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Speaker: Honourable Perry Trimper, MHA

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The House met at 1:30 p.m.

MR. SPEAKER (Trimper): Order, please!

Admit strangers.

In the Speaker's gallery today, I'm very pleased to introduce Ms. Rose Adams. Ms. Adams was in Labrador last week sharing her message of overcoming an extremely difficult childhood in foster care to become a very successful lawyer and motivational speaker.

Sponsored by the Rotary Club and Terrington Cooperative, her message of dealing with adversity provided inspiration for hundreds of students and community leaders.

Welcome, Ms. Adams.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I'd also like to recognize in the gallery today Mayor John Spencer and councillor Jim Lane from the Town of Port aux Basques.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I'd also like to welcome two people who will be the subject of a Member's statement today, Mr. Bob Dawson, who is the executive director of the Froude Avenue Community Centre, along with Enid Pendergast who is a social worker.

Welcome.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I'd also like to welcome Carter Churchill, who is a deaf Grade 1 student, along with his parents Kimberly and Todd Churchill, who are here today for the presentation of a petition.

A very big welcome to you, Sir.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Finally, as is tradition, I'd also like to recognize in the public gallery a former member and minister, Ms. Susan

Sullivan, who represented the District of Grand Falls-Windsor – Buchans.

A very big welcome to you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Before we begin with Members' statements today, I understand the hon. the Premier has leave to give a statement.

The hon. the Premier.

PREMIER BALL: Thank you, Mr. Speaker.

I rise in this hon. House today to pay tribute to a real-life superhero, Miss Isla Short.

Mr. Speaker, Isla Short embodied the definition of inspiration and bravery. She was diagnosed with stage 4 neuroblastoma in December 2015 when she was just 18 months old.

Isla inspired those around her so much that a children's book was written in her honour with a positive and uplifting message about how cheerfulness and love can inspire all of us.

Mr. Speaker, Isla's circle of love is so profound that her hometown of Deer Lake changed its name to Islaview in her honour for a day.

Tragically, Mr. Speaker, the Town of Islaview lost its leader last week at only 3½ years of age; and her family, her friends and hometown are mourning a great loss.

Isla's light shone for only a short period of time, but it shone so bright that many of us will continue to see it forever.

Mr. Speaker, I ask all hon. Members of this House to keep her parents, Michael and Sarah Short, in their thoughts and their prayers. Isla will forever be known as one of the bravest and the most fearless resident of the town that I call home, Islaview.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

MR. SPEAKER: Today we will hear statements from the hon. Members for the Districts of Fortune Bay – Cape La Hune, Conception Bay South, Placentia West – Bellevue, St. John’s Centre, Baie Verte – Green Bay, Windsor Lake.

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

MS. PERRY: Thank you, Mr. Speaker.

I rise to recognize the 102nd birthday of Laura Gale on July 12 this summer, a very special lady who spent her life caring for others. Laura’s longevity is due in part to her warm-hearted nature and her strong work ethic.

Laura has a fantastic memory and it’s a real treat to share in her recollections of growing up in Bay d’Espoir, including her experience when the 1929 tsunami struck. With her gift for storytelling, one can visualize her fleeing for safety, jumping fences along the way and meeting her mother’s kettle coming out through the door as she approached her home.

Laura did the hardest kind of work during her service at the Stephenville military base from 1942 until its closure in 1966, caring for local priests until she retired at 65 and then her mother who lived to be 99. You were very lucky indeed if you ever enjoyed some of her fancy cooking and renowned baked Alaskan pie. Friends and family adore Laura for her wonderful humour and compassion – she never complains and accepts life for what it is. She still loves to socialize and play bingo.

Mr. Speaker, I ask all Members to join me in wishing Laura a very happy 102nd birthday.

SOME HON. MEMBERS: Hear, hear!

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

MR. PETTEN: Thank you, Mr. Speaker.

Mr. Speaker, on September 23, I had the pleasure of attending the Canada 150

Ceremonial Tree Planting Event held at Manuels River.

The Manuels River Hibernia Interpretation Centre was the only site in our province chosen to take part in this tree-planting initiative, sponsored by the Government of Canada. As part of the celebration, we planted trees to celebrate Canada’s 150th anniversary of Confederation.

Trees are a symbol of growth, strength, sustainability, hope and peace. Three commemorative trees were planted, including: the Canadian red maple, representing Canada; the white birch tree, representing First Nations; and the Newfoundland pine, representing Newfoundland and Labrador. Approximately 600 various Canadian trees and 300 shrubs were also planted along the Manuels River Trail through the Tree Canada program.

Mr. Speaker, this was a great event and the environment was one of the major themes at the heart of the celebrations for the 150th anniversary of Confederation. The Canada 150 project, Tree to our Nature, will leave a lasting legacy for future generations.

I would like to acknowledge everyone for taking part in this inspiring project.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. BROWNE: Mr. Speaker, not once, not twice, not three times – in fact, I’ve lost count – but, Mr. Speaker, she’s done it again!

At the most recent Skate Canada International Competition – one of the prelude competitions leading up to the Olympics in South Korea – Kaetlyn Osmond not only outpaced the 12-women field competing for this coveted podium placing, she came away with a gold medal win.

She first won this same title in 2012, then at the age of 16, prior to her devastating injury which most pundits said would derail her promising skating career. “Not so,” she said, and true to the

Marystown spirit bred in her, she vowed to rise again. Mr. Speaker, she has time and time again.

Earlier this year, I had the pleasure of welcoming Kaetlyn back to the province, along with family and fans, and I can tell you unequivocally she is skilled and talented, and she is a Newfoundlander and Labradorian first.

We are proud of her accomplishments; we revere her humility and poise. But her greatest gift is the example that she is, that no matter if you are from Medicine Hat, Montreal or from Marystown, with the support of your family, of community and belief in yourself, you can compete on the world stage.

Mr. Speaker, I ask all hon. Members to join me in saying congratulations and good luck as Kaetlyn heads towards the Olympics.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Thank you, Mr. Speaker.

On June 26, a devastating fire destroyed eight homes in the Froude Avenue community, severely damaging an additional 14 homes. It was a night of incredible loss. Families with children, seniors, people with physical disabilities lost everything they owned, escaping with simply the clothes on their backs. Family pets, irreplaceable family heirlooms, photos were gone. Shock, fear and terror, the whole community was grief stricken.

When I arrived on the scene, police, firefighters and other first responders were working hard to get the fire under control, ensuring the safety of the community.

In the midst of it all, making sure everyone was being taken care of, were Bob Dawson, Enid Pendergast and Lyndsay Hynes, the amazing team of Froude Avenue Community Centre. They worked all through the night coordinating efforts of the dedicated Newfoundland and Labrador Housing workers, making sure everyone was accounted for and housed for the

night, that people had their necessary medications.

They continued to help people deal with the grief, shock and so much more. The community responded with generosity, and donations poured in. The compassion was astounding.

I ask all Members to join me in thanking Bob, Enid and Lyndsay who championed the recovery of their community. They are true heroes, Mr. Speaker. Bravo!

SOME HON. MEMBERS: Hear, hear!

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

MR. WARR: Thank you, Mr. Speaker.

I rise today to recognize Mr. Dennis Gill of Pilley's Island who was recently appointed to serve his third term on the provincial advisory council for the inclusion of persons with disabilities.

Mr. Gill and his family have firsthand knowledge of persons living with challenges as their son Daniel has severe intellectual and physical development delays, and he has turned his understanding of these challenges into advocacy for families.

Mr. Gill also serves as President of the Newfoundland and Labrador Association for Community Living as well as a member of the Canadian Association. He was awarded the Queen Elizabeth II Diamond Jubilee medal for his volunteer work with associations that strive to better the lives of people with disabilities.

Mr. Gill is a retired educator and is especially interested in providing inclusive education for children with intellectual disabilities to ensure they are included in regular classroom activities.

I would like to invite all hon. Members to join me in showing our appreciation to an outstanding Newfoundlander and Labradorian, Mr. Dennis Gill for his continued compassion towards persons with disabilities.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Windsor Lake.

MS. C. BENNETT: It is with pride, Mr. Speaker, that I rise today to recognize Verafin and the amazing support they have shown Thrive's Blue Door Program this year.

Located in my District of Windsor Lake, Verafin is a successful global company that offers solutions to combat fraud and money laundering. Blue Door's programs are designed to support children and young adults to exit exploitive situations, including sex trafficking.

Two events were hosted by VeraCares to help raise money to support the survivors in the Blue Door Program.

The team at Verafin organized a walk/run event which was held on Sunday, September 24. Almost 200 Verafin employees, family members, runners, walkers and Thrive team members participated in the event at Bowring Park. With the success of the event, the wonderful team at Verafin plans to make the walk an annual one.

A charity softball tournament was also organized with seven corporate teams, including one from Verafin, joining together on September 29 to raise even more money for Blue Door's work. Both these events raised over \$20,000.

What an amazingly powerful partnership between Verafin and Blue Door.

I am honoured to recognize team Verafin for the tremendous work they have done to give back to our community.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Statements by Ministers.

Statements by Ministers

MR. SPEAKER: The hon. the Minister of Tourism, Culture, Industry and Innovation.

MR. MITCHELMORE: Thank you, Mr. Speaker.

I am pleased to rise today to congratulate Joel Thomas Hynes on receiving the 2017 Governor General's Literary Award in the English fiction category for *We'll All Be Burnt in Our Beds Some Night*.

In what some consider the most prestigious literary prize in the country, Hynes' novel was one of 14 winners chosen from a list of 70 finalists.

We'll All Be Burnt in Our Beds Some Night, which is also longlisted for the 2017 Scotiabank Giller Prize, is about one man's kicking-and-screaming attempt to recuperate from a life of petty crime and shattered relationships. The award jury praised the story as "an act of full-throttle imagination and narrative invention."

Mr. Speaker, along with being an acclaimed author, Joel Thomas Hynes is certainly making his mark in the entertainment scene across this country. As an award-winning, multi-disciplinary artist, he has worked in the Canadian film and television industry for more than 15 years as a writer, actor and director.

Currently, Hynes is starring as lightweight boxer Tommy "Little Dog" Ross, who engages in a haphazard quest for redemption in the CBC series called "Little Dog." This dark comedy is set to be released in 2018.

Mr. Speaker, Joel Thomas Hynes is a shining example of the many talented artists we have here in our province. Newfoundland and Labrador has a rich and unique artistic community that works tirelessly to create, produce and showcase some of the best work featured in this country and around the world.

Mr. Speaker, I ask all hon. Members to join me in congratulating Joel Thomas Hynes on his Governor General's Literary Award, and his continued development into one of the most distinctive and recognizable voices in Canada.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you, Mr. Speaker.

I certainly want to thank the minister for the advance copy of his statement. Mr. Speaker, we, too, are pleased to congratulate Joel Thomas Hynes on receiving the Governor General's Literacy Award. This is indeed a very prestigious award that recognizes some of the best Canadian books there are to offer. I also congratulate Mr. Hynes on having his book longlisted for this year's Giller Prize, which also recognizes excellence in Canadian fiction.

Mr. Speaker, what an honour for Mr. Hynes, for his family and for his friends and, indeed, the entire province. Mr. Hynes originates from Calvert on the Southern Shore and, again, is an indication of the great talent that we have on the Southern Shore in terms of culture, theatre and talent of all those involved in the theatre industry. He's certainly a very talented individual and I'm sure that given his abilities across so many disciplines, there's much more to come from Mr. Hynes.

I look forward to and wish him success and join the minister in congratulating this tremendous achievement by Mr. Hynes, and I'm sure there's more to come.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MS. ROGERS: Mr. Speaker, I thank the minister for the advance copy of his statement. How great to celebrate Joel Thomas Hynes right away on Monday today. I had the privilege of working with Joel on a writing and film project in Her Majesty's Penitentiary. It was amazing to watch his passion and compassion and insight at work. It is those incredible skills he brings to all his work.

Joel has won the Governor General's Award, how perfect – how very, very perfect is that. Bravo, Joel Thomas Hynes!

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further statements by ministers?

The hon. the Minister of Natural Resources.

MS. COADY: Mr. Speaker, I had the opportunity last week to showcase our mineral exploration and mining industry at Mineral Resources Review, which is Atlantic Canada's largest industry conference and trade show, attracting over 700 delegates, exhibitors and visitors.

Mining is a major contributor to our economy and this year's conference provided a great opportunity to highlight the work we are doing to advance the province's mineral exploration and mining industry, which currently employs 5,000 people and is forecast to ship \$3.7 billion in minerals this year.

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

We are attracting exploration activities and generating new development. We are working closely with the mining industry and with communities in which they operate to increase investment and grow the economy.

And the results are tangible – exciting things, for example, are happening at Canada Fluorspar, which is well into the construction of their mine in St. Lawrence. IOC just did their first blast on the Wabush 3 project, which is always exciting in the mineral industry. And in Wabush, Tacora is completing a feasibility study, representing another important milestone in the efforts to restart Wabush Mines. In addition, there are many advanced exploration projects ready for potential investment in gold, base metals, rare earth minerals and other commodities.

I'd like to thank all those involved in the Mineral Resources Review. By creating an attractive environment for exploration, we are strengthening the industry and growing private sector jobs and the economy throughout Newfoundland and Labrador.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you, Mr. Speaker.

I certainly thank the minister for an advance copy of her statement. We, too, commend all of those who took part in the Mineral Resources Review last week and the success we've seen in the province.

Over the past number of years, there's been work and due diligence done as it pertains to the provincial mining industry and the mining exploration industry in general in Newfoundland and Labrador. This industry, as the minister has indicated, is immensely valuable to the provincial economy and the industry is one of the largest employers in our province.

While we have hope and optimism for the provincial mining industry, future growth and development in this sector can only be made possible when a government creates a climate that consists of growing the economy and strategically encouraging resource development, along with the environment, for investment.

There is optimism for the provincial mining industry. I suggest and encourage government to continue their efforts which result in growth and development and further investment.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I, too, thank the minister for the advance copy of her statement. I think it is good that government is working with the mining industry attracting exploration and generating new development, but government cannot forget the social environmental consequences of mining.

Government must ensure that communities involved in mining developments be the prime beneficiaries of these projects. Government must also ensure the environment does not take a backseat to job creation. We still have too many cleanup projects from irresponsible mining development in the past.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further statements by ministers?

Oral Questions.

Oral Questions

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

SOME HON. MEMBERS: Hear, hear!

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

Mr. Speaker, the economy is on everyone's mind, especially here in Newfoundland and Labrador where Newfoundlanders and Labradorians throughout our province fear for what lays ahead.

The Auditor General released a report just last month and he indicated that government's expenses were reduced by \$187 million, or 2.3 will be reduced over the next six years; \$187 million, Mr. Speaker, over six years.

I ask the Minister of Finance, when will he roll out his expenditure reduction plan?

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

SOME HON. MEMBERS: Hear, hear!

MR. OSBORNE: Thank you, Mr. Speaker.

I thank the Member for his question. It is an important question because the fiscal situation that the province is in is on the minds of everybody in Newfoundland and Labrador. We are very concerned on this side. We've said we're taking a balanced approach to how we deal with that fiscal situation.

The Auditor General, when he released his report, had said we'd made great strides in reducing the province's deficit. We're going to continue to do that. We're going to continue to practice responsible, fiscal management and to return this province to a sound, fiscal footing. Mr. Speaker, that's our aim, that's our goal.

Our mid-year update, I say to the Member opposite, will be coming – I promised it by the middle of November, the middle of November is fast approaching and you'll have it by then.

SOME HON. MEMBERS: Hear, hear!

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

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

I appreciate the information from the minister. All the way back to 2016-'17, the government was talking about expenditure reductions. The Auditor General has referred to this expenditure reduction and he said it was actually only \$68 million.

Minister, can you confirm that was the right numbers, what the Auditor General had referenced? Also, my question to you was: What is your plan, and will you roll that out in your fall fiscal update? What is your plan for deficit reduction?

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

MR. OSBORNE: Thank you, Mr. Speaker.

I know the Member is excited to get our fall fiscal update. I say to him, he's going to have to wait just a few more days because the middle of November is fast approaching.

Mr. Speaker, we have made great strides in reducing the province's fiscal deficit. From the \$2.7 billion that the Member opposite left this province – and I might remind him, they projected \$1.1 billion, Mr. Speaker. They continued to have the people of the province believe that was the number. They went through the campaign promising additional spending, promising schools. Leading people to believe, Mr. Speaker, that the fiscal situation of the province wasn't as bad as it was.

Well, Mr. Speaker, we're being honest with the people of the province; we were from the very beginning. That the fiscal situation of the province was very real, and we've taken measures to address that fiscal situation, Mr. Speaker.

MR. SPEAKER: Order, please!

MR. OSBORNE: We've gotten the deficit down to \$1 billion.

SOME HON. MEMBERS: Hear, hear!

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

MR. P. DAVIS: Yes, Mr. Speaker, shame on us for building schools for the children of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. P. DAVIS: Mr. Speaker, this government has been in power now for two years. It is their mandate to manage the affairs of the province. The Auditor General also indicated the government's fiscal plan up to 2022-2023 is forecasting a reduced expenditure by just 2.3 per cent.

Minister, is that statement correct? Because if you're looking for a balanced approach, you've certainly taxed people to no end but you've done nothing to reduce expenditures, Minister.

SOME HON. MEMBERS: Hear, hear!

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

MR. OSBORNE: Mr. Speaker, I find it quite ironic for a gentleman that left the province with a \$2.7 billion deficit and didn't tell anybody in the public and didn't tell the people in our party, that the deficit, the fiscal crisis the province was facing, can stand there and say we've put in measures that were difficult on people, as though it's a story of – it's a tale of two stories, I say, Mr. Speaker.

They led the people of the province, even throughout the general election of 2015, to think that our fiscal situation was solid. Not shame on you for building schools, shame on you for promising what you couldn't deliver because he knew, or he ought to have known the fiscal situation the province was in and didn't tell anybody. We were honest right from the start and told people the situation the province was in.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

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

Maybe the minister was too distracted in 2015 to watch what was happening, because we were the only party that campaigned on cost reduction and tax increases because it had to be done for the province, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. P. DAVIS: Mr. Speaker –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

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

On October 25, very recently, the minister himself stated that tax increases are not the answer to the spending problem. Even though that's the only choice the government has made in two years is to tax, tax and tax.

I ask the minister: If you're looking for that balanced approach and you saying you're going

to find it, and you're so concerned about the future, why did you, your government, introduce 300 new taxes and fees and burden Newfoundlanders and Labradorians?

SOME HON. MEMBERS: Hear, hear!

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

MR. OSBORNE: I tell you, Mr. Speaker, why the difficult decisions were made in the 2016 budget that were made, because he led the people of the province to believe the fiscal deficit was \$1.1 billion. Mr. Speaker, when this party took government we were borrowing on average \$4.38 million a day to deal with the fiscal deficit that you wouldn't tell the people the truth about.

Mr. Speaker, the reality is that the bond-rating agencies and the lending agencies had told this government to take very quick and very decisive action to correct the fiscal crisis generated by that side of the House, and that's what we did.

The reality, Mr. Speaker, is nobody wants those tax increases and as we can afford to reduce those and eliminate them, we will.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

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

The minister talks about rapid and quick action. Mr. Speaker, the only thing they've done for two years is put taxes and fees on Newfoundlanders and Labradorians like has never been done before in the history of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

MR. P. DAVIS: They've taken no action to adjust their expenditures, and that's the side of the balance sheet that the minister is forgetting.

When will you address those taxes and fees that you burdened on the people in 2016-2017?

Those same taxes and fees that are driving people from our province like we haven't seen in decades, that are burdening Newfoundlanders and Labradorians like we haven't seen before – the same taxes and fees that has put our economy into a spin that's shocked Newfoundland and Labrador's economy.

I ask the minister: When are you going to do that? When are you going to lift that tax burden?

SOME HON. MEMBERS: Hear, hear!

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

MR. OSBORNE: Mr. Speaker, I'm going to borrow a line from *An Officer and A Gentleman*: You can't handle the truth.

Mr. Speaker, the reality here is we'd reduced the gas tax already. It's due for another reduction December 1. We have legislation in place to eliminate the levy. We've reduced the size of the core public service by over 600 positions. We have reduced the deficit from \$2.7 billion down to less than \$1 billion and we will continue –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. OSBORNE: Thank you, Mr. Speaker.

MR. SPEAKER: Order, please!

I remind all hon. Members, the temperature is getting up a little bit. Let's just keep it down. I want to hear only from the identified MHA, please.

Thank you.

The hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you, Mr. Speaker.

The hon. the minister is, I don't think, good with finance and not good with movies. That wasn't the movie he actually quoted. He quoted the wrong movie.

SOME HON. MEMBERS: Hear, hear!

MR. HUTCHINGS: So he needs to do some work on movies, but I'd suggest he give up the movies and start working on the finances of the province, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. HUTCHINGS: Mr. Speaker, will the minister acknowledge that the Auditor General's recent findings that to reach the government's six-year target, taxes and fees in Newfoundland and Labrador would have to increase on an average of 28 per cent from where it is today to reach the target and revenue increases of \$1.1 billion that they have identified for 2022-2023?

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

MR. OSBORNE: Mr. Speaker, the numbers that the Auditor General used is no surprise to anybody. We've been very transparent about the fiscal situation the province is in. We are facing challenging times, Mr. Speaker, and we have challenging times ahead, but what I will say is that we've been working very hard.

I have indicated very clearly that we have no interest in digging any deeper into the taxpayers' pockets in this province, but we do have to find savings. We have been finding those savings, including a reduction from \$2.7 billion in projected deficit down to less than a billion dollars this year. We are finding those savings. But I ask the Member opposite: Without digging any deeper into the taxpayers' pockets, where do you want us to cut to find the savings?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Ferryland.

MR. HUTCHINGS: Mr. Speaker, it is their fiscal plan; their names are on the door that is running government for the past 24 months. It is their obligation to tell the people of the province what they're going to do. It is about them and their provincial plan.

Mr. Speaker, \$1.1 billion increase in revenues by 2022-2023. That is what the Auditor General said; it's in his report. Now, can the minister tell us where is that coming from, or is the Auditor

General correct and those numbers are not accurate? Simple question.

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

MR. OSBORNE: Thank you, Mr. Speaker.

As costs increase in the province, which they do, the cost of operating your home, the cost of operating buildings, the cost of building new buildings – as those increase, obviously there is going to be costs.

Mr. Speaker, we have taken a very responsible approach to reducing and maintaining costs in this province. I ask the Member opposite again, because if we are going to really deal with the fiscal situation of this province without digging any deeper in the taxpayers' pockets, where does he believe that we should cut?

I put an invitation out to the Leader of the Opposition, months ago, and to the Opposition House Leader – months ago: My office door is open; if you have answers, bring them to me. But I hope the answers are better than the fiscal restraint that Muskrat Falls has put on the province.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Ferryland.

MR. HUTCHINGS: Mr. Speaker, I will say to the Minister of Finance of the decision they made on the middle school on the Southern Shore, I asked him to meet with the parents of the Southern Shore and meet with me on that, which is a financial mess, and he would not. So don't tell me your door is open, Sir, when it is not open to the people of the Ferryland district.

SOME HON. MEMBERS: Hear, hear!

MR. HUTCHINGS: How dare you say that?

Mr. Speaker, in 2016 the Liberals imposed more than 300 taxes and fee hikes.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

First and final warning, I only want to hear from the Member identified.

Thank you.

The hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you, Mr. Speaker.

In 2016 the Liberals imposed more than 300 taxes and fee hikes. And almost all of the 300 remain in place today in 2017.

Has the minister considered that the failed budget of 2016 and 2017 is a large part of the reason that thousands of jobs are disappearing across our province and people are leaving?

SOME HON. MEMBERS: Hear, hear!

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

MR. OSBORNE: Thank you, Mr. Speaker.

And I will provide the truth for the Member opposite. I am not the Minister of Transportation and Works, nor am I the minister responsible for Education. I don't make the decision on the decision on the building of schools, but to answer the question that the Member put forward, Mr. Speaker, we are reducing taxes. We've reduced the gas tax; we've eliminated the book tax. We are continuing to focus on the levy which is legislated to be removed in 2019. We'll continue on doing that.

I'll ask the Member again, without those increases we would have faced a downgrade in our borrowing ability. The lending agencies were threatening not to lend money. What would you have done?

MR. SPEAKER: Order, please!

MR. OSBORNE: What would you have done to fix the fiscal crisis you left?

MR. SPEAKER: The Member's time has expired.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you, Mr. Speaker.

So the minister just admitted he wouldn't meet with the parents group from the Southern Shore concerning the middle school when they felt the financial investment wasn't the right one. Apparently that's not his concern, that's with some other minister, but I thought he was the Minister of Finance.

Mr. Speaker, will the Minister of Natural Resources confirm the Auditor General's finding that almost 27 per cent of the growth the province is forecasting in 2022-2023 is expected from oil while the remaining 73 per cent is expected to come from other sources, including expected profits from Muskrat Falls?

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

MS. COADY: Mr. Speaker, we know who torpedoed the finances of this province and we also know what torpedoed the finances of this project. It was Muskrat Falls.

Mr. Speaker, to the question the minister opposite asked: Oil and gas development is continuing in this province. I'm sure Members opposite are equally as determined to ensure that our offshore oil and gas continues its development.

We have good success in the Jeanne d'Arc Basin. We're hoping for continued success in the Flemish Pass, Mr. Speaker, as well as some of the new other basins. There are over 20 basins and 350 leads and prospects – 350 leads and prospects – in this province in the oil and gas industry.

It is with great anticipation, Mr. Speaker, and hope that we will drive the 23 per cent of growth in this province.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, I ask the minister, based on her answer there: Why the contradiction of Muskrat Falls?

The AG has it in his report. Why did you include expected profit from Muskrat Falls in your revenue forecasts for 2022-2023 while you criticized the project publicly?

The Premier stated there's nowhere to sell the surplus power, yet for their fiscal plan for 2022-2023, they're including the sale of excess energy to get them through revenue generation over that six-year period.

You can't have it both ways, which is it? Is the AG right or are you right?

MR. SPEAKER: The hon. the Premier.

SOME HON. MEMBERS: Hear, hear!

PREMIER BALL: Thank you, Mr. Speaker.

I get the opportunity to actually stand and address this question. The Member opposite should know full well why the profits are at Muskrat Falls because they put in legislation that will restrict people, ratepayers of this province to have any option except pay the exorbitant costs they put in place. That is the only thing that generates profits from Muskrat Falls, is legislation that says there's almost a 9 per cent rate of return on whatever the cost is.

They told people in this province it would not go up, that there would not be cost overruns. They also made sure the people in this province would have to pay for whatever the cost is. They are the ones that made those decisions and they should be ashamed of them today. To suggest the Tory tax on electricity, it is the largest tax in the history of this province and they are responsible for it and they know it.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you, Mr. Speaker.

Mr. Speaker, the Premier should be ashamed that he can't give insight into what the AG has said, whether he is correct or not. It's a very simple question. In their fiscal plan for '22-'23, they're estimating a \$1.1 billion revenue increase based on a number of factors. One of those factors is Muskrat Falls and the sale of excess energy.

So if you don't support the project and there's nowhere to sell the energy, how are you using it in saying that's going to be used to give you increased revenue for '22-'23 in your six-year plan? How is it, Premier? Tell us.

MR. SPEAKER: The hon. the Premier.

PREMIER BALL: I'm curious, Mr. Speaker, even just standing here and addressing this, because the very Member opposite, when we were asking to have the sale of surplus power to go ahead to reduce rates in our province, they refused to do that. They refused to do it.

It wasn't until the election, with the former Minister of Natural Resources during a debate with VOCM, made the announcement that they would accept the policy we had put forward, Mr. Speaker. That was driven by those of us on this side so we could help support ratepayers.

Mr. Speaker, there is no question about it. They were just talking about a mid-year update. Do you know one former premier who refused to put a mid-year update out? Who was that former premier, Mr. Speaker? It was the Leader of the Opposition in 2015. He would not put out a mid-year update in 2015 for the first time in history.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

I ask the minister: Why was there no dialogue between the communities of Bell Island and Fogo – Change Islands when they made the devastating changes to the ferry service last week?

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

MR. CROCKER: Thank you, Mr. Speaker.

I thank the Member opposite for the opportunity to address this ongoing issue.

Mr. Speaker, one thing we're not going to do as a government is accept responsibility for the blunders of the previous administration; \$100 million for two ferries that have not been successful in this province.

Talk about dialogue, on Thursday morning, Mr. Speaker, as we were getting ready to make the unfortunate changes that we have to make because of their mismanagement, I contacted the Member opposite and I explained the changes to him. We talked about it, the fact that here's where we are.

I talked to the Mayor of Bell Island on the weekend. I talked to the Mayor of Bell Island again this morning. My staff worked all weekend, with a dialogue of how we can make this work, and we've come to a solution, Mr. Speaker, that best respects the people using the service and the taxpayers of the province.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Well, I have to correct the minister there because he talks about a blunder. That's why there are 100 people standing on the ramp of a ferry now, and that's not a blunder. They want to keep a ferry that's reliable. That's why it's been effective for them.

I also want to note to the minister, he seems to forget the email I sent him only Friday giving him a number of suggestions, telling him that what was suggested would not be acceptable and would not work for the people travelling to and from Bell Island, and even for Fogo Island. The dialogue only happened after a protest. So you had no open dialogue with the people of either one of these communities.

Why won't your government entertain other options to accommodate both of these communities?

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

MR. CROCKER: Thank you, Mr. Speaker.

I remind the hon. Member opposite that the wharf they're stood on is the one you forgot to build.

Mr. Speaker, if you look at the solutions we put forward, the reality here is, what we're suggesting is what can be in place as early as tomorrow is 18 trips. Today we will have 16 trips starting at 5:25 a.m. We're offering 18 trips starting tomorrow morning at 5 a.m.

The options put forward also have to be considered for what it's going to cost us as a province. We subsidize ferries in this province today to a tune of \$72 million. The Bell Island run alone is subsidized by the taxpayers of this province to the tune of \$14 million a year, Mr. Speaker. The reality here is we have a couple of options. One would cost the taxpayers of this province \$56,000 and one \$200,000.

Mr. Speaker, we're going to use the \$56,000 option because it's the most respect we can pay to the taxpayers of the province.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Thank you.

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

MR. BRAZIL: Mr. Speaker, I take exception to them making fun of the travelling people to and from Bell Island. We had dialysis patients this morning, six of them could not get to their treatments because the elevator is not working on the *Flanders* and their idiotic policy – and I call it an idiotic policy – refusing to let people who have a disability get on that ferry because the elevator is not working.

The second thing; eight patients have to come over for cancer treatments and not being able to get there, and making this as a funny joke. This is not a funny joke. The 300 workers who everyday come over, to provide services to people in Newfoundland and Labrador, are not given that opportunity.

I ask the minister one more time: Will you be engaged to come up with an immediate solution that works for both of these communities?

SOME HON. MEMBERS: Hear, hear!

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

MR. CROCKER: Mr. Speaker, we've been engaged all weekend. We've been engaged since we ran into the problems again with the *Veteran*. This morning there were some medical issues on the island and we do have an elevator issue on the boat.

Mr. Speaker, the reality is we have air service in place for people that need to get to emergency medical transportation. Just 10 questions ago, we had the Leader of the Opposition and the Opposition House Leader stood up talking about: What are you going to cut? What are you going to cut? We haven't cut enough.

We've proposed a solution to the residents of Bell Island that will give them 18 runs tomorrow. When we looked at the issue we're facing here, the reason for two vessels on the Bell Island run is the reality that if something happens, we need the second vessel in Bell Island. Mr. Speaker, that's where we are today.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: And I go back to my initial question; you didn't have dialogue. What you offered is not workable to the people of Bell Island.

They came back with a solution that says you cannot get 400 people off Bell Island in a timely

fashion to get to work or get to their medical appointments in that time frame using the *Beaumont Hamel*. They gave you a simple solution: Go back to what we had prior to the *Legionnaire* arriving. That would have been conducive to everybody.

SOME HON. MEMBERS: Hear, hear!

MR. BRAZIL: Fogo would have been happy, Change Islands would have been happy and so would have been the people of Bell Island, but you denied that.

Why will you not now entertain the solution that the ferry users committee have come up with and the dialogue that they've had back and forth?

SOME HON. MEMBERS: Hear, hear!

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

MR. CROCKER: Thank you again, Mr. Speaker.

The hon. Member opposite was an open-line show this morning and stated that there's a 30 per cent difference in the size of vehicle capacity from the *Flanders* to the *Beaumont Hamel*. I'd correct his math on that because, Mr. Speaker, the *Flanders* handles 36 vehicles and the *Beaumont Hamel* 33.

The solution that we've offered to make up for that capacity, Mr. Speaker is a 5 a.m. run. This morning we started at 5:25. Under the two-vessel schedule that we have proposed, there would be a vessel starting tomorrow morning at 5 a.m. for a total of 18 runs.

It's reasonable. It's the most cost-effective method that we can get to where we need to be. We realize the people of Bell Island need this service. We're committed to giving them the service. That's why we've offered the two vessels, Mr. Speaker. We will work with the people to make sure that we get the best service possible.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: The solution that was offered would be no more costly to the department; the crews are already in play. It would be conducive to the needs of the working public and the medical needs of the people travelling, yet you would not even entertain the conversation. You would not even give the courtesy to the communities involved to say: Why don't you engage the citizens?

You're an open and transparent government over there; I've been hearing that for the last 24 months. Now, all of a sudden, you can't engage two communities to come up with a solution – the people who use the services every day.

Again, I ask: Will you engage the communities and come up with a solution that's acceptable for them?

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

MR. CROCKER: Mr. Speaker, I'm not sure if the Member opposite heard what I said earlier. I've spoken to the mayor on two occasions since Thursday. I'm meeting with the mayor again later this afternoon. We've been consulting as a department all weekend long.

The Member opposite, who was a former minister of this very department, stands up and asks questions. Mr. Speaker, he sat in the very chair I sit in. The *Beaumont Hamel* is a swing vessel. So what happens, when a swing vessel comes into operation, she takes the schedule of the vessel she's replacing. Those are contractual arrangements.

Mr. Speaker, no wonder we're in the mess we're in when it comes to some of the ferries around this province when the former minister didn't even understand the system when he was there. It's astonishing that he stands up here today and offers suggestions that he knows are not possible.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. BRAZIL: Thank you, Mr. Speaker.

It's the same minister who didn't know where the Crown Lands department was going to move to in Corner Brook and he's lecturing me about what goes on in the ferry services. I've travelled that for years and was the minister responsible.

I ask again: Are you going to entertain a possible solution that will be put forward by the ferry users committee? You haven't had any dialogue with the people in Fogo-Change Islands; I know that for a fact because I have had dialogue with people there.

I know you have a meeting coming up in the next hour or so. Are you going to entertain a possible solution to address this issue?

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

MR. CROCKER: Mr. Speaker, we're always open to entertaining solutions to issues, but the reality is we have to also make sure that we're doing it in the best interest of the taxpayers of this province.

Mr. Speaker, we spent more money this year on ferries than we did on our roads capital program. Mr. Speaker, that's the legacy of the previous administration. They bought these two new ferries with one-year warranties – one-year warranties. It's only because of the former minister of Transportation that we managed to get a two-year warranty on the *Veteran* but we still have a one-year warranty on the *Legionnaire* because of the deal they negotiated.

We are looking at tariffs – do you know what they negotiated? They had tariffs. We had to go to Ottawa and get the tariffs relieved, Mr. Speaker. So that's how good they were with ferries.

Again, I remind them they built a ferry and forget the wharf.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Hear, hear!

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

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

Section 17.1(4) of the *Energy Corporation Act* states: Nalcor and all subsidiaries shall report to the minister every six months on their procurement activities and shall include a summary of contracts entered into and the identities of suppliers.

I ask the Premier: Were these regular reports received? If so, was information on embedded contractors provided?

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

MS. COADY: Thank you very much for the question, Mr. Speaker.

As the Member opposite knows, the legislation was brought in by the former administration and we are equally concerned on this side of the House, as people are throughout the entire Province of Newfoundland and Labrador, on the impacts of this Muskrat Falls Project.

We received regular and multiple reports to the Oversight Committee and to the department on contracts, on what's happening with Muskrat Falls, what's happening with Nalcor, as well as what's happening with the entire project.

Mr. Speaker, if she has a specific question on a specific contract, I'd be happy to provide it for her.

SOME HON. MEMBERS: Hear, hear!

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

MS. MICHAEL: Mr. Speaker, I had a very specific question: Was information on embedded contractors provided; were identities of the suppliers included, as demanded by the legislation? Very clear question.

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

MS. COADY: Mr. Speaker, the level of detail that the Member opposite is asking on embedded contractors, as the Member opposite knows and as everyone in this House knows, and perhaps everyone in the province will know, in 2012 and 2013 when sanction occurred with Muskrat Falls there was a decision taken by the former administration to do an integrated project model and that integrated project model meant that Nalcor became the lead on the project development with SNC-Lavalin, so they embedded the SNC-Lavalin people. That occurred back in 2012-2013.

If the question is do we have the individual names of the individuals on these embedded contracts, I'm sure we would have them on a conglomerate list but not an individual list.

SOME HON. MEMBERS: Hear, hear!

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

MS. MICHAEL: Mr. Speaker, I will make it very clear again: The legislation says that Nalcor and all subsidiaries will report on their procurement activities and shall include a summary of contracts entered into and the identities of suppliers. An individual embedded contract is a supplier of a service and should be identified.

Have they demanded that identification and, if so, why is it not made public?

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

MS. COADY: Thank you, Mr. Speaker.

The key word there is a summary. We do also have the identities of contracts that are made to Nalcor and then onwards to the Government of Newfoundland and Labrador. But these contracts are held by Nalcor. They are negotiated by Nalcor. Some of the other requirements under the act are that Nalcor does ensure the protection of privacy of the contracts.

Mr. Speaker, we do have the summary. We have identified the contracts, as such. I think what the Member is asking is do we have the individual names of the people who are the embedded

contractors. To that, I would refer to Nalcor who is the project manager and the lead on this project.

SOME HON. MEMBERS: Hear, hear!

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

MS. MICHAEL: Mr. Speaker, the legislation makes it very clear that Nalcor is supposed to do what I've now quoted twice. The legislation also makes it clear that the minister is supposed to table those reports that would include all of this information.

Why hasn't the minister tabled those reports?

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

MS. COADY: That's a very good question.

Mr. Speaker, I'll take it under advisement and look at what more reports the Member opposite is asking. We table a tremendous number of reports.

Mr. Speaker, you can go on the website for Nalcor. You can go on the website for Natural Resources. You can go on the website for the Oversight Committee. There are literally dozens upon dozens upon dozens of reports. I will seek to ensure the report she is requesting is on that.

I cannot speak to it today, Mr. Speaker, but I am assured there are so many reports available to the public, that those reports are made available.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Time for Oral Questions has ended.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

Notices of Motion

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

MS. GAMBIN-WALSH: Mr. Speaker, I give notice that I will ask leave to introduce a bill entitled, An Act To Amend The Vital Statistics Act, 2009. (Bill 20)

MR. SPEAKER: Further notices of motion?

The hon. the Leader of the Third Party.

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

I give notice of the following motion. The Member for St. John's East – Quidi Vidi to move:

WHEREAS the province's serious financial situation has caused government to predict a decline in program expenses of 0.85 per cent or \$376 million over the next five years, which could result in tens of millions of dollars kept from health care each year; and

WHEREAS people are worried their health care system won't be there for them when they need it; and

WHEREAS this level of cost reduction should not proceed without a comprehensive health sector review, and a plan that will avoid arbitrary, harmful cuts in services; and

WHEREAS Newfoundland and Labrador Medical Association has called for an independent, expert review of the province's health care facilities and services based on wide consultation in the health sector; and

WHEREAS the NLMA says the review should be tasked with telling government how to reconfigure the health care system to be smarter, less costly, high quality, and focused on patient care and prevention; and

WHEREAS the people of the province expect the House of Assembly to work together on this issue;

THEREFORE BE IT RESOLVED that government undertake an independent, external review of health care, to be conducted by an eminent expert recognized in the field of health care delivery, with a goal of maintaining quality health care into the future.

This is seconded by the Member for St. John's Centre.

Mr. Speaker, this will be the private Member's motion we'll bring forward on November 8.

Thank you.

MR. SPEAKER: Further notices of motion?

Answers to Questions for which Notice has been Given.

Petitions.

Petitions

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

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

I'm very pleased to stand today and present the petition that has been provided me by members of the deaf and hard of hearing community and by the Churchill family. The petitions, Mr. Speaker, have been signed by thousands of people.

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 deaf and hard of hearing children in the public education system of Newfoundland and Labrador are not receiving full and equivalent access to a quality education because of the lack of appropriate full-time resources; and

WHEREAS from 1964 to 2010, deaf and hard of hearing children were provided with a full-time quality education in the Newfoundland School for the Deaf, but deaf and hard of hearing children currently placed in mainstream schools

receive only a fraction of a school day with a teacher qualified to instruct deaf and hard of hearing children;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to undertake an immediate complete and thorough assessment of the supports in place for deaf and hard of hearing children by a committee of at least two independent and recognized experts in the field of deaf and hard of hearing education and to accept the recommendations of these experts, and in the interim, take measures to honour the support commitments made to all current and future students upon closure of the School for the Deaf in 2010, to ensure that all deaf and hard of hearing children are provided with access to a quality education equivalent to hearing classmates as well as access to sign language.

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

Mr. Speaker, we are learning that the children who are deaf and hard of hearing in our schools right now, who are there as part of the inclusion program, are not having their needs met. They need more instruction time with teachers trained to teach the deaf. They need full-time student assistants trained to work with deaf and hard of hearing students. They need more access to sign language, whether or not they have cochlear implants. This is the internationally recognized language of deaf people. They need more interpretation in the classroom. They need what was promised in 2010, and that is if they went into the regular school system they would have all the services that they would have had in the School for the Deaf; and Mr. Speaker, they are not getting those services.

The resources in our schools are currently inadequate for deaf and hard of hearing students. We have one child here in the Assembly today. There are over 300 children out there in the system and we are hearing from their parents, their needs are not being met.

I look forward to speaking to this further as time goes on.

Thank you, Mr. Speaker.

MR. KIRBY: Mr. Speaker, a point of order.

MR. SPEAKER: The hon. the Minister of Education and Early Childhood Development on a point of order.

MR. KIRBY: Mr. Speaker, I ask for leave of the House of Assembly, of my colleagues, to allow me to respond to this petition.

MR. SPEAKER: Does the hon. minister have leave to respond to the petition?

SOME HON. MEMBERS: Leave.

MS. MICHAEL: I'd be happy to hear the minister (inaudible).

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Okay, you have leave.

Please proceed.

MR. KIRBY: Thank you, Mr. Speaker.

I agree with the Member, that it is troubling, the circumstances under which the former School for the Deaf was closed by the previous administration with relatively little consultation with the deaf and hard of hearing community. There is no question about that.

There are a variety of different services. I won't go through it because Members should be aware. There are a variety of services that are provided in schools for students who are deaf or hard of hearing. As we have said, since my colleagues and I sat on the other side of the House of Assembly in Opposition, we have said the inclusive education model that was imposed upon the education system in this province has not been working as it was intended. It has been ineffective, and that is why there is an entire chapter in the Premier's Task Force report addressing the issue of inclusive education and advocating for significant overhaul of the special education services that are provided to students in schools.

We have been working since July on the recommendations to operationalize them to ensure we make the necessary improvements to the system so that all children, regardless of their

particular circumstance, get the level of education, the quality of services they are entitled to. That is what we are going to do in our education action plan, which will be announced with the budget in the spring.

So we are committed to fixing that model. We know there are shortcomings. We have said that all along.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further petitions?

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

MR. BRAZIL: Thank you, Mr. Speaker.

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

WHEREAS there has been an identified lack of mental health services in the province's K-12 school system; and

WHEREAS this lack is having a significant impact on both students and teachers; and

WHEREAS left unchecked, matters can and, in many cases, will develop into more serious issues;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to increase mental health services and programs in our province's K-12 school system.

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

Mr. Speaker, I've had an opportunity to speak to this in the past and it goes back to a bigger issue that we have here. The issue is we need to be able to support our students in every aspect of their education. As my colleague here had noted, there are many gaps in the services that we need to provide, particularly in special supportive services. This is another particular one.

It has been identified by the All-Party Committee that if we do not address in the early stages of mental health interventions and support services, particularly in our school system, then it leads to more aggressive, more long-term impacts and it has a detrimental effect on that individual being able to be productive in society and being able to reach their full potential.

We've talked about it. We've talked to school councillors and the psychologists. We've talked to the administration about the supports that are needed around mental health. There's a multitude of approaches that need to be done. One is about education and the full-fledged education – we've started education with our police forces, and rightfully so, so they can identify issues in young people or any other citizen when there may be an altercation to realize there's a mental health issue and there's a different way of approaching that than you would just from a criminal point of view.

We've also looked at it from a training point of view. Teachers, on a daily basis, try to get better understanding of how to identify mental health issues within the school system, how to address those, but there's a bigger picture here of also co-operating with outside entities – those agencies and volunteer groups that have a specialized talent to be able to address some of these particular issues and work with them.

This is a holistic approach here to identifying how we best not only resource, but deal with the issues of mental health, particularly in the younger stages of a person's development. We need to be able to be preventative. It's no good at the end of the day being total intervention when we didn't do our preventative stuff upfront.

We can save millions of dollars but outside of the cost here, this is about quality of life. It's about the quality for the families who deal with children who may have some mental health issues. It has to do with our educators. It has to do with the other students that are in that environment. It has to do with the holistic approach here within those communities.

That's why we need to look at the type of resources we do. We've called for it before; we call for it again. We need a summit on inclusive

education that includes everything from mental health to people who need particular services, deaf or hard-of hearing, every other child that needs services within our school system.

Mr. Speaker, I'll get to speak to this again.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further petitions?

The hon. the Member for Conception Bay South.

MR. PETTEN: Thank you, Mr. Speaker.

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

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

WHEREAS there are many parents of school-aged children throughout our province who live inside the Eastern School District's 1.6-kilometre zone and, therefore, do not qualify for busing; and

WHEREAS policy cannot override the safety of our children;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to eliminate the 1.6-kilometre policy for all elementary schools in the province and in junior and senior high schools where safety is a primary concern.

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

Mr. Speaker, this issue is not a new issue. As we know, it's been talked about probably on a regular basis through media outlets. A lot of my colleagues, and I'm sure the Members across, have dealt with this in their individual districts.

It is a big issue. It's one that causes a lot of stress to a lot of parents, the fact that their children have to walk to school. I know the district will say it's not a walk zone, but if you don't have any other means it is a walk zone. Unfortunately, the default factor falls into a walk zone.

The policy has been around for 40 or 50 years. Ironically, the current Minister of Education, when he was on this side of the House, up until whatever happened in November 30, 2015, he was the biggest champion against this policy. It's not concocted; you can go find this in any social media. He was the biggest champion against this policy. December 1, all of a sudden, he supports this policy.

In recent media outlets, he tells people that it's the board's policy. It's not his, it's not the governments, it is the boards. But I'll remind him again, it is the government policy. The board followed the Department of Education's policies. This is directed by the provincial government to the board. They follow the rules.

Playing with words and playing with children's safety is something that I, as an MHA, and a parent and a citizen of Conception Bay South – and I want to assure my colleagues, I cannot look at any parent in the face straight and give him a straight answer to tell them that it's fine for their children to walk 1.6 kilometres in four lanes of traffic, putting their children at risk. I cannot do it, not only as an MHA, like I said, as a person, as a parent.

I think it's high time for this provincial government to take a strong, serious look at this 1.6-kilometre policy because everyone I've spoken to says it doesn't make sense. I can't see, for the life of me – and the current Minister of Education, it didn't make sense to him until November 30, 2015. Maybe he can come around again and make sense to it in 2017.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further petitions?

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

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

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

WHEREAS government has removed 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 its 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.

SOME HON. MEMBERS: Oh, oh!

MS. ROGERS: Mr. Speaker, I hear Members opposite cackling and cackling and calling me honey. Gerry, honey, one of them said, that tax is already gone.

AN HON. MEMBER: That's disrespectful.

MS. ROGERS: Somewhat disrespectful, but let me continue on, Mr. Speaker,

I know that the book tax will be changed come January 1. I know that, but I'm deliberately

continuing to present the petitions that have been signed by the people of this province about how inappropriate the book tax has been.

This government, although they may be changing the legislation, were the ones who instituted it. They were the ones who removed the provincial rebate. They were the ones who put those extra taxes on books that hurt independent book sellers, publishers and students in this province. I know exactly what I'm doing, Mr. Speaker, by standing up and speaking to this petition.

Not only did this government do it, but the people of the province have pushed back and it's the people of the province who have gotten this legislation changed. It's the activism of the people of this province who persisted and persisted. We have thousands of signatures by people from all over the province about what this government has done by removing the rebate on the provincial tax on books.

The people of the province are not to be fooled. They know this government did it and that the reason the legislation is being changed is because of their activism.

Thank you very much, Mr. Speaker.

MR. SPEAKER: Further petitions?

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

MR. BRAZIL: Thank you, Mr. Speaker.

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

WHEREAS the Bell Island ferry provides a vital transportation link; and

WHEREAS the Bell Island ferry is only eight minutes from port at any given time; and

WHEREAS government's recently implemented policy related to mandatory exiting of vehicles will put people at a higher risk of injury than the

possibility of having to evacuate the vehicle due to an emergency; and

WHEREAS Transport Canada regulations do not require individuals to exit their vehicles during this commute;

WHEREUPON the undersigned, your petitioners, humbly pray and call upon the House of Assembly to urge government to conduct a full and thorough risk assessment to clearly identify all risks and liabilities associated with such a policy decision, after which public release any and all results and details of review.

And as in duty bound your petitioners will ever pray.

Well, Mr. Speaker, it's very easy to flippantly say we're going to change the policy to make it sound like getting out of your vehicle on a ferry is much safer when you haven't analyzed. You're not out in the North Atlantic, 500 miles from port. You're not in an enclosed vessel. You're not dealing with people who may have oxygen tanks and an attendant with them and at a higher risk – the Medical Association will tell you this, I've had discussions – repetition with a heavy alignment puts people at a higher risk of that alignment being chronic.

I had to ask them to explain that to me. They said if someone has a major heart alignment, maybe getting up over the stairs once may not be that traumatic, but if you're doing it two and three and four times a day, and two and three and four times a week, that will have an impact on it.

People who are going for dialysis, the impact that would have; people who've just come from hours of chemotherapy having to do it; people who've been sedated in day surgery now have to come back and are still in basically almost a sedated state trying to get up and those things; people who have Parkinson's disease having to walk the length of a ferry, then get in an elevator to go up and are still – when you look at it – no closer to the muster station for evacuation.

Outside of all that; that's why any policy we change anywhere in government that is related to safety, where safety is our argument, you always do a risk assessment. The risk

assessment gives you an indication, are we increasing the risk of injury or decreasing it by bringing in this policy? This wasn't done. It was asked.

When I was minister they came in and wanted to implement the policy and I said not a problem, do a full risk assessment. If the evidence proves it's safer for these people, particularly those who have mobility issues and medical issues to get out – in the rare case, the non-existent case, after a million trips we've never evacuated the ferry – then I will go along and I will explain it to people and say this is the risk. That hasn't been done. We've seen it already. We've seen the impact.

I've let the minister know. I've made it clear to him there are liable suits coming, because I can guarantee you somebody will get injured because these vessels, for that period of time, are not a safety risk for those people there. It is much more of a safety risk having to get out and try to get somewhere else. In the rare case that anything would happen, the time frame of 20 minutes to evacuate, it's possible to get that person with supports that are already in place.

So, Mr. Speaker, I'll get to speak to this again. It's another issue about how the ferry service and the people there are not being serviced.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Further petitions?

Orders of the Day.

Orders of the Day

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

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

I would move, seconded by the Minister of Education and Early Childhood Development, for leave to introduce a bill entitled, An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act, Bill 19, and I further move that the said bill be now read a first time.

MR. SPEAKER: It is moved and seconded that the hon. the Government House Leader shall have leave to introduce a bill entitled, An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act, Bill 19, and that the said bill be now read a first time.

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

All those in favour?

SOME HON. MEMBERS: Aye.

MR. SPEAKER: All those against?

Motion carried.

Motion, the hon. the Government House Leader to introduce a bill, “An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act,” carried. (Bill 19)

CLERK (Barnes): A bill, An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act. (Bill 19)

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

When shall the said bill be read a second time?

MR. A. PARSONS: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, Bill 19 read a first time, ordered read a second time on tomorrow.

MR. SPEAKER: The Government House Leader.

MR. A. PARSONS: Mr. Speaker, I call Order 5, second reading of Bill 15.

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

SOME HON. MEMBERS: Hear, hear!

MS. GAMBIN-WALSH: Mr. Speaker, I am delighted to stand in this hon. House today to talk to Bill 15, An Act to Amend the Securities Act.

The *Securities Act* governs all those who are involved in the securities market in our province.

MR. SPEAKER: Order, please!

MS. GAMBIN-WALSH: Mr. Speaker, I move, seconded by the Minister of Education and Early Childhood Development, Bill 15, An Act To Amend The Securities Act, be now read a second time.

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

Motion, second reading of a bill, “An Act To Amend The Securities Act.” (Bill 15)

MS. GAMBIN-WALSH: Mr. Speaker, I’m delighted to stand in this hon. House today to talk to Bill 15, An Act to Amend the Securities Act. The *Securities Act* governs all those who are involved in the securities market in our province.

A security is an investment such as shares traded on the stock exchange or investment products sold to our residents. For those wishing to trade in securities, the act provides the rule to be registered in the province, as well as the rules for raising capital.

Anyone who wants to trade in securities, provide advice or manage portfolios or investments has to be licensed under the act. This act includes investment advisors, stock brokers and mutual fund advisors. The act also provides the authority to the superintendent of securities in Services NL to licence and take action against those who are in contravention of the act.

Mr. Speaker, last November, our government released *The Way Forward* roadmap for our province. It includes a number of actions designed to achieve a more efficient public sector, a stronger economic foundation, better services and better outcomes to promote a healthy and prosperous province.

As part of this vision, we have placed a great emphasis on enhancing consumer protection. *The Way Forward*, along with the mandate letter, specifically commits to implementing a

series of new consumer protection measures to protect consumers against fraud or bad business practices.

The amendment we are introducing to the *Securities Act* is to ensure protection for consumers in our province against securities fraud. The amendment will change the maximum period of imprisonment from a term of not more than five years, to a term of not more than five years less a day. The change is a correction from a previous amendment made in 2010. At that time, amendments were meant to align penalties with other jurisdictions; however, most other jurisdictions use the wording: Not more than five years less a day.

Mr. Speaker, cases under the *Securities Act* are often complex. Charges under the *Securities Act* are considered summary offence charges, governed by the *Provincial Offences Act*. Summary offence charges are not meant to reach the level of trial by jury.

Under the *Canadian Charter of Rights and Freedoms* a person charged with an offence has the right to the benefit of trial by jury where the maximum punishment of the offence is imprisonment for five years or more or more severe punishment. These changes we are introducing to the act are necessary because the discrepancy risks a potential challenge under the Charter for any charges brought forward by the Financial Services Regulation Division, unless a trial by jury is provided. It will help ensure that when prosecutions are unsuccessful, they can't be overturned on a constitutional challenge.

In the recent case of *R. v. Peers* in Alberta, the Supreme Court of Canada ruled that legislation with penalties of five years less a day without a jury trial is complaint with the Charter and is in keeping with the intent of avoiding jury trials for complex security prosecutions. This change will bring Newfoundland and Labrador in line with other jurisdictions across Canada, as originally intended.

It is important, Mr. Speaker, that we continuously review legislation to ensure it is as effective as it can be for the residents of our province. In this case, it is important that we strive to ensure the greatest consumer protection

possible for all Newfoundlanders and Labradorians.

Thank you, Mr. Speaker.

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

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

It's indeed a privilege to get up here today as we start off our new Assembly and the introduction of legislation. I understand, with the few briefings that we've had so far, there's going to be a fine lot of legislation and this is the start today for us to get into what we usually do in the fall sittings is to speak to the different legislation that's available and some changes that need to be made.

Sometimes when you look at legislation, something happens in other parts of the country or in other parts of the world or anything else that makes officials in our departments to say, oh, we should have a look at what's happening in Newfoundland and Labrador.

In this case today, this Bill 15, An Act to Amend the Securities Act, is exactly what happened. Back in February of 2017, the Supreme Court of Canada was doing a ruling with *R. v. Peers*. Under that ruling, our Department of Service NL had a look and said what we are going to do, just look at this ruling and see what effects it would have on Newfoundland and Labrador. While they looked at that piece of legislation, they realized that there was a fault in our own legislation. The fault being basically that less a day is important when it comes to securities and trials with people with security fraud.

They looked at this and said that because security frauds and security, when it goes to court, are very complex, they're complex issues and sometimes it's important that it's done through trial by judge only. I guess in some cases, and it's not to degrade anybody that goes on a jury or anything like that, but sometimes you really almost need the expertise to be able to understand the complexity of what you're ruling on.

Under the rules of the Supreme Court of Canada, in order for it not to be considered a jury trial then it has to say five years less a day. In our legislation that we had, it didn't have that stated, and it was very important. It will tell you what the good people in the public service are doing. This is very good that we had officials over in the Department of Service NL to really go and have a look at the legislation we have in place to make sure that down the road, something didn't happen, that it could be a security fraud and a person could say five years.

By just saying the words "five years," it could go to the Supreme Court of Canada and that could have been thrown out of court because it didn't say – under five years it doesn't have to have a jury trial. So that was the reason why we have to put those words in to make sure that five years less a day, then this has to be done by judge only.

That's what we're changing here today, to make sure that we, along with – and the minister also stated that most provinces in Canada already have this in their legislation. We didn't, so it's important that we do put it in here today to make sure that we follow the trial.

Again, when you're talking securities and you're talking financial securities and it could be some kind of fraud against – and it is a part of consumer protection also. We want to make sure that the expertise is there in the room to be able to give the people who are going to make the decision, whether it's a fraud or not, that expertise. It's better that we have it that it's not a jury trial, that it's done by the judge alone.

Basically, it's a change to the legislation. It's a change that puts us in line with other jurisdictions right across Canada. It's important that we do have people in our public service that really does pick up on this stuff and make sure that we're doing things properly. We will be supporting this act.

Thank you very much, Mr. Speaker.

MR. SPEAKER: The hon. the Member for Virginia Waters – Pleasantville.

SOME HON. MEMBERS: Hear, hear!

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

I'm glad to have the Member for Cape St. Francis supporting us on this initiative. Hopefully all of his colleagues on the opposite side of the House will be as well. Mr. Speaker, I want to say a big thank you for the opportunity to stand in this hon. House to speak to Bill 15, the bill to amend the *Securities Act*.

Consumer protection is critically important in our society today. It seems that everywhere you turn these days, especially on the Internet, there are new investment opportunities that claim to be a sure thing. Of course, most of us know that when something seems too good to be true, it usually is and we are careful enough to avoid getting fooled.

Even with legitimate investment opportunities, there are people who may try to take advantage of trusting customers. That's why there is a need for our government to provide oversight or need for a government to provide oversight and regulation to those who sell securities in our province.

As the minister so eloquently put in her statements before – I won't reiterate all those but I'm going to continue on to highlight some of the things that we're going to be making some slight changes here – the Financial Services Regulation Division of Service NL does just that, Mr. Speaker. Individuals who provide investment advice and sell securities like mutual funds, stocks and bonds are required to be registered under the *Securities Act*.

The superintendent of securities is appointed by the Lieutenant Governor in Council to administer and enforce the act and its regulations. Staff in this division also have investigative powers under the act and they are tasked with identifying illegal activity or unprofessional conduct within the industry.

Mr. Speaker, the investigators in this division do excellent work each and every day to ensure those who trade in securities in our province do so within the bounds of the law. When these investigators have reasonable grounds to suspect illegal or unprofessional activity, charges can be laid and the subsequent penalties can be severe.

As written in the legislation today, those who contravene the *Securities Act* can be subject to a fine of up to \$5 million and up to five years in prison; but if those penalties are to face a successful challenge under the *Canadian Charter of Rights and Freedoms*, the efforts of our security investigators will be wasted. If such a challenge should occur, the efforts we have taken to protect the consumer of our province from securities fraud will also be wasted.

Today, we had the opportunity to correct an oversight of the past so that our customers remain protected. I urge all of my colleagues in this hon. House to stand behind our province and the consumers to support these amendments.

I will highlight the main crux of the change is just simply a wording change. The bill would amend the *Securities Act* to correct the maximum period of imprisonment under subsections 122(1) and 122(4) from the term of not more than five years to a term of not more than five years less a day.

That's the crux of the change and I'd like all my colleagues in this hon. House to stand with us and support this housecleaning initiative to add some additional clarity to the debate.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

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

I'm happy to stand today and support Bill 15, An Act to Amend the Securities Act. As we say in common parlance, it's a no-brainer that we do this. I think it's been pointed out by the minister and by her colleague on the government side that the bill is correcting an omission in the original bill. That always puts a little red flag up for me when I hear that kind of thing.

We've had a number of times here in this House where we've had a bill trying to correct another bill. So I think it's a bit of a warning to us that we need to always have adequate time to look at legislation that is coming to the floor. Even

when it's a piece of housekeeping legislation, the language is so important. Just the omission of one word or one phrase can have a real impact, as is the case with this bill, because the bill is adding the words, just three little words: less a day; five years less a day. It may seem like a small omission, but in actual fact it's a major omission because that difference of less a day of five years means a difference in how a person who has been accused under the *Securities Act*, how they're going to be tried. I think it's extremely important.

When you get to sitting in front of a jury, it's a different reality than having a judgement being made by a judge who has to sit and go through every word of what has been presented in a trial and come up with a judgement. I'm not saying juries don't think things through carefully, I'm sure they do, but it is a very different dynamic. I think it's really important that something like this, as somebody who has been charged under the *Securities Act*, that something like this is so important. That having a judge very closely and deliberately weigh every word that's been presented to him or her, I think will make for a surer type of judgement. I'm sure that's the reason for wanting to keep these offences under five years, so that it's not just a jury decision. That it's a decision by a judge.

I understand there was an Alberta court case *R. v. Peers*, which involved a person asking for a jury trial when charged with securities fraud. He claimed he was entitled to a trial by jury under the law. As the legislation stipulated, the maximum jail term was five years less a day. The courts established he was not entitled to a jury trial. That little thing of less than a day under five years is extremely important.

I would like to point out that when we are talking about securities fraud, we are talking about theft basically. It is pretty serious when you are relating it to securities, because it is money belonging to other people. It is theft, and we certainly want to make sure that a person gets a fair hearing.

I actually think that with this change we are ensuring that a person gets a real fair hearing and a hearing that will be based on, as I said, some real in-depth study by a judge.

So having said that, I am happy to support this bill.

Thank you.

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

MR. LANE: Thank you, Mr. Speaker.

I am only going to take a couple of moments. Obviously, I will be supporting this bill. I am sure everybody in the House of Assembly will be supporting this. Really, as it has been said, it was just an oversight in the previous legislation of changing five years to five years less a day.

As others have said, I don't want to be too repetitive. Obviously, what we have here is it is felt that in this type of offence, which is really a white collar crime we are talking about, it would be preferable that that type of case would be overseen by a judge versus a judge and jury. If the legislation stays as is, where it says five years, then there would be a requirement under the Charter to have a case by judge and jury.

I think what happened in the previous case, an individual wanted the judge and jury but they only got the judge, and because they never had the opportunity for judge and jury, it got thrown out. We want to avoid that here in this province. Obviously, by making the offence, if found guilty, to be a sentence of five years less a day, then we eliminate the requirement under the Charter for a judge and jury trial and we can simply have a case that would be overseen by a judge only.

That's my understanding of this bill. It makes total sense. We're just cleaning up the language. While it is housekeeping, there's no doubt the impact of it is huge. We saw a case where somebody, I guess, in theory, was guilty of an offence and it got thrown out. We want to avoid those things from happening. That's why we're making this change, as subtle as it is. The impact, as I said, is great. Obviously, that's why I, and I'm sure every Member in the House, will support this bill.

Thank you, Mr. Speaker.

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

MR. PETTEN: Thank you, Mr. Speaker.

Mr. Speaker, it's a pleasure to get up and say a couple of words on Bill 15, An Act to Amend the Securities Act. As colleagues around the House have said about this legislation, it's a small change but it's an important change I guess.

The R. v. Peers case in Alberta, our change is a result of that but not as a result of the case. It's more of a result of what the Supreme Court had found out during their review of the legislation, of the five years less a day. Then, of course, when our Service NL officials, upon reviewing that decision, realized our legislation did need some adjusting, which is a good thing, but I guess there's a lesson in this, too.

I heard my colleague for Signal Hill – Quidi Vidi mention about making mistakes in our legislation. It's always good to have a second set of eyes. None of this stuff is done intentionally, but things like this happen. It's always good to see people – I guess I'll throw out a bouquet to the officials for being aware enough to review these things, keeping on top of this stuff, because as little as it may seem or as little a change that may be, it does have a big implication on this legislation and much other legislation you'll see come and go in our Parliaments across the country. It's good to see we're keeping on top of that because one word, as we know, can have such a drastic difference on the outcome of any case, of anyone's rights and freedoms.

I commend Service NL officials for doing that. As my colleague from Cape St. Francis stated, we will be supporting this legislation. I think it was just more of a want to get up to pass along my commentary on the review of the department officials and how important it is to look at all legislation, all cases across the country, doing your cross-jurisdictional scans to make sure we are in keeping with what's across our country and to make sure the trials are conducted in a fair manner for all involved.

Thank you very much, Mr. Speaker.

MR. SPEAKER: The hon. the Minister of Justice and Public Safety.

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

I'm happy to be back here in the House of Assembly again today, back here debating legislation. I had an opportunity to speak to the media this morning. When we talk about the fact that sometimes there's a perception that when we're not in the House of Assembly we may not be working, I said that's obviously not the case; you can ask any Member that it certainly is busy year-round. That being said, when the House is in session, it does bring a different sense of urgency. There's certainly a lot of work.

This, I've submitted, is the main reason that we are here. We are here; we have the ability and the privilege of being able to debate legislation that governs the people of the province. It's a responsibility that we all take quite seriously and something that certainly I've learned through my career in this House to take very seriously, but also enjoy.

I enjoy the cut and thrust of debate. I also enjoy the opportunity to look at legislation and figure out why you're making a change. Not just making a change for the sake of making a change, but looking at it and then debating the repercussions of that.

Now, that being said, there are certain pieces of legislation that are more substantive than others. This is one that I don't think I'll offend anybody by saying this piece of legislation, this amendment to the *Securities Act*, is not on the grand scale of amendments that we've seen here in the House of Assembly.

That being said, when you look at it, it's a very small in its actual size. We're only changing one thing, but there are a couple of points that I felt were important that I stand here today and have an opportunity to speak to this; one specific to the bill and one just about the change that we're making here.

It wasn't that long ago, it was only a few weeks ago, that we were here in this House of Assembly debating legislation that had been drafted here in the House or had been drafted here, been passed here and then was faced with a

constitutional challenge that was successful. It made various provisions of that piece of legislation unconstitutional and invalid.

In that particular case, we had a situation where we could not have a by-election because the rules governing special ballots were found to be unconstitutional. We needed to come back; we needed to change that provision so that we can ensure a constitutional election. We all realize the importance of having legislation that is constitutionally sound.

When you look at the change that's being made here – and, again, Mr. Speaker, I can remember one debate we were here for a day and night. We may have been a couple of days just debating the difference in the words “may” versus “shall.” We could go on for days about that difference, how it can apply and how important that difference can be.

In this case, we're dealing with a very, very small change when you think about it. We're changing the term under subsection 122(1) and 122(4) from a term of not more than five years to a term of not more than five years less a day.

I think the minister has done a very good job of explaining the importance of that. Personally, I think whenever you have provisions of any legislation that involve imprisonment, when they involve the denial of a person's liberty, that is of the utmost importance to absolutely everybody.

Now, this is a situation where I do not think we have seen offences under this nature that have been brought forward. I don't think we've actually seen charges, but we would hate to see two things happen here. We would hate to see a case where a charge was brought forward that was then thrown out because we have a constitutionally non-compliant clause. We don't want to see that obviously.

The second part, though, is you would hate to see somebody denied their Charter right, the right to a trial by jury, by a jury of one's peers, because it's not there reflected in the legislation.

We're lucky here. In many cases, it depends. We have cases where we get the opportunity to change our legislation. This is a normal thing that happens. We have to come here, we have to

modify and amend our legislation to deal with the times. We're very lucky in this case where there is a decision from another jurisdiction which we can see the benefit of and make the corresponding changes to our legislation to ensure that we are in compliance.

In some cases, like the case I just referenced, or the legislation regarding the *Elections Act*, we weren't that lucky. We had to have a court case here and we had to change our legislation in response to a court case here, in response to a person who was found to have their Charter rights denied, infringed upon, and there was found to be no justification for that.

So, again, I'm very happy to say that we are here today for what I think is a very simple clause, but one that is very important. We have not seen a case of this is an actual response to an actual situation that we've dealt with here in the province; but, that being said, it's very important that we have this made in case this is something that comes up.

Obviously, I'm supportive of the minister. I'm supportive of the change that we want to make here. I'll be supporting this provision as we move forward. I could go on all day about the *Canadian Charter of Rights and Freedoms* but I'll leave that for other legislation.

One thing I want to say, though, it's just an opportunity I took recently where you deal with something like the *Securities Act* and it's not a piece of legislation that's widely used by a large number of people within this province. In fact, when I was practising back in my pre-elected days, the *Securities Act* was not something I dealt with. I had no experience with it and I couldn't tell you whether the provisions were good, bad or indifferent. It's not something that I practised or dealt with. I had no involvement with it whatsoever.

Recently, I had an opportunity – one of the things I get to do, as an elected politician, as an legislator and as someone who's in charge of the Department of Justice, I get to speak with people who do use this legislation on a daily basis. This piece of legislation has been in place for some time. I think the last change might have been in the last four or five years.

I had an opportunity – I actually heard from a solicitor in this practice who said the legislation, in some ways, they think, there could be modifications made that would update it and make it better for those who are using it. So what I suggested to that person, and what I suggested to the Law Society, I've suggested to people out there, is if you have a suggestion for changes to legislation, then I'm all ears; the minister is all ears. We are all willing to hear that and to consider changes to legislation that will make it better applicable to the people of the province, that will just make it better legislation.

You can break it right down to its most basic: Does it make the legislation better? That being said, you cannot change legislation just because it makes things easier; you can't change it just for the sake of change. You don't realize until you get in and look at the people behind the scenes that are doing this work, that are doing the jurisdictional scans and analysis that are looking at this legislation – and not just that. If you change this, for every action there's an equal reaction. So in this case if you change something, well, what's going to happen? Did you forecast? Did you have the ability to figure out what are the possible repercussions and changes, positive and negative, that can come from that?

It's quite clear in this case that if the change was not made, there would be a very negative consequence. So what I've suggested to that solicitor, specifically as it relates to the *Securities Act*, if you have changes that you'd like to see brought to this act, I would invite you to come and get in touch with the minister, get in touch with any of us. That's our job; the doors are always open to hear that.

The other thing I would say is, in many cases, people suggest a change and that's all they do, they suggest a change but come at it with some – and I say this specifically to the people I've dealt with. I've said, look, I'm always willing to entertain you but you need to come prepared, to have that conversation, to be able to explain to us why is it better, why does it need to be changed.

That's why I like doing this work, that's why a lot of us like doing this work, because we can figure out how to make things better for

Newfoundlanders and Labradorians for something as important as the *Elections Act* and as important as the *Securities Act*. There are other pieces of legislation that are, dare I say, less important but the fact is every single piece here is necessary. Every single piece of legislation we have is necessary. It's just that some can be updated and can be modified and we're always willing to listen.

So to the solicitors out there – I doubt he's listening right now. I don't know if this will quality as a billable hour or not, but what I would suggest is if you want to see change, we're always willing to have that – especially when you deal with lawyers in the community. In many cases, they are dealing first-hand – they are frequent users of the House of Assembly webpage. When you go to the section that says Consolidation of Statutes, they're the ones using it; they're the ones dealing with this legislation. So I would suggest to them, please come forward. We would love to hear suggestions, and the doors are always open to have that.

On that note, Mr. Speaker, what I would say is I congratulate the minister on making this happen. The Minister of Service NL is going to be one of the busier ministers this session of the House. There are a number of pieces of legislation coming forward, so I look forward to supporting her in those debates.

Thank you for the opportunity.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: If the hon. the Minister of Service NL speaks now she will close debate.

The hon. the Minister of Service NL.

MS. GAMBIN-WALSH: Mr. Speaker, these changes will bring Newfoundland and Labrador in line with other jurisdictions across Canada, and that was the original intent.

I thank my colleagues in this House for supporting this amendment, and I would also like to thank the officials in the Department of Service NL.

MR. SPEAKER: Is the House ready for the question?

The motion is that Bill 15 –

MS. ROGERS: On a point of order.

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

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

I'd like to rise on a point of order in section 49. When I was presenting my petition and then speaking to the petition on the book tax, the Member for Placentia West – Bellevue called out to me: Gerry, honey.

Mr. Speaker, I don't think that's very appropriate in this House. Considering how difficult it is for women to get elected in this House, that kind of disrespectful, sexist language is totally inappropriate in the people's House.

I would like to call a point of order on that, Mr. Speaker, and I ask the Member to apologize to the House for that sexist comment.

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

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

I would stand I guess to respond to the point of order raised by the Member opposite. What I would suggest is – again, it's not something I heard, but I would suggest at this point that the House would take it under advisement and review the recordings of this matter in order to make a proper determination as to whether the statement was made and, if so, how it will be disposed of.

Thank you.

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

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

I echo the desire from the Government House Leader that we check both *Hansard* and the video, because there were people in this House other than my colleague who heard what was

said. Unfortunately, I was not in the House at that moment because I'll tell if I were I would have been up pretty fast calling a point of order. I do ask that both *Hansard* and the video be checked to ascertain what was said.

Thank you.

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

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

Again, I would reiterate that, yes, obviously the video, *Hansard* or anything else should be checked to determine if such a statement was made and then the Chair will have the opportunity to handle the matter appropriately.

Thank you.

MR. SPEAKER: Order, please!

The Chair will take it under advisement and report back to the House.

Is the House ready for the question?

The motion is that Bill 15 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 Securities Act. (Bill 15)

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 Amend The Securities Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 15)

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

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister of Service Newfoundland and Labrador, that the House resolve itself into a Committee of the Whole to consider Bill 15.

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 (Reid): Order, please!

We are now considering Bill 15, An Act To Amend The Securities Act.

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

CLERK: Clause 1.

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

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

Minister, I am just wondering if there are any cases in the courts right now that could be

affected by this ruling. I know right now it is going to be Royal Assent as soon as it comes in through, but I was wondering if there are any cases that could have an effect on this right now.

CHAIR: The Minister of Service NL.

MS. GAMBIN-WALSH: No, not that I am aware of.

CHAIR: Any further speakers?

Shall Clause 1 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Clause 1 is carried.

On motion, clause 1 carried.

CLERK: Be it enacted by the Lieutenant Governor and House of Assembly in Legislative Session convened, as follows.

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against?

Clause is carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The Securities Act.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against?

Carried.

On motion, title carried.

CHAIR: Shall I report the bill carried without an amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against?

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

CHAIR: The hon. the Government House Leader.

MR. A. PARSONS: Mr. Chair, I move that the Committee rise and report Bill 15.

CHAIR: The motion is that the Committee rise and report Bill 15 carried.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against?

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

MR. SPEAKER (Trimper): The hon. the Deputy Chair of Committees.

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

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

When shall the report be received?

Now?

MR. A. PARSONS: Now.

MR. SPEAKER: When shall the said bill be read a third time?

MR. A. PARSONS: Tomorrow.

MR. SPEAKER: Tomorrow.

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

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

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

I would call from the Order Paper, Order 8, second reading of Bill 18.

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

MS. GAMBIN-WALSH: Mr. Speaker, I move, seconded by the hon. Member for Labrador West, that Bill 18, An Act To Amend The Prepaid Funeral Services Act, be now read the second time.

MR. SPEAKER: It is moved and seconded that Bill 18, An Act To Amend The Prepaid Funeral Services Act, be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Prepaid Funeral Services Act." (Bill 18)

MS. GAMBIN-WALSH: Mr. Speaker, I am pleased to introduce Bill 18, An Act to Amend the Prepaid Funeral Services Act for the second reading in this hon. House today. Prepaid funerals are an increasingly common service in Newfoundland and Labrador. Many individuals choose to pre-arrange their end-of-life plans after relieving the financial burden on their family members.

As the act currently exists, its administration and enforcement is a responsibility held by me as the Minister of Service NL. In my department, however, the administration and enforcement of other financial services such as insurance, securities, real estate and mortgage brokers is carried out by the Financial Services Regulation Division. If charges are laid in a particular case, I am not made aware until after they have been laid.

It is important that the regulation of any of our financial services, or any services for that matter, be applied without any perception of influence at the ministerial level. It is also important that those who fail to comply with the law are held accountable for their actions. It will be more appropriate for the duties associated with prepaid funerals to be carried out in a manner that is more consistent with the regulation of the other financial services. In fact, having all these financial services regulated by the Financial Services Regulation Division of my department is consistent with most other jurisdictions across Canada.

Amending the act as recommended would transfer responsibility for the day-to-day activities and administration decisions involving licensing, compliance and enforcement matters from me as minister to a registrar and deputy registrar. As minister, I will still retain the authority to appoint a board or a person to administer the Consumer Protection Fund and still have the overall responsibility for the act and its policy direction.

The amendment will allow for the appointment of the director of Financial Services Regulation as the registrar and the manager of Financial Analysis as the deputy registrar. The responsibilities of the registrar and the deputy registrar will be assigned by virtue of the positions they hold within Service NL. These positions are staffed through the Public Service Commission process.

One of the key advantages of this approach is that it will allow for more effective and efficient administration of the act by streamlining the processes for issuing and suspending licences. The act will also align Newfoundland and Labrador's legislation with that of most other provinces.

As a government, Mr. Speaker, we place a high priority on consumer protection. We take this responsibility very seriously. Like many other pieces of legislation brought forward by my department, these amendments focus on consumer protection and are consistent with our Way Forward commitments, as well as my mandate letter as Minister of Service NL. These amendments are a further testament to our commitment to maintain consumer protection

measures to protect consumers against fraud or bad business practices.

Like other financial services, prepaid funerals are subject to regulation in order to protect consumers' financial investments, but preplanning a funeral is about so much more than a financial transaction. It is about decisions surrounding one of the most difficult periods of individuals, family and friends face in their lifetime.

With these amendments, the public can have confidence in the independent oversight of prepaid funeral services in Newfoundland and Labrador.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

It gives me great privilege to get up here again today and speak on another bill. I have a funny feeling, Minister, that I may be a little busy with the role as critic for your department because I'm sure there's going to be a lot of legislation coming through.

In saying that, the Department of Service NL – and for most of the people at home listening to some of the debate, not really debate, the legislation that's coming forward today I always say that the Department of Service NL has you from the time you're born till the time you die, because there is so much involved in that department.

There are different things in the department that are very important to people, and this important too. I know that there are a lot of people out in society today that like to put all their orders, we'll say, in order for when they're passing. Most people today look at prepaid funerals as a way to not leave burdens for their loved ones and making sure that there is no burden. As you know, any time a person passes away, there's usually a family member left behind to take care of the affairs of that person.

When you look at prepaid funerals, people in this province and all over Canada, I would imagine, don't want to leave that burden to their loved ones, saying there's enough on the go now; so prepaid funerals are very important to people in the province, as are very important to their family members that this is done.

I understand the legislation that's being brought here today. Like I said at the start of it, the minister has a lot on her plate as the Minister of Service NL. What we're doing here today, there are 23 different amendments that will be done to the legislation. It's a huge piece of legislation but, in most places, it is just replacing the word from "minister" to "registrar."

Also, in this piece of legislation – I listened to the minister speak – this is what's done in other parts of Canada. It's done through a registrar. It's also important to note that she mentioned it's not a new position; it's a person that's already in the Department of Service NL. I believe it is the director of Financial Services Regulation Division.

Not only are they making that person be the registrar, there is also another position, which I assume again is a position within the department – and the minister is shaking her head and saying yes. It's also called the deputy registrar.

Just reading the legislation, the deputy registrar is there just in case something could happen to the registrar. He may be sick; maybe something that happens. So it's a backup plan to have a person in place so that any issues that come with prepaid funerals or whatever, that we have two people in place. So that's a good move and it's good to do that.

The legislation itself, the registrar will be taking the role of what the minister is doing right now. That takes a bit of workload off the minister and maybe it may bring a little bit more expertise to prepaid funerals and questions that people have when it comes to prepaid funerals.

So like I said, most of the stuff that we went through and we looked at the legislation – and there are a lot of amendments there. There are 23 altogether, but most of it is just changing a word and changing the responsibility.

As the minister said, when it comes to financial services and stuff like that, most of the stuff goes through the department first and then comes to the minister afterwards, and that's basically what is happening with this part of the legislation also. So we will be supporting this.

Thank you very much, Mr. Speaker.

MR. SPEAKER: The hon. the Member for Virginia Waters – Pleasantville.

MR. B. DAVIS: Thank you very much, Mr. Speaker.

We're starting a trend here, myself and the Member for Cape St. Francis.

MR. K. PARSONS: (Inaudible.)

MR. B. DAVIS: No, a trend, trend. You should use your hearing piece there – a trend of supporting legislation that we're bringing forward. I hope that continues for the rest of this sitting.

MR. K. PARSONS: If it's good legislation, I'll support it.

MR. B. DAVIS: Excellent, that's what we want to hear.

Mr. Speaker, it's an honour to stand here again today in this hon. House to speak to Bill 18, amendments to the *Prepaid Funeral Services Act*. A prepaid funeral is a more common service than ever before that allows individuals to purchase and pay for their funerals in advance, which is very, very thoughtful on their behalf. People who choose to prepay their funeral services are making an important financial decision.

Their goal is to relieve the financial burden on their family members when they're at their most vulnerable time. These people are placing a great amount of trust in the funeral homes that sell prepaid funeral services. This is why it is so important that a government have the necessary oversight and regulation in place to protect those customers.

Mr. Speaker, the *Prepaid Funeral Services Act* was enacted in 2000 for this very purpose. The

intent of this act is to ensure that these investments that customers are making in these services are there for them when they ultimately need them. The act requires that funeral homes selling prepaid funerals be licensed to offer these services, and that stands to a good reason.

At this point in time, there are 51 active licences issued to funeral homes in this province to sell prepaid funerals. The act also requires these funeral homes to adequately disclose what is being purchased in a prepaid funeral contract. This makes insurmountable sense so people understand exactly what they're purchasing when they're purchasing it.

In many cases, these contracts may not be fulfilled for many, many years. So it is crucial and critical that customers have some sort of assurance that the monies they have invested will be there when they need it. That's why the act also requires that all monies paid to funeral homes for prepaid services be kept in a trust account. In fact, right now in Newfoundland and Labrador approximately \$47.5 million is currently being held in trust for residents who have prepaid their funeral expenses. Many people are calling for this, as you can just hear a second ago.

Mr. Speaker, the existing act goes even further to protect the interest of these customers. It also requires funeral homes to file audited statements for the funds in trust and an audited report on the funeral homes' compliance with the minister annually.

The act also provides for a consumer protection fund, which will be funded through the assessments in the industry. This fund is in place to pay claims to customers should the licensee become bankrupt, fail to refund the money when the contract is cancelled and/or the funeral goods and services are not provided in accordance with how it was contracted.

So as you can see, Mr. Speaker, this legislation is a very important tool. As my colleague from the other side of the House mentioned as well, and the minister, it's very important for protecting the consumers and giving them peace of mind as they prepare for the end of their lives.

Not only will these changes make the legislation consistent with the regulations of other financial services in this province, it will also serve to make the legislation stronger by ensuring that enforcement is carried out by independent, impartial members of the public service, and for that we can all be thankful.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

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

I'm quite pleased to stand here today and to speak to Bill 18, the bill which is An Act to Amend the Prepaid Funeral Services Act. As has been pointed out by the minister and my colleagues, the big change here is not so much the act itself and what the act is about, but changing who is in charge of maintaining the act, who is in charge of making sure that everything is being managed well.

The bill creates the position of registrar of prepaid funeral services. The person now responsible is no longer the minister, but is the person who's designated as the registrar. As has been pointed out by others, in practice, this will not be a new position created or a new person put in a position because right now the director of Financial Services is the person who carries out the role really of the registrar and not that of the minister.

As has been pointed out, too, by others in the House and my colleague for Virginia Waters – Pleasantville, this removes the danger, I think – and I think that's what he was referring to – of political interference when something like this is in the hands of a minister or perception of it may not be, but perception of it.

By taking something like this which involves securities issues, which involves finances away from the elected person and put into the hands of the professional person who's in the public service sector removes that potential real or perceived or otherwise of a minister inserting his

or herself in a way that is not appropriate, not ethical.

I think it's extremely important that this change is being made, especially because we are dealing with something that is not always but I suspect, for the most part, used by people who are more vulnerable when it comes to income. I've known senior citizens who use or have used prepaid funerals. There's one I can think of, the mother of a friend of mine, and she felt so proud of the fact that when she died, the children weren't going to have to worry about her funeral. She was so proud of the fact that she had been able, slowly, over a certain number of years, to put enough money in that her funeral was going to be covered. The little bit she had left, they would still be able to take the little bit she owned and none of it would have to be lost to her funeral. She was a very frugal woman. She lived her life in such a way that she had done this without suffering herself and made sure that her children didn't have to worry.

I know of others, but this woman in my mind particularly stands out because she was the mother of a friend and a very organized person. She was just a tremendous woman. I think of women and men like that who do use the prepaid funeral. I think the role of the registrar is extremely important, because from the management perspective, there really does need to be a lot of oversight. You never know what might happen.

For example, a few years ago in Manitoba, there was a funeral home that completely went under. People had their money there with that funeral home and they had no protection. Now, we haven't had that kind of a thing happen here but it could happen. The role of the registrar is to be monitoring all the time, I think, those who have the licences to hold the trust funds, those who have the licences to take the money of other people. They need to be monitored at all times. I think having it in the hands of a registrar assures that kind of thing is going to happen.

There are other things that can happen too. I had, for example, a phone call from somebody only a few months ago. This person was quite distraught. She's in a home for senior citizens and she was being subsidized. Her money was being managed, of course, by the management

of the home. She had been under the impression that money was being taken out to go into a prepaid funeral. All of a sudden, she found out after a few years that hadn't been happening. She was really upset, but there was really nothing that could be done about it. If she wanted to do it, she was going to have to start from scratch at that moment and start putting money in for her prepaid funeral.

I think that's the kind of thing the registrar has to be on the lookout for. I don't know what resources are there for that, but the whole thing of monitoring what is going on, monitoring the individuals who are either, through a home where they live or directly with a funeral home, that they are being taken care of, that they are not being disadvantaged. That nobody is in any way taking advantage of them or ignoring them.

This woman wasn't taken advantage of, but something she thought was happening just wasn't happening. How does that kind of thing get monitored on a regular basis? I think that is something the registrar would have to look at. Having said that, I think it is a good system obviously. It is one that does, as I said, benefit very often people of lower income and we have to make sure they are protected.

So I am really glad to see this change, even though in practice it is not a change. On paper it is, and I think it is an important change on paper that we are changing the legislation, and I am happy to support the bill.

Thank you, Mr. Speaker.

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

MR. LANE: Thank you, Mr. Speaker.

I am not going to take very long here. I will be supporting Bill 18, An Act to Amend the Prepaid Funeral Services Act.

I think everything that needs to be said has been said. Basically, all we are doing here is currently we are going to delegate authority from the minister to the superintendent to be in charge of the enforcement of the prepaid funeral legislation, the act and so on; the Prepaid Funeral Services Act, to be exact.

It makes a whole lot of sense in terms of removing the political figure and putting it in the hands of the staff. I think the reality of it is that's currently who is doing it now anyway. It's really not the minister who is administering this on a daily basis anyway. It's being done by the registrar of funeral services now as we speak in the department. Really, all the legislation is doing is catching up with the reality of what is actually happening anyway. It's really, I suppose, a housekeeping thing in that regard.

I have no objection. I don't see any issue with it. I think it just makes sense, and I will be supporting it.

Thank you.

MR. SPEAKER: Any further speakers?

I recognize the hon. the Minister of Service NL. If she speaks now she will close the debate.

The hon. the Minister of Service NL.

MS. GAMBIN-WALSH: Mr. Speaker, I just want to thank my colleagues here again for supporting the amendment to the Prepaid Funeral Services Act.

SOME HON. MEMBERS: Hear, hear!

MS. GAMBIN-WALSH: I just want to add that the overall responsibility of the act still lie with the Minister of Service NL, but the registrar and deputy registrar, of course, will be doing the administration.

I thank you very much.

MR. SPEAKER: Is the House ready for the question?

The motion is that Bill 18 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.'

The motion is carried.

CLERK: A bill, An Act To Amend The Prepaid Funeral Services Act. (Bill 18)

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

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

MR. A. PARSONS: Now.

MR. SPEAKER: Now.

On motion, a bill, "An Act To Amend The Prepaid Funeral Services Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 18)

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

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister of Service Newfoundland and Labrador, that the House resolve itself into a Committee of the Whole to consider Bill 18.

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.'

The motion is carried.

On motion, 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 18, An Act To Amend The Prepaid Funeral Services Act.

A bill, "An Act To Amend The Prepaid Funeral Services Act." (Bill 18)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Clauses 2 through 18 inclusive.

CHAIR: Shall clauses 2 through 18 inclusive carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 2 through 18 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 Prepaid Funeral Services Act.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report Bill 18 carried 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 18.

CHAIR: The motion is that the Committee rise and report Bill 18.

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.

MR. SPEAKER (Trimper): The hon. the Chair of the Committee of the Whole.

MR. WARR: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 18 carried without amendment.

MR. SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 18 without amendment.

When shall the report be received?

MR. A. PARSONS: Now.

MR. SPEAKER: Now.

When shall the said bill be read a third time?

MR. A. PARSONS: Tomorrow.

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

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

MR. A. PARSONS: Mr. Speaker, I call from the Order Paper, Order 6, second reading of Bill 16.

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

SOME HON. MEMBERS: Hear, hear!

MR. HAWKINS: Thank you, Mr. Speaker.

It's a real pleasure to be back in the House again and talking about legislation.

MR. SPEAKER: Order, please!

I need you to direct your remarks.

MR. HAWKINS: I move, seconded by the Minister of Health and Community Services, that we would read Bill 16 for the second time.

MR. SPEAKER: It is moved and seconded that Bill 16 entitled, An Act To Amend The Labour Relations Act now be read a second time.

Motion, second reading of a bill, "An Act To Amend The Labour Relations Act." (Bill 16)

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

MR. HAWKINS: Thank you, Mr. Speaker.

It is certainly a pleasure to be back in the House again. It's a ditto on that one.

We always get excited when we come and talk about legislation and being in the House. It's always an opportunity for us to talk about legislation that, from time to time, needs change. It gives us an opportunity to discuss the changes that are necessary.

Today, Mr. Speaker, is no exception as we look at Bill 16. It is an area that I just wanted to make some reference to because we're talking actually about the bill that really will give us a little bit more continuity and clarity as we move forward on this bill.

Mr. Speaker, I guess just a little preamble before we get into the actual discussion on the bill. I just wanted to make reference to the Labour Management Arbitration Committee. The committee in itself is a volunteer committee. It was formed by the employer and union stakeholders and was in operation for decades.

Mr. Speaker, it's a role that was established, a roster of arbitrators to be used by both union and employers. They would develop fee guidelines for the arbitrators, they would organize arbitrator training and provide the minister with a list of arbitrators for ministerial appointments.

Mr. Speaker, this is certainly a committee that is very, very important, particularly, when we look at employer and union relationships. We all know from time to time that we all strive to provide services that are best for both employers and union alike.

Of course, Mr. Speaker, in my position as Minister of Labour responsible for labour, as you know, I have to remain neutral throughout any conciliations or any arbitrations. Sometimes, that may appear to be somewhat difficult but, Mr. Speaker, I think in all fairness, it's important that I respect the position of minister and certainly respect the position that is necessary for me to be neutral when it comes to any of these arbitrations.

Mr. Speaker, the Labour Management Arbitration Committee managed the arbitration

process for many years. They ceased operation due to a variety of concerns regarding liability protection and their lack of a formal organizational structure. Employer and union stakeholders requested that government enact legislation that formalized such a structure.

Mr. Speaker, on June 4, 2008, Bill 23, An Act to Amend the Labour Relations Act was proclaimed which established the Labour Management Arbitration Committee. That was to promote, establish and maintain high-quality and effective arbitration processes. The volunteer aspect of the committee was a continuation of the former set-up that was in place.

Mr. Speaker, the change that we are going to be putting in today is significant because the position that we're looking at extending is a very, very crucial position in that the director, which is a non-voting, ex officio of that committee, provides invaluable advice to the committee. Certainly, the director of the Labour Relations, in particular, provides a tremendous amount of expertise, guidance, direction to me as minister. I rely very heavily on that position, Mr. Speaker, to provide that information through briefings as we work through some of the labour relations that we have in the province.

Mr. Speaker, it's certainly a pleasure for me today to rise in this hon. House and to introduce Bill 16, the amendment to the *Labour Relations Act*, to make sure that we have this continuity, that we have this expertise. Because of a regulation that's presently in place, if we were not to change this today, it would mean that we would lose that ability to have that expert advice. We would lose the ability to have the information and all of the information that this particular position brings with it to give us advice on labour relations and the arbitration committee.

Mr. Speaker, while this bill may be considered minor in nature, it will allow for the continuity and the very important work of the Labour Management Arbitration Committee. By way of background, on June 4, 2008, as I mentioned earlier, the *Labour Relations Act* was amended to establish the Labour Management Arbitration Committee. This committee, since 2008, has been doing exemplary work and certainly have

done a lot of work in this area of arbitration and made it easier for people and either employers or unions to have a hearing in this particular situation.

The committee was created to promote, again, and establish and maintain a high quality and effective arbitration process. It establishes education and experience standards for arbitrators and maintains, again, as I said, a roster of qualified arbitrators.

Mr. Speaker, the power and duties of the committee are to establish educational and experience standards for arbitrators. It's set up to oversee qualifications and training processes, establish and maintain a roster of persons who, in the opinion of the committee, are qualified to conduct arbitrations and other actions that promote the effectiveness and the quality of the arbitrations.

Mr. Speaker, the committee is made up of nine members: three members who represent labour; three members who represent the employers, one of which represents government as an employer; two members who represent the arbitrators; and one member who represents government in an unofficial capacity.

The government representative, in an unofficial capacity, is a non-voting member and not counted for the purposes of a quorum. This non-voting member who represents government in an unofficial capacity is currently filled by the director of Labour Relations under Workforce Development, Labour and Immigration Branch of the Department of Advanced Education, Skills and Labour.

Mr. Speaker, the intent of this change in Bill 65 is to address the fact that if we do not make this change today that we lose some continuity, we may lose the expertise that the director of Labour Relations can bring to the Arbitration Committee.

Mr. Speaker, as it is clearly stated, the director of Labour Relations, under the Workforce Development, Labour and Immigration Branch – we need to be very clear – is non-voting and is not counted for a quorum. So in that sense, the position brings with it a degree of expertise. It also brings with it the opportunity for members

of the committee to engage in dialogue with this person who is trained as a director for Labour Relations.

We are looking today, because if we were to follow the regulations in the existing bill that we have, then there's a possibility that the director of Labour Relations would have to no longer serve on that committee. Even though it is a non-voting capacity, it is still an important position and it is necessary for us, in my estimation as minister, to maintain that level of expertise that the director is providing to the committee and to the members that are there.

As I mentioned, Mr. Speaker, very clearly, we have a balanced committee: three members who represent labour; three members who represent the employers; and two members who represent the arbitrators. So the director of Labour Relations certainly will bring to that committee in an unofficial capacity and in a non-voting capacity the expertise that is necessary for the committee to do the work in which they're intended to do.

Mr. Speaker, the director has served as an unofficial government representative for several years, so it's not something that is new. If you have a director of Labour Relations under the existing bill as we see it, it really provides some limitations and may cause certainly some break in providing the information that we feel is necessary for this committee to effectively do the job in which they are intended to do.

This is a very important committee in that the term in itself "arbitration committee," the meaning tells exactly what it's supposed to be doing. As a result of that we know, as I said before, Mr. Speaker, it's a balanced committee so sometimes we need, within that committee, the expertise that a director of Labour Relations can provide.

Mr. Speaker, the reason today that I'm rising to speak to this bill to make some changes is that under the existing bill the director of Labour Relations term of office would finish. If that is the case, as I've said, it's important for us to maintain the continuity of this committee. In order to do that, it is essential for me, as minister, to put forward today the changes to the bill that would permit the director to serve a

longer term – as a matter of fact, Mr. Speaker, to serve the term as long as that particular director of labour relations is in that position. Sometimes that could go beyond the time that is now presently in the bill that we have. In order for us to do that it is necessary – and I'm looking forward to Members opposite to support this bill today because, again, it will enable us to do the work that the committee has set out to do.

The committee, Mr. Speaker, has been doing a tremendous amount of work in the arbitration as an Arbitration Committee. We have seen some very, very good results as this committee continues to do the work that it's intended to do.

Quite often, Mr. Speaker, as they do the work that's necessary, the director of Labour Relations, by sitting as an unofficial member of that committee, can provide the knowledge that's necessary and certainly has the expertise within the labour relations to be able to provide that advice to the committee. These members then can make what would be considered an informed decision because the director of Labour Relations has that direct contact with the committee.

Mr. Speaker, if today we were to remove the director of Labour Relations from the committee as the act, as the bill presently states, then we would lose that expertise. I'm not just sure how we would be able to put a person in that position with the expertise that we have.

Mr. Speaker, while in fact the debate, or the Bill 16 today, while it may seem to be somewhat minor in nature, this is very important. It's important for me as the minister, and I'm sure it's important for the House, to recognize the work the director of Labour Relations has done on this particular committee in the term that she has served, and will continue to do if in fact this bill is amended today, will certainly provide the knowledge that is necessary for us to be able to do the work that this committee is designed to do as we move forward with any arbitrations.

Mr. Speaker, again, as I said, while the current term has expired, the director has continued to serve in this unofficial capacity as provided for under the legislation. It is important that the individual appointed to the committee to represent government in an unofficial capacity

have the working knowledge of the subject area, and there's no better person, Mr. Speaker, to represent government than the director of Labour Relations.

This particular position brings with it the knowledge and the expertise that is necessary to give the proper guidance and direction to the Arbitration Committee. I consider the director, Mr. Speaker, to be somewhat of a conduit between the branch and the committee, and has been a member since the committee's inception in 2008. The director brings a level of labour relations, experience and expertise to the committee which is a critical component for the member who represents government in the unofficial capacity.

Currently, Mr. Speaker, under the legislation we have, individuals can only serve for two terms. A term is up to three years, which requires the replacement of a member on a regular basis.

Again, in this position, Mr. Speaker, it's very, very important for us to make the necessary changes to this bill and to this legislation. While I realize many other pieces of legislation do have a term of office and quite often these terms of office are filled by people that are merit based and people who have a knowledge in their field, and sometimes there's a restriction placed on the terms of office, obviously for certain reasons, Mr. Speaker, but in this particular case we are looking at a very, very important position. That being the director of Labour Relations, who, in fact, is giving invaluable advice to this particular committee.

It is my hope today, with the consent of the hon. Members opposite, that we will allow the director of Labour Relations to continue to serve in her capacity, and to be able to provide the information and provide the expertise that this particular committee would require from time to time.

Mr. Speaker, given the role of the Member who represents government in an unofficial capacity, as I just outlined, it is important that a level of continuity be provided to ensure a smooth transition of other appointments to the committee and to provide the history and background to new Members.

Mr. Speaker, that is a very, very important piece of this legislation as well, because as you know, as I referenced earlier, there are terms of reference for the three Members who represent labour and the three Members who represent employers and the two Members who represent the arbitrators. Sometimes with the change that takes place in each of these different areas, there are new people that come to the committee.

The director of Labour Relations becomes an even more important position as an unofficial non-voting member, ex officio member of the committee, when we have new members come on, can provide the expertise and knowledge that the position brings with it. Really, Mr. Speaker, makes any transition from – as Members move in to the committee, a transition in to that committee much easier because the director of Labour Relations would have that experience.

Mr. Speaker, if we were not able to change Bill 16 today to permit that director to continue in the capacity that the director is presently serving in, then we lose that level of expertise and we lose that knowledge base by putting someone new in there that may not necessarily have the background, may not necessarily have the labour relations laws, may not really have all that expertise that this particular position has. So we would lose that degree of continuity. We would lose that degree of expertise as we move from a committee that could have new members and not have that glue that really holds that committee together.

So, Mr. Speaker, given the role of the Member who represents government in that unofficial capacity, as I've just outlined, it is important we continue to have that knowledge to ensure the members that this committee is working effectively in the capacity in which it was created in 2008 when the legislation enabled the committee to put together a committee that would be able in a position to arbitrate between employers and unions. If we're not able to make that change, Mr. Speaker, I fear that we could lose that important aspect of that committee.

So there's a history in that committee since 2008, and the amount of work that committee has done – there's been a tremendous amount of work and when making those changes back in 2008 under the legislation, provided

opportunities for employers and for union to be able to get together on issues that need to be facing arbitration.

I can only imagine the many times as that committee has met over the years and many times when the director of Labour Relations has had to sit in on that committee, there has been many times when the expertise and the level of knowledge that that position has brought with it has certainly contributed to the fact that the committee has worked efficiently and effectively and has done its job that it was intended to do.

Mr. Speaker, members of the committee has identified the need for such continuity of the member who represents the government in an unofficial capacity. That, in itself, is a vote of confidence, when the members of that committee themselves are saying that we need to have that level of continuity continuing and that there should not be a term placed on the director of Labour Relations.

Obviously the members of that committee, representing both union and employers, realize that in order for them to effectively do the job that they're intended to do, that it's necessary for us to continue to have the director of Labour Relations to continue in an unofficial capacity. Therefore, the amendment that we are proposing today is to remove the limitation of a maximum of a two-term appointment for the member who represents government in an unofficial capacity.

Mr. Speaker, I know that if we are to look at *Hansard* after this, you will notice that I have intentionally mentioned "unofficial capacity" a number of times because I think that is the important piece in this whole debate and whole discussion of the legislation.

It's an unofficial capacity and in an unofficial capacity the director of Labour Relations sits as a non-voting member. As a result of that, Mr. Speaker, in itself, there should probably not be a limitation on the number of terms that this position can sit on the committee. Again, the whole idea of having the director of Labour Relations on the committee provides the information that's necessary.

I would assume, Mr. Speaker, that there were quite a number of times while that committee is

sitting that there would be issues that would come up, whether from the employer or whether it's from the union, or maybe the arbitrators themselves who certainly would need to have some direction and would certainly need to have someone to point out exactly what would be the labour standards, what would be the relations, what would be some of the issues that are being discussed. I'm sure that they have all been in a position where they've applauded the director of Labour Relations because that person at that time, in an unofficial capacity, was able to provide the information they needed in order to make a decision that they were looking at making.

Mr. Speaker, I can see that this position is a crucial position to provide that information. It's unbiased; this is an unofficial capacity. So the director of Labour Relations can provide the same expert advice to the unions or the union representatives can provide that same level of advice and expertise to the employers, can provide that same level of expertise, information and knowledge to the arbitrators.

That, in itself, is very, very important for us to ensure that we do have that continuity and that we do have that ability to provide that information in a very timely manner. Many times when this committee meets, they may be in a situation or position where they need information immediately and the director of Labour Relations, sitting there as an unofficial, ex officio member of that committee, can provide that information in a very timely manner because the position has that knowledge and expertise. That particular position can then advise that committee on the issue being discussed. That, in itself, is very, very important to ensure that as we continue with this committee doing the great work that they've been doing, that this position can provide that expertise and information that's necessary.

Mr. Speaker, the amendment we're proposing today will remove, as I said before, the limitation. It's very difficult sometimes when you have important positions such as this particular position to put limitations on it. It gives us the ability to provide the information on a longer period of time versus having to look at restricting the information that's necessary, that

particular position the director of Labour Relations can provide.

Mr. Speaker, this will allow the current representative to continue in his or her role, ensuring the continuity which will help enable the seamless transition of other appointments. It will also ensure that new committee members have access to an individual who has experience, who has the background and has the knowledge to assist them.

Before closing, I should also point out that the Labour Management Arbitration Committee is not subject to the Independent Appointments Commission and is therefore exempt from the selection process outlined in that legislation. I think that's important, Mr. Speaker, as well.

This is a committee structure. As a committee structure, it does not have to go through the Independent Appointments Commission. Very clearly, this is an arbitration committee. The arbitration committee, the purpose, as set out in legislation in 2008, was to provide the service that the name in itself says is an arbitration.

So the members of that committee, the members that are representing the union, the members that are representing the employers and the arbitrators, none of them are going through the Independent Appointments Commission. As a sense, Mr. Speaker, neither should they because this particular committee is representing a key function within the system, within our system.

It provides an opportunity for arbitration. It provides a committee; the committee provides the impetus for either a union or employer. If there are disputes or if there are situations that need to be discussed, this is the proper channel for that to go through. Certainly, this committee, as I've stated before, Mr. Speaker, has provided that service.

While the committee itself does not have to go through the Independent Appointments Commission, neither does the unofficial ex officio officer which is the director of Labour Relations. Mr. Speaker, that in itself provides an opportunity for us to increase the length of time that the director of Labour Relations can work within that committee to provide the advice that's necessary and to provide an opportunity

for that committee to effectively do the work it set out to do.

Mr. Speaker, today, as we make this change, I think it's important for us to realize that this, though it may seem to be insignificant, is certainly important. It's important to Bill 16. It's important to the legislation. It's important to the committee so that the committee can feel confident that as they continue to do the work they've been entrusted to do, they have that expertise that's on that committee that can provide that information for them.

Mr. Speaker, I am so pleased today that I have every confidence – every confidence – in the present director of Labour Relations to continue to provide that information. From the experience I've had with the director of Labour Relations, in the briefings that I've received as minister, have provided invaluable information. The level of expertise that this particular director of Labour Relations has is second to none.

I can assure you and I can assure my Members opposite that by changing this bill today to enable the director of Labour Relations to continue to serve in the capacity that she is presently serving in, will do not only this House but the government as a whole and the committee – will certainly serve it well as we move forward. Mr. Speaker, it is noted, Bill 16, while minor in nature, will allow for continuity in the important work that the Labour Relations Arbitration Committee has made.

Mr. Speaker, thank you for the opportunity to speak today on this very important issue on Bill 16.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

MR. PETTEN: Thank you, Mr. Speaker.

It's a pleasure to get up and speak on this bill, An Act to Amend the Labour Relations Act and the Labour Management Arbitration Committee.

Mr. Speaker, as the minister just spoke on his introduction of the bill, it's important to distinguish what the director of Labour Relations position does on the arbitration committee and the fact that this position previously had a term set to it. As we know, they provide professional and administrative support and, obviously, a conduit between the minister and the committee in relaying, back and forth, information which is very important. We all understand that.

In the previous legislation, there was a set term on that position. Now, it's being changed. The position will be at the pleasure of the minister. Basically, that is the crux of the matter, the change with this legislation. As we know, it's an important piece between employers and unions to have this arbitration committee in place to deal with the issues. We presently have a full list of arbitrators available to deal with these issues.

We all know we deal with a lot of serious labour relations issues within the province. They occur at any given time. Having the comfort level of the minister responsible for labour to have someone of his staff to be able to keep him abreast of what's happening with these committees, making the right decisions as the minister responsible for labour.

Basically, I don't like to use the term "housekeeping" because we say that sometimes. It's an important change, but it's not a huge change to the legislation. It's basically: "A member of the arbitration committee referred to in paragraphs 91.1(4)(a) to (c) shall serve for a term of up to 3 years." Then it says: "The member of the arbitration committee referred to in paragraph 91.1(4)(d) shall serve until the minister appoints a person to replace him or her." So there's your change. It went from three years to the fact that the minister can put someone in place, replace them at their leisure. Other than that, the rest of the bill remains intact.

From our side here, it would have been more of a concern if this position had played a role in voting and effecting change with the committee decisions. Then, I think, it would have been a concern because I believe that would be a position that should be reappointed.

You draw concerns from all sides who would fill that position to make sure that the committee itself functioned in a fair and unbiased manner. But as the minister stated numerous times when he spoke, this person normally, like I said, is the director of Labour Relations, fills a role more of administrative support and also, obviously, is a huge asset to the minister dealing with decisions that the board makes in picking arbitrators.

So on that, we have no issue with this legislation, Mr. Speaker. Again, it's routine but a very important change required. It's something that we will be supporting and it makes sense.

Thank you very much.

MR. SPEAKER: Any further speakers?

The hon. the Leader of the Third Party.

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

I'm happy to stand and speak to this bill, Bill 16, to amend the *Labour Relations Act*.

It's pretty straightforward, as the minister has pointed out. Now, not to correct the minister, but to be totally precise, in actual fact the person who is on the arbitration committee of the board – because that's what it is, it's a committee of the Labour Relations Board. The person who's on that committee representing government as an observer, really, as a non-voting person, right now the person is the director of Labour Relations and that's good. The minister is going to continue, I think, appointing that person because this act will allow that to happen, but I do need to point out that the act itself does not say the person who is appointed to that committee has to be the director of Labour Relations.

The bill is not about appointing the director of Labour Relations. The bill is about ensuring the person who is on the committee, appointed by government, does not have any timelines attached to the person's nomination. So at any time the minister could find out there might be somebody in the government who is more qualified than that person to be on the committee.

There's no definition in the legislation, none whatsoever, with regard to the role of this person. The person is appointed by government to be on the committee and obviously plays a significant role I'm sure. It's a non-voting, unofficial position. I think probably one of the key things is this person is a conduit of information between the committee itself, the arbitration committee and government, so that government knows what is going on.

I think it's important this committee is a committee that is in place because both labour and employers asked for this committee back in 2008. It was established as the Labour Management Arbitration Committee, which is under the Labour Relations Board. It was labour and employers who asked for it, which was a good sign, I think, both sides being open to arbitration which is important. And then government has somebody on this committee who is in an unofficial position. It's really a committee of labour and employers, and government has somebody in an unofficial position. I think that's excellent.

The bill is not appointing the director of Labour Relations as that person. One could have thought maybe that's what was happening, and I don't think the minister meant it that way. It's allowing the person who is appointed by government on the arbitration committee to be appointed by government without any terms, any length of term being mentioned. The minister can have that same person there or appoint another person, but can maintain a person on that committee. That's what the legislation says, that there is a person appointed by the minister to represent government in an unofficial capacity.

It's good. I'm glad that position is maintained. It's an important position. It's not a position that would really require a time limit because the person doesn't vote, it's an unofficial position.

The point the minister made, I agree with. At this point in time the person who is there now may be the best qualified person from government's perspective. That's perfect, but if all of a sudden for some reason it came to the minister, whether the current minister or another minister, that there is somebody else they would want to have representing them in an unofficial

capacity on this committee, then the minister doesn't have to check with anybody. The minister can make that appointment as well.

I think that's what's important about this. At any time, the minister could choose the person who is on that committee. I think that's important because I think the minister wants somebody on it who is qualified to be there and who he knows or she knows – if it's not this minister – will be a good conduit of information and play a good role.

From that perspective, since the person is a non-voting member, the person isn't a person in a decision-making position, then government, I think, should have the freedom, the minister should have the freedom to change that person whenever he or she wants to do that.

It's all pretty straightforward. The minister has spoken very clearly to it. I'm happy to support this bill.

Thank you.

MR. SPEAKER: The hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you, Mr. Speaker.

I'm glad to rise and speak to Bill 16, an Act to Amend the Labour Relations Act. This is the second, I do believe, on the Order Paper. We have two bills related to the *Labour Relations Act*. This one we're dealing with now, at this particular time in the House, looks at the amendment to the act and basically deals with the term length of a person who's appointed to represent government – as the minister said when he got up to describe the bill – in an unofficial capacity on the Labour Management Arbitration Committee and serves now at the discretion of the minister.

This position as ex-officio has been talked about. As my colleague just talked about in regard to who fills that position right now is the director of Labour Relations. In the future going forward, it is my understanding – and maybe in committee we'll have some discussion about that – it doesn't have to be that position. I'm not sure in the legislation it's going to be established to be that position or if the discretion will be

held by the minister to appoint someone outside of that position at some point if he felt that someone else had the appropriate skill set, appropriate knowledge, appropriate background I guess, corporate knowledge to proceed in this position. So he or she would have that ability as minister to appoint that particular person.

The role is to establish and oversee education experience standards for arbitrators and maintain a roster of arbitrators which exist today for which the minister can select when a ministerial appointment as arbitrator is indeed required. Right now, we have a list of current roster of arbitrators that's available and there's a roster of those individuals.

I think the minister talked about, when he got up and gave some historical background, in regard to the structure of the arbitration committee that was created in 2008, and those training initiatives for those arbitrators, as I said. I think some of the information we have there now, five individuals on the list completed their training in 2015. Also, individuals who were grandfathered in based, I'm sure, on their experience and knowledge and expertise in the area.

In regard to the arbitration committee and how you would become a member on that roster of individuals who can provide that service if and when selected by the minister as an arbitrator, there are certainly two ways. You could apply and if the criteria is already met, the arbitrator is added automatically to the list by the committee, which this individual we're talking about here in this position would sit on as an ex-officio. As the minister also indicated, I think would be the liaison between the committee and the department.

The second way you could sit on the roster of arbitrators, when applying if the criteria is not met, then the individual would need to complete training, successfully complete various mock awards, and then they would be reviewed by the committee. That would be practically someone could have the expertise and knowledge when they apply and/or, if not, when they did apply, the evaluation would be done and they would go through a process to be – I guess we'll call it – certified to be an arbitrator as defined in the legislation.

The Labour Management Arbitration Committee is volunteer based, I understand, with no compensation. There are nine members; one of them being the official member who I do believe is not involved in a quorum in regard to when they meet and when they don't and, as we said before, is the director of Labour Relations.

This bill, Bill 16, looks at changing the lengths of duration for the unofficial member of the arbitration. That, as I mentioned, is a member of the department and connects that to the minister, to the department and a liaison for that professional and administrative support provided to the committee.

We said before, and my colleague mentioned as well, it's not defined in the legislation that the position is automatically filled by the director of Labour Relations. Again, that's something that could be left to the discretion of the minister to appoint somebody else.

The bill as well, our understanding in our briefing, will change the term of this position by removing the maximum two- to three-year term to six years, and this will allow directors to stay in the role at a longer period of time at the pleasure of the minister at the time. I understand the position length for the other members will remain unchanged at three-year terms within the bill, serving a maximum of two terms.

I don't know if the committee as well – maybe the minister, when he gets up, can clarify that usually in board structures it's a staggered process in regard to replacing members of a board because that expertise, knowledge, corporate knowledge, understanding of what's gone on, doesn't see that experience leave the board at the same time. So what you do, you stagger the replacements. The term would be up but the terms would be staggered. So as someone would leave the board, just probably one person leave a board, a new person would be hired and then you'd have that cross-reference of new appointees, as well as experienced people who currently sit on that who would provide what was needed for the particular board, or committee in this case we're talking about.

Those are a couple of things that I identified going through and maybe when the minister

speaks at the end of second reading, he might respond to those, and/or certainly in Committee we could ask some questions and get some feedback on that as well.

Thank you, Mr. Speaker, for an opportunity to share some thoughts on Bill 16.

SOME HON. MEMBERS: Hear, hear!

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

MR. LANE: Thank you, Mr. Speaker.

Once again, I'm only going to take a minute or two to speak to this, An Act to Amend the Labour Relations Act. As has been said, basically, currently the situation we have is that we have a committee, an arbitration committee, in place in the province and I guess they oversee the arbitration board in terms of who gets appointed to the board and so on and their terms of reference and those types of issues – training and all those things, as I understand it.

Right now, it consists of nine members and one of those members is appointed by the government, by the department. It's a non-voting individual and that individual is put there to apply some knowledge, expertise, continuity and so on to this particular committee so that government is informed of what the issues are as it relates to labour in our province and so on.

I guess currently all board members are appointed for a term of three years and they can serve up to two terms. All we're simply doing is we're just making an exception for the non-voting government member, that that individual could be put in place by the minister with an indefinite period of time to serve. It makes perfectly good sense. If we're going to have this person here and they're a non-voting person and they're simply there, as I said, to provide that continuity, that expertise and so on, it only makes sense that the person who's there would continue on once they've built up that knowledge, to keep that knowledge there.

The minister can appoint whoever he or she wants in any case. All we're simply saying is rather than the minister appoint and reappoint and reappoint, that if they have someone there in

place that has the knowledge, that has the expertise then that person can continue on indefinitely until that person moves on or retires or the minister, for some other reason, has to replace that individual.

That's all that's really happening here in this bill. Personally, I don't have any issue with it. I think it makes good sense and I will be supporting this piece of legislation.

Thank you, Mr. Speaker.

MR. SPEAKER: If the hon. the Minister of Advanced Education, Skills and Labour speaks now, he will close the debate.

The hon. the Minister of Advanced Education, Skills and Labour.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. HAWKINS: Thank you, Mr. Speaker.

It's certainly my pleasure to end the debate on the bill. I'd just like to say a big thank you to the Members opposite for the input they had and certainly recognize the fact that the Member for Conception Bay South, the Leader of the Third Party and the Member for Ferryland –

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: I ask for order, please; I'd like to hear only from the minister who's been identified to close this debate.

Thank you.

MR. HAWKINS: Thank you, Mr. Speaker.

I recognize the Member for Mount Pearl – Southlands as well. I'm not going to make a lot of comment on closing. I just wanted to recognize the Leader of the Third Party and the Member for Ferryland; they're absolutely correct in the reference to the ex officio member.

When I made my remarks I was using the director of Labour Relations because of the capacity in that position right now. But they are absolutely correct; the minister would have the

discretion to appoint, depending on the expertise level that's necessary. So that certainly is correct. I'd like to thank the Leader of the Third Party for mentioning that because she is correct. It does not specifically identify the director of Labour Relations. It was my reference to the director of Labour Relations because that's the capacity in which the person is in now.

That will still remain with the minister, the option of appointing the government representative in the unofficial capacity from the minister. So thank you for that.

Mr. Speaker, I certainly want to thank you for the opportunity to present the bill today.

MR. SPEAKER: Is the House ready for the question?

The motion is that Bill 16 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.'

The motion is carried.

CLERK: A bill, An Act To Amend The Labour Relations Act. (Bill 16)

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

MR. A. PARSONS: Now.

MR. SPEAKER: Now.

On motion, a bill, "An Act To Amend The Labour Relations Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 16)

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

MR. A. PARSONS: Mr. Speaker, I move, seconded by the Minister of Natural Resources

that the House resolve itself into a Committee of the Whole to consider Bill 16.

MR. SPEAKER: It is moved and seconded that I do now leave the Chair for the House to resolve 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.'

The motion is 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 16, An Act To Amend The Labour Relations Act.

A bill, "An Act To Amend The Labour Relations Act." (Bill 16)

CLERK: Clause 1.

CHAIR: Shall Clause 1 carry?

The Chair recognizes the hon. the Member for Ferryland.

MR. HUTCHINGS: Thank you, Mr. Chair.

I just had a question for the minister with regard to the appointments. There is reference here to the ex officio appointment, which is usually the director of Labour Relations.

Is there any change to the other appointments in regard to duration and how they're replaced in the actual committee? Is it staggered or is there any adjustment to those other appointments to the committee?

CHAIR: The Chair recognizes the hon. the Minister of Advanced Education, Skills and Labour.

SOME HON. MEMBERS: Hear, hear!

MR. HAWKINS: Thank you, Mr. Chair.

The answer: No, it's not. We have not looked at staggering that.

Mr. Chair, if we look at the committee as it's now constituted, the terms of serving are pretty much staggered as it is. Certainly, the only two, really, that are not staggered at this particular point in time would be both of the arbitrators. I think these positions as an arbitrator would – the expertise that the arbitrators would have.

So the continuity is still there in that we have a couple of positions that are going to be vacant in 2018, a couple in 2019 and a couple in 2020. Even though I fully understand your argument, the way in which the committee now is existing, will give that turnover in a way in which the expertise will still be there.

CHAIR: Shall the motion carry?

All those in favour?

SOME HON. MEMBERS: Aye.

CHAIR: Those against?

Carried.

On motion, clause 1 carried.

CLERK: Be it enacted by the Lieutenant Governor and House of Assembly in Legislative Session convened, as follows.

CHAIR: Shall the enacting clause carry?

All those in favour?

SOME HON. MEMBERS: Aye.

CHAIR: Those against?

Carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The Labour Relations Act.

CHAIR: Shall the title carry?

All those in favour?

SOME HON. MEMBERS: Aye.

CHAIR: Those against?

Carried.

On motion, title carried.

CHAIR: Shall I report Bill 16 without amendment?

All those in favour?

SOME HON. MEMBERS: Aye.

CHAIR: Those against?

Carried.

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

CHAIR: The hon. the Government House Leader.

MR. A. PARSONS: I move, Mr. Chair, that the committee rise and report Bill 16.

CHAIR: The motion is that the committee rise and report Bill 16.

All those in favour?

SOME HON. MEMBERS: Aye.

CHAIR: 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 (Trimper): The hon. the Member for Baie Verte – Green Bay.

MR. WARR: Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 16 carried without amendment.

MR. SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 16 without amendment.

When shall the report be received? Now?

AN HON. MEMBER: Now.

MR. SPEAKER: When shall the said bill be read a third time?

MR. A. PARSONS: Tomorrow.

MR. SPEAKER: Tomorrow.

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

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

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

I call from the Order Paper, Order 7, second reading of Bill 17.

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

MR. HAWKINS: Thank you, Mr. Speaker.

I move, seconded by the Minister of Health and Community Services, that Bill 17 be read a second time.

MR. SPEAKER: It is moved and seconded that Bill 17 entitled, An Act To Amend The Labour Relations Act No. 2, be now read a second time.

Motion, second reading of a bill, “An Act To Amend The Labour Relations Act No. 2.” (Bill 17)

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

MR. HAWKINS: Thank you, Mr. Speaker.

It is my pleasure to rise in this hon. House to introduce debate on Bill 17. It's an amendment to the *Labour Relations Act* regarding the terms of the appointments of the Labour Relations Board. The bill proposes that regular members be appointed to the Labour Relations Board for a two-year period and the requirement that one regular member retire every year to be removed from the act.

The Labour Relations Board, Mr. Speaker, is established pursuant to section 6 of the *Labour Relations Act*. It is a quasi-judicial body which contributes to and promotes the harmonious labour relations in this province. It adjudicates and mediates a variety of labour relations matters. For example, the board investigates the duty of fair representation complaints from union members, it certifies and decertifies bargaining units and it determines appropriate bargaining units and hears unfair labour practice complaints.

The board, Mr. Speaker, consists of one chairperson, one or more vice-chair persons, two regular members representing employers, two regular members representing employees and as many alternate members equally representative of the employer and employees as may be considered appropriate. These alternate members only serve when regular members are unavailable.

Currently, Mr. Speaker, under the act the chairperson and vice-chairpersons are appointed for a five-year term while the alternate members are appointed for two-year terms; however, there is no prescribed term for regular board members. As well, the act states that one regular employer member and one regular employee member shall retire each year, as prescribed.

Mr. Speaker, that's the issue and problem we have. An employer member or an employee member could possibly be serving only one year, which is really not sufficient time to even be briefed on what's necessary. As my hon. colleagues can appreciate, the language surrounding these terms in section 6 of the act is inconsistent as it relates to expirations, retirements and reappointments. It is these inconsistencies that the amendments being proposed today, we will address, Mr. Speaker.

The amendments will ensure experienced members remain on the board to provide continuity and consistency in decision making; the uninterrupted functioning of the board will mitigate the need for constant retraining of regular board members; a rotation of regular members with a prescribed term while maintaining eligibility for reappointment and corporate experience; and the board can carry on its legislative mandate and promote harmonious labour relations.

These amendments do not increase costs to government. There is an appropriate allocation within the existing budget to support the required per diem rates for a full complement of board members. In addition, Mr. Speaker, for the information of my hon. colleagues, members are remunerated at rates in keeping with guidelines for rates of remuneration for agencies, boards and commissions.

As you can see, Mr. Speaker, the amendments being proposed today in Bill 17 will enhance the continuity and clarity and clarify the current language of the act as it relates to expirations, retirements and reappointments.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

MR. PETTEN: Thank you, Mr. Speaker.

Once again it's a pleasure to get up and speak on this piece of legislation, Bill 17, An Act to Amend the Labour Relations Act No. 2, the Labour Relations Board. The minister just spoke about it and I'll have a few minutes to talk about it as well actually. Again, it's one of those pieces of legislation where there's a change in the terms for members on the Labour Relations Board for regular members representing employers and regular members representing employees.

So the bill basically makes amendments to the *Labour Relations Act* regarding the terms and length of the Labour Relations Board members. It will provide fixed terms of two years for regular members and remove the requirement of

one regular member, each of the employee and employer, to retire each year.

The minister just stated the Labour Relations Board is a tier one – it's an Independent Appointment Commission board, appointed by the IAC, and of course the three names are given to Cabinet to choose from. Presently, the Labour Relations Board is made up of the following membership: the chairperson and one or more vice-chairpersons. The current term length is five years for the chair and vice-chairpersons and two years for alternate members, but the current act does not prescribe a term of length for regular members.

Mr. Speaker, this legislation is going to put two-year terms on regular members both representing the employer and employees, which is all fine, I guess, but there are a couple of things with that that I think is worthy of speaking on. One of them being that under term-year terms, under these terms, basically Cabinet can continue to support people of their choosing. We know how this stuff works. It's the government in power; they're going to pick their supporters, their people, to fill those terms for an endless period of time, as long as they're screened by the Independent Appointments Commission. Mr. Speaker, I think we've been on record many times over the last year or more about the IAC and our concerns with that process.

Another issue too, Mr. Speaker, if you have your four regular members on two-year terms, so if they were just appointed for two-year terms in June, they started their two-year terms in June, they'll expire at the same time. So you could have your four regular members representing employers and employees leaving at the same time. There comes a point of the corporate knowledge piece. The old rule was if one were to retire, you'd always have someone there carrying the torch and know the role and know the processes.

There is a lot of value in that actually. Previously, some years back, I served for a number of years on a board, a level tier-one board. I served six years actually, two terms. We had new people coming and going, but you had a constant – one or two of us remained there in that six-year term I was there to carry, someone

new coming in there – the corporate knowledge piece is very important, just the processes and what to expect, how to deal with certain issues.

There is nothing to replace the experience, and I think we can say that no matter what we do in life, no matter what roles we do – I always felt the experience I had in my previous life with the former minister, a Member from my district, boded well for me, prepared me to take over as the MHA when I got elected and it's no different than these boards. It's no difference in whatever you do. No matter what job you take on in life, corporate knowledge and that continuation of knowing how to do things, Mr. Speaker, can never be underestimated. I think that's a very important piece and I don't know if the minister and his officials give that a lot of consideration, but I think it's worthy.

When you look at the Labour Relations Board, it's a very important service they provide in our labour movement within the province. The Labour Relations Board, we don't need to look no further than the current dispute in the last year that has been in the news on a weekly basis, I guess, over our FFAW and the upstart union.

They're waiting on decisions; they're sitting before this Labour Relations Board. The decision of this board holds a lot to the future of both of those unions, and many other things; but that's the most current, tangible thing that people could relate to, it's the ongoing dispute that we're dealing with now.

Even though this is considered to be somewhat of a routine matter, which it is, there are a couple of cautionary things I just mentioned, about the fact of the two-year term and who you can appoint for those two years, and the fact that there's no corporate knowledge. I think those are two pieces – and I know the minister's staff and his department prepared this legislation and I'm sure they may have thought about that or gave that some consideration. I expect the minister will provide me some commentary back to those concerns when he does get up and speak.

If you look at issues, those are the main two issues. Basically what the current act does say is that one regular member representing employers and one regular member representing employees

would have to retire from the board each year. That's old and that's what the current rules are.

This, in practice, results in a high level of turnover and frequent training, in many cases, that the newest member would retire and a long-standing member would sit on the board for many years. I am not sure that falls into place when you got someone retiring from the board each year. I would like the minister to probably explain that to me as well.

This is the problem we have, and that's why I think the corporate knowledge piece, if you had a more – I guess what I'm saying is I'm not sure what was wrong with the former process. Maybe you need to fine-tune it a bit. If you had people falling off after two or three years and you had a continuation of new people coming on, with old and new mixture constantly, I think it would provide for a better, stronger, more solid board that can make solid decisions.

The learning curve is not so steep. I have spoken to people who have actually served on this board, and the first few sessions were a bit of a learning curve, a steep learning curve to a lot of those individuals. It took time for them to get their feet under them to understand the process. It's no different than anything else we do in life, Mr. Speaker.

Again, I would like to get some clarification from the minister on that. I think that, outside of the other issue I had, but that issue to me is probably the biggest concern I have.

Other than that, I guess routine is a word we use a lot. It's not a huge change, but it's one that I think I would like the minister to provide some clarification on when he gets up to speak later.

Thank you.

MR. SPEAKER: Any further speakers?

The hon. the Leader of the Third Party.

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

Just a couple of points on Bill 17, An Act to Amend the Labour Relations Act, No. 2. Obviously, I am supporting this bill. It is a

housekeeping bill. I don't mean that in a derogatory way. Housekeeping is a good thing; we need good housekeeping.

I actually think the changes to the terms of the representatives, whether it is the representatives of the employers or the representatives of employees, having a two-year term and not having the way in which it was, you know everybody having to step down partway through a second year term, with comings and goings being quite frequent. This is what I understand has been the problem, is that we don't have stability on the Labour Relations Board. I think what is being proposed could lead to greater stability on the board. I think the minister did mention that and it certainly seems that way to me.

Now the people, when their two-year term is up, they do have to reapply through the IAC, the Independent Appointments Commission, in order to be reappointed. I think that's also a good thing because that means it's not taken for granted that somebody just stays on the board.

I think probably the one thing the legislation can't really get at – I wouldn't want to see all four people appointed all at the same time for the two-year term because you could have the possibility of everybody ending at the same time. It's the one thing I have a question about, and maybe the minister could speak to that, explain how that's going to be dealt with because that's exactly what could happen.

You could have two of the regular members representing employers and two of the regular members representing employees all being appointed for two years all at the same time, then all of them, after two years, having to reapply. That's the one problem I'm seeing with this. I would like to see how the minister thinks that's going to be dealt with because I think that's important. That could be very problematic. You could say they're going to reapply and they'll get reappointed, but you don't know that for sure.

While you're not staggering with a rule about when they step down, I think you sort of need to stagger by looking at when they are being appointed. It's the one thing that gives me a bit

of pause, and I would like the minister to give us an explanation of that.

Thank you very much.

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

MR. LANE: Thank you, Mr. Speaker.

Once again, I'm only going to have a few words on this one, Bill 17. It's another act to amend the *Labour Relations Act*, the second one today. This one applies to the Labour Relations Board. Of course, the last one was about the Labour Relations committee.

Basically, I guess the changes we're seeing here in terms of a board member, previously you had – well, you still have, I think, two employers. You have a chair, you have a vice-chair; you have two employee members on the board, you have two employer members on the board.

I was a little surprised. I would have been under the impression that in terms of the people representing employees or the employers that they might have been nominated by employer, employee groups. I think they can be, but I always sort of felt it was the people appointed through the Employers' Council and so on, or through the Federation of Labour. Basically, anybody, if they feel they fit in the category of an employer or an employee, could apply to be on this board.

Currently, it says: of each of those two groups, one person has to be replaced each year, but it doesn't have to be a different person. So, in theory, as it currently stands, you could have two employer reps on the board and one person can just stay indefinitely while the other position keeps rotating a new person every single year. You could have one person representing the employer who's there for 20 years and then you could have 20 people rotating through the other employer rep and the same with the employee rep, which I'm not sure of the rationale or why they did it that way. I guess they were looking to change people over so it wasn't the same people there all the time. I'm not sure that was necessarily the best way to do it.

In any case, what is being suggested now is each of these people would be appointed for a two-year term. After that two-year term, that individual could reapply through the independent appointments committee, as I understand it, or the Independent Appointments Commission, I believe is the right term. They could apply through that process. Then that individual, along with two – well, not necessarily that individual, but in theory if somebody was qualified enough to be on the Labour Relations Board to begin with and now they're actually on that board serving, they have the experience.

So one would think if they applied for reappointment through the Independent Appointments Commission, while it's no guarantee, one would think chances are they would probably be one of those three names selected by the commission and that would be forwarded to the minister. Then the minister can pick one of the three, which could be that same person again.

Obviously, if you have somebody appointed and reappointed, they're gaining more and more experience, more and more experience. I suppose, theoretically speaking, as long as they continue to make that list of three through the Independent Appointments Commission, one would think they would have a very good chance of doing that. Then the minister can simply pick that person continuously and that person can continue to serve over and over and over again and there would be no change in that regard.

From my perspective, I understand what's being done here, but I think it would have been better to at least put a term on these individuals so, yes, if someone after two years could apply again through that Independent Appointments Commission but if they were reappointed for a second term or whatever, then that should be it and then we should be changing out with new people. So it's not stagnant, it's not the same people there all the time.

I also agree with the Member for St. John's East – Quidi Vidi in that I don't see anything here – and perhaps, like I said, the minister will give some insight into this, but there doesn't appear to be anything here that deals with the

staggering of appointments. Because again, in theory, as is written here, without having the whole act in front of me, I guess the question is could you appoint two employer reps, two employee reps and then they get reappointed after two years or whatever and it's the same four people getting appointed or reappointed over and over again, or if they all decided to leave then you have four gone at the one time.

It might have been a better idea if you had some kind of a term to say, like the last piece of legislation, that someone could be appointed for two years, they could be reappointed for a second term and then we would stagger the employer/employee reps so that you had continuity but you also had some turnover so you wouldn't run into a case of everybody gone at the one time.

That's not addressed in this amendment but maybe it's already there in the bill itself or in the act itself – I'm not 100 per cent certain, so I'd ask for some clarification on that as the Member for St. John's East – Quidi Vidi has. I think that's a valid point.

As I said, the only other issue, what I would have preferred and I think would be a better idea is that if there was a term on these positions. In other words, what's being proposed here, somebody gets appointed now for two years, they can reapply to the Independent Appointments Commission, as long as they make that list of three, which again one would think they would, or certainly it would be in a good chance they would, then the minister could reappoint that person for a further two years and then they could say I want to say another two years and another two years and another two years, and in theory that person could be there for the next 20 years. There would be no opportunity to change and so on.

That's why like the other piece of legislation, that amendment we made to this very same act where it set a term, in that case it was two three-year terms at a max. Then I don't know why we wouldn't have a similar type provision here for the actual Labour Relations Board members. It would have made more sense to me.

At the end of the day, whether we make that change or the change that are being made,

what's being proposed here is certainly not going to make what's here any worse, it probably makes more sense; but I think it could have been better, had we gone that further step and put terms on the position. I would have liked to have seen it, but whether it's there or not is not going to stop me from supporting it. It's just that I think it would have been better if we'd have done it.

That's my comments, Mr. Speaker. Hopefully, we'll hear from the minister on that point that's been raised by the Member for St. John's East – Quidi Vidi and myself, either here or in Committee of the Whole.

Thank you.

MR. SPEAKER: Any further speakers?

If the hon. the Minister of Advanced Education, Skills and Labour speaks now, he will close the debate.

The hon. the Minister of Advanced Education, Skills and Labour.

MR. HAWKINS: Thank you, Mr. Speaker.

It's certainly a pleasure for me to close debate on Bill 17. I'd like to acknowledge the Members opposite: the Member for Conception Bay South, the Leader of the Third Party and the Member for Mount Pearl – Southlands for their input into this debate which is very, very important.

Just a couple of short items I want to talk about before we go into Committee. I just want to reference this one-year retirement clause. Originally, back in 1977 – and it's never been changed since then, so I think it's high time that we look at that because, again, the one year did not really give that continuity.

The Member for Conception Bay South talked about whether there would be corporate knowledge. I just want to make reference to that fact that, yes, there is corporate knowledge to the degree in that all of the appointments that we make now go through the Independent Appointments Commission and all of these appointments are merit based. They are merit based. They go through the screening from the

commissioner and the commissioner and the committee determine whether they fit the skill set that is necessary, unlike what has occurred in the past, Mr. Speaker. So that's a significant change for us.

I want to just say a big thank you to the Leader of the Third Party because what she said is exactly how I feel as well when it came to staggering. I want to make sure and ensure that we do have that capacity there and ability to have staggering. Right now, Mr. Speaker, what we have in the present structure, we have three members that came on in 2015 and three members that came on in 2017.

For the Leader of the Third Party that is one of the things I want; the intent that I am putting in place here is to make sure that we do have the staggering, because what she says is exactly right. We don't want everybody leaving at the same time; we want to have the ability to have the flexibility to have the knowledge that we can share.

To the Leader of the Third Party, and I think the Member for Mount Pearl – Southlands also mentioned it, within the legislation we will have that capacity to make sure that the committee that we have will take care of that staggering opportunities, and we will make sure that is there and certainly that will bring to that particular Labour Relations Board that ability to not have everybody leaving at the same time.

Mr. Speaker, again, thank you for the opportunity to speak to Bill 17 and I am certainly looking forward to discussion in Committee.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Is the House ready for the question?

The motion is that Bill 17 will now be 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.'

The motion is carried.

CLERK: A bill, An Act To Amend The Labour Relations Act No. 2. (Bill 17)

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

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

MR. A. PARSONS: Tomorrow.

MR. SPEAKER: Tomorrow.

On motion, a bill, "An Act To Amend The Labour Relations Act No. 2," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill 17)

MR. SPEAKER: The Government House Leader.

MR. A. PARSONS: Yes, Mr. Speaker, given the hour of the day I move, seconded by the Member for Labrador West, that the House do now adjourn.

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

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.'

This House stands adjourned until tomorrow at 1:30 p.m.

On motion, the House at its rising adjourned until tomorrow, Tuesday, at 1:30 p.m.