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Speaker: Honourable Derek Bennett, MHA

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The House met at 1:30 p.m.

SPEAKER (Bennett): Order, please!

Admit strangers.

Welcome, everyone.

Today, I would like to welcome Ken Clements to our public gallery. Mr. Clements is joining us this afternoon for a Member's statement.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

SPEAKER: Today we will hear statements by the Members for the Districts of Mount Pearl - Southlands, Placentia West - Bellevue, Placentia - St. Mary's, Humber - Bay of Islands and Bonavista.

The hon. the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Speaker.

On October 4, government hosted the annual Premier's Athletic Awards at the Holiday Inn, St. John's. This program recognizes athletic excellence and provides financial support to help offset the cost incurred by our top athletes relating to both training and competition.

I would like to take this opportunity to congratulate all of this year's award recipients, including the following athletes from the District of Mount Pearl - Southlands, which I am privileged to represent: Shae LeDevehat for athletics; Chase and Cole Tucker, baseball; Brooke LeDevehat and Matthew Pennell for basketball; Terrie Hefford, bocce; Kaitlyn Hawco and Cecilia Martino, rugby; Morgan Harris, soccer; Megan Holden, swimming; Sarah Dawe and Claire Whiffen, volleyball; and, Liam Noble, hockey.

These athletes have achieved so much in their chosen sport and, in doing so have made their families and community very proud. I ask all Members of this hon. House to join me in acknowledging their accomplishments and wishing them all the very best in their future sporting endeavours.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

J. DWYER: Thank you, Speaker.

I sit in this hon. Chamber today to recognize October as Autism Awareness Month, Down Syndrome Awareness Month, ADHD Awareness Month, Breast Cancer Awareness Month and Pregnancy and Infant Loss Awareness Month.

Many families are affected by autism, Down syndrome, ADHD, breast cancer and pregnancy and infant loss in our beautiful District of Placentia West - Bellevue. Speaker, it is vital that we show our unwavering support to the individuals and their families affected by all these diseases, disabilities and traumas. Building supportive and welcoming communities in our province will ensure that these individuals have access to services that can improve their way of living and give them a chance to have a fulfilling life, regardless of their diagnosis or experiences.

Speaker, I ask all hon. Members to join me in recognizing and supporting Autism Awareness Month, Down Syndrome Awareness Month, ADHD Awareness Month, Breast Cancer Awareness Month and Pregnancy and Infant Loss Awareness Month, not only in the District of Placentia West - Bellevue, but in the Province of Newfoundland and Labrador as a whole.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

S. GAMBIN-WALSH: Thank you, Speaker.

Speaker, Amelia Jane Evans, fondly known as Millie, was born on October 29, 1921, to Jim and Martha Evans in Winterton. At the age of seven, she moved with her family to Markland and they started a vegetable farm.

In 1942, she married Fredrick Jones. They later moved to Whitbourne and together raised six children. In 1964, they moved to Ontario and for 11 years Millie worked in a stationary-greeting card factory. In 1975, Millie and her husband moved back to Newfoundland, making Whitbourne their home once again.

Mille was very involved with the United Church. She volunteered as a Sunday school teacher and participated in many fundraisers, preparing meals, baking and knitting.

Millie's husband passed away in 1996. After that, she spent her winters in Nova Scotia with her daughter. She now resides at the Lions Manor in Placentia.

This past August, I had the pleasure of joining Millie, her family and friends for an early birthday celebration. When I asked her what her secret to looking young was, her family said Oil of Olay. Millie has 14 grandchildren, 27 great-grandchildren and 4 great-great-grandchildren.

Tomorrow Millie will be 100 years old. Please join me as I wish Mrs. Millie Jones a happy 100th birthday.

SOME HON. MEMBERS: Hear, hear!

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

E. JOYCE: Speaker, I'm pleased today to recognize the boys softball team of Templeton Academy in Meadows who are the provincial champions of the 2021-2022 3A Boys Slo-Pitch tournament held last weekend in Botwood.

Eight teams from across the province participated with the Templeton Tigers winning the final game against Mobile, 17-16, the team they lost to in the round robin. Templeton's team is made up of 14 players from Grades 9 to 12; a dedicated team determined to do their very best and work hard to win while enjoying the game.

This team includes Jayden Park, Jordan Blanchard, Noah Park, Gavin Lovell, Marcus Wells, Ethan Janes, Wade Mullins, Evan Janes, Reginald Ruth, Carter Burton, Tyson Park, Joshua Hann, Colby Christopher, Ryan Newman and coaches Fabian Lovell and Barry Park.

Congratulations to Ryan Newman, team MVP and Colby Christopher, most sportsmanlike player. This is the first time since 1987 a Templeton softball team has won gold. Many of the players play in the summer program at the Gilliams ball field under the guidance of Scott Blanchard and the recreation members.

I ask all Members to join me in extending congratulations to the Templeton Tigers and wish them continued success in the future.

Great job guys.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Thank you, Speaker.

It is an honour to celebrate the exemplary community service of George Clements who has dedicated a significant portion of his life serving the community of Bonavista.

George was originally from Grand Bank and came to Bonavista in 1960 as a teacher at the Salvation Army school and eventually married his wife, Bernice Moulard, a teacher as well. George later accepted a position as instructor at the Bonavista District Vocational School, followed by principal at the Eastern Community College until retiring in 1991.

George volunteered on many committees and groups in the area, such as the Peninsulas Health Care Board. George chaired the VISTA '97 committee and arranged proceedings and celebrations for the 500th anniversary of the historic trans-Atlantic voyage of John Cabot. George greeted and received Queen Elizabeth II and Prince Philip and coordinated external visits and events.

On September 1, 2020, the Sovereign's Medal was awarded to George by Lieutenant-Governor of Newfoundland and Labrador, the hon. Judy Foote. The book *Bonavista*, written by Bruce Whiffen in 2021, dedicates the prologue to George and Bernice Clements.

I ask the Members of the 50th House of Assembly to join me in celebrating the

outstanding lifetime of service from Mr. George Clements of Bonavista.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Statements by Ministers.

Statements by Ministers

SPEAKER: The hon. the Minister of Education.

T. OSBORNE: Thank you, Speaker.

I'd like to take the opportunity today to provide an update on the five-year Adult Literacy Action Plan, first announced in October 2019. The plan contains 30 actions designed to strengthen literacy skills within the province and build a more empowered and skilled population.

As part of the provincial government's ongoing commitment to improving adult literacy in Newfoundland and Labrador, last December we announced a \$195,000 investment to support the introduction of a foundational Adult Literacy Pilot Program at The Gathering Place, delivered in partnership with the Murphy Centre.

Speaker, I'm pleased to inform the House that the program has already seen significant uptake, with 27 guests of The Gathering Place enrolled. Participants are receiving individualized training that can range from building and enhancing basic literacy and numeracy skills to technology, time management and organizational skills.

Speaker, I'm also pleased to further update that our government has recently provided more than \$480,000 in total funding for three more important initiatives that will support adult learners with learning disabilities.

These include: an investment in The Learning Disabilities Association of Newfoundland and Labrador to implement a one-year pilot project for adults with learning disabilities, allowing them to receive individualized tutoring as well as training and support in assistive technology; support for Brilliant Labs to implement a one-year pilot project to provide hands-on experiential learning for adults to increase digital literacy skills; and support for Newfoundland and Labrador Public Libraries to implement a one-year pilot project to expand

adult and family literacy initiatives at libraries across the province.

Through the Adult Literacy Action Plan, we continue to support our community partners as they provide adult learners with meaningful literacy tools and resources.

Everyone in our province deserves the opportunity to experience the empowering effect of learning and improved literacy skills.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

B. PETTEN: Thank you, Speaker.

I'd like to thank the hon. minister for the advance copy of his statement. Speaker, first of all, I'm delighted the five-year Adult Literacy Action Plan did not fall by the wayside like the five-year roads program. Speaker, anything we can do in this province to increase literacy skills are to be applauded –

SOME HON. MEMBERS: Oh, oh!

B. PETTEN: I couldn't resist.

So many years Newfoundland and Labrador languished behind other provinces in adult literacy; however, in so many ways, literacy is a life skill that empowers individuals, allowing them make critical decisions about their lives. Individuals need to be empowered, Speaker, to build self-esteem.

I'm delighted to see government partner with Newfoundland and Labrador Public Libraries which offer multiple literacy tools and resources and should be partnered to improve literacy in the province.

In closing, I again congratulate these organizations for leading the effort to improve adult literacy in the province.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

I thank the minister for the advance copy of his statement and compliment his department on its investment in the Adult Literacy Action Plan.

However, I call on government to continue investing in these programs and expand them across regions of the province that lack supports found in the St. John's metro area. Also, we need to address the social determinants of health and education. This begins by ending overcrowding in classrooms, carrying out an independent review on teacher allocation, along with investing in families and making life more affordable for everyone.

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.

I want to thank the good people of Trades NL for allowing me to speak earlier today and experience first-hand how the highly skilled, dedicated members of Trades NL build this province every single day.

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: On February 8, 2021, Premier Furey wrote: "... our Government will require contractors bidding on ... infrastructure projects to prioritize the hiring of qualified workers based in Newfoundland and Labrador." Yet the Liberal government still has not implemented a policy that all public infrastructure projects will require a community benefits agreement.

I ask the Premier: Yes or no, can the Premier promise that from this point forward all public

infrastructure projects will be subject to a Newfoundland and Labrador benefits agreement?

SPEAKER: The hon. the Premier.

PREMIER A. FUREY: Thank you, Mr. Speaker, and I'd also like to thank Trades NL for offering me the opportunity to speak this morning.

SOME HON. MEMBERS: Hear, hear!

PREMIER A. FUREY: It's an incredible, important organization that represents, indeed, the hard-working women and men in our province, Mr. Speaker. They are helping to build infrastructure, they're helping to reform infrastructure, they're helping to sustain infrastructure and, most importantly, they're building a bridge towards a sustainable future for our province and we'll all support them.

We continue to work with Mr. King and their organization to ensure that we're developing a policy that meets the needs of Newfoundlanders and Labradorians to ensure and continue to ensure that the priority goes to Newfoundlanders and Labradorians. As I said to them this morning, over 90 per cent on the job right now on most projects throughout the province are Newfoundlanders and Labradorians; some up to 97 per cent, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

Since 2019 Trades NL have been asking that the taxpayers' money that is spent on infrastructure projects in Newfoundland and Labrador should go back to be benefits to the workers in Newfoundland and Labrador. So why are we not doing that?

Here's another quote from the Liberal red book: "Contractors will also be required to demonstrate a commitment to hiring women, Indigenous Peoples, and other workers underrepresented in the labour force." When will the Liberal government make the necessary

requirements so that all public infrastructure spending requires Newfoundlanders and Labradorians to be put first for jobs?

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

A. PARSONS: Thank you, Mr. Speaker, and I'm happy to speak to this.

I think everybody was down speaking at Trades NL today because I was as well. But I do think it shows you the importance of that industry and those individuals to the future of our province. I had a great opportunity to speak about the opportunities and the potential that we have here and, in fact, I had a question from the membership about benefits agreements and opportunities for Newfoundlanders and Labradorians.

What I can say is that we have had a task force recommendation about transparency and we have a working group that speaks to Trades NL regularly about benefits agreements and opportunities for employment. When we negotiate benefit agreements with proponents of mining or oil and gas, historically we've always only worried about the construction phase. But I can tell you now, any benefits agreements we do expands for the lifetime of that agreement, and after being out to West White Rose yesterday, it was great to see men and women working back on that project.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Speaker, so we've all come to the realization that all speakers agree that a community benefits agreement would be to the benefit of the taxpayers of Newfoundland and Labrador. So why don't we just do it?

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: Speaker, when asked yesterday if physicians moving to work with collaborative care teams will result in orphaned patients, the Premier said: "This is not about taking one

doctor to replace another one within the system"

Today we have heard of a family physician that was explicitly told by Eastern Health that they would not be able to take their patients with them if they accepted a position with the collaborative care team.

I ask the Premier: Why was the information given to the hon. House yesterday not accurate?

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

J. HAGGIE: Thank you very much, Mr. Speaker.

I don't have any inside knowledge into that conversation. The aim of collaborative teams is to provide a home for health for the individual. They will go through one door, have one telephone number, and access the right care from the right person in their own community, ideally.

This will be a mix of nurse practitioners. It will be a mix of pharmacists, optometrists, wound-care nurses, social workers – if need be – Income Support people to address social determinants of health, as well as family physicians, who are the ones who are best positioned to arbitrate, to decide between competing treatment plans. This will work for the benefit of those working, as well as those receiving care, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

Something doesn't add up here. Yesterday the Premier said this wasn't about taking one doctor to replace another, yet today we hear that is exactly what will happen.

I ask the Premier: How can his statement from yesterday be a benefit to helping patients in Newfoundland and Labrador access primary care?

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

J. HAGGIE: Thank you very much, Speaker.

To develop my previous comment a little further, the advantage of these medical or these health homes is that everyone works to the skills they were trained to provide. No one who is in an advanced health care role needs to be filling in forms or filling in paper. That alone will increase efficiency and allow at least 25 per cent more of the time they're in the building to be focused on delivering care.

We are using additional health care providers to magnify, to amplify the range of services. So no one individual has to do everything for everybody, which has been the traditional model of family medicine, Speaker.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

Our understanding here is we're just swapping one in and one out and we're not improving access by any way, shape or form to people when it comes to health care.

Speaker, survey results recently published by *The Telegram*, spearheaded by Dr. Andrew O'Keefe and Dr. Monica Kidd, revealed some troubling results. Out of approximately 300 MUN medical graduates over the last 15-year period only 55 per cent were working here in Newfoundland and Labrador. What is troubling is that another 68 physicians wanted to work exclusively here in the province but were unable.

I ask the Premier: How will you address this retention issue, as highlighted by the physicians in this province?

SPEAKER: The hon. the Premier.

PREMIER A. FUREY: Thank you, Speaker.

Certainly we recognize that retention is an issue here in Newfoundland and Labrador. I've experienced it first-hand; I have seen it in colleagues, family members and friends. It is encouraging that we have a medical school here that produces high-quality physicians who want to stay here.

We recognize that this is a problem and that is why we want to change the system to allow a real robust health human resource plan that will involve the NLMA, the Nurses' Union, everybody to make sure that we are delivering the right amount of GPs for the province, Mr. Speaker. Beyond GPs, even the right amount of specialists to ensure that we're planning for the future to ensure that we have this system in place that is required.

MUN has been very co-operative and we will continue to be co-operative and we'll have ongoing conversations to ensure we have the right recruitment and retention plan for the future of this province, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

D. BRAZIL: Thank you, Speaker.

Perhaps the first step should be to sit down with the Newfoundland and Labrador Medical Association and come up with a contract that works for all doctors in this province.

SOME HON. MEMBERS: Hear, hear!

D. BRAZIL: Yesterday Dr. Mari-Lynne Sinnott commented to CBC in reference to the Premier's Minister of Health by saying, "His response has been overwhelmingly lacklustre with a concerted effort to not address the lack of primary care physicians"

I ask the Premier: How can you continue to have confidence in your minister when this is the overwhelming opinion throughout the medical community?

SPEAKER: The hon. the Premier.

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

As we said here before, we are developing a robust plan to ensure that we are increasing the number of family physicians in the province. We recognize that it is a gap in the system; COVID has exposed it even further. We also recognize the significant paradigm shift in people entering the practice of medicine. They are not going to practise the way they used to practise 10, 15, 20, 30 years ago. We know that is a gap. We know we have to address it, not just in medicine, but in nursing and other medical professionals in the province, Mr. Speaker.

This is a shift that is occurring all across the country; it is a gap in employment that we know that we need to meet. We are lucky to have a medical school here, a nursing school here; all of which we're devoted to. I am confident that we can use those resources to fill those gaps, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

B. PETTEN: Speaker, new long-term care homes in Gander and Grand Falls-Windsor have not opened because, first, a staffing shortage and now building deficiencies, which we're estimating could be in the thousands. Mr. Speaker, hospital beds are blocked with seniors waiting for a bed.

I ask the minister: Why are you being reactive to these issues after they arise rather than proactive to prevent this unacceptable delay for our province's seniors?

SPEAKER: The hon. the Minister of Transportation and Infrastructure.

E. LOVELESS: Thank you, Speaker.

An important question and I think it was the same question that was asked last week and my answer will be the same. We are not happy that those buildings are not open, but there are deficiencies and we're working diligently with a contractor to address these deficiencies.

But, as I said before, I would rather that for those deficiencies to be taken care of right now before those residents are in those long-term care homes. I am looking forward to that happening sooner rather than later.

Thank you, Speaker

SOME HON. MEMBERS: Hear, hear!

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

B. PETTEN: Thank you, Speaker.

Under an ATIPP, we received over 100 pages of deficiencies ranging from fire- and life-safety issues to structural defects and building code violations. These are very serious issues.

I ask the minister: How do you explain this situation to the families waiting for long-term care beds in Newfoundland and Labrador?

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Minister of Transportation and Infrastructure.

E. LOVELESS: Thank you, Speaker.

The question, again, is important because it goes to the needs – I have them in my own district in terms of seniors, as well. But the answer around the deficiencies is no different in terms of we are dealing with it diligently and in correspondence with Central Health to deal with it. Again, we're not pleased with the situation but we're holding the contractor's feet to the fire in terms of dealing with those deficiencies that hopefully will get addressed sooner rather than later.

SOME HON. MEMBERS: Hear, hear!

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

B. PETTEN: Speaker, these two homes were announced with great fanfare under the public-private partnership, or better known as P3s, as part of *The Way Forward*. Now we see delays and hundreds of pages of deficiencies that were apparently missed during construction.

I ask the minister: In light of these revelations, what are you doing to ensure the same deficiencies don't cause delays and don't happen with the new adult mental health and addictions facility here in the city?

SPEAKER: The hon. the Minister of Transportation and Infrastructure.

E. LOVELESS: Again, Speaker, the answer is, I guess, similar. We're working with the contractor and the contractor has an obligation, as well, to meet those and correct those deficiencies. We are working diligently and, like any project and any progress or anything, we reflect on how we can do things better and there's always room for improvement. I'm sure this situation won't be any different.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

B. PETTEN: Thank you, Mr. Speaker.

Mr. Speaker, to be accurate, so that everyone can see for their own eyes, these are the deficiencies.

SPEAKER: No props, please.

B. PETTEN: It's not props, Mr. Speaker. These are documents I'm planning on tabling, not a prop. This is an actual document I'm tabling to the House, which is part of my duties.

Thank you.

AN HON. MEMBER: (Inaudible.)

B. PETTEN: It's not a prop, Mr. Government House Leader.

SPEAKER: Move on with your question, please.

B. PETTEN: I have the right to correct the misinformation.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

Move on to your question.

B. PETTEN: It's Question Period for me, not you. You get the answers.

Speaker, through information obtained in the Newfoundland English School District, our office learned fully –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

B. PETTEN: Our office learned fully two-thirds of schools in the province have only partial and no mechanical ventilation at all. This includes the majority of schools in the Marystown region, which is currently dealing with a COVID-19 outbreak.

Speaker, proper air ventilation is an important tool to combatting the virus. Will the minister admit government has failed to properly address air quality in our schools?

SPEAKER: The hon. the Minister of Education.

T. OSBORNE: Thank you, Mr. Speaker.

Mr. Speaker, the cases on the Burin Peninsula are children that are unvaccinated and, obviously, it's a concern for everybody.

We had put air purifier systems in every classroom and several other rooms in schools throughout the province, Mr. Speaker, in an effort to address the air quality and so on within the schools. Mechanical ventilation is another issue. I know that the cost of mechanical ventilation for all schools is well into the hundreds of millions of dollars. It cannot be done in July and August; you'd literally have to shut a school down with nowhere to send those students.

SOME HON. MEMBERS: Hear, hear!

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

B. PETTEN: Thank you, Speaker.

It has to be done sometime. We're going to have to find a way, I think.

Air purifiers are one thing – we'll have to see what the Auditor General has to say about that – but schools need fresh air, Mr. Speaker, and it's ridiculous to suggest you open one classroom window in the middle of winter. The situation in Marystown has shone a light on government's failure in this area, as two schools have absolutely no mechanical ventilation at all.

Again, when is the minister going to finally deal with the air quality in our schools?

Thank you.

SPEAKER: The hon. the Minister of Education.

T. OSBORNE: Mr. Speaker, knowing the difficulty in addressing the mechanical ventilation issue, as I said, you simply don't do this during July and August and expect to have students back in school in September. That's not the way it works. It takes considerably longer than this.

There's only so much bricks and mortar on the Burin Peninsula to house students, Mr. Speaker. We did put air purifier systems in schools throughout the province to help address this issue.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker.

Mental health and addictions supports are absolutely critical for people of the province. One of the measurements that the Canadian Institute for Health Information uses to evaluate the effectiveness of supports are readmission rates; in other words, someone receives treatment once and needs to seek help again.

Labrador-Grenfell Health has the highest readmission rate in the country. This clearly shows that government is failing this region with mental health and addictions supports.

I ask the minister: Do you believe being ranked worst in the country is acceptable?

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

J. HAGGIE: Thank you very much, Speaker.

We recognized in 2016 that mental health and addictions was a challenge across the province, and certainly we recognized that Labrador has its unique challenges too. *Towards Recovery* laid out some very specific recommendations, and there is indeed a specific team focused on Indigenous requirements, needs for mental health. That meets regularly.

There is also a regional services committee which looks at the organization of health there. We've put Doorways into Goose Bay, into Labrador City. There is a six-bed acute mental health unit currently on time and on budget being constructed in Happy Valley-Goose Bay. That is part of our commitment, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker.

A recent report that was just completed, commissioned by the Canadian Mental Health Association Newfoundland and Labrador, looked at lived experiences of people dealing with mental health. I'm taking their words right now –

SPEAKER: Remember no props, unless you're going to table it.

P. DINN: I can table it, sure.

Their words is this mental health that they're offering here in this province –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

P. DINN: – their words: You have to have the right kind of crazy to get help here. The right kind of crazy, that's their words.

Speaker, according to the Canadian Institute for Health Information, the median wait time for community health counselling in Newfoundland and Labrador is almost double the national average.

I ask the minister: Are you fine with Newfoundlanders and Labradorians waiting double the time for mental health supports than the rest of the country?

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

J. HAGGIE: Thank you very much, Speaker.

Certainly wait times for mental health and addictions services have been a challenge in the past. We have put in Doorways, a one-stop single-session counselling in between 60 and 70 locations. They move to match the needs of the community. We know that of the people who attend that, 50 per cent of them have their needs managed satisfactorily with one visit. Those who do not are referred on for counselling.

We have seen since the inception, since the start of Doorways, a radical drop in both the numbers of people waiting and the wait times that people have had to wait. We continue to work to get to zero. We're not quite there yet but we have made great strides, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker.

This same report will tell you that it is failing those who are looking for long-term help. It's failing them and those who have gotten help consider themselves just lucky. That's their report, people with lived experiences, which the Premier and the Minister of Health have said they're going to look into and listen to – people with lived experiences.

Speaker, specifically for children and youth, the median wait time for community mental health counselling in Newfoundland and Labrador is over double the national average.

I ask the minister: Why do you allow this failure of our province's youth to continue?

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

J. HAGGIE: Thank you very much, Speaker.

Back in 2017, I was the second Minister of Health in this country to institute a Recovery Council. This is a group of people with lived experience who report directly to me unfiltered.

I have had several meetings with them. This has been suspended owing to COVID and concerns that the members have had about their well-being. They will resume shortly.

From the point of view of counselling, as I have said, we are working to reduce both the number and the length of time people have to wait. Our goal is zero. I would argue, however, that we have made significant progress. We're not there yet, but we're a lot better than we were five years ago.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, the Health Accord has written that "funding consistent with our priorities are important resources in reorienting and rebalancing our health system." In other words they will be asking government for more funding; yet Greene has recommended in her report cutting health care funding by 25 per cent.

I ask the minister: Can you outline whose advice you will take?

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

S. COADY: Thank you, Mr. Speaker.

I will say this: It's unfortunate that we had Muskrat Falls or we'd have a whole lot more funding to put into many different areas of this province, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

S. COADY: I will say that we are awaiting the report of the Health Accord; we look forward to having that. I think it's very visionary of the Premier to have implemented that full review of the health –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

S. COADY: Thank you, Mr. Speaker.

A full review of the health system. We need to address some of the concerns within the health system. We'll be listening and we –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

I heard the question and I want to hear the response, too, please.

S. COADY: Sorry, Speaker. I'm getting interrupted constantly and I thank you for your protection.

I will say that we look forward to receiving the final report of the Health Accord so that we can make some of the changes that are needed in order to address the concerns that we are seeing in our health system.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, the question is whether the minister considers health care a cost or a service. The Health Accord team certainly considers health care a service.

Speaker, the Premier appointed two sets of hand-picked experts: the Health Accord team and the Premier's Economic Recovery Team. Their recommendations about health spending do not agree. Now the Minister of Finance has to make decisions about how the money will be spent.

I ask her to be honest with the people of the province. Whose advice will she follow regarding health care spending?

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

S. COADY: Thank you, Mr. Speaker.

It's too bad the former administration didn't take the advice on Muskrat Falls. Now we're left with that legacy here in this province, Speaker.

SOME HON. MEMBERS: Hear, hear!

S. COADY: I will say this: On this side of the House we listen to the advice of experts. As the Member pointed out, we have engaged a number of people. I think it's –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

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

S. COADY: Thank you, Speaker, for your protection again in this House.

I will say that we are prepared to listen to the advice of those that are providing it to us. It will be up to this administration, to this government to accept and listen and consult and review and determine the best path forward. We look forward to receiving the Health Accord's advice very soon.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Mr. Speaker, again, I simply ask the minister: Will you take the advice of the Health Accord team or are you looking at the advice of the Premier's Economic Recovery

Team? Two different approaches: one focused on cost, one focused on service.

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

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 guess they don't like the answer that I am giving to them. It is a challenge and I know that they are chirping quite a bit about Muskrat Falls, but it is the balance of a lot of the problems that we are having here in this province, Speaker.

I will say that we are informing ourselves on all sides of the debate and the discussion, but it will be up to our administration to consider the advice, the information that we're getting. Unlike former administrations, who just did what they wanted – and I am, again, referring to Muskrat Falls.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Speaker, the Opposition office ATIPPed the Department of Justice asking for the number of RCMP officers in the province, and we were told the department did not have the information and to contact the RCMP headquarters.

I ask the minister: Do you know how many RCMP officers are in our province?

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

J. HOGAN: Thank you for the question.

As the Member Opposite knows, we do provide funding to the RCMP and the RNC in this province and we leave it to them to make operational decisions about who to hire and where the officers should go. So they are the

ones that know that number and if it was suggested that she contact the RCMP for that answer, I suggest you do that.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Speaker, that is shocking that the minister cannot provide that number to the Opposition.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

H. CONWAY OTTENHEIMER: Provincial funding for RCMP has been frozen for 10 years; there is a \$14-million shortfall. The RCMP is continually being asked to do more, with less. We've already seen the RCMP detachment in Grand Bank head toward closure. Detachments in the Port aux Basques are going from nine to just six.

I ask the minister: Why are you allowing RCMP numbers to dwindle in our province?

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

J. HOGAN: Thank you for the opportunity, Mr. Speaker.

Muskrat Falls – oh, sorry, sorry.

SOME HON. MEMBERS: Oh, oh!

J. HOGAN: Again, we do fund the RCMP and we take great pride in the work they do in this province. As I said yesterday to the very identical question, we are under physical constraints in this province and we work with the RCMP on a weekly, monthly basis to make sure that they have the funding that's necessary. We thank them for making efforts to modernize the policing in this province so we can move forward under the fiscal restraints and ensure that the people in this province are safe.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

Speaker, yesterday the provincial government congratulated itself for its magnanimous gesture of welcoming some 116 Afghan refugees.

I ask the Minister of Education: What extra ESL supports and resources will be provided to schools where the children of these families and other refugee families attend?

SPEAKER: The hon. the Minister of Education.

T. OSBORNE: Thank you, Mr. Speaker.

We have been in discussions with the NLESD regarding the arrival of these newly welcomed citizens to Newfoundland and Labrador. The NLESD will determine where the individuals are living, working with the Association for New Canadians, and determine what schools the students will be going to.

We will provide the necessary resources, Mr. Speaker, to ensure that the students are integrated into the school system in St. John's or any other area that they are living.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

Is the Minister of Education satisfied that the current level of ESL services and allocation of ESL itinerant teachers in our primary and elementary schools is effectively meeting the needs of our refugee students and their families?

SPEAKER: The hon. the Minister of Education.

T. OSBORNE: Thank you, Mr. Speaker.

As the Member knows, we have gone out to the IAC and have received recommendations back for a teacher allocation review, which would include this particular set of skills, Mr. Speaker.

The teacher allocation will ensure that the proper allocation models are being put in place. We currently operate under the existing teacher allocation model, and those numbers are decided based on that model.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Not the question I asked.

But I'll ask the minister: What is the current ratio of ESL itinerant teachers to the schools they service? Is it one ESL itinerant teacher for every school with immigrant refugee students? Is it 1-2, 1-3, 1-6? Does he know?

SPEAKER: The hon. the Minister of Education.

T. OSBORNE: Mr. Speaker, I don't have that in terms of the immigrant students, the question that the Member asked, but I will certainly get that and provide it to the Member.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

A lot of communities in this province need primary care. We have the ability to use nurse practitioners to fill the gaps left by doctors.

I ask the minister: Will he make the changes to allow nurse practitioners to bill MCP in the interim and give necessary funding to the health authorities to get nurse practitioners in the right place until we hear from the Health Accord?

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

J. HAGGIE: Thank you very much, Mr. Speaker.

The nurse practitioners we have are a crucial and very valued part of our health care system. I think we actually employ, through the regional health authorities, 95 per cent or thereabouts of the graduates.

The problem with fee for service is that those people who are currently receiving fee for service don't want to for primary care. So we have discussions ongoing through ourselves and Treasury Board about alternate payment plans, compensation schemes for primary care physicians.

We have a very good salary model and I think we should wait until we get a good model for remunerating primary care before jumping into that particular problem.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

We are in a crisis. In Labrador West alone, we have gone from nine doctors to three doctors in 18 months. They are burning out, working overtime hours with no rest and it's a revolving door of patients in need. Many are concerned that if we continue down at this rate, we'll have no doctors in Labrador West by Christmas. Our community is not alone in this province.

What is the plan for when our overworked doctors and health care professionals say enough is enough and leave the province?

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

J. HAGGIE: Thank you very much, Speaker.

Last week I announced a package of just over \$30 million, of which \$22 million is new, annualized funding. A key piece of that is in actual fact a recruitment and retention strategy. We will start by finding out what it is that new graduates want to make them work in family medicine in this province and particularly in rural or isolated areas.

Those have always been a challenge. Labrador is a great place to live and work, but it is also not a place that suits everybody. We will, through Labrador-Grenfell Health, however, work to ensure that primary care is available for those people in their communities when they need it.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Time for Question Period has expired.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Tabling of Documents

SPEAKER: The hon. the Government House Leader.

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

I table the deficiency list for Muskrat – no, I'm sorry, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

S. CROCKER: Mr. Speaker, I table the *Marble Mountain Development Corporation* annual report.

SPEAKER: Further tabling of documents?

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

S. COADY: Thank you, Speaker.

In accordance with section 60 of the *Financial Administration Act*, I'm happy to table the 2020-2021 Public Accounts, and I'm proud to say we again have an unqualified audit opinion from the Auditor General.

SPEAKER: Further tabling of documents?

The hon. the Member for Conception Bay South.

B. PETTEN: Mr. Speaker, they're heavy to lift, but I'm going to table these deficiencies in the two long-term care facilities in Gander and Grand Falls. They're not a prop; it's the real deal. Take a couple of days and read it over the weekend and report back to me next week.

SPEAKER: Sorry, you need consent of the House to table the documents.

Does the Member have consent?

AN HON. MEMBER: Leave.

SPEAKER: Leave.

The hon. the Member for Conception Bay South.

B. PETTEN: You're too good me.

But anyway, I'll repeat: These are the deficiencies in the long-term care facilities in Grand Falls and Gander. If the minister wants to do some reading over the weekend, it's going to take a couple of days. We never counted them all, but I'd like to see the actual number.

Anyway, so tabled.

SPEAKER: Further tabling of documents?

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

A. PARSONS: Thank you, Mr. Speaker.

I wish to table for the House, as the answer to many of the questions that were answered, a copy of the *Commission of Inquiry Respecting the Muskrat Falls Project* –

SOME HON. MEMBERS: Hear, hear!

A. PARSONS: – entitled *Muskrat Falls: A Misguided Project*, compiled by the hon. Richard D. LeBlanc at a cost of about \$15 million. I'd like to table this for everybody on the other side to read.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Any other tabling of documents?

Notices of Motion.

Notices of Motion

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you very much, Speaker.

I give notice that on tomorrow I will move, in accordance with Standing Order 11(1), that this House not adjourn at 5 p.m. on Monday, November 1, 2021.

SPEAKER: Further notices of motions?

Answers to Questions for which Notice has been Given.

Petitions.

Petitions

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you, Speaker.

These are the reasons for this petition:

WHEREAS individual residents in the Harbour Main District have expressed serious concerns over the service that they are receiving or lack thereof from motor vehicle registration; and

WHEREAS many people are frustrated with the long and unnecessary wait times for appointments and the switch to online services versus in-person counter service;

THEREFORE we petition the hon. House of Assembly follows: We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to immediately take the necessary steps to review the current process in place for Motor Vehicle, develop and implement a plan which will best suit all people in the Harbour Main District and throughout the entire province.

Speaker, I am hearing, like other MHAs, other Members, from many constituents about the problems they are experiencing with motor vehicle registration. Specifically in the Harbour Grace area, but I'm aware that it's throughout the entire province.

I had one constituent from Clarke's Beach contact me. She said that she called motor vehicle registration in Harbour Grace looking to book an appointment. That was on October 20 for her to update her expired ID card. After a

long period of waiting, she finally got through to them and they advised her that it would take several weeks to get an appointment because they are so backed up. This is just October 20, Speaker. That same day, another constituent from the Harbour Main District tried to book an appointment for an ID card online; the first available was November 29 for Mount Pearl and November 26 for Harbour Grace. This is unacceptable, Speaker.

Another constituent wrote and said while she herself witnessed seniors lined up outside in the cold and rain waiting to get into motor vehicle registration, they'd only allow 10 people in the building at a time and then, once inside, they take a number and wait again. She could not believe – and she wrote: Having these elderly people susceptible to these rainy and cold and wet conditions during the flu season of all times, there must be somewhere inside the building where they can wait.

Speaker, we need to look at changing this system. It is not working. The long lineups, the long delays, the long waits to get through – the minister says the doors are open, but they're not open. It's very difficult for the people who are trying to access this service and we have to do something better here. It's not just about, as the minister says, working on tweaking. This is hardly a case of a tweak or two; it's just not working. It has to be changed. Let's go back to the way it was before if you're not able to accommodate people properly.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Thank you, Speaker.

These are the reasons for this petition:

The long-term care facility in Bay St. George and Stephenville Crossing is 45 years old. It is one of the oldest long-term care facilities in our province. It was not designed for the level of care it is now providing residents. The building has substandard bathrooms which cannot accommodate lifts, and rooms are small in size

in terms of length and width and do not meet the standard. There is a need for a new long-term care facility for the people of the Bay St. George region and its current residents.

Therefore, we petition the hon. House of Assembly as follows: To urge the Government of Newfoundland and Labrador to replace the Bay St. George long-term care facility so our seniors can receive the care they deserve.

Speaker, this petition has been signed by thousands of people in the region. As I said before, it's not just about my district; it's about the region. It's about the Member's opposite district, and it's more importantly about the people who live there – the dignity they deserve, the comfort they deserve. These are seniors who worked in our province and now need our help. They live in a government-owned facility that is substandard to their needs. It was built for level 1 and 2 care and it now provides level 3 and level 4.

So I urge the government to start the planning process and let's get this long-term care facility replaced.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Mr. Speaker.

The background to this petition is as follows:

At this time of crisis in health care, the government took four years to prepare to negotiate a new contract with physicians and then came to the table with no proposals to address the long-standing physician recruitment and retention problem and zero investment in the Physician Services budget.

WHEREAS most specialties have fallen below the Atlantic average and Newfoundland and Labrador's family doctors are the lowest paid in the country; and

WHEREAS the per capita spending on physicians in Newfoundland and Labrador is among the lowest in the country; and

WHEREAS 99,000 people of the province do not have a family doctor;

THEREFORE we, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to show leadership in the negotiations with the Newfoundland and Labrador Medical Association, resolve the impasse and work to build a spirit of co-operation with physicians to resolve long-standing physician recruitment and retention problems for the people of this province.

Speaker, this petition actually was read yesterday in the House by my fellow independent MHA from Lake Melville. The reason why we are concerned is because this relates to impacting doctors. We know we have a shortage of doctors in the province. It impacts overall health. When you can't access a doctor your overall quality of health will deteriorate. That is something that's going to cost a lot more money in the long run, so looking at the shortage.

This petition also highlights that it's taken four years to prepare to negotiate, yet they come to the table with nothing. Who should be offended by that statement? Should it be the government? Should it be the people? Because, at the end of the day, the Newfoundland and Labrador Medical Association is there, they want to be a part of the process and to help find solutions.

We just have to look around our beautiful province, Speaker, it's filled with hard-working people who deserve quality of health; they deserve better. But, right now, out there, shortage of doctors is a huge void that a lot of people are falling into.

In my previous life, we always looked at problems as something that has to be prevented – prevention. I ask: Where is the commitment to prevention when it comes to health issues? What about the commitment to being proactive? Right now, this province, we don't even have the ability to be reactive, Mr. Speaker.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

S. COADY: Thank you, Mr. Speaker.

I appreciate the unaffiliated Member raising this issue in the House of Assembly. As I have said, I think repeatedly, we recognize and acknowledge that there's an issue with pay. We absolutely want to give them a raise and that's why I've said repeatedly that we want to have constructive and important dialogue with the NLMA.

I look forward to working with the Newfoundland and Labrador Medical Association, to continue our dialogue on recruitment and retention. As the Minister of Health and Community Services has said, repeatedly, I'm prepared to speak with them at any time, Speaker, on these important issues. I believe that there are solutions that can be found to ensure a full agreement with the NLMA.

SPEAKER: Seeing no other petitions, Orders of the Day.

Orders of the Day

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

Speaker, I call from the Order Paper, Motion 2.

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) this House not adjourn at 5:30 p.m. today, Thursday, October 28, 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 very much, Mr. Speaker.

Bear with me one quick second. I call from the Order Paper, second reading of Bill 39, An Act To Amend The Adoption Act, 2013.

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

J. ABBOTT: Speaker, thank you.

I move, seconded by the Member for Placentia - St. Mary's, that Bill 39, An Act To Amend The Adoption Act, 2013, be now read a second time.

SPEAKER: It is moved and seconded that Bill 39, An Act To Amend The Adoption Act, 2013, be read a second time.

Motion, second reading of a bill, "An Act To Amend The Adoption Act, 2013." (Bill 39)

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

J. ABBOTT: Speaker, it is my pleasure to introduce a bill entitled, An Act to Amend the Adoption Act, 2013, in this House today. As a government, we recognize the importance of permanency planning and ensuring loving and stable homes for children who cannot be safely reunited with their families. It is the adoption legislation that governs the adoption process in Newfoundland and Labrador.

When the current *Adoption Act, 2013*, was proclaimed on June 30, 2014, there were a number of updates made to strengthen the adoption legislation in the province at that time. The intent and design then was to streamline the adoption process while remaining responsible and vigilant in ensuring the safety and well-being of children involved in the adoption process; ensuring the adoption program is progressive; clarifying and modernizing the law

respecting adoptions, as the previous legislation was proclaimed back in 2003; and aligning the principles of the adoptions legislation with the child protection legislation where that was appropriate.

Of course, the purpose of today's bill is to further build on and strengthen the 2013 legislation by introducing amendments to the current Adoption Act. Section 77(1) of the *Adoption Act, 2013*, requires that: "The minister shall, every 5 years, conduct a review of this Act and the regulations and consider the areas which may be improved." And "(2) A review conducted under subsection (1) shall include public consultations."

In consultation with the government's Public Engagement and Planning Division, my department launched an engagement process to help inform this statutory five-year review of the provincial adoption legislation. My department looked at the adoption legislation and processes in other Canadian provinces and territories and reviewed best practices in this area. We found that, generally, the current act is consistent with others. We did, however, note areas for enhancement, particularly in recognition of the unique rights of Indigenous children.

The engagement process focused on such areas as highlighting experiences and/or challenges with the adoption legislation, improving the legislation in the province to better support individuals and families and, third, recognizing the unique needs of Indigenous children, youth and their families.

We had a very positive response through this process and gathered input from a variety of key stakeholders, such as birth and adoptive families, foster parents, the Newfoundland and Labrador Foster Families Association, the Office of the Child and Youth Advocate, all Indigenous governments and organizations and the general public.

In fact, we received written submissions and had telephone and virtual discussions with 36 individuals, 26 departmental staff, five external stakeholder including the Office of the Child and Youth Advocate, the Newfoundland and Labrador Foster Families Association, the Innu Round Table Secretariat, the Nunatsiavut

Government, the NunatuKavut Community Council, the Miawpukek First Nation and the Qalipu First Nation.

The adoption legislation has been found to be effective in providing a framework for adoptions in the province; however, based on feedback from the engagement process, we have identified several key areas where the legislation can be strengthened and those amendments have been proposed in this bill.

The proposed amendments also will align with the *Child, Youth and Families Act*, that law became effective in June 2019, along with recent amendments approved by this House during this session. Also, these proposed amendments will align along with this governments and my department's commitment to ensure the unique needs of Indigenous children and youth are considered in everything we do.

I would now like to take this opportunity to outline the proposed amendments for all hon. Members. Based on engagement with Indigenous governments and organizations and review of best practices, the statutory review is recommending that the *Adoption Act, 2013*, be amended to include legislated provisions similar to those included in the *Children, Youth and Families Act*.

The first amendment area is defining who is an Indigenous child and youth. This amendment adds the definition of Indigenous child to the legislation, which is not there now, which will clarify to whom the legislative amendments for Indigenous children and youth apply. Further, definitions to support these new provisions include indigenous youth, Indigenous government or organization, Indigenous representative and cultural connection plan. With the addition of these definitions, the adoption legislation would be consistent with those in the *Children, Youth and Families Act*.

The next amendment area is expanding best interest principles. My department and the courts make adoption decisions based on what is in the best interest of a child and factors to be considered are outlined in the adoption legislation. The proposed amendments will include the importance of preserving an Indigenous child or youth's unique cultural

identity as well as the importance of the relationship between siblings when determining the best interests of a child. Making these updates would ensure consistency with current policy and best practice.

The next amendment area focuses on the needs of Indigenous children and youth. The adoption legislation does not currently recognize the unique needs of Indigenous children and youth. My department has consulted with all Indigenous governments and organizations in the province, and their feedback regarding the need for clarity around notification and collaboration is now reflected in the proposed amendments in this bill.

The following changes are proposed: the addition of a Schedule of Indigenous governments and organizations be added to the adoption legislation, similar to the *Children, Youth and Families Act*, to list Indigenous governments and organizations who may appoint an Indigenous representative to receive notice and be involved in adoption planning. The Sheshatshiu Innu First Nation, the Mushuau Innu First Nation, the Nunatsiavut Government, the Miawpukek First Nation, and the NunatuKavut Community Council will be included in the Schedule.

Following discussions with the Qalipu First Nation, they have advised that they will reach out to my department when they wish to be included in the Schedule. Upon request, my department will seek approval of the Lieutenant-Governor in Council to make such an amendment to the Schedule at that time.

Regulations will also be developed to outline the process for Indigenous governments and organizations to appoint an Indigenous representative to act on its behalf in matters pertaining to the adoption of an Indigenous child or youth. As well, following an adoption, my department will notify the Indigenous representative that an adoption order has been granted by the court.

Furthermore, cultural connection plans, which outline the arrangements made to foster an Indigenous child post-adoption, will now be required by the court prior to finalizing an adoption.

The next amendment area is related to openness orders. Post-adoption openness is the process through which adopted persons and their birth families or others significant to them maintain contact after an adoption has been finalized. Under the *Children, Youth and Families Act*, a judge may place conditions such as continuation of parental access on an order of continuous custody, and these conditions may continue to have force once an adoption is finalized.

There are times, however, when continuation of access is not always in the best interests of the child and may unnecessarily delay permanency for children. At other times, continuation of access is in the best interests of the child and a court order would ensure this continues.

Throughout the engagement process, clarity regarding the openness was highlighted by the Office of the Child and Youth Advocate and Indigenous governments. Particularly the need to ensure that adoptive families maintain any openness that was agreed to prior to the finalization of an adoption. For Indigenous children, this was primarily related to ensuring openness with the Indigenous organization as it relates to cultural connection and access to benefits.

My department is addressing this matter by incorporating legislative provisions to remit openness orders that may be issued by the court in cases where a person with access with a manager with custody wish to continue access beyond the adoption. This decision would be made based on what is in the best interests of the child. As well, this would clarify the matter in advance of an adoption taking place and would provide legal clarity regarding the rights and obligations of all parties.

Speaker, the legislative provisions which outline the manner in which parties may voluntarily enter into openness agreements in relation to an adopted child will continue because this is most appropriate in some instances

The next amendment area is regarding youth. We have identified a legislative gap that exists between the *Children, Youth and Families Act* and the current *Adoption Act, 2013* whereby a youth in care who has not been adopted by their

18th birthday must wait to be adopted as an adult at age 19.

The issue lies within section 50 of the current legislation that indicates a youth, after their 18th birthday, nor the manager is able to consent to the adoption. Therefore, we are proposing to address this gap by adding a legislative provision that will allow the manager's consent, signed before the 18th birthday, to remain in effect even though the 18th birthday has intervened, thereby allowing adoption plans to be finalized.

The final amendment area focuses on confidentiality and disclosure. Amendments are required to clarify the current legislative provisions in the Adoption Act regarding confidentiality and to ensure that the intended protection of sensitive information about adoptions is achieved while, at the same time, effecting maximum transparency for adoptive families.

The current act already provides direction regarding confidentiality and disclosure of information related to finalized adoptions; however, amendments are required to provide a direction on who may obtain information prior to its finalization.

The proposed amendments would also include a provision for internal review and appeal to the court for persons who are refused access to information under section 64.1. Currently, the provincial director may disclose information to an authority responsible for adoptions or adoption records in another province. The reference to "province" is limiting, as there are times in practice when it's necessary to contact and disclose information to adoption agencies in the United States or elsewhere.

My department's post-adoption program is frequently contacted by individuals born in Newfoundland and Labrador but adopted by American families, for instance, most likely in the 1950s or '60s, who are seeking information about their family. It is important that the post-adoption program have authority to communicate with adoption agencies in the United States and elsewhere to ensure adopted persons have access to information they are entitled to receive.

We are proposing that the word “province” in section 68(2) of the Adoption Act be replaced with the word “jurisdiction” to address this matter.

As well, in accordance with section 65(1)(a): The provincial director may disclose identifying or non-identifying information to a person where the disclosure is necessary for the health or safety of an adopted person, as currently written. We are proposing to amend this section to allow the provincial director to disclose information where it is determined to be in the best interests of an adopted child or adopted person. This change would be consistent with the approach of the *Children, Youth and Families Act* and allows for a more nuanced and clinical assessment of best interest rather than meeting solely the threshold necessary for health or safety.

Speaker, in closing, the amendments I’m introducing today will further strengthen the adoption process in Newfoundland and Labrador, as well as recognize the unique needs of Indigenous children and families. Again, as a government, we are pleased with the feedback received during the engagement process that has helped to inform the proposed amendments of the province’s adoption legislation.

I ask my hon. colleagues to support the bill which focuses on strengthening the adoption process throughout the province. I look forward to seeing this legislation passed. Further, as we debate these amendments, I would ask Members to focus on what we believe is and should be the focus of the Adoption Act and our amendments today, which reflects on the best interests of the child. This extends to ensuring Indigenous children being considered for adoption have their cultural background protected and ensured through the adoption process.

Speaker, thank you.

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

J. DWYER: Thank you very much, Speaker.

I’m very pleased to have the opportunity to speak on Bill 39, An Act to Amend the Adoption Act, 2013.

As the minister has stated, the purpose of this bill is to expand some sections of the act to ensure the best interests of Indigenous children are taken into account when they are adopted.

These changes reflect extensive consultations with every Indigenous group in the province. They reflect consultations with the Child and Youth Advocate as well as the Foster Families Association and the Information and Privacy Commissioner.

These changes also reflect the *Children, Youth and Families Act*. The changes are important. They are driven by Indigenous communities themselves, they have been studied intensively and they have our support.

The minister has already gone through the bill. I intend to take the same approach and make some observations along the way.

Under some new definitions, the first clause of the bill amends section 2 of the act where various terms are defined. A couple of those new definitions stand out. One is the definition of a cultural connection plan. Clause 4 of the bill is going to add a new requirement in section 28 of the act that when an Indigenous child is adopted a cultural connection plan must be put in place to ensure the child maintains that important connection. This plan is one of the things that must be placed before the court as part of the application to adopt a child when that child is Indigenous.

The bill says a “‘cultural connection plan’ means a description of the arrangements made to foster and Indigenous child’s connection with the Indigenous child’s culture, heritage, traditions, community, language and spiritually to preserve the Indigenous child’s cultural identity after an adoption order is granted.”

Indigenous child: Another definition added to the act is the definition of Indigenous child. It will mean “(i) an Inuit child, (ii) a Métis child, (iii) an Innu, Mi’kmaq or other First Nations child, (iv) a child who has a parent who considers the child to be Indigenous, or (v) a person who is at least 12 years of age but under 19 years of age and who considers himself or herself to be Indigenous.” In other words, a child 12 or older may identify as Indigenous or the

parent of a child may consider that child to be Indigenous and that will be sufficient for the child to be treated under this act as an Indigenous child.

Openness: Another couple of definitions have to do with openness. The act already has a definition of openness agreement. This comes into play under Part IX of the act in sections 51 to 53. Openness is about maintaining a link and the prospect of future interactions or information exchanges of one sort or another.

The bill will change the definition of openness agreement and add a new definition of openness order. Openness agreement will now mean, “an agreement made under section 51 or 52 for the purposes of facilitating communication or maintaining personal relationships or cultural connections after an adoption order is granted.” Openness order will mean that “an order made by a court under Part IX for the purposes of facilitating communication or maintaining personal relationships or cultural connections after an adoption order is granted.”

As we can see, the definitions are expended to make provisions for the maintenance of cultural connections. The bill recognizes that these cultural connections are extremely important to Indigenous children and we have an obligation to ensure the child can maintain those connections and benefit from them.

Other definitions: Another couple of amendments will add definitions for Indigenous government or organization, as well as Indigenous representative.

Best interests principle: Clause 2 of the bill adds two things to section 4 of the act where the best interests principle is defined. Right now, the act says, “(1) The purpose of this Act is to create new and permanent family ties through adoption. (2) This Act shall be interpreted and administered in accordance with the principle that the overriding consideration in a decision to be made under this Act shall be the best interests of the child. (3) In determining a child’s best interests all relevant factors shall be considered ...” and then it lists some of those relevant factors. Those include such things as: the child’s safety, health and well-being; the child’s physical, emotional and developmental needs;

the importance of stability and permanency in the context of the child’s care; the quality of the relationship the child has with a birth parent or other person significant to the child and the effect of maintaining that relationship; and so forth.

The bill will add two other relevant factors: “the importance of the relationship between siblings” and “the importance of preserving an Indigenous child’s unique cultural identity.”

Youth 18 to 19: Section 19(1) of the current act says: “A child shall only be adopted in the province where the following persons have consented.” Then it lists those persons.

Clause 3 of the bill fills a gap by allowing people between the ages of 18 and 19 to be adopted. Currently, a person in their 18th year must wait until their 19th birthday. So filling that gap is a sensible change.

A cultural connection plan: Clause 4 of the bill has to do with the cultural connection plan that was defined in clause 1. This change simply requires that a cultural connection plan be a part of documentation submitted to court for finalization of adoption on an Indigenous child.

Service of documents: Clause 5 of the bill adds a new section 31.1 regarding the service of documents. It allows copies of documents to be provided to an Indigenous representative in certain instances.

Notification: Clause 6 of the bill adds a new section 36.1 to the act. That new section will state: “A manager shall notify, in writing, an Indigenous representative of the appropriate Indigenous government or organization of the adoption of an Indigenous child as soon as practicable after the manager receives a certified copy of the adoption order under” the appropriate section.

Access order or agreement: Clause 7 of the bill makes a significant change to a section of the act regarding access orders or agreements. This is how the current section 40 reads: “Where an adoption order is granted, an order or an agreement that is enforceable under Part III of the *Children’s Law Act* or Part IV of the *Family Law Act* for access to the adopted child ceases

unless the court orders otherwise under subsection (2).

“(2) Where it is in the child’s best interests the court may continue or vary an access order or an access provision of an agreement that is enforceable under Part III of the *Children’s Law Act* or Part IV of the *Family Law Act*.”

And this is how the new section 40 will read: “Where an adoption order is granted in respect of a child, the following orders and agreements cease to have effect: (a) any order that grants a person access to the adopted children, other than an openness order granted under this Act; and (b) any agreement that is enforceable under Part III of the *Children’s Law Act* or Part IV of the *Family Law Act* that grants a person access to the adopted child.” In other words, any access to an adopted child allowed under the *Children’s Law Act* or the *Family Law Act* will no longer be in effect, only the rights provided under openness orders will have effect.

Openness: As noted earlier, clause 8 of the bill has to do with the part of the act on openness agreements, Part IX. The bill adds seven new sections in that part. The purpose of these new sections is to protect the best interests of the child. Currently, there may be continuation of access after adoption if a judge so decides. Under these amendments, the best interests of the child, as determined under the process laid out in this act, will prevail.

Protection of privacy: Clauses 9 to 14 of the bill amend Part XII of the act regarding confidentiality and disclosure. Clause 9 rewrites section 64 in order to enhance the protection of sensitive information. Clause 10 adds two new sections defining who may obtain sensitive information and what shall not be disclosed. Clause 11 rewrites section 65 regarding disclosure when it is deemed to be in the interest of an adopted child or person. The change will make the act consistent with the *Children, Youth and Families Act*. Without the change, a provincial director may disclose information to a person for health or safety reasons or to allow the child to obtain a benefit. The amendment allows for disclosure based on the best interests of the child.

Clause 12 rewrites section 66 regarding contact by a provincial director. Clause 13 simply changes province to jurisdiction. Clause 14 adds a new section, 68.1, to allow for internal reviews and appeal. This, too, is consistent with the *Children, Youth and Families Act*.

Other changes: Clauses 15 to 20 make other changes, one of which adds a new Schedule to the act, Schedule B, which lists Indigenous governments or organizations. The Schedule can be amended by regulation. The bill lists five such Indigenous governments or organizations: The Miawpukek First Nation, Mushuau Innu First Nation, Nunatsiavut Government, NunatuKavut Community Council and the Sheshatshiu Innu First Nation. I apologize for my enunciations on those. The Qalipu First Nation has chosen not to be included in the Schedule.

In conclusion, Speaker, this is an overview of what the bill does. As I stated at the outset, the bill reflects the aspirations of the Indigenous communities themselves. It is the product of extensive consultation that I personally was part of myself. It has been extensively reviewed. Children’s interests and privacy protection concerns have been addressed.

It’s a bill we support in principle. We look forward to further debate at the Committee stage.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Mr. Speaker.

First, I would like to thank my fellow MHA for Placentia West - Bellevue. He did apologize for some of his pronunciations, but I really respect when somebody is there and tries to the best of their ability to pronounce the Indigenous words, because that’s inclusion. So I thank you.

SOME HON. MEMBERS: Hear, hear!

L. EVANS: This bill is very, very important because it impacts Indigenous children.

Indigenous children grow up to be Indigenous adults – the Mi'kmaq Nations, the Innu Nations, the Inuit Nations and Inuit organizations.

Much work must be done to keep our Innu, Inuit and Mi'kmaq children close to their home communities. A lot of times it's impossible, if a child is being fostered or being adopted, for them to be in their home communities, but we must be doing everything that we can to ensure that our Indigenous children have ties to the land and to the culture.

That not only helps the Innu, the Inuit and the Mi'kmaq child, but also it helps their family and it helps their communities. Without that, we will never have healthy Indigenous communities. That's why this act is so important. It's about protection of the child but also ensuring culture and land connection and culture connection is being maintained. That's what was missing, I think.

Just looking at that also, maintaining true cultural connection should not be substituted for Ski-Doo rides and walks in the woods to have a boil up. That's not ties to the Indigenous land use, the Indigenous culture. So we must really make sure the connection is true to the intent.

We know the importance of land and culture to the overall health of the child. We also know it's important to the people. If we protect our children and our people, we will actually be able to make bridges where we can actually end intergenerational trauma.

I want to commend the minister and this government for all the work that's been done to improve this act. I really applaud your efforts and the efforts of the former minister, as well. Thank you, Minister.

I commend, also, the energy that's gone into this and the way the consultations were done with the Indigenous groups: the Nunatsiavut, the Inuit community governments, the different organizations, from different levels of the Innu governments and also with the Mi'kmaq. I did hear some feedback from the Innu and the Inuit that they were consulted with. I think that this act will bring about change, but it's a first step.

What I want to say now to the minister is that we also need to do more for the families of the children. Whether we're fostering children or having our Indigenous children adopted, we have to make sure that there's work going in to help the families so that they can keep their children, so we don't have to deal with the issue of adoption, so we don't have to deal with the issue of fostering.

You may say, well, this is an Act to Amend the Adoption Act, Lela, but in actual fact, we have to look at all the services that apply when we come to dealing with the protection of children. A lot of times, we need to make sure that when we are protecting the child, we're making sure that child has a warm home to be raised in, the child has food on the table so that they're not hungry and the child can actually be with their family in a house. So we need affordable housing.

The Indigenous world revolves around the children because Indigenous people know that child is going to grow up to be an adult, to have more children and then, later, to be an elder, to actually educate the youth and the new children that comes after them. So, with us, it's all about everything working together.

Mr. Speaker, I'm actually going to end there, but I really want to say that these amendments go a long way to ensuring that the children are protected in a way that they don't lose connection to their culture and to the land.

Thank you, Mr. Speaker.

SPEAKER: The hon. the Member for Burin - Grand Bank.

P. PIKE: Speaker, I'm quite pleased to have the opportunity to speak to Bill 39, an act respecting the *Adoption Act, 2013*.

As required in the *Adoption Act, 2013* section 77, a statutory review has to be completed and the regulations are to be examined and areas to be improved. I think this is a good thing. I think any plans or policies we put out there should have a review timeline and a review process in place, Speaker, to allow for that. This also includes public consultations, which are very important when considering such important and

sensitive legislation. I understand that consultations were given a priority when it comes to this bill. I understand that they were quite effective and well attended.

A bill that provides improved adoption services, such as this bill, is the result of experiences and concerns and is based on best practices. The expansion of the best-interests-of-the-child principle include the “importance of preserving an Indigenous child’s unique cultural identity” and the importance of the relationship between siblings.

This amendment being added to the act is so important, Speaker. I am pleased to see these principles added to section 4 of the act and to know they are consistent with current policies and best practices already. The significance and importance of sibling relationships is, again, a very important consideration and I’m elated to see this as a part of the act.

The Indigenous children and Indigenous representative section in the amendments clearly outlines that the best interests of Indigenous children are best addressed through their involvement of their Indigenous community. The premise around this principle allows for a definition of Indigenous child which will allow for various provisions when an adoption is being reviewed.

A cultural connection plan would be required by the courts prior to getting an order. Indigenous governments and organizations would be identified and notified and involved in the cultural connection planning.

Openness orders for post-adoption content: These amendments provide guidelines and procedures to facilitate communities where it is in the best interests of a child. The adoption of between 18 to 19 birthdays has been addressed. It clarifies the gap that was there existing in the current legislation and in the current bill. The act also addresses proper amendments to ensure the sensitive adoptive information is protected, but it still says that they’re going to ensure transparency in the process.

I fully support this bill. I congratulate the Department of Children, Seniors and Social

Development for bringing this forward and doing this great work.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker.

When I think of adoption or the birth of a child I always think of that Christmas hymn, *When a Child is Born*. It’s a wonderful time, the birth of a child. It’s happy; it’s a miraculous time. It’s no different when you adopt a child. We’re going to support this legislation, no doubt about it.

When you say it’s in the best interests of the child, that’s core. That is the core to this legislation: In the best interests of the child. One would expect that. One may argue that our legislation in the past probably wasn’t in the best interests of a child, but the concept, the purpose of this legislation is core with the best interests of a child.

When you think of a child, when they’re young it’s their wonder years. It’s the time when they really develop in how they’re going to proceed in life. Those early years are extremely, extremely important. I’ve always said in this House our greatest resource is our people.

SOME HON. MEMBERS: Hear, hear!

P. DINN: I take that a step further: Our greatest resource is our youth and our babies that are being born. That’s our future. Literally, that’s our future. They’re our best resource. They’re our greatest resource.

But every family, every situation is unique when you look at adopting a child. My experience, when I worked with a number of social workers who had to deal in adoptions, there are two sides to it: There’s the adoption where a family is taking on a child and starting their family; and there’s the flip side to it, when you’re removing a child from a situation. So there are good and bad. But the adoption is – regardless of the age of the child, it’s the birth of your child, basically, bringing into the family.

I'm really pleased when we're talking to the engagement process here. I think when we talk about Indigenous communities – I mean I've visited them and that's the best I can say. I really and honestly don't have a grasp of the lifestyle and the culture. I'm embarrassed to say so, because we really all should have a good understanding of our province, which includes Labrador.

So I'm glad to hear that the changes are being driven by the Indigenous communities. It's there – and I read it here, “to foster an Indigenous child's connection with the Indigenous child's culture, heritage, traditions, community, language and spirituality to preserve the Indigenous child's cultural identity after an adoption is granted.” That is so important. I mean, get past the word “legislation,” but picture that child, an innocent child coming into a new home.

The Member for Torngat Mountains mentioned about going into a warm home, talked about housing, talked about food, talked about other supports, but we all hear that saying: You have to make the house a home. So I agree with the Member in terms of the basics but when we consider the cultural activities that you have to bring along with that child, that's making that house, that's making that structure a home for those children, and that is so important.

The Member for Torngat Mountains mentioned the other day as well, talking about Red Indian Lake just for a little side here, and talked about how that could increase more racism or more vindictiveness towards Indigenous peoples. Well, I hope people see this piece of legislation here that we're dealing with. This should not, nor should any legislation, be going down that road. This is looking at babies, youth. This is what it is looking at: Giving them a better start when they have no home. You can't argue against this legislation. Like any child, Indigenous or not, you want to provide an environment where that child can flourish.

SOME HON. MEMBERS: Hear, hear!

P. DINN: You want it there so that child can be everything and anything they want to be. To do that, you have to have that base; you have to know where you came from. Making sure that

they remain in touch with their culture, their customs and their traditions is a huge part of that.

Again, that's not going out for a Ski-Doo ride; there's more to it than that. There is the spirituality of it. There is always room to improve on anything we put forward. I think this is a very, very good start at this. I'm sure, down the road, you'll find others instances where we should have changed this, should have changed that. We talked about it is the protection of the child and that's what it's aimed at. It's to make sure every child, and in this particular case Indigenous children, have the best start they can have if they can't have it in their home, if for whatever reason they have to be adopted.

Adoption is not always because of some bad thing. It might be any kind of situation that leads to an adoption. But you're giving that child a start. Just think about the child going to a strange home to start with. So everything you can do to create a familiarity for that child, to create a setting that is not so foreign to them, can only reap benefits. It can only reap benefits.

So when we look at this, this engagement process, and look at the unique needs – and I would argue every child comes with unique needs. But when you're looking at Indigenous groups, Indigenous children, there are some very obvious needs in terms of culture that we need to deal with. The best interests' principle, I like that. That's something we need to abide by.

You've added in a couple of relevant factors to that. The importance of the relationship between siblings, that is crucial – crucial. The importance of preserving an Indigenous child's unique cultural identity, those are crucial to this legislation.

When I look at the bill, there's many bullets here and explanatory notes. But the ones I highlight are the best interests of a child, the best interests of an Indigenous child, preserving an Indigenous child's unique cultural identity and ensuring to include a cultural connection plan. These are all great to ensuring these children have the best start, the best opportunity to be all that they can be.

I'm not going to say anything more other than this is a long time coming and we really start to address the true issues and the true challenges and come up with solutions that ensure our Indigenous children have the best start they can and they do not lose their culture, their identity and their traditions.

Thank you for this and I look forward to the Q & A on this.

SOME HON. MEMBERS: Hear, hear!

SPEAKER (Warr): I'm recognizing the hon. the Member for Lake Melville.

P. TRIMPER: Thank you, Speaker.

As others have indicated, this is a very well-received piece of legislation in this House of Assembly here today. I must say, representing the District of Lake Melville, it's a piece of legislation that reflects so many of the issues that we deal with.

As you're going through the clauses and the technical briefing we had from staff and then listening to the comments on the floor, it's quite revealing. Usually in a constituency office, you're working with an individual family or individual and they're coming to you with a problem such as around adoption, maybe it's fostering, other issues around children and youth in care.

As they often say, you have to step back sometimes to see the woods through the trees. If I think of all these individual files and I start to look down at the different changes being proposed in Bill 39 that the minister identified, you start to see common themes running through those, underlining issues. It's very refreshing to see just how effective the consultation was, led by the minister and the department, to really get at the heart of what I believe are the vast majority of so many of the issues we've been tackling, myself over the last six years, and many others for perhaps many more years. Nothing but a compliment, Minister, to what you have here.

I wanted to talk, just a couple more points. One that I'm often speaking to or having people ask me about is: What is wrong with having youth

from Labrador fostered or adopted in very loving families outside of Labrador, outside of that culture? I feel that, as my colleague just spoke about a few minutes ago, from Torngat Mountains, there's a real realization of the long-term consequences of being separated from your identify, from your culture when it's so steeped in history and so rich, and then to be separated from that. I think that the department and officials over the years have absolutely moved in a direction which is to essentially move a child out of harm's way.

Under the *Child Protection Act* you're really, first and foremost, trying to protect that child from whatever immediate situation which just isn't going to help for the future of that child or children. But, as we're coming to understand through intergenerational trauma, you're certainly starting to see consequences, you're seeing issues manifesting in other ways, through mental health issues, maybe medical health issues and so on, that it's good to see legislation coming now, because I feel that it's reflecting a realization that some moves, despite maybe the best of intentions, are paying and challenging society and governments to respond adequately. So, again, I compliment the minister.

One further point I wanted to put in here – two more points. One is we've had a good discussion in this area of the Legislature here this last hour and it's our understanding – and I look forward to seeing exactly what this all might entail; we have some ideas – that the Indigenous organizations, through their membership already – and, by the way, I wanted to say that we are already seeing elements of this rolling out as the represents have been identified, have been hired, they're in place now starting to represent that Indigenous culture and the context of the adoptions, I feel that's going to be very helpful, and I'm understanding that there will be good guidance for those future families. If they're not connected to the culture, per se, there'll be important guidance provided. I've heard some examples here as to what one might interpret as appropriate cultural education, versus the real understanding and thorough ability to be able to provide very much of a nurturing, culturally enriching environment.

My final thought I wanted to put out there was – and it's only because it's fresh and top of mind –

helping a family this week, these last couple of days, and it's a family we've been working with for many years. It may or may not necessarily fit inside this act, but I did want to mention it.

Many of the situations our office deals with are through adoptions by other family members of those children. I can list off right now a handful of families I'm aware of where the grandparents are now raising young children. So there's a generation gap there. Some of these grandparents, frankly, have stepped up. They really need to be commended. And while they enjoy the support, I'm sure there's always so much more that can be done there. Especially as you get on in your years and now you're tasked with this immense responsibility of providing a good, safe, culturally relevant home for these children now that are perhaps related to your son or daughter and now you're fully in charge.

I thank, again, the minister; I thank the House, again, for bringing this legislation forward. It will be well received in Lake Melville, across Labrador and across the province. I look forward to seeing it in action.

Thank you.

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 say a few words on Bill 39, An Act to Amend the Adoption Act. I will be supporting this bill. I will say that for the record. I think it's a good piece of legislation.

Obviously, we know the Adoptions Act in general, that the overwhelming principle has always been that the needs of the child come first – as it should. Certainly there is nothing being done to, in anyway, take away from that principle; we're only adding to that principle today.

Speaker, I can't speak with any great knowledge or insight as it relates to the needs or know a whole lot about the culture of a lot of our Indigenous people. You know, certainly in the

district that I represent, I don't think that I can – I've dealt with a lot of people in my district, know an awful lot of people, I can't say I know anybody, to be honest with you, that comes to mind at the moment that would be an Indigenous person in my area. I'm sure there are people perhaps that may have status, you know, from Qalipu and so on, which I may not be aware of. But, certainly, when I think of Inuit and so on and the groups up in Labrador, I can't think of anybody, to be honest with you, in my district.

I haven't had that exposure, like my colleagues behind me would obviously would in their district. They would be very familiar with the culture, with the language, with the traditions and so on. I come at this, I guess, with a very, very basic knowledge – admittedly. I'm certainly no one to judge, in any detailed way, as to a lot of the aspects of this bill in terms of the details of the culture and so on.

But from a general point of view, and I speak from a general point of view, Speaker, as I said, it's all suppose to be about the best interests of the child. I think when we look at anybody, whether you're a child or an adult – and we've seen in more recent years I think a greater realization of it – that if people are truly to be happy and truly to succeed and so on, I think the first thing that needs to happen is that there has to be a recognition of themselves, who they are, where they come from and what they stand for.

We've seen a lot of people now, not just from a cultural point of view but even from how they identify, and that wasn't always the case. Many years back people were living their lives and really living the life of someone who they weren't, they weren't being true to themselves. It's great to see these days that more and more people are choosing to be very open.

SPEAKER: I remind the Member to stay relevant to the bill.

P. LANE: Yes, thank you, Speaker.

My point, Speaker, is the importance for people to identify with who they are. That's my point. In this case, it's important that if children, Indigenous children, specifically, as is being dealt with here in this piece of legislation, they will have the best opportunity, I believe, I think

we all would believe, to success, to be happy as themselves and who they were born to be, keeping those ties to their culture is very, very important.

From a general sense, that's really what this bill is all about, it's recognizing the importance of protecting children, particularly children who are in unhealthy environments, who could be in an environment where they've sadly been harmed or there's a high potential that harm could be done to them for any number of reasons. That's what the child protection is all about, is to protect those vulnerable children in those situations.

But, as my colleague from Lake Melville said, it's also important that instead of – while it's obviously critical that a child be removed from a harmful situation, I think there's a realization that we can also do, I would say, unintended harm by removing children from their culture and ties to who they are as an individual.

So, preferably, we would want any child in that situation who, whether they're going to be adopted or whether they're going to be fostered and so on – ultimately, I would assume the goal would be that they could stay in their own community. That they could be, wherever possible, maintaining that link with family members, siblings, friends as much as possible.

Ultimately, if there were family members that could adopt them or foster them – that would be assuming there's no issue with the person or persons that they're being separated from – it's not doing any harm there. Ultimately, if they could be adopted or fostered by family members in their own community, that would be great.

Barring that, I think being adopted and/or fostered by other Indigenous people who understand the culture and are living that culture, that would ultimately be great. But there are also going to be situations, perhaps, where that may not be possible and the child may end up having to be fostered or adopted by somebody not in that community who may not be of that culture. Those situations may occur as well.

That's why I think it's talking about here, in those cases, the need to ensure that whoever the

adoptive family is, that they are going to commit – and, obviously, there are going to have to be a mechanism in place to ensure those commitments are kept – to maintain those ties for that child with that child's culture and so on.

I'm not sure of the mechanics of exactly how that would happen. I did have a little sidebar discussion with my colleague just sort of asking about how that would work. I just look at myself as the individual. If I were ever to decide that I was going to adopt or foster an Indigenous child, I wouldn't know where to start in terms of the cultural piece. As a couple of Members talked about, there's more to it than going for a ride on a Ski-Doo and having a boil up.

That would be about the extent of the things that I would know about, because I just don't know the culture and understand all the traditions; I don't know the language and so on. Obviously, somebody who was to undertake this, who was not of that culture, there would obviously have to be a huge learning curve. Those adoptive families would have to commit to and undertake a huge learning curve if they truly wanted to adopt an Indigenous child.

I'm assuming with the Indigenous organizations that are involved in this process within the department, that there would obviously have to be significant – I'm going to use the term "orientation"; it may not be the right term. It's one thing for me to be committed to learn but then, obviously, there has to be someone to teach me a lot of these traditions if I were to go down that road as a potential foster parent or to adopt a child.

I'm sure all these things would be covered off in the regulations. I'm sure that these things would be covered off with the department, with the other Indigenous organizations that are involved. If somebody not of that culture were to decide they wanted to be an adoptive parent or even a foster parent, it would obviously have to be a fair – along with a willingness of that person to learn, there would obviously have to be somebody to teach. I'm sure that those resources would have to be put in place and would in that particular case.

With that said, Speaker, I think the intent here is great. It makes a whole lot of sense to me. It's

certainly something that I will support. I'm sure that all of the mechanisms will be put in place by the department through regulation, through policy and through consultation with the Indigenous organizations to ensure that all the resources that would be required to make such adoptions, fostering, a seamless exercise, if you will – I'm sure that those resources would be available to make that happen. Obviously, if we're going to do these things, it's so important to every child and it has to be done right and proper.

From the general perspective of what we're trying to do here, I think it's a good thing. I'm very glad to see that apparently it seems like there's been a lot of consultation with our Indigenous people. That's key to make this successful.

With that said, Speaker, I will conclude my remarks. I just reiterate the point that I think it is a good piece of legislation and I will be supporting it.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

I, too, will start off by saying I do support this. It's a good start towards making sure that Indigenous children, no matter if they're in an Indigenous community or they're going to another community or something like that, that their culture goes with them. That is really important.

We talk about it, the importance of retaining one's culture and the important connections they have to their homeland and things like that. Make sure that we do the best we can for children that are in such situations, that they're not with their people and their direct connection to the land. We have to make sure that it goes with them, have to make sure that it is a part of their identity and who they are and their spiritual being.

I look at my own children in the sense that my wife does everything in her power to make sure that they understand where they came from and who their family is. They have a connection with their community and all their relatives when it comes to their Indigenous identity. We have to make sure that even though a child may be going into a different home, an adoptive home, it still continues on through the rest of their life. That's a connection that is very spiritual, it is very in depth and I almost would say it is genetic. It is something that's a part of their being and who they are. No matter where they are in the world they will have that connection to it.

My wife always says she'll never leave Labrador because she's afraid that she'll lose that little bit so she'll always stay in Labrador. But I still believe even if she goes anywhere in the world, she will always have that spiritual connection to the land and to their people. That's very important to Indigenous cultures and most other cultures as well. That is important to their well-being, their health and everything. Spiritual health is a very important thing too.

I do applaud this move and I'm glad that they're in consultations with all the Indigenous governments. We make sure that we address this. It's a part of the act, it's a part of everything that is that we continue along those lines to make sure that this well-being of Indigenous children are important, it's upheld and to have the ability to do this. Also, it is great, too, that we have it here but we have to make sure that the correct resources and everything is too, to make sure that it's facilitated.

I did listen in when the Member for Mount Pearl - Southlands asked this question to my two colleagues from Labrador about how would this work out. It's important. He raised some good points about making sure that there are resources and education and everything there to help people do this. We should help people do this and give them all the opportunities to make sure, because like we said the other day when we were discussing another act, it's about a learning process and all of us learning together about Indigenous cultures in this province. We have to learn together.

That's the thing, too; the Member was honest and said that he doesn't have many Indigenous

people calling his office but he wants to learn. That brings a lot of hope to me that he's sitting behind me saying he wants to learn, and that's the important part.

SOME HON. MEMBERS: Hear, hear!

J. BROWN: I recognize that we're all here as a learning experience and we should all learn together. Things like this helps other people in our community learn the importance of the cultures that are around us and our well-being.

I, too, will support this. I think it's a great first step. I hope that the department continues to look at all these things to improve Indigenous people and improve the lives of Indigenous children in this province.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Seeing no other speakers if the Minister of Children, Seniors and Social Development speaks now, this will close debate.

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

J. ABBOTT: Speaker, thank you very much.

To my colleagues in the House, I thank you for your comments. I just wanted to respond to a couple, if I may. The Member for Torngat Mountains talked about supporting families, among other comments. Certainly, I believe that is essential if we are to succeed in making sure our Indigenous children and families remain together. That's certainly something we are doing and we will build on going forward. We have seen, I say, a significant reduction of the number of children coming into care in Labrador because of that initiative by my department. We will build on that because we know we have more to do.

I appreciate those who recognize that the best interest of the child is fundamental and the driving force behind the legislation and certainly these amendments.

The Member for Lake Melville, one of the things he commented on was in terms of within

a family where children may be raised by their grandparents or other family members, their aunts or others. One of the things that we are working on with the Department of Justice and Public Safety and the Indigenous communities and governments is how we actually look at strengthening our legislation to support those cultural adoptions within the Indigenous families and communities. That, we know, needs to be addressed and we recognize it wouldn't fit within the context of these amendments. That's a piece we're working on, as we speak. So we will have more on that in the future.

To the Member for Mount Pearl - Southlands in terms of how we make this happen, in terms of protecting the Indigenous culture for children who are being adopted, we will have and it's in the legislation and it will be put in front of a judge in approving an adoption order would be a cultural connection plan. So that would be developed by our social workers in conjunction with the Indigenous representatives and the families involved to make sure that that is in fact in place. We also have openness arrangements so that the connection with the family, if it's agreed by all parties, will continue in a post-adoption period, and for life, ideally.

So, Speaker, that's it for now. I do appreciate, and if you look across our community, the number of children that have been adopted, the number of children yet to be adopted, we're working hard to make sure that the children in our care that are identified for adoption are placed in a loving and caring family as quickly as possible, recognizing there is a fair bit of work that has to be done involving both our social workers, the families involved and the courts.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Is the House ready for the question?

The motion is that Bill 39 now be read a second time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Carried.

CLERK (Barnes): A bill, An Act To Amend The Adoption Act, 2013. (Bill 39)

SPEAKER: This bill has 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 Adoption Act, 2013," read a second time, ordered referred to a Committee of the Whole House presently, be leave. (Bill 39)

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 39.

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

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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 39, An Act To Amend The Adoption Act, 2013.

A bill, "An Act To Amend The Adoption Act, 2013." (Bill 39)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The Chair recognizes the hon. Member for Placentia West - Bellevue.

J. DWYER: Thank you, Chair.

Minister, you mentioned in your address – before I get started, I guess, I would first like to say thanks to my colleague. I appreciate the forgiveness on my enunciations of the very important Indigenous nations that deserve these very important changes to this bill, so thank you very much for that.

Minister, the Qalipu First Nation has chosen not to be included in the Schedule. Did they give you any reason why?

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

J. ABBOTT: Chair, the only thing I can respond right now is, in terms of the issues that they're dealing with within their community, this wasn't, I'll say, high on their priority in terms of dealing with children's issues. But they want to stay apprised of the developments and if and when they're ready to participate then we will add them to the Schedule.

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

J. DWYER: So while they're not a part of the Schedule, is the Qalipu First Nation covered by this legislation?

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

J. ABBOTT: Yes, they are, to the extent that we can accommodate the Indigenous issues that may arise. The only missing piece, right now, if this was passed today, is that we wouldn't have an Indigenous representative from the Qalipu that we would engage with. But we certainly would be engaging with the community at large.

CHAIR: The Member for Placentia West - Bellevue.

J. DWYER: Minister, in your address, when we talked about the openness and openness orders, you said just vaguely, I guess, in some instances that it wouldn't apply. Are you able to provide an example in that case?

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

J. ABBOTT: I'm wondering if you could just repeat that last part of your question.

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

J. DWYER: Thank you. I appreciate the conversation back and forth.

When we talked about openness in your address to introduce the bill, you mentioned that sometimes an openness order or an openness agreement won't work in some instances. Is there something that you can share with us to let us know what kind of instances we're talking about?

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

J. ABBOTT: Thank you, Chair.

If you think of a case of a child in protection right now, they may have an openness agreement with a family member and others. We would then bring that to the court to determine on a go-forward basis, in an adoption scenario, if that relationship is still in the best interest of the child, and that would be a determination that the judge would make and then either the openness agreement or order that's in place now would continue or be amended. So that would be the type of, I think, example that we could see having to be adjudicated by a judge.

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

J. DWYER: The Indigenous representative, how are they appointed or put in place?

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

J. ABBOTT: Chair, they would be identified by the Indigenous government or organization and the name presented to me.

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

J. DWYER: Thank you, Chair, and I apologize that I never recognized you on the last one.

Does the child have a say in who represents them?

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

J. ABBOTT: It would depend.

Now, I'll go back – two things. The child – and, again, depending on the age, and the legislation is clear on those age limits as to their participation and their role in determining the adoption or not. But, in that case, the Indigenous representative would be by the government or organization itself.

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

J. DWYER: Thank you, Chair.

My final question is: Is the PRIDE program now as robust in Labrador as it is on the Island part of our province?

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

J. ABBOTT: Chair, right now, we have the program online, and it applies and is accessible by all. We're continuing to upgrade the program and to make it available to as many people as possible.

CHAIR: Thank you.

The hon. the Member for Topsail - Paradise.

P. DINN: Thank you, Chair.

A question on adoption staff: Will adoption staff be required to do cultural training?

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

J. ABBOTT: Well, all our social workers, particularly those that are working with Indigenous children or are in the communities, have training and that will obviously continue. Our director of adoptions would be certainly trained in the cultural issues. But we will also be reliant, obviously, on the Indigenous governments, organizations and those representatives to really work with our social workers and the families to finalize any adoption plan.

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

P. DINN: Thank you, Chair.

I had another question here around the definition of Indigenous people or Indigenous child, and rather than look for an answer, I would like to propose an amendment.

Chair, I move that clause 1(5) of the bill be amended in the proposed subparagraph (k.1)(v) by deleting the words “considers himself or herself to be Indigenous” and substituting the words “identifies as Indigenous.”

The purpose for this amendment is it does not take into consideration those who identify as non-binary. So that’s my proposed amendment.

CHAIR: Thank you.

The Committee will recess and we’ll have a look at the amendment to see if it’s in order.

Recess

CHAIR: Are the House Leaders ready? Okay.

Order, please!

The amendment is said to be in order.

The Chair recognizes the hon. Member for Topsail - Paradise.

P. DINN: Thank you, Chair.

I’m pleased that it’s in order. I think it’s – I’m going to call it common sense, but common sense is not always so common. But I think it’s a change that recognizes everybody and I appreciate it being in order.

CHAIR: Thank you.

Any further speakers to the amendment?

Is it the pleasure of the Committee to adopt the amendment?

All those in favour, ‘aye.’

SOME HON. MEMBERS: Aye.

CHAIR: All those against, ‘nay.’

Carried.

On motion, amendment carried.

CHAIR: The Chair recognizes the hon. the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Chair.

Just a question for the minister. I’m just wondering, Minister, as it relates to – I think it’s covered in section 28 here, it talks about a cultural connection plan be in place prior to adoption, and that’s something that would obviously be approved by the court, I think, in terms of adoption and so on.

But I’m just wondering: Will there be resources or whatever? What kind of resources would be available, if I was a parent and I was going to adopt an Indigenous child and I need to have a plan, but I don’t know a whole lot about the culture? Are there going to be some resources where I could learn about the culture and that? You know, it’s hard to commit to a plan if you don’t really know what it is you’re committing to.

I’m just wondering: Would there be resources for those parents or prospective parents to

understand exactly what's involved in this cultural plan, what would be required of them, what knowledge they would need and if they were able to commit to it before going down that road?

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

J. ABBOTT: Chair, again, depending on how you look at the Member's question, first and foremost, we want to make sure that our Indigenous children stay with their families and in their communities.

In that circumstance where a child is fostered or adopted out of the community, our social workers will work with the Indigenous communities, their social workers, for those that have them, and we would include the Indigenous representative in that because that would be essential in developing of that plan.

It would be a collaborative effort. It wouldn't be that prospective adoptive parent having to present a plan. It would be done involving the adoptive parent or family, the social workers, the Indigenous representatives and any others that people feel are appropriate in that circumstance.

CHAIR: Thank you.

Further questions?

Shall clause 1, as amended, carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1, as amended, carried.

CLERK: Clauses 2 through 20 inclusive.

CHAIR: Shall clauses 2 through 20 inclusive carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 2 through 20 carried.

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

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, enacting clause carried.

CLERK: An Act To Amend The Adoption Act, 2013.

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 with amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

Motion, the Committee report having passed the bill with amendment.

CHAIR: The hon. the Government House Leader.

S. CROCKER: Thank you, Chair.

I move that the Committee rise and report Bill 39.

CHAIR: The motion is that the Committee rise and report Bill 39.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

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 Baie Verte 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 39 with amendment.

SPEAKER: The Chair of Committee of the Whole reports that the Committee have considered the matters to them referred and have directed him to report having carried Bill 39 with amendment.

When shall the report be received?

S. CROCKER: Now.

SPEAKER: Now.

When shall the bill be read a third time?

S. CROCKER: Tomorrow.

SPEAKER: Tomorrow.

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

SPEAKER: The hon. the Government House Leader for reading of the amendment.

S. CROCKER: Thank you, Speaker.

I move, seconded by the Deputy Government House Leader, that the amendment be now read a first time.

SPEAKER: It is moved and seconded that the amendment now be read a first 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: First reading of the amendment.

On motion, amendment read a first time.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Speaker.

I move, seconded by the Deputy Government House Leader, that the amendment be now read a second time.

SPEAKER: It is moved and seconded that the amendment 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: Second reading of the amendment.

On motion, amendment read a second time.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Mr. Speaker.

I call from the Order Paper, second reading of Bill 12.

SPEAKER: Any further speakers to Bill 12?

Seeing none, if the Minister Responsible for Indigenous Affairs and Reconciliation speaks now, they will close debate.

The hon. the Minister Responsible for Indigenous Affairs and Reconciliation.

L. DEMPSTER: You almost said Digital Government. I don't want her job, Speaker. She has a lot of legislation.

Thank you, Speaker. I'll just be very brief.

I'd like to thank the speakers – I think it was yesterday; seems like it's further back than that – for their comments on Bill 12, An Act to Rename Red Indian Lake. I want to thank the Leader of the Official Opposition. I wish him well in his new critic roles. I thought he did a great job. He set the tone, acknowledging that it was well intentioned. As we said a number of times, we may not have got off on the right tracks, Speaker.

I want to thank the Member for Grand Falls-Windsor - Buchans for his comment. There are a number of things there I decided after reflection that I'm going to leave and not respond to.

I thank the Member for Exploits. He spoke passionately about the Beothuk. There's a lot of Beothuk history in his district and I'm hoping to get out there very soon, Speaker.

The Member for Lab West spoke very passionately yesterday and I was reflecting on his words. It's a journey that we all have to take together and his sharing about his learning since he's married an Indigenous lady, Speaker.

Also, I just wanted to share with this House as a side note as we talk about inclusion, diversity, he referenced the Filipino population in the district that he represents. I know there's a large number in Lake Melville – wonderful, wonderful people.

I would ask folks in this if they are looking for something to watch on a Friday or Saturday

night to watch the film *Becoming Labrador*, because it's quite a moving film. I don't think you'll ever see a Filipino without thanking them ever again about how they came – it's like a world away. They came to Labrador, left what they know to make a living.

I'll not name each one, I believe the Member for Lake Melville, Torngat Mountains, Humber - Bay of Islands, Mount Pearl - Southlands all spoke to the bill. With that, I'll just clue up debate. I will thank them and I will answer any questions that folks might have in Committee.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Is the House now ready for the question?

The motion is that Bill 12 be now read a second time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Carried.

CLERK: A bill, An Act Respecting The Renaming Of Red Indian Lake. (Bill 12)

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 Respecting The Renaming Of Red Indian Lake," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 12)

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Speaker, I move, seconded by the Deputy Government House Leader, that this House resolve itself into a Committee of the Whole to consider Bill 12.

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

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

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 12, An Act Respecting The Renaming Of Red Indian Lake.

A bill, "An Act Respecting The Renaming Of Red Indian Lake." (Bill 12)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

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

C. TIBBS: Thank you, Chair.

I just have a couple questions for the minister. EngageNL had a consultation website set up. Is the report released? Is it available to the public? Where can they find it?

CHAIR: The hon. the Minister Responsible for Indigenous Affairs and Reconciliation.

L. DEMPSTER: Thank you, Chair.

That is a good question. I have a draft copy here. I'm happy to share that. But I believe if it's not up – it may be online and, if not, it's going online very soon. I'm just checking with my officials here for a response to that, but what we heard will all be posted publicly, yes.

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

C. TIBBS: Thank you, Chair.

When will the remains be returned to the Millertown area? What type of infrastructure will be built to ensure their safety and protection? Will this building support any other artifacts or documents belonging to the Beothuk? What are the plans for the remains, when they come back, specifically?

CHAIR: The hon. the Minister Responsible for Indigenous Affairs and Reconciliation.

L. DEMPSTER: Thank you, Chair.

So what I can say to the Member is that we continue to have those discussions. It is a priority, it's a commitment that we've made and so there's dialogue happening, ongoing with the Indigenous leadership. There is a consensus that the remains will not stay at The Rooms. That's not anybody's desire. We also know that, presently, there is no structure that could appropriately and securely accommodate the remains at the lake in a manner that is respectful and honourable to the legacy of the Beothuk.

You and I had some discussion on this some time ago. The Premier has made a commitment that we're looking at something that will secure the remains, but as for if more would be housed than the remains of the last two known Beothuk, that decision hasn't been made yet. I haven't been a part of any discussions on any more than the remains of those two being repatriated back to Central.

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

C. TIBBS: Thank you, Chair.

I know we talked yesterday about the process and it was flawed. But I do want to say, Minister, for myself – and I speak for the Opposition as well – we do appreciate all the efforts for reconciliation from the government. We hope to be joining you in those processes moving forward.

Just one last question, Minister. There are many people and businesses that were attached to Red Indian Lake, as it was. What supports and funding will government be providing to the constituents and the businesses impacted by the name change now – branding, trails, tourism.

Fred Thorne owned Red Indian Lake Outfitting. Fred and his wife, Shirley, would travel all through America for up to eight weeks every single year posting that brand for their business. They've been doing that now for about 12 years, so that's been out there.

We're just wondering: What supports and what funding will be available to these businesses and constituents upon this request?

CHAIR: The hon. the Minister Responsible for Indigenous Affairs and Reconciliation, and Labrador Affairs.

L. DEMPSTER: Thank you, Chair.

I thank the Member for the acknowledgement of the work that's already been done. We fully acknowledge that while well intentioned, the process and the start was not right. Even aside from my whole team in government, I'm very much a personality that once I make a decision, I won't stick to it for the sake of sticking to it. As soon as we knew that there was unrest and folks felt they hadn't been heard, I did push and we held the first face to face since pre-COVID to do that, to get out and to meet with the people.

Regarding supports for businesses, I would definitely refer any business with a direct ask, if it's tourism to TCAR, or if it's under Industry, Energy and Technology – what I will say is while government is making the move to change the name of Red Indian Lake to Beothuk Lake, businesses are not compelled to change a name. We're not dictating to private businesses to change the name, but I do appreciate your question and where it's coming from. If there is

a business that feel they want to do that and there is a cost and they're wondering what supports is available, I would ask them to reach out to the relevant department for business supports.

CHAIR: Any further speakers to this?

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

J. DINN: Thank you, Chair.

Just a quick question: What's the process now for renaming of other areas, other places such as Indian Arm Pond, Indian River and Indian Bay as we move forward? I'm assuming we're not stopping with Red Indian Lake.

CHAIR: The hon. the Minister Responsible for Indigenous Affairs and Reconciliation, and Labrador Affairs.

L. DEMPSTER: Thank you, Chair.

So it is my understanding that any further name changes will go through the process of the Geographical Names Board, which I know you're familiar with. I think in our efforts to elevate reconciliation, as we work with groups in our efforts to not – the Geographical Names Board can be long. It can be a bit of a slow process. Because we have those remains sitting at The Rooms and we wanted to move that process along a little quicker, we went the legislative route with this name because it was important to us. But anybody, as you know, can come forward and request a name change through the Geographical Names Board.

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

J. DINN: So am I to understand, then, that any future name changes will be driven by people putting their requests in, and if no one puts the request in for the name change there will not be a reconsideration of the name?

CHAIR: The hon. the Minister Responsible for Indigenous Affairs and Reconciliation, and Labrador Affairs.

L. DEMPSTER: Thank you, Chair.

That is my understanding. I say to the hon. Member that right now there are no other name changes that's on our radar, beyond Red Indian Lake, and that any future names will go through the Geographical Names Board.

To the Member for Grand Falls-Windsor - Buchans, it's not posted online yet, but it's being prepared to be posted online now.

CHAIR: That's it?

Any further speakers to the bill?

The hon. the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Chair.

Just wondering, Minister, based on the commentary from my colleague from Grand Falls-Windsor - Buchans about that point of land that's at risk of being destroyed by Mother Nature and so on, I understand it's not contained in this bill but I guess in the spirit of openness and co-operation, can you give us some commentary so to what plans, if any, if you're going to at least look at trying to preserve that piece of important historical property?

CHAIR: The hon. the Minister Responsible for Indigenous Affairs and Reconciliation, and Labrador Affairs.

L. DEMPSTER: Thank you, Chair, and I thank the Member for Mount Pearl - Southlands for the question.

It is important that that be preserved. I had an opportunity to visit that area in May. It is absolutely beautiful out on that point. I think the word I used at the time was it sort of felt spiritual. It was so peaceful there.

There is some erosion that's happening. It's my understanding that when they had applied for the funding, the people applying didn't own the land where they were asking for the funding to be fixed. I know don't if it was Crown lands, but it was outside, maybe, community boundaries.

But my colleague for Municipal and Provincial Affairs may have some details that she can speak to specifically on that.

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

K. HOWELL: I've been informed that the request for special assistance was received from the Town of Millertown, but because the road was outside the town boundaries it didn't belong to the town and the project was outside the eligibility criteria for that particular application.

SOME HON. MEMBERS: Oh, oh!

CHAIR: Order, please!

K. HOWELL: However, there are other programs that it could be referred to. The department, at the time, referred the town to the Canada Community-Building Fund and I understand that the town hasn't yet applied for that.

CHAIR: Thank you.

Any further speakers?

Seeing no further speakers, shall clause 1 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Clause 2.

CHAIR: Shall clause 2 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 2 carried.

CLERK: 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 Renaming Of Red Indian Lake.

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 Government House Leader.

S. CROCKER: Chair, I move, seconded by the Deputy Government House Leader, that the Committee rise and report Bill 12.

CHAIR: It is moved and seconded that I do rise the Committee and report the bill.

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 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 12 carried without amendment.

SPEAKER: The Deputy Chair of Committee of the Whole reports that the Committee have considered the matters to them referred and have carried Bill 12 without amendment.

When shall the report be received?

S. CROCKER: Now.

SPEAKER: Now.

When shall the bill be read a third time?

S. CROCKER: Tomorrow.

SPEAKER: Tomorrow.

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

SPEAKER: The hon. the Government House Leader.

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

I call second reading of Bill 22.

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

B. PETTEN: Thank you, Speaker.

Speaking on this bill, like I say, I always say it's good to speak on any legislation. This one here, Bill 22, it affects my district but I think it actually affects the majority of districts in the province one way or the other. I guess if you live in the greater St. John's area it's not so much an issue from your home, it's more of an issue when you go up in the country or what have you. As you move further from St. John's, obviously, it's an issue that people can leave their backyards and go, whether it's wintertime on

snowmobiles and summertime and probably all seasons on ATVs, quads, Side By Sides, what have you.

I guess each Member in here is after hearing or has concerns or has some input on this piece of legislation. It's ironic, I know the debate our caucus had over this bill and it was kind of interesting because I wonder sometimes, my God, if we really got into some real heavy, heavy stuff, how would we ever agree? But it just went to show that this type of legislation, to so many people in our province, this is their pastime and this is what they did; me included.

It's who we are. We're not Ontario; we're not the big city. We're not as big as we may think. We're still rural, no matter even the City of St. John's, there's still a rural aspect to us and we should never forget that. That's what makes this so special of a place to live.

Speaker, this legislation, there are aspects of it that – there are a lot of good things in it: the education piece and mandatory helmets on the snow machines. I guess the mandatory helmet piece in general, which has commonly been the issue we've mostly heard about and I'm assuming a lot of Members have heard about, it's the blanket helmet requirement.

Now, first and foremost, I'm a fan safety. I've always been that way. I have a shelf in my garage that's lined off with helmets all dates, winter, summer, quads, Ski-Doos, whatever, and we believe it's something that – that won't change.

I'm not the owner of a Side By Side, personally. I guess the question comes up, too, the issue we've heard a lot about, and our caucus have heard probably more so than me in general, is the helmet piece when it comes to these enclosed, factory-sealed Side By Sides.

In some aspects they're as safe as a vehicle. A small vehicle you're enclosed in the factory, hard plastic, whatever, metal; you have the roll bars, which a lot of vehicles, a lot of cars don't have roll bars; you're strapped in with a three-point harness seat belt. It's pretty safe; it's a pretty safe rig. So then most people feel the helmet is an overkill. Someone actually likened it to killing the fly with the sledgehammer.

Fully understanding – and I understand and actually I know Rick Noseworthy well. Rick is someone that I've spoken to many times and will again. Rick's a big proponent of helmets and I respect that. But I really think that sometimes when you are trying to err on the side of caution – which I think that's what some of this stuff is, so I respect the viewpoints – sometimes you can go too far. Again, I'm speaking from people that know this stuff more than I.

I've gotten to know more of it since the legislation came in because I don't own a Side By Side, I got a quad. I enjoy that type of ride, too, but I've always had to wear helmets so it's never been an issue. They make some good points. They make a lot of valid points. We'll have some other Members, some of my colleagues will probably speak to that more than me, but that issue is a very important issue and the big issue, again, I think, the further you move away from the St. John's metro area, you'll hear more complaints.

Another concern we're hearing is the height restriction, you know, your feet can't touch the ground. I mean, again, I get that. I get that piece, but in today's world and what are very sensitive issues out there on many other social issues out there, there are a lot of dos and don'ts you can do. I question that thought process for that to even be put in there because that, to me, it's discriminatory. It don't apply to me, but I know a lot of people it do and they feel it's very discriminatory. My colleague from Exploits is pointing himself out as being one, so he's self-disclosing.

But it is discriminatory, Speaker, and I think that's something that I would hope that the department would take another look at that because I think that issue is – whether it's an oversight, I don't know. I can't call it oversight; I know that officials put a lot of time and work into these legislations.

With this sort of thing, I guess, coming to that point with the legislation, I guess by reading, and we all see the stuff on a lot of these Facebook sites around and these rider's groups – I got them in CBS, CBS Recreational Riders and there are the Newfoundland Trail Riders. There are all these groups.

It's the consultation process. We say it here in the House, we say it and we repeat ourselves over and over again – I don't really know, sometimes, if we really get it right. I'm not saying – that's not meant to be a barb. That's meant to be just an honest view, you know, assessment, I guess, when you look around and you see some of the stuff that comes through.

It incumbent on government, but I mean, take it back a step. When this stuff is being derived and developed, I wonder how much feedback is really given, how much input is sought from those groups because some of this stuff – I noticed, actually, before it got in the House, whatever happened, this was out on a Facebook – some of this legislation, first time I had seen it.

Why not consult with those people? Why not consult with their spokesperson – not every one of them, but someone that speaks for that group; someone that speaks for the industry. I know you probably would say you spoke to some of these people but sometimes the consultation will get you to the answer you want, get you to a place you want to be. Sometimes you do that and you don't realize, sometimes you don't hear the other side and some people are going to have just as strong a view on the other side.

The Rick Noseworthys and the safety councils and these people have one viewpoint, and I respect that: we need them. Let's get the opposing view and find somewhere – a happy place to land in the middle.

When you look at the helmets in those factory-sealed Side By Sides and when you hear the debate and you read some of the owner's manuals and how they can protect you, and I hear from these groups what their opinions are, that's there things and that's what they know. I question then when we're bringing in this legislation should we not have went further?

I guess a bill like this would have been an ideal bill to go to Committee because we done the real estate act last sitting maybe – I can't remember, I was part of it, one of our Committees. It was an interesting concept because we brought in people from the real estate industry, we brought in people from – the pros and cons; they sat face to face with us. It was an interesting exercise and when the bill came to the House, most of the

conversation was done on it: the debate was done. I thought it was a really valuable process and it is getting that better piece of legislation because, at the end of the day, you don't want to be going home and saying you're rubber-stamping stuff.

Government has the majority, they're going to go through the process; we're going to have a second reading, like we're doing here now on this bill. At the end of the day, are we getting to the end point? So even if we oppose it, it will still pass with the numbers. But is that really what the public expect of us? Is that really what the people out there that vote for you expect? Most people don't expect that. They don't like that. They don't want that. Most people don't even realize sometimes that's what happens, but, unfortunately, it does.

I say to this bill, all of our legislation, not only Bill 22, it needs to be seriously considered to put into Committees of the House. I think that has been said here when you look at democratic reform. These sorts of things I think will be a lot better off and we don't have to go through the elongated process of debating in the House and trying to get amendments in place and what have you. It will all be done before it got to the House and done in a very mutually agreeable manner.

You have you differences and you come to an agreement of some sort. Maybe you'll be off sides with it by the end of the day, but you went through a process, whether you get your way or not, that's not about – as long as it has been a fulsome process you'll come back and say you had your debate, you win some and you lose some, but at least your concerns were out there and they were given the proper consideration.

When we get to this bill, you go through it and the education, the training and the age limit, there are a lot of things. Because I know we were going through it and we were: Yeah, we're good with that. I got a sheet here with checkmarks on it. We were like, this is good and this is good, and the fines and what have you. But, ultimately, to get the real voice of the people, to get the real concerns that people really have and if you're not going to do a proper consultation, a full-on consultation process – I believe that there are a lot of people out there are avid about this and adamant, too, that would've

most definitely took up a public consultation process on this. I think that's the missing point.

It's fine and dandy, you know, *Off-Road Vehicles Act*, Bill 22, and we're bringing in these changes – and, again, I listened; a lot of them are good. But it was precipitated – and rightfully or wrongfully, but I think rightly, and maybe it should've been done long before now – by the deaths we had. It's really tragic. Your heart goes out to every family. I mean, it's imaginable.

I don't know if most of those deaths would've been prevented by these regulations. I'm not saying they wouldn't have been. I don't know. I'm not fully convinced that a lot of them would've been. Some of them were just accidents. It could be a motor vehicle, it could be a pedal bike, it could be a speedboat or it could be a Sea-Doo. It doesn't necessarily have to be an off-road vehicle like we're talking here now.

When you come in with this, most of them – I'd have to look down through the 60-some-odd deaths that I've heard announced in the province as a result of them. I don't know what percentage these regulations would've prevented, how many deaths those regulations would've prevented. Again, that's about research, that's about consultation and that's about bringing the facts out. I don't know. I haven't seen it anywhere and I've read a bit and I'm after talking to a lot of people and had a lot debate about it, but I don't see those numbers. Maybe it is higher than I think, but I don't it is. Because I think sometimes, no matter what you got in place, there is that time that you're going to tip over, someone's going to hit their head on a rock or something is going to happen, and that will happen.

We're not in favour – I don't believe in having a Side By Side with no helmet – absolutely not. It's only the factory-sealed ones. There's a big divider on that. I know a lot of people and I got a good friend of mine who drives a Side By Side. There's no way, shape or form should they not be wearing a helmet. I wouldn't get in it myself without a helmet on because it's not safe. I mean, I know a lot of rigs like that. We all know and if anyone's familiar with some of these Can-Ams they're in, it's angled in, you're driving

them along, the guard is outside the roll bar driving along.

It's not to do with that. That's where I think the missing point is. The factory-sealed units and people that are in the know will tell you they're safe, probably safer than a small car. With the proper consultation, those user groups, those people that are in the know and have a strongly adamant opposing view of what's been proposed in this legislation, they would have most definitely presented those facts. Again, we probably would have had something more measured or more exempt – I know a lot of these helmets and stuff is in the regulations, but it would have been something that would have been more tolerable or palatable to people.

We agree with the majority of the bill but those three issues – another one is with the ccs, 1.25 ccs or 125 ccs. I'm not that up on this, as you can tell, but I do know that some of these machines are too small for the age groups. They're powerful machines. That needed to be fleshed out more, too. Again, I have some people and in our own caucus that are better experts on this than me, but we've talked enough now and talked to people in the know. That's why the consultation process – it's no good of coming to me to talk about it. There are people out there that know a lot more than me and probably all of us in this House that should have been consulted and fleshed this out. Obviously, had you done that, you would never have brought in this one with the ccs, a prime example.

That's where it takes sometimes this consultation. Is it rushed legislation? I don't know. I mean I could say that. As the saying goes – I have a good friend that uses the word my dirty mind, but I'm not going to use that one here today because I mean what else – that's an obvious glare from what I've gathered. That's an obvious flaw with the legislation.

The height restriction is another obvious flaw. If you had someone in here that were in the know to sit down and maybe some of my colleagues might be able to do so and explain to you about the helmet situation in a factory-sealed unit, it would be pretty convincing as well. But that's not an issue that I'm bombarded with in my own district.

In my final few minutes, the issue I think that needs to be considered – whether you put this in legislation or not, but I think it's the right place to bring it. It's never a bad place in the House to bring this up. It has to be a part of the community. ATVs are part of our culture. Communities and municipalities need to make them a part of – that's the core of the problem. You look at enforcement. I don't know if we can legislate enforcement. We have fines there, but enforcement will always be an issue. These ATVs are operating in our communities; they operate in my town. Three o'clock in the morning, there are bikes coming by my front door. But they're coming on byroads through CBS and I'm sure every municipality in the province at high speeds because they don't want to get caught.

There has to be more acceptance and tolerance of these machines by the individuals using them. A lot of young people use them and that's a problem. The Minister of Justice, both of us were copied on an email a while back on ATVs. They were in favour of not being too harsh on them and whatnot. I know he responded as well as myself. That was my feeling. I feel that municipalities – and I've talked to our municipality in CBS about it, that heavy-handed approach. We have to find a way; we can't legislate everything. There has to be agreement.

Now again, you probably can't put that in the bill, but that's probably one of the biggest pieces missing from this bill because that won't change. You're going to give them a one kilometre on a road – the town has to decide which road that is but to get to that road, you might have to do another road. If there was some level of understanding, I think people would respect that and know that if the cop or municipal enforcement officer sees them, they're not going to lose their bike or they're not going to be fined. They are finding their way to get there. Now if they're going up and down the road, yes, it's a different beast.

I think that's a big piece that's missing, again, the consultation process. You go up and you talk to most municipalities – I know my municipality I spoke to our new mayor, Bent, as recently as last week and he knew this was coming and we had a discussion about it. That's a huge, huge issue in the town. I spoke to Inspector Brennan

with the RNC detachment in my district; it is huge issue. I have regular back and forth with them all the time. They don't know; they're trying to figure out ways to combat ATV use.

This all has to come together. We're not going to be able to put all of it in legislation, but I really think the bigger discussion – and it could be done through committees; it could have been done through good consultation. That is the discussion. With the legislation and you bring in all those other municipalities and law enforcement and do this together, that's where you're going to solve the problem. You're going to bring in all these rules and crack down, but if you don't get buy-in from the municipal enforcement, from the towns to be more accepting – we don't crack down on people walking on trails because they do no harm, they're walking. There are some nice trails throughout my community alone. But we'll crack down on someone that takes enjoyment at going in on their bike, like me, and I'm sure a lot of others, for trout, for a boil-up, for a nice pleasurable run. You may have to hit a road that's not included in this, you're not permitted on or whatever. I'll do it myself to get to a safe zone. That's a natural reaction. We do it; that's the instinctive.

Again, it's about bringing everything together. I think that's why this legislation – committee would have been great, more fleshed out, more input from municipalities, which I don't know what municipalities had any input, if any. That's how we get good legislation. It's not about us and them. We all agree we need to do something. We all agree there are deaths in this province. One death is too many. We all agree these machines are not safe. We all agree they are an annoyance to a lot of us in our communities.

I mean, 4 in the morning I've seen them going by my front doors on two wheels – a four-wheeler up on the back two wheels, not safe. But there has to be a combination: there has to be enforcement; there has to be community buy-in. That's not going to be in this legislation. We have to find a way because this will not solve our problems. This problem will still exist when this legislation goes through, regardless of what amendments come in. If you bring out all those things that I have concerns with and we all have

concerns with, until we get to that point we're going to have a problem.

On that note, Mr. Speaker, I'm sure we'll have more conversation in Committee. I thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

C. TIBBS: Thank you very much, Speaker.

It is an absolute pleasure to talk about this legislation today because it truly does impact my district – well, all of Newfoundland and Labrador – but especially the Central district of course. ATVing and snowmobiling has been a part of Newfoundland and Labrador and people's lives for a number of years. It is within the family dynamic, it is individuals; it's for work, it's for pleasure. Safety should be the top priority, number one. Without any other debate, safety needs to be number one.

But number two is the recreational part of it and how it helps people's mental health and helps them get around and stuff. Looking over the current legislation – or the proposed legislation I should say – we look at the training aspect of it for individuals under 16 years of age. Absolutely. What a great piece of legislation to ensure that our young people get the right training under these conditions right now. I have a couple of friends of mine that actually do teach this training, so they're very excited about it as well. It's a step in the right direction.

Before we get any kid or youth on any of these machines, I think that they should have to take a training course first. There are some questions about it of who is going to pay for it, how much it's going to be, how long it's going to be and where it is going to take place. I mean these are questions that we are going to have later on. There are going to be some people that can't afford it, that have been doing this for years and probably can't afford the training. We're going to find a way to get them trained up. I think it is a great piece of legislation when it comes to the training.

The second part of it, there is training for individuals who have never registered a vehicle before. Again, it's great but if you're going to look at a 65- or 70-year-old person who has been driving these for 40 and 50 years without any incident because they are a responsible driver, to put them inside a classroom now when they should probably be even teaching it, that is something we have to look at as well. I'm not saying that they can't learn a little more or pick up different things, but they need to be taken into consideration because they have been doing this for quite some time now.

Anyone convicted under an offence for training – absolutely. If you're going to be convicted under an offence – people make mistakes, but let's be honest, there are some people out there who repeat it over and over again these offences. It's a disruption to the community; it's a safety hazard on our trails that responsible adults and youth are trying to take in the evenings or the mornings. I think that it's a great idea to have these people who are convicted under the offence to take the training over again. That way if the training is a hundred bucks and a weekend, then guess what? Hopefully they're going to think the second time before they commit one of these offences, whether it be speeding or no helmet or where they shouldn't be and whatnot.

There's a piece in this legislation that talks about riding a dirt bike or a trail bike having two feet on the ground while astride on the seat itself. I don't disagree with it by no means, but there are many times I've pulled up to red lights here in the city and I see people on motorcycles that can't have their two feet on the ground. It happens quite often, actually. You see them lift over to one side sort of thing and that's where they're going to stay. I see it quite often. If it's a good law in the woods, I suggest it's a good law on the roads as well. So it's something that should be taken into consideration.

We talk about the age limits of how old a person can be and whatnot. These age limits are kind of arbitrary because some kids a lot bigger than others. I see the value in the age limit, but my son, when he turned 13 he was five foot 10 and he towered over me. So if you're going to talk about two feet on the floor, there are some kids that are much bigger than adults nowadays. It must be something they're putting in the milk or

something. Kids out there nowadays are sometimes bigger than the adults. Yeah, the age, of course, has to be there, but I think that we should take a look at the weight restrictions or height restrictions as well, especially when it comes to some of these ATVs.

We'll come on to the biggest part, the most important part, as I can see; I guess we could call it the most controversial part. I agree with my colleague from CBS as he talked about the legislation itself and how we need to ensure that we get it right. We have to ask these questions.

We step into this House of Assembly for debate. This is a democracy. To me, the whole point of this debate – and some of us are still pretty green or fairly green – would be raising those questions about, well, is this the right thing to do now? Can it be changed or can we sit on it for a little bit, do some more research, come back to the table and then make the right decision? I think that it's incumbent on all of us to ensure that's the decision that we make. Like I say, we are in a democracy here. It's not about the numbers on one side or the other; it's about the good ideas. More than anything it's about us bringing our constituent's opinions and their concerns forward.

Now we all – I'm sure 40 MHAs in this House, especially the rural ones – have been getting emails about the helmets in the Side By Sides. We can look at different provinces and whatnot, but I think that we need to dive in really deep and check our own investigative work and see what's happened here. You know what, if somebody can look at me and say, okay, it's this, this and this has happened therefore we need helmets in Side By Sides. Well, that's something then that we can definitely look and say you're right. The evidence does support it. I haven't seen it yet. That's not to say it's not out there but I just haven't seen it yet.

People out my way in Grand Falls-Windsor - Buchans District right through Central Newfoundland and Labrador, I can leave my front yard on my Side By Side or on any Side By Side, snowmobile or ATV and I can pretty much get to Port aux Basques. We have some of the most beautiful trails out there which brings me to my next point.

When we're talking about safety, the safety of different trails to different trails definitely should be taken into consideration. I know we have the track bed in Grand Falls-Windsor that goes right through the Exploits District there, and then the other way out Green Bay area it's a groomed trail. It's absolutely beautiful. It's better than some of the roads here in Newfoundland and Labrador. When you're on these trails you can tell that it's a lot harder to have a rollover. Of course, anything can happen at any time, but when you're on one of these trails compared to absolutely off-road in the bogs somewhere, these trails are much better equipped to ensure someone's safety whether they're on Ski-Doo or ATV or Side By Side.

I've gotten so many emails, I'm sure we all have, but people have asked, we've been doing this for a long time now, we haven't seen any evidence that it does help. You could say just about anything for anything. If you wear a helmet all day long, of course, you're going to have less accidents if you push the numbers and extrapolate them that way. But we need to find that sweet spot where we say this is not mandated, for responsible drivers it shouldn't be mandated.

I truly believe, Speaker, that what we're doing here is targeting some of the more responsible drivers who have done everything right in the past. They are just looking to continue doing exactly what they're doing.

Now, do we look at it and say, do you know what? Blanket statement, we don't need any helmets on Side By Sides. Absolutely not. Each Side By Side is different than another. The older Side By Sides, of course, are in worse shape, whatever, or have less one-point harnesses instead of the three-point or the roll cage. We need to ensure that we compare these two different Side By Sides when we're looking at this bill, as well.

I've been in some Side By Sides that are much safer than some of the vehicles that are on the roads going 110, 120 kilometres an hour. That needs to be taken into consideration as well.

I remember – quick story, and it's relevant – driving to Badger one day. I was clipping along at 80 kilometres, 90 kilometres an hour, the

speed limit. A quad passed me going this way and, I'm not kidding, he was going as fast as I was on the highway, no helmet on, no shirt on. Unreal, actually.

But these are the people that make it so much worse for everybody else and it's unfortunate. I'm going to say 99 per cent of ATV – if not more – users in Newfoundland and Labrador are responsible. I want to applaud everybody in my district, well everywhere around Newfoundland and Labrador, for being as responsible as you are and making sure that your children are responsible as well and ensuring that your children are as safe as they are.

I just want to make sure that they're not being targeted or punished. It's not the intention, of course. But that's how they're feeling – and I'm quoting that. That's how they're feeling, is that the responsible drivers are being punished or targeted. I don't want anybody to feel that way, no matter which way this bill goes.

But in the collaboration of debate in the House of Assembly, I truly believe that we all need to just take a breath; take a look at this again. We can sideline it. I don't know if there's going to be an amendment, but we can definitely sideline it, take a look at the evidence that we have, either way, and then we can come back and make that decision about the helmets on Side By Sides because it is a big deal. It's a big deal to the constituents that we represent. I've been getting emails from all over the Island, so I know that to be true.

The enforcement part of this, Speaker, the reality is this: There are going to be people out there that will not follow the rules. That's unfortunate because, again, it ruins everybody else's experience. It compiles to the negative data that we're trying to keep away as we run our ATVs, Side By Sides and snowmobiles safely.

I would ask everybody to try to follow the rules. Bring in stiffer fines, if we can. I'd like to see stiffer fines for those who do not follow the rules, but the enforcement itself, it's hard to enforce, it truly is. In my opinion, the RCMP have too much to do and they are spread too thin as it is. They do a wonderful job throughout our communities but chasing after a 40-year-old fellow coming out the woods with wood is not

something that they should be tasked to do. They have much bigger fish to fry within the province. If we had more police, it would be great.

Now, in Grand Falls-Windsor we have municipal police and it's great to have. The municipal police, I'm sure they can – they're looking at this and they take whatever action necessary. The forestry officers, whatnot, are the same thing, but if the enforcement isn't there, it doesn't matter what rules we make, there are always going to be people out there that are going to break these rules and get away with it, but if the enforcement isn't there, unfortunately, they're not going to get caught. That is very unfortunate.

I looked at the other piece of legislation where it states that you don't have to wear helmets – if the legislation is brought in – you don't have to wear helmets if you're hunting. I sort of struggle with it because one side of me is saying do you know what? I truly believe that in the right Side By Side responsible people shouldn't have to wear helmets. That's the evidence that we're looking at. If it's done responsibly, of course, and in the right Side By Side. Of course, we need to see more evidence, but how can we say that and at the same time turn around and say, well, if you're hunting there's an exception. I get it. I see why it's there but it's kind of contradictory. Is it safe or is it not safe?

I know there's a speed limit there as well, I think it's 20 kilometres an hour or something like that. Having said that, if I'm not hunting and I'm only going 20 kilometres an hour, can I leave my helmet off then? That's the question that is going to be raised and we really need to hash out before we finalize this into legislation.

Again, the emails that I've gotten from across the province and especially in my own district, I said today that I would speak on their behalf. So speaking on their behalf, I want to thank all those responsible adults, responsible youth within my district within Newfoundland and Labrador for doing the right thing and ensuring that your ride is safe and enjoyable. Speaking for them, Speaker, I would suggest that we take a look at the condition of the Side By Side, the factory roll bars on the Side By Side and the side panels.

I just talked to a gentleman in Grand Falls-Windsor who spent \$42,000 on a Side By Side and then when he was told do you know what? You may have to wear a helmet in this. He's not too happy. Again, it's not about not wanting to be safe, it's about wanting to enjoy the ride to the maximum experience.

In Central Newfoundland and Labrador, it's not just recreation. People use them for work quite a bit, too, and they are usually responsible users. My brother has a small RZR Side By Side, one of the ones that are a little bit older. When he goes out with himself or with his little girl, they always wear a helmet – always. Always, always, always wear a helmet. Anybody can wear a helmet at any given time.

Now, the snowmobiles, I think there's legislation there to bring helmets in for snowmobiles, too. People would be very surprised that to know that it wasn't legislation before. Snowmobiles, in my opinion, my God, they almost need a helmet just as much if not more than ATVs. Those snowmobiles can go a lot faster than a quad, a lot faster, and an accident on those snowmobiles can be absolutely tragic, and we've seen too many.

Either way, when you hear about a tragic accident throughout the province it certainly hits you deep to your core, whether it be a young person or an adult, whether it be a collision, a rollover or whatnot. The first thing we look for is: Were they being safe? Were they wearing a helmet? Was alcohol involved? Were they wearing a seat belt in their Side By Side? These are the questions. We have to compile the evidence to move forward on future legislation to ensure that we keep the public as safe as possible, and I get that and I truly agree with that. I mean, you'd have to be a fool not to agree with safety within this House or across Newfoundland and Labrador.

There's a lot in this legislation that I completely agree with. I'm glad that it's brought to the floor. I know we hounded the minister for a long time, a very long time, to bring legislation to the floor. I know she worked very hard to get it done and we really appreciate that, and the people across Newfoundland and Labrador appreciate that as well.

Having said that, Speaker, I just want to say, speaking on behalf of my constituents, on the record, for those responsible, safe drivers out there that just wish to take their factory-invented Side By Side on a good Sunday drive, abiding by all the rules and continue to do so, I want to thank you for doing that. I'm speaking on their behalf and I think that they should be given the opportunity to continue what they do, enjoy their ride, enjoy their recreation and, again, just continue what they do until the evidence suggests otherwise. Just a reminder to everybody out there, please, do not drink and drive on the Side By Side, it's just as bad if not worse than it is in a vehicle.

Thank you very much for your time, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you, Mr. Speaker.

I move we adjourn debate on Bill 22.

SPEAKER: The hon. the Government House Leader.

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

I move we recess until 6 p.m.

SPEAKER: This House do recess until 6 p.m.