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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.

Before we get started, apparently the tally lights for some Members are not working. They're in the process of trying to get it fixed. They are for MHA Joyce, MHA Lane, MHA Wall, MHA Forsey, MHA Dwyer and also the Clerk. Once you get recognized if your light doesn't come on, just give it a few seconds and Broadcast should be able to pick it up.

Statements by Members

SPEAKER: Today we will hear Member's statements from the hon. Members for the Districts of Exploits, Placentia - St. Mary's, Humber - Bay of Islands, Mount Pearl - Southlands and Ferryland.

The hon. the Member for Exploits.

P. FORSEY: Thank you, Speaker.

Speaker, today I would like to recognize the volunteer efforts of Arthur W. Langdon of Botwood.

Mr. Langdon has dedicated most of his life to volunteering in the Town of Botwood. He has devoted 37 years to the Royal Canadian Legion, Branch 5 in Botwood and to the Botwood Lions Club, where he has served as president on three occasions, along with several other executive positions. Art has also spent 10 years volunteering with the Masons.

In November of 2020, Arthur was awarded the Melvin Jones award by Lions International, which recognizes outstanding individuals for their exemplary service to his club and the community for which it serves. This is the highest honour a fellow Lion can receive.

Speaker, I would like for all Members of this House of Assembly to join me in thanking Mr. Arthur W. Langdon for his many years of volunteer service and congratulate him on his honour.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

S. GAMBIN-WALSH: Speaker, 14 years ago, after a soldier served and lost his life in Afghanistan, his photo proudly looks out at visitors to the Private Kevin Kennedy Memorial Garden in St. Vincent's.

The garden is meant to be a place to visit, to reflect and be at peace as one remembers those who served with ties to the St. Vincent's, St. Stephen's and Peter's River area. It is where people gather to pay their respects on Remembrance Day and a site that is toured by many visitors. Established by the Fisherman's Museum Committee, it has become the focal point of the community.

Private Kennedy was 20 years old when he was killed by a roadside bomb, with five other soldiers, on Easter Sunday in 2007. He gave his life – the ultimate sacrifice – trying to make the world a better place for others.

The garden is home to a memorial plaque bearing the names of 38 soldiers; benches dedicated in memory of loved ones; memorial items, flowers and shrubs. As you walk through, you feel a serene sense of peace and pride.

I encourage all who visit St. Vincent's to embrace the opportunity to visit the Private Kevin Kennedy Memorial Garden.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

E. JOYCE: Today I recognize an athlete from my district, Simon Park of Meadows.

Simon recently competed in the Eastern Canadian Powerlifting and Bench Press Championships held in Sydney, Nova Scotia. More than 100 athletes from the four Atlantic provinces took part in a three-day event with hopes of qualifying for the National

Championships which will be held in St. John's in March 2022.

Simon started training in powerlifting about six years ago and has competed in three competitions, two before COVID-19 and now the Eastern Canadian competition. His goal has always been to compete at the national level and with hard work and determination his goal is coming true. Simon's final score at the championship was 529.1 pounds qualifying him for the nationals.

What makes this accomplishment more impressive is that Simon does not have a coach. He trains in his family's garage which has been set up as a gym with the necessary equipment. When Simon is not training, he's attending Grenfell Campus completing his final year of the Bachelor of Nursing Program.

I ask all Members to join with me in congratulating Simon on his success and wish him the very best in all his future endeavors.

Great job, Simon.

SOME HON. MEMBERS: Hear, hear!

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

P. LANE: Thank you, Speaker.

While Mount Pearl may be known for its tremendous programs, services and top-notch infrastructure, it is actually its amazing sense of community that makes it such a wonderful place to work, live and raise a family.

This sense of home and love for community is so evident in many of our citizens. Today I wish to acknowledge the contribution of two such individuals. This husband and wife team, Chantelle and Dave Keene, created a true Halloween spectacle within our community known as A Haunting on Whiteley, at a time when we all needed an escape from the tough realities of living with COVID-19.

This spooktacular display contained everything you could imagine from a creepy graveyard, zombies, ghosts, ghouls, a tribute to Tim

Burton's *The Nightmare Before Christmas*, as well as a life sized Headless Horseman.

Not only did this amazing initiative bring smiles to many faces of all ages and provide for plenty of photo opportunities for those wishing to get into the Halloween spirit, but it was also used as a means to collect non-perishable food items for local food pantries in the community.

I ask all Members to join me in congratulating this amazing couple on this wonderful initiative.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

I want to recognize and congratulate the organizers of the 11th Annual Calvert Masters Charity Golf Tournament. The event was held on August 18 at The Wilds and was organized by a great group of volunteers.

The event was a huge success with a total of 120 participants this year. The first five years the charity of choice was the Dr. H. Bliss Murphy Cancer Care Foundation, and the last six years have been the Janeway Children's Hospital Foundation.

This year, the committee raised \$47,085 in total; \$45,085 was donated to the Janeway foundation and \$2,000 was donated to the community of Calvert for community projects. The last 11 years have been a great success; organizers have raised over \$612,000 since the beginning of this annual event.

Thank you to the community of Calvert for choosing to support children's health care and cancer care charities in this province. The committee is hopeful that this successful fundraiser will continue for years to come as golfers compete for the coveted green jacket.

Speaker, I ask all Members of this House to join me in congratulating the organizers of the Calvert Masters Golf Tournament on another successful tournament.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Statements by Ministers.

Statements by Ministers

SPEAKER: The hon. the Minister of Municipal and Provincial Affairs.

K. HOWELL: Thank you, Speaker.

Speaker, on November 4 representatives from municipalities across the province gathered in Corner Brook for the 71st Municipalities Newfoundland and Labrador Annual Conference and Trade Show. It was a huge success. There were many important discussions. A highlight for me was, certainly, the women's leadership summit. There were great networking sessions and an opportunity to remind municipal leaders just how important they are to their communities and to the province as a whole.

During the conference, delegates also gathered for the annual Premier's Forum on Local Government and we discussed regionalization. The overwhelming sentiment is that regionalization and increased sharing of services are critical to ensure communities are sustainable and take full advantage of economic development opportunities and to attract new residents. I look forward to receiving recommendations from the Joint Working Group and to develop a plan of how we move our communities forward.

These are exciting times for municipalities, Speaker, not the least of which is Come Home Year 2022. At the MNL Conference, Premier Furey announced over \$4 million to help communities and cultural partners prepare for the celebration. This will support municipalities, the tourism and arts and culture sectors as well as community organizations as we celebrate everything this province has to offer. We want to energize Newfoundlanders and Labradorians no matter where they live. We want to welcome them home and we want to invite newcomers to visit, perhaps inspiring more of them to make this beautiful province their permanent home. I encourage everyone to take full advantage of the funding that's available.

Speaker, congratulations to MNL, its new executive and all municipal leaders on a tremendous conference. I ask all hon. colleagues to join me in this recognition and also help spread the word about the funding that's available under the Municipal Come Home Year Celebration Grant and the Cultural Economic Development Program.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

J. WALL: Thank you, Speaker, and I would like to thank the hon. Minister for an advance copy of her statement.

Speaker, I was pleased to join the minister in Corner Brook for the annual Municipalities Newfoundland and Labrador Annual Conference and Trade Show.

MNL are to be congratulated on a first-rate conference with many educational presentations. It was certainly a very informative and enjoyable weekend.

Speaker, MNL provides a unique opportunity to come together to discuss the many issues facing municipal leaders. Having attended these events in the past as mayor of my hometown of Pouch Cove, I can speak first-hand to the benefits of joining with other municipal leaders from around the province to discuss matters of mutual concern and regional solutions.

Regionalization, as the minister does note, has been talked about, Speaker, and I am looking forward to seeing this definitive action come forward as we all work towards the betterment of our communities.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker, and I thank the minister for an advance copy of her statement.

I, too, congratulate MNL on their 71st annual convention – that’s a huge milestone. With the continued discussion on regionalization of services, we must also make sure that this discussion also involves the supports and tools that regions will need. We can’t download services onto regions without the tools to keep the regions going. Rural communities deserve a fair shot at success so we must discuss that, too.

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.

First, I would like to welcome the Premier back to the House of Assembly.

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: It has now been 17 days since our province was rocked by a cyberattack that wrecked havoc across Newfoundland and Labrador. I know many health care workers and IT specialists have been working hard over that time and I wish to thank them for their service to our province; however, thousands of tests and procedures have been cancelled and the list grows daily.

I ask the Premier: When can the people of Newfoundland and Labrador expect a 100 per cent return of services in our health care system?

SPEAKER: The hon. the Premier.

PREMIER A. FUREY: Thank you, Mr. Speaker.

As the Member opposite knows, the hard-working women and men behind the scenes are doing everything they can to get the systems up and going as fast as they can. And I’d echo his sentiments, frankly, and thank them for their hard work and their extra-long hours that they’re putting in in the face of adversity to get the systems up and going as fast as possible.

The real answer is we don’t have a definitive answer because, as it’s been explained, as the systems come online there may be issues, and to give a definitive date when things will absolutely return to normal would be irresponsible. We also have to make sure that we’re being incredibly balanced and nuanced in our communications on this. I’m happy with where we are right now, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

We recognize that this is an extraordinary situation, but the people need for health care doesn’t stop and wait. These disruptions are expanding the already large wait-list for tests and specialists in our province.

What specific initiatives will be introduced to help the health care system deal with another increase in wait-lists?

SPEAKER: The hon. the Premier.

PREMIER A. FUREY: Thank you, Mr. Speaker.

Again, I realize the stress and strain that is currently on the hard-working women and men in the health care system, in addition to the IT sector, are under right now. This was an unanticipated event and I can appreciate the strain that they’re under. I know many of them first-hand. I have worked with many of them. I have worked with some of them just recently. They are doing their best to maintain the system in these troubling times.

We are looking at all options to see exactly what impact this will have and how we can affect

making that up, Mr. Speaker, but right now it's premature.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

We already have a health care system in crisis and the thousands of procedures that have been cancelled are playing havoc with the citizens and their need for health interventions. The health care system in Ireland is still experiencing some disruptions six months after a similar but less severe cyberattack on their health care system.

Based on what government have learned over the past two weeks, can the people of Newfoundland and Labrador expect a full return to services in weeks or in months?

SPEAKER: The hon. the Premier.

PREMIER A. FUREY: Mr. Speaker, again, we're not sure exactly when things will return to absolutely normal, it would be wrong to suggest otherwise. I'm not sure how the Member opposite would know it was less or more severe than some other attack, Mr. Speaker.

Right now, we have to be incredibly balanced and measured in our approach to this, given the security issues for the province, Mr. Speaker. We have committed and we will continue to commit to get the system back and running as fast as possible, as safe as possible and as confidently as possible.

As to a definitive timeline, I think it would be irresponsible to give an exact one. I know full well that hard-working women and men in that system are doing their very best and we are as well, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

The people of Newfoundland and Labrador who rely on our health care system need some reassurance that everything is being done to ensure that they have access to proper health care in Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: Every other jurisdiction in the world who have experienced a cyberattack have provided greater public disclosure than this government. Ireland called it a ransom attack on day one. It has been over two weeks and we still don't exactly know what happened, who may have our personal health information and how many people may be involved.

Why is government refusing to be more open?

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

J. HOGAN: Thank you for the question.

Speaker, this government have been very transparent about this cyberattack issue as we gather information. We committed last week to advising the public when we have the most accurate information available to us. We did press briefings on Tuesday and Wednesday. Our investigation revealed some additional facts that we were able to reveal to the public on Friday.

What this government is not going to do is guess and speculate as to what's going on. We want the cyberexperts to continue to do their investigation and when the information is confirmed that is when – and only then – we provide that information to the public.

Facts are important; guesses are not going to happen.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

It has been confirmed that personal information was taken in the cyberattack.

I ask the Premier: Why wasn't the data encrypted?

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

J. HAGGIE: Thank you very much, Speaker.

I think, in line with comments the Premier made earlier and in line with my previous comments, the nature of data, the architecture of the systems are not a subject for discussion in public. I do not think any answer to that question would do anything except give the next hacker a guidebook as to how to do it better.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

The people of the province need a fully functional health care system. Yes, this is an extraordinary event, but the need for health care doesn't stop or wait. Because this is an extraordinary event it needs to be understood in full.

Will the Premier commit to launching a full commission of inquiry into this attack within the next 12 months?

SPEAKER: The hon. the Premier.

PREMIER A. FUREY: Thank you, Mr. Speaker.

As we've already said, we need to be very balanced and nuanced in our approach here with respect to language. There already is an active RCMP investigation, Mr. Speaker. The Privacy Commissioner has also agreed to do a third party independent investigation. We will have plenty of time in the rear-view mirror to see what went wrong and what we can do better and to install more robust systems moving forward, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker.

On October 21 the minister stated that 193 people were waiting for critical cardiac surgery in the province.

With additional surgeries cancelled in the past two weeks, how long is this list going to grow, and what is the plan to catch-up?

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

J. HAGGIE: Thank you very much, Speaker.

The impact on wait-lists for surgery is yet being quantified through Eastern Health. Restoration of cardiology services, in full, is dependent on background activity in lab areas and in diagnostic imaging. As yet those are not completely restored within Eastern Health to the point where the clinical care team in cardiology feel confident that they can resume routine operations.

Each person on that list is being examined by their clinician to determine whether or not it is safe to wait and they're being done at a reduced rate in the priority determined by the physicians themselves. When I have an update I'll be happy to provide it to the House.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Mr. Speaker.

As I said, on October 21 the minister said there were 193 people waiting, yet it's not quantified.

Speaker, cancer patients and their families are on edge as appointments and treatments continue to be cancelled. How many chemo treatments have been cancelled since the cyberattack and how will the health care system catch-up?

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

J. HAGGIE: Thank you very much, Speaker.

I'd like to thank, again, the people in Eastern Health in the cancer program, as well as the IT support from various sectors, for being able to work so diligently to restore chemotherapy. Chemotherapy services across the province have resumed. Again, the full capacity will be determined by laboratory work, particularly in Eastern Health, that has yet to be completed.

The priority of who's getting treated in what order is solely determined by clinicians. They are working extended hours into the evening and into the weekends, and once capacity increases that will deal with the backlog. An exact timeline awaits restoration of complete services in Eastern Health. I'm happy to provide it to the House when I have it.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker.

We have heard from couples whose IVF cycles out of the province have been stopped because critical appointments and ultrasounds have been cancelled. Families are now out thousands of dollars in travel expenses and medications, and couples have been waiting for a travel package for months.

Will government be compensating these families?

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

J. HAGGIE: Thank you very much, Speaker.

In terms of diagnostics that have been deferred, this again is due to circumstances that were outside our control. Priority is and always will be determined by the clinicians looking after those patients. Ultrasound has been available for urgent and emergent cases.

In terms of the specifics mentioned by the Member opposite, if he has information I would be happy – with consent of the parties concerned – to look into the specifics.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker.

It would be wonderful if the minister had the information to start with, rather than depending on myself over here.

Speaker, November is Diabetes Awareness Month. Last year, MUN medical students presented to me on the health benefits and cost savings from continuous glucose monitoring devices. Government says you want solutions – they've presented a real solution to health care.

When I questioned the minister on the potential financial assistance for residents to access these devices he agreed to have a staff review and report back to the House. Twelve months later: Can the minister provide the results of that review?

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

J. HAGGIE: Thank you very much, Speaker.

The Insulin Pump Program had significant increment in funding. In budget last year, I believe, we added \$3 million a year to that and removed any age criteria around it. We certainly altered, significantly, the way it was structured and over the course of this year we have been looking, with clinical direction, at how best to source the equipment.

With respect to clinical decisions about what kind of equipment and what kind of glucose monitoring, we have not received a recommendation to change the nature of the equipment and the nature of the glucose monitoring from the clinicians. Should that change, we'll be happy to look at it again, Mr. Speaker.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

The Minister of Digital Government and Service NL stated that people should regularly update security questions and passwords, which is something that government employees are asked to do regularly. An engineer with Microsoft has called this practice an ancient and obsolete mitigation of a very low risk.

I ask the minister: What is being done to bring the government's IT security into this century?

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

S. STOODLEY: Thank you, Mr. Speaker.

I would ask the Member to indicate when I said that. It doesn't sound like something specifically, exactly that I would say. I, myself, use a password keeper, Mr. Speaker, which I would recommend that everyone use, and have a one-time password for each thing that they use, which is long and has a range of characters in it. So that's certainly what I recommend to everyone in the province to do: have a password keeper.

We are looking at our systems, we are implementing two-step authentication across our systems and I'd recommend that everyone at home do that as well for any system or online service that they use.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Speaker, is this actually going to work if you just change passwords? I can do that today. Is it actually going to work? That's the question.

Speaker, it's been revealed that data taken by malicious actors in our health care system was unencrypted.

I ask the Minister of Digital Government and Service NL: Has she directed a review of core government to determine how much of the public's data held by government is unencrypted?

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

S. STOODLEY: Thank you, Mr. Speaker.

I can't speak specifically to the situation at the moment, but as the result of the attack that occurred recently, we are monitoring our systems very closely. We have a lot of national experts helping us do that and making sure that the data that core government has for the people of the province is protected. But this is always a threat; threats are ongoing.

We take our responsibility very seriously, Mr. Speaker, and we have a range of services and products in place to do our best to protect the information of the people of the province.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Speaker, we're not asking for specifics, we're just asking: Has there been a review? Yes or no? That's what we've been asking since we started here two weeks ago.

It was reported by the media this morning that motor vehicle registration in Mount Pearl put a sign on their door this morning saying: On break. The gentleman who raised the issue stated that he arrived at 9:45 for a 10 a.m. appointment and as of 10:25 he was still waiting with 20 other people standing outside.

When will the minister show leadership and finally address the mess at motor vehicle registration?

SOME HON. MEMBERS: Hear, hear!

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

S. STOODLEY: Thank you, Mr. Speaker.

To the Member's preamble, we review our cybersecurity practices regularly. That's an ongoing practice, Mr. Speaker.

In terms of MRD, we were alerted of the issue this morning. That was a mistake. That was an error on our part. There should not have been a closure of that office during a break. Some of our smaller offices that might have one or two staff do close for breaks or lunches, but our larger branches should not be closing for a break. I apologize to the resident and residents affected.

We've corrected that across the province, Mr. Speaker. I am working to improve services at Motor Registration.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

We've asked many questions on this and it still seems to be the same issue. We have to get those doors open and get the public back in there to get this straightened out.

SOME HON. MEMBERS: Hear, hear!

L. O'DRISCOLL: Speaker, the next appointment available in Mount Pearl to get a licence plate replacement is December 20. We were pleased to see the minister this morning make an announcement to unveil a new Come Home Year decorative licence plate for 2022.

While this is good news, I ask the minister: When will she address the long wait times to access services at motor vehicle registration?

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

S. STOODLEY: Thank you, Mr. Speaker.

In terms of improving services, we have a range of options available at different branches across the province. I agree the wait is too long in some of our branches, but in more than half of our branches, Mr. Speaker, you are able to get an appointment the same week.

We are adding more digital services, we looking at efficiencies. We're looking at improving workflow at our offices, including ticketing systems or getting a text when you're in your vehicle waiting, Mr. Speaker. We also have kind of a mix of the appointment model with –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

S. STOODLEY: – but also dropping in. We're seeing 30 per cent to 60 per cent of walk-ins across the province.

Our doors are open. We had a mistake this morning. That was our error. Doors are open and we are working to improve things, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

B. PETTEN: Thank you, Speaker.

Speaker, not even three months into the school year and the NL Teachers' Association have spoken out today about crowded classrooms, inadequate resourcing and challenging class composition.

Speaker, when is the long, long, promised review of the teacher allocation model going to take place?

SPEAKER: The hon. the Minister of Education.

T. OSBORNE: Thank you, Speaker, and I thank the Member for his question.

The Independent Appointments Commission has provided names to government. The appointment of those names, that committee, will happen in the very near future. The process, Mr. Speaker, for a review – and a proper review

– of the teacher allocation model will start shortly thereafter.

SOME HON. MEMBERS: Hear, hear!

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

B. PETTEN: Speaker, the review has been promised for years, but will not help teachers struggling in the classroom as of today with teacher burnout and exhaustion.

Will the government add additional student assistants to relieve the crisis in the classrooms?

SPEAKER: The hon. the Minister of Education.

T. OSBORNE: Thank you, Mr. Speaker.

This government has done quite a bit to improve the teacher allocation in schools, through the Premier's Task Force on Education. We've added 350 permanent hires over the last three years, Mr. Speaker. We've added term contracts for substitute teachers; we've added additional administrators and additional guidance counsellors.

Mr. Speaker, we've taken this issue very seriously. The next step in this is a review of the teacher allocations.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Thank you, Speaker.

The Premier said recently that tough decisions need to be made and the people of Newfoundland and Labrador want us to keep making them.

So I say to the Premier: Now is the chance to be honest with the people of the province. What tough decisions are coming? When will you provide the public of the province with the analysis you've done to support them?

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

S. COADY: Thank you very much, Mr. Speaker.

I appreciate the question. The people of the province are fully aware of our fiscal situation. I know that they are supportive of us making sure that we address the financial concerns.

As the Premier's Economic Recovery Team indicated, we are about \$47 billion in debt across all the different entities within the Province of Newfoundland and Labrador. We do need to get that under control.

We have, in *Budget 2021*, laid out a course and a path of modernization and transformation of government. We've laid out a course of getting our fiscal house in order. We've put before this House of Assembly balanced budget legislation and the development of a future fund.

I think, for the Member opposite, our course and our path is clear.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: I still don't believe, Speaker, that the people of the province are fully informed of exactly what those, quote, tough decisions are.

Last week, the minister named the assets she's going to be selling, including Marble Mountain, oil and gas equity shares and the Liquor Corporation.

I ask the minister: How did you decide which assets to sell?

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

S. COADY: I'll remind the Member opposite again, we wouldn't be in such a financial devastating effect if it wasn't for Muskrat Falls.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Order, please!

S. COADY: Thank you, Speaker.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

S. COADY: I will say, in *Budget 2021*, we laid out to the people of the province –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

S. COADY: Sorry, Speaker, I will –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

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

S. COADY: Thank you, Speaker.

I will say to the Members opposite and to the people of the province, we did lay out a path and a course in *Budget 2021* where we talked about some of the assets we could possibly look to review. We are in process of reviewing those assets, of considering the reward of so doing and the benefit or not of so doing of asset monetization.

Should we move –

SPEAKER: The minister's time has expired.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Thank you, Speaker.

I just have to say, if the minister wants to make political jabs from 2012, that's fine. But I can tell you the people in my district and the people of this province are more concerned about access to health care, getting a family doctor and getting their cancer appointments than they are about political jabs.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: I'd like to focus on the oil and gas assets. The Minister of Finance very

specifically referenced selling our shares in Hebron, White Rose Extension and Hibernia Extension. Yet, on June 15 the Energy Minister said: Right now, there are absolutely no decisions that have been made. One minister is lining up buyers while the other is saying take a wait-and-see approach.

Who is in charge of selling our assets?

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

S. COADY: Thank you, Mr. Speaker.

I will say to the Member opposite, if we didn't have \$16 billion in debt because of Muskrat Falls, we wouldn't have as many challenges in this province to provide the services that the people of this province so need.

SOME HON. MEMBERS: Hear, hear!

S. COADY: I will say to the Member opposite: What we said in *Budget 2021* is that we're going to consider the selling of assets, to monetize those assets, to pay down some of the debt that we have in this province. I said that we are going to do a review – which is currently what we are doing – to consider some of the assets that we have.

We'll continue to look at those; we'll continue to add to the analysis. I didn't say I was selling them, Mr. Speaker. I said we were considering looking at what's in the best interests of the people of this province, unlike what they did with Muskrat Falls.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, if the minister spent half her time on her portfolio worried about that as she does on petty political jabs, maybe our province would be in a better place.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: Speaker, I'm concerned that the minister may sell assets for short-term cash instead of yearly cash flow. These assets are

public assets. They are not owned by the minister or the Premier, they're owned by every single resident of this province.

Will the minister commit to holding a public debate in this House on the sale of any assets worth more than \$50 million before they're sold off?

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

S. COADY: Thank you, Speaker.

I will say to the Member opposite and I'll say to the people of the province that I think it is prudent and responsible for this government to consider what assets we have, what assets may be working on behalf of the people of the province and what assets may be better if the timing is right. If the circumstances are right, Speaker, we'll consider selling those and taking that money and paying it down on debt. Or on making investments so that we can improve the situation in the province economically.

I will say to the Member opposite we have had the Premier's Economic Recovery Team; we have had public consultations on that. There was a lot of discussion in that report. We're reviewing those consultations and we'll continue to do so as we analyze what assets we may monetize.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Order, please!

I'm keeping track of the time for Members.

The hon. the Member for Terra Nova.

L. PARROTT: Thank you, Mr. Speaker.

Mr. Speaker, Equinor is revamping its development plan for the Bay du Nord Project and is now looking to proceed with the conceptual work for the FPSO.

Given this positive news for Bay du Nord and given the framework agreement between Equinor, Husky and the province was agreed to in 2018, I ask the minister: Are amendments to the framework agreement being considered?

SPEAKER: The hon. the Minister of Industry, Energy and Technology.

A. PARSONS: Thank you, Mr. Speaker.

I'm absolutely happy to speak to this question, which is indicative of good news in our industry or, certainly, optimism in our industry.

What I can say is we have not progressed to that point. We still haven't seen Equinor reach a decision point on that. But he is correct in that the decisions that have been reached previously were prior to changes in development. So what I would say is that as we move forward there will be further conversations with the partner to determine the province's interest, how we proceed and how the benefits agreement between everybody would shape up, depending on the changes in the amount that is out there and how they plan on proceeding.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Terra Nova.

L. PARROTT: I'm just looking for a simple yes or no, Minister: Is the agreement from 2018 the plan to move forward right now?

SPEAKER: The hon. the Minister of Industry, Energy and Technology.

A. PARSONS: I appreciate the question from the Member, but I will point out that it is absolutely up to me how I answer it and, certainly, I'll take my time in answering the question that's put forward to me. Because the reality is that it's not simple yeses or noes to a lot of this stuff. They're just not that simple.

I would point out to the Member that right now the answer is just not known because we're still dealing with the prospect that, as exciting and optimistic as it is, we still do not know where it's going to go.

I would point out that the head of Equinor was in the office last, has met with us, I spoke to the VP –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

A. PARSONS: – and, again, we look forward to further conversations in ensuring that this resource that does belong to the province will be developed to the best interests of our constituents.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

I'm going to repeat a question here. Earlier today, NLTA President Trent Langdon held a news conference to address the teaching and learning conditions in our schools. You might remember that I've asked questions earlier about the EAL supports for refugee and immigrant students. Large class sizes which ignore the composition and diverse needs of students are contributing to burnout and having an impact on the ability of teachers to meet the needs of their students.

Now, we know what the minister has invested so far, but I'm asking specifically: Will the minister, as has been requested by the president of the NLTA, exercise his discretion to provide additional allocations to address large class sizes, additional instructional resource teachers and student assistant time in schools?

SPEAKER: The Minister of Education.

T. OSBORNE: Thank you, Speaker.

I think it is important to point out what we have invested over the last three years and that is 350 permanent positions, Mr. Speaker. Positions such as additional administrators, additional guidance counsellors and additional in-class teacher positions.

It is important to point that out, Mr. Speaker, because it's a reality and it's what this government has done to respond to the teaching positions in the province. Even though we've

had a declining student enrolment we've added additional teacher resources. The Independent Appointments Commission has recommended names. We will be doing a teacher allocation review which will determine whether or not additional positions, in addition to that, are required.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: The reality, Mr. Speaker, is that regardless of resources if you're not taking into account the composition of the class it does not make for a constructive, conducive or effective learning environment and teaching environment.

Mr. Speaker, the recent cyberattack on our health care system has shaken the confidence of the public and we understand the sensitivity in releasing too much information at this time. It's why last week we called for an inquiry into the cyberattack when we're past this immediate crisis. We're glad to see that the Official Opposition has joined us in this request.

I again ask the Premier: Will he commit to an inquiry at a later date to determine what led to this breach in cybersecurity and identify the measures to make it more difficult to happen in the future?

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

J. HOGAN: Thank you for the question.

As the Premier said earlier this afternoon, there is an ongoing investigation by the Royal Canadian Mounted Police. The Office of the Information and Privacy Commissioner has committed to doing his own investigation. There will be investigations done that will review what, if anything, could have been done to prevent the cyberattacks.

Of course, as I've said publicly, we do choose our words carefully in this situation. If we say certain things that aren't true or if we jump to conclusions or speculate there will be unintended consequences of that. I'm sure the Member can appreciate that the public safety is

more important than political jabs here in the House of Assembly this afternoon.

Thank you very much, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Mr. Speaker, asking for an inquiry is hardly a political jab.

Recent massive salmon die-offs at Mowi aquaculture sites since September due to low dissolved oxygen levels and sea lice infestations have raised grave concerns about the viability of the industry. The measures employed by Mowi aren't working. Other than announcing the establishment of an advisory committee for the aquaculture industry, the silence from government has been deafening.

I ask the Minister of Fisheries, Forestry and Agriculture: Will he bring in meaningful measures, such as sea lice limit protocols, penalties and fines, effective protocols relating to maximum stocking densities and location of sea pens?

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

D. BRAGG: Thank you, Speaker, and thank you for the question.

It's a great opportunity to bring some great notice to that industry, the aquaculture industry, to the South Coast and the Southwest Coast of this province. It's vitally important, Mr. Speaker.

We are working with industry, Mr. Speaker, to do everything in our power to mitigate anything they have when it comes to these issues. We have an expert staff that we go out and we meet on a regular basis. We're out, we're doing what needs to be done.

It's unfortunate what happened to Mowi right now, Mr. Speaker. They had an oxygen situation and they had a sea lice situation, which is being monitored. The fish are being harvested, they're being processed right here in the plants of this

province. Every fish that's harvestable comes out of the water and is done right here in this province and we're proud of that because it's giving much-needed work to the South Coast of this province.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The time for Question Period has expired.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Tabling of Documents

SPEAKER: I do have one.

In accordance with section 214 of the *Elections Act, 1991*, I hereby table the *2021 Provincial General Election Report*.

Any further tabling of documents?

Notices of Motion.

Notices of Motion

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

J. HOGAN: Thank you, Speaker.

Speaker, I give notice that I will on tomorrow introduce a bill entitled, An Act To Amend The Provincial Court Act, 1991, Bill 44.

SPEAKER: Further notices of motion?

The hon. the Government House Leader.

S. CROCKER: Thank you, 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 p.m. on Tuesday, November 16, 2021.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

I give notice that I will on tomorrow move the following motion:

THAT notwithstanding Standing Order 63, this House shall not proceed with private Members' Day on Wednesday, November 17, 2021, but shall instead meet on 2 p.m. on that day for routine proceedings and to conduct government business;

AND THAT if not adjourned earlier, the Speaker shall adjourn the House at midnight.

SPEAKER: Any further notices of motion?

Answers to Questions for which Notice has been Given.

Petitions.

Petitions

SPEAKER: The hon. the Member for Lake Melville.

P. TRIMPER: Thank you, Speaker.

The background to this petition is as follows: As a result of the need for additional energy generation in Southern Labrador, Newfoundland and Labrador Hydro examined several options for consideration by the regulator, the Public Utilities Board.

As the PUB seeks the lowest cost alternatives, the option identified is a regional diesel plant to be built at Port Hope Simpson. This proposal would exceed \$70 million in capital construction costs and provide electricity to Southern Labrador.

WHEREAS Labrador is rich in both existing and potential hydroelectric wind and solar energy; and

WHEREAS there is growing alarm about the climate crisis facing the world and the need to reduce greenhouse gas emissions that are contributing to this most serious problem; and

WHEREAS our communities want to move away from diesel generation and towards renewable alternatives; and

WHEREAS the Public Utilities Board seeks only least-cost solutions when identifying energy solutions;

THEREFORE we, the undersigned, call upon this House of Assembly to urge the government to revise the *Public Utilities Act* so that the cost of pollution is included when evaluating energy solutions. In the meantime, we are asking for the rejection of the super diesel plant option.

Speaker, this has taken and attracted a lot of attention in the media, particularly in Labrador, which is trying desperately to move our communities off diesel. But as a result of the way the PUB is structured right now, the only option that they can entertain is the cheapest, or as my mother in law would say, the least 'expensive.'

What I really want to point out here is that we have to start considering the environmental consequences. As per the PMR that I recently tabled, I've calculated that the annual cost – the five million litres of diesel that would be burned there – would represent some \$2.2 million-plus worth of pollution at \$170 a ton. This is not even being considered. We are just racing ahead to a very backward program.

I look to the Premier and others. He was just at COP26 talking about the importance of trying to find a solution for future generations. Here we are stuck with the situation that's allowing us with no other option other than to continue to put diesel into our system, continue to use diesel and continue to shorten the generations that are to come after us in terms of a habitable environment and a habitable planet.

For a place like Labrador, where we are facing in just 29 years a temperature increase in Nain alone of 7.3 degrees, in the community where I live, of six degrees warmer – it's going to be warmer in Nain than it is going to be in St. John's. But right now we are watching the PUB proceed with an option that's going to contribute to this problem, not solve it.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Terra Nova.

L. PARROTT: Thank you, Mr. Speaker.

The reasons for this petition are as follows: Many families and residents of the province are struggling with increased costs of living in the province, as demonstrated by the September 2021 customer inflation rate of 4.4 per cent. Gasoline prices are at an all-time high. The cost of home heating oil has increased to the point that some seniors are forced to choose between heating their homes and buying groceries. Food prices continue to increase, resulting in an increase in food bank usage in our communities.

Therefore, we petition the hon. House as follows: We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to study and implement a plan to address the rising cost of living experienced by the residents and families in the province, including the rising cost of essential goods and services such as gasoline, home heating fuel, groceries and essential dry goods.

Mr. Speaker, we have a big problem here in Newfoundland and it's boiling down to what people can afford to do and what they can't afford to do. Last week, we listened to the Premier say people are ready for the belt tightening and adding that people are ready for the tough decisions yet to come.

Well, I'm not sure that the Premier understands the tough decisions that the average man and woman in this province has to make. He doesn't understand that people make a decision on whether they're going to turn their heat on or go to the mall to stay warm. He doesn't understand that they make a decision about going to a waiting room for eight or 10 hours, waiting to see a doctor, or going home and continuing to be sick. He doesn't understand the choices that are made between healthy food and junk food.

Yet, we still tend to implement sugar taxes; the cost of fuel has gone through the roof. The unemployment rate in this province right now is twice the national average – twice the national average, think about that. Yet, we don't hear a peep about jobs. Mr. Speaker, something has to

be done. Government has the power to look at a way to empower people to do better. Instead, all we do is talk about the increases in taxes.

You look to the Greene report. They talk about an increase in personal income tax; they talk about the increase in HST. They talk about the increase in the gasoline tax by 1.5 cents per litre; the provincial government should increase payroll tax by 0.5 per cent; and the provincial government should increase tobacco tax by 5.5 cents per cigarette.

Mr. Speaker, government doesn't get it. It's time for the government to do something about the cost of living here in this province and implement a plan to get us out of this hole.

SOME HON. MEMBERS: Hear, hear!

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

J. ABBOTT: Speaker, just briefly, I thank the Member for the petition. We'll certainly be looking at the issues he's raised.

In terms of my responsibility as minister, we – and our department – are monitoring all the factors impacting the cost of living here in the province. We are compiling the information to allow us, as we review the Poverty Reduction Strategy, to consider all of those components and to make recommendations to government at a future date as to how to address those factors.

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you, Speaker.

The background to this petition:

WHEREAS in the District of Harbour Main there are many residents who are concerned with the deteriorating cell service that they have been experiencing in recent months. There has been a significant decline in the cell service throughout the district, where calls are being dropped and residents are unable to get their calls to go through for no apparent reason;

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 work and partner with the various cellular providers to stabilize and improve the cell service within the region so that citizens have a reliable service that they can count on.

Speaker, modern telecommunications are fundamental to economic prosperity. They're fundamental to the residents of the District of Harbour Main, as well as I'm sure throughout the province. We do know that many constituents have been contacting our office with very much levels of frustration. We've heard from constituents across the district.

One constituent from Conception Harbour said the cell service had been fine and then it started to decline over a short period. It appears from reports we've been having it's been since the spring. One constituent had thought it was her cellphone. She purchased a new phone thinking it was her device – not the case. She still had the same issues with the new device. She made complaints to her service provider – no resolution, no success. Another constituent from Colliers, the same thing. Nature of the problem: Calls are being cut off and disconnected for no reason.

I've heard from so many throughout the region; in fact, one of the constituents started an online petition. I have the petition, Speaker. In the petition, they had indicated that many of the residents are feeling the same frustration; their calls are being cut off. They're having dropped calls and terrible cellphone service. I've heard this from constituents in Holyrood, CBS, Avondale, Conception Harbour, Harbour Main-Chapel Cove-Lakeview, Colliers, North River, Marysvale, Georgetown, Brigus and Cupids. Those are just some of the areas.

Some of the comments say – one, for example: I just decline the calls until I get out of the area I'm in, in Harbour Main District. Another said I pay almost \$400 per month for a cellphone and it sucks, the service sucks. This affects their daily life. We need better service for the big bucks we pay. These companies, Speaker, are making a lot of money. They're very successful; they're very profitable. If they're going to

provide a service for their customers, then they have to invest in the infrastructure.

We call upon government – they have made, I believe, it was \$25 million for broadband and cellular over the three years, that was indicated in their last budget. They have to ensure that this is being addressed. People need adequate cellphone service.

Thank you, Speaker.

SPEAKER: The Member's time has expired.

The hon. the Member for Bonavista.

C. PARDY: Thank you, Mr. Speaker.

The reason for this petition: Newfoundlanders are very proud of the personal sacrifices, heroic commitment and contributions of the Blue Puttees, otherwise affectionately remembered as The Fighting Newfoundlanders. There is never a time when we should relax in our remembrance of their sacrifices and harrowing experiences. We, as Newfoundlanders, are ever so proud of The Fighting Newfoundlanders, the only army unit in World War I to receive the distinction of Royal.

We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to enact legislation in the creation of veterans' vehicle plates, starting with the Blue Puttees to further highlight the accomplishments of these and other veterans henceforth.

I think this was spearheaded by David Gill. I think, first of all, we do need to acknowledge that we do commemorate the veterans with plates, and I think great plates in the Province of Newfoundland and Labrador. His intent in this petition is to include the Blue Puttees when there is a change in them that we can highlight some of these distinctive groups that we remember for their outstanding sacrifice going forward.

I attended the Remembrance Day ceremony in Trinity Bay North and I think there were hundreds spaced out on Thursday, safely, in the rain and, yes, maybe surprising, but it was cold as well. But it was a great service of remembrance.

Several conversations that occurred there like Albert Taylor, who was a well-decorated veteran in the Royal Newfoundland Regiment. We had a councillor in Little Catalina whose father distorted the truth of his age so that he was able to enter into World War I. We have a great history in our province; the Blue Puttees are a significant part of this history.

I would say that if the plates – and we looked at rejigging the veterans' plates that we could have the Blue Puttees – this is what Mr. Gill and the signees that are on this petition would like to have. We can start with that and when we do make plates henceforth and new plates to come in, then we can certainly look at acknowledging some of those groups in addition going forward.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Exploits.

P. FORSEY: Thank you, Mr. Speaker.

The residents of the Exploits District have a great concern from the result of the 24-hour emergency service cut to the Dr. Hugh Twomey Health Care Centre in Botwood. All residents feel that 8 a.m. to 8 p.m. does not adequately and efficiently address the emergency requirements of this district, affecting both patients and residents to receive adequate care when needed.

We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to restore the 24-hour emergency service to the Dr. Hugh Twomey Health Care Centre immediately.

Mr. Speaker, this is still an ongoing issue in the district. It's been there ever since 2019 when the previous premier promised to open a 24-hour emergency service – looks like it was based on election promises again because the minister himself has committed to opening the 24-hour emergency service only in the 2021 election again.

The candidate for the Liberals in the 2021 election went on *NTV News* and told everybody they will have their 24-hour emergency service.

He put pamphlets out in the mail, announcing that they will have the 24-hour emergency service open.

Mr. Speaker, that has still not happened. The minister has promised to match service to needs. Well, the service that they need is their 24-hour emergency service and we expect the 24-hour emergency service to be given to them, as promised.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Speaker.

We, the undersigned, are concerned citizens of Newfoundland and Labrador who urge our leaders to ensure that Labrador high school students will not have to continue to sacrifice their in-class lecture time in order to attend Centre for Distance Learning and Innovation (CDLI) courses online.

Our CDLI students in Labrador are burdened with the loss of Atlantic time slots – that's our local time zone. A decision was made to offer all CDLI courses in Newfoundland time slots only. We feel that is unacceptable because this decision was made without ensuring that Labrador students would not have to sacrifice their in-class lecture time in order to attend CDLI courses.

It is unacceptable because now our Labrador students have to leave their in-class lectures 30 minutes early to attend their CDLI online courses and arrive 30 minutes late for their next in-class lecture.

As our students' reliance on distance education grows, we only fear that having to juggle two schedules, offset by 30 minutes, will deter many Labrador students from enrolling. Our Northern Labrador students are already burdened with slow Internet speeds averaging approximately 0.2 to 1.9 megabytes per second. We feel that the additional burden of sacrificing one hour of class time for each CDLI course is not acceptable and must be addressed.

Therefore we call upon the House of Assembly to urge the Government of Newfoundland and Labrador to work with the Newfoundland and Labrador English School Board to ensure that Labrador students have access to CDLI courses that line up with their in-class time slots.

Speaker, I'm just going to actually read a quote from Brianna Wolfrey in Rigolet – a CDLI course – regarding what's happened to her with the removal of these time slots. I quote her. "This isn't fair to those who have to leave their in-class classes a half an hour early and miss important instruction just to log onto their CDLI courses. It also means that we miss half of our dinner breaks which isn't fair either. Hopefully some changes will be made to accommodate for us Labrador students! Not acceptable at all."

I just have to say in this House of Assembly, in what world, in what universe is it acceptable that they would switch the time slots so that Labrador students would not have access to their full lecture? Right now, Labrador students, when they're doing online courses, they have to leave their in-class a half an hour early so they can do the CDLI course, then they have to show up to their next in-class –

SPEAKER: Order, please!

The Member's time has expired.

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

E. JOYCE: Thank you, Mr. Speaker.

I sit here today to present a petition on behalf of the residents from Humber - Bay of Islands, Corner Brook, Massey Drive, from all the way up to Deer Lake and down the coast to Pasadena concerning the regulations concerning helmets for factory-sealed vehicles, Mr. Speaker.

These petitions – 100 of these people signed this again. This was just last week; delivered at my house. This issue is very real. This issue is still a concern for a lot of people. I know the minister made the commitment that she will give it serious consideration, very serious consideration when it comes to the regulations, but these people have asked me to keep this issue alive with these petitions. I'm presenting them all

today. There are more to come. My understanding is the House may close later the week, but there are more to come. So I'll present them hopefully in the spring session.

This issue is a major concern to a lot of people. I would give the minister credit for making some friendly amendments in the bill that address some concerns that people had, mainly with the size and also reaching the floor itself. So there was movement in it and the minister has to take credit for that for understanding concerns.

As I mentioned before, I understand the concern that the minister has is that if you don't put the safety part with the helmets in the regulations, if you need to make a major change for some reason, you would have to come back to the House. That's cumbersome and that takes time. So if it's in the regulations and there's a need for a major change she can make the change – she or he, whoever – very quickly in the regulations.

So I'm calling upon the minister; here are hundreds of people who have concerns about it. This is a real issue. I ask that when the consideration is given that factory-sealed vehicles will not be required to have helmets used. I present this today on behalf of the people who have major concerns.

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: Eastern Health has recently repositioned one of the ambulances from the Trepassey area to the Cape Broyle area. This has left only one ambulance in the Trepassey area. Residents of Trepassey and the surrounding area are at least two hours from the nearest hospital.

Therefore we petition the House of Assembly as follows: We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to ensure the residents of Trepassey area have accessibility to an ambulance in a time of emergency by

repositioning a second ambulance back into the Trepassey area to ensure the safety and the well-being of local residents and to meet the national standard for response times.

Mr. Speaker, I'm after presenting this petition probably three or four times and I think it's time for the government to start listening to what the people want. This is not about money; this is about geography where this ambulance. It left Trepassey; it went to Cape Broyle. They call it Ferryland.

So last weekend or the weekend past I had a resident call me. They had called for an ambulance, and the ambulance – the only one they had in Trepassey – left and went to Ferryland. In Cape Broyle, 20 minutes away, there are two ambulances. I guess they might be gone, not responding, or whatever the case, but the ambulance actually came from Trepassey. So now they're left without an ambulance and it's definitely six to eight hours.

Another call today of an ambulance needed in Cape Broyle, a thousand feet away from them is an ambulance just sitting there, not manned – two ambulances gone and a gentleman had to wait an hour and a half for an ambulance to come get him.

It is time for the government to start looking at this ambulance situation and start listening to the people and get this rectified. It is not acceptable what's going on here with this ambulance issue. It is not acceptable and it is time for the minister – I'd like to know who's running this department; is it the ambulance owners or is it the government? Because it is not acceptable what's going on and it's time for the government to get down and look at it.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Mr. Speaker.

I would just like to respond to a petition that was read into the House earlier today about the diesel plant in Mary's Harbour. I want to thank the

Minister of IET for meeting with the Town of Mary's Harbour a few days ago. I want to thank the CEO of Hydro who has met a number of times and who has agreed again to meet with all of the communities in the area. The PUB have agreed, based on Hydro's request, to hit the pause button as we move forward with further consultations, Speaker.

I just want to say I was really, really taken that the unaffiliated Member for Lake Melville would bring a petition to the House with three signatures from Topsail Road. That is not representing or on behalf of the people of Labrador.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

Orders of the Day

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

I call Motion 1.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Speaker, I move, seconded by the Deputy Government House Leader, that under Standing Order 11(1) that this House do not adjourn at 5:30 p.m., today, Monday, November 15, 2021.

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 Government House Leader.

S. CROCKER: Thank you, Speaker.

I call from the Order Paper, Order 6, third reading of a bill, An Act To Amend The Corporations Act, Bill 24.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Mr. Speaker, I move, seconded by the Deputy Government House Leader, that Bill 24 be now read a third time.

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.

CLERK (Barnes): A bill, An Act To Amend The Corporations Act. (Bill 24)

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

On motion, a bill, "An Act To Amend The Corporations Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 24)

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

I call from the Order Paper, Order 5, third reading of An Act To Amend The Automobile Insurance Act, Bill 23.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

I move, seconded by the Deputy Government House Leader, that Bill 23, An Act To Amend The Automobile Insurance Act, be now read a third time.

SPEAKER: The hon. the Member for Lake Melville.

P. TRIMPER: Thank you, Speaker.

I just wanted to make a little comment here and it's a bit of a personal one. I think there are at least three Members of this House of Assembly who will recognize, but during second reading I spoke to the team and the staff that have been involved in this bill coming forward and a lot of people need to be thanked, but there's one person I overlooked and I did want to introduce her name to the record and that's Madonna Pitcher who served as the administrative assistant to the minister through all that. I would say her calm demeanor and her professionalism through some very challenging times actually contributed greatly to the success of this bill. I wanted to introduce her name to the record.

Thank you.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Carried.

CLERK: A bill, An Act To Amend The Automobile Insurance Act. (Bill 23)

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 Automobile Insurance Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 23)

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

I call from the Order Paper, Order 4, third reading of Bill 24.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

I move, seconded by the Deputy Government House Leader, that Bill 22, An Act Respecting Off-Road Vehicles, be now read a third time.

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

E. JOYCE: Thank you, Mr. Speaker.

I'm just going to speak for a few minutes on this, on the off-road vehicles. I've been asked by the constituents I represent to bring it up as many times as I can, and this is another opportunity speaking in third reading.

I won't take the full hour to speak about it, but I'll just again raise the concerns. I just presented a petition to the House on behalf of the residents. It's not just the Humber - Bay of Islands; I have petitions here from all over Corner Brook, all throughout Pasadena, all through Deer Lake, down the Northern Peninsula on this also.

This is just not an issue concentrated in the Humber - Bay of Islands area; it's an issue all throughout the province. Their concerns, two of them have been addressed but the third one, they asked me again as I presented a petition today with hundreds of names on the petition saying yes, they are from the Humber - Bay of Islands – you don't have to go check them, but they are from the Humber - Bay of Islands.

The concerns that they have is more of a safety concern when you have a helmet on. Their vision is obstructed, the heat, noise, the hitting off the top of the roof, Mr. Speaker. What you find is there are a lot of people, older people – some younger people but mainly middle age and older – went out and bought these vehicles just for that reason, for safety. That's why they went out and purchased those vehicles is to be safe and to get the safest vehicle.

I'm not sure, and I don't know if the minister can respond to this, but I had a couple of emails to this. Mainly with the factory-sealed vehicles, they started coming out in 2015-2016 and they

advanced on from there. In the minister's statement, the minister was saying that a lot of the review went back to 2015-2016 when, by that time, a lot of these vehicles – the improvements had been made over time for these types of vehicles.

That's something that was brought to my attention. They asked me to bring it up in the House of Assembly and I will. I'll let the minister respond if she feels there's a necessity to respond to it, but they asked me to bring it up and I will.

I'll just end there, Mr. Speaker, just to again reaffirm that there is a major concern with the use of helmets throughout the province in factory-sealed vehicles. There are safety concerns that were brought to the government's attention. I know the minister has received many emails; I know the Premier has received. I was copied on a lot of emails and I know the Members opposite on the government side received a lot of emails also on this, as I was told by numerous people who sent emails.

It is a major concern. As I said before, if it's in the regulations I take the minister to the word that she said she will give it serious consideration in the regulations not to include the helmets. The most you can do is take that and trusting that the information that was brought forth and with the number of people who have concerns about it, with the factory-sealed vehicles as a safety feature. This is why a lot of them bought these vehicles. A lot of these vehicles aren't those fast vehicles that you see in the movies; these are slow-moving vehicles.

Like they said they purchased these vehicles, very expensive vehicles, which is great for the economy of Newfoundland and Labrador. They purchased these vehicles to be safe.

I just take the minister to her commitment that she will give it serious consideration in regulations. People ask me – and I can only give a timeline; the minister can answer this if she feels – when do they expect to have the regulations completed because it is an extensive bill. Like I mentioned to people, usually in a smaller bill – regulations, but this is pretty comprehensive. As we all, on this side of the House – I know myself, except for that part, it's

a great piece of legislation. There was a lot of work done on it.

I just wanted to recognize that there was great work done on this bill. It is very extensive; it will make it safer for the people of the Province of Newfoundland and Labrador, except for those helmets that were raised on numerous occasions.

So I don't know if the minister can, or if it's possible to give any timeline when the regulations will come in. But I did tell the many people who asked me about the timeline for the regulations that it will be hard to determine because of the size of the bill and how extensive this bill was. I usually say it's six months to a year, somewhere in between or later, because of – and it depends on how extensive the bill is. This is an extensive bill.

I don't know if the minister can shed any light on that now or we'll just wait for the regulations to come out. I thank the minister for her serious consideration of removing the helmets from the factory-sealed vehicles.

Thank you, Speaker.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Carried.

CLERK: A bill, An Act Respecting Off-Road Vehicles. (Bill 22)

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

On motion, a bill, "An Act Respecting Off-Road Vehicles," read a third time, ordered passed and its title be as on the Order Paper. (Bill 22)

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

I call from the Order Paper, Order 2, third reading of Bill 16.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

I move, seconded by the Deputy Government House Leader, that Bill 16, An Act To Amend The Securities Act, be now read a third time.

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.

CLERK: A bill, An Act To Amend The Securities Act (Bill 16)

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

On motion, a bill, "An Act To Amend The Securities Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 16)

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you very much, Speaker.

I call from the Order Paper, Order 3, third reading of Bill 18.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

I move, seconded by the Deputy Government House Leader, that Bill 18, An Act To Amend The Lotteries Act, be now read a third time.

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you, Speaker.

I'm really pleased to be able to speak another time with respect to this important legislation. I'm only going to speak for a brief period of time, but I do want to – just by way of summary and review – indicate a little bit of the history in the last couple of weeks, how this act has worked its way to where it is today.

We, in the Official Opposition, in particular the Member for Stephenville - Port au Port, who initially started in response to the Minister of Finance's introduction of the bill; he made some comments. As well, the Member for Conception Bay South and I, as the particular critic for Justice and Public Safety, had some interesting, I think, points that we had to make in debate with respect to the concerns about this legislation.

This Act to Amend the Lotteries Act, some of the themes throughout this act that were of real concern to us in the Official Opposition primarily involved the limiting of rights that the bill could impact, the rights of individuals with respect to class action suits. With respect to that concern, we don't like to see individuals and groups of individuals who want to access the courts, have their right to do that being limited as it was. That was one of the big issues for us.

I know in response the Minister of Finance had indicated each individual has rights to sue. To me, that's really a limited right because many of the individuals who are impacted by this particular amendment are people of limited means because they suffer from gambling addiction. They don't have the ability; they don't have the funds to launch an individual lawsuit. As we know, it can be very expensive. That really isn't a legitimate response. Now, I know there's also the avenue that an individual could go after the manufacturer. That, again, is still of limited ability.

That is one of the biggest concerns that we had but I guess what really, in addition to restricting individuals' rights in the courts, we know that there is a judiciary that has already addressed this issue. The judiciary with respect to the Babstock case, the Supreme Court of Canada, the Supreme Court of the land, has already addressed that issue and stopped it basically in

its tracks, so that there was no means for this class action to be certified.

With respect to the government saying we had to protect the rights of the taxpayers, that they could be exposed financially, I'm not sure that really is a persuasive argument, given we know that the lawsuit was stopped. Now, maybe there may be other means by which other lawsuits could be launched, but I'm not sure, I'm not an expert in terms of class action lawsuits. Maybe that's a risk but, again, we don't know what that is.

As the act started to move through in debate and everything, we, as the Official Opposition, were concerned and said: Well, we need more information about this and we need to understand this just in terms of that piece. That's just with respect to the legal piece. We're a Legislature, we are legislators; we're not the judiciary. The judiciary has a very important role to play in our government. There are three branches in our government: it's the judiciary, it's the Executive Branch and it's the Legislature. So let's let the judiciary do their job. Let's not try to intervene or interfere in that. We have our role to play here as legislators and I think that's what we should be doing, what we're doing now, debating the legislation.

One other really important piece that was brought out, it was initially raised by the Member for Stephenville - Port au Port and then the Member for Conception Bay South, with respect to the impact that this kind of legislation, the *Lotteries Act*, has on individuals in our community. That's what we want to understand better and that's why we need to have more public education and more debate. Let's involve the public, let's involve other stakeholders, whether they be people that work with individuals who are suffering from gambling addiction. Let's hear from all of these different people in our society who can better inform about this legislation, the *Lotteries Act*, and that's what our concern was.

We're rushing through, almost, this legislation without really having a careful analysis, a critical analysis. We don't expect every piece of legislation to have that kind of rigour in terms of debate; that's not what we're asking for. But when we're asking for a piece of legislation, like

the *Lotteries Act*, that impacts so many people – we know in the Babstock case there were 30,000 individuals who joined in that class action suit. These would've been individuals that were impacted by gambling, that perhaps suffered for gambling, that perhaps lost their livelihood and lost their savings. If nothing else, people in that situation deserve to have us, as legislators, look at this very, very carefully.

I recognize what the Minister of Finance said, you know, the majority of people can game, they get involved in gaming and they can do it responsibly and perhaps they're not impacted. But I don't know what that statistic is and if we look at this closer we'll find out, we'll find out really what the impact is. We're not saying that gambling is not something that can occur in our society responsibly. I mean, there are many people that enjoy it and want to have that choice, but we need to ensure that there are safeguards and ensure that there's help there. I know we have helplines and there are mental health supports out there. But, really, what's there for gambling? I mean, I think there's a lot more that can be done here for people who suffer from gambling addictions.

I know that perhaps every one of us, the 40 of us here as elected Members in the House of Assembly, have been impacted and knows someone – if it's not in their family, their friends or neighbours – that really, really are left very destitute and in a very bad way because of gambling. We owe it to them and we owe it to the people that we represent that we really do a good analysis. That's why we in the Official Opposition are very, very pleased that the government has agreed to look at this and agreed to an all-party Committee.

I think that really needs to be emphasized. It was our suggestion here in the Official Opposition: Let's look at this, let's really look at this and let's get all parties, the unaffiliated Members, Members from the Third Party, Official Opposition and government, all representing our province. They can each bring their own perspectives, the people that they represent and the experiences that people have had as a result of gambling to better enhance and better improve this legislation.

We were really pleased and I think that's one of the things I, as an MHA, am very pleased about throughout this whole session. If there is anything to be proud of is that we were able to work together to come to a common ground as people that represent individuals in our province and we were able to agree on that. I think that's what the people we represent want to see. They want to see more of that.

That's not to say that we in the Official Opposition – we have a very important and necessary function as critics to challenge government. That's why we have Question Period, to ask the important, legitimate questions and to keep the government's feet to the fire, if you will. That is a very important role. It's one that we have to and do take very seriously here in the Official Opposition. But there are times, and especially in these difficult times, when we see in the health care and what's happening with our health care crisis that I think the public and the people in our society want to see us work together to improve the conditions of people that we represent.

This amendment to the *Lotteries Act*, I think it was really good to see something very positive come out of it because now we will have an opportunity as an all-party Committee, and there will be representatives from all of us, to inform on this, to educate and we will have an opportunity to hear from people that are affected and that suffer from gambling addictions. They are the best people, perhaps, to tell us. I mean, I spoke to someone just this week, while I was at constituency week, who told me about VLTs. I've never played a VLT in my life; I don't know what it's about. But they explained to me how addictive and some changes have been made over the last number of years that are not good. We can hear from people, not only experts, but people who experience the machines to try to improve so that we're helping people that are negatively impacted by gambling.

Again, in conclusion, I just want to say I think it's a step forward because I know a lot of work goes into an all-party Committee, and so we're really pleased that the government agreed to that. A lot of work is going to go into that. But you know what, it's going to mean that we are performing the function that we have, the democratic process of having a Committee

where we're working together. It's not as adversarial as it sometimes is. It's working together, collaboratively, to make something better, to make legislation more responsible, worthwhile and representative of the needs of the people that we represent.

On that, I'll close and thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

P. LANE: Thank you, Speaker.

I'm glad to have the opportunity to speak to this bill again today. I would also say that it is good to hear that there are some plans for what has been referred to as an all-party Committee. I certainly hope it will be a Select Committee, given the fact that there are actually twice as many unaffiliated Members as there actually are in the Third Party. No offence to my colleague, but it is what it is. I certainly hope that it will be a Select Committee and that there will be some independent representation.

With that said, Speaker, I just want to again reiterate some points that I did make during the debate a week or so ago. While it is fine that we're going to look at this issue, going to look at possible changes and concerns as it relates to gambling in the province – and that is a good thing – it does nothing to change this particular bill.

I cannot, in good conscience, support this bill, given the fact that when you look at the damage that has been done by gambling to so many people in this province – including Mr. Babstock, who I know personally. He was a former constituent of mine and long-time family friend, I would say.

There are many other people like him that found themselves in desperate straits as it relates to gambling, particularly as it relates to VLTs. Again, I have to say for the record I find it very hypocritical of us to support a measure that would strip away the rights of somebody with a gambling addiction while, at the same time, we are party to a class action lawsuit of our own

against tobacco companies for creating an addiction.

Just think about the irony, Speaker, around that. We're saying that tobacco is an addiction. It is causing harm to our people and it is creating a cost to our health care system. Therefore, we're going to jump on board a class action against that. But at the same time that we're doing it, we're going to have another group of people who likewise have an addiction that is doing them irreparable harm – no different than cigarettes is to smokers – but we're going to shield ourselves because, in this case, we are the tobacco company. We're the ones who are making all the profits from this, so heaven forbid we can't have anybody who becomes addicted to this and their lives are ruined and we can't have them have the right to participate in litigation in the form of a class action, but we can be involved in it against the tobacco companies. It's total hypocrisy – total hypocrisy. I just can't be part of it. I can't be part of it; I won't be part of it.

I understand the minister talking about trying to protect the public and that's what makes it somewhat of a moral quandary. I do get that. But I look at the harm that has been done and will continue to be done. I also look at the fact that people's rights are being stripped away. I know my colleague from Harbour Main talked about it and we talked about it last week or week before last, the minister's commentary that individuals still have the right to sue. And they do; I accept that. I accept that they do, but the reality of it is they may have the right to do it on paper, but do they have, from a realistic point of view, somebody who is down and out now, who's lost their house, who's racked up all kinds of debt, where are they getting the money to pay for a lawyer to sue on their own. Someone could say maybe they'd do it pro bono or whatever. What lawyer out there is going to take on a case with one individual trying to sue Atlantic lotto when you look at the returns that that lawyer will get?

The reason why lawyers take on class action is because then they can sue for millions and millions and millions of dollars and then their 30 per cent or 40 per cent is substantial and it's worth their while to be tying it up with the courts for two or three or four years, however long it takes, because the reward at the other end

is great, the money they will receive, their share. But no lawyer is going to take that on for years, to sue on behalf of one individual pro bono. It's not happening. It's just not realistic. That's why I find it so difficult and I can't support it.

I will say this as well – and this is a new point because one of the things that got kept thrown out the last time we were talking about this: repetition, repetition. This is something now that I didn't raise before. I don't think anyone did, which I feel is absolutely new and relevant, by the way. That's the fact that right now that ability is there to sue in a class action – albeit, it's been tested by the courts and the court said that Mr. Babstock's class action was thrown out, didn't meet the criteria or whatever it was required to do. It was thrown out by the courts. I understand that maybe if there was another attempt and it was worded in a different way or there was different information, perhaps the fear is next time it could go through.

But one of the comments that were made and the minister did respond to is the fact that we talk about fair gaming. The minister talked about these fair gaming practices that are being used. I think there's an argument to be made whether how fair is fair gaming. But let's just say that by whatever standard, whatever that yardstick is, we have fair-gaming practices and that there are warnings about the addictiveness of gambling. I don't play the machines, so I don't know if there is or not. I never saw anything. I had suggested there should be a big sign there, warning you the same as the black lung on a cigarette package. But someone did say, oh, they do warn you. So maybe there's something pops up on the screen for a second that says that this is addictive. I don't know if there is or there isn't. Maybe there is.

But the point is, regardless what is in place right now – and I heard the minister, I think, talk about the limits, like \$2.50 is the maximum you can bet at a time or whatever. Fair enough, right? But if we removed the right for class action lawsuits – so let's say that happens. Let's say this gets passed; it gets moved. So what's to stop, then, the lottery corporations who maybe – I'm just saying maybe because I don't know – in the past said, well, we have to adhere to these fair-gaming practices or these responsible-gaming practices because if we don't, we will

cross that threshold where someone like Mr. Babstock would be successful in his lawsuit.

But now that we've put in legislation to remove that deterrent, what's to stop Atlantic lotto, then, six months down the road saying, you know what, instead of \$2.50 a bet, let's up it to \$5 – nah, let's do 20 bucks a bet. Instead of having the games going for four hours a night or at a time or whatever the rule is on it, let's go 24-7. Instead of having four machines in the club –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

P. LANE: – let's have 104 machines in the club.

I'm not saying they're going to do it, but the point I'm making is that one of the arguments that was presented was the fact that Atlantic lotto has responsible gaming practices in place and my only point is if you remove the deterrents of a class action lawsuit and now you can't sue them, then what is to stop them in six months from now to change those practices and start having more machines; having the machines operating longer periods of time, allowing you to bet more often, taking any warnings that might be on the machines, removing all that and having a free for all, given the fact that we know that no matter what they do, we can't sue them anyway?

I'm not saying that's what they're going to do. I'm just saying that that's being removed. Unless I'm missing something. Perhaps there's somebody here – the Minister of Justice over there is listening intently. He's a lawyer, so he understands all this stuff. I see him nodding his head in agreement and very engaged in all this. So perhaps he might be able to comment on that.

But I think it's a fair point. I think it's a fair point to say that if we currently have fair gaming practices in place, which may indeed be due to the deterrence that exists that somebody could sue and be successful in their lawsuit, if it was shown that fair gaming practices were not in place. Well, if we remove that deterrence, what is to stop them after the fact to say: Do you know what? We can't be sued; we can do what we want, and make them even more addictive.

Because, again, I heard someone talk about you could sue the manufacturer. Now, I'm no expert on these machines, I'm really not. Again, I could be wrong, I stand to be corrected, but my understanding is that the person who's making the machine can program that machine whatever way you want it programmed. They're not the ones who are programming it, for example.

I can't say for certain how it works here in Newfoundland and that, but I know, for example, I can remember I was in Las Vegas a couple of years ago and talking to one of the guys there at one of the places we stopped into and asking him about it. They had the machines at the bar, built in to the bar top, type of thing. Buddy was telling me, at least down there and it might be different here, that they could program those slot machines or whatever to allow you to win more often.

So some places, in order to keep people drinking at the bar, they could program that machine so that you're winning more often. You lose in the end because the machines, obviously, they wouldn't make money if you were winning. Obviously, the house always wins, ultimately. But they could program those machines so that you could win more often or you would lose more often.

Certain businesses, depending on if they were trying to – if it was a wildly popular location and there are lots of people coming in gambling and whatever, they would have it so that you wouldn't be winning a whole lot, as long as people kept on going. But then you had other places where business was slowing down or whatever or they were kind of off the beaten track, they could program their machines so when you played you would win more often than you would lose; therefore, the locals would keep going there to that bar buying drinks because they were winning a bit of money or not losing as much money.

That wasn't the manufacturer who made the machine like that. That was them being able to program the machines, to adjust them in terms of wins, losses and so on. I'm assuming that that same idea would apply to Atlantic lotto machines in terms of those things.

Of course, we know that there have been all kinds of studies done on these machines in terms of the flashing lights, the bells or whatever that go off. Sometimes you hit the button and you think you're winning because the machine makes a (inaudible) kind of sound, which makes it seem like you're winning and you probably did. You bet \$2.50 and you won 50 cents, so you actually lost \$2. You didn't win anything but the machine gives the impression by the bells and the flashing lights as if you're actually winning something, when you're actually not winning.

These are all things that are in these machines and are done. There have been people who studied these machines to try to make them as addictive as possible, actually, to attract people and to keep people playing.

There are some controls on this stuff that can be controlled by the owner of the machine or the operator of the lottery and so on. Again, I would submit that having it in the back of their mind that: B'ys, if we're not being responsible here and we're not careful, we could open ourselves up that a lawsuit would be successful against us. That is a deterrent. Now, we're going to take that away. I think that's an important point.

Anyway, Speaker, those are the points I wanted to make about it. I still have that concern. I can't support it. I will, again, conclude by saying that gambling is a very sensitive topic, very controversial with some. There are people who gamble responsibly and so on. They don't have issues. There are people who have suffered tremendous loss, whether it be financially, have lost their homes, have gone into debt. Marriages have been broken up. There's been all kinds of issues, right to the extreme of – I think I spoke a couple of weeks ago about it – a person who actually committed an armed robbery; lost his job, went thousands of dollars in debt and actually committed an armed robbery to get money because of the gambling addiction. So that's how extreme some of this can go.

While I won't be supporting this bill, I do support the notion of having Members engaged in a Committee, a study, whatever you want to call it, looking at these issues and trying to ensure that the practices that we have here in Newfoundland and Labrador are responsible and protect everybody.

I hope, once again, that it will be actually a Select Committee and that there will be representation from the independent Members here as well, because nobody reached across the aisle to anybody here – check with all my colleagues – about this. So this is kind of news to me. Perhaps not surprising, but, anyway, it is what it is. I hope that all Members are going to be included.

I will conclude my remarks with that, Speaker, and again just say that I do understand that government is trying to, I suppose, protect the province from any potential litigation. The fact of the matter is, is that it has been tried. It was turned down by the courts.

My biggest point, my biggest moral dilemma here is that I feel that to be part of a class action lawsuit against tobacco companies, while at the same time preventing people from suing with gambling addictions on the other hand, would be totally, totally hypocritical. So I can't support it.

Thank you, Speaker.

SPEAKER: Any other speakers to the motion?

The hon. the Member for Lake Melville.

P. TRIMPER: Thank you, Speaker.

First of all, I want to thank my independent colleagues, Members of the Third Party and those others who have spoken to their concerns around this bill.

When this bill was first tabled I thought I was going to be the only one speaking to it during second reading and I was very pleased to see the various comments and the various, frankly, reflections of what so many of us are feeling as an MHA with many constituents who are battling with this problem. That was good to see.

On the particular Thursday that we were speaking to it I had to leave early for a flight to Ottawa, but I want to thank my colleagues for continuing to make the point to government of the unfortunate decision to proceed in this manner with this bill. It's going to be difficult for us to stop what's happening here, but we certainly are going to take this opportunity to make our points.

As my colleague from Mount Pearl - Southlands just said, there's no problem here in finding ways to avoid any repetition because I can tell you my office has been filled with comments, whether it has been people calling, sending me emails or people I've met on the plane in the last week or so since this bill has come and their stories, and that's some of what I wanted to read into the record here this afternoon and point out some of the problems.

I did want to reference my colleague from Harbour Main and her comments. I had reference to it and I compliment her on the comments that she had made during second reading. I just wanted to read a couple of them into the record. She said: The legislation is of grave concern to the Members of the Opposition. From a legal perspective, the legislation, in essence, is an attempt to legislate away rights, the rights of individuals to join in a class action lawsuit. In essence, it is restricting access to justice that basically is a very, very concerning violation of one's fundamental right to have access to the courts. I've heard others speak about the executive, the Legislature and the judiciary and the importance of us not losing track of what we are all doing. We are here making laws; we're not interpreting them. I'm very concerned, as she rightly pointed out, that we are denying justice.

One of the reasons why I'm fixated on this problem and wanting to continue to speak to it is that as I speak to those who are either battling this addiction or who are family members and loved ones of those who have a gambling addiction, especially when I'm talking about video lottery terminals, there is something going on here that is, I will just say, sinister. When you hear people talking about these happy tunes, these happy music, the little jingly sounds that are going along with you as you're watching your paycheque disappear at essentially one sitting. The addictive nature of someone driving by any kind of building, frankly, which has a VLT in it and just the draw, the lure and the attraction that they can't even drive by the place. There is an element to the addiction here that maybe we don't completely understand it, but I can tell you I've had people sit in front of me and talk about it.

Because of that I am very concerned that passing this bill is going to deny an opportunity for us to really get to the bottom of it. As with tobacco, as with OxyContin and as with some of these other situations that, frankly, our government has been involved in in the pursuit ourselves, science, health experts and others have identified a clear link between – perhaps an unintended or maybe not; I'm not sure – the consequences of us being a part of this whole institution of organized gambling. It's just something I feel we really need to think about in terms of limiting the ability of people to be able to ever seek any kind of recompense for what has happened.

As some who have reached out to me said, if people lose \$200 or \$500, that's their fault. Well, perhaps, and that is also not exactly what I'm talking about. I'm talking about people who, from paycheque to paycheque, find themselves at a VLT and sometimes playing more than one VLT. Frankly, many of them are playing several VLTs at a time if they are able to. The day in, day out drain on their own finances, and now what's happening and as I've learned – and I'll just go through and I'm going to be very, very careful about some of the parameters around these, but I do want to bring it into the record.

There is a woman, I'll just describe her, she's in the District of Cape St. Francis and her family contacted me. She's spending up to \$100 a day on scratch tickets. They've just discovered this. Just discovered her entire life savings are gone and now they're having to step in and pay bills. I'm not sure of their own means, but it was just one of the personal stories that somebody took the time to reach out and tell me. So many of the others, frankly, are on the VLTs, but I did have that one on scratch tickets. It's the same addictive nature.

What I feel is going on I think through so many of us is that it's like a below-the-radar problem that is so much more serious than we are giving this credit to. If we really think about it, some of the numbers I had was \$406 million a year is spent by Newfoundlanders and Labradorians on gambling. That's over a million dollars a day. I get this, (inaudible) again some addiction to our own situation. We receive, on the bottom line, \$130 million towards the revenue of the budget that we operate on – \$130 million. Man, you can do a lot with \$130 million. But guess what those

families could've done with \$130 million. Yeah, people put the argument out and they say: Well, maybe those folks would just spend it on some other kind of online gambling system and so on. Yes, perhaps; perhaps they would. But all I can tell you is that at least we would be out of this business. I don't believe this is a way for the Government of Newfoundland and Labrador to operate, by essentially setting up and being a part of a system that has ruined so many people.

Back in 2009 – that was the most current numbers I could find. I'm not sure through the debate; I've tried to catch as much of it as possible. In 2009, we had some 2,800 problem gamblers. Some of them I have, personally, as the MHA for Lake Melville, helped to get some of these people to treatment at our own addictions treatment facility here in the province. I just wonder: How many others are in need of that support and, frankly, are not receiving it? That \$130 million, that's not tied to help victims, that's tied to everything else that we've got to deal with as a government.

I'm not going to belabour the point, Speaker, but I wanted to get in there and I wanted to again express support for those who've spoken about this, spoken without any kind of political lens other than to represent the people who've been most hurt by this horrible addiction that we are unfortunately a part of.

Commenting about the all-party Committee that's coming and what it's going to do, I would ask that this party also put on its agenda: What can Newfoundland and Labrador do to get out of this racket? Because it is a racket. I'm also going to be opposing the passage of this bill because, frankly, I want to be able to look people in the eye and say: I did everything I could to stop it. I can only hope that you get the support that you deserve if this all-party Committee can actually do any of its work.

Thank you, Speaker.

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Speaker.

I'm not going to say a lot. We spoke the other night on this. I think I spoke five different times

that night just trying to draw attention to the fact of what was so wrong.

When I got elected to be an MHA, I was under the delusion – and I think a big part of it is the way I was raised. I was raised to look at the greater good. I was raised by my parents to make sure that people who were vulnerable were protected.

I saw that in my daily life, and I'm disappointed with this bill. I was really proud the other night when we stood and basically rallied to try to make this government accountable. We were called on everything. We were shut down and at the end of it; we were basically stopped from continuing to raise this issue.

I was talking to the Member for Mount Pearl - Southlands earlier today and we were talking about harm and we were also talking about residential schools. He asked me why was I –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

The hon. the Member for Torngat Mountains.

L. EVANS: One of the questions he asked was: You seem to be doing pretty good; so what's different for you compared to other people who have a lot of issues such as addictions and things like that? One of the things I talked about is both my parents went to a residential school. They were in a situation where they were vulnerable, without parental guidance and parental protection, and that's one of the things that they instilled in us.

I believe when you are the government, you have to make sure that your most vulnerable in the province don't fall through the cracks. With addictions, even good people become criminals. Good people spend all of their money. Good people actually neglect their children because of addictions. The biggest problem I have with this is they are removing the ability for a class action lawsuit. Why is that?

If you look at what's the purpose of a class action lawsuit and if you google it – because everyone has access to electronics now – this is one of the definitions that pop up and they're all

basically the same. I'm not a lawyer. I don't need to be a lawyer. Class action lawsuits allow groups of people to seek justice against a defendant who is accused of causing loss or harm to others through – and they list off all the things.

So I go back to a class action lawsuit allows groups to seek justice against a defendant accused of causing loss or harm. So why would we want to remove the ability for our people to seek justice? We're basically preventing them from seeking justice by removing this class action. And you want to know something? That is shameful behaviour on a government.

Then, you know, what was talked about a lot here today and the other night was about the class action lawsuit that was brought forward against Atlantic lotto. Douglas Babstock was named here many times as one of the people that put forward the class action lawsuit and it was about the potential of VLTs causing harming. More than 30,000 players had signed on to this class action lawsuit. They didn't succeed, but it was a very, very narrow margin that they lost. It was actually a narrow 5-4 decision that allowed the Supreme Court to side with the Atlantic Lottery Corporation.

One of the things that I think is important to mention and I didn't hear it before, in that class action lawsuit, the plaintiffs who were bringing forward talking about harm, claimed the VLTs are inherently deceptive and are electronically programmed to create cognitive distortions of the perception of winning, which is what my fellow MHA was talking about: the cognitive distortions.

We hear a lot of about that; but do you know what this is all about? It's about taking money from the pockets of people – families, citizens. Talking about ruining lives. At the end of the day, we all know that class action lawsuits is there as a deterrent from causing harm or loss. When you look at these lawsuits, why remove it?

Also, they narrowly lost at the Supreme Court but the claimants won their case at both trial and the Newfoundland Court of Appeal, only to lose. So is this government worried about – in actual fact, do the citizens of Newfoundland and

Labrador have a legal right to sue and win because of the harms done? Is this a cover up, really, honestly? Is this a way to cheat the citizens from having access to the legal right to seek justice?

AN HON. MEMBER: (Inaudible.)

L. EVANS: Do your point of order, buddy; I don't mind if you kick me out because, at the end of the day, somebody got to speak up for the vulnerable people in this province. We can't allow the government to do this to people. And do you know something? Remove it for gambling, what's the next thing? Against automobiles, against manufacturers of drugs? This is a slippery slope. That's why we spoke the other night.

I've got to tell you, it was really disappointing to hear the words shouted at us that what we were doing – standing up for the people – was shameful, shameful behaviour. That was actually directed at us because we were challenging the government on this.

At the end of the day, who is going to look after the people if the government turns their back on our vulnerable people? And how much money is this government making on the backs of people who are gambling, \$120 million –?

AN HON. MEMBER: One-thirty.

L. EVANS: Yeah, \$130 million. In actual fact, at what cost? When you have a family that's raising kids to be productive future citizens of our province, to have all that thrown away, to have them lose their houses, have them lose everything because of the system that's rigged against them. At the end of the day, people have to speak against it.

The minister actually did say 0.7 per cent is problem gamblers. So does that mean only 0.7 per cent are problem gamblers? Because in actual fact other provinces quoted up to 1 per cent. At the end of the day if somebody is a problem gambler, everybody suffers. They suffer, their families suffer, their children suffer, their parents suffer, their relatives suffer and their friends suffer.

It goes back to Judas money. At the end of the day when you're stealing money from the most vulnerable, it's not right. Mr. Speaker, I'm going to end it there.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

I would assume, Speaker, if we're removing protections, there should be adequate protections in place. So this weekend, I checked out the Atlantic Lottery Corporation and saw their site. Of course part of their mission is that they're pleased to fund non-profit or charitable organizations promoting responsible gambling initiatives in our communities. You can see what the purpose of the Atlantic Lottery Corporation is. It's to promote responsible gambling. Gambling, nevertheless, is what it is.

What I found difficult to track down are actual supports for those with problem gambling. Now, they do have a small section there: gambling support resources. If you or someone you know has a problem with gambling, help is just a phone call away. We've heard that one here in the House of Assembly for a number of departments.

I called the number, which I understand is also on the side of the VLTs. What I got was the crisis intervention team wondering how I got that number. I told them where I got it – how I ended up calling them. They gave me the number to call, which was the same number I just called.

Now, I had a wonderful conversation, Speaker, with the gentleman there but he could not direct me to anything with regard to gambling, support for problem gambling or if I was suffering a gambling addiction. But he did recommend that I contact the Recovery Centre, which I called on the weekend and again this morning.

At that point, really, the person who answered, a very helpful person, said, no, we really don't deal with gambling counselling or for addiction,

along those lines, but they did recommend that maybe I go to Adult Central Intake or call DoorWays, which I did. Of course, you have to leave a message. Sounds familiar. I asked if there is a gamblers anonymous and the person was unable to tell me.

So here's the issue I have, on one hand we are basically promoting and supporting an organization that its function is indeed to promote gambling, but it's doing a pretty thin job of protecting those who might be problem gamblers or providing the support resources. Actually, when I checked out some of the sites of the other provinces, Speaker, with regard to gambling supports, the other websites seemed a lot more robust than the Newfoundland and Labrador website, that's for sure.

On one hand – and this is the concern you've heard me speak about here – it's great for the people who can walk into a casino, can walk into the VLTs, who can buy the lottery ticket every now and again and walk out, but the cost to individuals who have that addiction or who are dealing with other issues are far-reaching. They are the unprotected. They are the vulnerable.

If indeed a person felt that they had been victims of gambling; that they were played upon; that they lost their home, their family, whatever, what is the protection they have to take on the case themselves? In many cases, that's going to victimize them again because they won't be able to do it, which is why, for the most part, class action lawsuits do exist.

If you look at some literature on it, Speaker, class action is often considered to be an effective means of policing corporate behaviour and the assurance that the injured victims will be compensated in the most efficient manner.

Why corporate behaviour? The Atlantic Lottery Corporation, because they have at their disposal huge sums of income that they can use to defend themselves, they have experienced legal teams, you might say the game is tilted in their favour. So, to me, a class action at least levels the playing field.

It is interesting, in a CTV article on this in 2019, it's here that in Ontario the loser pays the legal

cost of the defendant. Here is what they found: In that process, there are many community groups that said they probably would have launched class actions to advance anti-poverty or human rights matters but they just couldn't take the chance of paying costs. I would suggest that for someone who is filling an individual lawsuit, that would be the risk as well, that they would be on the hook as well.

So think about this then, we're going to allow individuals to take court action, put them on the risk of – if they can afford it to begin with, but they are going to find themselves possibly on the hook, not only for the legal costs of their own lawyer but for the defendant as well.

In the end, I won't repeat too much but I will emphasize this, for many people there are other issues at play: Mental health issues maybe related to poverty, maybe related to food insecurity and housing insecurity. There are many people who, for whatever reason, will find in that gambling a source of, I guess, forgetfulness that they lose track of time; that for the moment, they live in that moment; what some people call the dark flow of becoming totally engrossed in the VLT or the gambling in front of you and forgetting everything else in your life. If you're dealing with some other issues, then, yeah, I guess gambling is going to become a drug of choice.

Again, I'll go back to – I've said it before here – many school counsellors I would speak to would often say that underlying just about every addiction, there's a mental health issue. The drugs or the addiction is a way of self-medicating. It's not always drugs. In this case, if you're going into and you get hooked on, as a result, the slot machines or the VLTs, yeah, you will forget your problems. But, in the process, you might very well ruin yourself, financially. You might very well destroy your family, you name it, your job and so on and so forth.

At some point, we've got to recognize that that is a very real consequence, just as much as we realize the consequence of smoking to our health care system, of drugs to the health care system. In many ways, if we can recognize it and how that affects the province, I think we have to recognize and offer protections to those who are vulnerable.

What I can see, Speaker, is that calling the 1-800 number on the side of the VLTs or on the Atlantic Lottery Corporation is a pretty weak-kneed response by the government and a poor excuse to say that we are actually looking after – we've got measures in place. Because from what I can see, the chances of winning at a VLT are probably greater than finding the help they need by calling the number.

So, in many ways, let's make sure that whatever we do here – this will probably pass. But, to me, I look at the people who I help in my district. They are vulnerable, a lot of them, the ones who call in. In many cases, yeah, it's related to gambling and there is a reason for it.

I just cannot support legislation that basically takes away protections in the form of a class action for those people.

Thank you, Speaker.

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

E. JOYCE: Thank you, Speaker.

I'm just going to spend a few minutes again to speak on this bill. We spoke on this several times before, but I just wanted to pass on my concerns about the bill. Also, as I heard a lot of people speak about, is why the need to take away the rights of the people of the Province of Newfoundland and Labrador if a class action is so available to them.

It was mentioned earlier that the Supreme Court of Canada already stated there's a very small chance of even succeeding, even if there is a class action, even though it was mentioned in this House that people can sue the manufacturer of the machines. I know if anybody went to buy any piece of equipment today, they can say, here's what I want. They'll make it up. It's disingenuous when you say you can sue the manufacturer when the manufacturer adheres to the specifications of Atlantic lotto.

I won't repeat all the comments that were made here today, the great comments about a lot of the people are vulnerable, that operate the machines, and the ones that aren't that become addicted will soon be vulnerable to a lot of other loss of

income, loss of home, loss of marriage. So it is a devil in disguise because it does help the province, as the minister mentioned, about \$130 million in revenue in the Province of Newfoundland and Labrador.

We could always discuss how the money is spent. It was always an issue back when it first started and then you get used to the funds coming in from Atlantic lotto. But the big issue here today is taking away the rights of individuals to have a class action lawsuit against the Atlantic lotto. I heard the arguments made across: Well, the other three provinces did. I also hear the argument on many occasions that we should be the leaders.

I just find it strange that sometimes when people use the argument that the other three provinces are doing it, therefore we have to join in; but when we do something that's a bit different from the rest of the Atlantic provinces or Canada, you say, oh, we're leaders.

So why not be leaders in this? Why can't we stand up for the rights of individuals in the Province of Newfoundland and Labrador? That's the concern that I have with it: We're taking away the basic fundamental rights of any person in Newfoundland and Labrador who feel – we know how the machines work. We hear it all the time on how gambling addiction becomes prevalent. We know it. We just heard from the Member for St. John's Centre calling in, just seeking what kind of help is available. I don't need to go into that discussion.

The basic thing for me is taking away the rights of individuals because the other provinces have done it. That is the bigger issue for me. If we, as a Province of Newfoundland and Labrador, can't defend the reason why we're involved with Atlantic lotto – so if we can't defend it, we're going to take away the rights so they can't go to court, I disagree with that totally. It's a fundamental issue for me and I'll be voting against it.

The other thing I heard that there's going to be an all-party Committee set up. Again, I mentioned there are four independents here. We are independent, absolutely no doubt, but I'm sure that we can come together to say who's best here to get on this with the best skill set to be on

this to sort of keep the other people informed of what's happening and our concerns.

During COVID when there were issues and there was an all-party Committee on COVID, I know the Member for Mount Pearl - Southlands we chatted every day before a meeting about concerns that I had that I could bring up at that meeting.

It do work because instead of trying to say everybody should be on it, all of us should be a part of it, I'm sure that as four individuals here and as four responsible people that we can come to a consensus to put one on it to ensure that all of our views of all the people of Newfoundland and Labrador, which is what an all-party Committee is supposed to do is hear as many views as possible throughout the Province of Newfoundland and Labrador and to take all views into consideration, take all facts into consideration. We can definitely use that avenue and would be great.

I call upon the Government House Leader to ensure that there is a person from the independent group here to be on that. If not, there will be four districts here, somehow, that will not have their concerns raised. Then if you take that a step further, it would be hard for the government and whoever to come out and say we have a consensus from the all-party Committee when actually it wasn't an all-party Committee.

That's just something else I'll throw in there. The reason for that, Speaker, is to ensure that we get the best information possible for all the people of Newfoundland and Labrador to ensure that when we supply information to an all-party Committee that it reaches every corner of Newfoundland and Labrador, that every spirit that it possibly could reach and that we can ensure that when the legislation comes back to the House, anything we can do, that it's going to be the best piece of legislation possible. So that we all could stand in agreement and say we did the best we could.

But right now, as it stands, to go ahead and take away the rights of individuals, I can't support that, Speaker. That is a fundamental issue for me. I just hope that the government, before this is enacted, will have a very extensive

consultation on it and we'll come to a consensus that we can hopefully not take away the fundamental rights of people of the Province of Newfoundland and Labrador. We want to ensure that we keep the rights of Newfoundlanders and Labradorians.

This is very addictive. We all know it. We all hear the stories about it. I don't know if there's a person in this Legislature that hasn't had a story about it or know somebody who's been affected by it. I don't say there's a person in the Legislature didn't have a call on it.

So we must give them that option. I know the Member for Mount Pearl - Southlands also brought up the point about here we are suing the tobacco companies because it was harmful. Just on a point on that, and I'll bring that a bit further for the Member for Mount Pearl - Southlands. It took almost 50 years to finally get it proven that tobacco was addictive, what they were putting in tobacco. Took almost 50 years, or even longer.

I remember back when all that started probably in 2002-2003 when we joined in it and going to do it, they finally had the information going back 40, 50 years. All the documentation then when you the emails and what was put in the cigarettes to make it addictive and things like that, that's how far you go back.

So if we take away these rights of these individuals, Newfoundlanders and Labradorians, if 10 years down the road we find out the information that was given to us was inaccurate, they're left high and dry. So if we're going to use the same level and the same degree of thought if we're going to sue the tobacco companies when we know there's 40, 50 years of information that people were being misled and we're going to take away the rights of the people now for about less than 20 years, it's fundamentally wrong. It's fundamentally wrong for us to do that, because there may be information come out in 10 years' time, five years' time that we didn't know as legislators.

The same thing with the tobacco companies. Information came out that people didn't know at the time. When they go to the committees, there were a lot of committees that were held at the time and the information wasn't even presented to the committees. You can see the fallout of

that over the years on that where people were called back to membered committees in the US and Canada about information that was presented years prior. We should not take away that right for individuals.

I heard the Member for Torngat Mountains talk about the underprivileged. A lot of times it's the underprivileged and many times we see people losing their homes and losing their jobs over this, and it soon becomes a situation which is very sad financially and personally for them all. The kids suffer, the family suffer and we're taking away that right. I just can't support it. So I will not be supporting this bill. I look forward to the all-party Committee with the Member from the independents on the Committee so we can express our views.

Just remember, Mr. Speaker – I'll close with this here – the Government of Newfoundland and Labrador has joined lawsuits to sue the tobacco company for addictions, yet we're taking away the rights from Newfoundlanders and Labradorians to sue Atlantic Lotto for addictions. If you want to talk about something that's a bit hypocritical, this is a prime example in this Legislature how hypocritical this is.

Thank you, Speaker.

SPEAKER: I'm seeing no other 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.'

AN HON. MEMBER: Division.

SPEAKER: Division has been called.

Call in the Members.

Division

SPEAKER: Order, please!

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

All those in favour, please rise.

CLERK: Andrew Furey, Steve Crocker, Lisa Dempster, Gerry Byrne, Tom Osborne, Siobhan Coady, Pam Parsons, Sarah Stoodley, Andrew Parsons, John Hogan, Bernard Davis, Derrick Bragg, John Abbott, Brian Warr, Elvis Loveless, Krista Lynn Howell, Paul Pike, Scott Reid, Sherry Gambin-Walsh, Lucy Stoyles.

SPEAKER: All those against the motion, please rise.

CLERK: David Brazil, Barry Petten, Craig Pardy, Tony Wakeham, Chris Tibbs, Loyola O'Driscoll, Helen Conway Ottenheimer, Lloyd Parrott, Joedy Wall, Pleaman Forsey, Jeff Dwyer, Paul Dinn, James Dinn, Jordan Brown, Eddie Joyce, Paul Lane, Perry Trimper, Lela Evans.

Mr. Speaker, the ayes: 20; the nays: 18.

SPEAKER: I declare this motion passed.

CLERK: A bill, An Act To Amend The Lotteries Act. (Bill 18)

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 Lotteries Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 18)

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

I move, seconded by the Deputy Government House Leader, that this House resolve itself into a Committee of the Whole to consider Bill 40.

SPEAKER: It is moved and seconded that I do now leave the Chair for the House to resolve itself into a Committee of the Whole to discuss said bill.

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.

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

Committee of the Whole

CHAIR (Warr): Order, please!

We are now considering Bill 40, An Act Respecting The Protection of Adults.

A bill, "An Act Respecting The Protection Of Adults." (Bill 40)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The Chair recognizes the Member for Placentia West - Bellevue.

J. DWYER: Thank you, Chair.

In clause 1, how does this act function if a resident of the province is temporarily living outside of the province and it becomes evident that they are in need of assistance through this act? Likewise, how does this act help people who may be temporary residents of this province?

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

J. ABBOTT: Chair, in terms of invoking the legislation, a referral would be made to one of the health authorities and if the individual is a resident in the province at that time, an investigation would commence.

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

J. DWYER: This act applies to adults 18 years of age and older. There is another act which provides youth services to youth who are in need of them.

If a person is about to age out of being a youth but it is evident that they need the supports of this act, can proactive supports be put in place before their 18th birthday to come into effect upon turning 18?

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

J. ABBOTT: The act is specific in terms of the age requirements. Obviously, if the child, or in this case 18 or younger, was in care of the department or we knew there were some issues from that perspective, we would certainly work with that individual, that family, but would not necessarily be able to invoke this act because of the age limits.

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

J. DWYER: Chair, my following questions have to do with outside of clause 1. Will I wait until you call subsequent clauses or continue?

CHAIR: You can ask all your questions in clause 1.

J. DWYER: Okay, thank you, Chair.

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

J. DWYER: In clause 4, it notes that this act does not apply to an adult who is the subject of the certificate or a community treatment order issued by the *Mental Health Care and Treatment Act*.

Can the minister please explain why not?

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

J. ABBOTT: In those cases, those individuals would be already, basically, in the care of the state and particular orders would have been affected for their care. So it would be – my term here now – redundant to include them in this legislation.

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

J. DWYER: Thank you, Chair.

Section 5 outlines that an adult is in need of protective intervention if they lack capacity with respect to one or more areas and then list these areas. The definition of capacity or lacking capacity is then included in section 5(b).

Mr. Chair, I have two questions about this section. First of all, how was the list of areas where an individual could lack capacity created, for example, health care, physical, emotional, et cetera?

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

J. ABBOTT: The legislation, different than before, we were trying to be more specific in the areas where, what we call domains of protection – and those were done based on the experience we’ve have with the previous legislation and in consultation with the clinical staff – that would be working with individuals that would potentially need to come into protection. It is reflected of best practice across the country.

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

J. DWYER: So who was consulted in creating this list?

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

J. ABBOTT: Any of these provisions and the act or the legislation overall, we consulted widely across the province, but, particularly, with the health authorities who are the folks that are most familiar with and use the act on a quite regular basis. We worked with the Seniors’ Advocate office and we worked with other stakeholders including Indigenous groups and governments across the province.

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

J. DWYER: Section 5 also contains the definition of capacity. Why is this contained in section 5(b) and not in the definitions?

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

J. ABBOTT: There is the definition section and then capacity is really, in this case, sort of a clinical definition to determine when the act will come into play for an individual. This is the first element. Then the second element would be what is the potential risk and the individual’s capacity to understand that risk.

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

J. DWYER: In clause 7 of the bill it talks about a person’s right to be heard. It notes that a person can be heard through a spokesperson.

Can the minister outline who a spokesperson may be? Can an adult have two or more spokespersons? What provisions are in place to ensure the spokesperson is, in fact, accurately representing the adult’s views?

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

J. ABBOTT: Chair, that would be – in terms of the individual to support the adult needing protection or potentially needing protection – somebody that would be known to the individual, recognized as that by the social workers who would be involved in any particular evaluation or investigation. It also involves the ability to have and instruct counsel in that same provision.

So there is a possibility that there could be more than one person involved, but the norm would be it would be one individual that would be trusted, somebody known to that individual, again, based on our social workers that are involved doing their due diligence to make sure that, to your point, I think, that the right person is, in fact, involved in the case.

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

J. DWYER: Can the person apply for legal aid to obtain counsel?

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

J. ABBOTT: That's a good question. I would say the answer is yes, if needed, and we would make sure that counsel, if necessary, would be provided.

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

J. DWYER: In clause 8, it outlines the service principles of this act. I am glad to see these policy statements in legislation instead of regulations or policy. I have a couple of questions about them.

How were they determined? Was the Seniors' Advocate consulted on this section and was the Privacy Commissioner consulted?

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

J. ABBOTT: Chair, the service principles, again, were done based on consultation, working with the health authorities, in particular, and our director of adult protection who are constantly involved in adult protection matters.

In terms of the consultation, the bill certainly has been shared and response provided by the Privacy Commissioner. The Seniors' Advocate's office would have been involved in the general consultation, not necessarily on the wording here but subsequently would have this legislation as well.

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

J. DWYER: Thank you, Chair.

What recourse is available to a person if they feel that one of these service principles was not applied to their case?

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

J. ABBOTT: Then the appeal would be to the health authority and/or the director of Adult Protection with the department.

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

J. DWYER: In clauses 9(4) and 9(5) it notes that the provincial director may delegate their authority to another person in the department. In what circumstances would this occur? To whom would authority be delegated?

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

J. ABBOTT: Chair, on a practical level, if the provincial director was on leave, on holiday, in those circumstances, then the staff in his office, one of his staff then would be delegated the authority to act on their behalf.

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

J. DWYER: In clause 12 it notes that a report can be made to a director. Am I correct to assume that this is a director appointed under this act, and not a director within the department or an RHA? What happens if abuse is reported to a health care worker, or a health care worker suspects abuse?

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

J. ABBOTT: Chair, there are four directors. There would be a director in each of the health authorities, along with the provincial director that a potential case could be referred to. It would be on the onus of any social worker or police officer or else in the community to refer – any referral to him or her to the appropriate director in the region.

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

J. DWYER: Clause 15 indicates that a social worker will be the investigator. If a social worker is not available, another person may be an investigator. Who is this "another" person? What qualifications must they have? Why would a social worker not be available?

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

J. ABBOTT: I think it would be rare that there wouldn't be a social worker available in the region, but to cover all contingencies, we've

developed this particular clause. In the event there is not a social worker, then it could be an occupational therapist, it could be another health professional in the health authority that could assist that director and/or social worker to begin the process. Before an evaluation went to an investigation, then a social worker would definitely be involved at that point.

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

J. DWYER: In section 30 it outlines that a service plan is put in place and that an adult has the right to participate in the development of the service plan. Is the family of an adult or any community organizations in which – has been supporting this adult consultation?

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

J. ABBOTT: Chair, the whole concept of the service plan is to allow the social worker assigned to the case to work with the adult in need of protection, but to work with all their supports: family, community, community agencies – whatever resources can be brought to bear to support that individual to the degree that they can to remain in their own home with the supports around them, and drawn from the community where that's possible.

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

J. DWYER: Thank you, Chair.

My last question is about section 31. It outlines the review committee who will review the service plans of every adult who is in need of protective intervention. Will this review committee meet with the adult if the adult wishes?

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

J. ABBOTT: The review committee will obviously conduct a review of any of the service plans in any of the cases, where it's appropriate and necessary to do so – absolutely. Because, again, the fundamental part of this legislation is to support and retain the independence of the

adult, potentially in need of protection, right through the whole process.

We want to make sure that their rights are fully protected. That's why the act is as comprehensive as it is in terms of where we were before to reflect that. If that requires support appearing before a court or before a review committee or before anybody through this process, then that opportunity will be provided.

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

P. DINN: Thank you, Chair.

I note that this Protection Act essentially is an act of last resort and applies to anyone 18 years of age or older. Just a question here: What was available or in place prior to this act to protect those in that group?

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

J. ABBOTT: This legislation incorporates a lot of previous legislation in terms of ages and what have you, but is certainly more comprehensive. Again, as I said earlier, it was to – and is to – allow to retain, to the degree that is literally legally possible, the independence of the adults potentially needing protection from 18 onward.

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

P. DINN: Thank you.

I look at how the act works. There is a report and it's accepted or it's screened out. What would constitute a report being screened out?

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

J. ABBOTT: Based on the social work that we do in the first instance, it may be the need to – assessing all the information at that point to determine that this is really not so much an adult protection issue, that it is needing some other supports that can be provided, that the information as initially presented wasn't as supportive of further action. It would engage the

individual and, if needed, family members to have that initial discussion.

If the social worker determines that the matter can be addressed at that point, then there it would lay unless we needed to and they needed to bring that into the investigative stage.

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

P. DINN: Thank you, Chair.

You may have already touched on this question. So a social worker would determine who screened out of that. So who determines the mitigation measures that need to take place? Is it solely the social worker? Who is involved in that process?

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

J. ABBOTT: Chair, really what we're dependant on is the clinical judgment of the social worker at any point throughout this process. They will always talk to their colleagues, their director to make sure that – quote, unquote – all the bases are covered before any investigation stops at one point or advances to the next stage.

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

P. DINN: Thank you, Chair.

I guess somewhat related, the act talks about cultural sensitivity and talks about a cultural and community connections plan. My question is twofold: What would be included in such a plan and who would be involved in developing it?

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

J. ABBOTT: Chair, harkening back to a previous question around the service plan, this is where all those pieces would come together for the person – that may be an Indigenous adult. Then, their community supports, the supports of their government, whatever is available would be brought to the development of that service plan. It would be started and basically organized

by the social worker involved in the case working with the adult needing protection, and as I said working with family and any other supports in and around the community and/or provincial supports where they exist.

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

P. DINN: I'm just looking at the section on temporary orders and it says it's important to note that legislation requires a hearing must be held within five days of filing an application.

What happens during that? Is there protection or anything that takes place during that five days?

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

J. ABBOTT: The temporary orders are really one of the new features of this legislation because we did not have that before and the services needed by the adult were not consistently applied. So the adult would be supported by the health authority waiting for the conclusion of that temporary order.

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

P. DINN: Thank you, Chair.

I think this was touched on earlier from a question from my colleague. But I'm just looking at when an individual may be in an abusive situation and rolls over to the age of 18. So what happens when a person rolls over from one other piece of legislation into becoming an adult, we'll say?

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

J. ABBOTT: So if I understood the Member's question, Chair, in that case, if there was an issue and evidence of abuse or neglect for the under-18-year-old person, he or she would then be within the ambit of our *Children, Youth and Families Act*.

Once they move to adulthood and move out of that system, then their case and file would be transferred over to the Adult Protection division

both in the health authority and then monitored by our provincial director.

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

P. DINN: Thank you, Chair.

Just going back to when we had earlier discussion on this last week or the week before and we noted that this certainly takes into a large consideration individuals 60 and over, so seniors and older individuals. So I just ask the question then – because I'm assuming the Seniors' Advocate would be an important role in this, and I know it remains vacant – when will we see the Seniors' Advocate position filled?

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

J. ABBOTT: The Seniors' Advocate wouldn't have any operational role in these cases. If there was any reference to the Seniors' Advocate by an individual in the community as to a particular case or really systemic issues around adult protection, that's more when the advocate would be involved.

As to the question on the filling of that position, I cannot answer that. That really is going to rest with the House, I would say, in the near future.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you, Chair.

With respect to the new clause that has been added, section 7(b), the right to retain and instruct counsel, the question was asked by the Member for Placentia West - Bellevue, specifically, can the person apply for legal aid to obtain counsel. Your response was that, yes, if needed. You also qualified it and said we would make sure counsel would be provided.

So my question is: How exactly would you do that? What steps would you take to ensure that counsel is provided for the adult?

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

J. ABBOTT: On the assumption that the individual needs legal counsel, then we would work with Legal Aid to make sure that counsel was provided.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: The only other question I have is: How many adults are currently in care pursuant to the *Adult Protection Act*?

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

J. ABBOTT: At the present time, Chair, we have two under investigation; one under the evaluation process; and two applications waiting for a decision by the court.

CHAIR: Shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Clauses 2 through 48 inclusive.

CHAIR: Shall clauses 2 through 48 inclusive carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 2 through 48 carried.

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

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, enacting clause carried.

CLERK: An Act Respecting The Protection Of Adults.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

CHAIR: The hon. the Government House Leader.

S. CROCKER: Thank you, Chair.

I move that the Committee rise and report Bill 40.

CHAIR: The motion is that the Committee rise and report Bill 40.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

SPEAKER (Bennett): Order, please!

The hon. Member for Baie Verte - Green Bay and Chair of Committee of the Whole.

B. WARR: Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 40 without amendment.

SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report Bill 40 without amendment.

When shall the report be received?

S. CROCKER: Now.

SPEAKER: Now.

When shall the bill be read a third time?

S. CROCKER: Now.

On motion, report received and adopted. Bill ordered read a third time presently, by leave.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

I call from the Order Paper, Order 7, third reading of Bill 40.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Speaker, I move, seconded by the Deputy Government House Leader, that Bill 40, An Act Respecting The Protection Of Adults, 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 Respecting The Protection Of Adults. (Bill 40)

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 Respecting The Protection Of Adults," read a third time, ordered passed and its title be as on the Order Paper. (Bill 40)

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you very much, Speaker.

I call from the Order Paper, Order 16, second reading of Bill 42.

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

J. HOGAN: Thank you, Speaker.

I move, seconded by the Minister of Industry, Energy and Technology that Bill 42, An Act To Amend The Law Society Act, 1999, be now read a second time.

SPEAKER: It is moved and seconded that Bill 42, An Act To Amend The Law Society Act, 1999, be now read a second time.

Motion, second reading of a bill, "An Act To Amend The Law Society Act, 1999." (Bill 42)

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

J. HOGAN: Thank you, Speaker.

I'm very pleased today to speak to Bill 42, An Act to Amend the Law Society Act, 1999. This act authorizes the Law Society of Newfoundland and Labrador to regulate the practice of law and the legal profession in the province. The Law Society is the sole regulatory body for lawyers in the province and it's important to note that its mandate is to regulate the law profession in the best interests of the public. The Law Society is fully funded by lawyers, who are required to pay various fees in order to practice, and is governed by benchers who act as a governing body.

The Law Foundation is established in accordance with section 64 of the act and is a not-for-profit organization. The Law Foundation is administered by a board of governors that includes the Minister of Justice and Public Safety or his/her appointee, a person who is not a member or bencher and five members of the Law Society that are in good standing.

The proposed amendments were requested by the Law Society and the Law Foundation. Department officials consulted with both groups on the proposed amendments to ensure the requested changes were reflected in this bill. The amendments proposed include: establishing a fitness to practice committee; mandating reporting of suspected criminal activity; modernizing the mandatory publication requirements; allowing the vice-president of the Law Society to conduct initial investigations before referring an allegation to the complaints authorization committee; allowing the VP and the complaints authorization committee to delegate certain investigations to staff; clarifying that honorary benchers are not permitted to vote at convocations; creating a mechanism for visiting lawyers practicing under the *National Mobility Agreement* to collect fees and have their accounts taxed; and clarifying that lawyers or professional law corporations cannot deduct service and banking fees and administrative fees from interest earned on trust accounts that must be transferred to the Law Foundation.

The most significant change to the act is the creation of the fitness to practice committee. The Law Society requested that a committee be established to deal with capacity-related allegations or concerns that may arise with

respect to a member. Capacity-related allegations or concerns often relate to a member's individual mental health and the Law Society believes it would be better dealt with through a targeted process that would address these concerns on a case-by-case basis. The fitness to practice committee will oversee a voluntary process that aims to address the unique circumstances that may arise from capacity-related allegations.

The addition of this committee will allow the Law Society to approach capacity-related allegations in an individualized way and it may require a participant to enter into one or more agreements with the committee. Agreements may require a member to submit to a medical assessment, complete a treatment program or have restrictions or conditions placed on their practice. Lawyers who wish to engage the fitness to practice program, in the absence of a capacity-related allegation, may raise a capacity-related concern with the vice-president who can refer the matter to the committee.

The introduction of a fitness to practice program does not mean that allegations will not be dealt with; rather it allows lawyers, who may be the subject of a capacity-related allegation, the opportunity to deal with those circumstances through a specific individualized process that focuses on the specifics of the capacity-related allegation or concern and aims to support the lawyer. As the fitness to practice program is voluntary, a lawyer may choose to go through the regular discipline process, which remains unchanged in the act.

Fitness to practice committees are relatively new across the country. The Law Society intends for its program to mirror that of Nova Scotia whereby it operates as an alternative stream to the formal disciplinary process. Amendments to the mandatory publication requirements, such as alerting two media outlets of a summary of a decision or order and the requirement that the Law Society publish a summary of a decision or order on their website, will increase public awareness of disciplinary proceedings under the act. Clarifying that honorary benchers are not permitted to vote at meetings will ensure that there will not be a situation where honorary benchers may outnumber other benchers and materially affect the decision-making process at

the bencher's table. Allowing the vice-president and Law Society staff to conduct investigations will provide for a better use of resources of the complaints authorization committee and a more streamlined complaints process than is currently contained in the act.

As currently set out in the act, members are required to provide interest earned on trust accounts to the Law Foundation. The proposed amendments to the act will clarify that members or professional law corporations are not able to deduct banking or administrative fees imposed by a financial institution from interest earned on these trust accounts. This amendment will ensure a consistent approach is applied to all interest earned on trust accounts in this province.

I would like to thank the staff of the Department of Justice and Public Safety, the Law Society and the Law Foundation for their work on this bill. I understand a briefing was provided to Members of this House and I hope that it was informative.

On that note, Speaker, I look forward to the progression of this bill.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you, Speaker.

I must say that reviewing Bill 42, the Law Society Act amendment, I think that this is a progressive bill and I think there are many positive changes that will be made. As the Minister of Justice has pointed out, the most, perhaps, significant change is with respect to the fitness to practice committee mechanism, and I'll get to that in a minute.

First of all, the minister identified the Law Society and the Law Foundation, and he gave a brief summary of what those bodies are; I'm not going to repeat that. I think it's significant and it's important that both of these bodies did reach out to ask for these changes. To me, that means that they are in the best possible position to

understand the changes that need to be made, the procedures that need to be put in place and the process that needs to be modified to make their bodies more streamlined and more efficient. It is noteworthy that both of these bodies were the ones that reached out to government to recommend these changes and so I think it's a good thing that government has responded with these new initiatives.

The minister also went through the different changes in detail of what this amendment will put in place. I guess they can be grouped into four categories: the first is governance and structure, then there are disciplinary proceedings, the fitness to practice committee and the Law Foundation. I would say that, in essence, these changes or these modifications are really more administrative in nature, at least as it applies to three of the categories. The fitness to practice committee, as the minister has pointed out, is a new initiative. It is relatively new, he indicated, in jurisdictions across the country; although, it's my understanding that Nova Scotia has something in place akin to this and so that is well important to note.

I'll just make a couple of quick comments with respect to the governance and structure category of changes. Those changes are fine, and, really, what they are is basically there are elected, appointed and honorary benchers. Now, that's basically a way to ensure that – currently honorary benchers, as a practice, do not vote at meetings, which are called convocations, but now there's an amendment in place or a change in place to legislate this practice. So it's already in place, but now it's going to be legislated to prevent, I guess, a possible future situation where there may be more honorary benchers than elected benchers.

When we look at the benchers, just by way of background, benchers are like a board of directors. So the Law Society is governed by these board of directors, but they are actually called benchers and some are elected, some are appointed and some are honorary. The elected ones are elected by other lawyers – they have to be lawyers – by their colleagues. Usually, there's regional representation across the province. So each region will be represented by benchers after they're elected. Then there are appointed benchers. They are created by a

committee. Then, you have the honorary benchers as well, so there's no problem with that change.

One interesting change with respect to governance and structure is the role of the president. Basically, it removes the chief executive officer title from the description of president. The society has an executive director on staff, so what's going to happen is this change will basically reflect what's been happening anyway.

One other interesting thing I think is a fair change, with respect to the structure of the Law Society, is there will now be legislative authority to allow visiting lawyers who are in Newfoundland and Labrador, who are practicing under the National Mobility Agreement – basically, they can tax or sue to collect their fees. To me, that seems fair.

With respect to governance and structure, that's the first category. There are also some others with respect to disciplinary proceedings. I think the amendments or the suggestions that are in place here seem to be common sense. They're going to make it a more efficient procedure. It seems like I think they're expanding more of the investigatory powers of the vice-president. They're going to be increasing some of the powers of the vice-president to delegate to staff so that staff have increased powers. That's okay because it's all done in the interest of making the whole process more efficient and tightened up. I don't think that is a bad thing.

I'll get to fitness to practice later but the Law Foundation; again, those recommendations seem to be in order as well. What I would like to say about the fitness to practice, that is a significant change. What it does is it relates to capacity issues, when you have a lawyer that has capacity issues, maybe mental health concerns. This initiative will basically initiate a new fitness to practice process at the Law Society. It will create a fitness to practice committee too.

This was requested by the Law Society and it was requested because it was seen to be less confrontational. It was seen to be more of a positive way to address capacity-related complaints that are laid against lawyers. I

personally think that is a good thing. It has a more compassionate approach.

It doesn't mean, from what I understand – people who have complaints against lawyers could still proceed through the normal complaint process. But this is a unique provision because it will focus the process to help the member from a more compassionate way when the person is suffering from mental health issues or other challenging emotional needs as a result of the practice of law.

What also is interesting about the fitness to practice piece is that the vice-president can refer the member to the fitness to practice process. The member themselves, the lawyer themselves can self-refer themselves and say, look, I need help. Can I get some support here to help me through this? I think that's a good thing.

The fitness to practice as well, and the complaints authorization committee, they can refer matters back and forth to each other, too. So the fitness to practice committee can say, okay, we're going to refer this on to the complaints authorization committee and vice versa. So that allows that flexibility, which I think is also a good thing.

With respect to that, I think that's all I wanted to say. I look forward to Committee because I do have specific questions to ask with respect to this legislation.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Any other speakers to the motion?

If not, if the Minister of Justice and Public Safety speaks now, they'll close debate.

The hon. the Minister of Justice and Public Safety.

J. HOGAN: Thank you, Speaker.

I greatly appreciate the contribution of my colleague, the Member for Harbour Main. Certainly, she pointed out that these amendments were proposed by the Law Foundation and the Law Society themselves,

who, of course, would be the ones who know it best. We appreciate them coming to us with their input on how to make this act better.

Having said that, I look forward to Committee.

Thank you, Speaker.

SPEAKER: Is the House ready for the question?

The motion is that Bill 42 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: A bill, An Act To Amend The Law Society Act, 1999. (Bill 42)

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

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

S. CROCKER: Now.

SPEAKER: Now.

On motion, a bill, "An Act To Amend The Law Society Act, 1999," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 42)

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

I move, seconded by the Minister of Justice and Public Safety, that the House resolve itself into a Committee of the Whole to consider Bill 42.

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

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Carried.

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

Committee of the Whole

CHAIR (Trimper): Order, please!

We are now considering Bill 42, An Act To Amend The Law Society Act, 1999.

A bill, "An Act To Amend The Law Society Act, 1999." (Bill 42)

CLERK: Clause 1.

CHAIR: Clause 1.

Shall clause 1 carry?

The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you, Chair.

First of all, as we highlighted earlier, there are elected, appointed and honorary benchers. Basically, as it's been stated, the legislation is being changed to prevent a possible future situation where there are maybe more honorary benchers than elected benchers.

It's my understanding there are approximately 17 elected benchers and four appointed benchers. I'm just curious about the honorary bencher piece. Do you know, Minister, how many people are entitled to honorary bencher status?

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

J. HOGAN: Thank you for the question.

Unfortunately, I don't have that number here in front of me, how many honorary benchers there are. We can certainly get that information for the Member.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: It is our understanding that the change being considered in section 3 is already in practice but is now being legislated. So, basically, with respect to the honorary bencher piece, is this practice enshrined in the Law Society's bylaws or by another governing document? I know that it has been in practice but it actually hasn't been legislated, so is there any other governing authority for that?

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

J. HOGAN: No, this would be the governing authority, which, if it's been done in practice by benchers at the Law –

AN HON. MEMBER: Oh, oh!

CHAIR: Order, please!

J. HOGAN: – Society, I can only assume this is why they came to us to request this amendment to make sure it is specific in the legislation.

I have no idea who's talking or whatever, but go ahead.

CHAIR: Thank you.

The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you.

I am just wondering: How many staff persons or full-time employees does the Law Foundation have? Because I know that the legislation is being updated to remove the CEO from the roll of president because the Law Foundation has an executive director who basically performs all the

duties and responsibilities of an executive staff person: I'm just curious how many staff persons are at the Law Foundation?

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

J. HOGAN: At the Law Foundation, there is just one staff member.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Section 8 of the bill adds additional definitions to the Law Society Act as it relates to the discipline proceedings. So most of those are related to the fitness to practice committee, and I am referring (inaudible) so with respect to those definitions, capacity and medical assessment, who was consulted on the creation and the drafting of those definitions?

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

J. HOGAN: So the consultations with regards to this act would have been – those are specific to the Law Society amendments, we would have talked to the staff and the executive director at the Law Society. Again, not that we talked to them; they came to us.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: With respect to the definitions, how do they compare in the scope of fitness to practice to other provinces? I know you referenced Nova Scotia, I would assume their modelled after Nova Scotia or are they comparable to Nova Scotia?

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

J. HOGAN: I'm sorry; I'm going to have to ask the Member to repeat the question. I'm just having a bit of difficulty hearing.

CHAIR: The hon. the Member for Harbour Main.

Can I have a bit of quiet, please, so we can hear the speakers?

Thank you.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you.

I am experiencing the same problem he is, too, with hearing here today.

Thank you, Chair.

With respect to the two definitions, the capacity definition and the medical assessment definition, I know you referenced that Nova Scotia was consulted and modelled perhaps after. Were these definitions used in Nova Scotia or other provinces?

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

J. HOGAN: Thank you.

Yes, those definitions, as you said, the concept was modelled after Nova Scotia and the definitions would mirror Nova Scotia very closely.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Section 9 of the bill details the composition of the fitness to practice committee as two members of the Law Society, not elected benchers; one person appointed by the minister who's not a bencher or a member of the Law Society; and there will also be alternates to the committee.

My question is: What background, academic background or professional background, will the non-member appointed by you, the minister, have?

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

J. HOGAN: I'm fortunate enough to have served as a bencher. I was elected twice, on two occasions. Unfortunately, I had to cut my second

term short as a benchers because I decided to come here instead. I do have some experience dealing with benchers and lay members is what we call them at the benchers table. That experience would actually be something I would say, now in the minister's role, someone who does not have legal expertise. That's the role of the benchers and the members who sit at that table.

The point of those lay benchers is to give a perspective from the general public. It could be anything; nothing specific that we're looking for, but I would say it's not legal capacity expertise that the lay benchers would represent.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you.

Will the appointment go through the IAC?

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

J. HOGAN: Thank you.

Yes, they do go through the IAC.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: With respect to section 11, the section of the bill which brings in most of the language regarding the creation of the fitness to practice committee. Can you, the minister, confirm that the creation of the fitness to practice committee was requested by the Law Society? I know you've already done that, but are you aware of their rationale for requesting it? I'm just wondering what the basis for it was.

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

J. HOGAN: Thank you, Chair.

The rationale would be – and I think the Member for Harbour Main did speak to it – that people can have capacity issues. Capacity would be different than a conduct issue. People may, as a practicing lawyer, do something in their practicing time as a lawyer that would be

deserving of sanction or deserving of some sort of reprimand from the Law Society. All kinds of different things that could happen.

But as we know – and this is not limited to the legal world – everyone out in the world could have addictions issues, mental health issues, physical issues that could affect their capacity, meaning their ability to practice law. People in those situations, we don't want to necessarily sanction them and punish them; we want to help them. So we put them in this stream. Right now, the only stream that exists would be a punishment/sanction stream.

So the reason is to create a separate stream to deal with them, to help them; sanction them if necessary. As you said, we can put them in and out of the different streams. But that's the reason for creating the separate fitness to practice committee.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Minister, you mentioned that Nova Scotia has been a model to follow. Are there other provinces in Canada that have fitness to practice committees?

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

J. HOGAN: I believe it is just Nova Scotia that has formalized their fitness to practice committee. But I do understand that the Law Society of British Columbia has recently approved a three-year pilot project that addresses where there's a mental health substance abuse or health issue that has contributed to misconduct.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: The language contained in the bill implies that the fitness to practice committee will compare a member's capacity to practice law against a standard or a benchmark. So how exactly are they going to determine if a member's capacity is sufficient, if it meets that standard or that benchmark? Is there a standard they will be using?

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

J. HOGAN: Yeah, so there is a formalized definition in the amendments. Capacity would mean a member's ability to practice law with reasonable skill and judgment that is not substantially impaired by a physical, mental or emotional condition, disorder or addiction.

That would be the standard, their ability to practice law with reasonable skill and judgment. Unfortunately, that does involve some interpretation, but most things in the law do.

So the reasonable skill would be the lawyers, the benchers on these committees would ask the question: What would a reasonable lawyer do in this situation? That is the standard. It would be different for certain different areas of practice of law.

Probably not clear to give any specifics further than that this afternoon, but that is the standard that has to be applied: reasonableness.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you, Minister.

Yeah, the reasonably prudent person or the reasonable standard is very commonplace in the law for sure.

I think my final question is with respect to the fitness to practice process. We're told that participation in it is pretty much completely voluntary. So what happens if a member signs an agreement with a fitness to practice committee but then later decides they no longer want to participate? Can they withdraw without punishment? When I say punishment, would there be that, not threat but fear that then they're going to be referred on to the formal complaints process?

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

J. HOGAN: So I'm not sure I exactly understand the question. Once they've gone into that stream of fitness to practice, the fitness to

practice committee may find that that's not the appropriate stream for them and then refer them into the conduct stream.

So there has to be an assessment. You can't just sort of put your hand up and say I don't want to be sanctioned. I want to go in the fitness to practice stream. There does have to be an assessment of that person's capacity and ability and whether they meet the definitions to fall within that stream, if that's what you're asking.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Can the member voluntarily withdraw from it – from the process – once they are in that stream of the fitness to practice?

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

J. HOGAN: I believe that's the case that they can. They do not have to go into that stream if they don't want to. They can choose to go into the sanction group.

CHAIR: Any further speakers to this bill?

Seeing none, shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

The motion is carried.

On motion, clause 1 carried.

CLERK: Clauses 2 through 29 inclusive.

CHAIR: Shall clauses 2 through 29 inclusive carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 2 through 29 carried.

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

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

The motion is carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The Law Society Act, 1999.

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill carried without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

CHAIR: The hon. the Deputy Government House Leader.

L. DEMPSTER: Chair, I move that the Committee rise and report Bill 42.

CHAIR: It has been moved that the Committee rise and report Bill 42.

Shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

SPEAKER (Bennett): Order, please!

The hon. the Member for Lake Melville and Deputy Chair of the Committee of the Whole.

P. TRIMPER: Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 42 carried without amendment.

SPEAKER: The Deputy Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed that Bill 42 be carried without amendment.

When shall the bill be received?

L. DEMPSTER: Now.

SPEAKER: Now.

When shall the bill be read a third time?

L. DEMPSTER: Tomorrow.

SPEAKER: Tomorrow.

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

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I move, seconded by the Minister of Municipal and Provincial Affairs, 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 do stand adjourned until 1:30 p.m. tomorrow.

On motion, the House at its rising adjourned until tomorrow, Tuesday, at 1:30 p.m.