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Speaker: Honourable Derek Bennett, MHA

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The House met at 1:30 p.m.

SPEAKER (Bennett): Order, please!

Admit strangers.

Welcome, everyone.

Statements by Members

SPEAKER: Today we'll hear statements by the hon. Members for the Districts of Harbour Main, St. John's Centre, Topsail - Paradise, Terra Nova, Labrador West and Virginia Waters - Pleasantville, with leave.

The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you, Speaker.

I would like to reflect on our veterans and acknowledge the Royal Canadian Legion movement. November month, we remember how much was achieved for us and, yet, how much was lost by those that fought so that we may enjoy the freedoms we have today.

The legion represents tens of thousands of veterans and legionnaire volunteers who volunteer to ensure that there is support for veterans and their families. My District of Harbour Main has two legions: Branch 64 Holyrood and Branch 65 Brigus. These legions are key contributors to the communities they serve through their involvement in other community activities, such as schools and community events.

Remembrance Day is about honouring our veterans. They, like many of our elderly, have been isolated due to this pandemic. I would encourage each of us to reach out to a veteran on Remembrance Day next week and thank them for their service. We've had the privilege of sharing in 76 years of peace because of our veterans, which is truly remarkable.

I ask all Members to join me in thanking our Legions and our veterans for everything they do to remind us "Lest we forget."

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

École Rocher-du-Nord, formerly Holy Cross Junior High, opened to francophone students in September 2017. With an enrolment of 40 students from Grades 7 to 12, the school accommodates the growing number of students seeking a French first-language education in St. John's.

Un personnel petit, mais dévoué offre une éducation hors pair de haute qualité aux étudiants. Les élèves ont l'occasion de participer aux concours de sciences, aux fêtes du patrimoine, aux concours d'art oratoire et au programme À la découverte de nos cultures.

Activities like la journée provinciale de la francophonie and les jeux de l'Acadie foster the francophone identity of RDN, while the Duke of Edinburgh program, cross country, badminton, sewing club, student council, yoga, rock band and intramurals enrich their school experience. Food bank donations, Ronald McDonald House's Just Like Nan's program and Janeway Day instill community mindedness.

Rocher-du-Nord is proud of its track team's recent performance at the NLAA cross-country run at Bowring Park, especially of its Grade 7 girls' two consecutive second-place finishes in the 1.7-kilometre race. Healthy living and the physical and mental health of students are just as crucial as academic success for École Rocher-du-Nord, and the school is looking forward to a safe, productive and pleasant school year.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker.

I just recently presented a certificate to Nina Thompson, a constituent of Topsail - Paradise, for her community spirit and for bringing such joy, not only to residents of Topsail - Paradise, but to those who drive by her home each day.

Nina Thompson lives on Topsail Road and if you've passed her home you've seen her concrete dogs standing so proudly out in her front yard. Ms. Thompson has been dressing the dogs for over 15 years and it all started when someone made a simple suggestion. The dogs have an outfit for every occasion: Halloween, Christmas and Canada Day, Valentine's Day, hunting season, spring, summer, winter, fall and any other day you can think of.

She didn't know how big a splash the dogs were making until a few years back when she started getting Christmas cards from people who got a smile out of the pups when they drove by. I look at them each time I drive past and it always puts a smile on my face.

Mr. Speaker, I thank Ms. Thompson for taking the initiative to spread some joy in the District of Topsail - Paradise.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Terra Nova.

L. PARROTT: Thank you, Speaker.

Today, I speak as part of a fraternity that I'm very proud to be a part of: I'm a veteran speaking for veterans. I speak for those who left and never returned and I speak for those who returned and never came back the same.

On November 11, if you're at a ceremony and there's a veteran off to the side, and he's silent, give him a nod, a smile or a simple thank you. It seems small but it means so much.

This year I'm privileged to lay wreaths in my district to honour all veterans; however, it will be with a heavy heart. I will remember two close friends, in particular, that aren't with me this year: Ches Bull and Rodney Stroude.

"From this day to the ending of the world,
But we in it shall be remember'd;
We few, we happy few, we band of brothers;
For he to-day that sheds his blood with me
Shall be my brother."

Today and every day we honour the thousands that are still serving and the thousands of our

fallen brothers and sisters that are no longer with us.

We will remember.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

I rise today to acknowledge Gerri-Lynn Stevens, April Farrell, Kim Hartery, Kayla Edwards, Michelle Turpin, Lori Butt, Tina Ralph and Shawn Arnold, plus four additional support team members, Mike Turpin, Cory Waterman, Danny Stevens and Andy Kelloway, a group of cyclists called Kilometers for Kids or lovingly known as Momma's Dream Team.

They completed a 1,000-kilometre ride from Pidgeon Cove-St. Barbe to Ronald McDonald House here in St. John's. Their initial goal was \$34,000 but raised a grand total of \$100,000 for Ronald McDonald House.

Many members are from Labrador West and have seen first-hand the stress that comes when a family needs to travel to the Janeway.

There are emotional and financial costs for a family when travelling to St. John's for medical treatment and the selfless dedication of these cyclists and the generosity of individuals in this province raised these funds to help families navigate a really tough time.

I ask all hon. Members to thank this outstanding team for putting others ahead of themselves and raising money not only to help Labradorians but many families in this province who have to be away from home during what can be a stressful and isolating experience.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Virginia Waters - Pleasantville, with leave.

AN HON. MEMBER: Leave.

SPEAKER: Leave is granted.

The hon. the Member for Virginia Waters - Pleasantville.

B. DAVIS: Thank you, Mr. Speaker, and to my colleagues for leave.

I would like to take a moment to recognize a person in my district who recently passed away but left a significant mark on our province. Mr. Lee Shinkle was called the grandfather of the oil and gas industry.

Lee spent over 40 years supporting, encouraging, planning and envisioning the birth of the offshore oil and gas sector in Newfoundland and Labrador. He will be remembered for his teachings, mentorship and dedication and how that has shaped this province and its prosperity.

In February of 2019, Lee was given the highest honour by his peers, the Noia Outstanding Contribution Award. Over the years he held numerous positions as a member, the treasurer, a board member and president of the organization.

Lee cared about people; he cared about our oil industry and also our province. Lee also adored his wife, Martha, and kids, Malindi, Geoffrey, Jessica, David and his nine grandchildren.

Lee was known to have a passionate voice with an innate compass to understand what's possible. Lee executed some of the smartest and strategic growth initiatives in our offshore.

Speaker, I ask all hon. Members in our House to please join me in remembering and celebrating the life of a true advocate of our province, Mr. Lee Shinkle.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Statements by Ministers.

Statements by Ministers

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

D. BRAGG: Thank you, Speaker.

It's my pleasure to highlight the recent efforts of Resource Enforcement Officer, Ryan Collier. Earlier this fall, and with support from his colleagues, Officers Ryan Knott and Mitchell Gillingham, Officer Collier rescued seven pilot whales which had beached themselves near the community of Embree.

Upon arriving at the scene, Officer Collier identified eight whales, seven alive and one deceased, which were exhibiting signs of distress and extreme exhaustion. He determined immediate action was required to save the animals.

After learning officials with Fisheries and Oceans Canada were unable to respond in a timely manner, Officer Collier initiated a rescue of each of the whales, which took over three hours to complete.

Speaker, many of us have seen photos showing Officer Collier up to his waist in cold water and maneuvering a whale so it was able to return to sea – a process which he repeated seven times.

Officer Collier's efforts have deservedly received many accolades from across Canada, and his work was even featured on CBC's *The National* as the 'feel good moment of the day.'

The actions of Officer Collier reflect the approach and attitude of all dedicated members of our department who work every day in all parts of the province to sustain our wildlife and resources on behalf of Newfoundlanders and Labradorians.

Speaker, I ask all Members to join me in congratulating Officers Collier, Knott and Gillingham for going above and beyond the call of duty.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Thank you, Speaker.

I would like to thank the minister for an advance copy of his statement. The Official Opposition would also like to acknowledge the selfless and kind actions performed by resource enforcement officer, Ryan Collier.

Just a short time ago, Officer Collier, along with his colleagues, Ryan Knott and Mitchell Gillingham, saved the lives of seven pilot whales that were beached near the Town of Embree in Notre Dame Bay. Collier, who was on his way to the office, spotted the whales in distress and wasted no time going waist-deep in the Atlantic Ocean to rescue them. These fine Newfoundlanders and Labradorians put their own comfort and safety aside to do the right thing.

Some of these whales were 14- to 16-feet long, making the rescue terribly difficult for those involved. By the time it was done, the officers were physically exhausted.

Speaker, Officer Collier and his coworkers went above and beyond their duties to perform a great act of kindness and environmental stewardship that saved these whales. It is a shining example of the quality and calibre of the officers working in this department.

Speaker, we join together with all hon. Members of this House in recognizing the selfless acts of Officers Collier, Knott and Gillingham.

Thank you for giving it your all.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: I thank the minister for a copy of his statement. Protecting the environment and the ecosystems of our province is something we should all embrace.

We, too, join the minister in commending Officer Ryan Collier and his colleagues for their actions in saving these whales. We therefore urge government to strengthen environmental protections, as well – this is the larger part – so that our marine life and our estuaries survive into the future for the benefit of the next generation.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Further statements by ministers?

Oral Questions.

Oral Questions

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

D. BRAZIL: Thank you, Speaker.

We're into day six of the cyberattack that has devastated our health care system. Speaker, during Snowmageddon and COVID, the Premier and the minister would provide daily updates. Sadly, we've seen the minister out just once and the Premier has been missing in action.

Will government commit to regular updates to the people of the province until this cyberattack is fully resolved?

SPEAKER: The hon. the Deputy Premier.

S. COADY: Thank you, Speaker.

I thank the Member opposite for the question. We have been as open and transparent as we possibly could be. As the Member opposite knows and the people of the province know, this is an unprecedented cyberattack. We have confirmed that now. We are taking the advice of world-class experts and we have provided information.

The minister and the regional health authorities have provided information on a timely basis to patients, to families and to the health care providers. It's been a very challenging and difficult time for them, but I am pleased that we are slowly and diligently starting to restore access to IT services.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

We've been told and asked by the public here that they be updated daily so that they can be reassured that the process is moving forward to get our health care back up and running.

The information vacuum created by the lack of regular updates from government is dangerous. It's allowing rumours to spread and bad actors to spread misinformation online. We need regular briefings on this situation to ensure the correct information is out there, not misinformation.

I ask the Deputy Premier, the Minister of Health and the Minister of Digital Government: When can we expect the government to publicly update the people of this province in how they're addressing this health care emergency?

SPEAKER: The hon. the Deputy Premier.

S. COADY: Thank you very much, Speaker.

I can say that the minister and the regional health authorities have been out on a number of occasions. The minister and myself have been available daily to the media, to the public, being held accountable here in the House of Assembly.

As we have said, this is a very challenging time for the province. We're listening to world-class experts as we move through this cyberattack, Speaker. I can say that progress is being made in our health care system.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

When criticized during the last provincial election for his daily COVID-19 appearances, the Premier said again and again: Residents need to see and hear from their Premier during times of crisis.

Why doesn't the Premier take his own advice now?

SPEAKER: The hon. the Deputy Premier.

S. COADY: Thank you, Speaker.

As the Member Opposite well knows, the Premier has been heavily engaged over the last number of days throughout this emerging situation. The Member Opposite has been in contact; the Premier has reached out to the Opposition leaders and provided information to the Opposition leaders. The minister has been public over the last number of days since this situation emerged. The regional health authorities have been out there.

Speaker, as I have said, we have engaged world-class experts on this unprecedented cyberattack and we're taking their advice. I hope the Member Opposite is listening well to that advice as well.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

Yes, indeed, I have been talking to the Premier, but the Premier needs to be talking to the people of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: They're the people who he serves.

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: Speaker, the Premier has taken to Twitter to offer his 280 characters on this emergency today. Cancer care is at a standstill in this province and the Premier is offering tweets instead of leadership. The Premier is trying to increase his online clout rather than speak directly to the people of this province and show leadership during this health care.

I ask the Deputy Premier: Do you think sending two tweets is sufficient public communications for the Premier?

SPEAKER: The hon. the Deputy Premier.

S. COADY: Thank you very much, Speaker.

I can say to the Member opposite that he has been in direct contact with the Premier where the Premier has provided information to the

leaders of the Opposition on this very difficult situation. The Minister of Health and Community Services has been publicly available every day with a number of press conferences being held at the regional health authorities. I think the Premier is showing strong and incredible leadership during these unprecedented times.

SOME HON. MEMBERS: Hear, hear!

S. COADY: That's why we're making progress on restoring access to IT services. This has been very difficult and challenging on patients, on families and on the health care system. I can tell you this much, we're very focused on ensuring we restore service, not on playing politics.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

My definition of leadership is talking directly to the people you serve and reassuring them that you've got this crisis under control.

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: Speaker, I often get asked: What's the difference between our party and government? Well, Speaker, I can guarantee you, the leader of our party would be front and centre dealing with this health care emergency for the people of this province.

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: So I ask: Why is the Premier front and centre when election campaigns are on, but silent when the people of the province need true leadership?

SPEAKER: The hon. the Deputy Premier.

S. COADY: I think that the Member opposite is inflating the situation here, Speaker. He has a very solid team here. I'm Deputy Premier. We have a very strong Health and Community Services Minister. We have strong ministers and a strong caucus here in the House of Assembly,

and we're able to navigate through this difficult situation.

The Premier has been engaged in discussions on climate change, which is another emerging and possibly detrimental – will have detrimental impacts not only to Newfoundland and Labrador but the entire world. He's shown leadership on that issue as well. So not only is he showing leadership on climate change, Speaker, he's also showing leadership on leading this province through a very unprecedented cyberattack.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, we've heard from diligent, compassionate and hard-working health care workers who are overworked, but still doing their best to provide patients with quality care during this crisis. Now, they have to deal with the added financial stress of not getting paid.

Is the Minister of Finance aware of problems with the payroll systems in health care?

SPEAKER: The hon. Deputy Premier.

S. COADY: Thank you very much, Speaker.

I understand that everyone will be paid. I do not think that will be a challenge. If there are any challenges that are met during this period they'll certainly be managed, but I understand all will be paid.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, our office spoke to several employees of Central Health who were expecting to get paid today but did not. They have bills to pay and families to feed, Speaker. Yesterday I asked if employees will be paid accurately based on their hours worked and was told yes. Today we've learned that's not the case.

I ask the minister: Were you out of the loop on the issues with payroll at Central Health or just unwilling to disclose them?

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

J. HAGGIE: Thank you very much, Speaker.

I think if the Member opposite checks *Hansard* he will find he's misquoted me from yesterday's answer.

I am aware of the situation. Central and Western Health get paid on a different cycle than Eastern, Labrador-Grenfell and government employees. Central Health has arranged payment through the banks, through the regular channels, and because of that arrangement these payments will be processed over the course of today. There is a guarantee that they will be in bank accounts no later than midday tomorrow.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, for two days in a row we asked the minister about payroll and was told there was no concern; however, yesterday morning in Central Health, before Question Period, some employees were quietly being notified about issues with payroll.

Why did the minister repeatedly say there were no issues even though some workers were being told to call their bank and defer their mortgage payments?

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

J. HAGGIE: Thank you, Speaker.

I can't speak to the nature of conversations between the regional health authority employees.

The information I have is that there is an arrangement to pay all Central and Western Health employees. Western Health, as far as I'm aware, have had no issues. Central Health, we are aware of a few out of the 3,000 employees

whose cheques or deposits were not made on time and that has been rectified and is being rectified by the regional health authority.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, I don't think it's any comfort to people who didn't get a paycheque to say that they will get a paycheque. I think they need more assurances than that and something in the way of leadership on that matter. It appears some workers were given a heads-up on the issues relating to the payroll but not all employees were notified. There was no formal notification process.

Will the minister admit this was a mistake and apologize for not being on top of this issue even though it was brought to his attention?

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

J. HAGGIE: Thank you very much, Speaker.

There are two ways employees in Central Health get paid, some by direct deposit and some by cheque. The cheque is a slightly longer process under normal circumstances. Those people who were notified were those for whom Central Health was aware there would be a potential delay. They have worked through that and they have assured me that all payments will be complete by no later than noon tomorrow. The majority of these, and there are only a few still outstanding, will be completed today.

SOME HON. MEMBERS: Hear, hear!

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

C. TIBBS: Thank you very much, Speaker.

That's what should've been told to the citizens of Grand Falls-Windsor yesterday and the day before when those questions were asked; not today when they expect their cheque in their bank account.

SOME HON. MEMBERS: Hear, hear!

C. TIBBS: Speaker, today we've learned from Eastern Health and we had two updates from Western Health, but Central Health has not given a live update of the effects this cyberattack has had on its services.

I ask the minister: Will you direct Central Health to address the media and give updates on services for this region?

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

J. HAGGIE: Thank you, Speaker.

Each of the regional health authorities issue regular public service announcements. My understanding, from what I heard on media today, was that the VP concerned from Central Health did actually just that on radio.

SOME HON. MEMBERS: Hear, hear!

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

C. TIBBS: I commend all the VPs, the staff and management at Central Health for doing a great job.

Speaker, the people of Central Newfoundland are feeling the effects of this cyberattack just as much as, if not more than, other parts of this province.

I ask the minister: Would Central Health be able to do a live update if the CEO was actually living in Newfoundland and Labrador?

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

J. HAGGIE: Thank you, Speaker.

We have, over the course of the last 18 months, 20 months, used virtual technology and it is not unusual for people working, for example, in Eastern Health not to actually live in the region. The issue is the level of competence and the level of service has not fallen below that which the board of trustees in Central are concerned about.

The chair of the board and the entire board of trustees of Central Health has complete confidence and faith in not only their CEO, but the entire senior executive team. Should that change, our approach would change.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

C. TIBBS: I will remind the minister that this CEO resigned almost 1½ years ago.

Global pandemic, no CEO; doctors and nurses stretched to the maximum, no CEO on the ground; and now a present cyberhack.

Speaker, I ask the minister: Will he direct the CEO for Central Health to return to the province and give the leadership that we need today?

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

J. HAGGIE: Thank you, Speaker.

Oversight of the CEOs of the regional health authorities falls to the board of trustees of those regional health authorities. The chair of the board and the entire board of trustees have complete confidence in the abilities and the level of competence and the direction the CEO is taking. I will rely on their judgment.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker.

As a result of the Cameron inquiry, whenever there is public communication on an adverse event, it should be accompanied by toll-free numbers so that patients, family members or the general public may call with questions; however, this number is not effective if people can't get through.

The complaints, despite more staff being hired, range from no message manager, no call queue, or that it just keeps ringing and ringing without an answer.

I ask the minister: What is being done to enhance the 1-833 phone line?

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

J. HAGGIE: Thank you, Speaker.

The phones in regional health authorities, some of these have been impacted by the cyberattack. As a result of that I know, for example, in Central Newfoundland Regional Health Centre the calls, no matter where dialed, automatically revert to the switchboard. We are working through those and, as the rebuild, the renovation mitigation – whatever label you would like to put on it – through NLCHI and Bell proceeds, these services will be restored.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker.

In something so critical as to what we're going through now, establishing new phone lines should be an easy fix.

Speaker, residents of the province that require health care, in particular cancer patients, are under an incredible amount of stress due to this unfolding crisis. They need more support than just a number to call.

I ask the minister: What enhanced mental health supports are available to help individuals navigate this difficult situation?

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

J. HAGGIE: Thank you, Speaker.

As we go about slowly and carefully, diligently, as I think the Deputy Premier said, restoring

services, cancer care, chemotherapy, cardiology are our priorities. I have had extensive discussions with clinical leadership at Eastern Health who runs the program, the VP and the CEO, as recently as less than two hours ago.

I'm pleased to inform the House that, over the course of today, those people who the oncologists feel have missed their chemotherapy and need it immediate remediation of that will be being called. Chemotherapy in Eastern Health will resume tomorrow and continue through the weekend and, until necessary, to catch up with the backlog.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker.

I know for mental health services we have the Stepped program, CHANNAL and we have DoorWays.

So I ask the minister again: What enhanced mental health supports are available to help individuals navigate this difficult situation?

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

J. HAGGIE: Thank you, Speaker.

Timely – mental health and addictions services, by and large, have been only minimally impacted, fortunately, across the province. They continue.

With specifics for cancer care, we do have cancer care navigators now in each regional health authority at each cancer treatment centre and, as recently as last week, I was talking online with the national director of support programs through the Canadian Cancer Society who is interested in offering us support and we'll obviously look into that.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Speaker, the residents of this province are concerned about how this cyberattack impacts them.

One resident called our office after receiving an email about an incoming health appointment. It contained a link to confirm the appointment. She was concerned about opening it.

I ask the minister: Why have you not released guidance to the residents on what to do if they receive emails, letters and other communication which they are concerned about?

SPEAKER: The hon. the Minister of Digital Government and Service NL.

S. STOODLEY: Thank you, Speaker, and I thank the Member for the question.

So the incident that the Member is referring to – an email – the team is currently investigating. My understanding is it's likely a result of some of the systems coming back online, but the team is investigating and will get back to the resident impacted.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

Cyberattacks say it is possible that these hackers have access to whatever is in the system, which may include emails, date of births, MCP numbers, mailing address and phone numbers. Speaker, people are concerned that their information is in the hands of bad actors and could be used against them.

I ask the minister: What assurances can you offer that personal medical information will not be posted publicly online?

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

J. HAGGIE: Thank you, Speaker.

In line with some of the comments I made earlier on, I'm going to try and be careful, yet open and transparent, when I answer this question.

We have no confirmation that any personal health care information has been jeopardized. Nor, however, do we have any reassurance that that is not the case. This will become apparent as systems are restored and we will manage whatever scenario comes forward as we have contingency plans.

SOME HON. MEMBERS: Hear, hear!

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

B. PETTEN: Thank you, Speaker.

Good communication is usually critical in crisis management, and something I guess this government is going to have to improve upon.

Speaker, Conception Bay South is the second largest municipality in the province, only behind St. John's in population. Currently, vulnerable people in CBS are struggling about insufficient Newfoundland and Labrador Housing rentals and supplements when compared to many other areas of the province.

I ask the minister: What are you doing specifically to address the gaps in housing support for the community of CBS and all the districts? Many of my colleagues have the same issues as well.

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

J. ABBOTT: Speaker, thank you for the opportunity to respond.

NLHC is in the process now of doing a housing and homelessness plan for the province, which we'll bring forward. But in terms of the Member's specific question, we are in the position now to expand our rent supplements throughout the province and we'll be putting those out over the next number of weeks and months to help address the issues both in

Conception Bay South and other communities across the province.

SOME HON. MEMBERS: Hear, hear!

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

B. PETTEN: Speaker, actually that is a good answer. It's about time –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

B. PETTEN: I guess when I asked about good communication, they finally gave me a good answer and the people in CBS appreciate it. Thank you.

Speaker, Conception Bay South has a population of approximately 27,000 people, all of which are without public transit. This makes it incredibly difficult for low-income earners and those availing of government supports to access critical medical appointments in St. John's.

I ask the minister: What are your plans to address the medical transportation of some of the most vulnerable residents of Conception Bay South?

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

J. HAGGIE: Thank you, Speaker.

We have a two main medical transportation systems. One is income support based and is income tested, but covers in advance the cost, if need be, and certainly is a complete reimbursement program. We have a universal program, in addition to that, called the Medical Transportation Assistance Program. This is as generous as many of those across the country and, indeed, more consistent across the breadth of services that health care provides compared with any other jurisdiction. We are, however, and have made improvements to it and continue to do so.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you, Speaker.

I get many calls from people in the District of Harbour Main regarding dental care, especially from seniors who are struggling with the cost of living and struggling to meet their basic needs. In 2016, the Liberal government cut the access on 65Plus Plan and replaced it with an inadequate dental program.

Can the minister please explain to the people of the Harbour Main District and other districts in the province why dental care is no longer a priority for this government?

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

J. HAGGIE: Thank you, Speaker.

We have an Adult Dental Program that is consistent with at least five other jurisdictions in Canada. We have said, in response to this question before, that should and as our fiscal situation improves, this is certainly an area in which we would wish to invest, consistent with what I believe may be recommendations from the Health Accord.

But we do have a little financial albatross to deal with first – not that I'm going to mention it by name, because people might get upset.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Speaker, let's take the lead and do better than other provinces. Our seniors deserve better.

Speaker, seniors in Harbour Main are struggling with accessible, affordable dental care; cannot find a family doctor; they're forced to go to the emergency room when they experience oral health issues.

Will the minister admit that not providing seniors with dental preventative care is causing unnecessary emergency room visits?

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

J. HAGGIE: Thank you, Speaker.

To expand on my previous answer, we are actually better than four jurisdiction in the country in terms of the level of coverage.

SOME HON. MEMBERS: Hear, hear!

J. HAGGIE: So what I can say is that primary care in all regions of the province is an integral part of where we see sustainability from our health care system. It is our understanding that Dr. Parfrey and Sister Elizabeth's recommendation will be to base this very firmly in community care teams, each of which will be big enough to sustain a practice load of between 6,000 and 9,000, depending on the population.

At a mutually convenient opportunity in the future when the fiscal situation allows, we would love to be able to expand dental coverage.

SOME HON. MEMBERS: Hear, hear!

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

J. DWYER: Thank you, Speaker.

The people of Arnold's Cove, including the town council and surrounding area, are concerned that the only doctor in the community could soon retire, leaving residents without access to primary health care. The town has offered to construct a building to try and attract a new doctor or a nurse practitioner to the area.

I ask the minister: Will he support this plan and give his —?

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

Continue with your question.

J. DWYER: Thank you, Speaker.

The people of the Arnold's Cove area, including the town council and surrounding area, are concerned that the only doctor in the community could soon retire, leaving residents without access to primary health. The town has offered to construct a building to try and attract a new doctor or nurse practitioner to the area.

I ask the minister: Will he support this plan and give his personal attention to recruiting a new primary health care provider for the area?

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

J. HAGGIE: Thank you, Speaker.

Recruitment and retention of primary health care providers is a key part of our interim strategy and our long-term strategy. Three weeks ago, we announced a package worth about \$30 million designed specifically to address primary care physician shortages.

Certainly, in terms of primary care coverage, the municipality stepping up is great. We would certainly be interested, through the health authority, in the possibilities of a collaborative care team; however, the caveat, the drawback is that solo practitioners are a thing of the past. We need to make sure that what we put there is sustainable and we would love to work with the community to do that.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

Speaker, cybersecurity expert David Shipley says that the cyberattack on Newfoundland and Labrador's health care is the worst cyberattack in Canadian history. Since first being elected, we have heard the government promote zero-based budgeting, attrition and finding efficiencies.

I ask the Minister of Finance: How much of this crisis is the result of budget based decision-making that resulted in underfunding of security measures?

SPEAKER: The hon. the Deputy Premier.

S. COADY: Thank you very much, Speaker.

I appreciate the question. This is an unprecedented cyberattack, no doubt, and we are very much committed to working diligently to restore access to IT services that's very important to families, to patients and to the health care workers.

To address his issue, no, it has no impact at all. If he recalls the budget Estimates, there is money allocated every year for cybersecurity. These attacks are now becoming more widespread globally, and there's a tremendous effort happening not only in Newfoundland and Labrador, but in every jurisdiction around the world to limit and to ensure that we have the protections that we need.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

I guess the question I would ask then: Is it enough?

Early yesterday morning a home in Buckmaster's Circle was the target of a drive-by shooting. In reality, all residents of this proud neighbourhood were victims of this violent act.

I ask the Minister of Justice and Public Safety: What measures will his department put in place to ensure events like this do not happen again?

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

J. HOGAN: Thank you for the question.

As a kid, I spent a lot of time in Buckmaster's Circle at the centre playing soccer, so I do know it well. I know that the Members of that area of town, just like everyone in this province, deserve to have safety. That's offered by the RNC.

What this department has done is ensure that the RNC has the funding possible. In situations where they need more funding, we're always open to speaking with them, providing one-time funding to make sure they have the necessary tools to provide public safety and do their job in this province.

It's great that if everyone can get behind them and support them in tough times – because obviously, there are situations that occur. That's the purpose of the police: to deal with those situations when they happen and they do do that to the best of their ability.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you.

One resident stated that police show up when something bad happens instead of maintaining a positive presence. Will the minister commit the necessary resources and put them in place to ensure a positive community-oriented police presence?

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

J. HOGAN: Thank you, Speaker.

I'm glad to hear that the police show up when bad things happen. I think that's their job and that's what they are paid to do and to keep the public safe.

They do patrol places throughout this province, including St. John's and Buckmaster's Circle, but I don't think the answer is to have police presence on every corner and every street in this city and this province, Speaker.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: It would certainly help.

What supports will the Minister of Children, Seniors and Social Development put in place for residents who may have been traumatized by this violent act?

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

J. ABBOTT: Speaker, thank you for the opportunity to respond.

Our staff at the Newfoundland and Labrador Housing Corporation have a team that are now out in and will be in the Buckmaster's Circle area to talk and will work with the residents who were affected by this serious event, and that's standard practice for us when those situations do arise.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Speaker, this is about a lack of respect for the residents of Buckmaster's Circle and residents of provincial housing.

In January of this year, 11 families found themselves without heat and hot water for over a week when the furnace that services the houses broke. They were merely offered space heaters to make due. Provincial housing residents deserve safe neighbourhoods. We know that provincial housing issues continue as a result of a lack of investment in repairs and maintenance.

I ask the Minister of Children, Seniors and Social Development: Will he commit the necessary resources to upgrade provincial housing and make sure all units are available and habitable?

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

J. ABBOTT: Speaker, I certainly appreciate the question.

The nature of the question, in speaking to our housing units across the province – and we have a robust budget to make sure that all our units

are kept up to standard. We have – working with the federal government – sufficient funding to continue to do that. More money would allow us to do more things faster. We have very few vacant units now requiring repairs, because that's been a priority for our senior management to make sure all units are available.

The incident of a furnace going out – that will happen from time to time, but we have an emergency response team to make sure that those issues are addressed as quickly as possible.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The time for Question Period has expired.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

Notices of Motion

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I call from the Order Paper, Motion 1 –

S. CROCKER: No, notices of motion.

SPEAKER: Notices of Motion.

L. DEMPSTER: Thank you. Still in training, Speaker.

Speaker, I give notice that I will on tomorrow move, in accordance with Standing Order 11(1), that this House not adjourn at 5:30 o'clock on Monday, November 15, 2021.

SPEAKER: Further notices of motions?

Answers to Questions for which Notice has been Given.

Petitions.

Petitions

SPEAKER: The hon. the Member for Grand Falls-Winsor - Buchans.

C. TIBBS: Thank you, Speaker.

Residents of Central Newfoundland have been cutting wood for well over 100 years. It is a natural resource that we have availed to, relied on and protected for generations. Over the years it has become more difficult for the same people who have been cutting for decades and generations to benefit from a resource in their own backyard. All while truckloads of wood are being shipped away from Central Newfoundland and Labrador.

We the undersigned call upon the House of Assembly to urge the Government of Newfoundland and Labrador to commit to a comprehensive review of the timber rights in Central Newfoundland and come up with a plan so the people of Central Newfoundland can have more accessibility to the natural resources that are being stripped away from them with zero benefit.

What I'd like to say, first of all, Speaker, is that we are all about free enterprise. We know that there are great companies across this province that are in the timber industry, and we support all free trade when it comes to that. But to have an allocation for one or two companies throughout the Central district, it's not fair. It's not fair to the people there who are looking to cut themselves, who have done it for generations.

John Shearing is in his late 60s and he's been cutting wood since he was six years old with his dad. Now, he cannot get a permit. He lives on King Street in Grand Falls-Windsor. He cannot get a permit to cut wood in Grand Falls-Windsor for the first time in his entire life. He is told if he wants to cut wood, he has to head down the Bay d'Espoir Highway to get it down there. That's not fair.

On top of that, Speaker, truck loads of wood come in often throughout the district there, whether it be behind the mill and on the roads, and are tearing up the roads. They are tearing up the roads.

Now, we know that there is a cost with that, but if these truckloads are continuously ripping up the roads of my district, I think that the government should find some way of getting these roads graded or fixed for the cabin owners that are being affected by this. It's not their fault. So I think it's completely unfair.

I've had a great relationship with the minister responsible for this and I will continue to do so, but I encourage him to take a look – and I'd like a response – I encourage him to take a look at the timber rights that are back there and divvy it up a little bit better.

It's absolutely shocking that somebody in Grand Falls-Windsor is told they got to leave Grand Falls-Windsor, the bigger part of Central Newfoundland, to go cut wood, even though they've been doing it for over 60 years of their life. It's not fair. I'm just asking the minister to work with me on this and find a solution.

Thank you, Speaker.

SPEAKER: The hon. the Minister of Fisheries, Forestry and Agriculture for a response.

D. BRAGG: Thank you very much, Speaker, and I thank the Member for the petition.

Of course, it's very serious, his concerns, but we have a Forest Management Plan in this province that we've been adhering to. We have a total allowable cut each year that we get into.

Yes, there's not wood there for everybody who's got a desire to get into forestry. We're trying to make it sustainable for the ones that are, Mr. Speaker. There's a number of wood in this province, Cottle's Island comes to mind. I don't know if you would consider that Central Newfoundland, I do.

Cottle's Island has been a valuable employer of this province and they utilize the resource. They work with Corner Brook Pulp and Paper. Wood, as you know and as everyone would know here, comes from all over the province. I buy my wood; it comes from Central Newfoundland, Mr. Speaker.

All I can say is our people are managing this resource to the best possible measure in which they can.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Humber - Bay of Islands.

E. JOYCE: Thank you, Speaker.

I know the bill has been already passed in the House but I'm going to present the petitions for the people who signed – there were hundreds of people, 200 or 300 and there are more coming – concerning the helmet use. It is also concerning the size of the 125cc that has been taken care of; a lot of people are pleased with that.

I'm presenting this petition today, Mr. Speaker, it's all over the Humber - Bay of Islands and Corner Brook area that are presenting petitions the last couple days. I just wanted to make the minister aware that this is affecting a lot of people, when she's deliberating on the regulations. A lot of people take comfort that she will give serious consideration to the regulations of the helmet use in factory-sealed Side By Sides.

They just want to express their concerns that they have with it through the petitions, which they asked me to present, which I support them. People here from Bonne Bay, down in the Premier's district. There are people from all over that this is going to affect.

I ask the minister, when she is making the deliberations, to take all these people's concerns into account because they are real concerns. It is concerns that they have, and the concerns they express will be more of a safety hazard than actually wearing the helmets themselves.

I ask the minister if she has time to review a lot of these petitions and take it into account. There will be more coming again when we're back the following week because there are hundreds of more people who have already signed petitions that I will be collecting next week to present to show the severity and how much anxiety this has caused to a lot of people who went out and

bought factory-sealed rigs so that they wouldn't have to wear their helmets.

Thank you, Speaker.

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

J. DINN: Thank you, Speaker.

Today, I am presenting a petition on reforming the justice system to better serve survivors of sexual assault:

WHEREAS the global MeToo movement has laid bare the gross inequalities and obstacles facing survivors of sexual assault who seek justice; and

WHEREAS serious concerns about how the justice system handles criminal offences related to sexual violence are evident based on statistics about the reporting rates of sexual assault in relation to other crimes. These concerns also emerge from the reported experiences of survivors; and

WHEREAS in Canada, one in three victimizations are reported to police but only one in five sexual assaults are reported to police; and

WHEREAS survivors hesitate to report sexual assaults because they don't believe they will see justice; and

WHEREAS these facts and conditions all combine and result in a failure of the justice system for survivors of sexual assault;

THEREFORE we, the undersigned, petition the hon. House of Assembly as follows:
Acknowledge that the status quo is failing survivors of sexual assault; undertake a review of the K-to-12 curriculum to identify gaps in education about consent, healthy relationships and gender-based violence; implement alternative justice options, such as transformative/restorative justice practices and/or options rooted in Indigenous legal traditions and practices in response to gendered-based violence throughout the province; have the Minister of Justice ask the chief judge of the Provincial Court to consider a practice directive

which would prohibit opposing counsel from approaching witnesses and which would prohibit counsel from yelling at witnesses; introduce mandatory training for provincial judges on trauma, PTSD and consent modeled on the federal requirement; and consult with key community stakeholders to identify and appropriately fund new initiatives to prevent and address all forms of gender-based violence.

Mr. Speaker, this will be one of many on this issue here. It's an issue that we had a town hall meeting on in my district. It's one that really, at this point, needs to be resolved so that survivors of sexual assault won't feel victimized again by the justice system.

Certainly the first one acknowledges the status quo as failing survivors of sexual assault and you'll hear that they are looking for alternatives, such as specialized training for judges, and also consideration of other models to the criminal justice system, such as restorative justice, which would also involve the victims of these assaults and give them the opportunity to take agency over the trauma that they've suffered.

Thank you, Speaker.

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Mr. Speaker.

We, the undersigned residents of Newfoundland and Labrador, bring attention to the House of Assembly to the following:

WHEREAS according to the document *The Way Forward on Climate Change* the province is already experiencing the effects of climate change; Newfoundland and Labrador joined the Pan-Canadian Framework on Clean Growth and Climate Change in 2016, but is not on track to meet the 2020 targets; financial costs resulting from climate change will unequally impact municipalities due to the responsibilities set out in the *Municipalities Act, 1999*;

THEREFORE your petitioners call upon the House of Assembly to urge the government to declare a climate emergency; establish a task force on decreasing the effects of the climate crisis while building community resilience; and

consider climate in all policy and decision-making.

Mr. Speaker, I was very proud yesterday that two of my fellow Labrador MHAs from Lake Melville and Lab West presented this exact petition because it is a real concern for us. I presented this petition several times before and one thing I always say is every effort has to be made to reduce emissions and increase removal of atmospheric carbon.

Now, just looking at reducing emissions. I was listening to the radio this morning, *Labrador Morning*, and the Mary's Harbour mayor was on and he was talking about Newfoundland and Labrador Hydro is planning to build a single, regional diesel generating station on the South Coast. If we look at Churchill Falls, we look at Muskrat Falls and we look at the hydroelectricity that's being produced in Labrador, but on the South Coast and the North Coast, we can't access that. We're burning diesel and we're being impacted by global change. The hypocrisy and the irony is really, really difficult for us to fathom.

I was listening to Mayor Rumbolt and he basically was saying that they just found out on October 29 there's a deadline of November 4, which is today, for this public consultation. They're requesting an extension and so I hope the government allows them an extension so that they can actually contribute. Because what he said his people want is the cleaner energy, basically hydroelectricity that's being produced in Labrador, be joined to the grid. He said that that power is more stable and more reliable and, very importantly, it's cleaner and then – I was listening to him on the radio – he said hopefully cheaper.

But here in the Province of Newfoundland and Labrador, in Labrador with our hydroelectricity rates, what we pay for electricity is –

SPEAKER: Order, please!

The Member's time has expired.

The hon. the Member for Topsail - Paradise.

P. DINN: Thank you, Speaker.

WHEREAS Route 60 through Topsail is a heavily populated area with physically active residents; and

WHEREAS residents and young children who walk daily to school are finding it very unsafe with the deplorable state of erosion along the shoulders of Route 60 through Topsail;

THEREFORE we petition the hon. House of Assembly as follows: We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to find a more permanent solution, and install curb and gutter in the areas affected by erosion.

Speaker, I've presented this petition numerous times in the last number of years trying to get some attention to this area. The full route is not in need of work, but there are sections that are in, as I said, a deplorable state. I guess there has been some leniency given to it when we went through COVID where kids were not in school and so the traffic on these roads and the people walking were greatly reduced; however, the shoulders continue to erode. Now, as we get back to some sense of normal with kids in school and more people walking – and, of course, now the evenings are darker and darker. Walking along these roadways, the shoulders, there are ravines. I've seen people out with their own rake and shovels fixing it up.

I know the minister responsible spoke about the five-year plan, I guess, for lack of a better word, is no longer in existence and moving to a new multi-year plan, and that's good. I would hope that after a couple of years that this particular piece of road would be somewhere near the front of that list now.

There are other issues up there, similar to – I spoke to the minister only recently about signage for Fowler's Road, which I'm confident he will have looked into. I know we're at the end of the construction season, but this area, there's been a lot of – I'll call it – scratch and patch or grind and patch been done there. But those are temporary measures. So I do look for the minister to give some serious consideration to this section of the road. It's heavily travelled, a lot of people walking that road, so in terms of safety it should be at the top of the list in terms of priority.

Thank you for this.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Minister of Transportation and Infrastructure for a response.

E. LOVELESS: Thank you, Speaker.

I'll say to the Member we'll certainly take that under consideration as I did before when he brought a few items to my attention. They got done and he thanked me for it, and I appreciate that very much.

When you say the thank you for the multi-year agreement you might want to speak to your guy to your left and tell him that it's a good thing because he doesn't think it is a good thing.

Thank you, Speaker.

SPEAKER: The hon. the Member for Ferryland.

SOME HON. MEMBERS: Hear, hear!

L. O'DRISCOLL: Thank you, Speaker.

The background to this petition is as follows: The Witless Bay Line is a significant piece of infrastructure.

WHEREAS many commute outside the Avalon on a daily basis for work, as well as the commercial, residential and tourism growth in our region has increased the volume of traffic on this highway;

THEREFORE we petition the House of Assembly as follows: We urge the Government of Newfoundland and Labrador to upgrade this significant piece of infrastructure to enhance and improve the flow of traffic to and from the Trans-Canada Highway.

Well, I spoke on this a good many times. It links the Southern Shore to the Trans-Canada Highway for sure. I get a lot of calls from people that travel it going down to the West White Rose. Hopefully a bit of work starting at Bull Arm again and going to Long Harbour as well. There are a lot of residents in the area that do travel that highway. I did have one of our MHAs

on this side travel it the other night, and we did ATV legislation and he said you probably need a helmet to drive the highway when you're coming across it's that rough. He's not wrong, I tell you.

We do have a couple of ends of it done. One end is done towards the Trans-Canada for four or five kilometres and on the other side it's done as well. But I would love to see the minister have a look at this. It's a very significant piece of infrastructure and people travel it daily. It is a rough patch of road and it certainly needs to be looked at. I get calls from people that drive motorcycles – well, no calls. I met a person who was driving a motorcycle and he said: Don't forget in your petition to bring up about motorcycle drivers trying to zigzag around the potholes and get through it. Campers are the same thing and they would rather go out around St. John's than go across Witless Bay Line. It's too hard on their vehicles and too hard on their campers.

I would love for the minister to put this in his budget for next year and hopefully have a look at that as well.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Orders of the Day.

Orders of the Day

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I call from the Order Paper, Motion 1.

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Speaker, I move, seconded by the Minister of Industry, Energy and Technology:

THAT, in accordance with Standing Order 8(8), notwithstanding the Parliamentary Calendar issued by the Clerk for 2022 or any Standing Order on the contrary, the Parliamentary

Calendar for the spring 2022 sitting of this House shall be modified as follows:

THAT this House will meet in accordance with the daily schedule prescribed in the *Standing Orders*, as follows: From March 15 to March 17, 2022, inclusive; from April 4 to April 14, 2022, inclusive; from May 2 to May 19, 2022, inclusive; and from May 30 to June 2, 2022, inclusive; and

THAT the week of May 23, 2022, shall be a constituency week.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Carried.

The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I call from the Order Paper, Bill 40, An Act Respecting The Protection Of Adults.

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

J. ABBOTT: Speaker, I move, seconded by the Deputy Government House Leader, that Bill 40, An Act Respecting The Protection Of Adults, be now read a second time.

SPEAKER: It is moved and seconded that Bill 40, an act entitled, An Act Respecting The Protection Of Adults, be now read a second time.

Motion, second reading of a bill, "An Act Respecting The Protection Of Adults." (Bill 40)

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

J. ABBOTT: Speaker, I am pleased to have the opportunity today to talk about the changes that we are proposing for the *Adult Protection Act*.

We are all familiar with the philosophy that says a society can be measured in terms of how it treats its most vulnerable. In this regard, the *Adult Protection Act* is a very important piece of legislation, as it is designed to ensure the protection of vulnerable adults in Newfoundland and Labrador who are at risk of abuse, neglect and/or self-neglect and who do not understand or appreciate that risk.

My Department of Children, Seniors and Social Development is responsible for the administration of this legislation, including the creation of policies and procedures, as well as monitoring for adherence and compliance. At the same time, the four regional health authorities are responsible for operations under the act, which means that regional health authority staff receive and investigate adult protection reports and are responsible for working with adults, as well as the provincial director of Adult Protection, to put supports in place to mitigate the risk to those adults needing protection.

The act includes a legal duty to report, which means that anyone who is aware that an adult is at risk of abuse, neglect or self-neglect and does not understand or appreciate that risk, is required by law to report their concerns to the appropriate authorities, whether that be Adult Protection staff or their local police. Ensuring a balance between personal autonomy and protection is a fundamental pillar of the act. This is evident in its service principles which recognize that every adult has the right to live their lifestyle of choice.

Now, central to adult protection is consideration of an individual's capacity, that is, an individual's ability to understand information and appreciate risks. Capacity is the backbone of the act and the lack of capacity, along with abuse, neglect or self-neglect, must be suspected for the act to apply.

The Newfoundland and Labrador Centre for Health Information was instrumental in our review of the current *Adult Protection Act*. They worked with my department to produce a report on the first five years of the act, including key statistics and opportunities for improvement. I would like to share some of those statistics with you now.

In the first five years since the current *Adult Protection Act* was proclaimed, 1,671 adult protection reports were received and, of these, 1,345 were accepted and evaluated. Of the 1,345 reports accepted and evaluated, 80 per cent of those reports concerned persons 60 years of age or older. Reports are still received on younger adults. Approximately 8 per cent of these reports concern adults between the ages of 18 to 39. It is important to note that the act applies to anyone above 18 years of age.

A total of 85 of those reports proceeded to an investigation and only five – and I repeat, only five – of that over 1,600 required an application to the court to have the adults declared adults in need of protective intervention. This speaks to the diligence and effectiveness of services by the regional health authorities in mitigating risk and supporting vulnerable adults when brought to our attention.

As well, the Newfoundland and Labrador Centre for Health Information's report identified opportunities for improvement that have helped to inform changes to the legislation, which include enhanced procedural protections, enhanced cultural sensitivity, establishment of temporary orders, reformed emergency interventions and reformed declaration orders: all of which I'll discuss in detail in the next few minutes.

In 2014, when the current *Adult Protection Act* was proclaimed, it was a modern and progressive piece of legislation, replacing the 1973 *Neglected Adults Welfare Act*. The changes in society and the experience we have gained by applying legislation to situations that are often complex and nuanced teaches us that there are always ways in which our laws can and should be improved.

Much of this legislation creates and oversees court processes undertaken to ensure the protection of vulnerable adults. As part of the statutory review, my department took the opportunity to consider court decisions in our province, as well as across Canada, in relation to procedural protections and lessons about how the Charter rights of adults engaged in the adult protection system should and must be ensured. That review has been invaluable in informing many of the improvements I will discuss here

today, such as the time limit on investigations and orders, as well as the creation of clear, temporary orders which clarify the authority of a regional health authority during their investigations.

We are introducing a new act as opposed to making amendments to the current act in order to address both feedback provided by key stakeholders in the review, as well as legislative issues raised since the proclamation of the act in 2014, as well as based on drafting advice provided by the Office of the Legislative Council. Their recommendation was for a new *Adult Protection Act, 2021* being proposed.

The new bill – or this bill – will add clarity to what it means to be an adult in need of protective intervention. In the current act, we say that an adult must lack capacity and be at risk of abuse, neglect or self-neglect. The current act went on to state that lack of capacity in one area does not necessarily mean a lack of capacity in other areas, but this has not been clear and not consistently adhered to in practice.

The new bill adds specific domains to the definition of an adult in need of protective intervention in order to strengthen the application of decision-specific capacity throughout the adult protection process. These domains include health care, physical, emotional, psychological, financial, legal, residential or social needs. Section 11 of the current *Adult Protection Act* requires that the minister shall, every five years, perform a review of the act and the regulations made under it, the principles on which it is based and considered and the areas in which it may be improved and report the findings to the Lieutenant-Governor in Council.

The act was proclaimed in 2014, as I said, so this review began in 2019. The review was comprehensive and included consultations with a wide variety of stakeholders, including the general public. We wanted to make sure we were looking at it from many different perspectives, including how other jurisdictions approach adult protection in order to ensure that the changes we are proposing reflect best practices.

In partnership with the government's Public Engagement and Planning Division and the Newfoundland and Labrador Centre for Health Information, we led an engagement process for key stakeholders including: front-line social workers; other allied health staff; management representatives from the regional health authorities; members of the Royal Newfoundland Constabulary; members of the Royal Canadian Mounted Police; and the Office of the Seniors' Advocate.

The general public was also invited to share their input via engageNL's website and more than 40 other stakeholder groups, like SeniorsNL, the Coalition of Persons with Disabilities, the Office of the Citizens' Representative, the Canadian Bankers Association were all contacted individually and invited to submit feedback.

Internally we consulted with the Labrador Affairs Secretariat, the Office of Indigenous Affairs and Reconciliation, and the Department of Justice and Public Safety. We also invited Indigenous governments and organizations to participate in the review process. For instance, staff in my department's Adult Protection division held an in-person meeting with the Nunatsiavut Government's staff to discuss the legislation.

We also reviewed case experiences over the first five years of the act and general input from the regional health authorities because, as noted previously, their staff are the ones who apply this legislation in their work every day.

In addition to these activities, we also carried out a jurisdictional review to gather information about best practices across the country. To address feedback provided through the inter-agency process as well as the legislative issues raised since the proclamation of the act, a new *Adult Protection Act, 2021* was developed and is what we are speaking to today.

These changes will ensure that we continue to balance our dual commitment to protect vulnerable adults while upholding their autonomy throughout the adult protection process. I want to now give you a high overview of the proposed changes.

Both the five-year review, as well as case experiences since the act was proclaimed in 2014, have highlighted the need to strengthen the rights of adults involved in the adult protection process. To achieve this, a number of changes are proposed including: introducing timeline requirements on investigations; a 30-day time limit on investigations, as proposed under the bill, will ensure investigations are concluded in a timely and safe manner. In the interest of procedural fairness, a 30-day time limit will also be placed on temporary orders under the act. An option to renew or vary the order will also be included. The bill also includes the right to retain and instruct counsel. This will ensure that the right to legal counsel is protected under the act.

The bill also provides the court the explicit authority to place conditions related to the duration and review of declaration orders. This will provide additional oversight to the orders where the court considers it appropriate. Speaker, these progressive steps will better protect the rights of adults involved in the adult protection process.

Also during the five-year review, it became evident that there are opportunities to further strengthen cultural considerations in the adult protection process. The bill includes the addition of a service principle requiring that the delivery of services under the act provide for the preservation of an adult's cultural and community connections where appropriate. Cultural and community connections will be considered through the adult protection process, including in-service plans developed for adults declared to be in need of protective intervention.

The bill also includes the introduction of new temporary orders. The proposed temporary orders will give the courts authority to grant orders to protect an adult during an investigation and through to a declaration order, if needed. And as I mentioned, there were only five done in the past five years.

The proposed scope of this authority includes an ability to make orders to facilitate an investigation which is provided for in the existing legislation. This can also include, but is not limited to, orders related to medical

assessments, capacity assessments and the evaluation of assets.

The proposed orders also include the ability to protect the adult and/or their assets for the duration of the order. This can include, but is not limited to, orders appointing a guardian to manage one's finances, placing the adult under the supervision of a director and appointing appropriate persons to make decisions in areas where the adult lacks capacity.

The bill also makes changes to the emergency intervention processes under sections 26 and 27. This is a last-resort option and is only used when harm is imminent and there are no less-intrusive intervention alternatives available. The current act requires the provincial director to make a declaration application two days following an emergency removal. The five-year review and case experiences have highlighted that this requirement is not only operationally unrealistic but it is contrary to the service principle of being least intrusive and restrictive.

The bill will require a director to make application for a temporary order following an emergency intervention. This will provide time for staff to complete an investigation if needed, problem solve and seek out less-intrusive options to mitigate the risk, avoiding the more enduring and intrusive declaration orders unless absolutely necessary.

The bill also proposes changes to the orders that declare an adult in need of protective intervention. Currently, declaration orders focus primarily on where an adult will live and most orders granted to date have placed adults in the custody of the provincial director.

The bill proposes to reform these orders to include new options a court can order, placing a stronger focus on supervision, terms and conditions and the specific areas in which an adult lacks capacity. This will provide flexibility around conditions that can be attached to the orders and will ensure that we respect a person's decision-making abilities in areas where they remain capable.

Speaker, in closing, the application of this legislation requires a careful balance between protecting a person from harm and respecting

their right to autonomy as guaranteed under the *Canadian Charter of Rights and Freedoms*. The proposed new act will both enhance the rights of adults involved in the adult protection process, as well as strengthen the protections for adults in need of protective intervention. These changes will ensure that we continue to balance the protection of vulnerable adults while upholding their autonomy throughout the adult protection process.

I ask my hon. colleagues to support this bill and further strengthen the adult protection process in the province. I look forward to seeing this legislation passed.

Thank you, Speaker.

SPEAKER (Warr): Thank you.

I recognize the Member for Placentia West - Bellevue.

J. DWYER: Thank you, Speaker.

The *Adult Protection Act* received Royal Assent a decade ago in May 2011 and came in force in 2014. It replaced the *Neglected Adults Welfare Act*.

Section 11 of the act passed a decade ago states: “The minister shall, every 5 years, perform a review of this Act and the regulations made under it, the principles upon which it is based and consider the areas in which it may be improved and report his or her findings to the Lieutenant-Governor in Council.”

The minister commenced the review in 2019, five years after its proclamation into law, and it continued until February of 2020. During the review, feedback was considered not only from the relevant departments within the government, but also from the regional health authority, staff and management, the police, Indigenous governments and organizations, professional associations and colleges, community organizations and the general public who could also send feedback through engageNL.

This review was accompanied by a review conducted by the Newfoundland and Labrador Centre for Health Information. The result is a new bill, Bill 40, the *Adult Protection Act, 2021*,

which will replace the existing *Adult Protection Act*.

What is the *Adult Protection Act*? The purpose of the act is to protect the adult residents of Newfoundland and Labrador who are at risk of abuse, neglect and/or self-neglect or who do not understand and appreciate that risk. This is an act of last resort and applies to anyone 18 years of age or older, regardless of their living arrangement. The regional health authorities and the Department of Children, Seniors and Social Development are mandated to take the least intrusive and restrictive means available to support and protect adults.

We all have an obligation to report abuse, neglect and self-neglect or a person who may not understand or appreciate that risk. A report can be made to a social worker, a director, a provincial peace officer or through a toll-free number which has been set up. While CSSD administers the act, the four regional health authorities are also responsible for its operation. For any adults who are declared to be in need of protective intervention, the director in CSSD functions as a decision-maker for this adult.

Here’s how the act works. One, first, a report is either screened out or accepted, then an evaluation is completed with the adult’s consent, if possible. An investigation is initiated if the risk of abuse or neglect is not mitigated and the adult appears to lack capacity. If consent is not given, an investigation can still occur; however, the adult must be engaged as much as possible. Finally, an application of declaration is made to the court if the adult is determined to lack capacity in the areas where risk is evident and services and supports cannot mitigate the risk.

The changes. This new act makes changes in five areas: enhanced procedural protections, enhanced cultural sensitivity, establishment of temporary orders, reformed emergency interventions and reformed declaration orders.

Here are some of the details on the changes to enhance procedural protections. While the current act does not allow adults to have legal representation, the five-year review found that not all adults had access to legal representation and the orders involving these adults, including orders to investigate, did not include time

frames. Therefore, the new act will include a 30-day timeline on investigations, time limits on temporary orders and a new provision which provides the court the ability to include duration and court-review requirements on declaration orders. This means that even if an adult does not have access to legal counsel or if they choose not to have legal representation, the court will impose the least restrictive means possible and a time frame will be put on it.

In many ways, this adds a check to make sure temporary orders cannot be placed on an adult for a long period of time while awaiting an investigation and a long-term decision.

Here are some of the changes to enhance the culture sensitivity. The provisions being added to the act are similar to those included in the *Children, Youth and Families Act*. We noted that cultural sensitivity is also being added to the Adoption Act. The new *Adult Protection Act* will include a new service principle which provides for the preservation of cultural and community connections.

Here are some details on the establishment of temporary orders. The current act does not provide for temporary orders at all. This means that adults who are at risk may exit the safety arrangements put in place to protect them while awaiting a hearing; that could leave them vulnerable during the intervening time. So temporary orders can be used to protect an adult during an investigation or while awaiting a declaration hearing.

Speaker, this bill allows temporary orders, which will give the courts authority to grant orders to protect an adult during an investigation through to a declaration hearing and, if needed, a declaration order. Temporary orders can be orders related to medical assessments, orders related to capacity assessments or orders related to the evaluation of assets. Temporary orders also include the ability to protect the adult and/or their assets for the duration of the order. This may mean orders appointing a guardian to manage the finances, orders placing the adult under the supervision of a director and orders appointing appropriate persons to make decisions in areas where the adult lacks capacity.

It is important to note, Speaker, that the legislation requires that a hearing must be held within five days of filing the application and gives a 30-day time limit on the order, which can be renewed or varied. With this being said, it is important to note that there is a clinical threshold and a legal threshold for capacity. The clinical assessment is not evidence of incapacity; rather, it is evidence that is brought to the court for legal determination of capacity. The adult is presumed to have capacity until the court makes its ruling.

Here are some details on the reform of emergency interventions. Emergency interventions are a last resort. They must only be used when harm is imminent and there is no other less intrusive intervention alternative available. The current act requires that the provincial director make a declaration application two days following an emergency removal. The five-year review found that this is operationally unrealistic. The new legislation will require an application for a temporary order following an emergency intervention. Following this temporary order, staff will complete an investigation, problem solve and seek out less intrusive options to mitigate the risk to the adult.

Here are some details on the reform of declaration orders. Current orders focus on care, custody and where an adult resides; however, an adult may lack capacity in a different area. A declaration order should be made in a specific area in which the adult lacks capacity. The new act will recognize that capacity is decision-specific and that a person's capacity and decision-making ability can vary depending on the decision at hand. This means that a declaration order should not only be related to the areas where the adult lacks capacity, but should respect the areas in which an adult retains their own capacity.

The new types of declaration orders include: An order that the adult be placed under the supervision of a director, subject to the terms and conditions; an order that the adult reside in a place identified by the director, subject to terms and conditions; and an order that the director or another person is authorized to make decisions in areas where the adult lacks capacity.

In summary, the act that the House passed a decade ago called for a five-year review and that has led to these reforms. The reforms represent extensive consultation and feedback. The changes seem to be improvements. This is, of course, a major ethical issue. When an order is put in place, essentially, we are taking away an individual's right to autonomy in some respect for a period of time. Is that ever justified?

A great many of us know of people – for example, people with dementia – who lose the capacity they once had to think clearly or accurately. If their former selves could see their current selves in their stricken state, they would want someone to intervene to protect them. We believe intervention in such a situation is morally justified. There are other situations where the ethical questions are more difficult to answer.

We know that with respect to persons with disabilities and people suffering from mental illness, it is being recognized more and more that autonomy and self-determination is extremely important and should not be compromised except as a very last resort. Even then, we must always be aware of our duty to ask the tough ethical questions over and over. That is why we respect the amendments that create temporary orders and time limits.

We can serve as safeguards ensuring autonomy is protected whenever it ought to be. We must recognize that some people will want to make decisions for themselves that others believe to be wrong, reckless and evidence that the person lacks the capacity for sound decision-making. Speaker, the authorities must be extremely careful to respect adults' rights to control their own destiny to the greatest extent possible. But the authorities must also be ready and willing to act when it is crystal clear that doing otherwise would be morally indefensible.

The line is very fine but there is indeed a line. This act is an attempt to define it more precisely.

We look forward to this act being further reviewed and tweaked, as required, as time goes on. Speaker, I look forward to asking questions on Bill 40, the *Adult Protection Act, 2021* when we transition to Committee.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER (Bennett): Any other speakers?

The hon. the Member for Topsail - Paradise.

P. DINN: Thank you, Speaker.

I might as well talk; I'm after breaking the mask.

Thank you.

I don't think any of us can be against anything that is designed to strengthen adult protection in the province. It's certainly a piece of legislation that we need.

I was listening to the Minister of Children, Seniors and Social Development in providing some stats on what has happened in the last five years with regard to adult protection. I stand to be corrected, but hopefully I'm in the ballpark on the numbers he said.

I think he mentioned that there were 1,671 adult protection applications, of which 1,335 were accepted. I believe he said 80 per cent of those – 80 were 60-plus. So we're talking about seniors there.

AN HON. MEMBER: Yeah, it's 80 per cent.

P. DINN: It is 80 per cent. Okay.

It's 80 per cent of those applicants were 60-plus. When you think of that – and I understand the importance of it because an adult is defined as anyone 18 and above, as per this act, this legislation. But the huge, I call it lion's share – and that's not to take away the importance of dealing with those who are under 60 because every individual case is certainly important – does have a lean towards adults that are 60-plus or, as I would say, elders.

Just to put it in context, because we talk about elder abuse. This act is certainly designed to address that. If you look at stats, one in five Canadians believe they know of a senior who might be experiencing some form of abuse. Of course, seniors are from all walks of life and all are vulnerable to elder abuse. As the minister

stated, society can be judged by how it treats its most vulnerable and that being seniors.

If you take elder abuse, what is elder abuse?

Elder abuse is any action by someone in a relationship of trust that results in harm or distress to an older person. Neglect is a lack of action by that person in a relationship of trust with the same result. Commonly recognized types of elder abuse include physical, psychological and financial. Often more than one type of abuse occurs at the same time. Abuse can be a single incident or a repeated pattern of behaviour. When you're talking about elders, financial abuse is the most commonly reported type of elder abuse.

How does it happen? Elder abuse often occurs because of the abuser's power and control over an older adult. In some situations, the abuse may also result from addictions, use of drugs, alcohol, gambling; mental health problems are there; and a cycle of family violence or ageism. Abuse can happen when the aggressor wants to intimidate, isolate, dominate or control another person.

So you ask: Who's doing the abusing? Who abuses the seniors or older adults? Often older adults affected by abuse know and trust the person mistreating them. Elder abuse can be caused by a family member, a friend, someone who provides assistance with basic needs or services or health care providers in institutional settings. In many situations of elder abuse, the abuser is dependent on that older adult for money, food or shelter. You may think that older adults or older people are unable to make decisions. Some are but most older people who experience abuse are able to make decisions for themselves.

Abuse can happen to anyone in a family relationship. It can happen to people of all backgrounds, ages, religions, races, cultures and ethnic origins. In many cases, it doesn't become known because your older adults may feel ashamed or embarrassed to tell anyone they are being abused by someone they trust. They may fear a retaliation or a punishment or they may have concerns about having to move from their home or community. They may also feel a sense of family loyalty.

Often, older adults may not be aware of people and resources that can help them. I suspect they feel trapped. They probably feel they have no other options available to them. This act strengthens some of the protection for our adult population. But this comes back to when I read that stat about one in five Canadians experience elder abuse or know someone who experienced it. I would almost suggest that's a little higher than that, especially when you look at the applications and 80 per cent being 60-plus in the last five-year period.

Really, when you look at it, elder abuse and neglect can be very difficult to detect. Some of the following signs and symptoms may indicate that older adult is being victimized or neglected. So if you know someone, an older adult, an elder, who is showing signs of fear, anxiety, depression, or passiveness in relation to a family member, friend or care provider, that may be an indication of abuse.

Unexplained physical injuries may also be a sign. Dehydration, poor nutrition and poor hygiene could be a sign of elder abuse. Improper use of medication, confusion about legal documents, such as a new will or new mortgage. As you do get older, as adults get older, as you hit that 60-plus – and I know there are some in this House that are 60-plus. As you hit those ages, you do become a little bit more uncertain about what you're doing in terms of documents and wills. A sudden drop in cash flow or financial holdings and, of course, a reluctance to speak about a situation. Now, that may not always indicate elder abuse. There could be other reasons for that. Those are some of the symptoms that you want to be weary of.

Raising awareness among seniors about their right to live safely and securely is seen as the most important issue for governments when it comes to elder abuse. In fact, nine out of 10 Canadians rate that as the highest priority. That goes back to the minister's comment when he said: Every adult has the right to live their lifestyle of choice. We need to be raising more awareness amongst our adult community and, more importantly, our elder community.

When you look at signs of abuse, I mentioned the physical signs. They include any injuries or risk of injuries on an older person. Some of

these are obvious. As you get older, some may have a fall but striking, hitting, pushing, shaking, burning, shoving are all indications of physical abuse of an elder or an older adult. Inappropriate physical and chemical restraints and harm created over and under medicating. We cannot forget there are psychological strains and stresses that come with getting older, but there's also other abuse that really affects that.

Psychological abuse of seniors includes actions that decrease their sense of self-worth and dignity, and may include insults, threats, intimidation, humiliation, harassment and treating them like a child. Probably some of us think when you're talking to seniors that's an acceptable way, but they're adults, they're seniors. Isolating them from family and friends and regular activities, that all has an effect on their psychology.

As I noted earlier – and I'm not sure, I'll cover this in the questions; I guess I'll have a question on this – the most common form of abuse to adults and elders that I noted was financial abuse of seniors. Financial abuse includes actions that decrease the financial worth of an older person without benefit to that person, and may include misusing or stealing a senior's assets, property or money; cashing an elderly person's cheque without authorization; forging an elderly person's signature; unduly pressuring seniors to make or change a will or to sign legal documents that they do not fully understand; and, sharing an older person's home without paying a fair share of expenses when requested. So I'll give an ahead warning to the minister. I'll be asking a question on how this particular act covers financial abuse.

There's also neglect. Neglect includes inactions that may result in harm to an older person and may include a caregiver or family member not providing appropriate water or food, shelter, clothing, medication or medical attention and assistance with basic necessities.

Seniors most vulnerable to neglect include those who are socially isolated and those with serious health conditions. I know it wasn't probably termed elder abuse or that, but I know when we were going through COVID, I got calls – but I'm sure everyone has received calls – of sons and daughters with elderly parents in the long-

term care homes and because of COVID, of course, you could not get in to see them.

How many times did I hear about being socially isolated, what an effect that had on the elders. Of course, this is due to a public health issue. This goes back to, again, the point made by the minister that society can be judged by how it treats its most vulnerable.

It's common sense – I call it common sense but I always say common sense is not so common – abuse happens when one person hurts or mistreats another. I'm sure it's taken into consideration when we're putting together and coming in with a new act and strengthening that act, the *Adult Protection Act*, it's probably something that we do need to be looking at on a regular basis, maybe every five years. Because, I mean, some of the legislation sits there for a while, but especially when you're dealing with such a group that are maybe open or more prevalent to abuse.

We have to remember when we're dealing with adults, the *Adult Protection Act* – and again because we're looking at 80 per cent being 60-plus in terms of those adult protection applications, we have to remember that seniors are entitled to respect. Seniors have every right to live safely and securely. There's absolutely no excuse for abuse of anyone that's vulnerable, in particular, our adults, our older adults, our elders who have done so much for us; done so much for their sons and daughters and granddaughters.

I do applaud this piece of legislation. I think anything that strengthens the ability to protect our adults, in particular, our elders, and keep them from abuse and mitigate from abuse, and, hopefully, our stats reported it the next time, the 1,671 adult protection applications will be – well, it would nice to be zero. It would be wonderful to be zero but, hopefully, it's going down and, hopefully, the elder abuse cases continue to fall and, hopefully, those one-in-five Canadians that are victims of elder abuse becomes a negligible stat and we have a zero.

I thank you for this. I certainly will be supporting it.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

I'll certainly take every opportunity to remind the Member for Topsail - Paradise of his commitment to respect his elders and appreciate them, especially his older brother, oldest, you know, for all the work that he has done for him. I think it's in *Hansard*, so I'll be looking for every opportunity to throw it up to him.

I'm not going to speak too long on this. I'm going to go back to the protection of adults. I understand where the Member for Topsail - Paradise is coming from, elder abuse and elders, but it is adults, I think, we got to focus on.

I have been blessed, even in my own family, my parents and relatives who lived to a very ripe, healthy age and my neighbour was a Dr. Robert Simms who is up to 89 and is still going out in a boat with his brother trouting out by South River. I figure if that's old age, Speaker, that's where I want to be: Independent, with all my faculties intact and so on and so forth.

I guess, in many ways, I'm looking here – one of the statistics that stood out was certainly that 80.5 per cent, or 80 per cent of the reports were for 60-plus. That got me thinking in terms of what's the nature; why so many in that age category? Is it just to do with age, or is it also to do with finances and the precariousness of housing, food insecurity, you name it? Because after 62, for a lot of adults, they're probably finding themselves living on some very fixed incomes. If they don't own their own place and if they're renting, then life becomes a little bit more precarious for them, Speaker.

So I'm looking at that: of that 60-plus mostly self-neglect and neglect. Is a part of that neglect and self-neglect a result of a failure to have proper finances or supports in place for them?

The purpose of this is to protect adult residents of Newfoundland and Labrador who are at risk of abuse, neglect, self-neglect or who do not appreciate that risk. I'm trying to tread a fine line here because adults should be protected. But

I will tell you, from my own point of view, as I begin that long, slow slide into oblivion; it's very much about maintaining independence as well, as long as I can, as the former Seniors' Advocate would say about aging in place.

How do we define that, that they do not appreciate that risk, or that an adult is incapable of caring for themselves or who refuses, delays or is unable to make provision for adequate care and attention of themselves? So much of that is tied up to income as well. But is it for all adults or do we tend to focus on the seniors who maybe they don't feed themselves, eat as much or maybe they aren't looking after their health the way they should or are unable to. How do we apply this? Because I think it can't be an act that also just targets seniors and somehow infantilizes them or treats them as basically children, unable to look after themselves.

It's an interesting thing, Speaker, I'm sure that if you look at the rates of traffic accidents, you'll probably find that the bulk of them are not seniors. Yet, when it comes to putting measures in place, it is the seniors who are going to have to require the regular checkups and so on and so forth and probably risk having their licence taken away from them. In some ways, it seems to be age defined or for seniors who are living in their own homes, who, all of a sudden, find themselves under pressure to go into some sort of long-term care facility – or as relatives of mine whose mother was there, they called it long-term death facilities. Now, that's how they referred to it because of the lack of resources that where there.

In many ways, if anything else, I think the ideal health is aging in place, in your own place, with the supports that you need. But I'm a little bit, I guess, concerned. I understand where this is coming from and I'll support this, but I'm always – if a person refuses to make adequate care: If they refuse to take their medication; if they refuse to eat a healthy meal, does that indicate that somehow they're in need of protection?

In many ways it comes down to – and I'm wondering who's going to complain. It's no different than anyone in this room here. If I choose to live on french fries or poutine for the

rest of my life, that's my choice. Is anyone going to object to it?

I think, in my ways, I'm always cautious about things about self-neglect. I'm more concerned with people who are taking advantage of people, regardless of age, and to make sure they are protected from that, that they don't see their life savings taken from them or that they don't lose their house, that they don't lose all those necessities that they need to survive.

But I will tell you that a person may appreciate the risk and choose to do something anyway. A person may refuse – as we see, there will be people who will refuse to take the vaccine, and no matter how reckless we might take that to be, they will still make that decision. There certainly seems to be enough measures in place to protect that, but that's something that I guess I would have a concern. Maybe, because certainly, to me, the ultimate goal I think of any human being is if you are fortunate enough and blessed enough to live to that ripe age of whatever, that you maintain your independence and that you will have to make that decision on whether you refuse. If your decisions affect the health of someone else, then fair enough.

I'm looking through it, there are certainly balances and checks in place, but again, it's who decides to make the report and how is that an example of self-neglect, when many other younger adults may be doing the same thing and we would not even bat an eye at it. We might think them reckless, but I don't think we would look at them sometimes as lacking capacity. I can tell you that that's across all ages.

I would not want to see this as somehow we're looking at elders or people over a certain age or along those lines. But people have the right to refuse help, refuse an operation and refuse this. I know that's not what it's talking about, but in many ways I guess I would like to make sure that adults at all times are not in some way pigeonholed or characterized as in need of protection, when in many ways they're just being their regular and maybe cantankerous self, and that's their right to do so.

With that, Speaker, I'll stop there. Those are my only real concerns with this and maybe that's

something we can address during the Committee stage.

Thank you.

SPEAKER: The hon. the Member for Lake Melville.

P. TRIMPER: Thank you, Speaker.

SPEAKER: Could Members – thank you.

P. TRIMPER: I'm very pleased to speak on this bill, and speaking and dealing with the pure spirit of the intention of second reading and we are dealing with An Act Respecting the Protection of Adults.

What I wanted to speak about – and, Minister, I compliment you and your team, as I did back in Estimates this spring, because they have been invaluable to myself and my office for so many issues that we've been dealing with in Lake Melville. It's been the struggles and some of the maybe lack of clarity, confusion and contradiction that's been in the previous legislation that's caused, I would suggest, a very slow, inadequate response for so many issues that were definitely of an emergency nature.

I just want to talk a little bit about Lake Melville. I think most people in this room have heard me speak about it before and I think it's quite well known we have a very serious issue with many people, even despite the relatively lower population. I look at some of the background; Labrador is dealing with many people who are dealing with intergenerational trauma, the effects of the residential school system. We only have to look back 24 hours for a very brave, outspoken advocate in Toby Obed who was here yesterday and received a very well-deserved standing ovation. But just some of the issues that are beneath the surface and really need to be pointed out to the rest of society to understand what's been going on and the struggles that are happening and, unfortunately, the struggles that will continue. So I do see, though, that this legislation is going to go a long way.

I would suggest it's probably in the vicinity of three- to four-dozen people who unfortunately are in a very dangerous situation living in parts

of the community around Happy Valley-Goose Bay, dealing with addictions, again the intergenerational trauma, a very dangerous situation, unfortunately. In the last few years we've had people suffer very serious exposure and, unfortunately, we've had deaths and we've had several of them just because they were unable to reach a safer place. Despite the supports that the government, my office and others have worked so hard on, it's just not been there at the right time, at the right place. It's incredibly frustrating.

I also want to just mention another little example that, you know, sometimes things happen to you and it just hits you right in the face. It was in 2014, soon after I became a candidate for the election that was coming up in 2015, and I was going door to door, and I was going along a particular street in Happy Valley-Goose Bay and I saw a building and I thought: Oh, it's just an abandoned building. I started to walk by and I looked at the roof of it, which had completely collapsed and caved in. It was cold, it was probably a couple of feet of snow on the ground, maybe minus 10, 20, and I saw a little wisp of smoke coming up through an abandoned chimney pipe. I said: Wow, there is somebody living in there. I went over, knocked on the door and met this gentleman and that was the situation that he was living in. It took, I'm thinking, three to four years before we were finally able to convince him to move into a much safer location.

Again, I use it just by way of an example. The willingness was there on behalf of myself, your staff, Minister, and so many others, but the legislation really – I would say – hamstrung us. So many folks that I see and interact with in your department are available to me almost on a 24-7 basis. I respect the late evenings but there is oftentimes on a Saturday or Sunday I'm talking to somebody who's getting back to me and I so appreciate it. I just use that as one example of the challenge and really the rationale why we need to be doing this today.

So I just want to put a little bit of that out there. I want to thank advocates like Toby Obed who was here yesterday and spoke so well about the need for us all to pay attention. When you talk about sensitivities, it's really cultural sensitivities that have led to so much of the

disconnect, and I am really looking forward to great progress. I watched your reaction to some of the other speakers, Minister, and I think you're going to be able to provide us some confidence that so much has been thought out because I've been aware of the efforts of this bill for sometime. So thank you. I'm looking forward to watching this go through the House of Assembly.

Thank you.

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Mr. Speaker.

Just looking at the bill now and looking at adult protection. I wasn't really aware of all the legislation required in adult protection, but I always knew about the legal obligation to report abuse and neglect if a person may not understand or appreciate that they are at risk. In my communities, and I know in a lot of areas, a lot time the vulnerable people are the people that don't even realize that they need protection.

What I really like and what I'm really impressed by with the new act is that it strengthens the rights of adults involved in adult protection and it strengthens the protections. So with this act I think they're trying to find a balance. What I'm trying to get at is sometimes when somebody is considered vulnerable or we see somebody out there that we think needs help, there's always a rush to protect them. When you're rushing to protect somebody, whether you're with social services or CSSD or just an interested person, a lot of times we'll trample on the rights of people. Especially the elderly or the vulnerable, like a lot of people who may not be knowledgeable in a lot of things.

So a lot of times we do rush to protect people, and I like that balance that this act is trying to bring. It's trying to be fair to the people that need protection.

Also, when we were going through the technical briefing and just looking at this, I'm also really pleased to know that we are the only jurisdiction in Canada to include the evaluation stage, which requires adult consent. That goes back to

respecting the person that we're trying to help. So I was really impressed with that.

Also I wrote in my book when we were doing the technical briefing it said an adult is presumed to be capable, unless it is proven otherwise. That's something that we as a province, when we're looking at this act and we're looking at protecting adults, I think we should be really proud of, because it goes back to stressing that balance. Protecting vulnerable adults while upholding their autonomy. That was something that I wrote that was on the slide. I was so impressed with that.

Also, another thing that was mentioned is this act is supposed to be considered the option of last resort. There's even a mandate when you get to court, the social workers or CSSD or anyone involved in it has to demonstrate that they looked at all other measures. So when we're looking at this bill and we're looking at how we looked after our adults and how we protect them, we should be proud of that, as long as the process is working. Because I think adult protection is also about respect. There are a lot of elders in my district, and one thing that we grew up with is that we need to respect our elders, even sometimes if they're not competent anymore or capable. So that's important.

Also, I'd like to recognize the work that was done in terms of consultation with the five-year review, how CSSD reached out to the Indigenous groups. At the end of the day, you can only ask for input. If you don't get the input, at least you know you've done your part. I think that's very, very important. The consultation process really did recognize – in section 8(f) there's an addition: a service principle that provides for the preservation of the adult's cultural and community connections. So if we have a senior there that needs protection, it's written in the act, embedded in the act, there's a requirement there to look at cultural and community connections.

I will have to say one of the greatest hardships for people on the North Coast is a lot of times when our elders can't look after themselves they have to go out of our communities. It's really hard for us to maintain contact with those elders who have all this knowledge and tradition, and also for us to be able to support them because

it's so difficult for families. There are families on the North Coast now who have never visited their grandparents or their parents who are in Lake Melville or on the South Coast in homes. That's something that I don't know how we can address, but it needs to be identified.

I would like to say, just being an MHA and being involved in this process, I am pleased at what I see when it comes to Bill 40.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Are there any further speakers to the motion?

If the Minister of Children, Seniors and Social Development speaks now, this will close debate.

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

J. ABBOTT: Speaker, thank you.

I want to thank my colleagues in the House this afternoon, certainly my appreciation of your understanding and of what we're trying to accomplish through this bill.

It is to maintain autonomy and independence. That's the primary objective here, as some of the Members mentioned, but there is a fine balance in many cases. Part of this legislation and the work we do at the health authority level and with our director of adult protection is to help people determine and identify the risk they may be at and support them in their decision-making.

We are, as the legislation is intended to do, going to emulate best practices across the country, and I think we're doing that. We want to move past the paternalistic approach that we have had in our society in the past and, again, recognizing the inherent right of the individual to make choices for themselves.

When we get through the passage of this legislation, we do have to look at some regulations to support it and they will largely focused on looking at the parameters of capacity assessment: What rules will we put in place to determine capacity, when that needs to happen

and, obviously, the documentation that goes around the bill.

So, Speaker, that's where we are with this. I, again, thank my colleagues for their support and will look forward to discussion in Committee.

Thank you.

SPEAKER: Is the House ready for the question?

The motion is that Bill 40 now be read a second time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Carried.

CLERK (Barnes): A bill, An Act Respecting The Protection Of Adults. (Bill 40)

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

What shall the bill be referred to a Committee of the Whole?

L. DEMPSTER: Tomorrow.

SPEAKER: Tomorrow.

On motion, a bill, "An Act Respecting The Protection Of Adults," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill 40)

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I call from the Order Paper, Order 7, third reading of Bill 26.

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I move, seconded by the Minister of Health and Community Services, that Bill 26, An Act To Amend The Licensed Practical Nurses Act, 2005, be now read a third time.

SPEAKER: Is it moved and seconded that the bill be now read a third time.

Seeing no speakers, is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Carried.

CLERK: A bill, An Act To Amend The Licensed Practical Nurses Act, 2005. (Bill 26)

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

On motion, a bill, "An Act To Amend The Licensed Practical Nurses Act, 2005," read a third time, ordered passed and its title be as on the Order Paper. (Bill 26)

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I call from the Order Paper, Order 8, third reading of Bill 27.

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I move, seconded by the Minister of Health and Community Services, that Bill 27, An Act To Amend The Pharmacy Act, 2012, be now read a third time.

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

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Carried.

CLERK: A bill, An Act To Amend The Pharmacy Act, 2012. (Bill 27)

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

On motion, a bill, "An Act To Amend The Pharmacy Act, 2012," read a third time, ordered passed and its title be as on the Order Paper. (Bill 27)

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I call from the Order Paper, Order 9, Bill 32.

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I move, seconded by the Minister of Finance and President of Treasury Board, that Bill 32, An Act To Amend The Liquor Corporation Act, be now read a third time.

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

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Carried.

CLERK: A bill, An Act To Amend The Liquor Corporation Act. (Bill 32)

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

On motion, a bill, "An Act To Amend The Liquor Corporation Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 32)

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Speaker, I move, seconded by the Minister for Industry, Energy and Technology, that this House do now adjourn.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Carried.

This House stands adjourned until tomorrow at 1:30 p.m.

On motion, the House at its rising adjourned until tomorrow, Monday, November 15, 2021, at 1:30 p.m.