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HANSARD

*Speaker: Honourable Scott Reid, MHA*

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The House met at 1:30 p.m.

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

Admit strangers.

**Statements by Members**

**MR. SPEAKER:** Today we will hear statements by the hon. Members for the Districts of Harbour Grace - Port de Grave; Conception Bay South; Placentia - St. Mary's; Grand Falls-Windsor - Buchans; and Lake Melville.

The hon. the Member for Harbour Grace - Port de Grave.

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

It certainly is great – oh, that's right, sit down. Sorry about that. Okay, it certainly is great to be back.

Today I would like to recognize the people of the Harbour Grace - Port de Grave District who stepped up during the COVID-19 pandemic, public health emergency. When everyone was directed to stay home and stay safe, volunteer first responders, along with many essential workers, had to suit up and go to work everyday to provide services for our communities.

I would like to thank our volunteer firefighters of Harbour Grace, Upper Island Cove, Spaniard's Bay and Bay Roberts for continuing to serve and protect, our nurses, as well as our public and private health care providers, for risking their own health in order to do their essential duties.

To the many private sector employees who stepped up to ensure our local grocery stores were open and available from Bay Roberts through Conception Bay North region. A big thank you to the women and men who continued to ensure that food and beverages were safely available through a drive-through window or a curbside pickup. We are grateful for our fish harvesters, plant workers and all industry employees for continuing to support our local economy.

To everyone in the Harbour Grace - Port de Grave District for doing their part, thank you.

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.

It's my pleasure to recognize a special group of ladies who during this pandemic have stepped up and gave back to our community by creating a group known as the Masked Bandits. These ladies make and donate masks that are then placed in a bag outside a residence free for the taking.

This group was started by a constituent of mine, Ms. Jo-Lynn Bragg Butt. When Jo-Lynn realized there was a need, she created a Facebook group and connected with many of her quilter friends and the rest was history, Mr. Speaker.

This group has made and given away over 3,000 masks to date. Some individuals and organizations they've supplied are the RNC, funeral homes, chemo/radiation patients, seniors' homes, pharmacies, nurses and medical clinics.

In addition to Jo-Lynn, other members of the Masked Bandits are: Donalda Murley, Tracey Parsons, Shelly Goodyear, Darlene Hiscock, Sharon Peach, Denise Petten, Lori Eason, plus mask donations from Maureen Harvey, Charmaine Woodland, Pat Burton, Kris Warren and Anne Haines.

The bag on Jo-Lynn's step has grown that much they have created an initiative called the Masked Forward initiative, where there's a sign with an email for people to contact the group for info on how to donate. Their plan is that after the pandemic is over donate any monies to another great cause.

One final message, Mr. Speaker, from the Masked Bandit is Stay Safe Newfoundland and Labrador.

Thank you.

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

**MR. SPEAKER:** The hon. the Member for Placentia - St. Mary's.

**MS. GAMBIN-WALSH:** Mr. Speaker, many of us here in the House of Assembly have relatives or friends who are veterans and who have served in one of the World Wars: Korea, Afghanistan or in peacekeeping roles overseas.

Throughout Newfoundland and Labrador many communities have a memorial that honours the fallen and those who served in conflicts. The Sacred Heart World War I Memorial located in Placentia's town square was unveiled on June 3, 1920 in memory of the young men from the Placentia parish who lost their lives in the Great War of 1914 to 1918.

This memorial is unique. It was the first monument erected in Newfoundland and Labrador to honour those who served in World War I. On June 3, 2020, the Royal Canadian Legion Branch 33 commemorated the 100th anniversary of the unveiling and honoured those remembered by placing a wreath at the memorial.

I encourage everyone who visits Placentia, to view the memorial and remember those served, and I thank the Royal Canadian Legion Branch 33 in Placentia for their work in helping us remember these brave soldiers.

"We will remember them."

Thank you Mr. Speaker.

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

**MR. SPEAKER:** The hon. the Member for Grand Falls-Windsor - Buchans.

**MR. TIBBS:** Thank you very much, Mr. Speaker.

Today, I would like to recognize a very dedicated volunteer and resident of Badger, Mrs. Ann Young. Mrs. Young has been a pillar in the volunteer community of Badger for more than 20 years. Ann is a mom of two and a grandmother of seven grandchildren. She is a member of the Badger Fireettes. She is a member of the Sacred Heart Parish Church Committee. She heads all fundraisers in the

community and thrives on helping people in need.

Currently, Ann is working on ensuring the kindergartens and Grade 12s have some sort of graduation before moving on during this time when grads would normally be in full swing.

She believes in leaving nobody behind and nobody out. Ann can always be counted on if someone has any tragic loss in their family or in the community. She is the first to be there to start organizing and implementing what needs to be done.

Ann is the head of the breakfast program for Avoca and has recently won volunteer of the year for the beautiful community of Badger.

Please join me in recognizing Ann Young for always going above and beyond with her selfless acts of kindness.

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

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

**MR. TRIMPER:** Mr. Speaker, the Special Olympics movement lost one of its most popular and successful athletes last week.

Gary Thompson has long served as an important ambassador for the Howling Huskies team in Happy Valley-Goose Bay. His room is a shrine to the movement, displaying the over 90 medals he won at local and provincial meets, and the hundreds of pins and other souvenirs from people and places he had been in his 58 years, each meticulously organized, remembered and displayed with pride.

Gary passed away suddenly while doing what he enjoyed the most, walking around the community with his best friend Harris Wolfrey. The two of them were truly a mobile icon in town because of the important role they played as greeters at the NorthMart, delivering or picking up packages for his mother Pearl, or just looking out for everyone around them.

The celebration of Gary's life was held on Saturday with hundreds tuning in to watch the service hosted by the Salvation Army. Social

media provided the platform for many people to express their condolences to his family, friends, fellow athletes and coaches with the Howling Huskies.

Mr. Speaker, we all shared different stories with the same conclusion. We will all miss a fine man.

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

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

**Statements by Ministers**

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

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

Mr. Speaker, I rise today to speak about efforts we are making to help municipalities as they navigate through the COVID-19 pandemic.

Newfoundlanders and Labradorians have long been known to support one another during difficult times. As we all learn to live with COVID-19 for the foreseeable future, government will continue our support to communities in our province. We will build on our strong relationship with Municipalities Newfoundland and Labrador to bring the best solutions to our community leaders.

We are proceeding with our regular Municipal Capital Works projects and we are currently in the process of notifying communities so they can prepare to begin construction on their projects. We are also proceeding to notify recipients of the next round of Investing in Canada Plan projects.

Mr. Speaker, recently we announced new measures to help municipalities and local service districts, introducing including temporary local preference provision to the *Public Procurement Regulations*. This process presents a more timely process for municipalities, which results in quotes being obtained in approximately a week compared to a request for proposals process, which can take up to two months. The department also has a dedicated procurement team to assist with conducting of these limited calls over the next few months.

I was also pleased last week to join the federal Minister of Infrastructure and Communities, in announcing more than \$31.5 million under the Gas Tax Fund to Newfoundland and Labrador for the 2020-21 fiscal year. In addition to the more than \$21.7 million for 276 communities, there is also \$8.9 million for Provincial Waste Management Strategy, as well as funding for the Water and Wastewater Initiative. With the impact of COVID-19 on our communities, it was important municipalities received the full amount of the Gas Tax Fund upfront this year so they can continue to strengthen services and build critical infrastructure.

Mr. Speaker, now, more than ever, we need to be there for all of our communities and their residents as we continue to live with COVID-19.

Thank you, Mr. Speaker.

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

**MR. SPEAKER:** The hon. the Member for Grand Falls-Windsor - Buchans.

**MR. TIBBS:** Thank you very much, Mr. Speaker.

I'd like to thank the hon. minister for an advance copy of his statement.

Mr. Speaker, we recognize that these are difficult and challenging times, and we are pleased to see measures put in place to support communities and municipal leaders across the province as they continue their work to provide services during this pandemic. Municipalities and their leaders deal with a wide variety of important issues such as drinking water, fire and emergency services, infrastructure, waste water and waste management, to name a few. It is very important that the work to deliver and improve these services in our communities can continue.

Mr. Speaker, I would like to thank all of our individuals who work and volunteer with municipal governments and local service districts across the province for their support and their continued commitment to making our communities stronger and safer for our residents here in Newfoundland and Labrador.

Thank you.

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

**MR. SPEAKER:** The hon. the Member for Labrador West.

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

I, too, thank the minister for an advance copy of his statement.

It's great to see that the usual sources of funding for municipalities will not be disrupted and that the Gas Tax Fund will be paid upfront.

However, municipalities have had the loss of extra expenses as a result of COVID-19. They have lost revenue that they count on, such as from recreation facilities, community hall rentals and other services they provide. I hope the minister will come up with a plan to help them get through these times and this loss of revenue.

Thank you.

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

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

The hon. the Government House Leader.

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

Due to the tremendous efforts of our government, we now have a new regional assessment process that maintains the strong protection of the offshore environment while significantly shortening timelines for exploration drilling program approval – a major consideration for companies looking to make global investment decisions.

The new regional assessment is a significant improvement over the previous process, which caused considerable delays in issuing authorizations for offshore exploration activities that typically take between 30 and 60 days to complete.

This was largely of a result of a decision made in 2010 to move the responsibility for offshore environmental assessments from the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) to the Canadian Environmental Assessment Agency (CEAA).

Through the new process, approval timelines have decreased by about 90 per cent – from 900 to as little as 90 days.

In *Advance 2030*, we outlined the future of the offshore oil and gas industry, of which there is tremendous potential – with over 650 leads and prospects identified to date, eight new entrants over the last number of years, and resource potential of 52.2 billion barrels of oil and close to 200 trillion cubic feet of gas in just 9 per cent of our province's offshore.

The regional assessment process allows us to be globally competitive while ensuring an effective environmental regime.

Thank you, Mr. Speaker.

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

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

**MR. BRAZIL:** Thank you, Mr. Speaker, and I thank the minister for an advance copy of her statement.

The announcement that new exploration activities can fall under the regional environmental assessment and that approvals will now be granted within 60 is good news for our oil and gas industry.

Mr. Speaker, exploration is one of the most important activities for our oil and gas industry, and perhaps for our entire province's economic viability. Exploration is exciting. It is where oil is discovered. It helps us to envision a prosperous future for everyone. Greater exploration increases our probability of discoveries, which in turn will increase current and future employment in the industry.

However, Mr. Speaker, we all must realize that the oil and gas sector is a global sector and is negatively impacted by the downturn in the world economy. Oil companies have less cash flow for investment in their exploration than in previous years. Our offshore industry will have to compete globally for these investment dollars. Because of this, we must do everything to make our province as attractive as possible for exploration. The regional environmental

assessment will help, but it's not enough. The federal government must immediately implement incentives for exploration. Anything less is a failure of our federal government to support our province.

Thank you, Mr. Speaker.

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

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

**MS. COFFIN:** Thank you, Mr. Speaker, and I thank the minister for an advance copy of her statement.

My caucus and I support the responsible, sustainable and environmentally sound development of our natural resources. I note the minister's statement highlights the reduced timeline for regional assessments, but falls short of elaborating on the – I quote – strong protections of our offshore environment. It would be a travesty if there were another offshore oil spill because of these changes. Perhaps companion regulations proposing stiffer penalties for environmental contamination are needed, or maybe now is the time to establish an independent offshore safety and environmental authority.

Thank you, Mr. Speaker.

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

Oral Questions.

### Oral Questions

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

**MR. CROSBIE:** Mr. Speaker, 120 business leaders, including from this province, signed an open letter asking governments to ease travel restrictions which are too broad or unnecessary.

Does the Premier intend to make a detailed response to these leaders?

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

**PREMIER BALL:** Mr. Speaker, when I received the letter from the business leaders, I think there were 50 names that were attached to that, many of those people that I would reach out to on a regular basis and they would have lots of discussion on various issues around the economy in Newfoundland and Labrador. The envelope on the outside said it was private and confidential, and it was not something at that point in time that seemed to be something that would require a reply. Since that, Mr. Speaker, I would like to let the Member know that I've spoken with a number of those people. I will see what a formal reply to that letter would be.

Moving from Alert Level 3 direct to one, Mr. Speaker, I think the public health officials are taking the concerns of public health and safety of all Newfoundlanders and Labradorians into consideration. Yesterday, I think the chief medical officer of health made an indication that she would move from Alert Level 3 to Alert Level 2, not directly to Alert Level 1.

**MR. SPEAKER:** The Premier's time has expired.

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

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

**MR. CROSBIE:** Mr. Speaker, thank you.

The Minister of Finance told us that it's impossible to do a month-by-month accounting of the books of the province.

Is he telling the House that his officials are not doing a monthly budget monitoring process?

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

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

Each department, Mr. Speaker, monitor within the budget allocations that they're given. The deputy and ministers in those departments keep an eye on the allocations as provided to those departments. There are literally months of work go into preparing a budget for the province. I know that officials when they're doing a budget spend many, many, many nights here well into

the night preparing a budget. I will say that it is impossible to do the same amount of work on a month-by-month basis to essentially provide a budget to the Legislature every single month.

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

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

**MR. CROSBIE:** Mr. Speaker, the Judges Salary and Benefits Tribunal report was handed to the Minister of Justice on June 4, 2019, and is now based on badly outdated economic and fiscal information.

Why did the minister take a whole year to bring the report to the House for a vote?

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

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

Thank you for the question.

As the Member would know, these judges' tribunals are for a period of four years. This one in question was actually for 2017-2021. The interviews for this didn't even happen until 2019, which is par for the course for these. In fact, when we came in in 2015 we took one over that had started – supposed to be 2013 – started in 2014. So the fact is they're based on a four-year period. I want to thank the tribunal for the work they've done. I look forward to debating it this afternoon.

Thank you.

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

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

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

Minister: Can you confirm that an individual arrived in St. John's last night, entered a shelter in St. John's and had to be tested for COVID after showing symptoms?

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

**MR. HAGGIE:** Thank you very much, Mr. Speaker.

I can indeed confirm that the border controls we have in place worked well last night. An individual was identified at the airport as not having an isolation plan, and being a vulnerable person he was placed. There was then some question about COVID testing. He had a test, it was negative, and he is now being housed through the vulnerable persons' working group, Mr. Speaker.

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

**MR. SPEAKER:** The hon. the Member for Stephenville - Port au Port.

**MR. WAKEHAM:** Mr. Speaker, on April 21, 2020, departments and agencies, boards and commissions – ABCs – were directed to commence budget monitoring process in May and every month thereafter.

Will the minister table the projections that the Department of Finance has received before the House closes this week?

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

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

I will speak with officials in the department to see what information is available and I'll provide a response back to the House.

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

**MR. SPEAKER:** The hon. the Member for Stephenville - Port au Port.

**MR. WAKEHAM:** Mr. Speaker, the people of our province can be very proud that they have flattened the curve, but what we need now is government to govern and deal with the financial fiscal crisis facing our province.

Can the minister give this House an estimate of the deficit, based on the projections he now has in his Finance Department, to the nearest hundred million?

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

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

We did provide an update for the close out of the 2019-20 year. Even that, Mr. Speaker, because of the changes in calculations and change in information, took a couple of weeks to put together.

I know that officials in the Department of Finance now are working on the budget details for a new budget, Mr. Speaker, and that will take a considerable amount of time. I know that not every Member of the Legislature has a full understanding or a full appreciation of the numbers of hours and the commitment put forward by officials in the Department of Finance when preparing a budget, but, Mr. Speaker, I've indicated to the Legislature that when that budget is ready we'll bring it to the Legislature.

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

**MR. SPEAKER:** The hon. the Member for Stephenville - Port au Port.

**MR. WAKEHAM:** Mr. Speaker, based on the information that the minister has given already publicly to date, it looks like the deficit projection for 2020-21 could be the highest deficit in the history of our province.

Minister, the point here is that the people of our province deserve to know what you already know about the fiscal situation. You have the projections, we have the letter that the Clerk sent to the departments and ABCs. We just want you to share that information.

Will you table the projections here in the House?

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

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

I believe we have been absolutely forthright with this Legislature, with the people of the province. This is going to be a very difficult year on the finances of the province, Mr. Speaker. What I do know, I'll tell the Member today, is that officials

in the department are working at putting those figures together. I'm not going to throw a number at the wall without having the details to provide. I will provide the details as soon as they're ready.

I do know, and what we've been forthright with, is that revenues have all been impacted, expenses have been impacted. COVID-19 and spiraling oil prices has had a devastating impact on the finances and budgeting of this province. We've been forthright about that. We'll continue to be forthright, and we'll provide the accurate details when we have accurate details to provide.

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

**MR. SPEAKER:** The hon. the Member for Stephenville - Port au Port.

**MR. WAKEHAM:** Mr. Speaker, the projected deficit for last year, I think without the Hibernia dividend, was around \$1.1 billion. The minister has already said there's \$500 million projected shortfall in the oil revenue this year. He also told us at the fiscal update that \$400 million had been removed from revenue related to two weeks of COVID in March and one week of Snowmageddon. So it's not hard to add a bunch of numbers together and come up with the fact that we're facing a significant deficit well over \$2 billion.

I ask the minister once again: Will he table the projections in the House of Assembly?

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

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

The Member opposite may take a fancy to throwing darts at a wall in the dark. I'm not going to do that, Mr. Speaker. The Member opposite may take a fancy to insulting the bureaucrats and officials in the Department of Finance, who I believe on an annual basis come literally within 1 per cent of a forecast when they put a budget forward.

I believe they need an opportunity to put accurate numbers, to the greatest degree possible, forward in the form of a budget. Even that, Mr. Speaker, when we do it – because of



the uncertainty and the unknowns that still remain with COVID and oil prices – probably won't be as accurate this year as in other years, but I believe they need an opportunity to do their work.

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

**MR. SPEAKER:** The hon. the Member for Harbour Main.

**MS. CONWAY OTTENHEIMER:** Mr. Speaker, it has been over seven months since Jonathan Henoche died at Her Majesty's Penitentiary after a reported violent altercation.

I ask the minister: Can he update the family of the deceased and the public on the status of the investigation, including the cause of death?

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

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

I thank the Member for what is a very important question. Unfortunately, I don't have any updated details to provide to this House at this time. What I will say is we allow the investigations to take their time and let the investigators take all the time that they need to do this right.

What I can say, though, is that the family will be made aware of this as soon as we know, and, obviously, the House will be made aware as well.

Thank you.

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

**MR. SPEAKER:** The hon. the Member for Harbour Main.

**MS. CONWAY OTTENHEIMER:** Mr. Speaker, the family are involved and concerned, as well as members of the public. Surely, seven months is enough time to have some indication of the outcome of this investigation.

Mr. Speaker, this is the third death at Her Majesty's Penitentiary since August 2017.

Is the minister concerned that there are systemic issues which ought to be addressed in an investigation and which should be made public?

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

**MR. A. PARSONS:** Thank you very much.

Again, I appreciate the fact that we all want investigations to be done quickly, but more importantly, I think, we want them to be done right. Therefore, I will not be placing any pressure on anybody to do this, and therefore allowing for something to be overlooked and not be made available in a report of this importance.

As it relates to systemic issues at HMP, as the Member knows, we had a comprehensive report done that was brought some time ago. In fact, we've had many changes that have already been made since that time. One of them was the announcement of the new penitentiary, which I do think will solve some of the problems that we face when it comes to corrections.

One thing I will note is that in the time we were away from this House we celebrated Corrections Week. I want to thank corrections officers for everything they've done before, then and now during these difficult times.

Thank you.

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

**MR. SPEAKER:** The hon. the Member for Harbour Main.

**MS. CONWAY OTTENHEIMER:** Yes, Mr. Speaker, we're aware of the recommendations, but the only recommendation that he references is one of many recommendations that were made by the Jesso report and which certainly need to be addressed.

Mr. Speaker, the chief judge has described the backlog in our court system as a system set to burst.

I ask the minister: What is the plan to deal with the thousands of judicial proceedings that have been cancelled over the past three months?

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

**MR. A. PARSONS:** Thank you very much and, again, another very important question.

No doubt the court system was overburdened by COVID like virtually every system not just in this province but across the country. What I can say is that we have worked with the courts to see that they get things back on track as fast as possible.

What I will remind the Member, though, is that they are independent. We cannot direct them as to how the courts are run; we cannot tell them how to do their jobs. What we can do is provide support and therefore we've worked with them, the Law Society, Crown attorneys, defence counsel – everybody – to make sure things get back on track and get done safely.

One thing I am very happy to say is that as of right now we have had no Jordan concerns brought forward to us by anybody. That's a very good thing to hear.

Thank you.

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

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

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

Mr. Speaker, many parents across the province are having to choose between their job and caring for their children during this pandemic. In fact, 37 per cent of businesses say that child care challenges complicate the return to work of employees.

I ask the minister: What is the plan to ensure that child care services are available for parents this summer?

**MR. SPEAKER:** The hon. the Minister of Education and Early Childhood Development.

**MR. WARR:** Thank you, Mr. Speaker, and I thank the hon. Member for the question.

We've provided probably one of the most generous child care packages in the country, including \$14.7 million in compensation to regulated child care centres. Right now we're at 70 per cent capacity at Alert Level 3. Once we move to Alert Level 2, Mr. Speaker, we will be at 100 per cent capacity in our regulated child care centres across the province, and I think we're going to be in good shape once we start opening up the economy.

Thank you.

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

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

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

Day camp registration is now under way in many communities, most operating at a fraction of normal capacity and some not opening at all. Parents are left worrying where they will find child care and physical activity for their children.

Minister, will you admit that the lack of child care planning is slowing and will continue to slow down our economic recovery?

**MR. SPEAKER:** The hon. the Minister of Education and Early Childhood Development.

**MR. WARR:** Mr. Speaker, with regard to child care, I don't know how to be more clear than the fact that as we enter Alert Level 2, we will be at 100 per cent capacity with regard to regulated child care. That's what we had before this pandemic and that's what we will have once we hit Alert Level 2, Mr. Speaker.

Thank you.

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

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

**MR. O'DRISCOLL:** Many families and individuals in our province are suffering financial hardship and have reached out to us questioning why government is preventing them from unlocking their pensions.

Minister, why is the government preventing individuals who are struggling from unlocking their pensions?

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

**MR. OSBORNE:** Thank you, Mr. Speaker, and I thank the Member for his question because it is a timely question and an important question.

The issue has been brought to my attention even through the All-Party Committee dealing with COVID. It does require a legislative change. We have had the department and officials in the department looking at a jurisdictional scan across the country to see what's happening in other provinces.

Very soon we will be going forward – so I'll make the announcement today that we're going forward with public consultations, which will be announced within the next week or two, to look at getting feedback from stakeholders, from unions, from anybody who wants to provide feedback, and we will be looking at making potential changes in the next sitting of the Legislature.

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

**MR. O'DRISCOLL:** Thank you, Mr. Speaker.

Thanks for that answer, but it's an ongoing issue now for the last 10 or so years so it would be nice to see something happen to that.

Almost all other jurisdictions in the country provide some level of unlocking prior to the retirement eligibility.

Can the minister tell us why it isn't permitted in our province?

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

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

As I've indicated, it's certainly something that I'm prepared to look at. It's a very complex issue. It's an issue that today, based on financial need, people would look to unlock and withdraw

money at a much lower level of value than what we would have seen six or eight months ago; maybe a much lower value than what we'll see six months from now.

Part of what we need to ensure, as legislators, when we do these consultations and when we make changes, is that we put in place proper protocols to ensure that people are making informed decisions.

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

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

**MR. PARROTT:** Mr. Speaker, the music industry has been decimated, gigs and tours postponed or cancelled. Musicians are sharing their art for free online. Summer festival season is upon us.

What is the plan to save this important industry?

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

**MR. DAVIS:** Thank you, Mr. Speaker, and I thank the hon. Member for a very timely question as well.

We've installed funding and kept our funding whole for those festivals that the hon. Member is talking about. We've kept those festival investments there so we can have them continue, whether in a digital format or whether in the future, so those volunteer organizations get the ability to continue and plan for next year's events.

In addition to that, we also worked very closely with MusicNL. We kept the funding that we gave MusicNL and provided to artists whole as well, and we've increased that as well through the pandemic through a process of \$25,000 additional just recently.

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

**MR. PARROTT:** Mr. Speaker, the minister's answer is fine, but the reality is MusicNL's Press On campaign only funded 34 out of the 70 proposals, so it's not quite adequate enough.

Many local artists are left out and have greatly reduced income.

What is the plan to ensure the music industry succeeds in this province?

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

**MR. DAVIS:** Thank you, Mr. Speaker, for the question. I thank the hon. Member as well.

The music industry has the ability to avail of the services that we have with our federal government as well. We've worked very closely with them to allow the ability for those programs to be open and accessible to as many Newfoundlanders and Labradorians as possible.

From the understanding I have, from many of the artists, they're receiving some of that. Is that the answer? Absolutely not. We're working very closely with MusicNL, as I've said before. We'll be looking at opportunities where we can fill those gaps that exist. One of those gaps that we talked about was the press on funding that we gave to make that addition to that.

So we're happy to always be listening to MusicNL and we'll continue to do so.

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

**MR. SPEAKER:** The hon. the Member for Topsail - Paradise.

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

Prior to this pandemic, there were post-secondary students, and there still are post-secondary students, that are only a matter of weeks away from completing their program. Since then, their program, their courses, their careers, employment opportunities have been put on hold.

I ask the minister responsible: What is being done to expedite their completion?

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

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

I have to commend the post-secondary institutions – Memorial University, the College of the North Atlantic and our private training institutions – for working with the Department of Advanced Education, Skills and Labour, and Health and Community Services to be very responsive throughout this.

A number of these institutions have mobilized very quickly and they moved their training to an online module. When it comes to practical training, it was, I believe, May 26 that we circulated guidelines from Health and Community Services to these institutions, and they have been restarting their programs and getting students back into training in as safe a way as possible.

You only have to look at – some private institutions have resumed in-class training for those that have been displaced. So there's a lot of movement on this file, Mr. Speaker.

Thank you.

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

**MR. SPEAKER:** The hon. the Member for Topsail - Paradise.

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

I've actually heard from students of CNA and MUN, and they are not receiving definitive information on the delivery of their fall programs. Hands-on courses such as welding, automotive repair have practical components.

Now that the Minister of Education has confirmed that the K to 12 program is going ahead in September, I ask the minister responsible: Will this be the same with the post-secondary institutions?

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

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

The College of the North Atlantic has released its academic plan. They released that a number of weeks ago for the fall semester. There are many cases this will be online, and there will be

components of practical training where they may in terms of their guidelines. Memorial University has done the same. A number of other private training institutions as well have released their plans as to where they're going forward. These institutions do have autonomy, and as the situation unfolds they may make changes, but they will be following public guidelines.

Right now, those components – Memorial University has said they will offer programming online in the fall, and the earliest they would return would be in January. Some in-class training would happen for labs, for pharmacy, for medical, nursing. So it depends on the –

**MR. SPEAKER:** The minister's time has expired.

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

**MR. SPEAKER:** The hon. the Member for Topsail - Paradise.

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

If anything has been highlighted during this pandemic is that our Internet service is in serious need of upgrading and it's not available in some districts. When the minister talks about online training – and I'm hearing from post-secondary students on the Northern Peninsula and the Bonavista Peninsula who are not getting proper online training because their system is not working properly.

I ask the minister responsible: Why has it taken a pandemic to initiate some action in this very much needed area?

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

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

If you look at the access to broadband and Internet services within Newfoundland and Labrador, it would be hard to believe today that we have some of the best that you would see anywhere in Atlantic Canada. This issue comes up quite often at meetings with other Atlantic premiers.

There's no question, once you put as many people on a system that was not designed to have so many people working from home, education services coming from home, virtual health care, these are all initiatives that this government, working with public sector workers, responded to really quickly getting people to adjust to a new lifestyle.

There's no question that broadband is an issue within our province, Mr. Speaker. I can tell you, this is something that is as much a discussion right now with the federal government. I can tell you this government will put in plans to make sure that we enhance broadband. It's a necessity. It's one of the basics now to be able to deliver services by the public sector and others, by businesses as well –

**MR. SPEAKER:** Time is expired for an answer.

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

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

**MR. LESTER:** Mr. Speaker, in this past March sitting of the House of Assembly concern was raised about the insecurity of our food supply. We were assured, as the House of Assembly and the people of this province, that there was no concern; yet, as early as April, the Premier was voicing concerns that we were less than a week away from running out of food, with only a 5-day food supply.

I ask any minister: What measures have been put in place to ensure our food supply will remain intact in the province in the event of another disruption?

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

**PREMIER BALL:** Mr. Speaker, I think the Member opposite is referring to some comments that would have been made around Oceanex and the notice they put to discontinue service or even stop service.

Mr. Speaker, if you remember, Marine Atlantic and the trucking industries stepped up in a big way to make sure that food continued to come into our province. We're also facing, if you look

at where we are in food security, some significant challenges around protein as a result of some of the impacts of COVID in places like Alberta and BC.

Mr. Speaker, I will tell you that if you look at *The Way Forward* and the vision that we put in place for the agriculture industry, the work at FLR and recent announcements, we're going to continue to invest in that because food security, growing products right here in Newfoundland and Labrador, we believe is something we must do even more of into the future.

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

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

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

I am worried about our economy. I've been asking for an economic recovery plan and I've been trying to initiate the all-party committee on economic recovery that the Premier agreed to back in March. It's now June; we still don't have a Committee, or a formal plan or a formal process to build a plan, yet the Premier says the Alert Levels are part of the plan. He says the raft of business support initiatives are part of the plan. Surely, the impending budget requires a plan, too.

Mr. Speaker, I ask the Premier: When will you share this plan, and who's been writing it?

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

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

Well, I think, to the Leader of the Third Party, she was actually part of a discussion with the Leader of the Opposition just a few days ago.

In terms of the all-party committee, I think the fair thing to be able to say is it wasn't me who actually held that up. Mr. Speaker, to ask a question suggesting that as Premier, that I was the one who was holding up this all-party committee is simply not the facts, and I think the Leader of the Third Party would know that. I'm not here to discuss what happened in that Committee, but I think the Leader of the Third

Party will know that it wasn't me who held up that.

Given the fact that, yes, we are experiencing some significant challenges as a result of the pandemic, as a result of the oil and gas industry, Mr. Speaker, I would like to remind people in our province that this will be the worst deficit that we have seen in the history of the country. As a matter of fact, many people dealing with the economics of the world are suggesting that this will be the largest recession in the history of the world. So, Mr. Speaker –

**MR. SPEAKER:** Time for an answer has expired.

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

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

**MR. J. DINN:** Thank you, Mr. Speaker.

At the moment, the Newfoundland and Labrador English School District is planning to have students and teachers back in the classroom with in-person instruction in September. This will require stringent cleaning protocols to keep surfaces sanitized and schools safe.

I ask the Minister of Education and Early Childhood Development if there are enough maintenance personnel in the education system, and will there be enough for the new school year to ensure schools are up the standards of the chief medical officer?

**MR. SPEAKER:** The hon. the Minister of Education and Early Childhood Development.

**MR. WARR:** Thank you, Mr. Speaker, and I appreciate the question from the hon. Member.

A plan is being developed, as I spoke yesterday, that will provide guidance for the school districts as directed by public health on all aspects of education system, including physical distancing measures and cleaning. We will be looking at all aspects of the education model, Mr. Speaker, from in-class instruction, social distancing, cleaning measures in washrooms and classrooms. We will be looking at all aspects of the education system and certainly putting a plan

forward as we move closer to the end of June for September.

Thank you.

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

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

**MR. J. DINN:** Thank you, Mr. Speaker.

Mr. Speaker, online learning will be particularly challenging for teachers of school-aged children. Some of these children have diagnosed exceptionalities. It's going to be challenging for these teachers because they will be required to balance the delivery of online instruction while ensuring their own children's educational, physical and emotional needs are tended to.

I ask the Minister of Education and Early Childhood Development: What emotional and child care supports will the department and school districts have in place for teachers so that they can deliver curriculum to their students?

**MR. SPEAKER:** The hon. the Minister of Education and Early Childhood Development.

**MR. WARR:** Thank you, Mr. Speaker, and I thank the hon. Member for the question.

Meeting the needs of students with exceptionalities, Mr. Speaker, is very much a part of the discussions and the planning under way for September. We understand that we need to provide continuous learning for all students, regardless of the situation of the pandemic.

We will build on steps that were taken last year, Mr. Speaker. This includes better instructional resource teachers with families and students through, for example, the use of assistive technology. It will all form part of the plan as we move forward to September, when we hope to have all children back in school.

Thank you.

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

**MR. SPEAKER:** Time for one quick question from the Member for St. John's Centre.

**MR. J. DINN:** Thank you, Mr. Speaker.

I ask the same question then. For parents of school-aged children who may be working from home, working at home, leaving home for a job or they're staying at home, what supports will be in place for those parents for their school-aged children? Especially those children, if their children require specialized supports.

**MR. SPEAKER:** The hon. the Minister of Education and Early Childhood Development.

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

Part of our planning going forward, Mr. Speaker, is to have all children back in school this coming September; however, based on where the pandemic is at that point in time. This is a plan that we're putting forward. We will look at all aspects of the education and all children within our education system. We will take into consideration issues with children who need extra resources and families – we'll look at that as well.

Thank you.

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

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

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

#### Notices of Motion

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

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

Pursuant to Standing Order 11(1), I hereby give notice that the House not adjourn at 5:30 on June 18.

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

Answers to Questions for which Notice has been Given.

Petitions.

### Petitions

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

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

There are many people in Newfoundland and Labrador who are very concerned about the backlog in our health care system as a result of the COVID-19 pandemic.

Therefore we petition the House of Assembly as follows: To urge the Government of Newfoundland and Labrador to direct the province's health care authorities to develop and make public a plan that not only returns our health care system to normal operations, but also deals with significant backlog in appointments, surgeries and other procedures.

Mr. Speaker, this is an issue which I've tried to bring up on numerous occasions, I have brought up and I'm going to continue to bring up as long as the House is sitting. I've received numerous calls, emails, messages from people throughout Newfoundland and Labrador, from my district and outside my district, and I know the Member for Humber - Bay of Islands has as well. I'm sure that Members on all sides of the House of Assembly have received these calls and concerns.

I'm in no way, in presenting this petition or raising this issue, knocking the job that's been done. I have said on numerous occasions and I will continue to say that the Premier, Dr. Fitzgerald and the Minister of Education have done a great job in managing this pandemic thus far communicating with the public. I give them full marks, 100 per cent, but as we proceed now in the Alert Levels, there are people that have these concerns.

You have to realize, Mr. Speaker, at the best of times there are significant wait times for various procedures. Albeit government has made improvements in a number of areas – and, again, I will give credit that the mental health is one

that comes to mind; made tremendous gains in wait times for people with mental health issues, but there are still a number of procedures where that's not the case under the best of circumstances.

Now we have this tremendous backlog on top of what would normally be the normal wait time and people have concerns. Imagine four months ago, I give as an example, you're told that you have some kind of a growth or something, you don't know what it is. Has it gotten larger? Has it spread? By the time I get this diagnosed and see a specialist, will it be too late to get treatment? If I have a heart condition, I'm waiting on some kind of a heart surgery and I'm told to go home and wait. I'm hoping that by the time I finally get to have that procedure done, I won't have a heart attack in the meantime. I understand there is 911 if there's an emergency but it could be too late at that point, Mr. Speaker.

People are concerned about these issues. Again, this is not to knock the health authorities or the government. Like I said, they've done a good job so far with the pandemic but life has got to go on, and people have these concerns about their health and it's important that we discuss these matters and bring it to government's attention.

I'm sure the Minister of Health is aware of these issues; I know he is. I know he's doing the best he can, but it's important that we continue to press with him the need to get these things up and running.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The hon. the Minister of Health and Community Services with a response.

**MR. HAGGIE:** Thank you very much, Mr. Speaker.

The Member opposite raises a very important point. I think it only fair to inform the House, as pretty well everybody else, that the world now is completely different than it was four months ago. We will not see the world or health care in this province the same again and to expect to return to the way we used to do things is unwise.



For the benefit of the House, cases identified as urgencies by clinicians, cancers and those kinds of things have continued throughout COVID, unlike in some jurisdictions where their workload precluded that from COVID.

There is a plan in place, through the RHAs, to deal with the re-establishment of what will become the new normal way of doing business. There is a plan through the RHAs to address the backlog. Indeed, I will be engaging with the Medical Association, as early as next week, to discuss plans for dealing with the wait-lists. So the work is being done, Mr. Speaker.

Thank you.

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

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

Mr. Speaker, the background on this petition is as follows: The Wilderness and Ecological Reserve Advisory Council, WERAC, has put forward a proposal, *A Home for Nature: Protected Areas Plan for the Island of Newfoundland*, that has set out 26 ecological reserves and six transitional reserves.

These areas include some that are populated by permanent residents, others that are populated by seasonal users and cabin owners – all of which are of great cultural and economic significance to all Newfoundlanders.

This proposal was prepared and put forward by the government without any consultation with residents, cabin owners, seasonal recreation user or locals with intimate knowledge of the proposed sites. The impact that this proposal would have on users' way of life, traditional or otherwise, seems to have been completely disregarded.

The proposal was developed without a fully constituted committee of 11 members, without the reasonable consultation with the parties that would be most severely impacted by these critical changes to the land and back country areas that, for some, are home and, for others, are an integral part of their lives.

As well, this proposal was brought forward in the middle of a global pandemic when gatherings of any significance to discuss the course of action to fight this issue would be prohibited. Failure to follow the established principles of openness and consultation renders this proposal, at the very least, illegal and brings into question the validity of transparency of the entire process.

Therefore we petition the hon. House of Assembly as follows: We, the undersigned, urge the Government of Newfoundland and Labrador to not accept WERAC's proposal, *A Home for Nature: Protected Areas Plan for the Island of Newfoundland*, and encourage government to do proper consultation and further plans. Furthermore, it is respectfully requested that WERAC release all data, documentation and all research used to select these proposed reserve and transitional areas.

Mr. Speaker, I was asked to bring this petition forward. It's signed, but these are electronic signatures. This issue is a grave concern for a lot of people in the province. I know my colleague, the Minister of Advanced Education, Skills across the way, spoke out about it last week as well. The Great Northern Peninsula is going to be adversely affected.

I was asked to bring it forward. A lot of people in my own district, who use those areas for cabin country and what have you, have great concern. It also affects development. It also affects prospecting. There are a lot of effects on this plan.

It's been rumoured and it's been in the media that this plan was kicking around for 25 years. That's probably accurate. I know when we were the previous administration here and I worked with the former minister of Environment, this was debated, this plan was debated. Upon debate and consideration, there were too many drawbacks. The negatives outweighed the positives and it was never proceeded with because it affected too many. The negatives outweighed the positives, and that's all I can say.

You have areas where people have existing cabins they want to get to. They want to drive their snowmobiles, ATVs. They want to cut

wood. It's their way of life. They're already existing. They're going to be limited by this, plus your developments.

All in all, Mr. Speaker, this will have a negative impact; it doesn't have the proper balance. I call upon government to reconsider and do proper consultations so that everyone has a fair say in the process.

Thank you very much.

**MR. SPEAKER:** The hon. the Minister of Fisheries and Land Resources with a response.

**MR. BYRNE:** Thank you very much, Mr. Speaker.

I would like to thank the hon. Member for bringing forward this petition, as well as the petitioners who brought forward their views before the House of Assembly, which is where all views should be registered and heard. I also want to thank the members of the WERAC advisory council and committee for their work over the preceding period. It has been helpful in terms of guiding, consultation and efforts by the people of the province, by those who have a vested interest and an important interest in protecting our natural areas.

Mr. Speaker, the hon. Member is quite right when he discussed the various aspects of the WERAC plan. It is indeed just that. It is the Wilderness and Ecological Reserve Advisory committee's plan. There has been controversy over this plan, as the hon. Member has put forward. This has been a process that has been unfolding for well over 25 years. In fact, out of frustration two current members from the WERAC committee decided to leave the committee, and I respect both of those individuals for their point of view.

What I can say is that after 25 years of inaction, the plan is now put forward for a public consultation and that public consultation will occur until October 1. This is indeed WERAC's plan, and I look forward to hearing from them (inaudible).

**MR. SPEAKER:** The hon. the Member for Harbour Main.

**MS. CONWAY OTTENHEIMER:** Thank you, Mr. Speaker.

The reasons for this petition:

WHEREAS individual residents and municipal leaders, including the Conception Bay North Joint Council, have spoken to the deplorable road conditions in the District of Harbour Main; and

WHEREAS the district is made up of many smaller communities and towns like Holyrood, Upper Gullies, Seal Cove, Cupids, Colliers, South River, North River, Roaches Line, Makinsons, who have roads in desperate need of repair and paving; and

WHEREAS these roads see high-volume traffic flows everyday and drivers can expect potholes, severe rutting, limited shoulders and many washed out areas along the way;

THEREFORE we petition the hon. House of Assembly to immediately take the necessary steps to repair and repave these important roadways to ensure the safety of the driving public who use them on a regular basis.

Mr. Speaker, in the past 13 months since my election, one of the biggest issues I hear about from my constituents are the conditions of the roads. The people in the district are outraged, in fact, by the fact that the roads are deplorable. Many people, not only in my district but other motorists outside of the district, travel on these roads are very concerned. They're concerned about safety issues. They're concerned about hazards caused through these roads.

People, motorists, residents are getting increasingly frustrated by inaction of the government. Individuals are upset, but not only individual citizens, Conception Bay North Joint Council members have spoken to me and also written the minister expressing grave concerns and frustration.

I have many letters here. The mayor of South River recently wrote to the minister. He was talking about the large potholes that are dangerous and difficult to avoid, specifically in the area of South River hill to North River. They are concerned that the potholes in front of the

daycare in South River are particularly hazardous.

The area by the bridge from South River to Clarke's Beach is another area of concern. There are trenches there that make it impossible for pedestrians to safely cross the bridge. Despite requests to have the problem corrected last year, and the year before according to the mayor of South River, it was not done.

The town council of North River, again, sent a detailed letter to the minister and, as well, has spoken to me about it. Their level of frustration grows, the letter says: as we continue to be overlooked by government to address the deplorable hazardous conditions of the main road in North River.

We have the Town of Brigus expressing the same concerns with respect to the bottom of South River hill to the bottom of North River hill. They're deplorable and require immediate attention. These towns are writing to express their concerns and show their support to the towns in this area.

The Town of Cupids, as well, has expressed their concerns. This was just recently in May as well, regarding the condition of the Conception Bay Highway from South River to the bottom.

I have more and more letters, Mr. Speaker. People have a right to know what action this Minister of Transportation will be taking to improve these roads that people have to travel on, and when can they expect results.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Further petitions?

The hon. the Member for Topsail - Paradise.

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

WHEREAS small businesses are the backbone of Newfoundland and Labrador's increasingly diversified economy and their contributions and the role they play in society is anything but small; and

WHEREAS they are creating jobs and opportunities, strengthening and building

communities and fortifying the provincial economy, as well as creating innovative solutions; and

WHEREAS there are supports available to small businesses during the pandemic, there are small businesses that continue to struggle.

THEREFORE we, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to develop a course of action to assist small businesses that are unable to avail of current supports or are in need of other supports to ensure they survive the current pandemic and continue to contribute to the society and success of our economy in the long term.

Mr. Speaker, in my district, in the District of Topsail - Paradise, there are many, many small businesses. I've attended, over the last year, many ribbon cuttings for small businesses. If you look at the stats around small businesses in Newfoundland and Labrador, there are probably about – just in the ballpark, about 16,000 businesses in the province. Ninety-seven per cent of those businesses fall under the definition of a small business. Over 85 per cent are business with 19 or less employees. To say they are the backbone of our economy is not an understatement; the fact is they are.

With many new businesses trying to start up and still looking at covering their start-up costs, they need assistance, especially in this pandemic. The commercial rent program is a good example; it's a program whereby the landlords had to apply for the relief as opposed to the business.

As we move forward, we want to see less closures. In the building I occupy, my office in the district occupies, in the last couple of months two small businesses have already closed doors. I have seen the U-Hauls pull in, gone, never to be seen again and we have to stop this. We have to ensure that our businesses are able to sustain and be around for a long time. They are not looking for hand outs, I can guarantee you that; they are looking for some assistance and a hand up because they struggle, especially in this day and age, with just covering their rent.

I hope, and I pray, that we are going to do something to assist our small businesses and ensure they are here tomorrow.

**MR. SPEAKER:** The hon. the Minister of Tourism, Culture, Industry and Innovation with a response.

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

I'd like to thank the hon. Member for bringing the petition and the petitioners as well.

We've worked very closely from the start of the pandemic and continue to work with our federal colleagues in the development of the programs that they've put forward, whether that be the wage subsidy, the rental program, the interest-free working capital loans. We've worked with them that benefit small business as well.

Is it perfect? Absolutely not. That is why we've worked with them. That's why we've tried to make transitions to expand those programs to satisfy the most available opportunities with businesses. In the province here, myself and the Minister of Finance and President of Treasury Board and the Minister of Advanced Education, Skills and Labour have met on multiple occasions with, I think, 21 different business leaders that represent thousands of different businesses within our province. We met with them almost on a by-weekly basis to discuss the issues they've had to bring forward those concerns.

We've used some of those meetings as stakeholder groups to action items like deferral of fees and permits, tax payment extensions, deferral of loan payments. We put a \$10 million utility credit there. There's \$25 million tourism, hospitality program. We have (inaudible).

**MR. SPEAKER:** The minister's time has expired.

**MR. DAVIS:** Mr. Speaker, I can go on and on and on about this.

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

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

We, the undersigned, are concerned citizens of Newfoundland and Labrador who urge our leaders to ensure that before the fall semester starts for high school and post-secondary students, the Internet infrastructure be upgraded in the Northern Labrador Indigenous communities of Nain, Natuashish, Hopedale, Makkovik, Postville and Rigolet.

Our Northern Labrador communities have broadband, but the required speeds essential for online courses is not available on a consistent basis, causing systems to lock up and/or boot students off the system. This aging and inadequate infrastructure does not support broadband required for online meetings, video conferencing, nor the ability to support video platforms like Zoom, Skype and Google suite applications that the schools use.

Broadband is not available on a consistent basis necessary for students taking online courses. Students will be handicapped at a critical time in their education path, impacting their ability to succeed if the Internet system in each community is not upgraded to provide adequate speed and reliability.

We can't stand idly by and watch our students be burdened by this unfair reality of current circumstance. Therefore, we provide you with this petition asking you to help ensure the upgrades will be done so our students can have the same access to Internet services as the rest of the province.

Therefore, we petition the House of Assembly as follows: We, the undersigned, call on the House of Assembly to urge the Government of Newfoundland and Labrador to ensure Internet services be upgraded in the Northern Indigenous communities of Nain, Natuashish, Hopedale, Makkovik, Postville and Rigolet.

This petition was presented last week. I gave specific examples of problems of slow Internet services. Also, I talked about the fact that the Internet is so unreliable that our post-secondary students will not be able to take online courses. Also, I gave examples of where high school students will not be able to participate in online learning. This is a very critical time for their education path. That was all examples given last time; I'm presenting the petition again.

One of the things that really bothers me – and I'm speaking to my people now, the people of Torngat Mountains. People here in the House don't need to listen if they don't want to. The problem with being Indigenous communities is a lot of times people think there is a lot of money available. Do you know something? There is. There's a lot of money available through the federal government. Trudeau has announced much money. I was in the meeting a couple of days ago with the federal MP and Bell Aliant and they told me that the infrastructure is actually – there is such a gap that they can't apply on the money.

So federal dollars out there for Indigenous communities is going to other Indigenous people. In actual fact, a lot of the Indigenous dollars that's being spent is not going to Indigenous people; it's not going to Indigenous students. I'm saying to my people, the people of Torngat Mountains: I have two hands and on these hands there are eight fingers and I tell you after a year of being in this House, Mr. Speaker, I'm going to start pointing fingers because somebody is taking the Indigenous dollars that are supposed to be given to the Innu and the Inuit of Labrador.

The Innu and Inuit of Labrador are future leaders. The students are being failed by this government and by the federal government.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The hon. the Minister of Tourism, Culture, Industry and Innovation for a response.

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

I could not agree more with my hon. colleague across the way. I look forward to sitting down and having a meeting with her tomorrow morning, actually, on this very topic. We're going to be there shoulder to shoulder with you to try to do as much as we possibly can to avail of those dollars that we can.

We understand that this is a national issue. The federal government is the lead agency on this. They're pushing significantly more than \$1 billion out over the next 10 years to satisfy a 50-10 requirement, as a minimum standard of what

they have. We don't have that in this province; we need to get there.

I look forward to working with my hon. colleague on this matter because it's fundamental to not only the education system, economic development, health and safety, we're doing things that has been uncovered with respect to COVID-19 that we never would have thought how much video conferencing was going to be used. That's non-existent. Even my colleague, when I talked to the Minister of Advanced Education, Skills and Labour sometimes over Skype, we can't get a good conversation doing because it keeps cutting out.

It's all over our province. We have to fix these problems and I look forward to working with you. Hopefully, we will find some solutions that we can move these forward as quick as we possibly can, but it's going to take all of us pushing them. I'm glad that we can work together on this.

**MR. SPEAKER:** Orders of the Day.

#### Orders of the Day

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

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

I call from the Order Paper, Motion 5.

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

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

Right now I am speaking to Motion 5 on the Order Paper, which is one that we placed in the House of Assembly yesterday, and I will read it for the record:

WHEREAS the Lieutenant-Governor in Council appointed a tribunal under section 28 of the *Provincial Court Act, 1991* to make recommendations on the salaries and benefits of judges and the chief judge; and

WHEREAS the tribunal submitted its recommendations to the Minister of Justice and Public Safety on June 6, 2019; and

WHEREAS the *Newfoundland and Labrador Provincial Court Judges Salary and Benefits Tribunal Report* was tabled in this hon. House on June 25, 2019, as required by section 28.2 of the act; and

WHEREAS the House of Assembly is required to approve, vary or reject the report; and

WHEREAS government has decided to ask this hon. House to accept all of the recommendations of the tribunal as contained in its report of June 4, 2019;

THEREFORE BE IT RESOLVED that this hon. House accept the recommendations of the 2018 Newfoundland and Labrador Provincial Court Judges Salary and Benefits Tribunal; and

THEREFORE BE IT FURTHER RESOLVED that the recommendations of the tribunal be implemented effective April 1, 2017.

Mr. Speaker, what I've read in here is a resolution that basically comes into –

**MR. SPEAKER:** We need a seconder for that motion.

**MR. A. PARSONS:** Oh, sorry, seconded by the Minister of Natural Resources. It's been a while, Mr. Speaker. I'm just getting the rust off. Thank you.

This is a resolution that comes into this House quite regularly. In fact, a number of times over the last 30 years.

Now, prior to just talking about that, I will say, for those that may be watching on TV, I normally don't sit in these seats. I would normally be on the floor. It's a bit different being in the nosebleeds, but it's still a fun view. Again, I would point out to anybody that's watching that due to COVID, I guess, regulations the seating arrangement in the House is quite different. From my information, there was one seat that could not be placed on the floor due to spacing protocol. I'm just, again, putting this out there to constituents that might be watching just to make sure they know I'm not up here for bad behaviour.

One seat had to be off the floor, and given the fact that I have an immunocompromised individual in my family, it was felt that I could sit here and still participate in the House, which again is something very nice to come back to after having been absent for so long. I put that out to my constituents in case they're wondering why I'm sitting up here, as one reporter noted yesterday, like Harold Ballard watching the Leafs from the gondola.

I'll just get to this tribunal. Again, my goal is to provide some context, some background and some information as to what this process is. I shouldn't take too long. This is something that happens every four years.

Some history is that prior to 1991 salaries for Provincial Court Judges in our province were determined by a formula. That formula was basically upon 85 per cent of the top of the scale for the province's deputy minister. In 1991 the Provincial Court Act was enacted and provided for a tribunal process in which a tribunal would be appointed to make recommendations on the salary and benefits. The first one was the Whalen Tribunal. They've happened essentially every four years since that time.

I'll get into some reasoning behind that. One being there was a Supreme Court case in 1997 called the PEI reference which talked about judicial independence and constitutional requirements for the financial security of judges which lays out why do we do it this way. Why is this different than negotiations involving other public sector servants or politicians?

For this particular tribunal, which was appointed in 2017, they were appointed to make recommendations for a four-year period from April 1, 2017 to March 31, 2021. And I will get into the history prior to that.

They did hearings in January 31 to February 1 of last year. So there would be submissions made by government and as well by the Provincial Court judges' association, oral and written submissions. The report was submitted last June, June 6 of 2019. There's a section in the act that states that we have to table it in the House – which we did so on June 25. Then we had to basically decide, do we confirm, vary or reject the tribunal's recommendations.

So again, we are a bit behind schedule here, but I will note that very similar to what's been done in most other cases, these tend to take some time and end up being debated in the House and often – in this case, the fact that it's 2020 we're still within that window, whereas in some cases it's actually happened after that window. So there will be a portion of this that is retroactive.

Again, the members of the tribunal were made up by Brad Wicks, Q.C., David Eaton, Q.C., and John Whelan. Now these are the same individuals that were appointed in 2013 by the previous administration. So they would've dealt with the Provincial Court judges' remuneration for a period of 2013-2017. This government made the decision to have the same individuals in place, which we felt was a positive move, given it would allow for some continuity, individuals that have done this before and can come in and present this case. We thank them for their work, for their timely work. And again, they've been doing this for some time.

I'll move forward here. So they make recommendations on a number of factors. There's salary, there's per diem judges, severance, long-term disability and the costs. Basically, everybody whether it be the government or Provincial Court judges would make a submission on both sides and the tribunal would rule on it and come up with their recommendation. Then it's up to government whether they want to agree with it or disagree with it or change certain portions.

I will try now to provide some, I guess, background of what's happened in the past with these motions. What we did have, going back to 1992, there was the Whalen Tribunal. They actually recommended an 11 per cent increase in salary in '92 and then an 11 per cent increase in 1994. Back then, government deferred the reports citing the Public Sector Restraint Act, which you can imagine a 22 per cent increase in salaries, again back during those times, would have caused some conversation amongst people.

One of the big decisions that shows us why this is a constitutional requirement and one that we just cannot ignore or treat the same as any negotiation comes from the PEI reference, which was the decision on judicial independence and constitutional requirements. It established the

requirement for independent judicial compensation commissions to regularly inquire into the adequacy of Provincial Court judge compensation and benefits.

The judges' association commenced litigation and, back then, they sought a declaration that the Whalen Tribunal's recommendations had become law and the government of the day did not deal with the recommendations as they should have. After that, there was the Roberts Tribunal which made recommendations for the period of 1996 to 2000. That endorsed the Whalen report and, again, government of the day deferred consideration of that report. Government then accepted the recommendations of the Roberts report by a resolution in the House in December 1997.

In 1998, the Trial Division rendered a decision ordering that the recommendation of the Whalen report be implemented and that was upheld upon appeal. In the spring of 2001 there was the Hoegg Tribunal, which they had to make recommendations for a period of April 1, 1996 to March 31, 2004. At that time, a judge's salary was \$112,000. The Hoegg report, which was tabled in November 2001, recommended that the raise over eight years should bring that to \$159,181. That went through the House; there was a variation that was sought, bringing that salary down. The Provincial Court judges' association responded to that and they challenged the variations, basically successful in their application, particularly regarding salary. Justice Lang, in August 2003, declared that the salary recommendations were binding on government.

We continue on. You can see the history in court has shown that it's very difficult to vary these. That's why we have this type of system. They allow for their independence.

In 2005, the government appointed the Steele Tribunal which they were meant to cover off a five-year period. The government at the time adopted all the recommendations. They saw increases of zero per cent, zero per cent, 3 per cent and 2 per cent.

The Andrews Tribunal came in December 2009, and covered off a period to 2013. That saw an annual increase of 11.5 per cent followed by 3

per cent, 3 per cent and 3 per cent. At this point, Provincial Court judges' salaries rose to \$215,732.

Then we had the Wicks Tribunal, which, as I said, was appointed in 2013 to cover that off until 2017. Then it has been reappointed and they've made the recommendation here that we are debating today.

That report, the first report, the first tribunal that the Wicks Tribunal handled was delivered to the Attorney General on December 2015, which would have been myself; however, when this was commenced it was done by the previous administration. We tabled the report on March 17, 2016, and the resolution adopted, at that time, all recommendations of the Wicks Tribunal with the exception of salary. At the time it was proposed that the recommendation for salary be zero per cent for four years.

Similarly, as been done in the past, July 2016 the judges' association sought judicial review. In June 2018, the Supreme Court of Newfoundland and Labrador released a decision, again finding that the resolution did not conform with the constitutional obligations. They brought in the salary recommendation which was 3 per cent, 3 per cent, 4 per cent and 4 per cent.

When we talk about these – and I still remember one of the first Question Periods I did as the Minister of Justice, the former leader of the Opposition asked why, during these times of fiscal restraint, could we ask for raises for judges. I had to remind him that it was his government that actually did so. That was an interesting time there.

The same tribunal was appointed. They were appointed December 2018. As I said, they brought the report on June 6, 2019, and we are here debating with that today. What I'm going to try to do now is go through the recommendations that the tribunal brought forward, and that's what we're dealing with here today.

One of the first things they agreed to – and there was an agreement with government's position here – is that severance accrued prior to April 1, 2002, should be paid out immediately to those judges entitled to it. When it came to everything

else, I would point out that government was unsuccessful.

The Wicks Tribunal recommended compensation for per diem judges. These would be part-time judges, judges that hear cases not for full time, but when there's a shortage or a judge is out; usually they're retired judges that come in and handle these part-time. They recommended compensation as it related to their travel, the half-day compensation at a per diem rate. Then, they recommended a full-day compensation at a per diem rate if they had to travel over 400 kilometres. So different forms of their remuneration or compensation as it relates to per diem judges.

Regarding long-term disability, the Wicks Tribunal recommended that benefits should be extended to Provincial Court judges until the mandatory age of retirement, as it may be established by statute from time to time, instead of to the age of 65. Right now the Provincial Court judge retirement age is 70, and that is mandatory. I would point out, that is different than federal judges.

On the issue of legal costs and disbursements, the Wicks Tribunal recommended that government pay two-thirds of the judges' tribunal costs as opposed to one-half of the judges' cost, as it was argued by government.

The tribunal rejected the recommendations made by government on salaries, so I'll point out what the recommendations were. In 2017-2018, government proposed a zero per cent. The Provincial Court judges went with 3 per cent. The tribunal recommendation was zero per cent.

In 2018-'19, government's proposal was again zero per cent. The PCJA's proposal was again three per cent, and again the tribunal recommendation was zero per cent.

In 2019-'20, government's proposal was zero per cent. I would point out that PCJA's proposal was again 3 per cent. Government basically split the difference here, coming in at 1.6 per cent, which would raise the current Provincial Court judges' salary from \$247,545 to \$251,506.

Finally, for 2020-2021, government's recommendation was zero per cent. The PCJA's



was 3 per cent. The tribunal put it at a CPI for 2017, 2019 and 2020, which I would point out amounts to basically a roughly 6 per cent raise for that period of time.

The big question we will come to – and, again, it's been debated here in the past and especially when it comes out into the public. They say, well, how can you, during a time of fiscal restraint, offer judges a raise? There are a couple things that I would point out here. Judges are unique and different in our government. Again, they form an independent pillar of government, that being the judiciary – different than the Executive, different than the legislative. They are treated differently. I would point that if you were to do pattern bargaining with them, similar to what's been done with unions in the past, that will be tossed out, out of hand. There is absolutely no acceptance of that.

As you can see, when the tribunal system was put in place, it was put in to allow – basically, to ensure that when it comes to judges' salaries that they are not dictated by the whim of Legislatures, by the whim of politicians or by the whim of popular sentiment. I would sometimes look at judges being similar to politicians, in that when you talk about pay increases they are not looked at very favourably, regardless of any of the factors that would be behind that.

The last one, you'll note that when we put in the pattern of zeros across the board, that was rejected out of hand by the Justice of the Supreme Court of Newfoundland and Labrador. In this case, again, the zeros were put across. We did not get as much as the PCJA recommended, but they did come with zero, zero, 1.6 and, roughly, six.

The thought process is that government is not proposing a raise for judges. This is done by tribunals under the process that I've laid out, but I would also point out that we have done this in the past where various governments have gone to argue about the raise that's been recommended by the tribunal. In fact, governments generally do not fair well, and to argue about the percentage that was recommended here in this case, you would likely spend more time, money and energy in courts

battling this for what's likely to be a very unsuccessful resolution.

That's why we're recommending in this case that the tribunal's recommendations across the board be accepted by this Legislature so that we can move forward. Obviously, the next one will be 2021 to 2025, and the reality is that one will have to be appointed again very soon. In many cases, these tribunals are not appointed until after that period of time has started. That's been similar since these have started back in the early '90s.

Judges have been proven by the Supreme Court of Canada to be different, or unlike regular civil servants who are also paid from the public purse. They must have their remuneration and benefits determined by an independent depoliticized process.

On the other hand – and this is quoting from paragraph 143 of the PEI reference of the Supreme Court of Canada. “On the other hand, the fact remains that judges, although they must ultimately be paid from public monies, are not civil servants. Civil servants are part of the executive; judges, by definition, are independent of the executive. The three core characteristics of judicial independence – security of tenure, financial security, and administrative independence – are a reflection of that fundamental distinction, because they provide a range of protections to members of the judiciary to which civil servants are not constitutionally entitled.”

That came right from the Supreme Court of Canada which is the – and the PEI reference is basically the guiding legislation when it comes to this. I will point out that salary and benefit tribunals exist federally and in every province. So this is not unique to Newfoundland and Labrador. This goes on all across our country.

On that note, Mr. Speaker, I think I've laid out the point again. I've had an opportunity to do this. I will point out that the report is available for public viewing. It would have been tabled in this House last year, so any Member of this House should have access to this or a member of the public who would like to get that.

On that note, I will take my seat. I will listen to comments from my colleagues and I look forward to being able to speak to this again shortly.

Thank you very much.

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

**MR. SPEAKER:** Before I recognize the next speaker, I just want to – as the Member mentioned, we've had to reconfigure the House here. We have some Members sitting on the floor in the Speaker's gallery and we have one Member who has volunteered to sit up in the public gallery. I want to thank all Members who are sitting in those galleries because their co-operation really makes this sitting of the House possible, given the health regulations and the situation we're in. Again, I thank you all for doing that.

The hon. the Leader of the Official Opposition.

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

One is always tempted to say I rise to do something, but, of course, not quite so in these COVID times.

I wish to thank the Minister of Justice and Attorney General for his remarks in support of this. It is with great regret that the Official PC Opposition cannot support the motion. We are not in favour of the increase – modest though it be – for Provincial Court judges. The reason is – to quote the Minister of Health from response to a petition earlier this afternoon: These are not normal times. In fact, everything has changed.

One of the factors, as the minister very well knows, a strong factor, which the tribunal process takes into account, is the fiscal capacity of the province and its economic condition and prospects that strongly conditions the recommendation that panel members make on a quadrennial basis under the terms of the legislation; which, as the minister ably explained, has its roots a decade or two in the past in litigation between Provincial Court judges in various provinces and governments in various provinces, which eventually found its way to the level of the Supreme Court of Canada.

As a result of their guidance, statutory processes were implemented, put into effect, to attempt to depoliticize the process of review and setting of Provincial Court judges' salaries. Not entirely successful, perhaps, because litigation has arisen from time to time and, who knows, may arise as a result of the vote today, but we don't know the outcome of the vote.

My point is that given that everything has changed, we in the PC Opposition, as sympathetic as we are to the position of judges and as much as we endorse the principles that the Minister of Justice outlined that have to do with financial independence, administrative independence and the need for judges to be remunerated in a fashion which is calculated to attract the best talent to the position – everything has changed in the last several months.

If instead of waiting a year – and this report is dated June 4, 2019 – the minister had brought this report before us even four months ago, I personally would have had no problem whatsoever in voting in favour of what the recommendations say should happen with judicial remuneration for Provincial Court judges. But this is now four months later and, indeed, everything has changed.

The fiscal position of the province has deteriorated to the extent that the Premier of the province wrote to the prime minister on March 20 and said we are out of time, in a plea for assistance from the federal government of the country, assistance for us to be able to borrow money to meet our short-term obligations, to assist us in cash-flow management. Without the assistance of the Bank of Canada, Mr. Speaker, it appears we would have come up dry in the bond markets, unable to borrow to meet current account obligations, unable to pay public servants, unable to pay the bills, unable to make payroll.

That, to me, speaks a volume; it says enough, actually, about the wisdom of engaging or legitimating a process in which evidence was heard two years ago, including from economists like Dr. Jim Feehan, who many of us, perhaps, know and certainly have heard of. That evidence is now a year and a half and two years stale. As I said, if these recommendations had been brought before the House even four months ago, I would

have, without any hesitation, voted in favour, but now things are totally different. To use a colloquialism: the arse is out of the Treasury.

In those circumstances, we are unable to support the motion. In fact, it's perplexing to those of us on this side – astonishing, even – that even though the amount of money involved here is modest, that the government would behave as if nothing has changed, despite what's happened in the last three months since the COVID epidemic began and the fiscal bottom fell out of our boat.

Voting in favour of this would be sending a message to the public that everything is normal, business can be conducted as if everything was normal. It's business as usual, nobody needs to worry. Yes, we'll obey the recommendation of a tribunal panel, which acted in the best of good faith in a set of recommendations from just over a year ago based on evidence, which, when they composed the report, was already six to 12 months out of date.

Mr. Speaker, that is a profound failure on the part of the government to take into account the dire fiscal circumstances of the province. It is the wrong message to send to the public. The public needs reassurance rather, that there is a government in charge which understands the depth of the challenges and has a plan to deal with them and overcome them. Not meekly accepting a recommendation based on out-of-date information, which takes no account of the dire nature of the circumstances this province now finds itself in. That, in a nutshell, is why we cannot support the motion.

Now, it's again surprising that the Minister of Justice would see his way to supporting these recommendations when one compares his remarks today with his remarks from 2016 in relation to the previous quadrennial report on judges' salaries. Let me read these into the record, Mr. Speaker.

The minister said – and remember now, this is in the wake of the current government coming to power in the election of 2015 and taking office and considering the business at hand, one of which was a report from the quadrennial tribunal on judges' salaries. The response then was very different from what it is today. Yes, the financial circumstances were challenging in 2016, but

they were not nearly as challenging as we face today.

It's perplexing that a minister who was very critical of raises for judges, based on the circumstances in 2016, would be supportive of raises for judges based on the circumstances that prevail today in the wake of the COVID epidemic and our dire fiscal straits. In which we depend on a credit card, apparently without a limit to it, in order to conduct our normal financial business, a credit card issued by the federal government.

Here's what the minister said back in the day: "... I am going to speak to the recommendation on salary and why we've recommended rejection of said. The province recognizes that judges are public servants as opposed to civil servants. This distinction and their important role is reflected in their compensation, which places them outside the range of the highest paid civil servants and beyond the amounts paid to persons in other branches of government such as Members of this House and Ministers of the Crown.

"The ability of the province to remunerate judges is not, however, without limit. Compensation must not only be fair and reasonable, but it must also conform with the economic realities of this province.

"Mr. Speaker, *Budget 2016* clearly shows an unprecedented financial situation in Newfoundland and Labrador. The uncontrolled growth in expenditures by the previous government, as well as previous unsustainable tax and fee reductions and the dramatic fall in revenues in oil production" – my, this sounds rather familiar – "have produced a serious and unsustainable imbalance. The province must take action or provincial debt will be increased to unsupportable levels and long-term economic growth will be jeopardized.

"Mr. Speaker, 2008 oil prices peaked at \$144 US a barrel. From January to *Budget 2016* the average price for oil was \$35 US a barrel. In addition, many economic indicators have reported declines. Real GDP fell by 2.3 per cent as oil production fell by 20.5 per cent due to lower output from Hibernia, Terra Nova and White Rose. Investment also declined by 8.1 per

cent as higher spending on the Muskrat Falls development was offset by our lower spending on Vale's nickel processing facility in Long Harbour, the Hebron Project and residential construction.

"Employment fell by 1 per cent and the unemployment rate increased by 0.9 percentage points to 12.8 per cent in 2015. Economic activity has slowed due to the winding down of activities in Alberta, combined with winding down of development phases of Hebron and Muskrat Falls Projects. There's been a shift in the medium- and long-term view of commodity prices, such as oil, iron ore and nickel, which has further weakened our province's revenue base and economic outlook. Development of several projects in the resource sector has been deferred or delayed."

How much of this sounds familiar? And remember, Mr. Speaker, this is the Minister of Justice, himself, his words spoken a few years ago in relation to the same issue: a raise for Provincial Court judges. He spoke of nothing in his remarks, nothing focused on the dire fiscal circumstances and economic circumstances of the province today but he chose to do so back in 2016.

Our economy, "as we all know, is heavily resourced-based, and thus has been and is expected to continue to be negatively impacted by the global economic climate.

"Mr. Speaker, the tribunal's report referred to the province's fiscal situation as temporary, and it is clear that the current understanding of our province's fiscal situation is much different than that upon which the tribunal's report was based. At the time of the previous administration's submission to the tribunal the projected deficit was \$1.1 billion for 2015-2016, which the current government later revised in *Budget 2016* to \$2.2 billion for 2015-2016." May I add, in parenthesis, we'll be lucky to see a deficit that low this year.

The minister goes on: "Government was facing and even higher unprecedented deficit of \$2.7 billion for 2016-2017 if no fiscal measures had been taken. As a result of the difficult choices, *Budget 2016* is forecasting a deficit of \$1.8 billion; unprecedented expenses of \$8.5 billion

and the unprecedented, again, borrowing of \$3.4 billion. Mr. Speaker, our government has announced that further measures will be required in order to restore fiscal stability in our province."

For some reason, Mr. Speaker, none of the recounting of fiscal statistics which apparently, according to the Minister of Finance, aren't really very available to us because it just takes too much work by his officials to have them ready to dust off and present to the public. Maybe that's the reason, but none of that was recounted by the minister in addressing the motion this afternoon in the way that he did four years ago.

To go back to *Hansard* and the minister: "Now, in the existing climate, many difficult decisions have been necessary and these effects are universal. Every Newfoundlander and Labradorian has been impacted. In such a climate, to accept the recommendation to increase the salary of Provincial Court judges, it would be so contrary to the fiscal restraint measures to which the general population is subject that it could bring the courts, the judiciary and possibly the administration of justice in this province into disrepute."

Well, Mr. Speaker, how much would those words or could those words apply to circumstances today?

The minister again: "Now, while our province recognizes the vital contribution made by Provincial Court judges in Newfoundland and Labrador, and understand and respect the work of the Salary and Benefits Tribunal, and recognize and uphold the importance of judicial independence, we are unable to comply with all the recommendations of the tribunal. We are therefore suggesting rejection of the recommended salary increase of 3 per cent for 2013-14, 3 per cent for 2014-15, 4 per cent for 2015-16 and 4 per cent for 2016-17.

"As a result, the salary of a Provincial Court judge will continue at \$215,732 for the years 2013-14, 2014-15, 2015-16 and 2016-17. While we continue to be committed to providing fair and reasonable compensation to Provincial Court judges, economic realities affect us all. As the jurisprudence reflects, judges are not

shielded from sharing the impact of economic restraint in such serious fiscal circumstances.”

The minister went on: “Mr. Speaker, I thank you for this opportunity to discuss the resolution addressing the recommendations of the 2014 Provincial Court Judges Salary and Benefits Tribunal. I look forward to the discussion from all Members.”

So, Mr. Speaker, what is the salary of Provincial Court judges today? Many people in the province have, just for a period of weeks and months, been furloughed and thrown out of work and become dependent on various forms of benefits, mainly emanating from the federal Government of Canada, all of which have a termination date. Although some may be renewed for a temporary period, the point about these benefits is they are temporary emergency benefits and will not be permanent. They are not a permanent solution and will not be permanent.

So are our Provincial Court judges hard done by? It’s a fact, and a fact all of us in this House can be grateful for, that anyone in public service has had the benefit of a stable employed position and a stable income through the disruptions caused by the COVID epidemic in the last four months. That is something that anyone in public service can and should be grateful for, and Provincial Court judges as well, being in public service themselves.

At paragraph 152 the salary history for Provincial Court judges: 2017, \$247,546; 2018 was the same; 2019, \$251,506. This would represent a 1.6 per cent raise. Mr. Speaker, 2020, by a somewhat complicated formula, would be higher based on inflationary factor to be calculated based on a trailing average – I think it was of three years – because, of course, when the tribunal reported a year ago, they didn’t know what the inflation would be in the intervening year or so. This was “To be determined on April 1, 2020 as per calculation methodology set out above.”

I just note in passing that the panel also provided for a payment of interest on any arrears that might be agreed on by the government and voted in favour by this House. Arrears would begin to attract interest from April 1, 2020. In other words, the tribunal thought that if the

government didn’t get its act together to act on this by that date, then it would be fair enough to make sure that interest was paid on the arrears that might be owing to Provincial Court judges, so that represents their determination as to what they thought a reasonable period of time to take action would be. We, of course, have overrun that.

In the area of \$250,000 a year in these troubled times, Mr. Speaker, would be regarded by most people in our society as being fair, if not generous, remuneration for somebody who has the stability of a Provincial Court post. Indeed, for anybody who is in public service, security of employment and a good salary. In all the circumstances, denying this inflationary raise for the judges, which is admittedly of a modest nature, by itself it does not amount to a challenge to the Treasury of the province – although every expenditure, when you’re running a huge deficit, can be said to be a challenge – but it’s sending out the wrong message to the public.

Would the public be sympathetic if they knew all the facts about judicial remuneration? Will the public have a sense of outrage and disappointment if judges don’t get the raise that is recommended in this report? I think not. Will judges themselves be offended? Again, I think not.

Many of the learned judges that we’re having reference to here – and I think there are 22 in number who are in full-time service – many of these folks are friends of mine. Knowing them as rational people who understand the surrounding circumstances of things and are capable of understanding the context of important decisions, I think that most will be understanding of the position taken by my party and by the Official Opposition on whether action should be taken on this report as proposed by the learned Minister of Justice.

To go back over the process of decision-making, the tribunal at paragraph 114 summarizes the factors that are considered in such exercises. They say: “In setting the context of the coming recommendations, we have analyzed five key factors which varied in respective determinative weight: The Nature and Importance of the Work Performed by Provincial Court Judges and Their

Unique Role and Responsibility in our Society  
....”

Mr. Speaker, none of us on this side of the House challenge that the work done by judges is of great importance and that they have a unique role and unique responsibility in society, and that the performance of this role and this responsibility is very demanding and, for that reason, deserves a good standard of remuneration.

The second factor was the need to attract, motivate and retain the most highly qualified candidates from all areas of practice. The report, in some detail, goes over information drawn from remuneration for lawyers and senior lawyers in private practice, remuneration provided in the public service. Here I'm referring to the civil service because, obviously, all that context needs to be accounted for when you're attempting to implement the principle, we have to attract and motivate and retain highly qualified candidates. We, on this side of the House, believe in that too.

Salaries of other relevant groups of society is another factor, and, again, the tribunal took that into account. It took into account increases in the cost of living. I'll just stop for a moment here to note that increases in the cost of living of late, of the last several years, have been very modest. In fact, well below the 2 per cent target which the Bank of Canada set some, what, 15 or more years ago. It's more like about 1.5 per cent per year.

We don't deny, in the least, the erosive effect of inflation as years pile up and time goes by; inflation is modest, but it does have its effects. But the effect on Provincial Court judges is restrained because we're only asking them to swallow inflation for a period of several years here. Their remunerations remain substantial.

There's nothing to stop this House or the then government, a year, two years from now, perhaps under a PC government, when the economy has been stabilized and put back on its feet, from re-examining the merits of a raise for Provincial Court judges.

The last factor is the fiscal capacity of government in light of current economic

conditions. There's where the problem lies because we, in this House, are all aware the fiscal capacity of government in light of current economic – current economic conditions is woeful and dire. In fact, we are teetering on insolvency and the government itself has not put forward a plan as yet for how we get ourselves back on our feet and away from the precipice.

Again, as I say, the evidence on which these recommendations were made is a year and a half to two years stale now. The evidence of fiscal capacity and surrounding economic circumstances that was before the tribunal when they made their recommendations is not current, and no one needs persuading in this House that circumstances have dramatically changed from what they were two years or a year and a half ago.

Again, I repeat, I myself would have no problem whatsoever voting in favour of this prior to the COVID crisis and the fiscal crisis consequent on the COVID crisis.

So moving along to paragraph 141, one of the questions that comes up is an obvious comparator group would be Provincial Court judges in other Atlantic provinces. The finding the tribunal makes there is: "... we accept that the average Maritime region salary is either \$250,692 or \$254,982, depending on the result of ongoing litigation in Nova Scotia."

The present remuneration or salary for judges of \$247,546 compares to either \$250,000 or \$254,000. There's a gap, but is it a significant gap or an intolerable gap? This, again, is something that has to be conditioned by the fiscal and economic circumstances of the province. Although judges' pay in the Maritime region is something to take into account, and the tribunal did take it into account, but there is not a large gap.

It goes on at paragraph 142: "Regarding the current fiscal capacity and economic conditions in the Province" – remember, they're going from out-of-date information now, from a year and a half to two years ago – "there was a surprising consistency between the Auditor General's Report, the Bruce Report, and the Feehan Report which has led to the conclusion that there are presently substantial financial difficulties for

Newfoundland and Labrador.” That was a year and a half ago.

“A portion of the analysis thus far points in the direction of more compensation for Provincial Court Judges, but we must also consider the present difficulties the Province is facing. Given the economic realities of the province especially with the accumulating debt, this Tribunal believes that a salary freeze for Provincial Court Judges for the first two years of this tribunal’s mandate is warranted, as stated above.”

That’s, in fact, what they recommended, a salary freeze for the first of the four-year period. What they went on to recommend, based on out-of-date information, fiscal and economic information, they recommended there be an inflation adjustment for the last two years, which seemed to them – based on the information of economic realities available to them when they reported – to be a reasonable thing to do.

All we’re saying on this side of the House, Mr. Speaker, is that given what we all know of the dire economic fortunes of the province which have fallen upon us in the last several months that determination by the tribunal is no longer valid. Reasonable when it was made, but not reasonable today.

The tribunal considered such information as net debt to GDP ratio, and said this “is one of the most important influences” – I’m looking at paragraph 145 of the tribunal report – “on a Provincial government’s credit rating.” Well, we might recall that we just had a credit rating downgrade by Standard & Poor’s, put on a negative watch only weeks ago.

They say that figure 5, which is found in the report, “... shows that the ratio of net debt to GDP declined over during most of the 1994/95 to 2017/18 period. Since 2014/15 the net debt ratio has moved up. That upwards movement is principally the result of large budgetary deficits, which had to be paid for by borrowing. This is the highest ratio across the provincial governments in Canada.” And that is still true. In fact, our position has dramatically worsened since then. How dramatically we don’t know, because the Minister of Finance tells us that no matter how hard his officials work, they can’t quite catch up with it.

Again, at 148, here’s what they come around to recommending: “The Tribunal recommends the salary of Provincial Court Judges remain the same for the first two years of this Tribunal’s mandate ....” That would be April 1, 2017, to March 31, 2019. “For the April 1<sup>st</sup>, 2019 to March 31<sup>st</sup>, 2020 period of our mandate, we recommend an inflationary increase only of 1.6% (commensurate with the 2018 increase in CPI for all items in the Province of Newfoundland and Labrador as calculated by Statistics Canada and reported annually by the Newfoundland Statistics Agency .... For the period April 1<sup>st</sup>, 2020 to March 31<sup>st</sup>, 2021 we recommend an increase based on the balance of the total annual increase in CPI between 2017 and 2020 inclusive ... but subtracting the 2018 CPI increase amount of 1.6% recommended for the April 1<sup>st</sup>, 2019-March 31<sup>st</sup>, 2020 period.

“By this means judges will ‘share the pain’ for a period by losing relative purchasing power for three years (not an inconsiderable period of time), but ultimately by ‘catching up’ in 2020 so as not to lose substantial ground with Maritime Judges and other comparators.”

Effectively, Mr. Speaker, it is the catching up piece of the advice provided to government by the tribunal that we take issue with given the conditions we’re now familiar with, although without much accuracy because of reasons stated earlier to this House by the Minister of Finance. Nonetheless, we’re aware of it in a broad way and we are not in favour with the catching up part of the recommendations of the tribunal.

Paragraph 150: “If the salary increase recommendations made in this report for April 1<sup>st</sup>, 2019 and April 1<sup>st</sup>, 2020, respectively, are not implemented by the Provincial Government within six months of the date of this report,” – which was a year ago now, last June – “we recommend that the Provincial Government pay interest from the date of the respective unpaid amount of any increase recommended in this report to the date of payment at the prime rate of the Canadian Imperial Bank of Commerce from time to time.”

I pause on that for a moment by underlining that, to my mind, that is a statement by the tribunal itself that anything more than six months is an

unreasonable period of time for the government of the day to bring the report before the Legislature, as it is doing now a year later, but more than six months to do that would be an unreasonable period of time and therefore interest should be payable on any arrears.

Again, if the judges want to cast about for somebody to blame over this, as I said earlier several times, we would not have had a problem with the recommendations and their implementation had they been presented to the House prior to the COVID pandemic. Now, we have a problem with them. So if the judges want to blame someone, they can blame the Minister of Justice and the government for not acting earlier.

I trust, Mr. Speaker, that I've made our position adequately known. It's a strange contrast that in circumstances in which the bottom has fallen out of the ship, that this government would now wish to implement recommendations for salary increase, which they deprecated and opposed four years in economic circumstances not nearly so dire. Well, we at least, on the Opposition side of the House, are aware of the economic circumstances and of the need to take action, in this case, by not implementing the recommendations of the report.

Thank you.

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

**MR. SPEAKER (Bennett):** The hon. the Minister of Advanced Education, Skills and Labour.

**MR. MITCHELMORE:** Thank you, Mr. Speaker, for the opportunity to speak to this particular resolution and recognizing the distinct difference between the Executive legislative branch from the judiciary.

I appreciate the comments by the Minister of Justice and Public Safety providing a very broad overview of the context of how we got here and the tribunal process. Because the tribunal process of preparing a report on salary and benefits for Provincial Court judges, this is a standard practice across the entire country and it's constitutionally required, so it's not something that can be taken lightly. It came into

force following the PEI reference case in 1997. The ruling forced the federal government and all provincial governments to establish commissions or tribunals that conform to new constitutional requirements.

The Supreme Court found to uphold judicial independence. There should be neither the reality nor the perception that governments may penalize judges financially for challenging legislation. The most recent report that was submitted on June 6, 2019, had recommended that for the first two years of 2017-2018 there would be a zero per cent increase, then there would be 1.6 per cent effective 2019 and approximately 6 per cent the following – which would be the current year, based on the consumer price index.

The tribunal must balance judicial independence with the economic realities of the province. Tribunal decisions are non-binding but they cannot be set aside lightly. We certainly saw that in the last tribunal that was put forward in the Wicks Tribunal, number one, where the House voted on the resolution and excluded salaries. At that time, that was contested in court. Justice Phonse Faour would have overturned the decision to follow the recommendations of the tribunal when it came to the salaries that were there, and had overturned the decision in the House.

The judiciary ruled in favour of the tribunal's original decision and stated that was to occur. Judges would have received the remuneration, despite what had been voted in the House at that particular time. It's not as simple as what the Member opposite has been putting forward in terms of saying the situation, the circumstance and the information.

The context of when we had presented a resolution previously in the House from what should have been a 2014 report – I remember being an MHA in Opposition at the time when we had to basically vote on a piece of legislation to extend the timelines to allow the report to be done by the previous government, and when this tribunal had come forward, it had been brought forward to the Legislature, it had been presented, it was the recommendation at the time in 2016 not to award a salary increase.



As I said, that was tested by Judge Faour at the time, and it states that there has to be independence of the judiciary. There are a number of reasons that are listed in the particular report and I think it's important for me to take some time in debate to highlight the mandate of the tribunal for the Legislature and talk a little bit more about some of the initiatives that have been undertaken.

They have to, under section 28 of the *Provincial Court Act, 1991*, c.15, as amended, to make recommendations to the Government of Newfoundland and Labrador for four-year periods to actually make this recommendation as to what the salaries and benefits would be. The Lieutenant-Governor in Council appointed Brad Wicks as chairperson, David Eaton on behalf of the judges' association and John Whelan on behalf of the provinces as members of the tribunal under the authority of the act. The Minister of Justice and Public Safety would have referred the time period of 2017 to 2021. The hearings of the tribunal took place on January 8 and 9, 2019.

There is historical context here, as the Minister of Justice and Public Safety has highlighted that since 1991, they have been adjudicated the appropriate level of financial security for Provincial Court judges. In 1992, there was the Whalen Tribunal; 1997, the Roberts Tribunal; 2001, the Hoegg Tribunal; 2006, the Steele Tribunal; 2010 the Andrews Tribunal; in 2015, there was the Wicks Tribunal; and then in 2019 reappointment of the similar committee to have the Wicks Tribunal that we are debating the resolution currently here in the House.

I had highlighted a bit about the delay that had happened and the historical context about how that one was delayed in terms of making the legislative change to even allow for the tribunal. They had made those recommendations on salary, interest on retroactive salary payments, pensions, compensation for per diem judges, paid sick leave, various disability benefits, professional allowance, judicial indemnity, bereavement pay and cost.

As I said, all of the recommendations were accepted by the House in 2016 except those that were related to salary. The association for judges sought a judicial review. A decision of June 18,

2018, by Justice Alphonsus Faour, justice of the Supreme Court of Newfoundland and Labrador, held that the government's response of the day, those who voted in the Legislature, did not conform to the constitutional obligations of the Executive and Legislative Branches of government.

Faour had ordered government to fully implement the recommendations of the Wicks Tribunal and to take measures to ensure that the next tribunal was appointed in a timely manner so that the effective period and the recommendations bore a greater relationship with the period to be covered by the tribunal than had been the past experience. In the past experience in 2014 the legislation had to be amended to even allow for the tribunal because of the time lapse that had taken place. This is one that despite later appointments as past tribunals, the role was taken serious by the members and they had put forward recommendations to this Legislature to debate.

I certainly can agree with the Member opposite, the Leader of the Official Opposition, that the province is in a very difficult and a more challenging situation than we have been a few months ago or even would've been last year. All legislatures across the country are being faced with significant challenges when it comes to budgetary matters across Canada and across the globe because of this global pandemic of COVID-19. I do want to say that this is an independent process that had taken place. It's constitutionally required. It is something that had been put forward and this is what we are debating here today.

I want to correct the record, though, that the Member opposite had talked about that the credit rating of the province has been downgraded and that is not the case. The credit rating has remained. The outlook has changed from a stable to negative. That would not be uncommon, given where the challenges that are faced with Muskrat Falls, that it's placed a lot of pressure on budgets, payments and cost. As well, the overall COVID situation that is taking place right now is putting a lot of pressures.

Newfoundland and Labrador faces a number of challenges when it comes to the financial situation, and we have been very direct about

that and so has the Minister of Finance. We have taken a lot of effort to look to diversify the economy here, to create jobs and to also make sure that we hold the line in expenses and find better ways of delivering government and reducing costs where possible. That's an approach that we have taken.

When you're talking about the judiciary, this is a matter of which is stated, that salaries must be above the minimum level to maintain public confidence and independence in a judiciary process, and to make sure that it attracts the overall best talent. You have to look at the remuneration of other jurisdictions and this type of scan would have been taken, as well, the consideration and a factor that to set aside or vary the current resolution. It's been stated that it's not easy to set aside; it cannot be done lightly.

I'd be interested to hear what other Members in this Legislature have to say about looking to vary, given that government of the day in 2016, faced with significant financial challenges – a deficit looming at \$2.7 billion – and had not been successful when this had gone to judicial review, the salary was instated; it was won through a court process. A delay or a deferment based on this may end up only causing further interest to be paid and would be an additional benefit by delaying this, to remunerate judges here based on what the recommendations of the resolution are.

I would also say that going forward we all have a role to play here in this House as legislators and as we make decisions in the benefit of Newfoundland and Labrador or in the benefit of our district that we represent, and each of us hold a seat here in this Legislature. I find it very challenging to sit in my seat here and to also hear the commentary. Earlier in this very Legislature a number of Members had presented petitions and it's very important and it's the right of every Member to present petitions. It's one of the longest standing traditions, but a number of these petitions and positions that are taken call for additional spending and call for additional investments to be made.

Investments need to be made. They need to be made in all areas of the economy, whether it's in health care or in road infrastructure or other

investments that need to be made. To say and pick one piece over another, it's a challenge for me, Mr. Speaker, because the judiciary is something that is separate. It is separate from this branch. It should not be something that is politicized here in any way, shape or form.

This is why these commissions and these tribunals were set up and established. That's why the PEI reference exists and that overall process. Based on the information that I have here, those are conversations that I just wanted to put forward and put on the record as we debate this particular resolution should we accept, should we vary or should we reject the overall tribunal here and this process.

I'll take my seat, as I've been all along, Mr. Speaker. I'm happy to be able to contribute to debate. Hopefully it will spur others to contribute, share their views and have an understanding of the process, and have reviewed and read the report, as well, that has been submitted.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The hon. the Member for Harbour Main.

**MS. CONWAY OTTENHEIMER:** Thank you, Mr. Speaker.

Mr. Speaker, this report is asking for a salary increase for salaried judges and increased financial considerations. This report, and the recommendations within the report, are asking that more money be paid out from the public purse.

Mr. Speaker, this report, as the Leader of the Opposition, our leader indicated, at another time if this had to taken place or we were addressing this last year, that would have been different circumstances, but as our leader has indicated everything has changed. There may have been, and we would have been happy at that time to support the recommendations because, obviously, they have substantial merit to them.

We're not questioning whether there's a competent bench or a competent judiciary. We have some of the brightest legal minds on our

bench in the Province of Newfoundland and Labrador.

Mr. Speaker, what is at issue here is the timing of this resolution. This report was tabled in the House on June of 2019, but we did not debate it at that time. I wonder why it has taken almost a year to debate this important piece of business.

Mr. Speaker, in this economic climate everything has changed. We're in the middle of a pandemic. People are losing their jobs. We've heard that ultimately we are broke. The future looks somewhat bleak and for sure uncertain. So at a time like this in this economic climate, I would submit or argue that it would be irresponsible to support, with public funds, an increase of any kind to the judges who are involved here.

I would also say, Mr. Speaker, that the province cannot afford this. We cannot afford a salary increase of our judicial Provincial Court judges at this time. There's no question that we appreciate the important role that our judiciary play, but in this time of financial uncertainty – and the other thing is we have not seen the government's full fiscal plan. How can it be expected that we could support this kind of expenditure from the public purse without even having insights into the government's fiscal plan?

Mr. Speaker, when we review the report, as I indicated, substantively it has much merit. You can see a lot of work went into this report. Important factors were considered. The nature and the importance of the work that is performed by our judiciary, the unique role and responsibility that our judge's play in our society, there's no doubt about that. No one disputes the importance of our judges and the role they play in our society. It is fundamental.

We've heard reference to the importance of judges being independent. They're not the executive; they're not the legislative branch. This is not political. This is why we have this tribunal, this commission that performs this function, but, Mr. Speaker, when we look at the factors that are considered in this report – and, as I say, it's a very sound report – the factors that were considered at the time, which was in June of 2019 when this was submitted to be

considered, the factors have changed now, Mr. Speaker.

Most importantly, the factor that has been listed as factor five, there were five factors considered. The nature and importance of the work and the unique role and responsibility of judges in our society. The second was the fact that we need to attract and motivate and retain the most highly-qualified candidates. There's no doubt about that, and no debating that.

Salary comparisons were done, and that was the third factor. There were comparisons made of Provincial Court judges in other jurisdictions, federal judges, private lawyers, private counsel. Those were the factors under the third category that were assessed. Number four, they looked at the increase of the cost of living.

Mr. Speaker, number five, which is the key here, was the fiscal capacity of government in light of current economic conditions. When we look at that, we see that at this time, one year ago before COVID-19, there was reliance placed on expert evidence from Dr. Feehan regarding the province's fiscal capacity. It was recognized that “although the province has been impacted by the reduction in global oil prices, its economic strength remains leaps and bounds above the dire economic circumstances of the 1990s as well as the economies of the Maritime Provinces.”

Mr. Speaker, that is not the case today. We need to really understand that the economic strength currently is not leaps and bounds above the 1990s or the Maritimes, given what we have gone through with respect to COVID-19. The circumstances are different today. We need to consider today's context in order to be able to assess the validity of this report.

Mr. Speaker, when I look at what the minister has indicated, the minister's response, really, with respect to that important point about current economic conditions, the Minister of Justice and Public Safety said: well, judges are unique, they're treated differently. He said that in the House earlier. They're not executive, they're not legislative, they're independent, and it's not political. But, Mr. Speaker, that's not a justification for saying that we can support this

salary increase. That is not, in my view, a compelling argument.

He also made reference to: well, this is done by tribunals, it's not government. And he made some reference that the courts will be battling this out. Well, Mr. Speaker, those are not sound or reasonable justifications, in my view, for us to support the recommendations of salary increases for our judges.

The Minister of Advanced Education, Skills and Labour really offered no sound or reasonable justification for adopting these recommendations. He did acknowledge that we're in a current financial situation that's difficult, but that was really the extent of it without really any in-depth recognition and acknowledgement of the seriousness of our financial situation today that we find ourselves in. He referenced that this is constitutionally required. That almost suggests that we have to approve it because it's constitutionally required. Well, that's not accurate. It is up to us to approve or not approve. We're not required to do that.

So I would submit, Mr. Speaker, it's significant to note that the government's very minimal reference to our current economic circumstances is quite alarming, to say the least. Our circumstances are far different today than they were one year ago when this report was submitted. And I'll repeat again, that we must consider the context today that it would be irresponsible not to – that it is irresponsible, in my view, that the government is suggesting that we do that, given our situation, and I would also say it is a time for fiscal restraint. It's a time to respect the public and the fact that there are many of our people who are losing jobs and will continue to lose jobs over the next year.

So, Mr. Speaker, the other point is, in the interest of the judiciary itself, I would even say that this is perhaps in the best interest of the judiciary. I would say the members of the judiciary that are there would perhaps agree that they will be better served by us not approving this at this time. Why do I say that? Because they will not face the public criticism that will surely follow if we support this resolution. We want to keep our judiciary in the place where they so well deserve to be, which is having the

respect of the public and to keep the administration of justice without disrepute.

Mr. Speaker, in the interest of the judiciary, in the interest of the public and the people that we are here to serve, I would say –

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

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

**MS. CONWAY OTTENHEIMER:** – that –and given this economic climate – to support this would be not something that I, as critic for Justice and Public Safety and the Member for the District for Harbour Main, would in good conscience be able to support.

Having said that, Mr. Speaker, we know that the judiciary, by the very nature of their employment, they receive generous remuneration and it was indicated what those amounts were. I believe by 2019, \$251,506. That is certainly generous remuneration, but not to say that it's not warranted.

As I indicate, they have and perform very important functions and very important roles in our society. The work is necessary and is very difficult. As a member of the legal field, I know that judges have very difficult roles to play in our society and it's not an easy job, but unfortunately the timing could not be worse. Again, why this has taken so long to be debated – we would have been happy to support this if we were not in the current circumstances that we are in.

Thank you, Mr. Speaker.

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

**MR. SPEAKER:** Any other speakers?

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

**MR. J. DINN:** Thank you, Mr. Speaker.

It's an interesting report to read. I will say this, off the top, that usually in my previous life it is good to have documentation well in advance to at least give it adequate consideration and to be able to make an informed decision. I realize there are factors that would mitigate against that

or that would make that impossible; however, I have issues with supporting this at this time.

I have other colleagues in this House, in my own party, that are better able to talk about the finances and so on and so forth, but I will talk about a few of the things that jump out to me that cause me problems.

First of all, the term judicial independence, and certainly that's something that I agree with; however, when I look at the makeup of the tribunal, it's made entirely up of lawyers, people in the legal profession.

Now, as a former leader of a union and a bargaining unit, I would dearly have loved to have had a tribunal made up entirely of teachers, that much I can tell you. Man, the contracts we would have had. But usually when it came down to determining an arbitration board there was a member of the board chosen by the employer; a member chosen by the employee, the bargaining unit; and a chair agreed upon by both parties. So there was an attempt at balance – independence, but balance.

I have no problems with an independent process or a tribunal, but from the get-go I'm having trouble considering that this tribunal was independent. It's as simple as that.

The other thing that's interesting here, as I scan through this document, it talks about financial securities of the judges is what tribunals such as this one are tasked to protect, but there are an awful lot of cards stacked in their favour that traditional bargaining units, public servants and others who are unionized do not have. As I said, a tribunal made up entirely of their members.

I'm looking through a number of things here such as looking at some of the rulings from a court case. "First, as a general constitutional principle, the salaries of Provincial Court Judges can be reduced, increased, or frozen, either as part of an overall economic measure which affects the salaries of all or some persons who are remunerated from public funds, or as part of a measure which is directed at Provincial Court Judges as a class. However, any changes to or freezes in judicial remuneration require prior recourse to a special process, which is independent" – and I guess this is it – "... to

avoid the possibility of, or the appearance of, political interference through economic manipulation. What judicial independence requires is an independent body ...." Well, again, is this truly independent?

I also note then that even here – and I'll go down to page 9 of this report. It notes there that: "To summarize the first component, the Tribunal members must balance judicial independence with the economic realities of the" province. That's clearly stated a few times.

Actually, if I go down a bit further, it notices that several tribunals considered the fiscal capacity of government: In light of current economic situations the judges' association asks the tribunal to consider the fiscal capacity of the government in light of the current economic conditions as does the province.

Here's the thing. This report was presented in 2019. In 2019 we might be able to justify that yes, this makes sense; however, we're now considering this in 2020. Maybe this report is well out of date and is nowhere in touch with the economic times and with the fiscal conditions and in light of the current economic conditions. Certainly, the tribunal could not have anticipated what was coming our way.

It's interesting to note, too, when it comes to how do you accommodate this, I know that in collective bargaining many times when contracts and collective agreements have not been signed, sometimes for three or four years later that they're finally signed, just in time to start the collective bargaining process right on the minute they sign, here's what usually happens, Mr. Speaker.

Usually, those first few years are still going to be zeros and zeros, and if the conditions permit, then there's a small increase at the end. If we're starting looking at this agreement in 2020, maybe we need to be looking at, what are the conditions at this point in time?

I have an issue, I guess, too, when they talk about collective bargaining as some form of horse-trading. To me, I think every group, including the Members in this House of Assembly, should be negotiating their salaries as opposed to having an independent tribunal set it.

I would also like to see a tribunal that's made up of maybe a lawyer, maybe someone from the government and maybe a person from the population who could sit and make this decision – someone who's not connected with the other – and that we would have that kind of oversight, transparency and balance.

As a teacher, I've lived through an awful lot of times when we have had zeros, and we had small increases and at times when we have had rollbacks. I'm seeing here there is an option, at least, that we can have that option of doing one of those three things, but here's the other aspect of this, and I go back to about government spending and priorities in this tough time. I can tell you that in my own district, and issues I've brought up here when we talk about who needs the support, I've had my own constituents, Mr. Speaker, even with support, by the time their electricity and rent were taken care of – they walk; they don't own a car or anything like that – they're left with \$40 a week to buy food. Forty dollars a week.

In one case, the person – through no fault of this person's own – was left with having to pay extra in the way of heat and light. He was left with \$9 a week to buy food. That's what we're talking about.

We're talking about families out there right now who are on CERB and wondering if they will be called back to work, if they will even have support for child care to hold their spot. We're talking about people right now on fixed incomes who are, as they watch the cost of living go up, if they'll be able to keep the lights on or keep their house heated or to afford food or if they're going to go to the mall to stay warm. They can't even go to the mall, really, to stay warm.

So in some ways I think, and it will be said, that in these tough fiscal and economic times we're going to have a hard time trying to meet those needs. It's a fight. I can tell you there are a few Members in this House who I work with on all sides of the spectrum on this side, we worked together on a number of issues to try and get, when it comes to medications for our constituents, housing issues resolved. It's hard to go back to them and say we can't afford it. I'm looking here in this case, if I have to put money somewhere, I'll put it towards people who need

it most at this point in time, and I'll make no apologies for arguing for that.

I know the increase I'm looking at here is not much when you look at it, but, overall, I think at this point in time there's a lot of fear out there, there's a lot of uncertainty, anxiety. Mental health issues I would say are increasing significantly, because people are now dealing with the uncertainty. All you have to do is turn on the news and listen as economists and business leader's talk about deficits and about the economy not functioning fully and people are wondering, am I going to have a job to go back to?

There are a number of things in this report that bother me; but, having said that, I'm not fond, personally, of making a decision on a report that I received notice about yesterday. That's not to cast any blame on the government Members for bringing this forward. I understand that sometimes things come up that we have no choice but to deal with, but really, for me to make a decision, especially on a report, anything that's going to impact the lives of a group of people, I would like more time to consider it fully.

As it stands right now, if I must make a decision today, and that's what I'm required to do, then I cannot support this motion as it stands.

Thank you.

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

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

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

Again, as I always say, it's an absolute pleasure to be here today to represent the District of Cape St. Francis. When I say that – it's always a time that I'll get up and I'll always say it, but this is really an occasion that gives me the opportunity to represent the people in my district.

I believe today on this particular motion that I'm going to speak on, that I will be speaking on behalf of the people of Cape St. Francis. Not only will I be speaking for the people from Cape

St. Francis, I think I'm going to be speaking on behalf of most of the people in this province.

I understand the role of judges in society and I understand the importance of their job, just like I understand other professionals that we have in society. Do they need to be rewarded for their job and get the proper pay? Yes, they do. But as was said here earlier today, this is about timing, and it's about timing for me because I look at the situation that we find ourselves in this province, we find ourselves in Canada and the world finds itself in right now.

I'd ask each Member on the opposite side right now to tell me how many times people have said to you, where's the money going to come from? Where's the money going to come from to pay for this? Where's the money going to come from to pay for that?

We talk to our constituents every day. Again, if this was a different time, I would probably support this – just like my colleague said previous to me. But in this time of restraint right now, I'm a father, I'm a grandfather, I'm a resident of this beautiful province that we live in, and I'm very, very concerned about our future. I'm concerned about the future for our children, our grandchildren. I'm concerned about the people that need health care. I'm concerned about education. I'm concerned about all the things that we as a government need to provide to our residents of Newfoundland and Labrador.

While I understand the role of a judge and everything else, my concern is that we're in a different situation today. Nobody knew that COVID-19 would have the effect that it's having on our province. Just yesterday, or the day before, the Minister of Finance announced a program for essential workers. They talked about 42,000 people in this province that were considered essential workers. Now, in order to qualify for that program, you had to be making less than \$3,000 a month. There were 42,000 essential workers that would have qualified. So how many people in this province are making less than \$3,000 a month? I'd say a whole lot more than 42,000.

I look around at people and I'm going to name some districts here. I look at the Member for

Grand Bank, I look at the Member for Fortune Bay - Cape la Hune, Harbour Grace - Port de Grave – I'm just going along the backbench there now – Mount Scio and Lake Melville. How many people in your districts have you spoken to in the last little while that are worried, just like I am, about our future in this province? How many people have you spoken to when you went back to your districts and talked to the constituents and had situations that they don't know what's going to happen, they're not sure of their future. I'm not sure of our future.

I would love to see tomorrow the barrel of oil go to \$150 a barrel. I'd love to see it go to \$150 a barrel tomorrow so that we could have some income, so we could support everybody. As people in this House of Assembly, we're here elected to represent everybody. Sometimes you have to make decisions and sometimes you have to make hard decisions, but I believe that we're here to represent the most vulnerable people in our society.

I had a call the other day from a lady. Her concern was once this government CERB program is over, what am I going to do? I have no job. She was on unemployment. She took the CERB. The unemployment was going to run out in June anyway, but because of what happened with COVID, there's no job to go to. Who's going to help that person? What's going to happen to that person? I don't know. I'm hoping that we, as a province, will be able to step up for people like that. I'm hoping that we'll be able to step up and make sure the essential things that we need in this province we're going to be able to provide to people, like food, housing, making sure they're warm and do what we can.

This COVID situation that we find ourselves in, I am sure that if you spoke to the judges that are due for a raise, I bet – and I know my colleague, the leader of our party, suggested that a lot of them were his friends and that they would look at this situation that we find ourselves in now and say, b'y, it's not the right time for me to be taking a raise. If someone came to me tomorrow and said we're going to give all the MHAs in this House a raise, I'm sure that every MHA in this House would put up his hand and say, no; I don't think it's the proper time to do that. I believe that our judges would do the same thing.

I just feel that we have a lot of priorities in this province; we have a lot of priorities when we look at what's coming down the road and we don't know. We've asked for the financial situation of the province, we've asked a couple of times and the Minister of Finance tells us he doesn't know what the financial situation of this province is; my department doesn't know what the financial situation of this province is. We don't know what's going to happen.

We have a double whammy. Our province got hit hard. We were hit hard not by COVID-19 only. Our health care is the most important thing, bar none, but we were hit hard when the price of oil dropped. We were hit really hard when the price of oil dropped. That's a big part. It's about 30 per cent of our revenue I do believe. It's huge to this province.

So as an MHA – and, again, I talk to all MHAs across the way – I hope that when you go back to your districts that you're going to be able to say I looked at the situation, I understand the situation we're in and there's no way I could vote for it. There's no way I can vote for it – there's no way. If this was six months ago and the COVID wasn't on the go, I'd have a different outlook. I know as MHAs in this House of Assembly that everybody's received the same phone calls I've had. We're all worried. People in this province are worried about our future. They're worried about how we're going to get by.

I listened to an ad the other day and it was the Kids Eat Smart. They were saying that we had to give up the bit of food or whatever we had because of the situation with COVID, so we're going to need fundraising now to get Kids Eat Smart so our children, when they go to school, have some nutritious food to eat. Would I rather give money, a raise to a judge or would I rather give money to Kids Eat Smart? Personally, Kids Eat Smart wins for me and I think it will win for every judge in this province.

I look at the Minister of Health and I understand that our health care system is priority one and everybody in this House – we've done a fantastic job in this province. We've done a great job in this province when it comes to COVID-19. We did the rules. They wanted the curve bent. Well, we flattened it and we're

continuing to flatten it, but it's a cost and that cost is coming to all of us.

I had a call the other day from a constituent of mine that needed some surgery and the surgery got postponed. He was getting his surgery done on March 18. Now, when is that surgery going to happen again? We need more protective equipment in order for surgeries to go ahead. If you ask me where my money needs to go, I'd say I'll give it to the protective equipment that we need to buy. That's where our money should go.

While I understand that judges do deserve a raise, I'm not denying that at all, but somebody who is making \$250,000 and we're going to have a province – I don't know what's going to happen down the road, but there are a lot of people in this province who are not going to have work. I'm very nervous about this federal program. We're so lucky to have this federal program in place, but what's going to happen to the amount of money we need to take care of people who need to go on income support. Are we going to have money for them?

We always talk and I laugh at – and I'm getting kind of sick of it, actually, when we talk about the previous administration; I heard it two or three times today. Well, I can tell you one thing right now: the previous administration is over there. You're the previous administration. There are five years on the go since you came. You're the previous administration and we're the previous-previous administration, but I know that while I was here we did our best.

There is nothing we can do to control what's after happening in the world. Newfoundland and Labrador has had a hard year. We all forgot about Snowmageddon and what that did to municipalities in this area, in particular, what it did to their budgets with snow clearing and everything else. What it did to our economy and the amount of money people had to spend because they were barred up for so long. Now we have COVID that people were in their houses and not spending money. That's the reason why we need to know the financial situation of the province.

We're here in the month of June and there is going to be a leader selected for your party over



there who's going to become the next premier. We're going to have another election within a year and people of this province deserve to know what our finances are, what our financial situation is. We can't get it. No one knows it because we're in this time of, definitely, restraint; a time when I know that everyone in this province is concerned about our future.

We're all concerned about our future and nobody knows what the future will bring. Will there be a second wave of COVID? What will that do? We're strapped right now. We had the Premier of this province write a letter to the prime minister of Canada and say the time is up. We're at the brink. What's going to happen if another wave comes in with COVID? What brink are we going to be at then?

We live in a great country. I think that the federal government, when it comes down to it, will look at the situation in Newfoundland and Labrador and say you're in a unique situation, there's no doubt about it. I've been in this House of Assembly now for 12 years and for the last six years we've been fighting for equalization because I believe that we deserve equalization. Sometimes when we brought it up – we brought it up here in PMRs – people across the way dismissed it, but we're an equal part of Canada. If one province gets \$13 billion, another province gets \$2 billion and all our Atlantic counterparts are getting billions of dollars, I believe we should get it too. I think that's where we are.

Right now on this bill – and getting back to what I wanted to say is that there are priorities. When a family gets a cheque, they look at their priorities. They say, okay, I have to pay my mortgage, I have to pay my heat and light, I have to pay my groceries and that's the money that I have. After that, I have to try to do what I can.

We, as a province today, have to pay our heat and light; we have to pay our mortgage. We can't afford to pay any extras. I think the people in the province, we need everybody on side and we need everybody on side to look at the financial situation we're in and say I'm going to have to bite the bullet this time because it's a time when we have to have some restraint. I believe, like the leader of our party said, I think

that judges in this province realize the situation we're in.

People will say we'll go to a court case. You know what, go to a court case and if the judge rules against us, then I'd say I think it's a bad decision, because we have a financial situation in this province right now that we have to take care of the most vulnerable people in our province. We have to ensure the lights stay on. We have to ensure that people have food to eat. We have to ensure that there's a house or a home for people to go to and we have to make sure that our children are taken care of. We have to make sure that education is a priority. We have to make sure that health care is a priority. I think that right now we need to get our financial situation intact and make sure that the people of Newfoundland and Labrador have a bright future.

Thank you very much.

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

**MR. SPEAKER (Reid):** The hon. the Member for Mount Pearl - Southlands.

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

It is always a pleasure to have the opportunity to speak here in this House of Assembly. I will say upfront that I will not be supporting the motion to approve this report, certainly not on the remuneration piece. If there was some sort of an amendment brought forward by the government to accept certain parts, well I'd be willing to look at whatever parts they wanted to bring forward. As far as increasing remuneration, there's no way I can justify to the people that I represent approving it.

A lot of these reasons have been given by others. It's difficult, I suppose, not to be repetitive because a lot has been said, but when we think about the financial state of our province, even before COVID-19, by the way, we were on shaky ground. Albeit, the minister would say that there was progress made and I don't doubt that there was progress made in a number of areas, but there was certainly a lot more to do.

When we look at the impact, certainly it started out this year – think about it, what a year this

has been with Snowmageddon, as has been referenced, the impact that that had on services certainly here on the Northeast Avalon, on municipalities and on our provincial government, our health care system and so on and then just when we thought we were out of the woods along comes COVID-19. Who ever would have thought that was coming our way or would have thought it would have the impact on not just our province, but the country and the world for that matter.

I don't think anybody here would have anticipated it. I don't believe the members of the tribunal that put together this report and these recommendations would have anticipated it. I don't think they did anticipate it.

That's where I have the issue, Mr. Speaker. We can all talk about priorities, and I listened intently to the Member for Cape St. Francis. I always enjoy listening to him, I have to say, because I always feel that when he speaks it's not scripted. It's absolutely not scripted. That's why I do appreciate listening to him because he sort of tells it as he sees it and it comes across as very sincere and genuine. I do have to give him kudos there.

I was listening to what he was saying about the priorities of people in his district. I believe that the people in my district and the people throughout the province would feel the exact same way. Now, I also understand – and this is not sort of a black and white issue, as we may want to paint it. I do understand that because of the process that's been set up with this tribunal, it certainly would not be good enough for us, in this House of Assembly, to say well because public servants didn't get a raise or they got a very small raise and they had zeros prior to that and because there were cutbacks then that means we can't give it to the judges. It's not as simple as that. I understand that because it's a separate entity, a separate process through a tribunal. One has nothing to do with the other. As much as we all sort of feel it should have to do with each other, it doesn't. It's a separate process.

To simply say under normal times, if you will, that because we never gave those increases to public servants or because the minimum wage is not where a lot of people feel it should be, or because there are people who are out there that

are suffering and looking for services and because income support is at a certain level, that means that we can't give judges a raise. If we were to simply use that approach during normal times, as much as that may be valid and we may legitimately feel that way, unfortunately, because of the process that's been set up, it would not hold any water in terms of court and a court action.

That's where it gets a bit tricky. Obviously, I believe, Mr. Speaker, the angle that the Minister of Justice is coming from and the government is coming from – and I do understand that angle – is that they are suggesting that because, perhaps, that approach was taken in 2016, and perhaps because it was challenged and, at the end of the day, the government lost, if you will, and the representation on behalf of the – perhaps because the government may have lost that appeal or the judges won that appeal, whatever way you want to look at it, perhaps because of that, there's this sense that if we don't approve this, then the judges, or whoever is representing the judges, are going to take this further, they're going to take this court and we're going to lose again.

I'm sort of surmising that would be the reason why government is bringing this forward, because I can't imagine for the life of me they would want to be bringing this forward simply for the sake of saying we want to give judges a raise because I know and they know that they're going to be beat up over this publicly for doing so. From a political point of view, there would be no reason for them to want to do that and take that public hit that there's no doubt they're going to take for bringing this forward and suggesting it.

I understand their rationale is about the potential of turning this down, judges taking it to court and then losing that challenge, having to pay it anyway and, perhaps, having to incur additional costs in terms of court costs and so on. That's their rationale, I would think, and I would understand where they would be coming from. However, I think we have to go back to some of the words of – dare I say words of wisdom from the Leader of the Official Opposition, because I did listen to what he had to say as well, very intently.

He certainly has experience in the legal field that I don't have. So whenever we're talking law and he speaks, I do listen because he has that experience and knowledge and education and so on. But, as he said, at the time when we were considering or when the tribunal was considering whether or not this increase was merited, it was based on a couple of years ago and it was prior to COVID-19.

It was prior to the Premier writing our prime minister – I forget the exact wording, and I'm not going to put words in anyone's mouth; but, basically saying we're insolvent. We're not going to meet payroll. Basically, saying we're not going to be able to pay our employees. We are on the edge, dare I say, of bankruptcy. That was the gist of it. We are in big time trouble. We will not be able to make payroll.

Based on that circumstance – that did not exist during the time that this tribunal made this decision – I have to believe, not being a legal person, not being a lawyer, not having any knowledge of the law any more than the average Joe, so to speak, but certainly in listening to the Leader of the Official Opposition who is a lawyer and does have that experience, I would have to believe or certainly be willing to roll the dice, if you will, Mr. Speaker, that should the judges or those representing the judges decide to take this to court, I have to believe in the judicial process. I have to believe in natural law and believe that justice will be served and they will look at the situation and would agree with Members of the House of Assembly in the argument that at the time this recommendation was made times were different.

We are now in a situation where we are on the verge of insolvency, and based on that the government – I shouldn't say the government, the Members of the House of Assembly, should this be voted down, the House of Assembly in their wisdom decided that there's no way we can justify this increase given where we are now financially, where we weren't at the time this decision was made. I have to believe that there's a good case to be made, and I for one am willing to sort of roll the dice, if you will, on that.

As has been said, it's not just about the judges. I have nothing against the judges; I respect the work they do. I absolutely respect what they do.

I understand the training they went through; I understand their years of experience to have that position. I understand the independence; I understand the need for them to be compensated fairly as it relates to judges and other jurisdictions to ensure that we have the best people wanting those roles as judges. I absolutely do understand that, but, Mr. Speaker, we have to be looking at the reality of where we are financially. That's the bottom line. We have to be looking at that reality.

The reality of it is that up until the Bank of Canada – at the request of the prime minister, I'm assuming – decided to step in, our credit card was about to bounce, our provincial one, and we weren't going to be able to pay the bills. We weren't going to be able to pay our employees.

On top of that, we have rate mitigation that's hanging over our heads, which is a huge issue for people because we don't know what's going to happen there. Our oil fields out there have basically been shuttered and everybody being laid off, so there's very little happening there. All of our businesses – or many of them – have been pretty much shut down as a result of COVID-19, trying to get back, trying to survive. Many of them are not going to survive.

We have many people who are in receipt of CERB – and thank God for the CERB – but there's no doubt the CERB is good and bad. I mean it's good, it provided some income, but I can tell you there are an awful lot of people in my district – and I know there are a lot of people in my district because of the demographics. I have a lot of, I'm going to say high middle-class working people, two incomes, a lot of professional people. So for many of those people, this \$2,000 a month, which is great and it's appreciated, but based on their normal income and their normal expenses they've taken a huge hit financially and a lot of them are in trouble – big time in trouble.

Sometimes people say you're representing this district, you have all these money people, but they're not. They don't own their houses anymore than most of us do, the bank owns it. The bank owns the cars and everything else. They have their toys. They have their nice

house. They have their cabin or whatever, but they owe on that. They have monthly bills.

So while CERB, for example, was great for a lot of people – and there are some people, actually, who are better off on the CERB than maybe they were working. There are people like that, too. I don't begrudge anybody who got it, but the reality of it is there are an awful lot of people who this CERB is just not cutting it and they are suffering big time and trying to make ends meet even on the CERB. That's a reality.

In the face of all that happening, in the face of what's happening to our province, generally, in terms of: Will we able to continue to meet payroll? What's going to happen with our oil and gas industry and everything that's happening there now? What's going to happen to all the other industries? What's going to happen to the businesses that have all been shut down and a lot of them may not get back up and running again? A lot of them may go under and so on.

The fact that we do look at our public service workers. For example, during COVID-19 we had nurses – God love them, I have to make mention of them. We had our nurses and our first responders, EMTs, firefighters and police officers and so on, on the front lines of COVID, putting their own health and safety at risk. They haven't seen any significant increases over the last number of years. They've seen zero, zero, and I think they got 1 per cent or 2 per cent this time. They got some money on their severance, but they had to give up their severance and all the new people coming in don't have a severance. Those things happened because of our fiscal situation. That was before COVID-19 that all these restraints were put in place, because we knew the financial position we were in then. Well, it's just gotten ten times worse.

Now we're suggesting that we're going to come to this House of Assembly in these times, given this situation, and we're going to approve a raise for somebody who's making \$250,000 a year. That's what's they're making, and I don't begrudge them. That's the going rate. That's what they're entitled to and that's what was agreed upon, so be it. Again, I appreciate the work they do, it's important work, but someone making a quarter million dollars a year and

we're going to vote to approve a recommendation to give them a raise at the same time that we don't know if we're going to be able to keep the lights, that's what we're being asked to do here. There's no way I can do it. I cannot do it. I would not be able to vote in favour of that and go back into my district tonight, tomorrow, whatever, go up to Sobeys, go up to Dominion, run into constituents and be able to justify it. There is no way I could look them in the eye and be able to justify doing it. They will not support it. I can guarantee you that they will not support it.

As I said, if this had come forward a year ago, we will say, when things we're still not great but they weren't as dire as they are at the moment, well then I would have supported it. I probably would have been begrudgingly supporting it to some degree, to be honest with you, because there are still an awful lot of people in a tough situation and our public servants haven't gotten that same consideration. I understand it's a different process, but they haven't. I would have supported it, begrudgingly perhaps, because I would have known or I would have felt that if I don't support, all I'm doing is sort of playing up to the fact that I'm against it knowing that it's going to be challenged in court, and we're going to lose and it's going to cost us more

I probably would have supported it because I would have felt that like 2016, we probably would lose it if it gets challenged. This time around, given where we're financially, if there is such thing as justice, if that exists, then I have to believe that justice would prevail if it was challenged and the courts would decide that we're doing the right thing in not approving it, given where we are financially. I have to believe in the system that that's what would happen.

I'll take it a step further, because some Members have talked about the fact that judges understand and they don't want this raise; this is something that they would be okay with, sucking it up like everybody else. If that's the case, they would have an opportunity to prove that because once it's not approved, they don't have to challenge it. If we turn this down, they have the ability now – the ball would be in their court – to say: Do you know what? We want to do our part; we understand where the House of Assembly is coming from and we're not going to challenge it.

The ball would be in their court not to challenge it.

But if they decide to challenge it – and that's on them. That's not on me; that's up to them. But if they do and we have to defend it or the government has to defend it, I feel confident, based on our current financial situation, that we would be on pretty steady ground and able to defend the decision not to approve this increase.

So with all that said, I will end where I started in saying I cannot and I will not support this motion.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The hon. the Minister of Justice and Public Safety, if he speaks now he'll close the debate.

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

I appreciate the opportunity. I'm going to go quickly, because I have a lot to say, and I will try my best to explain some of the rationale and reasoning here, which I desperately think needs to be done.

One thing I will say off the top is that I truly don't feel that all Members are cognizant of all the factors that go into a decision such as this. I listened to every Member, and you know what? There are parts of me that completely understand where they come from. But what I'm going to suggest is this, Mr. Speaker, I'm going to speak for about 10 minutes and then I'm going to ask to adjourn debate on this motion until Thursday. What I'm going to ask for then are all Members who are interested to attend a briefing tomorrow with Department of Justice solicitors so that they can ask every single question and get all the rationale and reasoning from the lawyers who do the work on this and have done the work on this for a number of years.

Now, for those out there listening, these lawyers have been here for some time. They are civil servants; they are non-partisan. Most of them were here before me; most will be here after me.

The second thing that I'm going to ask Members to do, when they get an opportunity – I truly think they should – there's a Supreme Court

decision here called and it's between all the judges of the Provincial Court and Her Majesty the Queen and the second respondent is the hon. Andrew Parsons, Minister of Justice. So that's when we got sued because we didn't follow the recommendations of the independent tribunal.

I won't comment – I have to be careful, guys, because I truly implore you to read what was said in that case. I truly implore you. And then to go back and reconsider some of the things that you have said over the last little while, because I do believe everybody have said them with good, honourable and positive intentions, but just doing something with good, honourable, positive intentions does not mean you will get that result. Look at the comments; look at the debate that was had in this House four years ago where we had a very similar debate. The recommendation wasn't followed, and here we are.

I listened to the Member for Cape St. Francis. Now, I've never disputed his heart – and I have to be careful, I tell you why, because my words from that debate are in that court decision. When and if this were to go to court again all yours will be there too. So I'm trying to be careful here. And I will say this, there's one thing about governance. Some people on the other side have been in government and realized that when you're in government it's not always doing what you want to do or feel good about doing, some things you have to do for various reasons.

What I'm suggesting is, again, we will not vote today because I agree with the fact that Members need some time to review. I will note the report has been tabled for a year. The decision has been rendered for a year – in fact, actually two years. I implore everybody to read that and come back to the fact that not supporting this – I will say this, that is the right and the will of this House. I will never disagree with that. But the Member for Cape St. Francis talking about school lunches, hey, I'm no different. Doing so will result, more than likely – and again, this is why I want you to listen to the solicitors in the department who provide the legal advice. You will be taking food out of kids' mouths. That's the reason you're not doing it and I appreciate that, but not doing this will result in an application to the Supreme Court which history will show we likely will not win.

These have been challenged before. In fact in 2001, the tribunal was led by now Supreme Court of Appeal Justice Hoegg. At that time she recommended a 42 per cent raise in salary to the judges. The government of the day came in and said we can't – and again, I bet you if you go back the debate back in 2001 was the same as the debate now, people talking about the needs in our district. We were not flush with cash in 2001 nor are we flush with cash now. I don't think we ever have been, except for a period there were people said, but I'm not getting into that.

What I am saying is that the government ended up in court then and lost. Not only ended up paying the same increase that they voted down, but they ended up paying the cost which were in the hundreds of thousands. What will result here now – again, we talk about what is politically popular. There's a quote here from this case: Due to judges being independent office holders and not public employees pattern bargaining is not a valid reason to vary a tribunal recommendation. Justice Faour stated: "Negotiations between the Government and its bargaining units are irrelevant for the purposes of remuneration of judges."

This comment echoes the 2001 Hoegg Tribunal's observation that "the independence of the Provincial Court is of such importance that compensation for judges must be considered in isolation from some of the factors normally considered by government in paying its employees. Owing to the distinctiveness of this small group there is no basis for a 'ripple effect' of salary increases for judges into compensation schemes for other groups paid from the public purse. Judges are different from provincially paid employees; they are a constitutionally identified and protected group."

I heard some comments earlier that questioned the impartiality of the tribunal, which I found offensive to these people who are not judges – and in fact, if they were probably going to be judges, they would have been so by now – and talked about the fairness of the tribunal. I won't get into that that; I'll let the court deal with that. I won't bother with it because, again, this is not about me defending their honour. This is not about me defending wanting – and for the purposes of *Hansard*, you will see me using air

quotes – to give judges a raise. It is not for that at all. It is representing that to do the same thing over and over again and thinking you will get a different result – we all know what the answer is.

I know the Member who just spoke, Mount Pearl - Southlands, said I'm willing to roll the dice and I'm sure we will get justice. Again, I defer to the lawyers in the department and not the legal analysis of the Member for Mount Pearl - Southlands. I don't disagree with where he's coming from, from his heart – I don't disagree with that – but what I am saying is that these are one of the things that you have to do.

Again, it says right there. I have the quotes here. This is from Justice Faour's decision – which, again, quite relevant – two years ago. At paragraph 162: "This exchange did precisely that which the Supreme Court attempted to proscribe in its decisions. Debating judicial salaries and comparing them with other heads of Government expenditures is not appropriate conduct given the constitutional obligations of the Executive and Legislative branches of the Government towards the Judicial Branch. Pitting judicial salaries against other important Governmental services is an inappropriate politicization of the tribunal process." It is not appropriate to raise submission of previous governments or to take political shots at opposition.

Paragraph 166: "Both sides of the House connected the recommendations of the Tribunal with ongoing negotiations with public sector unions, and made comparisons with other types of expenditures involving public services. The Tribunal process is supposed to avoid this kind of political debate."

What I would suggest is, again, I don't blame any Member for making the comments that they have made because I don't think anybody comes in here for the wrong reasons. Two things I would caution everybody against is to make this a political opportunity. You talk about wanting to protect the kids and the seniors, the elderly and the vulnerable in your communities; you will be responsible for taking the money away from them.

I agree with everybody else. We talk about essential workers; we talk about COVID; we talk about everything. I share these concerns, as does every Member sitting on this floor regardless of side, but right now, some of the comments I've heard have the effect of cutting off your nose to spite your face. If you are prepared to not only pay the same \$400,000 a year that's been recommended in an increase, but also to pay hundreds of thousands in fees that could have been saved, then that is on you. I would strongly suggest that we have a briefing here.

For the Leader of the Official Opposition to say that we should take this to court and that I think things are different now – he has done that, as far as I can tell, with no legal analysis. For Members to suggest that judges are going to – you know what, we don't need this now, we're all going to pull together, what I would suggest is you speak to counsel for the association of the Provincial Court judges. I don't think any of you have. I have.

What I would suggest to you is this is not about what is right, this is not about what is wrong, it's not about any of that. This is about a Supreme Court of Canada-recognized process, a constitutional process. Sometimes it's not about what you'd like or what you'd want, it's about recognizing that if you try to do what you think is popular, if you try to do what you think is right you might end up spending more money than you think.

So I say that I agree. Do you think that I want to go into Sobeys tonight – and guaranteed somebody will say, my God, you must feel some good giving those judges a raise. That's part of what I have to take. Now, I will try to explain my best the rationale. I will try my best to explain the process behind it. Sometimes you can and sometimes you cannot, but what I will say is that I will sleep at night knowing that the process that I follow is one that's been recognized year over year by members of the department.

Look, I truly do think it's better for everybody if you get an opportunity over the next 48 hours – and you know what, I don't think this is a bad move – read the Faour decision, have a look at the report and then you will be contacted by

Department of Justice and Public Safety officials regarding a briefing tomorrow which I hope you'll attend. We will come back then and have the vote and everybody will go their merry way and that is fine and dandy.

What I would do is that I strongly advise people to do that. That is what's guiding my comments now. It's not about me wanting to make sure that priorities are different; it's not about me wanting to make sure that kids are getting meals or people getting procedures, because they are not related. They are not relevant or related in this case. It is absolutely recognized here. You cannot say that.

On that note, folks, Mr. Speaker, I would adjourn debate on this motion until the next day.

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

**MR. SPEAKER:** The debate on this motion is adjourned.

The Deputy Government House Leader.

**MR. CROCKER:** Mr. Speaker, I call from the Order Paper, Bill 39.

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

**MR. BYRNE:** Well, thank you so much, Mr. Speaker.

Let's take this House to a happy place today as we talk about something that is worth talking about.

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

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

**MR. BYRNE:** If the hon. Members opposite will allow us to talk about Bill 39, and you've provided me with protection, that's exactly what we'll do.

Mr. Speaker, I am delighted to bring forward Bill 39, An Act To Amend The Animal Health And Protection Act. It is seconded by the Minister of Advanced Education, Skills and Labour, who is first in my heart.

Mr. Speaker, let's bring this House to a happy place.

**MR. SPEAKER:** It is moved and seconded that Bill 39 entitled, An Act To Amend The Animal Health And Protection Act, be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Animal Health And Protection Act." (Bill 39)

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

**MR. BYRNE:** Mr. Speaker, there's a lot of activity on the floor of the House of Assembly right now so let's add a little bit of levity. Let's try to focus and allow me to just sort of help everyone concentrate by saying it was indeed the great Bard who waxed eloquently through his Prince Hamlet who said: to be or not to be. It was that other bard, the most infamous, Paul McCartney – he was in New Brunswick at the time – who said: let it be, let it be.

Mr. Speaker, that is not what we're here to talk about today. We're here to talk about something far more relevant and important. We're here to talk about how we make sure that the bee does not cross the sea and infect us here where we be. That's what this is all about. The *Animal Health and Protection Act*, the amendment, is to make sure that we provide good protections for what is an incredible resource that each and every one of us share in this province. It is a disease-free Apis honeybee resource, which is worth protecting.

Mr. Speaker, I want to say to each and every Member of the House who are just so acutely absorbed by this conversation, that we in Newfoundland and Labrador are only one of three places where there are disease-free bees. Now, that's important because honeybees are a natural pollinator.

What many will not understand or may not necessarily have recognized is that bees are responsible, through pollination, for a significant percentage of our food resources. Without pollination we do not have crops that grow, we do not have pollination. That's why it's so important that all of us have a civic responsibility, a duty of citizenship to protect

bees in all of its forms. We in Newfoundland and Labrador have a particular responsibility and an opportunity to protect bees because we have them in a disease-free form.

There are no varroa destructors. Varroa mites are not present here. Varroa mites are one of the most infamous destructors, destroyer predators on honeybees. This is a mite which is literally the size of a small seed that sits on the back of a honeybee, an Apis bee, and literally sucks the life out of the bee.

Mr. Speaker, this varroa destructor, this mite, is found in just about every corner of the planet, everywhere in the world except for Southwest Australia, the Isle of Man and, interestingly enough, Newfoundland and Labrador. We have a unique opportunity to protect that.

Mr. Speaker, what's unusual is that while we share and have this incredible resource, there are no specific requirements for beekeepers in the province to register their bee colonies. Now, I say that for the point of view that it would be normal that we would want to protect this, and should there ever be a scare that there might be an infection of varroa mite or some other pathogenic virus or bug, we would want to be able to identify where our hives, where colonies are and to be able to quickly audit, assess and eradicate if necessary.

Mr. Speaker, I know that the entire House is captured by this debate. I can hardly hear myself sometimes because they're talking amongst themselves saying how important it is that they have their own points of view, but, Mr. Speaker, I'm sure they'll all gravitate to the message sooner or later that we all have a responsibility to protect the honeybees of Newfoundland and Labrador.

This government has done what no previous government has ever chosen to do before. We've chosen to do the right thing, listen to the Newfoundland and Labrador Beekeepers Association, listen to our apiarists, listen to those who would understand and want to protect our bee colonies and establish a mandatory reporting process. A mandatory registration process for all those who are commercial beekeepers as well as hobbyists.



Now, I say that, Mr. Speaker, because at some point in time if there was ever a scare, if ever there was some indication that varroa destructor may be present in our province, we'd want to quickly move and eradicate. We'd want to audit other hives. We'd want to make sure that this was done.

Mr. Speaker, you may say to me, or someone may say to me, as Minister of Agriculture: Minister, where exactly are the bee colonies located in the province? I'd say to you, I don't know. You might say to me in return, why don't you know? I would then say in reply, because I don't. Because there's no registry of bee colonies, of beekeepers or hives anywhere in this province.

This is a problem, because should there ever become a situation where there could be a presence, there could be an infection, there could be the presence of varroa destructor, or any other parasitic mite or pathogenic virus, then, we would want to be able to move quickly; we would not be able to do that.

Mr. Speaker, this legislation, this amendment to the *Animal Health and Protection Act*, creates a basis to establish a registry, to create mandatory enrolment in the registry for all beekeepers. It defines exactly what a honeybee is. It also allows the ministry to collect certain pieces of information related to the keeping of honeybees in the province and who are the beekeepers within the province. It allows us the ability to audit, to inspect and to engage beekeepers with protection, education and other programs, which is so essential.

Mr. Speaker, the amendment will define what is exactly a honeybee, to make it enforceable within the *Animal Health and Protection Act*. It assigns a specific duty to the provincial apiarist to be able to establish a provincial apiarist and for that provincial apiarist to then conduct certain activities related to the mandatory registry. It also allows for the basis on which fines and penalties would be established should there be a problem, should there be a violation of the *Animal Health and Protection Act* or any of its consequential regulations.

Mr. Speaker, I'm pretty pleased with this. This is a historic day. This is being met with incredible

satisfaction and appreciation by the beekeepers of our province. I was delighted to be able to stand tall and firm with our beekeepers to establish this. The basis of this is based on their consultation, their wisdom and was made directly with their input.

But, Mr. Speaker, I also want to say another thing. You have to have the resources to be able to do this and do this right. I'm delighted to inform the House today that the Government of Newfoundland and Labrador – this government, our government, the government that's bringing forward this amendment to the *Animal Health and Protection Act* to protect our bees – is assigning \$300,000 for the purposes of education and promotion of best practices in our beekeeping industry and in the practice of beekeeping throughout the entire province. This is very welcome news by our beekeepers throughout the entire province.

Mr. Speaker, with that said, I think it's fair to say that this government has made incredible, innovative inroads into improved agricultural practices of our province. We have recognized that food security is an essential component of citizenship, and we are making great progress. Coming from a position where we had a lot of capacity to grow our food security, whereas we only grow and produce 10 per cent of the food that we currently consume, we set ambitious targets to improve that calculation, and improve that result and improve that performance. Mr. Speaker, this is a component of that task.

Honey has a natural competitive advantage in Newfoundland and Labrador because of our disease-free status, but not only do our farmers, our apiarists, have less risk, greater security by producing honey in our province, the demand for nucs, or colonies as they're called, from outside of the province is also present. It is also a reality.

As we grow our capacity within the honeybee industry, as we grow the number of hives, the number of colonies, the number of nucs that are produced in Newfoundland and Labrador, given the fact that we are disease free, it is only natural and expected that demand and appetite for Newfoundland and Labrador-produced honeybees for export – colonies for exports, queens for export – to other places of the world

will be quite high because we have a disease-free status. Mr. Speaker, it just makes natural, perfect sense to go and protect that which is ours, which we have a competitive advantage in.

It goes without saying that by having a mandatory registration, those that would break that registration will be subject to significant penalties and fines, and that power will be vested within the chief veterinary officer, within the regulations and within the ministry itself. This is a positive element to this achievement.

Mr. Speaker, I sometimes think – I just pause – why was this not done sooner? When we have this incredible resource with the unique aspects to the resource, why was this not done sooner? Well, Mr. Speaker, because you know what? It takes leaders to come forward, to recognize the challenge, but also, more importantly, recognize the solution.

I am so delighted with my own relationship that I've been able to forge with the beekeepers of our province, who have really said, now we have a partner we can work with – the Government of Newfoundland and Labrador and the Members on this side of the aisle. This is what this is all about, and there was the additional announcement of the \$300,000, which is now new information to them. I am totally assured that they are very, very pleased with that commitment that we're making to them and to their industry.

Mr. Speaker, I know that there will be some who will want to question why don't we just simply shut down the border. Let me proactively answer a couple of questions while my Government House Leader still gives me some time, as we stretch the debate into its appropriate parameters. Some will argue: Why are you leaving some sort of door open to allow for the potential import of bees? Well notwithstanding, Mr. Speaker, that we've always had that door open, what I will inform hon. Members is that that will be closed and highly regulated with the notion that you have to have a permit, which has always been in place.

Beekeepers have said to me, those that choose to listen to farmers and listen to beekeepers will know – you'd have to listen and talk to farmers, beekeepers, to be able to understand this. You'd

have to know that bees are very vulnerable. They can indeed sometimes be susceptible to extreme winter conditions of frost and freeze cycles. There is a possibility, however remote, that we may have a situation where a significant proportion of our disease-free bees in Newfoundland and Labrador may perish.

It would be irresponsible, according to the consultation and the input I've received from beekeepers in our province, to permanently close the door to any potential import of bees that are registered as disease-free, that are certified as disease-free and come from one of those two other jurisdictions which are proven to be disease-free as a stop-gap measure, as a potential rebuilding tool, should we need it.

Mr. Speaker, this comes from beekeepers, from farmers. Anyone who has not learned this are people who have not listened to farmers. They have said, and said very clearly, we do not want the importation of bees to occur on a regular basis. We need it highly structured, highly regular, highly controlled and it should be irregular at best. But they have said it would be, quiet frankly, irresponsible to permanently close the door to the potential import of bees from guaranteed, certified, disease-free bees from one of the two other jurisdictions that have disease-free status should our bee crop, because of natural phenomena, suddenly be weakened.

In fact, Mr. Speaker, if it weren't for the importation of bees just a short while ago, we would not have the nucleus, the cluster of capacity that we have today. I want to be very clear to the people of Newfoundland and Labrador, to our beekeepers and to this House this would never be a regular occurrence by any standard of the imagination. In fact, it would be presumed that we would never allow the import of bees, unless it was absolutely, clearly necessary and met with the consensus and satisfaction of the existing beekeeping industry of our province; but still, to have that capacity, should we want to export bees to other places and we want to promote bees as being able to be exported to other places, it would be only prudent if we also recognize, as we create the value for our own bees and our own jurisdiction, to recognize the equivalent value of disease-free status in those two other places: the Isle of Man

and Southwest Australia. Otherwise, our voices and our message would fall flat.

Mr. Speaker, with that said, I am very, very delighted to bring forward on second reading, An Act to Amend the Animal Health and Protection Act, to bring forward historic improvements to the way we handle our aperies, our apiarists and the beekeeping industry of our province, protecting it for future generations while we see the industry grow.

Mr. Speaker, I am very delighted to be the minister to have done this.

Thank you very much, Mr. Speaker.

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

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

**MR. LESTER:** Well, I'd like to congratulate the minister for being such a one-man operation in the department of agriculture. Once again, he's put his shoulder to the wheel and done such great service for the people of Newfoundland and Labrador, and all his little minions, the hard-working men and women of the agriculture industry, are just following his lead.

Mr. Speaker, these are small changes to Bill 39, but do you know what? It makes a big difference. As the minister has said – and actually I do agree with him on this statement – we potentially have a disease-free population of bees here. But do you know what? We can't actually confirm that because, as it stands right now, inspection of hives, commercial and hobbyist hives, is only voluntary.

Less than four years ago, there was actually a mass beehive importation to this province, and this was contrary to the recommendations of the Beekeeping Association of Newfoundland and Labrador and also in contrary to the recommendations of various agricultural entities.

Now, these bees were imported. There's no documentation that they had been rechecked to see if they did not bring in the varroa mite, which is one of the most major concerns; however, there are about 11 other variations of the varroa mite and different parasites that do

affect bees, which are not native here to Newfoundland and Labrador.

Do you know why? Honeybees were not native to Newfoundland. So therein lies the problem. We are cultivating a commodity or a crop, being honeybees, here in a province where they are not naturally found.

Now, we have lots of other types of pollinators in this province which are much more suited to our environment. One is being the bumblebee. Bumblebees have a fairly big advantage over the honeybee: They can fly at half the temperature of a honeybee. When you talk about barring the importation of honeybees, barring the importation of other types of bees – I know they're covered under two separate acts – but both of them have to work in sync with each other. Honeybees are, of course, looked at as livestock so they would come under this particular piece of legislation, but when you talk about other pollinators such as bumblebees, they are actually a native species so they are covered under the *Wild Life Act*.

Far too often our producers, such as the ones who grow blueberries, cranberries and other crops, are restricted by their lack of ability to import pollinators to this province. Because you see, as I said, the bumblebee can operate, can fly, at about – and I do stand to be corrected – eight or nine degrees, whereas the honeybee, you need to be almost in your mid-teens before they take flight. That poses a big problem because other than this year now, with the exception of a few nice days that we have had, very rarely would there be honeybees flying about.

Yes, it is very important to protect the bees that are here. Yes, it is always super important to protect our, I guess, safety of them on this Island. Basically, we've put an importation restriction on people, and that's how we have flattened our curve with the COVID situation. But as it goes to bees, yes, there are massive opportunities for export, but there is also a massive demand here locally.

So how we have to do it is we have to have a delicate balance of export versus local establishment. Right now, with the mass prohibition of importing bees into our province,

there is very limited opportunity for other beekeepers to establish because there is a problem with producing nucs. If there is a larger demand or market, or maybe some individual producers may want to monopolize the availability of bees, nuc producers are not going to have the opportunity to get into the industry.

Reckless decisions by this administration as to the importation of bees may have already damaged our disease-free status, so while we're here today talking of disease-free status, we actually don't know if we are disease-free. We were disease-free, it was documented that we were disease-free, but we brought bees in. We brought bees in under the hand of this minister's department. Can I say it again? This was against the recommendations and the advice of the Beekeepers Association of Newfoundland and Labrador to which this minister seems to have repaired relationships, which I'm very happy that he has done so.

But when it comes to looking at the export of bee-breeding stock, we always have to bear in mind that the local demand must be filled first. We have to build up our local bee population and then we can probably look at export. I think that's probably going to come up in Committee when we go to questions. I have an ample number of questions for the minister. I really do hope, being the one-man operation he is, he'll be able to answer all my questions. I probably won't bother to count how many times he'll say bee in this response, but I'm sure they'll be a plenty.

I'd like to commend the department for recognizing the needed changes and placing emphasis and importance on the protection of one of the most basic elements of food production. They're known to produce – well, the pollinators in general, not just the honey bees, but they're known to be responsible for over 60 per cent of the food that we eat.

In saying that, I look forward to progressing this bill forward and discussing it through the Committee stage.

Thank you.

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

**MR. SPEAKER:** We still have four minutes on the clock.

The hon. the Member for Mount Pearl - Southlands.

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

Just as I guess in normal practice, for the record, for *Hansard*, I want to be crystal clear in saying that I will be supporting this motion.

Thank you.

**MR. SPEAKER:** We still have about three or four minutes on the clock.

The hon. the Member for Lake Melville.

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

Just so I understand I have three minutes and then I should adjourn. Is that what you would like me to do?

**MR. SPEAKER:** Yes.

**MS. COADY:** You have three minutes and then adjourn debate (inaudible).

**MR. TRIMPER:** Roger. Okay, thank you all.

I guess I'll use the time to say first of all thank you to the staff from Fisheries and Land Resources, and as my colleague for Mount Pearl North alluded to, there are certainly other people behind the minister. He's a great minister, but there are some other good people there too, and I'd like to thank my former neighbour and very good friend, Keith Deering and Karen Kennedy for the virtual briefing that we received from them.

Very much wanting to speak to this and would like to try to work some flow. So I'm going to start with just a couple of introductory remarks. I think I'm going to turn to an analogy. While we've been sort of joking a little bit about the topic of bees and their importance, the fact is that they're extremely important. As you go to your meals this evening and think about it, it's calculated that about one out of three or four bites of your food you can thank the bees for the pollination work that they've done for the food

that they've helped to grow. So essentially, one-third of the food that we produce is there because bees pollinated it. If we didn't have the availability of honeybees and other pollinators we would be all the more hungry than we are in this world, so a very important role. As I said, one out of every three or four bites of your food is attributed to them.

There is a variety of issues affecting bee populations around the world and paying close attention to what my colleagues in the House are saying, right now we're going to go forward assuming that we do have an amazing advantage of not having this varroa mite here. I loved the Latin name, by the way, varroa destructor. Linnaeus would be so proud of the reality of that name.

But the fact of the matter is varroa mite is a serious problem around the world; however, in this situation I think it's time now that I will draw close.

With that, Mr. Speaker, I will adjourn debate right now and look forward to an opportunity to revisit the topic and have a more comprehensive topic. So I thank you for your indulgence.

Thank you.

**MR. SPEAKER:** Given the hour of the day and pursuant to our Standing Orders, this House is now adjourned until tomorrow at 2 in the afternoon.

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