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*Speaker: Honourable Scott Reid, MHA*

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The House met at 1:30 p.m.

**MR. SPEAKER (Reid):** Admit strangers.

Order, please!

In the Speaker's gallery today I would like to welcome former Member of the House of Assembly, Ms. Gerry Rogers, joining us this afternoon for a Member's statement.

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

**MR. SPEAKER:** In the public galleries I welcome members of the Daly Family Collective: Louise Moyes, Diana Daly, Kay Haynes and Maria Haynes. They're visiting today for a Member's statement as well.

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

#### Statements by Members

**MR. SPEAKER:** Today we will hear Members' statements by the hon. Members for the Districts of Windsor Lake, St. John's Centre, St. John's East - Quidi Vidi, Placentia West - Bellevue and Torngat Mountains.

The hon. Member for Windsor Lake.

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

I rise today to recognize John McGrath, who has a long history of volunteerism with multiple sports and other organizations within our province, but in particular, soccer. It's my pleasure to offer my heartfelt congratulations on his recent selection as one of Newfoundland and Labrador 2019 Seniors of Distinction.

The Seniors of Distinction Awards program is an opportunity to officially recognize and celebrate the contributions, achievements and diversity of Newfoundland and Labrador's older adults.

John's long-term commitment to sport was demonstrated in his roles as president of both soccer and Sport Newfoundland and Labrador in the province. His efforts were instrumental in bringing World Cup soccer to our shores, along with the FIFA U18 World Championship.

John was an advocate to increase opportunities for women in sport and that impact is evident today. He developed a reputation as an honest, dedicated and hard-working individual, both in his working life as a lawyer and his numerous volunteer roles.

Mr. Speaker, I ask all hon. Members to join me in congratulating John McGrath on receiving the 2019 Newfoundland and Labrador Seniors of Distinction Award.

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

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

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

I rise today to recognize Gerry Rogers, former MHA for St. John's Centre. Gerry best exemplifies the words of Irish poet John O'Donohue's "For A Leader" which says: "May you act not from arrogance but out of service."

Gerry was hard-working, dedicated and creative, which was evident in her ability to bring diverse groups together in town hall mash-ups to encourage dialogue and seek solutions.

In the House of Assembly, Gerry was able to work collaboratively and find consensus on issues important to all Newfoundlanders and Labradorians; consider the unanimous support for Gerry's 2015 private Member's motion to form an All-Party Committee on Mental Health.

A former constituency assistant said that Gerry cared for all of us, no matter how busy she was. In some cases, that meant visiting constituents living in deplorable and unsafe conditions, or finding money to buy a chair, reading socks, hats, food or chocolate for cancer patients undergoing chemotherapy. Even when Gerry was receiving treatment for her own cancer, she was known to bring lunch to the doctors treating her.

I saw first-hand the positive impact Gerry had and how much she is respected and loved by the constituents of St. John's Centre. I'm proud to call her a mentor and a friend.

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

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

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

The Daly Family Collective – Diana Daly, Louise Moyes and Anne Troake – have worked together in different capacities for many years. The collective was formed officially in 2015 and have used their multidisciplinary approach to create a project that is uplifting and inspiring folks across Newfoundland and Labrador as well as the world.

Their 2016 production, *If A Place Could Be Made*, highlights the lives and lessons of Kitty and Daniel Daly of Riverhead, St. Mary's. The couple had 12 children, six of whom were very tall and six of whom had skeletal dysplasia – today known as persons of short stature.

This project has been described as a story about family, strong personalities, great faith, inclusion, expansion and making the best out of what we have been given.

*If A Place Could Be Made* has been performed across the province, the country and has an ongoing school tour – spreading its message of inclusion to the students of our province – with an upcoming maritime tour in the works.

I would like to ask hon. Members to join me in celebrating the Daly Family Collective and all the artists, groups and collaborators that brought to life the stories of Kitty, Daniel and their family.

Thank you, Mr. Speaker.

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

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

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

Today I stand before this great hon. House to speak of a very distinctive lady in my district, Mrs. Annie Brennan of the Town of Marystown.

On October 1, I had the honour to be with Mrs. Brennan when she was presented with her Seniors of Distinction Award. Mrs. Brennan has

been recognized for her decades of volunteer contributions, achievements and diversity work in Marystown and the surrounding area. She has been involved with the Marystown Family Aid Committee, Canadian Cancer Society and the Catholic Women's League.

Mr. Speaker, at the age of 89, Mrs. Brennan still spends her time volunteering with Mercy Associates, a group that assists the Sisters of Mercy in their work.

Mrs. Brennan is an inspiration to us all. She has previously been recognized for her volunteer work with the Marystown Lion's Club, being named Citizen of the Year and has also received citations from the Red Cross and the Canadian Cancer Society.

I ask that my fellow colleagues join me in congratulating Mrs. Annie Brennan for her commitment to her community and to say thank you for everything that you do.

Thank you, Mr. Speaker.

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

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

**MS. EVANS:** I rise today to congratulate the Nain Huskies male and female high school volleyball teams. It was the Nain Huskies that came out on top at the 3A/4A tournament in Sheshatshiu this weekend. This tournament brought the best of the high schools from the regions of Lab West, Happy Valley-Goose Bay, Sheshatshiu and Northern Labrador.

In order to compete in the tournament, both the Nain teams had to win the volleyball regionals at the North Coast sports meet, competing against all teams representing the six Northern Labrador communities of Nain, Natuashish, Hopedale, Postville, Makkovik and Rigolet.

I was so proud not only at the Nain Huskies winning dual gold and now being able to advance to the provincials, but I was also very proud how the North Coast communities rallied behind them and cheered them on through social media. Nain Huskies, you make us proud.

Please join me in congratulating the Nain Huskies male and female volleyball teams on their golden success and wish them well in their future competitions.

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

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

**Statements by Ministers**

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

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

I rise today to inform this hon. House that we have launched our *Adult Protection Act* engagement process and to encourage residents to provide input on this important legislation. This process is part of the five-year statutory review of our province's adult protection legislation and it is the first review since the act was proclaimed on June 30, 2014.

The purpose of the *Adult Protection Act*, Mr. Speaker, is to protect adults who are at risk of abuse and neglect and who do not understand or appreciate that risk.

The engagement process, which was developed in consultation with our Public Engagement and Planning Division and the Newfoundland and Labrador Centre for Health Information, includes in-person dialogue sessions and meetings. These sessions are providing targeted key stakeholders, such as managers and front-line staff of the regional health authorities and the police, with an opportunity to share their input and perspectives on the act.

Mr. Speaker, it is critical that we also hear from the general public. They can visit us at [www.engagenl.ca](http://www.engagenl.ca) to complete a feedback form on the legislation by December 18, 2019. People can also call toll-free, 1-888-494-2266. Further, staff of Children, Seniors and Social Development are available to anyone who might be interested in meeting to provide input.

Mr. Speaker, the *Adult Protection Act* engagement process will gather valuable information and perspectives and raise public awareness about adult protection and the legal

obligation we all have to report suspected adult abuse and neglect. I encourage all Newfoundlanders and Labradorians to contribute to this process.

Thank you, Mr. Speaker.

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

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

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

I'm glad to see the provincial government is taking additional steps to protect adults who are at risk of abuse and neglect and do not fully understand these risks. Since the act was proclaimed in 2014, there have been 1,500 reports and less than 150 requiring further investigation, as supports were put in place to assist those individuals. It would be interesting to see a summary of the reports put in place. Have they been effective?

Minister, 75 per cent of the reports are from seniors, and it is critically important seniors and family members provide their comments at [www.engagenl.ca](http://www.engagenl.ca). We trust each and every report is given immediate priority. In addition, I encourage each and every resident of our province to report adult abuse and neglect.

Thank you, Mr. Speaker.

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

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

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

I thank the minister for an advance copy of her statement. I applaud the minister for inviting a public consultation on the *Adult Protection Act*, but remind the minister that this act protects some of the most vulnerable people in our society. I'm sure she knows that.

Many will not be comfortable or familiar with modern technology and/or may not be willing to come forward on their own. I ask the minister to

ensure that her department makes every effort to reach out in various ways to those who are most at risk.

Thank you.

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

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

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

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

I rise in this hon. House today to congratulate Heritage NL as the first ever recipient of the Jeonju International Award for the promotion of intangible cultural heritage.

Selected out of 48 applicants from 36 different countries, Heritage NL was awarded \$10,000 for its role in safeguarding practices of intangible cultural heritage in the global community. The award was presented by the City of Jeonju in the Republic of Korea.

The mission of Heritage NL's intangible cultural heritage program is to safeguard and sustain the cultural heritage of Newfoundland and Labrador for present and future generations. This is achieved through initiatives that celebrate, record and promote our living heritage, and help to build bridges between diverse cultural groups within and outside the province.

Mr. Speaker, Heritage NL accomplishes this with the support of the provincial government. The recent release of the Cultural Action Plan acknowledges the importance of preserving both tangible and intangible heritage in the province, and demonstrates government's commitment to supporting those opportunities.

We are fortunate that Newfoundland and Labrador has an abundance of traditions, wisdom and skills – just some of what is known as intangible cultural heritage – and now has an award to celebrate it.

Thank you, Mr. Speaker.

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

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

**MR. PARROTT:** Mr. Speaker, I thank the minister for an advance copy of his statement.

On behalf of the Official Opposition, I join with the minister in congratulating Heritage NL on being named the first ever recipient of the Jeonju International Award.

Mr. Speaker, it is truly a remarkable achievement as Heritage NL was nominated alongside 47 other organizations from all over the world. This award exemplifies the diligent work undertaken by Heritage NL to celebrate, safeguard, promote and enhance the culture of this great province. It also recognizes Heritage NL's training programs, community-based workshops and the many festivals that the organization supports.

There is no doubt that all of our communities have been enriched by the work of Heritage NL. Mr. Speaker, this is an accomplishment we can all be proud of.

Thank you.

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

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

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

I'd like to thank the minister for an advance copy of his statement. I join all hon. Members in congratulating the leadership and staff of Heritage NL for this international recognition. I thank Heritage NL for the good work they do breathing new life into our intangible culture and heritage and finding creative ways to honour our cultural traditions across this great province.

Thank you.

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

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

Oral Questions.

Oral Questions

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

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

Can the minister please provide an update on how much public money has now been invested or spent on the Bay du Nord project?

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

**MS. COADY:** Happy to do so, Mr. Speaker.

I can tell you that there's been no money spent on the Bay du Nord project, except for internal resources on moving the project forward.

Thank you, Mr. Speaker.

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

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

**MR. CROSBIE:** We understand that the next step to sanctioning Bay du Nord will happen this week, and proponents will issue the next round of procurement for the FPSO.

How much of this round does the minister expect will be awarded to Newfoundland and Labrador business and workers?

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

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

It is indeed positive news that Equinor seems to be moving towards sanction. Of course, we're not there at sanction at this point in time. I can inform the people of the province that we are still working with Equinor to move that project along. It has not been sanctioned at this point in time; however, it is positive news they're signalling to the community that they are moving forward.

As has been indicated last year, Mr. Speaker, we do have an agreement with Equinor on what they are proposed to do in the province, what they're required to do in the province. That will

provide a tremendous amount of opportunity for Newfoundlanders and Labradorians for work in the province, as well as for growth of the industry.

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

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

**MR. CROSBIE:** Mr. Speaker, we're gratified to hear about tremendous opportunities in the province, but the facts appear to be that this project will only see 4,600 metric tons of fabrication completed in the province with at least 90 per cent of the fabrication benefiting workers elsewhere.

Why did the minister's government trade away employment for workers in the province?

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

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

It is incredibly important – incredibly important – that I correct the record from the Member opposite. I can say this project cost will be an estimated almost \$11 billion with the majority of that being spent in the province. I can say that at the very, very minimum about 5,000 metric tons of fabrication will take place in the province.

There is some 1.1 million person-hours that will be used on subsea engineering, there will be a minimum \$75 million in research and development and education and training and \$14 billion in gross domestic product for this province – a tremendous value to this province. Mr. Speaker, it is our first deep-water project.

Thank you.

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

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

**MR. WAKEHAM:** Mr. Speaker, the Minister of Finance indicated that the fiscal update will be coming in the next few weeks.

Will the minister confirm that the fiscal update will be provided before the House adjourns in December? Will it include details on the \$617 million in expenditure reductions planned for the next three years?

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

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

The fiscal update is in process. I know that the officials in the Department of Finance, Mr. Speaker, are working diligently to have a fiscal update ready.

I have indicated that it will be prior to the end of this calendar year. We are working diligently to have it as quickly as possible. It is certainly my hope that it will be prior to the conclusion of the House the first week of December.

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

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

**MR. WAKEHAM:** Mr. Speaker, without any details provided, if applied evenly across government \$617 million equates to cuts of \$294 million to health, \$81 million to education, \$60 million to post-secondary institutions, \$21 million to income support and \$30 million to municipalities. Is this contained in your fiscal plan? Is this the reason why you will not release it?

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

**MR. OSBORNE:** Mr. Speaker, I find it ironic that in Question Period almost every day we get requests to spend more money; in petitions every day we get requests to spend more money. We're asked by Members of the Conservative Opposition to spend more money almost on a daily basis; at the same time, they're demanding that we make cuts.

Mr. Speaker, really I'd call it the two-story Tory.

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

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

**MR. WAKEHAM:** Mr. Speaker, I remind the minister that the \$617 million is his number, not mine. It was in his budget.

The minister in comments to the media – unprompted, by the way – said: “I won't risk getting back to surplus if it means closing hospitals where people need them ....”

I ask the minister: Did his original plan include hospital closures? Is this the reason why you will not release it?

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

**MR. OSBORNE:** Mr. Speaker, I'm almost gobsmacked by the question. I mean, the Leader of the Conservative Opposition said health is a good place to start. I know why he picked the Finance critic he did, Mr. Speaker, because we had received a number of recommendations by that gentleman when he was in charge of Labrador-Grenfell Health, including closing hospitals.

He suggested closing hospitals in Labrador, reducing the hours for clinics and charging additional money for medical transportation for people on the North Coast of Labrador, and he's asking us if our plan included closing hospitals. If it did, Mr. Speaker, we would have taken his recommendations.

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

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

**MR. WAKEHAM:** Mr. Speaker, I need not remind the minister opposite that as a former minister of Health, he knows full well the process when it comes budgetary decisions around the Department of Health and how the process works. To say that the health authority has, somehow or other, power over everything is completely false.

Mr. Speaker, we know the details exist because it was confirmed in an access to information request, but only Cabinet knows the details.

Recently, the English School District announced a review of schools across the province, including in my district.

I ask the minister: Does his plan include school closures? Is this the reason why he will not release it?

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

**MR. OSBORNE:** Mr. Speaker, it is Cabinet and Treasury Board that make the final decisions. As the individual who is responsible for Labrador-Grenfell Health, nobody can dispute the fact that it was the recommendations from that individual to close services in Sheshatshiu, or to close hospitals in Labrador, or to charge 225 per cent more for medical transportation to the people on the North Coast of Labrador. Those were the recommendations that came forward from that individual.

We can talk more details on those recommendations, Mr. Speaker, if the Leader of the Conservative Opposition believes that health care is a good place to start. I said quite clearly I'm not prepared to close a hospital in order to return to surplus.

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

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

**MR. PARROTT:** Mr. Speaker, yesterday Trades NL issued a media release noting that they would suspend demonstrations and begin negotiations between Trades NL and DF Barnes.

I ask the minister: What is the duration of the current contract which Nalcor has with DF Barnes?

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

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

We are pleased to see that there was a lease between Nalcor oil company and DF Barnes for another rig, for some maintenance work on that rig, Mr. Speaker. That contract expires the end of April 2020.

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

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

**MR. PARROTT:** Mr. Speaker, is the minister aware of how many person-hours of employment will be created by this contract?

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

**MS. COADY:** First of all, Mr. Speaker, allow me to just say for the record, they are all Newfoundlanders and Labradorians and they are all unionized. So allow me to just make sure that Members in this hon. House understand that.

At current, I understand there are about 20 people employed under this contract going to, I think, 40 people. It depends on what the requirements are under this maintenance agreement. I tell you one thing that is very, very important: Work is being done here in this province by Newfoundlanders and Labradorians instead of this rig going elsewhere internationally.

Thank you, Mr. Speaker.

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

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

**MR. PARROTT:** Mr. Speaker, I'd suggest to the minister that this is not enough. Bull Arm has sat idle for far too long. The recent protests are protests about a lack of jobs for people in our province. Our people want to go back to work.

I ask the minister: What is the plan for Bull Arm once the Transocean Barents leaves?

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

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

Unlike the former administration that left Bull Arm idle for a dozen years, we've been working very diligently to find a full-time tenant and a full-time leaser for the site. We have put out an expression of interest and moved on to a request



for proposals, Mr. Speaker. We are down to negotiations with two companies for a long-term lease arrangement for the site of Bull Arm.

We're very much working hard to ensure Newfoundlanders and Labradorians are employed and growing our oil and gas industry.

Thank you.

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

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

**MR. PARROTT:** I remind the minister that the site sat idle from 1997 to 2003.

Despite the need for jobs, in part by the government's inaction to award the Bull Arm long-term RFP – this RFP was released over two years ago. We all know it was narrowed down to two proponents.

I ask the minister: When will there be a long-term tenant put in place?

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

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

In the meantime, we've developed *Advance 2030*. That is really, really growing our oil and gas industry here, which will be exactly what the people of this province will enjoy when we have more discoveries offshore Newfoundland and Labrador.

We've been discussing with these two proponents their possibilities for growth and development of the Bull Arm site, Mr. Speaker. We're continuing in that. You've heard, earlier, questions about Equinor and the development of the Bay du Nord. That's another exciting project.

Offshore today, Mr. Speaker, for the first time since the early 1990s, ExxonMobil is doing discovery work. They're drilling. Let's hope for a discovery so that we can all enjoy the benefits of the opportunity we have in our oil and gas industry.

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

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

**MR. PARROTT:** Mr. Speaker, economies are run by people working, not by royalties, and if we have to wait until 2030, there won't be anyone left here to work.

I ask the minister: Why she has allowed Bull Arm to sit idle for over two years when there were companies interested in putting residents to work out there?

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

**MS. COADY:** I find it unbelievable, Mr. Speaker, that that Member opposite would not be, along with all other stakeholders in this province, excited about the opportunities that are under *Advance 2030*. I cannot believe that he is not supporting *Advance 2030*. I simply am astounded by that.

I can tell the Member opposite – and I've had multiple conversations with him about the growth and potential of Bull Arm – sorry, I'm getting some feedback here.

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

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

**MS. COADY:** Mr. Speaker, I will say this: Growth and development of our offshore is predicated on the growth and development under *Advance 2030*. We're doing everything on this side of the House to ensure exploration happens, discovery takes place and growth and development occurs.

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

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

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

After months of controversy and protest, the minister's department has finally agreed to a formal review of the delivery of education to children who have a hearing disability.

Why has it taken public outcry and a human rights complaint to get action on this very significant issue?

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

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

Mr. Speaker, deaf and hard of hearing is absolutely a priority for our department. I've had the opportunity, Mr. Speaker, to speak with some parents in the department with regard to issues that they've had, and a survey is under way to determine how we can better deliver our services.

Mr. Speaker, we had the opportunity, we put a steering committee in place. People who are associated with the steering committee include the Canadian Hard of Hearing Association; APSEA, which is the Atlantic Provinces Special Education Authority; we have the Newfoundland and Labrador Association of the Deaf, and it will include parents as well. We are well under way to getting this problem solved.

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

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

**MR. PARDY:** Mr. Speaker, this review steering committee – again, only announced after months of public protest and demonstrations – will not include any parent participation. Parents are children's strongest advocates, and I'm glad the minister has spoken with those parents.

Why exclude these strong voices from this steering committee, those advocates who best know the children?

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

**MR. WARR:** This is the first conversation I've had with this particular Member, Mr. Speaker, with regard to excluding parents. We said that we would initiate the process and we would include parent participation, Mr. Speaker.

Nobody is excluding parents here. We've set up a steering committee and we are very serious about providing good supports for the deaf and hard-of-hearing people of this province.

Thank you.

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

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

**MR. PARDY:** Mr. Speaker, the minister has allowed APSEA, the Atlantic Provinces Special Education Authority, a role in the review despite the fact that they serve no Newfoundland and Labrador students with hearing impairments.

Would the minister see the increased probability of getting it right with parents and maybe even senior hearing impaired students directly involved in the steering committee?

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

**MR. WARR:** Again, Mr. Speaker, we've put this steering committee in place, and it is a priority for us to get this straight. I will take the Member's suggestion under advisement, but, again, Mr. Speaker, we have people from my department, people from the district, people from APSEA, people from Canadian Hard of Hearing Association and people from the Newfoundland and Labrador Association of the Deaf.

We will get this right, Mr. Speaker. It is a priority for the department and we will make sure that parents are included.

Thank you.

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

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

**MR. FORSEY:** Mr. Speaker, from October 2018 to October 2019, I have been told by Central Health that 7,833 people have used the emergency department at the Dr. Hugh Twomey Health Care Centre in Botwood. This is between the hours of 8 a.m. to 8 p.m. because it was

closed by the Liberal government in 2016 for the remainder of the day.

Will the minister take heed of those numbers and reinstate the 24-hour emergency room service at the Dr. Hugh Twomey Health Care Centre in Botwood as promised in this year's election?

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

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

The volume of patients going through the Hugh Twomey centre was the reason for the initial change in the operating hours of that emergency room.

Subsequent data through Central Health suggests that, currently, the numbers that would attend that centre between the hours of 8 p.m. and 8 a.m. would be of the order of maybe two a week.

We did say that when the staffing changes at Hugh Twomey come about, as a result of our significant expansion of the protective care unit there, we would revisit those numbers to see what the art of the possible was around 24-hour services.

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

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

**MR. FORSEY:** Mr. Speaker, Central Health also said that an additional 4,620 people from the Exploits District used the Central Newfoundland health centre during the same period last year. That's a total of 12,453 people in the Exploits District requiring emergency service.

Will the minister commit to reinstate the 24-hour emergency service at the Dr. Hugh Twomey Health Care Centre and alleviate the added stress off the Central Newfoundland health care centre?

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

**MR. HAGGIE:** Thank you very much again for the question, Mr. Speaker.

The Hugh Twomey centre in Botwood is 20 minutes from Central Newfoundland Regional Health Centre. A lot of people will combine their clinic visit, their emergency room visit with other duties or with other tasks, such as shopping at the local hub in Grand Falls-Windsor.

As again, we will look at the figures on an ongoing basis and, when the staffing changes at the Hugh Twomey centre, we can revisit the issue. If the demand is there, we will certainly look at it sympathetically, Mr. Speaker.

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

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

**MR. DWYER:** The Seniors' Advocate report released in September paints a grim picture of the issues facing seniors in our province: homelessness, poverty and a basic access to health care are among the many systematic issues identified by the advocate.

Mr. Speaker, given the sad cases outlined of seniors who cannot afford dentures to eat, eyeglasses to see with and hearing aids to communicate with, will the minister commit to working towards providing dental, vision and hearing care for seniors?

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

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

We have an Adult Dental Program which is consistent with at least half of the other provinces in the country. We have just taken over, within the Department of Health, the vision program which was formerly housed with Advanced Education, Skills and Labour. We would look to seeing significant opportunities for improving access for seniors.

We have made seniors care a priority with our Home First initiative. Our aim is to keep seniors safe and well-supported in their own homes.

This is in line with the recommendations of the Seniors' Advocate, Mr. Speaker, and we will continue to work to improve that.

Thank you.

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

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

**MR. DWYER:** Mr. Speaker, at the Newfoundland and Labrador 50+ Federation annual general meeting in September resolutions were passed specifically calling on government to provide coverage for dental, vision and hearing aids for seniors.

Mr. Speaker, why is the minister continuing to ignore the Seniors' Advocate and the 50+ Federation on these important matters?

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

**MR. HAGGIE:** I would suggest that I may have answered that question the first go around. It's ironic that the questions come from the team opposite who thought the Seniors' Advocate position was, in actual fact, a luxury.

We have worked diligently with the Seniors' Advocate, we have worked with the 50-plus clubs. We have a reboot and reassessment of the hearing aid program in process as well – not just for seniors, but it will have benefits for them, too. We have a dental program which is compatible and comparable with 50 per cent of Canadian jurisdictions, and we have just taken over responsibility for vision care, too.

Things are moving in the right direction, Mr. Speaker. Always keen to make things better.

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

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

**MR. DWYER:** Mr. Speaker, another issue identified by both the Seniors' Advocate and the 50+ Federation is the failure of government to cover the cost of driver's licence medicals for drivers over the age of 75.

Mr. Speaker, this is yet another example of government nickelling and diming seniors in this province.

Why won't the minister stand up for seniors and eliminate this unnecessary fee?

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

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

I'm pleased to hear the Member mention the role of the Seniors' Advocate because we were really pleased as a province, Mr. Speaker, to establish that office – only the third of its kind in the country.

We're also pleased, Mr. Speaker, to have been able to put in a number of measures around this province to support seniors. We have the Seniors' Benefit that's reaching 47,000 seniors in this province. We have the Low Income Supplement that's reaching 155,000 seniors in this province.

Even when things were very difficult fiscally in this province, this government saw fit, since *Budget 2016*, to put \$123 million in place to support seniors; \$286 million, the most ever in our history, in poverty reduction initiatives.

We know, Mr. Speaker, there's more to be done, and we will continue to work with seniors to make life better for them here in Newfoundland and Labrador.

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

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

**MR. LESTER:** Mr. Speaker, this past spring, this government, in part with their federal counterparts, burdened the people of this province with an additional tax called the carbon tax

I ask the minister: How much of this tax has been collected?

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

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

It's funny, Mr. Speaker, because the Opposition also wanted us to take the federal government to court, as some of their other Conservative friends across the country did. We saw where that got the other provinces.

Our province, Mr. Speaker, and the plan that we put in place, our Made-in-Newfoundland and Labrador plan, has been recognized by other provinces as more lucrative, better for the people of our province than the plans they've achieved for their provinces.

What we've done in this province, Mr. Speaker, is protect people. We've protected industry. We've protected jobs in this province with the Made-in-Newfoundland and Labrador plan. Mr. Speaker, the plan that we put in place has cost very little for the people of this province.

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

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

Mr. Speaker, 'tis the season for budget preparation. The Premier has often spoke of the need for collaboration in this minority government.

I ask the Premier: How does he intend to incorporate the important ideas and issues of the Third Party, Official Opposition and independent Members so that they can meaningfully influence the budget?

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

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

Well, I've been quite open about collaboration within this House. The Minister of Finance and I, as well as leaders opposite, have had this discussion. We encourage, not through just public consultations, but put together what you would consider to be meaningful things to consider in this year's budget.

We've seen our seven-year forecast that we put in place, but I would encourage those that actually participate – encourage you to participate but, number one, come with the ideas

but make sure they are costed and you would see the impact on the suggestions that would keep this province in a fiscal, sustainable seven-year project.

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

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

**MS. COFFIN:** Mr. Speaker, given the antics in the House last week, I ask the Premier: Is it common practice for his ministers to secretly record stakeholder meetings?

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

**MR. BYRNE:** Mr. Speaker, as I indicated earlier, publicly, that at the beginning of the meeting – there was a stakeholder meeting of 16 people. There were technical questions asked about angling. I indicated to all at the meeting that there would be a note taker and the meeting would be recorded. That was made public, and there was no contradiction of that at any point in time given by anyone who attended the meeting.

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

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

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

Section 9 of the *Labour Standards Act* allows employers to pay overtime at 1.5 times the minimum wage, even if the employee earns more than minimum wage.

I ask the minister responsible: Will he commit to a review of the *Labour Standards Act* to remove this and other archaic and unfair provisions?

Thank you.

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

**MR. MITCHELMORE:** Thank you, Mr. Speaker, and I thank the Member opposite for his question.

As he would note, earlier in this session of the House we actually opened the *Labour Standards Act* to implement measures in place to allow for a federal benefit and a compliance of maternity leave that could be shared over 12 months and 18 months. Between our department, we do look – with the Labour Standards Division – where there are opportunities of which we can bring our *Labour Standards Act* and where there are opportunities to improve upon the act. When we do so, we certainly would go out and have consultations with employees and employers and strike that balance for the benefit of Newfoundlanders and Labradorians.

Thank you.

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

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

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

More excavation is occurring this week on Ragged Beach, a beach which is crucial to the East Coast Trail and to seabirds from the Witless Bay Ecological Reserve.

Will the Minister of Municipal Affairs and Environment tell us why, in the face of serious environmental concerns, he is allowing further development on Ragged Beach?

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

**MR. BRAGG:** Mr. Speaker, thank you very much for the question.

I would like to remind the Member opposite, there are two different topics that are ongoing on Ragged Beach. One is the erosion protection, which is covered by an environmental assessment process. The other one is some upgrades that are covered under the Urban and Rural Planning Act.

Depending on which one the hon. Member might be talking to or talking about, I guess it depends on the answer that I would give to this question.

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

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

**MR. J. DINN:** Mr. Speaker, I will ask the minister: Will the minister use his legislative powers to place a 12-month moratorium on all further development of Ragged Beach?

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

**MR. BRAGG:** Mr. Speaker, I don't know if I was being clear enough or not, but there are two things at play there. The development is covered under the Urban and Rural Planning Act, which falls under the jurisdiction of the municipality. The erosion of Ragged Beach is being covered, and the reinstatement of that and the prevention for the erosion is done under the Environmental Assessment Act. That's been released with conditions.

So, both are not tied together. It may be in close proximity to each other, Mr. Speaker. They are certainly not tied-together projects. Both are separate. I would tell the Member if he wants further clarity, drop by the office and I'll explain to him what our role is in each different parcel of that.

Thank you.

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

**MR. SPEAKER:** Sorry, time for Question Period has expired.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

#### Notices of Motion

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

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

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

That the Committees of the House of Assembly for the 49th General Assembly be reconstituted as follows:

The Social Services Committee: the Member for Lewisporte - Twillingate, the Member for Conception Bay East - Bell Island, the Member for Fortune Bay - Cape La Hune, the Member for Lake Melville, the Member for Mount Scio, the Member for St. John's Centre and the Member for Topsail - Paradise.

The Government Services Committee: the Member for Harbour Grace - Port de Grave, the Member for Conception Bay South, the Member for Ferryland, the Member for Lake Melville, the Member for Fortune Bay - Cape La Hune, the Member for Lewisporte - Twillingate, the Member for Mount Scio and the Member for St. John's East - Quidi Vidi.

The Resource Committee: the Member for Lake Melville, the Member for Cape St. Francis, the Member for Fortune Bay - Cape La Hune, the Member for Harbour Grace - Port de Grave, the Member for Mount Scio, the Member for St. John's East - Quidi Vidi, the Member for Terra Nova.

The Standing Orders Committee: the Member for St. John's West, the Member for Carbonear - Trinity - Bay de Verde, the Member for St. George's - Humber, the Member for Labrador West, the Member for Windsor Lake and the Member for Lewisporte - Twillingate.

The Privileges and Elections Committee: the Member for Fogo Island - Cape Freels, the Member for Harbour Grace - Port de Grave, the Member for Burin - Grand Bank, the Member for Conception Bay East - Bell Island and the Member for St. John's East - Quidi Vidi.

Miscellaneous and Private Bills Committee: the Member for Lake Melville, the Member for Conception Bay South, the Member for Harbour Grace - Port de Grave, the Member for Mount Scio and the Member for St. John's East - Quidi Vidi.

The Public Accounts Committee: the Member for Cape St. Francis, the Member for Harbour Grace - Port de Grave, the Member for Lewisporte - Twillingate, the Member for Lake

Melville, the Member for Mount Scio, the Member for Stephenville - Port au Port and the Member for St. John's Centre.

Thank you, Mr. Speaker.

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

The hon. the Government House Leader.

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

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

BE IT RESOLVED that the House of Assembly concur in the final report of the Standing Committee on Privileges and Elections on the Development of a Legislature-Specific Harassment-Free Workplace Policy dated April 8, 2019.

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

Answers to Questions for which Notice has been Given.

**Answers to Questions for which Notice has been Given**

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

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

Mr. Speaker, I wish to provide information to the Member for Harbour Main who, yesterday in Question Period, asked about emergency airlift services for a man who passed away during a hunting trip.

While the Department of Justice and Public Safety did not hear from the family directly, the department endeavoured to make some inquiries on their behalf. I can report to this House of Assembly that NL911 confirms they received a call related to the incident near Facheux Bay. As per protocol, the call was transferred to the RCMP and the Medical Communication Centre was notified.

Harbour Breton RCMP received a call at about 11:25 on the morning of September 30 advising that a man had died two hours earlier in a remote

wooded area across Hermitage Bay. Multiple options were considered for response, with boat transportation identified as the quickest and safest approach. The RCMP have advised that after receiving the call, they travelled to the remote location, arriving five hours later.

As soon as the boat transportation was secured, two RCMP officers were on route by boat to the scene. The boat trip took approximately three hours, with rough seas and high winds. RCMP contacted a member of the St. Alban's fire department who was in the area and had the necessary equipment to begin the process of moving the deceased from a remote location with the assistance of the family and others.

In every situation, the RCMP assesses all the circumstances, including weather conditions and terrain, to determine the best and the safest option to respond. Typically, government Air Services would be engaged for search and rescue only if the situation involved a lost or injured person who required medical assistance. In this case, the RCMP made a decision not to engage Air Services.

Mr. Speaker, we appreciate this difficult time for the family of the deceased and we express our sympathies.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Further answers to questions for which notice has been given?

Petitions.

### Petitions

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

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

I stand again today on a petition for Route 450. I'll just read the petition again:

WHEREAS the rainstorm of January 2018 caused major flooding damage to Route 450, South Shore Highway in the Bay of Islands, and there are areas of the highway that still have not been repaired, including pavement repairs to sections of John's Beach, clearing of debris from

gabion baskets, the tender for Cammies Brook Bridge replacement and other necessary work throughout the region was not done, and where the condition of the road is causing safety concerns for motorists;

THEREFORE we, the undersigned, call upon the hon. House of Assembly to urge the Government of Newfoundland and Labrador to ensure that all urgent repair work and other upgrades are included in the Department of Transportation and Works tender call for the 2020 construction season, and carried out immediately in the spring to ensure the safety and well-being of the motorists on the highway.

Mr. Speaker, I know I spoke to the minister yesterday, and he was looking at the John's Beach area. I know today the weather is extremely bad out in Corner Brook, a lot of rain and sleet. It may not be done today but I'm looking forward to having that piece of pavement repaired.

As I said yesterday – and I don't think the minister was aware, but he's well aware of it now – it's the same section that we drove on during the rainstorm that we're going to get fixed. It's getting worse. It's worse, it's getting deeper, more potholes. It's not a big section of the road but it is where the heavy trucks actually damaged the road when they were releasing the water to go across.

I know the minister has instructed his staff to get it done. I also mention to the minister that there are several potholes in the area, all in the same area, within 100, 200 feet of each other, that's causing the people who already broke their rims on some of them. I ask the minister, while the crew is in the area if they can look at the four, five, six potholes that's causing a bit of damage in the area.

I'll let the minister know – and I haven't written him yet, and he's not aware of this – I mentioned yesterday I'll be writing you a letter about the culvert in John's Beach on one end where it's not released. I have the pictures; I'll send him the pictures also.

As this goes on, Mr. Speaker – and, again, in the following week and I'll do it again tomorrow and Thursday – I'll highlight some other work



that, since the flood, has not been done. I know the minister said whatever you think is not done and is an emergency, we'll try our best to get it done. Because once the snow comes in, the tractor hooks into it and the thaw comes, this road right now, which is a small piece, would be a danger for people coming up on the Southern Shore Highway.

I just thank the minister again for his prompt attention. Like I said to the people – and I know there are people listening in the John's Beach area – it is a bad day out on the West Coast. You couldn't get the work done and it wouldn't be fair for the workers to try to repair this work today because of the weather conditions in the area. I look forward to having this repaired.

Thank you.

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

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

The Witless Bay Line is a significant piece of infrastructure.

WHEREAS many commute to Bull Arm, Long Harbour and other areas for work, as well, the commercial and residential growth in our region has increased the volume of traffic on this highway;

THEREFORE we petition the House of Assembly as follows:

We, the undersigned, urge the Government of Newfoundland and Labrador to upgrade this significant piece of infrastructure to enhance and improve the flow of traffic to and from the Trans-Canada Highway.

Mr. Speaker, this is a significant piece of infrastructure that we certainly need to look at. Basically, it was used many years ago when it first went there for communities for fishing, transporting fish to and from across the Island and places, wherever it may be. It was used fairly extensively. Now we have so many workers that travel to Bull Arm, to Long Harbour, to Come by Chance and areas all in between and further west to use this road, it certainly needs some significant upgrades.

We did have some patchwork and do appreciate that from the minister. That was certainly put down, but if you go in and look at it, it does need a significant upgrade for sure. Along with, I would say, the Bull Arm projects, we have a lot of tourism in the area. You go from Bay Bulls to Witless Bay, you go to the Ecological Reserve in Ferryland, you go to the UNESCO site in Portugal Cove South at Mistaken Point – there are so many other people that use it.

For tourists that are coming across the Island, instead of coming in and around to go to St. John's, they go across that way; they go the loop or go around the circle. We'd certainly love to see that and have some significant upgrade to that facility.

Thank you.

**MR. SPEAKER:** Further petitions?

The hon. the Member for Placentia West - Bellevue.

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

The background to this petition is as follows:

WHEREAS there are no current significant operations at the Bull Arm Fabrication site; and

WHEREAS the site is a world-class facility with the potential to rejuvenate the local and provincial economy; and

WHEREAS residents of the area are troubled with the lack of local employment in today's economy; and

WHEREAS the operation of this facility would encourage employment for the area and create economic spinoffs for local businesses; and

WHEREAS the site is an asset of the province, built to benefit the province, and a long-term tenant for this site would attract gainful business opportunities; and

WHEREAS the continued idling of this site is not in the best interest of the province, Mr. Speaker;

THEREFORE we, the residents of the area near the Bull Arm Fabrication site, petition the hon. House of Assembly as follows:

We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to expedite the process to get the Bull Arm Fabrication site back in operation. We request that this process include a vision for a long-term, viable plan that is beneficial to all residents of Newfoundland and Labrador.

Furthermore, we request that government place an emphasis on all supply, maintenance, fabrication and offshore workover for existing offshore platforms, as well as new construction of any future platforms, whether they be GBS or FPSO in nature.

Mr. Speaker, yesterday speaking to this, one of the points that we brought up was that we'd like to see, obviously, a more long-term tenant, which would be more beneficial to not only the people of the province, but to the asset that we've already sunk our money into. There's a sunken cost there that is continuously costing the province money as long it's idling.

There are a lot of different workovers. There are the tie-ins. There's all kinds of different work that can be spinoffs or we can set up a fabrication site that doesn't need the spinoffs; it's actually supplying to the offshore oil industry. It's incumbent on us, as 40 Members of this House, to look out for those 520,000 people. I think that utilizing our resources in a positive way and not letting these assets just sit idle is probably in the best interests of the province.

I would love to hear a response on it, as we haven't heard much of a response on this petition so far, if we can get an idea of who would be a longer term tenant. As opposed having 20 to 40 people working, we'd like to see probably 400 working out there.

Thank you.

**MR. SPEAKER:** The hon. the Minister of Natural Resources with a response.

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

This is a very important topic, very important discussion that we're having in the House around benefits to the people of the province, around Bull Arm and around the opportunities around Bull Arm. I'm glad to see the Member opposite finally raising some of the issues around how do we grow our oil and gas industry and how do we ensure more projects here in Newfoundland and Labrador.

This government, Mr. Speaker, has done a tremendous amount to encourage growth and development in the industry. This government has put out an expression of interest and a request for proposals for new opportunities for long-term utilization of the Bull Arm site. This government has made a real effort to attract people to that site. This government has made sure that we have been working with industry to attract new work.

As the Member opposite knows, we have attracted work on rigs and really doing maintenance on rigs, Mr. Speaker. That's new and additional work to the province, especially around some of the work that is being done. We're hoping to continue and grow that type of work. We are finalizing and working towards even more work for the Bull Arm site because we need more work in this province.

Thank you, Mr. Speaker.

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

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

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

I wish to rise and respond to a petition yesterday from the Member for Torngat Mountains. Mr. Speaker, yesterday there were some questions raised here in a petition from the Member regarding the commitment – or last loads of freight and shipments going to the North Coast.

We're very pleased today to see the service provider come out and guarantee that all groceries headed north will head north on the trip, which will originate this coming week out

of Goose Bay. All remaining freight will actually be taken in the following two trips going up north.

Mr. Speaker, it's interesting to note that the 2017 service to the North Coast finished on December 17 and last year, 2018 service concluded on December 14. We are currently on schedule to have service concluded earlier this year than we did in the previous two years.

Thank you very much.

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

**MR. SPEAKER:** Further petitions?

Orders of the Day.

### Orders of the Day

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

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

From the Order Paper, number 4 under Motions, I move, seconded by the Minister of Transportation and Works, pursuant to Standing Order 11(1) that the House not adjourn at 5:30 o'clock today, Tuesday, November 19, 2019.

**MR. SPEAKER:** It has been moved and seconded that the House not adjourn at 5:30.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

Carried.

The hon. the Government House Leader.

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

I move, seconded by the Minister of Transportation and Works, for leave to introduce a bill entitled, An Act Respecting The Demise

Of The Crown, Bill 18, and I further move that the said bill be now read a first time.

**MR. SPEAKER:** It has been moved and seconded that the hon. minister shall have leave to introduce a bill entitled, An Act Respecting The Demise Of The Crown, Bill 18, and that this bill now be read a first time.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

Carried.

Motion, the hon. the Government House Leader to introduce a bill, "An Act Respecting The Demise Of The Crown," carried. (Bill 18)

**CLERK (Murphy):** A bill, An Act Respecting The Demise Of The Crown. (Bill 18)

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

When shall the said bill be read a second time?

**MS. COADY:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, Bill 18 read a first time, ordered read a second time on tomorrow.

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

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

Order 2, third reading of Bill 10.

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

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

I move, seconded by the Minister of Fisheries and Land Resources, that a bill, An Act To

Amend The Forestry Act, Bill 10, be now read a third time.

**MR. SPEAKER:** It has been moved and seconded that the said bill be now read a third time.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

Carried.

**CLERK:** A bill, An Act To Amend The Forestry Act. (Bill 10)

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

On motion, a bill, "An Act To Amend The Forestry Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 10)

**MR. SPEAKER:** The hon. Government House leader.

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

Order 3, third reading of Bill 14.

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

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

I move, seconded by the Minister of Transportation and Works, that a bill, An Act To Amend The Income Tax Act, 2000, Bill 14, be now read a third time.

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

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

Carried.

**CLERK:** A bill, An Act To Amend The Income Tax Act, 2000. (Bill 14)

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

On motion, a bill, "An Act To Amend The Income Tax Act, 2000," read a third time, ordered passed and its title be as on the Order Paper. (Bill 14)

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

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

Order 4, third reading of Bill 16, An Act To Amend The Registered Nurses Act, 2008.

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

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

I move, seconded by the Minister of Transportation and Works, that Bill 16, An Act To Amend The Registered Nurses Act, 2008, be now read a third time.

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

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

Carried.

**CLERK:** A bill, An Act To Amend The Registered Nurses Act, 2008. (Bill 16)

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

On motion, a bill, “An Act To Amend The Registered Nurses Act, 2008,” read a third time, ordered passed and its title be as on the Order Paper. (Bill 16)

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

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

Order 10, second reading of Bill 17.

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

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

I move, seconded by the Minister of Health and Community Services, that Bill 17, An Act To Provide Damages And Recovery Of Opioid Related Health Care Costs, be now read a second time.

**MR. SPEAKER:** It is moved and seconded that Bill 17 entitled, An Act To Provide For Damages And Recovery Of Opioid Related Health Care Costs, be now read a second time.

Motion, second reading of bill, An Act To Provide For Damages And Recovery Of Opioid Related Health Care Costs. (Bill 17)

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

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

I’m very pleased to stand today to speak to Bill 17, the *Opioid Damages and Health Care Costs Recovery Act*. Our government recognizes the growing epidemic of opioid use across Canada and my hon. colleague, the Minister of Health and Community Services, has spoken to this issue many times in the House.

In 2016, the minister outlined Newfoundland and Labrador’s Opioid Action Plan. Most recently, Mr. Speaker, the hon. minister advised that government has completed all of the initiatives outlined in the plan and that we will

continue to work with our partners to address addictions.

Bill 17 will complement the work undertaken through the Opioid Action Plan and will give us the tools to hold opioid manufacturers and wholesalers accountable for their role in the opioid crisis. The proposed bill will help government recover the costs of health care benefits paid by this province due to opioid-related disease, injury or illness.

Mr. Speaker, we take the opioid crisis very seriously. This is evident in the great work that has been completed to date with respect to the Opioid Action Plan. This proposed legislation will help us address the crisis. There is no question that the opioid crisis is, in part, rooted in the over-prescription of pharmaceutical drugs. Recent cases in the United States have demonstrated this. Municipalities, countries and states have all brought lawsuits against opioid manufacturers and distributors. Their claims are valued in the billions of dollars.

In August of this year, a judge in Oklahoma ruled that Johnson & Johnson intentionally downplayed the danger of opioids and ordered that the company pay the state of Oklahoma \$572 million US for the damage caused by the company. The judge stated the defendants caused an opioid crisis that is evidenced by increased rates of addiction, overdose deaths and neonatal abstinence syndrome.

We are also feeling the impact of the opioid crisis here in Newfoundland and Labrador, Mr. Speaker. There are far too many reports from communities across this province that demonstrated the continued and ongoing opioid crisis that is perpetuated by opioid manufacturers and wholesalers.

This crisis has meant that people in our province have incurred significant costs. These costs are related to health care, including hospitalizations, emergency department visits, specialist visits, physician time and drug costs. The magnitude of the crisis cannot be overstated.

If passed, Bill 17 will allow government to sue opioid manufacturers and wholesalers for their alleged wrongdoing. It will permit the recovery of past, present and future health care benefit

costs due to an opioid-related disease, injury or illness. It will also assist in the litigation and support Newfoundland and Labrador's participation in a national class action lawsuit launched by British Columbia against more than 40 opioid manufacturers, wholesalers and others on behalf of provincial, federal and territorial governments. This class action alleges that these opioid manufacturers and wholesalers fail to warn doctors and the public of the dangers of opioids, and that they marketed opioids as safer and less addictive than other medications when, Mr. Speaker, they are not.

This bill will also give Newfoundland and Labrador an opportunity to bring a direct action against opioid manufacturers or wholesalers in a class action in the future. This bill supports the government's actions in joining the British Columbia class action, but also provides Newfoundland and Labrador with a strong backdrop against which we can proceed in dealing with opioid manufacturers and wholesalers.

British Columbia has already enacted similar legislation. Ontario has introduced legislation into its legislature which has undergone second reading. Alberta and New Brunswick have publicly supported the class action. We also understand, Mr. Speaker, Alberta has publicly stated that it is considering similar legislation.

There may be questions about how the recent filing of Chapter 11 bankruptcy proceeding by Purdue Pharma will affect the proposed actions in litigation. The company and its owners, the Sackler family, reached a tentative settlement with 23 US states and more than 2,000 cities and countries that sued the company over its role in the opioid crisis.

As is plainly obvious, this crisis does not stop at the border, it is in Canada and it is in this province. Any proposed agreement ought to account for and include payment for the Canadian claims, which are presently advanced in a structure and consolidated manner in a national class action commenced in British Columbia, of which Newfoundland and Labrador is a part. We will continue to assert our claims against the Purdue entities and the Sacklers to ensure that Canadian jurisdictions

are fairly and reasonably addressed in any proposed settlement within the US.

We will not be content to simply permit the US settlement to proceed with no appropriate approach and consideration for Canada. Our government, Mr. Speaker, remains steady and willing to participate in the global effort to achieve global resolution of the claims against Purdue and the Sacklers.

If, however, Newfoundland and Labrador is not included in this process, we are determined to continue to pursue our claims to the fullest extent permitted by the law on behalf of Newfoundlanders and Labradorians.

I would like to thank the staff of the Department of Justice and Public Safety for the work on this matter. I understand that they gave a briefing to Members of this House and I hope you found it informative. While there are several other aspects of the bill that I could discuss, I will highlight that this bill is similar to legislation enacted with respect to tobacco recovery.

We know that tobacco legislation has twice been before the Supreme Court of Canada and has withstood scrutiny. I also note that Bill 17 permits the recovery of health care benefits on an aggregate basis and allows for the use of statistical information for the purpose of establishing causation and quantifying damages.

This will significantly aid in advancing a claim on behalf of Newfoundland and Labrador and will help ensure appropriate recovery while considering the privacy of individuals affected by the opioid crisis.

On that note, Mr. Speaker, I will end my comments, look forward to the debate and the progression of the bill.

Thank you, Mr. Speaker.

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

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

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

Mr. Speaker, Bill 17 does provide for the recovery of opioid damages and related health care costs, and we do know that it's modelled on the *Tobacco Health Care Costs Recovery Act* which was passed in 2001 and proclaimed in February of 2011.

We also know that British Columbia has modelled legislation and passed this legislation one year ago. British Columbia has not only brought forward its law, it's also commenced legal proceedings. I think that's important for us to recognize that British Columbia has taken the lead in this scenario. British Columbia has named all provinces and territories and the federal government and agencies as members of the class which are pursuing this action. This is a novel approach.

We also know, Mr. Speaker, by way of background and giving history in terms of the legal process we know that other provinces also have taken a similar approach. We know that New Brunswick, Alberta and Ontario are also leading in this direction. For example, New Brunswick has been exploring the possibility of launching or participating in a lawsuit. From what I've examined, the view from New Brunswickers is that pharmaceutical industry, they want to hold them accountable for the health of their New Brunswickers and for the financial burden that's been put on taxpayers for the health care cost. So we get a sense of New Brunswick's sense or sentiment on this.

Alberta, similarly, will be signing on to the class action lawsuit, which has been filed by the British Columbia government. They also, for the same reasoning, want to recoup the costs of fighting this opioid crisis from opioid manufacturers and distributors.

As well, Ontario, they're planning to join British Columbia's proposed lawsuit. Again, their view, similarly, is that they want to create a series of special rules to assist the litigation process and support their participation in a national class action lawsuit by British Columbia.

Let's talk a little bit about British Columbia's national class action lawsuit. It was launched in August 2018 and it was launched against more than 40 opioid manufacturers and wholesalers. It

was launched on behalf of provincial, territorial and federal governments.

Now, what is the substance of the allegations in the lawsuit? In essence, the allegations are that these opioid manufacturers and wholesalers, they failed to warn doctors, they failed to warn the public of the dangers of opioids and they also – it's being alleged – have marketed these drugs as potentially safer and less addictive than other medications, when they were not. Thereby, I think the essence of these allegations are that these opioid manufacturers and wholesalers engaged in false and misleading marketing of opioids as well.

So, British Columbia has not, as of yet, disclosed an expectation for damages. That is something that really needs to be closely examined. What we know is that British Columbia has said that the figure will emerge in the course of proceedings, in the course litigation, in the course of lawsuits. But at this point in time, we do not have knowledge, and perhaps we may not be able to have knowledge because it's at its early stage, of the amount of the money estimated to be involved. In other words, the damages that one could expect.

That's where we're going to see economists, statisticians and others with that expertise in such matters are going to be engaged in calculating such estimate. The costs, also, we know will include hospitalization and treatment for those who have used these drugs and, of course, they're going to include other costs as well.

When we look at the effects of the opioid crisis, we do know a few things. We know the social impact that these drugs have had. We know about the terrible consequences of addiction for individuals, for families and for communities. We know the social costs are enormous. We know families are bearing these costs. The health care system also is bearing these costs; therefore, all of us are. We're aware of the families that are living this nightmare.

There's no doubt that there is much heartbreak and desperation and fear that so many are enduring right now, at this very moment. No family or community is immune. Some individuals, we know, Mr. Speaker, become

addicted using someone else's medications, but so many others become addicted from medications that they themselves were prescribed. That is the crux of this bill. We see that these individuals probably did not imagine where this would lead. Their doctors may not have imagined where this would lead. They may have believed the medications were safe.

This legislation is, however, only one piece of a very big puzzle. Many more initiatives must be taken. This must be treated as the crisis it is.

When we look at the tobacco legislation, Mr. Speaker, we should also be mindful of the fact that the United States was out in the forefront with respect to legal action against tobacco companies, while Canadian provinces were late to follow suit. As I mentioned earlier, this particular bill is modelled on the *Tobacco Health Care Costs Recovery Act*. It's modelled and very similar in substance.

We do know that the US tobacco-related lawsuits were settled, for the most part, long ago, while Canadian lawsuits are still working their way through the courts. We also know that the Newfoundland and Labrador position is to support the national class action against the opioid manufacturers and wholesalers. We also know that the position of the government is to monitor, with considerable interest, the US litigation concerning the manufacturing, sale and distribution of opioids.

Specifically, we do know that there is, as the minister had referenced, a tentative agreement to resolving claims against Purdue and the Sackler family members, which is a global resolution of approximately \$3 billion. We do know from what the minister has stated that the intention, the well-intentioned position of the Newfoundland government is to hold that agreement, that resolution. That ought to account for and include payment for Canadian claims. From my understanding, the Newfoundland and Labrador government will be looking to seek some recompense from that global resolution which takes place in the United States.

British Columbia's lawsuit, of which Newfoundland and Labrador is a party, seeks to recover the government health care and other

direct costs incurred due to opioid-related disease, injury or illness.

Mr. Speaker, these points that I've made, in essence, suggest that, in principle, the bill has substance and can be supported. However, there are some concerns with respect to the provision, for example, with respect to opting out of the agreement, which is one of the sections – I believe it is section 12 – which one has to examine more carefully.

That section of the act particularly indicates that any prior agreement that purports to bind the Crown, that ultimately can be reneged upon or can be nullified.

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

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

The noise level in the House is a little too high. I ask Members to keep the noise level down so we can listen to what the Member has to say.

Thank you.

The hon. Member for Harbour Main.

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

So, what one is concerned about with respect to that is with the contract that was made, is it now that it is inconvenient that the Newfoundland and Labrador government entered into a bargain over health care cost recovery in the class actions on behalf of addicted individuals? Now, the concern is that that may be opted out or reneged on by the government. So the concern there is what message does this particular piece, section of the legislation send? That we can dissolve prior agreements given to others who contract with government? So we need to be worried or concerned about that particular provision and whether that is something that we are content with approving.

Also, another concern that needs to be addressed when we're looking at this legislation, I think the legislation is in place so as to present an alternative litigation strategy so as to recover more money on behalf of the individuals affected. But we need to be mindful of the fact



that, with respect to the US litigation involving that global resolution, that tentative agreement between Purdue and the Sackler firms, we need to know if there's been any effort on the part of the Purdue entities and the Sacklers to actually involve Canadian jurisdictions in the settlement in the US. Is there a reasonable or likelihood of us actually recovering? What specific efforts or strategies are in place by the government to pursue our claims with respect to that global resolution taking place in the United States?

So, Mr. Speaker, those are some of the points I wanted to raise with respect to this bill, and I thank you very much.

Thank you, Mr. Speaker.

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

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

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

I'm very pleased to stand here today also to express my support for Bill 17, An Act To Provide For Damages And Recovery Of Opioid Related Health Care Costs, Mr. Speaker.

For anybody who might be tuning in, this new legislation will allow Newfoundland and Labrador to take direct action against opioid manufacturers and distributors, based on the related health care harms that we have seen in our province.

Some of the other speakers have talked about cost and talked about technicalities in the act. Being a minister in a large social department, I will be looking at some of the impacts and the effects of opioids and some of the other issues that we deal with socially because of the widespread opioid problem that our province and our country have been dealing with now for some time.

Mr. Speaker, while problematic drug and alcohol use is not a new issue in Newfoundland and Labrador, problematic uses of opioids, like fentanyl, morphine and oxycodone have had particularly devastating impacts on many people in our province and their families. I would say all of us here in the House today probably know

of someone, know of an individual who is struggling or know of a family who is going through a difficult time because they have somebody who has an addiction to opioids.

According to the Public Health Agency of Canada, between January '16 and March '19 there were more than 12,800 opioid-related deaths in Canada, Mr. Speaker – 12,800 people. Those are individuals who would have left behind children, parents, brothers, sisters and friends, just to put a face on this terrible problem that we have in our province and right across the country. It really is simply heartbreaking to think about.

In that same time frame, if we take it down to our province right here in Newfoundland and Labrador, we have had at least 70 opioid-related deaths in Newfoundland and Labrador – 70 residents of our province whose lives are cut short, who didn't get to go out and contribute to this society and this place that we love to call home, Mr. Speaker, because of their problematic use of opioids. Each of these 70 individuals would have been someone's child, someone's sibling; they would have been someone's co-worker and someone's friend. When we talk about 70 deaths, each of them with their own story to tell, cut all too short because of their relationship with opioids.

Because of these tragic deaths, Mr. Speaker, there are many other harms in this province related to opioid use. I think about the demands on health care. My colleague, the Minister of Health, and I have many conversations around the social determinants of health, around the strain, the pressure and the stress on our health care system.

We all know family members who are waiting for health care needs of some type in this province. Then we bring in the drug problem, we bring in the opioid problem and it really exacerbates an already strained system. The demands on health care include increased crime and increased pressure on social services. Mr. Speaker, we see the impacts in the Department of Children, Seniors and Social Development. This is an issue that is of particular concern to me, given my department's mandate to protect children.

In fact, through the new provincial *Children, Youth and Families Act* – which, Mr. Speaker, was proclaimed just the 28th of June of this year – our specific purpose is to promote the safety and well-being of children and youth who are in need of protective intervention by offering services that are designed to maintain support and preserve the family unit. There's a whole big focus on preserving the family unit. We know the benefits of that versus the opposite of when children may have to come out of a home. Where it is in the best interest of the children and the youth that is where our focus is.

In my department we have almost 400 social workers that work in 44 offices around the province; social workers that work often in very challenging circumstances, Mr. Speaker, often in remote areas. Every one of them recognizes the importance of the family as the preferred environment for the care and upbringing of the child or youth. We do whatever we can, Mr. Speaker, to ensure that children remain at home, but there are times – and we're talking about bringing in this bill today – when a parent's ability to care for their child is impaired through drug use to the point that they are no longer able to care for their child.

I've seen many things, Mr. Speaker, over the three years I've been in the department. One of the things I learned is often these parents that are struggling, they don't love their children any less, but they become addicted along the way. They're not able to help themselves and they need support. Very, very sad situations. There are lots of sad stories out there.

The impact of the misuse of opioids on the extended family also has a tremendous impact, Mr. Speaker. In departments like mine where sometimes when we have to remove a child, and it's in the best interest of their safety at the time, we look to place them with an extended family member. We see that this opioid is no respecter of persons. It may respect the parents – and it also has an impact, the misuse of opioids, on the extended family. Then, that restricts or places limits on where we are able to place these children in these circumstances.

Alternatively, there are times when CSSD has to intervene to ensure the child is protected. Their safety must always be our main priority. Mr.

Speaker, once again, we always look to place them with someone familiar, someone they might have had a pre-existing relationship with, but the opioid crisis we are dealing with in this province and in Canada has an impact.

In the interest of time and allowing some of my colleagues to speak, Mr. Speaker, behind me, I'm going to sort of flip through some of my notes here. I just want to say we talk a lot in my department about maintaining family connections and how that is in the best interest of the child. I wish no parent or, indeed, no person would be so impacted by their drug use that their lives become out of control, but that is what we're talking about here. Then we see manufacturers and distributors, we might say, that can take advantage of that.

I'm reminded, Mr. Speaker, of a quote by American president, Thomas Jefferson, who once said: "The care of human life and happiness, and not their destruction, is the first and only object of good government." We have an ethical and a moral obligation and a responsibility to the people of this province that we are working for right now to bring in legislation like this to try and address some of these serious issues in our province. I am pleased with the work our government has done to support people and communities in this province and address this opioid crisis.

Mr. Speaker, some of the things my colleague for health talks about: developing a safe prescribing course for health care professionals, implementing naloxone community pop-up tents and these take-home kit programs, improving access to Suboxone and implementing a prescription monitoring program are all very positive steps in the right direction. I also want to say that people who are struggling with opioid use and want help, they can access medication-assisted treatment and counselling from regional opioid treatment centres in our province. We have centres in St. John's, Gander, Corner Brook, Stephenville and Goose Bay.

Mr. Speaker, in closing, I want to say this bill is yet another action our government is taking to address the harms related to opioid use in our province. This bill will allow our government to commence action to recover cost from opioid manufacturers and wholesalers for the harm

their actions have caused Newfoundlanders and Labradorians. This includes health care costs incurred in our province in relation to the opioid crisis and the devastating impact it is having on some of our population.

We must all ensure we are taking all action available to us to ensure the opioid problem that we face, that we are doing all we can, Mr. Speaker, to address it.

To that end, I am pleased to stand here today to signal my support to Bill 17. I want to give a little shout-out to the people in the Department of Justice and Public Safety, the minister who is away from the House right now and also to his first alternate, the Member for Baie Verte - Green Bay, for bringing in this piece of legislation. There is a lot of work that happens behind the scenes before we get to the point of bringing the bill into the Legislature. So hats off to all these guys.

I look forward to listening to the rest of the debate on this bill.

Thank you.

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

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

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

It's indeed an honour to stand and speak to Bill 17, An Act to Provide for Damages and Recovery of Opioid Related Health Care Costs. We all, in this province, have a responsibility and a duty to ensure that we get the best return for the people of Newfoundland and Labrador. Particularly, when we've been hoodwinked, when we've been led down the garden path, when people haven't been honest with us or, in this case, health providing corporations.

When we in good faith – and I say we, that means everybody in the health care system who prescribed, who encouraged the use of, who lobbied for particular drugs to be put in a system that would benefit people and, all of a sudden, we find out that the information we were given, that the outcomes we expected, that the process we were engaged in was flawed. In most cases,

unfortunately, it was deliberately flawed by not sharing information we could've had.

Keeping in mind, in Newfoundland and Labrador, we're a very small part of the global network here that deals with health care, the types of equipment, the interventions to training, but, particularly, the drugs and, in this case, the opioids that are provided by various companies

Now, you give a shout-out to a company who spends tens of millions, hundred of millions of dollars into developing a drug that is meant to improve the quality of life for people through health interventions. We all accept it. We applaud it. We engage it. We even invest in it a number of times.

The unfortunate thing, what we've been seeing has become a pattern over the last couple of decades, it has been companies who come up with almost a miracle drug, to a certain degree, that will alleviate a particular issue, particularly if it's around pain management. But, all of a sudden, either are neglectful in the amount of research they do and their findings, or deliberately decide not to share information with us, or misinterpret their findings to make it be something that it isn't. That's what we found.

That's why globally, and particularly in North America, there are a number of lawsuits against pharmaceutical companies who developed pills and pharmaceuticals that were intended by their marketing strategy and by their selling to the health professionals – particularly doctors who would be using them and the major senior people of health facilities and to government, government officials, about what would go on your dispensing network list as an acceptable drug that would do two things, would ensure quality health care and would be affordable.

Sometimes you try to weigh both off. Sometimes you go with something that has much more of a return on the investment, but may be extremely expensive. Other times you may say I can take a less expensive one that in the long run will still have the desired effects, and we've done that. We have a multitude of – hundreds, thousands of different drugs that are under the system that benefit people.

Unfortunately, what we found over the last number of years is through research and through interventions within the health care system, the notoriety that a number of people are coming in with addictions, and addictions relevant to the medications they've been prescribed. Prescribed reasonably, prescribed professionally and prescribed in the best efforts put forward by the prescribers – the medical professions – to include outcomes that would be positive. What we found, they all haven't worked. They haven't worked for a reason, because the input of the information these health professionals had at the beginning was misleading.

The understanding the patients had from marketing, from reading stuff, from things that may be on social media, was misleading. It was misleading, not because the individual who was sharing that didn't feel they wanted to share it in the right manner, but because the information they had wasn't accurate. It was either half-truths, not fully used in the intended way, was partially researched to a particular group, or was sold as something that would generate a benefit to masses; yet specifically in the research, would only be beneficial to a small group. As a matter of fact, would be detrimental, from a health perspective, to the other masses that would use the same medication.

So we've come to a point now where we're saying enough is enough. People have to be held accountable – corporations, the research components. Now we're finding out through research and through some of the development of these opioids that individuals, people in good faith, researchers, medical professionals, have recommended and have shared their full findings, and in some cases have said, while this drug has many positives, before we can put it to use in patients, we need to address the other issues that are in it right now under its composition.

In some cases, the corporations decide: We spent \$50 million in developing this particular pill, we spent a hundred million dollars, our shareholders need to see a return on their investment, so we're going to put it out there because it does do 75 per cent of what we said it would, or it does a hundred per cent of what we said it would; unfortunately, we didn't share the 35 per cent negative impact it's going to have on

individuals when it comes to an addiction issue, for those who might be more susceptible to being addicted to opioids.

When you look at the bigger picture, what's being looked at here is finding the most expeditious way that benefits us financially and ensures that Newfoundlanders and Labradorians receive some compensation back that can either address their particular issues that they've had to face and the loss of quality of life for themselves, but particularly the cost on our health care system.

We all know what it takes for a health care provider to deal with opioid addictions. All the other things that are related to that, from missed appointments to misdiagnosis because of the individuals who are not sharing exactly what they've been engaged in, to, again, the costing on our society from – unfortunately, sometimes, when you get fully addicted, your need to get the extra high that you need from that particular pill, what you're willing to do for it, the impact it has on people's economic life, their costing, their ability to keep their employment.

Also, the time, because we're dealing with something that was man-made, that could have been avoided had the proper research, the proper information shared, that the health professionals knew exactly which groups may be more vulnerable so that when they're treating them, they could say: This might be too harsh for you. We're going to take another route to address your health issue.

This is having a costing on our health system. We're spending over \$3 billion in Newfoundland and Labrador, \$300 billion in this country of ours, and as part of that process, it's at the expense of other interventions that may be necessary, because every time somebody goes in for a particular medical procedure – if it's an ultrasound, if it's an EKG, whatever it may be – because of something related to a opioid addiction, or an opioid overuse, then obviously that has an impact on other issues –

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

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

The level of conversation is getting too high.

Thank you.

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

That may be relevant to addressing the particular needs of those individuals, if it's cancer treatment, if it's other interventions that people may have around aging ailments, or it could be around newborn ailments. It has an impact there.

Our medical professionals can only deal with so many people at a given time. If they're having to unfortunately be directed in one direction – and opioid addictions, we know the interventions after are much more encompassing than just the standard if you went in and broke your arm and had it set and put a cast on, you go back, get the cast off, you're done. There are all kinds of counselling processes; there are all kinds of experimental approaches to see what will work for these individuals. There are all kinds of counselling supports that need to be done and they're all caused because in prescribing a medication in good faith, to help an individual who has a particular ailment, the information that was shared with those individuals who will help give the advice to make that decision wasn't accurate and, unfortunately, it was deliberately not accurate.

That's where, when you get into litigation there's a cliché we have – the good Samaritan's rule, due diligence and these types, but you're pretty good in life and feel comfortable that things may not always work out, things may happen. If you did it in good faith, if you did due diligence, if you ensured you shared proper information, the decisions made by other people that may end up being adverse from a negative point of view is, unfortunately, their responsibility.

In the cases of multitudes of people we deal with, 95 per cent or more, the addiction issue here comes, in a lot of cases, from unforeseen circumstances. It comes from an accident where they've gone and because there's extreme pain in an intervention, an operation, the repairing of a limb or something, that they're prescribed certain things to get them through a quality of life to be able to continue their day-to-day activities with an opioid.

We talk about opioids. As we know there are multitudes, tens of thousands of people in this province who use opioids on a daily basis who don't become addicted. That's either their own personal ability to be able to handle it, their biological makeup, the genetic makeup, the fact that they'll understand when they're getting to a point where they're becoming so dependent that they stop, that they do it. Or some when they use it based on the principle I can now manage my own pain, I don't need these types of things. But they're a vulnerable group here for whatever reasons, social, psychological, genetically, biologically that they're more apt to become addicted to opioids. They're the unfortunate situations that we have here.

What we have to do and what we're trying to do in this bill here – and my colleague had noted there are a couple of concerns here that we would have about the logistical part, the legal ramifications that may need some clarification so we ensure we don't set a precedent that's going to be detrimental to other segments of our society. In this House when we set laws and legislation, they're not only necessarily sometimes about the piece of legislation we're debating, they have far-reaching effects and they have precedent setting, so we need to ensure that things are safer around that.

The effort here to ensure that we expedite a court action to make these companies accountable, to recover funds that are necessary to be able to put back into our health care system, to give back to people to try to get their lives back in order is in good faith, Mr. Speaker, and a good piece of legislation that we need to move forward.

I know we'll have some questions in Committee a little further that I hope will clarify some of the concerns we may have around the logistical, legal ramifications here, but I do encourage everybody to look at the benefits of what's trying to be achieved here. We need to make companies accountable, no matter what industry they're in, but, particularly in this case, when it has a major negative effect on people's lives afterwards and affects everyone around them and affects our society.

Mr. Speaker, I look forward to further debate on this and look forward to us making the corporate

world accountable for information and services they're providing us.

Thank you, Mr. Speaker.

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

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

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

I'm not going to take very long, but I always like to speak, even just for the record, I suppose, to indicate where I'm going with these pieces of legislation.

On Bill 17, I'm not going to belabour it, but, obviously, what we're doing here is we're allowing for legislation to assist and to give the authority for the government to enter into civil litigation against companies responsible for opioids. Certainly, in general, that's something that I support.

I can tell you, over the last two or three years, in particular, I've had a number of people come to my office, constituents and so on, with various issues that had opioid addictions. I've seen first-hand how that has impacted their lives in so many ways because of that opioid addiction.

Sadly, in each case that I dealt with, at least, that addiction started at the doctor's office, which was very, very unfortunate to say the least. While it's important that we go after the companies that manufacture these very addictive drugs, I think we would all be remiss if we did not, at least, acknowledge the fact that much of the addiction that we've seen throughout our province when it comes to opioids did indeed start at the family doctor's office or at emergency or wherever the case might be.

I'm not suggesting that there was anything done from a negligible point of view. It could be, it's possible, like in any profession, but perhaps from not being well enough trained and educated specifically in some of these drugs, I think it has caused a problem. There's no doubt about it.

I'll say another thing that I've noted, which is another big problem around opioid addictions and around doctors is that there have been a

number of people who can't get a doctor if they have an opioid addiction. Now, we know we have a problem with getting family doctors in general, but again, I had an individual not that long ago who came in and had an opioid addiction. His doctor had dropped him, which I thought was outrageous, to be honest with you.

I did put in a complaint to the College of Physicians on that matter and I hope that some action does get taken. In the meantime, called up a particular office that had opened, where I heard that they were taking patients. I made the call, said: Are you taking any patients? Yes, we are. I said: Well, what about if you have an opioid addiction? Sorry, no, we're not.

So, we have this issue with certain physicians now refusing to take patients if they have an opioid addiction. That is a problem in itself. A big shout out to Dr. Bruce Hollett, out to the Waterford, who has a clinic there, and certainly I was able to refer some people to him. I think he's a tremendous resource, but we do need to do more. I know that addictions and so on are something that this administration has been working on and has made some progress. I applaud them for doing that and I encourage them to continue, but there still is a problem as it relates to these opioids.

I know that's getting off on a little bit of a tangent, but I think it's important to at least acknowledge those issues. It's one thing to produce a product, but somebody had to prescribe them, someone had to be monitoring and so on. There have to be proper mechanisms in place to address them when we run into problems, as so many people have.

In terms of the legislation itself, I will say, Mr. Speaker, that I will support the legislation because, in principle, I do agree with the concept of going after these manufacturers, to hold them accountable, no different than what was done with tobacco manufacturers. It's really the same thing. I think vaping, perhaps, will be the next thing, that if there's not already class actions, there probably is going to be and probably should be things put in place to deal with that as well; but, certainly, I support it in principle.

I have to say though, just for the record, while I do support it, there's a log of legalese in here.

I'm not a lawyer; I'm not going to pretend to know all the ins and outs of this. I can only say that the Department of Justice and their lawyers have obviously had input in this. They feel that this is the legislation they need to do what they need to do, which is a good thing.

I will say in terms of process and in terms of a Member having to stand up here and vote for a piece of legislation, this one was particularly frustrating because when I went to the briefing, I asked questions such as – and hopefully when we get to Committee, the minister might have some answers. In the briefing, asking the question aren't we already part – and I think this has already been referenced by the Member for Harbour Main and so on, but we're already part of a class action which was initiated by the Province of British Columbia, I believe. We're already named in that; we're already a part of that.

My question was if we're simply part of that now, why would we need to be passing legislation? Why do we need this legislation if we're already named a part of that? We can't really say. Okay, you can't really say. So, does it mean then, if we pass this legislation, the intent is that we're going to detach ourselves, if you will, from the class action in BC and do it on our own? We can't really say.

There were a number of questions around exactly why is it that we're doing this. Why are we doing it? What is the strategy? What is the plan? The answer kept on being the same: We can't say, we can't say, we can't say. I'm like, well, why can't we say? Client-solicitor privilege was basically the answer. I said: Okay, so what do you mean client-solicitor privilege? Who is the client here? The Department of Justice. I said, okay.

So, you want me to stand in the House of Assembly, support a piece of legislation – while it may very well be good legislation – but you're asking me to support a piece of legislation to allow you to take some action or not take some action. I don't know what you're going to do with it; I don't know why you're doing it, but just vote for it anyway. Basically that's what we're being asked to do.

We're being asked to vote for this legislation which would allow the Province of Newfoundland and Labrador to enter into a civil litigation. I guess it means if the one that we're part of in BC fails, we can try it again on our own. Or if we don't like the way the one in BC is going, we can opt out and try it on our own, or maybe we can join a different one. I don't know, again, I don't know the strategy, but I can only assume it gives us more options and opportunities. I guess on a little bit of leap of faith, I suppose, we're saying: Okay, we're going to give you this tool that you're telling me that you need that will help us in getting the best result for our province. I guess that's what it comes down to.

I guess I'm prepared to do that, but it's important to point out that if by passing this, that they use this tool and someone says, well, you shouldn't have done that; you should have stayed as part of the other one or whatever and you would have done better, well, it's no good to say, well, you voted for it, because I don't really know in a sense what it is I'm voting for in terms of the strategy. All I know is I'm voting for a tool that I'm being told is something that they need and can use and would better our cause, and I have to take faith in that I am being told the best information to do what they feel is the best thing and what's going to work best for our province.

I throw that out there because I'm always a little bit hesitant, because I've sat in a room before, sat across a table before from people who supposedly had the best interests of our province in mind and told information and told don't worry about this, don't worry about that, we got it handled. We know where that went.

Of course, I'm referring to the Muskrat Falls Project and so on and being told by people who supposedly knew what they were doing and had all the answers and I had to believe them.

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

(Inaudible) this bill.

**MR. LANE:** I had no choice but believe them.

Again, I'm doing the same thing and I'm not trying to say what I'm being told here is wrong

or is not the right strategy, but I guess I'm just trying to make the point, Mr. Speaker, that to draw that little comparison that that's kind of what we're doing. We're voting to allow the Department of Justice to have another tool for some strategy that I don't know what that strategy is because nobody will tell me. That's the point I'm making.

With that said, I will have faith in our officials and our Minister of Justice that they do know what they're doing, that this is going to be useful, it's going to get us the best result. I will support the legislation.

Thank you.

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

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

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

I'm saddened, in a way, to have to stand and support this bill, rather than pleased, but it is the way I think to go.

You only have to sit in a room with a recovery forum and listen to the tragedies unfold as to what opioids have done to the people of this province, mirrored across the rest of the country, to realize that really, in a sense, the money that we're talking about here is simply a pale reflection of any kind of compensation; but having said that, it's the best we can do. It's the only way of holding to account the people involved, because that, at the end of the day, is the only thing they place any value on – and it's been blatantly obvious from their behaviour from the outset – is money. The whole of this has been driven by money.

This, Mr. Speaker, is not a warning shot across the bows of Purdue or Sackler brothers. This is actually a piece of plate armour going on the tip of the spear that's going after them for the damage that they have deliberately inflicted on the Canadian public and the people of this province. I don't think that is a hyperbole or exaggeration.

They have deliberately misled prescribers and deliberately misled the public by concealing evidence they had in their possession that would have told them and allowed prescribers to know of the full dangers of these drugs. They withheld it simply to increase market share and become simply the most successful drug pushers this province has ever seen.

Our problem, as the Members Opposite have alluded to, has been around prescription opioids. They have been prescribed because the medical profession, the pharmacists, the nurse practitioners were essentially told there was no downside to these drugs at all, and that was blatantly and knowingly false at the time those statements were made by employees of Purdue and representatives of the Sackler family.

When you're talking in second reading, you have to talk about the intent of the act. I think we've already gone very rapidly from that into details around litigation. Some of the challenges the staff, I think, at JPS had, when in the briefing, was around litigation strategy.

Contrary to popular opinion, I think this piece of the House Legislature televising will be actually quite popular in legal circles. Because you can bet your bottom dollar, that for \$52 billion, Sackler has somebody somewhere sitting there watching this, seeing where we are going with our strategy. Whilst it would be nice to be able to answer some of those questions, the what ifs and where you go, the reason they're watching is in case I'm daft enough to tell them what our plan might be.

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

**MR. HAGGIE:** So, for example, the Members offered it quite legitimately, referenced section 12, which seems to kind of undermine other previous decisions of the court. It's there in an act which is not going to be proclaimed unless necessary, but is there to deal with what's already on the books.

Which is, for some reason, Saskatchewan has it in its head that it represents Newfoundland and Labrador in the courts and has signed on to what can only be described as a pathetic agreement which the best would give us \$1 million or \$2 million. That's not going to go anywhere near



this. In the course of four months, my department will spend more than that on prescription fees alone for opioid treatment – prescription fees alone for opioid treatment. At some point, we need to be able to say what is in the best interest of the people of this province.

What this bill does, which is unique, is it presents part of a united front. This is a transnational lawsuit. The settlement in the States – at the moment, Purdue is before the courts in the States trying to suck all its Canadian assets into the States so we have nothing. So when we get to the table it's all gone to the States. We need to find ways of protecting ourselves against that.

The bottom line is this is part of the piece of armour, as it were, that goes across from Vancouver and Victoria all the way to St. John's and all the way up to the Arctic Circle. Because, together, it sends a very clear message of intent to courts in the States and it also sends a very clear message to the Canadian courts that are already involved.

We have learned that tobacco has dragged it through litigation into settlement in a sequential fashion and it tied things up for well over two decades. This allows parallel litigation and settlement discussions to proceed unimpeded across the board. It allows us as a government to take direct action against the drug companies, the wholesalers and the individuals who are on the boards of those companies as individuals.

Sackler sucked his money out. He has it stashed away somewhere, but as an individual he – with this legislation, if it's ever enacted – can become liable if other things do not work.

The bottom line is it also allows us to use population data. We have to be able now only simply to show harm to the people of this province and provide a quantum, not harm to a named individual in the class action, which is unique as far as I have been told.

Again, I'm not a lawyer, and I'm not here as a lawyer. We have legal expertise on both sides of the House who can go into the detail. We are actually here as legislators. I am here as a former prescriber of OxyContin who has seen the light and now wears a different hat. You can't turn

the clock back, but you can go on the next best steps.

So it is focused on the population of this province and safeguarding our interests. The reason it is phrased like this, it is tied up in litigation strategy which is best left to the litigators; it's best left to the lawyers.

These tools are all ones that have been tested under fire all the way up to the Supreme Court of Canada in relation to tobacco, and there are a couple of twists of things we have learned since then which are in there. They speak to some of the questions, quite legitimately raised by Members of the Opposition, around some of the nuances of the technicalities of this bill. We can get into that in Committee.

Again, I would caution people, remember, it will be a question of balancing due diligence so that everyone is comfortable that we're making the right decision in the best interests of the people of this province. Within actual fact, laying out your entire game plan for someone else to look at. To be honest, I would suspect the kind of legal minds this crowd can employ would be able to see the – join the dots and join the lines, but we can't do anything about that. We just don't need to make their job too much easier in the process.

So, again, if the Sackler brothers or Purdue or their lawyers are actually listening, this bill is to hold you accountable as organizations and as directors for the untold damage you have wreaked on the people of this province. All we will be able to do through our resources is to put in health economists who will come up with sums, and they will boggle the mind.

We have millions of dollars a year being spent on medical transportation for addiction services. We have nearly \$5 million a year we have put into the new addictions hub and spoke model – and that will expand. We have an ask in for the federal government for further support. We have huge bills coming, and this does not yet quantify the health impact that's indirect.

There was an estimate in 2014 through CIHI that we were, as a province, \$50 million down on indirect health care costs in this province. Since then – that was 2014 – in 2015, when I walked

into this office, there were 1,200 people on the methadone program. As of the beginning of this year, there are 3,300 people on the methadone and Suboxone program. In addition to that, we have wrapped services around them that were not there before to fill the gaps.

This morning, I was speaking to stakeholder groups who are involved in peer and front-line work around addictions and people with substance use issues. They were suggesting to me that the number of people whose lives have been impacted directly by opioid and substance use issues is, in actual fact, probably three times the number that we are aware of. We've gone from 50 million in 2014 to at least three times that number today on the figures we know about. You can multiply that in turn by three; this is a geometric progression in terms of cost.

On that note, I wish to just sum up once more so if anyone is in any doubt about this. To the wholesalers and the manufacturers of these drugs that were marketed deceptively: We are coming for you. I would urge every Member in the House to vote for this bill.

Thank you.

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

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

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

This is excellent legislation and I am pleased to see it come. I do have a couple of questions I would like to pose to the House. I would like to point out there are a number of areas that this opens up for discussion, so perhaps it could lead to some other potential legislation along the way.

Certainly, one of the first things that comes to mind is while this legislation is a backstop to the broader legislation being proposed in British Columbia, I see nowhere the criteria listed for when this legislation would be enacted. For example, if the legislation in BC turns out to not be making any headway or any traction, or looks like it's not going to go where it should be going, then will that be when we enact our legislation or are there some other criteria for

that? I hope when we move to Committee we'll be able to answer some of those particular questions along the way.

In addition to that, how we actually enact this legislation. If we get to that point, there are a couple of interesting pieces that I find also need to be considered. First of all, while British Columbia thought it prudent to include Newfoundland and Labrador and all other provinces in their legislation or in their lawsuit, I see no reference to any financial gain that might come from this lawsuit, how might it be allocated across provinces.

Will that be allocated based on population? Will it be allocated based on opioid deaths? Will it be allocated based on number of opioids actually prescribed? That is very unclear, so I think finding out where we fit in this British Columbia lawsuit might actually give me a better sense of when and if we might actually enact this legislation, because as I understand it this legislation just-in-case legislation. In addition to that, some other questions that I would have some concerns about, when we talk about the costs associated with opioid addiction, certainly I know there are some remarkable health economists that can touch on some of the very important costs associated with this.

I do notice that some of the Members opposite did reference the children in our neonatal unit and our maternity ward, our Janeway, that have no one to take care of them who are suffering from opioid withdrawal, whose mothers are unable to care for them because they, too, are in the full throes of an opioid addiction. We have infants there who have no one to care for them. That is one of the most crucial pieces of someone's development, is to have someone hold them close when they are born. We don't have that, so are we going to include the cost of someone who is volunteering to go in and hold these children as they suffer through withdrawal? Is that some costs we're going to see?

Also I have found that on numerous occasions – I've been talking to individuals in through my district, as well as many other districts – I hear that grandmothers now know how to reduce opioid patches, morphine patches, down to get the opioid ingredients out of that. They know

that because their grandchildren are in the throws of an opioid addiction. Do we include the cost that a grandmother has spent worrying over the care of their grandchildren and how that child is going to make his way through life and whether or not they're even going to survive? While these are intangible costs they are still very, very important costs.

Mr. Speaker, I've also heard far too many times – my parents who do a great deal of child care for my brothers, both of whom are single parents. My parents go out and do child care for those and they often find themselves conversing with other grandparents. Luckily, my family is quite whole and we have not been afflicted by any opioid addictions, but I hear too often that other grandparents are stepping in to care for their grandchildren whose parents are opioid addicts, who are no longer able to care for their children. These are day-to-day things. This is getting the children up and getting to school on time, making sure they have lunches and making sure there is someone there when they come home in the afternoons and there's a warm meal associated there for them.

These are intangible costs that are very, very real. These are heavy burdens that weigh on grandparents, parents and anyone who has seen the costs of these addictions. We also see far too often the unfortunate side effects of crime associated with opioid addiction. When you are in the throes of opioid addiction you don't care what the criminal consequences are, you don't care what the physical consequences are, you just need to feed your craving.

Are we going to include the costs of policing? Are we going to include the costs of putting in extra protections for people who work in convenience stores, as we see more and more robberies and we see more and more break-ins associated with people trying to feed their addiction? These are costs that are intangible but very, very important. I think I'd like to see some of those things start to be included in this.

We also have a housing issue. That is huge. If someone is attempting to feed their opioid addiction, they don't care where they live; they don't care if they pay their mortgage. Eventually, they're going to find themselves out on the street, so that's going to exacerbate an

already difficult housing shortage that we have. I'm sure every Member here can speak to the housing issues in their districts.

We also have lost time in production. Individuals who are addicted to opioids I'm sure have difficulty maintaining work, being productive at work, just being a contributing member of society. Again, these are other costs associated with an opioid addiction that must be captured in such a lawsuit.

Some other things that I have seen that could very well lead to other types of discussions is what are the criteria to break from the lawsuit and move to our legislation? That is very, very important. Here's another thought that I've had. This legislation, of course, brings to mind a great number of questions. Do we have or ought we put in place mechanisms to ensure continual evaluation of the safety of all drugs that we have?

We've realized that opioid addiction is a serious issue, but if we put a mechanism in place that allowed for continual evaluation of this, perhaps we would have recognized the grave peril that individuals were in and the problems that opioid addiction has caused. Maybe we would have addressed this problem far sooner and we would have had fewer deaths as a result of that.

To pivot slightly on that, I commend the Member for Mount Pearl - Southlands for bringing up the issue of vaping and vapes and the health problems that are associated with that. This was something that had been moved through Health Canada relatively quickly and we're already seeing that youth, in particular, are picking up vaping at phenomenal rates. We know that vaping includes higher than normal –

**MR. SPEAKER:** Stay relevant to the bill, please.

**MS. COFFIN:** Pardon me?

**MR. SPEAKER:** Stay relevant to the bill.

**MS. COFFIN:** Pardon me.

Also related to that would be antibiotics and antimicrobials, which perhaps we need to consider because those too have some

significant problems associated with it and we do need to address that. So that continual evaluation is also very important.

Another concern I would have with this would be in this legislation, I understand that there is some concern that Purdue would be moving some of their assets outside of Canada. So, perhaps, we can talk about a legislation that would freeze the assets of Purdue in Canada until we can straighten this lawsuit away so they are unable to move the money out of Canada and into the US to satisfy the US lawsuits. I think, Mr. Speaker, that's an important consideration and perhaps the House can move towards something like that if it falls into Newfoundland and Labrador's legislative authority.

At the same time, we have legislation regarding opioid prescriptions. Perhaps this legislation calls to mind – we may want to think about some alternative medications to opioids. Certainly, that would be a consideration for maybe the Minister of Health. I know at one point I did bring up during Estimates that we consider legalizing cannabis as an alternative to opioids or other stronger medications. That certainly is a suggestion or a pivot point from this legislation.

Perhaps we should also consider that all opioid prescriptions should include a program to wean patients off those opioids. These are again some key points that will address the fundamental problems that we have with opioids.

I think, Mr. Speaker, that might be all that I have to say on this. I do look forward to some consideration – no, I have one more thing. Something else we want to consider here is, we know that methadone prescriptions are increasing in an effort to help wean people from opioid addiction, but it is not a solution, it is a just a stop gap. We need a plan that is going to supersede the use of methadone and actually prevent opioid addiction, not just treat opioid addiction.

Again, I guess the final point that I will make is, whatever money that we do find recovered, will we be applying that directly to the treatment of addictions and addicts and prevention of further addicts being created by inappropriate use of these drugs?

Mr. Speaker, in principle, I do support this bill, but I would look forward to having a more fulsome discussion about some of the questions raised here once we take this bill to Committee.

Thank you very much, Mr. Speaker.

**MR. SPEAKER:** If the Minister of Education and Early Childhood Development speaks now, he will close the debate.

The hon. the Minister of Education and Early Childhood Development.

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

I appreciate the contribution of my colleagues during debate in the House of Assembly: The hon. the Member for Harbour Main, the Member for Cartwright - L'Anse au Clair, the Member for Conception Bay East - Bell Island, the Member for Mount Pearl - Southlands, the Member for Gander and, certainly, last but not least is the Member for St. John's East - Quidi Vidi, and it's great to have you back in the House of Assembly today.

This bill will play an important role as this government and this province hold opioid manufacturers and wholesalers accountable for their role in creating the current opioid crisis. In debating the bill, Mr. Speaker, it is clear that this government and this House are committed to continuing to address the opioid crisis, including taking the necessary and important steps towards recovering the costs of health care benefits.

Passing this bill does not prejudice the province. I'll repeat that, Mr. Speaker. Passing this bill does not prejudice the province. It protects from us prejudice. Passing this bill has no downside. It does not require us to take any action. It does not require us to spend any money. It does not require us to make any decisions today. What it does is send that message. It sends a message, Mr. Speaker, that has been echoed in the comments during this debate today. It equips this government and this province to respond to an ever-changing and unfolding crisis.

As I said, enacting this bill will help ensure that we have the right tools to pursue health care benefit cost recovery. In the absence of this bill, we will be required to produce evidence of

health care costs for each individual resident affected by this crisis. We know that opioid manufacturers and distributors are watching the actions of Canadian governments with interest. We are not going lay out litigation strategy in this House, but we are telling them today that we are going to hold them accountable for their role in this province's opioid crisis.

With respect to some of the legal questions of some hon. Members, we will look forward to Committee. With that, Mr. Speaker, I will take my seat and thank everybody else for their (inaudible).

Thank you.

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

**MR. SPEAKER (Reid):** Is the House ready for the question?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

Carried.

**CLERK:** A bill, An Act To Provide For Damages And Recovery Of Opioid Related Health Care Costs. (Bill 17)

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

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

**MR. CROCKER:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, a bill, "An Act To Provide For Damages And Recovery Of Opioid Related Health Care Costs," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill 17)

**MR. SPEAKER:** The hon. Deputy House Leader.

**MR. CROCKER:** Mr. Speaker, I call Order 9, Bill 15.

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

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

I move, seconded by the Minister of Children, Seniors and Social Development, that Bill 15 be now read a second time.

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

Motion, second reading of a bill, "An Act To Amend The Liquor Corporation Act." (Bill 15)

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

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

Mr. Speaker, today we are going to be debating amendments to the *Liquor Corporation Act*. It's regarding the NLC, who is responsible for the importation, sale and distribution of alcohol throughout the province. This is a significant task. It requires the expertise of a large number of individuals at the NLC to ensure that they continue to build that business and provide revenue for the Province of Newfoundland and Labrador.

In the past year, the NLC mandate has evolved to reflect responsibility of regulating the sale and distribution of non-medical cannabis products in our province as well. The NLC has been at the forefront of regulating this new industry and is now focused on the next step of regulating and moving the market to include edible cannabis products.

Mr. Speaker, with this evolution of the NLC's business practices and responsibilities, it's natural that we look at legislation and how legislation will need to change and follow suit. We need to adjust legislation and regulations to reflect the corporation's changing business model. The amendments that we're proposing here today, Mr. Speaker, will better reflect the new mandate and best practice with respect to corporate governance at the NLC.

I will explain each of the important changes that we're making for Members of the House of Assembly today, and then we'll open it up for debate.

We are introducing some flexibility to the size of the NLC board of directors and also setting minimum representation. Currently, the NLC board is set at a maximum of seven members, which has historically included a government representative and the president and CEO of the NLC.

With these amendments, Mr. Speaker, we are going to set a minimum of five representatives as voting members on the board and a maximum of nine voting members on the board. This added flexibility will allow government to increase or decrease the size of the board based on operational need.

We saw, Mr. Speaker, with the introduction of cannabis products, that the board had requested an increase to the size of the board to reflect not only the knowledge that would be required, but also to ensure that with the changing and evolving responsibilities of NLC, that they were able to have the appropriate input. The fact, Mr. Speaker, is that this is specific to voting members, and it's important because of another change that we're making as well.

We are introducing an amendment to ensure that both the president and CEO of NLC, as well as the deputy minister, or the designate of the Deputy Minister of Finance, will be automatically appointed to the board by virtue of their positions.

Historically, both of these positions have been represented on the board and, currently, both of these positions are on the board, Mr. Speaker. This change is merely formalizing the past practice. However, we're also introducing another change such that both of these positions will be non-voting members on the board, instead of their current role as voting members.

These changes are being made to avoid any potential conflicts of interest that could arise from the automatic inclusion of the deputy minister on the board and because the president and CEO of the NLC reports to the board of directors.

We are also making changes around the reappointment and term limits for board members. The legislation as it is currently written doesn't allow for the reappointment of current board members, so what we're doing, we're introducing a change to allow for the reappointment of board members without requiring us to go back to the independent appointments process.

There are times when government believes that reappointing a board member is important for continuity on the board, Mr. Speaker. This can happen when there is a significant turnover on the board and government would like to maintain one or several members of the board who have gained valuable experience on the board. Since the board members are vetted through the Independent Appointments Commission before their first appointment, this allows government to reappoint without forcing current members to reapply and go through that same vetting process.

We're also proposing changes to allow board members whose appointment term has ended to continue on in their roles beyond the end date, until the Independent Appointments Commission can vet and appoint new members. This change ensures the continuity of board members during the interim period until new members are appointed. This will help ensure the ongoing operations of the board are not disrupted by the recruitment process.

Mr. Speaker, because these changes will change the board composition, we must also formalize new rules around board quorum. The current quorum rules dictate that there must be four members present for votes; however, we have changed it to make the board a maximum of five voting members – sorry, a minimum of five voting members – or a maximum of nine voting members. To reflect the new format, quorum will now be set as a majority of voting members. This is flexible to coincide with changes to the board makeup. With the current composition of the board, for example, quorum will be three voting members, as there will be five voting members in total if these changes are approved in the House.

Mr. Speaker, finally, before we open it up for debate in the House of Assembly, what we're

doing here is clarifying language in the act such that the president and CEO will be appointed by virtue of their positions, via the independent appointments process. We introduced the independent appointments process as it is a merit-based process for our agencies, boards and commissions. We're updating the *Liquor Control Act* to bring it in line with the IAC process, as it has an oversight to not do it previously.

Mr. Speaker, it's important to note that we've already begun a recruitment process for the permanent president and CEO through the Independent Appointments Commission, and we expect to have a permanent president and CEO appointed in the very near future. This will ensure that the legislation aligns with our intention for how we plan to appoint the NLC president and CEO in the future.

Our government is dedicated, Mr. Speaker, to the independent appointments process to ensure that boards are filled using the merit-based system. Over the coming years, the NLC will strengthen their business, achieve operational excellence and continue to improve the experience for customers, all with a strict commitment to its social-responsibility mandate.

These amendments, Mr. Speaker, will ensure the ability for the NLC to work towards these goals. I look forward, Mr. Speaker, to any comments and debate here in the Legislature.

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

**MR. WAKEHAM:** Mr. Speaker, I want to thank the –

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

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

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

**MR. WAKEHAM:** I want to thank the minister for his explanation. It answered a couple of questions that I have at the beginning.

We're talking about expanding a board of directors here, and obviously it's important to

have enough board of directors present at any time to make good decisions. The fact that they will expand it will certainly give them more flexibility, I guess, in terms of how they hold their meeting, when they hold their meetings and so on.

The minister talked about the expertise of the board of directors being important and being able to add more expertise because of the whole cannabis thing, all good points. I have some questions that I'll ask in Committee.

The reappointment process, I mean, the fact that they're limited to three years is really not a long time for anybody who serves on a board. Again, through the Committee process, I'll ask about if there's a limit on the number of terms or not. I want to ask some questions about that.

All in all, the idea that the president and CEO will be non-voting is a good measure. I think that's a good thing for the board. The other changes are simply some housekeeping changes and stuff, but there's really not a whole lot here that – like I said, we have some questions that we'd like to ask in Committee.

Other than that, I'm not going to stand up and delay other than to say we'll ask some questions in Committee.

Thank you.

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

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

I'm only going to take a second there now to speak to Bill 15.

This, Mr. Speaker, is basically housekeeping, of course, as the minister talks about, that the appointments and so on would be through the Independent Appointments Commission. There are a few points and changes there around the reappointment of people to the board of directors, what constitutes a quorum and so on. There's really nothing here of any great substance. It's obviously something that needed to be done to clean up the piece of legislation, make things, I guess, clearer and more efficient.

I certainly have no issue with it, so I will be supporting the bill.

Thank you.

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

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

It is nice to see that we are going to be putting more people who will be appointed to tier-one organizations via the Independent Appointments Commission. I do laud that. I think that's a wonderful idea.

I do have a couple of quick questions and I'm sure they will be addressed during Committee. I'm curious to find out why the Deputy Minister of Finance or their delegate might be included on this. Certainly, by including the deputy minister, even though they are non-voting, they could tacitly have an influence on the decisions of the board, so I would be curious to see what rationale was for appointing that individual.

The other point that I would like to point out is we've gone from five to nine voting members, to seven to 10 voting members. That serve includes an additional cost. I know we are attempting to be fiscally prudent, so I would like to know what the actual cost would be associated with that and, again, the rationale. I know it will provide additional flexibility, but, again, at what cost?

In addition to that, what else did I find? Since we are going through the Independent Appointments Commission, I've taken the time to go through some of their requirements and some of the skill sets they suggest as being appropriate for members appointed by that committee. Under those, in some cases I found that despite my reasonable qualifications, I would be inappropriate for many boards.

What I'd like to see is what kind of criteria would we have in place for appointing these members? For example, would there be gender equity? Would there be diversity criteria? Would we have skill sets that weren't necessarily associated with business orientation? For example, for accounting purposes or someone who has come from chairing boards before?

How about we talk about people who have relevant experience associated with, say, the distribution of alcohol or cannabis. How about someone who is very familiar with the use of it. Or how about someone who has much less formal credentials and someone who has more – let's pretend – street credentials or people who have credentials associated with experience as opposed to education.

I'm not seeing any reference to the types of individuals we are going to try and capture under this expanded board. I would like to see a little bit more information along that. However, on its face, this bill makes good sense and I will say that we will support it, pending the responses to the questions that I have currently posed.

Thank you very much, Mr. Speaker.

**MR. SPEAKER:** The hon. the Minister of Finance and President of Treasury Board, if he speaks now he'll close the debate.

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

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

A couple of the questions that were asked, Mr. Speaker, in terms of the requirements for members being appointed through the IAC process. They're not set out in legislation here. The IAC process is a merit-based process. I'm speaking to the Leader of the Third Party now with some of the questions you had asked.

The IAC process is an independent process, it is merit based. First and foremost, they look at qualifications. Then they look at geography, they look at gender, they look at Aboriginal or Indigenous involvement, for example, and they look at minority involvement, but first and foremost it is merit based. They determine the qualifications of an individual and then look at other aspects.

In terms of what qualifications would be required to be on the board, it depends. For example, we just made recently appointments to the board to fill two vacancies. With those, we were cognizant of the fact that the previous board was appointed when the NLC was only



responsible for the distribution and sale of alcohol products. They now have a new line. So we had asked the Independent Appointments Commission to, through the merit-based process, look at individuals who could add value based on the new product line.

So it depends. When you appoint individuals to whatever board, if there's a void on a board in a certain level of expertise, there are times that you may ask the Independent Appointments Commission to look for individuals who may be able to add value with that in mind. It's not prescriptive in the legislation but once they go through the IAC process, that's what the IAC look for. The IAC will do a search for individuals and determine the best individuals to be placed on a board.

I'm hoping that answers the questions from the Member. I know the Member for Stephenville - Port au Port had asked a question as well. I'll ask him in Committee to re-ask that because I can't remember what it was. I'll endeavour to answer that as well.

Thank you, Mr. Speaker.

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

The motion is that Bill 15 be now read a second time.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

Carried.

**CLERK:** A bill, An Act To Amend The Liquor Corporation Act. (Bill 15)

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

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

**MR. CROCKER:** Now.

**MR. SPEAKER:** Now.

On motion, a bill, "An Act To Amend The Liquor Corporation Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 15)

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

**MR. CROCKER:** Mr. Speaker, I move, seconded by the Minister of Health and Community Services, that this House resolve itself into a Committee of the Whole to consider Bill 15.

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

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

Carried.

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

### Committee of the Whole

**CHAIR (Bennett):** Order, please!

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

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

**CLERK:** Clause 1.

**CHAIR:** Shall clause 1 carry?

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

**MR. WAKEHAM:** Just a couple of quick questions, Mr. Chair.

The expansion of the board – has the minister given any consideration to prescribing in legislation that the appointment of members must be staggered to ensure continuity, knowledge transfer and to ensure that all new members are not appointed at the same time?

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

**MR. OSBORNE:** Thank you.

That is a good question. That is certainly something we can look at. By nature of the fact that board members are appointed at different times, it's automatically staggered. With that question in mind, it is a good question and there could, at some point in time, either the resignation of board members or for various other reasons – you could have four or five members who are reappointed at the same time, which would create that problem.

Currently that problem doesn't exist because the members that are on the board are already staggered. So, generally speaking, the reappointments would be staggered as well, unless for some reason you had a large number leave at once.

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

**MR. WAKEHAM:** On that same note, I notice that we're going to change so that the members can be renewed. Is there a term limit on how long someone can serve as a member of the board?

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

**MR. OSBORNE:** No, there isn't. The term is three years for appointment but then they can be reappointed. Generally speaking, if someone is performing very, very well on a board, whichever government is holding office at any given time could decide to reappoint a member more than once.

We're always open to amendments if the Member wanted to amend the limit, but if somebody is performing very, very well and has a certain expertise, you may want to keep them there beyond three or six years.

**CHAIR:** The Chair recognizes the Member for Stephenville - Port au Port.

**MR. WAKEHAM:** I know it's a challenge in the health board system in that there are term limits, so I just wanted to figure that one out.

Are the board members in this particular board compensated by way of honorarium or anything like that?

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

**MR. OSBORNE:** Thank you.

Yes, board members receive \$145 per meeting. Last year, I believe there were 10 meetings. It's roughly 10 meetings a year, so the honorarium would be in the range of \$1,400 or \$1,500 a year.

**CHAIR:** The Chair recognizes the Leader of the Third Party.

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

I did have one question: In the criteria for appointing a member, would we include someone from the executive of Alcoholics Anonymous or from Al-Anon or from someone who has – from an organization that is significantly aware of the detrimental effects of alcohol and/or cannabis?

**CHAIR:** The hon. the Minister of Finance and Presidents of Treasury Board.

**MR. OSBORNE:** Currently, there isn't a provision for that. I'm not sure if any of our boards in the province really contain those types of provisions. The IAC, Independent Appointments Commission, when they go through their process if they determine that a certain set of skills or certain representation is required on the board, they provide an individual based on the merit-based process, but can provide any level of background or expertise.

They can make recommendations of individuals to government.

**CHAIR:** Seeing no other questions, shall clause 1 carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, clause 1 carried.

**CLERK:** Clauses 2 and 3.

**CHAIR:** Shall clauses 2 and 3 carry?

Seeing no questions, all those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, clauses 2 and 3 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:** A bill, An Act To Amend The Liquor Corporation Act.

**CHAIR:** Shall the title carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, title carried.

**CHAIR:** Shall I report Bill 15 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 Deputy House Leader.

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

**CHAIR:** The motion is the Committee rise and report Bill 15 carried without amendment.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** Against?

Carried.

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

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

The hon. the Member for Lewisporte - Twillingate.

**MR. BENNETT:** Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 15 without amendment.

**MR. SPEAKER:** The Chair of the Committee of the Whole has reported that the Committee has considered the matters to them referred and

have directed him to report Bill 15 without amendment.

When shall the report be received?

**MR. CROCKER:** Now.

**MR. SPEAKER:** Now.

When shall it be read a third time?

**MS. COADY:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

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

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

**MR. CROCKER:** Mr. Speaker, I call from the Order Paper, Order 8, Bill 13.

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

**MS. GAMBIN-WALSH:** Mr. Speaker, I move, seconded by the Minister of Advanced Education, Skills and Labour, that Bill 13, An Act Respecting The Regulation Of Real Estate Trading In The Province, be now read a second time.

**MR. SPEAKER:** It is moved and seconded that Bill 13, An Act Respecting The Regulation Of Real Estate Trading In The Province, be now read a second time.

Motion, second reading of a bill, "An Act Respecting The Regulation Of Real Estate Trading In The Province." (Bill 13)

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

**MS. GAMBIN-WALSH:** Mr. Speaker, I'm delighted to stand once again in this hon. House to introduce legislation that will have a positive impact on the lives of Newfoundlanders and Labradorians.

The current *Real Estate Trading Act* was proclaimed in 1965 and has received only minor

amendments since that time. Many times I have said on the floor of this House that it is important that legislation be current and responsive to the people it serves. Given the fact that the purchase or sale of a home is perhaps the largest transaction a person will ever make in their life, it is imperative that we have legislation that protects consumers in our province to the greatest extent possible.

Real estate transactions affect a large proportion of individuals in every region of Newfoundland and Labrador. A modern and robust regulatory framework is necessary to deliver consumer protection to homebuyers and sellers, while also ensuring the needs of real estate brokers and salespersons are taken into account.

In 2012, government engaged industry on reviewing the act, which reinforced the view that the current legislation is outdated and inadequate. At the time, those discussions did not lead to any amendments to the act. Mr. Speaker, when our government developed *The Way Forward*, our plan for sustainability and growth of the province, we made better services and increased consumer protection core elements of the plan. Our Premier also included a review of this legislation in my mandate letter, signalling its importance to both consumers and the industry.

We launched public consultations and gathered feedback through a number of sources. Government representatives met with key stakeholder groups, such as the Newfoundland and Labrador Association of Realtors, to discuss issues of importance and potential changes to the act. Feedback was also gathered via email and online at government's engageNL portal. Ninety submission were received during the consultation period.

The Newfoundland and Labrador Association of Realtors also held its own meetings throughout the province, and officials from my department attended these as well. I was happy to attend a session myself. The feedback from these sessions was part of the realtors association's submission to the provincial government. I want to thank Mr. Bill Stirling and the entire Newfoundland and Labrador Association of Realtors for their tremendous effort and their

focus on helping bring about improvements for their industry.

Through our review of the *Real Estate Trading Act*, as well as the feedback received through the previous consultation process, we had identified several areas that merit significant amendments, as well as a need to clarify the act's language to ensure it is modern and clear.

Mr. Speaker, on June 18, 2019, the Government House Leader referred the draft bill entitled *An Act Respecting the Regulation of Real Estate Trading in the Province* to the Government Services Committee to review and report to the House in the next sitting of the House of Assembly. I want to thank the Committee for their work in helping us bring this legislation to the floor of the House.

As I stated earlier, the legislation we are introducing today will address concerns raised by both industry and consumers, as well as modernize the act to reflect today's real estate environment. I'd like now to specifically address the key changes.

In the current legislation, Mr. Speaker, an agent is defined as a person licensed to trade in real estate, and a salesperson must act on behalf of an agent. In keeping with industry practice, the term broker is used. This was recommended by industry and also supported in the public consultations. Six other provinces: Nova Scotia, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia all use the term broker when referring to the real estate company. We have amended the act so that broker is now used throughout the legislation instead of agent.

Mr. Speaker, feedback from public consultations and industry both indicated that more stringent requirements need to be in place prior to registration as a real estate broker or a salesperson. We were told that the application needs to be expanded to include more suitability checks, such as criminal background checks, along with three-year work and address history. All provinces except Newfoundland and Labrador require criminal background checks prior to licensing.

The act currently allows the superintendent to modify the application form required to be

completed by a licensee. Under a new section, the superintendent sets the form of the application. The act now contains a requirement for a criminal background check and additional information that needs to be provided. Additionally, section 48 has been added to give the Minister of Service NL the power to set fees and establish forms. The Lieutenant-Governor in Council will now have the authority to make regulations which prescribe the requirements, qualifications and conditions for issuing licences. We have also added a section to require licensees to notify the superintendent of changes in the information submitted to obtain the licence, which would include the status of a criminal record check.

Mr. Speaker, we recognize the importance of continuous education and having a working knowledge of the latest trends and practices in any industry. Both public consultations and industry feedback showed strong support for continuing education. Given the industry is continually changing and evolving, all provinces, with the exception of Prince Edward Island, have continuing education requirements in their legislation.

Currently, the Newfoundland and Labrador Association of Realtors offers continuing education training for its members; however, brokers who are not members of this organization do not participate. We have amended the legislation to give the superintendent of real estate brokers and salespersons the authority to begin the process of developing appropriate and modern educational requirements for the industry.

Mr. Speaker, the ability to incorporate also came to the forefront during our consultations. The current legislation refers to an employer-employee relationship with the brokerage employing a salesperson and does not allow a licensed salesperson the ability to incorporate. The industry has evolved such that some salespersons operate as independent contractors and should be afforded the ability to establish and operate as a personal real estate corporation.

There was strong support for the real estate industry to allow salespersons to form a real estate corporation. Salespersons requested the ability to incorporate similar to other

independent contractors in other industries. Seven jurisdictions in Canada allow personal real estate corporations, including Quebec, British Columbia, Manitoba, Saskatchewan, Alberta, New Brunswick and Nova Scotia.

We added a section to the act which will allow the establishment of personal real estate corporations. This section will be proclaimed once the IT system has been updated to allow for issuance and tracking of licences for such corporations.

Mr. Speaker, errors and omissions insurance is a type of professional liability insurance that protects companies, their workers and other professionals against claims of inadequate work or negligent actions.

In terms of the real estate industry, current legislation does not require the broker or salesperson to carry liability insurance; however, the Newfoundland and Labrador Association of Realtors requires it for all of its members. This insurance protects professionals whose clients could claim damages as a result of a negligent act or an error or omission by the professional's negligent actions. It also provides coverage for legal defence costs, if they were to be required.

The coverage provides a level of comfort for clients by ensuring that there will be adequate funds to pay for damages incurred if the professional services are deemed to be negligent. It is acknowledged that the majority of real estate licensees in Newfoundland and Labrador already carry errors and omissions insurance and the public consultation process overwhelmingly supported the requirement for all brokers and salespersons to carry it.

All provinces, except Prince Edward Island, require salespersons to purchase this insurance. There is also a requirement for it under insurance and securities legislation in our province. We have amended the act to require errors and omissions insurance for real estate brokers and salespersons. The regulations will prescribe the amount of insurance required, but it is understood that \$1-million liability coverage is the real estate industry's standard across the country.

Mr. Speaker, the current legislation contains a public interest test only and does not clearly reference a code of conduct for real estate brokers and salespersons. While the Canadian Real Estate Association maintains a realtor code, it only applies to its members and it is not something that can be enforced by the superintendent. This has resulted in government being challenged at times to deal effectively with unacceptable conduct.

Our consultations told us that the establishment of a code of conduct is widely supported by the public and the industry, which is also recommending the code of conduct plus the implementation of a disciplinary process to handle infractions. All provinces, except PEI, have adopted a code of conduct in their act.

With our amendments we have brought forward today, the superintendent of real estate brokers and salespersons would take on a more active role in establishing and enforcing a code of conduct. The superintendent would also have the ability to suspend, revoke or cancel a licence for breach of the code.

Mr. Speaker, another area which was identified as being significant during our consultations deals with the restriction of a licensed real estate person to provide both real estate and mortgage broker services. There are potentially a number of conflicts or perceived conflicts of interest that currently exist, such as when a real estate broker represents both sides of the real estate transaction or represents two buyers who are interested in the same property.

Dual agency occurs throughout the province, but particularly in regions where there are few real estate professionals available. According to the data provided by NLAR, sales by their members for 2018-'19 include nearly 30 per cent dual agency, but this was less frequent in St. John's at less than 16 per cent. Nearly 75 per cent of the Burin Peninsula transactions, however, were dual agency, showing the prevalence is more so in rural regions. A personal conflict of interest can also arise when a licensee or close relative of a licensee is one of the parties in the real estate transaction. It can also arise when the licensee provides other related services to a client, such as a mortgage.

The current legislation addresses a licensee trading for themselves, but does not address other potential conflicts of interest. During public consultations, 62 per cent of respondents felt there was a potential for consumers to be harmed when the real estate licensee was in conflict of interest. While the response to banning or restricting exclusive listing and dual agency was mixed, the response in preventing a real estate licensee from also providing mortgage broker services was strongly supported.

The consultation also cited disclosure and conflict of interest as requiring guidelines and rules. While the real estate industry did not recommend a ban on exclusive listing or dual agency, it recommended stronger disclosure requirements. From a jurisdictional perspective, British Columbia is the only province in Canada to have banned dual agency, except in limited circumstances. Mr. Speaker, they made this change in June of 2018.

Mr. Speaker, this government recognizes the important service that licensees provide in rural areas of the province. A ban on exclusive listing or dual agency would pose challenges for consumers of real estate transactions in certain rural areas and would limit consumer choice if their preferred broker or salespersons was already representing another party in the transaction. Instead of a ban on exclusive listing or dual agency, the amendments to establish a code of conduct will allow the superintendent to address concerns by requiring disclosure and consent of the individuals involved in the real estate transaction.

Another area where we have addressed conflict of interest concerns of both the public and the industry is by amending the legislation to restrict a licensed real estate person from providing real estate services and mortgage broker services to the same client on the same business transaction. Mr. Speaker, in this regard, the amended legislation will not prohibit any individual from acting in the dual capacity of real estate broker and mortgage broker; we understand that certain professionals act in both capacities in the province.

Instead, in the interest of protecting consumers during transactions that can often be very

complicated, the legislation will require consumers to engage different professionals for the real estate and the mortgage brokerage services. With these changes to address conflicts of interest we are seeking to balance the objectives of creating an efficient regulatory system while also providing an appropriate level of protection for the public.

Mr. Speaker, within the real estate industry licensees often provide referrals to their clients for related services such as mortgages or inspection services. In turn, they receive a referral fee. Licensees may also pay referral fees to an individual when a client is referred to them by that person.

As it currently stands, the legislation does not address this issue. Other jurisdictions have in fact established disclosure requirements regarding referrals. Therefore, Mr. Speaker, we have added a section to the act which allows the superintendent to establish disclosure requirements for referrals.

Mr. Speaker, the real estate bond was established to protect consumers from financial loss in cases where the broker or the salesperson is convicted of an offence, a civil judgment arising out of a trade in real estate made against the broker or salesperson, or the broker or salesperson declares bankruptcy. Over the years these bonds have been called upon very infrequently, and in a couple of instances they were not sufficient to fully cover the financial loss.

The legislation currently requires brokers and salespersons to carry a bond in the amount of \$15,000 and \$5,000 respectively. Such bonds cost a minimum of \$200. Public consultation and industry have mixed views on the current bond requirement, although 85 per cent of respondents agree that bonds should be replaced with another mechanism. Industry brought forward a suggestion to establish a recovery fund financed by the real estate industry members as an alternative to the bond. Six jurisdictions, Nova Scotia, Quebec, Manitoba, Saskatchewan, Alberta and British Columbia in Canada currently operate a recovery fund.

In my Department of Service NL our Financial Services Regulation Division operates a

recovery fund for prepaid funerals. The act will now allow the establishment of a recovery fund similar to the one established for prepaid funerals in the province, financed by the industry participants and managed by Service NL.

Mr. Speaker, another area that was brought to our attention was that of trust deposits, specifically the streamlined release of trust deposits, as well as a mechanism for aged trust deposits. The Financial Services Regulation Division regularly receives inquiries about releasing trust deposits where conditions in purchase and sales agreements have not been met. Even when agreements clearly outline the conditions for the release of a deposit, the majority of industry participants are still reluctant to return deposits because of the risk of civil action.

The act currently requires the broker to disburse money from a trust account when written notice from the vendor and purchaser have been received by the broker authorizing the return of the deposit to the purchaser, or when the court has given direction to the disbursement of the deposit. The consultations called for greater clarity in the act, and an alternate mechanism to deal with trust account disputes, other than the court system. The new legislation will allow the deposit to be released according to the terms of the contract signed. A new subsection 26(4)(e) has been added to enable the superintendent to direct the disbursement of the deposit. This should speed up disbursement considerably.

Mr. Speaker, there are a number of aged trust deposits that, for many reasons, have not been disbursed and remain in trust with brokers in the province. Currently, if a buyer or seller does not want to go to court, they have no recourse and the deposit remains in the trust account. The only alternative to address aged trust deposits is through the court system.

Also, brokers are being named in civil actions and the cause of the dispute and resolution of the dispute is beyond their control. We have amended the act to enable the superintendent to make decisions on disputed trust deposits as an alternative to the court process. Further requirements for the superintendent to direct the disbursement of trust deposits will be outlined in

the regulations. A new section 27, unclaimed trust money, has been added, which states that brokers may pay money held in trust for more than two years to the Real Estate Recovery Fund.

Mr. Speaker, a key component of a strong regulatory system is the ability to enforce legislation. Under the current act there is limited ability to discipline a non-compliant broker or salesperson. The penalties outlined are generally inadequate, outdated and involve significant resources to move forward with any type of violation. This significantly affects the department's ability to respond in a timely manner. At present, when a broker or salesperson is non-compliant with the act, their licence can be suspended or, alternatively, a conviction is required prior to moving forward with appropriate penalties.

Formal charges for minor breaches of the act are not a good use of resources or the court system and therefore rarely happen. This impedes the ability of the superintendent to act in a timely and efficient manner to deal with breaches of the act. Both public feedback and the real estate industry strongly advocated for enforceable consequences to breaches of the act. Tighter enforcement and associated fines or other penalties. The submission from industry recommended the act contain stronger enforcement mechanisms to handle minor infractions.

Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia have a range of options in place to handle various types of offences. Administrative levies can be used for listed minor infractions such as late filing of an annual report or non-compliant advertising.

When dealing with more serious non-compliance issues, other jurisdictions had the option to utilize an agreed statement of facts or consent orders and apply sanctions, add terms and conditions and require continuing education, restrictions and/or penalties. The decisions are often published, providing additional incentive to comply with the legislation and serve as a learning tool for other licensees.



In Ontario, for example, charges for more serious offences may result in penalties as high as \$50,000 for an individual, \$250,000 for a corporation and two years, less one day for imprisonment. We have updated the act to allow for the establishment of administrative fines and conditions for minor infractions up to \$10,000, as well as provided authority to the superintendent to publish administrative decisions.

The proposed changes also increase the maximum amount of a fine to not more than \$50,000 and to imprisonment of not more than two years where a person contravenes the act and is found guilty of an offence in the court. This is an increase from current fines which are \$1,000 for the first offence, \$2,000 for a subsequent offence and/or imprisonment for a period not exceeding six months.

Furthermore, there is no longer a distinction between a first and subsequent offence, and fines apply to both individuals and incorporated bodies. Every contravention of the act is considered a new and separate offence.

While the maximum fine is higher than in certain jurisdictions, it is lower than the maximum penalties in securities and insurance legislation. The intent is not to drive revenue but create a stronger regulatory system with greater compliance.

Mr. Speaker, as consumer protection is a driving force behind the changes we have introduced today, we felt the need to address situations which the superintendent may deem is not in the best interest of the consumer. As an example, the holdover clause protects a brokerage and states that if a client enters into an agreement of purchase and sale within a specified time, known as the holdover period, after the expiration of the contract the client may still need to pay commission to the brokerage.

In some contracts, this clause provides an end date where the contract is cancelled but does not provide an end date where the contract expires. As such, the superintendent will now have the ability to issue an order to correct that situation. The act now allows the superintendent to issue orders to suspend or cancel a licence and pose conditions on a licence or pay a fine not

exceeding \$10,000 or other orders prescribed in regulations. An appeal mechanism related to a decision or order under the act would also continue to be available through the Financial Services Appeal Board.

Finally, Mr. Speaker, I would again offer my appreciation to the Government Services Committee for their work in reviewing the legislation and the valuable comments provided in their report to this hon. House. In recognition of the new process that was followed for the legislation by engaging the Government Services Committee, I would like to recommend to my colleagues that we consider an amendment to the in force date from January 1, 2020, and I intend to bring this forward during our debate in the bill.

Mr. Speaker, the final amendments I will speak to today are mostly of a housekeeping nature dealing with clarification of language and organization of the act.

The new legislation provides for the appointment of a superintendent and deputy superintendent of real estate brokers and salespersons by the Minister of Service NL rather than the Lieutenant-Governor in Council. These positions are filled today through a merit-based process under the *Public Service Commission Act* and this will continue to be the case.

Additionally, Mr. Speaker, we are amending clause 19(1) of the bill by adding “or salesperson” immediately after the word “broker.” These words were inadvertently omitted in the bill.

Clause 19(1) clarifies the disclosure that is required when a broker is seeking to purchase, make an offer to purchase, acquire a property for themselves or a family member and they themselves have listed, also applies to the salesperson. This amendment was referenced by the Newfoundland and Labrador Realtors Association in their appearance before the Government Services Committee.

As I stated earlier, Mr. Speaker, this act was written over 55 years ago. It required a review to ensure the use of plain language, as well as

ensure the language and provisions are modern and unambiguous.

Mr. Speaker, I cannot tell you how pleased I am to deliver on my commitment in my mandate letter to complete a review of the *Real Estate Trading Act*. I want to thank everyone who participated and shared their thoughts. Again, I want to thank the Government Services Committee. Your feedback has helped us modernize a piece of legislation that goes far in enhancing consumer protection in Newfoundland and Labrador.

I feel we have brought forward a progressive piece of legislation to the floor of this hon. House today and I look forward to debating these amendments.

Thank you, Mr. Speaker.

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

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

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

It is my pleasure to rise in the House today on Bill 13, An Act Respecting the Regulation of Real Estate Trading in the Province.

Mr. Speaker, I serve on the Committee of Service NL. Also, a Member of the Government Services Committee as well, which was reviewing the draft bill.

Let me start by saying, for this one, this bill was somewhat interesting and unique to me, and I'm going to say unique to a good many Members. I think it's the first time since 2002 that the Committee has gotten together and met on it and went over the regulations. Everybody had some voice and input into it. It's pretty interesting from that point of view. We got to speak on it, and the Member for CBS got to speak on it with all the other Members, and it was pretty enlightening to see how it all happened.

This is the second time this bill has come to the House. This bill was actually introduced in April of this year, prior to the provincial election. The election was called before it could pass. So most of the legislation was done when I got in there

and I was appointed to the Committee, along with a Member here on our side. Just sitting over there is a bit eye-opening. The information that was processed was – there's just so much information in this bill.

We spoke on it, with the minister across the way from Service NL, in saying everybody else got one piece of legislation or two little bits, this is a whole new act. It has 54 amendments, 54 clauses in it that we're dealing with. So there's a lot of information, and I'm sure we're going to have some questions that are going to go across that we have to ask. It's part of the job to do that.

I'll give a story on that, when we're talking about being honest and trying to get this information. When I was running for election, sitting home listening to *Open Line* and the statement a man made on the radio was that the third most dishonest person – they had the top ten. So the third most dishonest was a lawyer – I don't want to offend anybody here – the second was a car salesman, and number one was a politician. I'm sitting in bed saying, what am I doing? I'm getting out of one and getting into another. I said, where am I going with this?

As a car salesman, I would say – and hopefully bring the same here to this profession – that you're honest, you're trying to treat the people right and you're trying to take care of your customers. That is basically what it's all about. Customers in this instance are your constituents. So hopefully we can do that, and everybody in the House can do that.

Bill 13 will repeal the existing act, as I said. Most bills amend sections and existing acts. Having the opportunity to review this piece of legislation, like I said, was very interesting. You're sitting there like a deer in the headlights and just getting paperwork and questions, you're just in awe of what's going on. It was a great opportunity, and I would hope that the government continues to do that in a Committee stage, that they're introducing some legislation or bills, rather than get in here; you can have most of these questions done before you get here. You don't have to debate them and waste your time on them. In my mind, I thought it was great for a first time being here. Now, it doesn't happen every time.

Perhaps now is an appropriate time to thank the Committee. The Service NL officials who represented the Committee that were there, they were absolutely great answering all the questions that we asked them. Mr. Stirling from NLAR, he was great, and Mr. Whelan as well. They came back a second time and gave a presentation. So they certainly listened and answered all of our questions that we wanted answered.

I will speak to the comment that the Minister of Finance had said some day last week, that with a thousand dollars on the corner you're going to get three different answers. So it's never going to please everyone. You can only try to please the full contingent or the majority of the people, and, hopefully, that's the way it'll be.

Just to provide some background. This legislation, 1965 was the last time it was updated. That's older than I am. So that's a big legislation – I see the guys laughing now, they thought I was younger than that.

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

**MR. O'DRISCOLL:** While it has been amended over the years, there have been no major updates to the original act. So that's something that is really needed in this legislation.

Not being in the real estate world – and taking the Minister of Service NL, you're buying a piece of property that is \$200,000 – \$300,000 is probably cheap now, but it's a major investment. Unlike in the car business, when you buy a car, that's not an investment, that's gone away after five years. That depreciates down to nothing. In your house, you hopefully would be able to, in 10 or 15 years, get your money back out of it. It's an investment. So it's important that all the regulations and everything are in place to be able to handle that.

The Newfoundland and Labrador Association of Realtors also held their own series of public inquiries in 2018 from its membership and the public. In those questionnaires that they sent out – let me read some here – they had a total of 90 questionnaires that were submitted to the engageNL online portal during the consultation from December 21, 2017 to March 2, 2018.

Over 50 per cent of those lived in the Northeast Avalon. Another 30 per cent lived in the Eastern part of the province.

Mr. Speaker, just over 30 per cent indicated they were a real estate person, 20 per cent were real estate agents and 38 per cent were from the general public. So you're getting a wide variety of questions. This was presented by NLAR. They formed the questions and they're the questions that should have been asked. They're the right questions to be asked, in my mind.

You're getting the answers from the people that are dealing with it, not from me making a regulation for somebody that's selling something else. These people are making the regulations because they know the regulations. They're sort of setting it up that these are the questions that should be asked. We should, hopefully, get the legislation in place to make the job easier for them without having hang-ups to be able to sell the properties.

Also, NLAR represents 650 real estate licensees in the province; approximately 95 per cent of these are under NLAR. NLAR considers the current legislation governing the real estate industry to be outdated and advocated for modern – they wanted that done. They needed it done in order to be able to move on and do their job properly.

The Government Services Committee, which I serve on, conducted two hearings: one in September and there was another one I'm going to say about two or three weeks later that we attended as well and one that I didn't make. In those meetings, there was a lot of information. A lot of the rules and the changes, some are pretty standard: agent to broker is just wording; the appointment of the superintendent and the deputy superintendent is changing from the Cabinet now to the minister. Some of this stuff we will have a lot of questions that we're going to ask when we get into Committee stage. Some of the ones on the incorporation of real estate brokers, errors and omissions, disclosure referral fees. This is all that stuff that we're going to ask when we get there. Hopefully, we'll be able to get some answers to some of the questions that we all have concerns on.

Thank you very much.

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

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

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

It's interesting where it's something that hasn't been changed since 1965, for the most part. That's the year my father was born, so just to show, right?

It's important that we review bills frequently I feel. It's good that we see this now as an important step forward as we come into the more modern era.

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

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

The noise level is too high in the House. I'm having trouble hearing what the Member has to say.

The hon. Member for Labrador West.

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

It's important that we review our legislation frequently, especially as we come into a more modern era. As a lot of this shows, the fines in this were outdated and we're moving towards a more modern fine system for penalties. Also, we're giving the superintendent more power to oversee the industry.

The industry has evolved considerably, I'm guessing, especially since 1965. Our homes have become more than just a home in some cases; they also become an asset to the individual. It's important that we follow all due process.

With errors and things with transaction, we need to be more relevant in that case. With bonding, errors and omissions insurance, things like this that we need to move into more things that protect the consumer, but also, there are some things that we can also protect the real estate agent as well. Incorporations, giving the people who sell real estate more power to be an independent individual, to create their own business around themselves, which gives more

flexibility to individuals within the industry, we need to keep working towards that.

The bill will create a recovery fund to protect consumers from financial loss in the case that a broker or a salesperson is convicted. These things are very important to the individuals and to the real estate agent. It's good that there was a lot of consultation used with NLAR that was consulted on this, too, because these are the people in the industry, since 1965, that have seen the industry change and grow. It's important that we had their input in making these decisions and changes.

As the bill stands right now, I'm very supportive of changing and moving to a more modern approach to these things. It's very important that we continue to move all of our things into a more modern approach on things, especially going to a space where you can use technology to keep track, and using technology in our advantage in this way.

I'd like to say, as it is right now, I look forward to moving to Committee and asking a few questions on a few things.

Thank you, Mr. Speaker.

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

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

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

I almost missed my call that time. It's a pleasure to get up and speak on this piece of legislation.

I had the pleasure of sitting on the Committee with my colleague from Ferryland, and as he said, it was an interesting process, and I guess we learned a lot going along. Our Leader's call, I guess, since he was elected, has been for democratic reform and more use of committees. I know the previous Government House Leader also committed to that, and this bill was the test run for the Committee stage of our Legislature.

So I thought it was an interesting concept. Someone that's been here now a while and seen a nice bit of legislation go through and sat through many Committees, I thought removing

it and putting in the Government Service Committee was a very interesting concept. I know in my first couple of years here in this Legislature there were times that legislation was passed – and I know government opposite had a large majority so it was something that even if we try sometimes to bring in amendments and whatever, it's sometimes defeated. Every now and then we'd get some change.

There were times after the fact I remember thinking that there was a piece of legislation passed that I did not know. After the fact I realized I should have read that closer because I missed that or something never came up. It's human nature. I made a commitment after that happened a few times and it was never anything too serious, but it made me think that I have to be more attentive in the sense of when this is coming through.

What happened was we were getting a piece of legislation on – we were getting a briefing and we were having our staff do up some notes. We'd talk about it as a caucus, then we'd come in here and we'd do second reading, the critic and everyone else. We'd go to Committee; we'd have questions for them. We'd try to get debated out and we'd discover stuff on the fly, which is fine, but you're always going to miss something.

Any time you say it's on the fly you'll always miss something. Going to Committee I thought made a lot of sense. We participated here, we had two days in the House in Committee; they came back the second time. We had several meetings to ourselves as a group, a lot of good debate. I know my colleague for Fortune Bay - Cape La Hune – I'm trying to remember the name – me and him had a lot of back and forth with his previous experience in the industry and it was enlightening.

I know that ideally a Committee would come back and say we have unanimous support or the committee went through this process and everyone are in agreement. We agreed on, I think, everything in this piece of legislation except for one. There was one specific issue and we've had a lot of debate on it. As a matter of fact, there's some conversation going on about it today. It's one that I've maintained.

I'm not going to go through the rest. The minister spoke on it. We have no problem with the rest of this legislation. We feel that this bill makes a lot of sense, the first time since '65, so I'm not going to belabour what the minister already said. Through committee I think we all unanimously agreed that this made a lot of sense.

The problem I have – and our caucus have talked about it and we all agree – is the prohibition clause 28 that's in this legislation. Now, we're going to get to Committee and there are more conversations going to be had and I know that government are talking about it as well. I want to highlight, I want to make it clear to everyone in this House or anyone that's listening or in the industry, Mr. Stirling or Mr. Whelan, whoever happens to be listening and the department – I thank all them too, by the way, because they did a great job and very good ensuring our questions and very obliging. I commend them for all that.

This prohibition piece, you're basically – and it gets kind of complicated when you're trying to explain it, but what we're saying is you can be a real estate broker on the same transaction for the buyer and seller. That's not in this legislation, no issue. You can carry on doing that forever and a day.

There's a key component there. If you're a real estate broker and you're dealing with the buyer and seller, you have information on the best price that someone wants to sell their house and the top price someone is willing to pay. It's human nature. I'm sure all of us have dealt with a real estate broker or agent over the years. That's the nature of the beast. That's not being touched.

A new emerging part in the industry is the mortgage broker. It's a new thing. We're not that familiar with mortgage brokers. Most, I think, when looking around this House, would've dealt with a bank. I've had mortgages – and I see people nodding, we all dealt with a bank. I went to the Royal Bank. I've always dealt – that's it, you go in there and you do your mortgage.

My daughter, who happens to have just purchased a house this year, dealt with a broker.

I helped her through the process and I have to be honest, I learned a lot because at first I was, like, why aren't you going to the bank? What's the matter with the bank? You've dealt with this bank all your life. I know this person down to the bank. Go to the bank. I'm old fashioned and the new age is, no, we're dealing with this mortgage broker. They're good; they'll get us better rates, whatever. She went to the mortgage broker but the real estate agent or broker that she dealt with actually recommended this person. I said hang on. This doesn't make sense.

Fast forward, when it all happened – and the mortgage broker asked me more questions than I care to repeat, I was at wit's end trying to help her through it all – after the fact I looked back and I said, wow, this person really crossed their t's and dotted their i's. They did their homework. They made sure everything was covered, that everyone was covered – including my daughter, of course – and they were covered. It was tight regulations and they had to get – what they had to get signed off on I was blown away by. Yet, the real estate agent or broker operated in a very respectable manner as well.

Now, even though they were two separate people, they were interconnected. I reviewed it and I was Mr. Skeptical, and at the end of the day I felt good on you. Ironically, it was back in April, the pre-election, that we sat down on this Committee, one month later – literally it was one month after this happened. I was in the room and I told Bill Stirling a similar story and I said I'm not so sure about this, because I still hadn't processed what just happened. Then when we came back this fall I had time to process and watch how everything unfolded and I had a different opinion.

My opinion was I see no problem with it. I'm a believer that we have to be careful of what we prevent. If there's no problem, why are we fixing a problem that's not there? I asked the questions and then answer, there's no issue. There's no issue with a mortgage broker/real estate broker doing anything. There's no issue. There's no corruption, there's no big list of faults. There's actually one person that we know of doing it. According to, I think, Mr. Stirling, he said there may have been four or five others, but we're only aware of one. Why are we fixing something that's not broken?

I have no problem with disclosure. I believe in disclosure. I think we need disclosure. I think if you're the buyer and you're coming up and I'm the mortgage broker and the real estate broker, and I look at you and say: sign here. By the way, I'm the broker, both mortgage and real estate broker. I do both. You make sure you're aware of that, sign the dotted line and if you don't do that, you're guilty under the act. I have no problem with something like that. To put in a prohibition clause to say you can't be a mortgage broker/real estate broker on the same transaction, that's been the bone of contention.

I know the minister alluded to the fact that the committee recommended this with no amendments; it wasn't unanimous. I went to school and I was pretty good at math and I knew I was losing the vote. If anyone were to take notes from that meeting, I think Ms. Murphy might be able to tell you that's my exact comment. I knew I had the vote lost so I just stood back and said, very good. I can count and I lost the vote.

That was fine, but I felt there was some communication around the table at the time we don't have unanimous support in this committee. We didn't, but still I think the committee worked because the amount of questions we asked, the amount of debate we had and the way we all had to learn, you learn by questions and answers and debate. That's the way we all operate. Sometimes I go from not knowing anything to, all of a sudden, I'm listening to an hours' debate and it's enlightening. Through our debate in the committee stage, Government Services Committee, that's what happened.

I really believe that's the only flaw – and it's not a flaw. I shouldn't say that. It's not a flaw. The only issue I think we have with this legislation – other than that I think it's a perfect piece of legislation; it's well needed and it's well received by all involved. We have to be very conscious of the prohibition in clause 28 of being a mortgage broker/real estate broker, that you can't do that. I don't see any problem with doing that as long as there's disclosure. The same principle with a real estate broker doing dual roles for buyer and seller as well.

On that note, I'm not going to belabour much longer. I could go on forever and I'm not going

to go on. I think this was a worthwhile exercise. I do believe that we're going to continue the debate until we get to Committee stage on this. I've spoken to the minister and others opposite, so there's no secret to where I've stood on this. I just wanted to remind and be on record in debate to express my concerns. I do believe that we do these processes, we do these debates, we do these readings for a reason. We do this committee – it was the first one ever – to make a better piece of legislation. I think that's what we all intend to do.

There's no one going to get elected or defeated on this legislation. There's not a political move here. It's what I feel and our caucus feels that makes this a better piece of legislation. No politics involved; it just makes it a better piece of legislation. I'm open to discussion on it – we all are, obviously – in the next day or two and hope we get a good piece of legislation.

Thank you very much.

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

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

The hon. the Minister of Service NL.

**MS. GAMBIN-WALSH:** Thank you, Mr. Speaker.

I'd just like to thank my colleagues from Ferryland, Conception Bay South and Labrador West. I'd also like to thank my colleagues who were in the Government Services Committee. I really liked the process and I'd highly encourage it for our bills as we go forward.

I'd like to thank NLAR for their contribution and their involvement as we drafted this new act and my staff. There has been significant work done on this act since August of 2017. I mean, I think that was the longest time I ever spoke in this House of Assembly, 33 minutes.

I just want to thank everyone for their involvement and I look forward to the debate when we go into Committee.

Thank you, Mr. Speaker.

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

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

The motion is that Bill 13 be now read a second time.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

Carried.

**CLERK:** A bill, An Act Respecting The Regulation Of Real Estate Trading In The Province. (Bill 13)

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

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

**MS. COADY:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, a bill, "An Act Respecting The Regulation Of Real Estate Trading In The Province," read a second time, ordered referred to a Committee of the Whole House on tomorrow.

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

**MS. COADY:** We've had a very good day's work, Mr. Speaker.

Considering the hour of the day, I move, seconded by the Minister of Transportation and Works, that we now adjourn.

**MR. SPEAKER:** It has been moved and seconded that we should now adjourn.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

Carried.

The House now stands adjourned until 10 o'clock in the morning.

On motion, the House at its rising adjourned until tomorrow, Wednesday, at 10 a.m.