work with us who are still here tonight working. As we're inside the House doing the work that we do, we are backed up by staff who in our offices are working to prepare us and to provide us with the information, support and assistance that we need to do the job here. They know who they are. I offer them the very, very best.

Most importantly, for all of us here – many Members here are from rural parts of the province who sometimes come in on a Sunday or Monday and they're here until the weekend. Many Members especially have travelled far. I look to my colleague across the House – it's very difficult to get home on a weekend and get back again – sometimes will come in and spend several weeks here in the Greater St. John's area because it's just not convenient to leave at the end of a sitting week, go home to their district and come back. My colleague here behind me is in a similar circumstance. It's quite a travel to get home and to come back.

You leave your families behind quite often. Your families quite often are the ones who receive inquiries at the grocery store, or people will stop them in the street or the coffee shops and express a political view or request assistance or support or offer an opinion on what's happening in the Member's political world or life. But they always provide a tremendous amount of support and assistance to us.

I can speak personally for my own family, for my wife, my son and my family. I'm very thankful for them and the support they continue to give us, as do I'm sure, the Members in the House and the staff that work here as well. So I offer my sincere thanks and best wishes to them as well.

Thank you to my colleagues. Thank you everyone here in the House. I do sincerely wish you all a very, very happy Christmas and all the best in the new year.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

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

That's a hard act to follow. I sort of wanted to say check, check, check, check, check.

Thank you very much for the opportunity to address everybody. It has been a full session that we've gone through; 64 bills and then some resolutions as well. I think we have done a fair bit of work.

I, first of all, want to thank the ministers and their departments for the work that was done in bringing those bills here into the House. There are so many people behind the scenes, as the Leader of the Official Opposition has pointed out – so many people behind the scenes. So, first of all, a big thank you to those because we would not have had the legislation to work on if that work hadn't been done behind the scenes in the different departments.

There's also a group that we don't often thank, but I know as a small caucus we certainly depend on them a lot, and that's the Legislative Library. Very often there's information we want, what's happening in other jurisdictions in Canada, et cetera, and they're always there to do their work and to make that information available. We all can do that, that's what the service is for. It's there for the public as well, but we don't very often thank the people in the Legislative Library.

The Leader of the Official Opposition has done a great thanking of all the behind the scenes people. We know they hold us up here in this Chamber. First of all, our own staff in our caucus offices, as the Opposition House Leader has said, all of those in the room with us, the Table Officers, the Pages, the Sergeant-at-Arms, the Commissionaires, security, Hansard.

And I have to say, we do know that Hansard had a smaller capacity this year, this Assembly, but they really proved themselves well and we really did get our information in a timely fashion. I thank them for that, because I think that took a lot of work for sure; then, of course, the Broadcast Centre, the Commissionaires, the staff who did briefings with us. There are just so many people who hold us up here in this room, and the work we do is so important.

We know the eyes of the province are on us every time we're here. I hope that what people see out there is what they want to see, and I think we always have to keep that in mind. I think we all do. We all know we're here because we've been elected by members of the province to be here in this room. That is the biggest responsibility that we hold.

I want to thank all my colleagues here in this House. On behalf of my other caucus Member here, the caucus that's 100 per cent female, thank you for our work here. We disagree on a lot of stuff, we know that, but I think it's really important that we understand why we're all here and why we're working together.

Sometimes it has been a challenge for the Speaker, whether it's the Speaker tonight or whether it's our regular Speaker; sometimes we give them a challenge to keep order in this Chamber. I think most often we do that and I

hope we'll continue doing that. I think how we behave in this room is extremely important. I think we need to think about it more, I really believe that.

I know there are times I call out myself. It happens; you get in the heat of a moment. The next thing you know, did I really do that. Yes, I really did do that. Maybe there are times we do it deliberately as well, but I think we all need to remember why we're here. Like I said, I have to pick myself up on that as well, but when all is said and done we know why we're here. We know what we're trying to do.

We've worked hard over the last four-and-a-half weeks. I think a lot of us feel it. I really do hope everybody takes the time to have a good rest, a time of joy, a time with your families, with all those who are special to you, and that this season we're moving into will be one that, like I said, will give you rest, one you will feel good about. I really hope everybody has a wonderful Christmas in whatever way we celebrate the season.

I look forward to something that didn't happen here in the Assembly but it's going to affect the Assembly, and that's the meetings the Standings Orders Committee has been holding. We're going to be looking forward in January to a calendar coming forward for 2017 to 2018. This will be the first time, and at some point we'll be thanking the Clerk because I think the Clerk is charged with working with the Speaker in getting that calendar put together. I think we have some exciting things that are going to happen in the new year because of the work of the Standing Orders Committee, and I look forward to that. I look forward to seeing how we can make our Assembly a more family-friendly setting.

We brought in the calendar. We have – as you all know because you've seen the report – a recommendation for working on Wednesday mornings to try to not have night sessions by having more legislative time during the week in the daytime, which not only benefits us but it also benefits all those people who we've already mentioned in the background; the ones who are here tonight in particular. Hopefully by having another legislative session during the day we can

try to eliminate night sessions as much as possible, for their sakes as well as our own.

So having said all of that, that's enough, happy Christmas to everybody. Have a really good holiday.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: The Speaker recognizes the hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER BALL: Thank you, Madam Speaker.

It's certainly a privilege for me to be able to stand in my place tonight, even though a lot of it will be repeating much of what has been said already by the Leader of the Opposition and the leader of the Third Party. It just reiterates how important it is the work that we do and the supports that we have in place.

It's already been mentioned about the work of the Hansard staff and the work they do keeping track of the proceedings here in the House of Assembly. The Broadcast Centre; I actually had the privilege to be there today. The Member opposite was there just after us as we prepare for Christmas greetings on behalf of all MHAs representing our districts. Indeed, they do much more than that. People all across our province get the opportunity to watch at home what happens in the proceedings here in this House because of the Broadcast Centre and the great work they do and continue to do.

For our Commissionaires, the people we walk past and chat with every day; you're never taken for granted. We appreciate the work that you do. It's a critical role that you play to our security staff who we have come to know. We know what's happening with their own families, things that's they're interested in, if it's sports or news or whatever it is. They're a large part of the teams that we have in place here. We really appreciate the work they do in keeping this building functional, safe and secure of all of us.

Our Table Officers, I always marvel as they sit at this table and watch the bantering, the debate that actually happens on this floor. They're kind

of caught in some ways in the crossfire, yet you sit there patiently with tolerance, making sure that we conduct ourselves as best as possible. Some Members have already said we sit sometimes and think, was that something that I actually said. But indeed we say and do the things we do because we're very passionate about the job we do and the work we do in this House of Assembly.

I also want to mention some Pages. We have some new faces in this Legislature in this session. We want to welcome you and welcome some more experienced people back. But we've seen from time to time, over the last few weeks, some Pages of the past that have gone on to develop as individuals, based on the experience that they would have.

I always find it very interesting and I always enjoy getting messages from Pages from the past that we've worked with. I certainly hope that what you do, based on the experience that you have on the floor of the House of Assembly, will help influence you in your careers. A lot of it happens right here on this floor. We really appreciate the work that you do and always understand we're there to support you as well as you support us.

The public servants who we see working very diligently every single day; we know that over the Christmas period their work continues. We will move from these seats into seats within our district and within our offices, but the work of the public service in our province will continue.

As we get a chance, maybe on Christmas day and through the Christmas season to take a few hours to sit with our own family, many of our public servants are actually working. If it's in health care, if it's in Transportation and Works and many others; in the office of Justice and Public Safety as an example. The list would go on and on the great work that they are doing continuing to provide critical and valuable services to Newfoundlanders and Labradorians. So it is important.

When we see just really an extraordinary amount of legislation that's been passed in this House of Assembly, realizing, as some Members have said already, there is a network here to support ministers, support me in this chair, but also help

you form the decisions and the debates that you would have as you question government in doing your role as Opposition and helping the public. There is a huge, huge network that's there to support what happens within government.

Certainly, I know, for me, not being in the district as much as I would like, we sit in those chairs because we have constituents within our own district. For me, I have the largest district in the province, in terms of the Island portion, when I think of my Labrador colleagues' large, large districts.

As we do the work that we do in this House, we are supported by political staff within our districts that are talking on a daily basis with constituents and addressing the concerns. That comes to us as well. That is important. It's an important piece of what we do and enables us to sit our chairs on a day-to-day basis trying to put through legislation that actually makes a difference in the lives of the people in our province.

Also, a group – I would have to say that I say this in some cases with a little bit of tongue-in-cheek, and that's the media. Without the messages that would come out of the House of Assembly, it gives us all a chance to get our views and express ourselves through the media sometimes. So that's important, whether it's within 140 characters on Twitter or some social media, or if it's indeed within the evening news, it is important for us that our views as elected Members – we get the opportunity to work with media.

Madam Speaker, I would say that all of us – I mentioned the supports with our political staff, we also have family members. I know I have brothers and sisters and so on, like everyone else, that are there. As we communicate, when we do get a chance, realizing that support is there and those words of encouragement mean a lot when we get in here and doing the work that we would do. So we really appreciate the work of our families.

Madam Speaker, I also want to mention our colleagues. I've had the privilege of sitting in Opposition for four years, a little longer than that, back in 2007 as well, when you add that

component onto it, but over on this side as well, we all recognize that we reach out to the people we represent and we ask for their support because we want to do the best job we can do representing our constituents. So I appreciate the work of the Leader of the Opposition and the work they do in challenging us. I want to thank them and wish them a very Merry Christmas, the leader of the Third Party and so on.

On behalf of government and the ministers and the caucus we have on this side, I just want to wish everyone a Merry Christmas. I wish you all good health and a very happy and healthy new year. It's important for all of us because I firmly believe that fundamental in all of us, regardless of what our political stripe would be, that we are doing this because we believe in Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

PREMIER BALL: So at times we may have differing opinions on things that we do, I still believe that we do it with passion and we do it with compassion for the people that we represent. We do it because we believe in this province.

Madam Speaker, I'm going to conclude the night by even thanking you because it's a privilege for us today to sit here – through my experience, not often do we get to see a young female sit in that Chair through the deliberations.

SOME HON. MEMBERS: Hear, hear!

PREMIER BALL: I do realize what side my bread is buttered on as well.

Madam Speaker, thank you. I wish all of you in this House a very Merry Christmas and a very happy and healthy new year. I hope that we get a chance for our paths to cross over the holiday season.

I look forward to getting back in here in 2017. All the best over the season.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: Thank you.

It only seems fitting, I guess, on behalf of Speaker Osborne that I take a moment, too, to thank Members of this House for their co-operation over the last number of weeks – sometimes spirited and lively debate, not only important but necessary in a healthy democracy as we go about the people's business here.

My list has already been said about three times of who I want to thank. I think there's a competition between myself and the Member for Placentia West – Bellevue as to who drinks the most water, among the Pages. We thank you for the work you do. The Sergeant-at-Arms, the Commissionaires – yes, the Premier is right, many of whom we have become friends with of sorts over time. Lots of work that happens behind the scenes like Broadcast and Hansard, the people in our Legislative Library, security, Corporate Members' Services, they do important work as well.

I want to thank the people, the team that helped me this season, my deputy Chair of Committees, the Member for Baie Verte – Green Bay who did a fantastic job; the Member for Fogo Island – Cape Freels who always add a little bit of humour and a smile to helping us; and today we introduced a new person to the team, the Member for Stephenville – Port au Port and he did a fantastic job.

I especially want to thank the Table Officers, a wealth of knowledge. I've relied on them heavily, very patient and I've certainly appreciated all of you.

I guess as they say all roads lead to home at Christmas and I'm very much looking forward to getting back out and about and visiting my constituents in the beautiful District of Cartwright – L'Anse au Clair. It's important work that we do here, so I want to say, all other 39 of you in the House, have a very safe Christmas, be grateful for the gift of good health and family and friends. I know you don't want to hear it tonight but before you know it, we'll be back here again doing the people's business.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: Have a good evening everyone.

SOME HON. MEMBERS: Hear, hear!

MADAM SPEAKER: The hon. the Government House Leader.

MR. A. PARSONS: Madam Speaker, before I adjourn, I'd just like to thank my fellow House Leaders for their co-operation over this session. It certainly makes the House run much smoother when we're able to work together.

On that note, Madam Speaker, I move seconded by the Deputy House Leader, Minister of Natural Resources, that when this House adjourns today, it stands adjourned until the Call of the Chair.

MADAM SPEAKER: Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

MADAM SPEAKER: All those against, 'nay.'

Carried.

This House now stands adjourned to the call of the Chair.

On motion, the House adjourned to the Call of the Chair.