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Speaker: Honourable Derek Bennett, MHA

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The House met at 1:30 p.m.

SPEAKER (Bennett): Order, please!

Admit strangers.

Before we begin this afternoon, in the Speaker's gallery I'd like to welcome Speaker Winters and Deputy Speaker Saunders from Nunatsiavut Government.

Welcome.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Also in the Speaker's gallery, I'd like to welcome representatives from the RCMP, retired Staff Sergeant and member of Troop 17, Gail Courtney; retired Constable and member of Troop 17, Cheryl LaFosse, retired Inspector, Trudy Murray-Power; retired Constable, Connie Pike; Inspector Tracy Edwards; and Director of Strategic Communications, Glenda Power. They are welcomed this afternoon. They are here for a Ministerial Statement.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Also in the public gallery, I would like to welcome Grade 11 Social Studies students from Gonzaga High and their teachers Michael Kinsella and Mabel Nash.

Welcome.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Before we begin this afternoon, I would like to rule on a point of privilege raised by the Member for Torngat Mountains yesterday afternoon. I am satisfied that the Member raised the point of privilege at her earliest opportunity given the circumstances.

The Member's point of privilege was based on the ability of Members to prepare for debate of legislation, particularly regarding the timing of briefings by the government as

it relates to the time at which a bill may be called for debate. As well, the Member references the processes used in such briefings, for example, Members receiving advance copies of drafts.

While I appreciate the concerns articulated in the Member's point of privilege, the process of briefings on bills before they are brought before the House and whether Members are permitted to retain a copy of the bill is not a House-controlled process. Our *Standing Orders* are clear; a bill must be printed and distributed before second reading. Informal processes before that distribution are not a matter for this House. Therefore, it is not obvious on its face that the Member's point of privilege is a breach in the circumstances raised and, thus, I do not find a prima facie breach of privilege.

I have, however, closely listened to debate over the past two days on the points of privilege raised by both the Member for Torngat Mountains and the Opposition House Leader, as well as the responses by other Members. I understand the concerns of Members and appreciate the importance of having significant time to prepare for debate. It is the responsibility of all Members to be diligent in their preparations and to represent the people of this province to the best of their ability.

I've considered this matter carefully, and I wish to advise Members that I will be writing the Standing Orders Committee on behalf of all Members to request the Committee consider the issues raised in both points of privilege to determine whether any amendments may be made to the *Standing Orders* and the processes in this House to address the Members concerned.

Secondly, I would like to rule on a point of order raised by the Opposition House Leader on May 16, regarding a ruling I made on May 15 on the amendments proposed to the private Member's resolution moved for debate on that day. During debate, there were two motions made, each

of which contained three amendments. I ruled on both motions separately, as they were raised.

The Opposition House Leader has described his point of order as seeking clarification on my ruling on the proposed amendments raised by the private Member's resolution on May 15. However, in his point of order he states that the second motion to amend was strikingly similar to the earlier amendment. He also states: "They were substantially the same. We have lined them up side by side ... there's substantially no difference."

The tenor of these particular comments appears to be a challenge in my ruling. As all Members know, rulings of the Speaker are not subject to appeal or debate. Further, a Speaker is not obligated to provide reasons. While I try to provide reasons in my rulings, there are occasions in the interest of time and ensuring that debate proceeds in a timely manner that I do not provide reasons.

In accordance with Standing Order 63, debate on a private Member's motion is limited in time and cannot go beyond 5 p.m. on that day. I am particularly aware of the time limitations in my deliberation and ruling on motions made on Private Members' Day where the time is limited under the *Standing Orders*.

By way of general information for Members, when an amendment is proposed, I am called to rule on whether it is acceptable procedurally. As the Opposition House Leader has stated in his point of order, amendments generally are proposed to modify the original motion to make it more acceptable to the House. In determining whether an amendment is in order or out of order, there are a number of factors that are considered, including, but not limited to: the relevancy of the amendment in the main motion; the introduction of any new propositions to the motion; and the scope of the main motion.

Each proposed amendment is assessed on its merits in consideration of the main motion in its entirety. I should note that if one part of a proposed amendment is out of order, the entire amendment is out of order procedurally.

I can assure all Members that each of the amendments proposed to the private Member's resolution were given due consideration and my ruling was communicated to the House in a timely manner.

I also wish to take this opportunity to remind Members that at any time there are questions of interpretation or should they need assistance in determining whether an amendment is acceptable as to form, they may consult with the Law Clerk and Parliamentary Counsel.

Thank you.

Statements by Members

SPEAKER: Today we'll hear statements by the hon. Members for the Districts of Cape St. Francis, Conception Bay South, Bonavista, Ferryland, Fogo Island - Cape Freels and Fortune Bay - Cape La Hune, with leave.

The hon. the Member for Cape St. Francis.

J. WALL: Thank you, Speaker.

Speaker, small businesses benefit the community in so many ways. They create local jobs for individuals, they encourage economic growth and lessen the environmental impact, just to name a few.

Today, I'd like to recognize the 2024 Torbay Business Awards that were held on May 9. This was a special night to acknowledge local business and celebrate those who have gone above and beyond in the Town of Torbay.

The list of winners are as follows: Not-for-Profit Excellence Award: Torbay Choral Group; Customer Commitment Award: Elite Kitchens and Design; Economic Impact Award: The Post Taphouse; New/Emerging Business Award: Say It with a Sign NL; Young Entrepreneur Award: Devon Sparkes and Jacob Squires; Special Recognition goes to Glendine Williton; and Business of the Year for the Town of Torbay: The Post Taphouse.

Speaker, these businesses are recognized today, as are all small businesses in the Town of Torbay. They help to form their community identity and continue to innovate and diversify the local marketplace.

Speaker, I ask my colleagues of this 50th General Assembly to join me in thanking all small businesses in the Town of Torbay for their invaluable contribution and congratulating all award winners. Your dedication to the community has not gone unnoticed.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

B. PETTEN: Thank you, Speaker.

On Monday, May 13 I had the pleasure to attend the CBS Hot Shots inclusive squash banquet held at the CBS Lions Club.

The CBS Hot Shots are the home team of the Canadian Inclusivity Squash Program. This program was spearheaded in 2019 by squash pioneer and head coach, Mr. Eric Hart from Conception Bay South.

Recently, the wheelchair squash program was transformed from try it sessions to a regular, ongoing weekly program. The sports club has also opened the world's first squash program for individuals with vision impairment. Persons with mobility and

neurodevelopmental disabilities also participate in squash programs.

CBS Hot Shots are more than just a sports club, they are a close-knit community that believes in breaking barriers and creating space where everyone can thrive. Regardless of your athletic abilities, CBS Hot Shots offers individual instruction, coaching and tournaments designed for individuals with disabilities.

On April 29, the athletes hosted an evening of squash with members of the popular Irish traditional band, Shanneyganock. This event was a fun filled evening of squash matches and making new friends.

I congratulate Mr. Hart and the CBS Hot Shots inclusive squash program on their amazing achievements and I encourage everyone to check out their website, cbshotshots.com.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Speaker, Cyril Abbott of Bonavista, born in 1943, may be the province's longest serving member of the Canadian Armed Forces. He joined the forces in 1963 as a member of the 1st Battalion of the Black Watch. He had four tours of duty in peacekeeping missions: one in Germany and three in Cyprus. Cyril served in many locations around the world and developed many friendships throughout his military career.

After retirement from the forces in 1983, he joined the Royal Canadian Sea Cadet Corp Matthew in Bonavista, followed by the Bonavista Patrol of the Canadian Rangers, for which he serves to this day. With no retirement age for Rangers, Cyril continues to enjoy the camaraderie of his teammates

in the Bonavista Patrol and other neighbouring patrols, such as Clarenville.

This September will be his 60th year serving with the Canadian Armed Forces. He proudly wears seven medals on his blazer recognizing outstanding service and states: I enjoyed myself with the Canadian Armed Forces and if I had to do it all over again, I certainly would.

I ask the Members of the 50th House of Assembly to join me in celebrating the service of Cyril Abbott to his home province and country.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

I rise in this hon. House today to recognize a great group of volunteers from the District of Ferryland, the Goulds Lions Club.

Goulds Lions Club has played such a tremendous role in the giving back to the community. Since the club began in the Goulds, it has played an enormous part in giving and helping in many ways. So many great accomplishments have been achieved by the hard work of each and every member, past and present.

Over the past year, the Lions Club have run a weekly 50/50 draw in partnership with Bidgood's fresh mart. Since the draw began, the club donated the funds raised to 18 groups or organizations within the surrounding area. As of March, they have donated over \$30,000 and it has grown to almost \$5,000 per month in donations.

I ask all Members of this House to join me in congratulating the Goulds Lions Club on the great job they have done and continue to do.

Thank You.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Fogo Island - Cape Freels.

J. MCKENNA: Thank you, Speaker.

Today in the House, I stand to recognize the long-standing Fogo Island Co-Operative, a true, free enterprise that is strong and community spirited.

I can proudly say I am a resident of Fogo Island. Back in 1967, when the resettlement program was introduced to the people of Fogo Island, they had to make a life-altering decision, but they stood ground and refused to move away from their homes. They formed committees and started what is known as The Fogo Process.

From there, they started the Fogo Island Co-Operative Society Limited. The Co-Op operates plants on the Island processing crab, shrimp and, as well, operates a multi-purpose plant. The Co-Op had to build more and bigger boats, operate processing facilities and seek new markets.

This long-standing formation is well respected throughout Newfoundland and Labrador. It is a very profitable company that generates millions of dollars yearly to the economy of this province.

Speaker, I would like to ask all colleagues in this House to congratulate the founders and operators of the Fogo Island Co-Operative and wish them continued success.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Fortune Bay - Cape La Hune, with leave.

Does the Member have leave?

SOME HON. MEMBERS: Leave.

SPEAKER: Leave is granted.

E. LOVELESS: Speaker, I rise today to recognize Evelyn Hunt who will celebrate her 100th birthday on May 28.

SOME HON. MEMBERS: Hear, hear!

E. LOVELESS: I was honored and humbled this past weekend to attend a celebration for her with family and friends with cake, beautiful decorations, a meal, flowers, certificates and a scattered dance.

Evelyn originates from Gaultois and married her love, the late Peter Hunt, and together they had six children. She worked very hard to provide for her family at the fish plant and Frank Lilly's store. She had a love for music and also a passion for knitting socks, in particular for soldiers who were overseas during the war. She continued to knit and crochet many socks, sweaters, blankets and banners over the years. She even offered knitting and crocheting classes at Victoria all-grade school to share her knowledge to young girls and women.

Mrs. Hunt is a very caring, loving woman with a great sense of humor that we all appreciate. She is blessed with six children, 15 grandchildren, 23 great-grandchildren and four great-great-grandchildren. She currently resides in Head of Bay d'Espoir with her daughter Julia Kearley.

Join me in wishing Evelyn Hunt a happy 100th birthday.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Statements by Ministers.

Statements by Ministers

SPEAKER: The hon. the Minister Responsible for Women and Gender Equality.

P. PARSONS: Thank you, Speaker.

Speaker, I rise to recognize the 50th anniversary of the first group of women to

take the oath to become regular members of the Royal Canadian Mounted Police.

SOME HON. MEMBERS: Hear, hear!

P. PARSONS: Known as Troop 17, this group of 32 women from across Canada demonstrated what was possible for women in the RCMP, inspiring future generations to join the organization. From detachment officers, to forensic labs, to the Musical Ride, air services, and VIP protection, there's a place for women in all the RCMP's 150 career specializations.

Three members of Troop 17 are from right here in Newfoundland and Labrador. They include retired Staff Sergeant Gail Courtney, retired Constable Cheryl Lafosse and retired Constable Rosemary Coffey.

I am sure blazing the trail wasn't easy for these women, but it was their perseverance and dedication that fundamentally changed the RCMP for the better.

Today, one-fifth of the force's officers are women, many holding leadership positions. So I am also proud to recognize Assistant Commissioner Jennifer Ebert, Commanding Officer of the RCMP here in Newfoundland and Labrador.

I encourage women in this province to explore the diverse range of career roles in the RCMP, what it has to offer – you, too, can become trailblazers in the future of policing.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: I would like to thank the minister for the advance copy of her statement.

I rise today to recognize the 50th anniversary of women becoming regular members of the Royal Canadian Mounted Police. Troop 17 have paved the way for countless women across Canada, demonstrating there are no bounds or limits to what women can achieve.

The contributions of Troop 17, including those from Newfoundland and Labrador, retired Staff Sergeant Gail Courtney, retired Constable Cheryl Lafosse and retired Constable Rosemary Coffey, have left a lasting mark on the RCMP's history. As well, excelling to the position of commanding officer of the RCMP here in Newfoundland and Labrador, Assistant Commissioner Jennifer Ebert's leadership has exemplified the strides women have made.

The 50th anniversary of women becoming members of the Royal Canadian Mounted Police is an important opportunity to acknowledge the importance of inclusivity, equity and diversity in law enforcement and beyond.

Thanks to Troop 17 for their hard work, commitment and accomplishments which have helped shape the future of policing in our province and country.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Speaker.

I thank the minister for an advance copy of the statement.

We, too, are proud of all women who serve in our police forces. I spent my entire career in a profession that was considered male dominated, so I can relate to the hidden struggles our women officers face, but also the rewards of leading the way forward for other women.

Over 50 years and the RCMP has not reached gender parity and their female officers earn 11 per cent less than their male counterparts. Therefore, we ask for a commitment to achieve gender equity in the province so our women police officers can truly celebrate.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Further statements by ministers?

The hon. the Minister of Education.

K. HOWELL: Speaker, I rise in this hon. House to highlight the efforts of the Learning Disabilities Association of Newfoundland and Labrador to enhance adult literacy in the province.

With funding provided from the provincial government, the Learning Disabilities Association of Newfoundland and Labrador is providing enhanced literacy services to adults with disabilities. These services include screening, one-on-one tutoring, assistive technology training, advocacy support and empowerment programs which aim to improve literacy skills and workforce readiness.

Speaker, by using in-person, online and hybrid approaches and leveraging community partnerships, the Learning Disabilities Association of Newfoundland and Labrador has expanded its reach in urban and rural areas across the province. Those efforts are paying off.

Registrations for adult tutoring programs are increasing, and the total number of active learners receiving tutoring has reached an all-time high of 62 this past January. A total of 1,695 one-on-one tutoring sessions were delivered this year, with an overall total of 3,429 sessions delivered since the project's inception.

Speaker, I ask all hon. Members to join me in commending the work of the Learning Disabilities Association of Newfoundland and Labrador to enhance adult literacy in the province.

Our government will continue to support these projects and partnerships throughout the province as we increase adult literacy and promote a vibrant and prosperous Newfoundland and Labrador.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

P. DINN: Thank you, Speaker, and I would like to thank the minister for an advance copy of her statement.

I also want to thank Minister Howell for highlighting the positive impact the Learning Disabilities Association of Newfoundland and Labrador provides not only to youth, but also to our adults.

The Learning Disabilities Association's mission is to raise awareness about, advocate for and support individuals with learning disabilities and their families. The effects of adult literacy in Newfoundland and Labrador can have a significant impact on individuals. Low levels of adult literacy can hinder an individual's ability to find and retain employment and engage fully in their communities. It can also affect health outcomes, access to education and overall quality of life.

The PC caucus commends the work of the Learning Disabilities Association of Newfoundland and Labrador for their advocacy and promoting and implementing the services that are available. We also must remind government it is crucial that we continue to prioritize and allocate resources for adult literacy programs in rural

communities that may lack access to such vital educational services.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

I, too, thank the minister for an advance copy of the statement and I join and applaud the dedicated work of the Learning Disabilities Association.

Speaker, the fact that government helps the association with funding for one-on-one tutoring and the minister applauds the number of one-on-one tutoring sessions tells me that she recognizes the importance of human resources in our public education system as well.

So again, we call on this government to implement well-documented solutions in education, such as smaller classroom sizes that reflect class composition, so that students get the supports they deserve and the education that they are owed for the future.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Are there any further statements by ministers?

Oral Questions.

Oral Questions

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

T. WAKEHAM: Thank you, Speaker.

Speaker, when questioned about Crown land legislation on May 13, the minister stated in the House of Assembly – and I

quote – I will bring it forward to this session of the House of Assembly.

Last night we were informed that the technical briefing had been cancelled, and we're learning that the legislation will not come forward.

I ask the Deputy Premier: Why?

SPEAKER: The hon. the Minister of Immigration, Population Growth, and Skills.

G. BYRNE: Mr. Speaker, there is an urgency in dealing with a particular situation that should be cause for all Members to be alarmed and to act.

Incendiary messages have been sent to an organization representing racialized Newfoundlanders and Labradorians, and these messages foment hate. These messages have now been referred to the RCMP. These messages stem or may have been enabled by comments from a representative of the PC Party of Newfoundland and Labrador.

The Leader of the PC Party has said that he doesn't necessarily agree with the comments that were made. My question to the PC Leader is: Are you satisfied that you have done enough to root out Islamophobia and other forms of racism in this province?

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

T. WAKEHAM: Speaker, as I said in the House yesterday, there is no place for hate in the Province of Newfoundland and Labrador –

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: – and I stand by that statement – I stand by that statement.

So again, I will turn around and say this: The people of Baie Verte - Green Bay, in a true democratic process, will decide on

Monday who they want to represent them in the House of Assembly.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: Now I will ask the question again. Last night we were informed that the technical briefing was cancelled.

I ask the Deputy Premier: Why was it cancelled?

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

E. LOVELESS: Thank you, Mr. Speaker.

We all know that the *Lands Act* legislation is a very important piece of legislation, and –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

E. LOVELESS: – I make no apologies, Mr. Speaker, and I said to the Opposition House Leader through a conversation outside of these walls here this morning that I do need more time and I'm asking for more time. I don't apologize for that because when I bring it here, I want to do it right.

But I will also offer, as I've offered before, any Member across the way who wants to come over, even before the legislation is brought here, to offer solutions and offer ideas, I'd be happy to accept them around the *Lands Act* piece.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, I appreciate that the minister has indicated that he needs more time and that's why I'm prepared, and all of us on this side of the House here right now, to stay here in the House of Assembly to extend this session.

I ask the minister is he prepared to do the same?

SOME HON. MEMBERS: Hear, hear!

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

E. LOVELESS: Mr. Speaker, to answer that, I'm not the Government House Leader. In terms of the legislation piece, as I've said to the Member opposite, I do need extra time. I'm asking for that extra time to do due diligence around the Crown Lands piece because I think it's about getting it right. It should be about getting it right and extra time I'm asking for that, Mr. Speaker.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, we all agree that it is important to get it right, but it's also important for it to be done on a timely basis. We've been waiting a long time for this piece of legislation. People in rural Newfoundland and Labrador were very excited to hear the minister stand in the House and commit to getting it done this session. That's why I have offered, and all of my caucus, to stay and sit and keep this House open until we take the time, as the minister says he needs, to get this piece of legislation done.

I'm particularly talking about people who live in Baie Verte - Green Bay and that whole area who have been 53 years living in a house and now they've been told they don't own the land, so they're looking for an answer.

So, again, I ask the minister and I ask the Deputy Premier: Will you commit to keeping the House open?

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

E. LOVELESS: Mr. Speaker, I've said my piece in terms of needing more time.

In terms of the individual case – and I make the offer to him again, which he's never come over to my office and give me any examples.

SOME HON. MEMBERS: Hear, hear!

E. LOVELESS: He's just using it now in Question Period for his advantage. I say to the Member for Bonavista, you as well, if you have any examples, bring them over. Every file can be different. If there's something that's resolvable now, it may not even –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

I ask the Member to address the Chair.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

The hon. the Minister of Fisheries, Forestry and Agriculture, you have 15 seconds left.

E. LOVELESS: Thank you, Mr. Speaker.

Thank you for the protection and I apologize for not addressing you.

In terms of these individual cases, bring them to me. That case may be resolvable and not require this *Lands Act* amendments that we're making to the *Lands Act*. So bring it to me. If it's that important to you, bring it over.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, we have been talking about these cases for a long time now. So yes, I'll continue to talk about them right here and now.

Let me talk about Mr. and Mrs. Rowe from Embree, who have been trying to sell their house after living there for 40 years and they are still waiting for an answer from government.

Let me talk about Alex and Mary Cullimore of Bonavista, built their home in 1967, and after paying and registering their land with the Registry of Deeds, only to find out now that the government states the home is on Crown land. The Cullimores were hoping that these revisions were going to get passed in this legislation this session.

So again I ask the Deputy Premier: Will you commit to keeping the House open to get this done?

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

E. LOVELESS: Thank you, Mr. Speaker.

Again, those are individual cases, and maybe we could resolve those files right now. But, again, he hasn't brought them to my attention. So he's using those individuals for his political gain.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

I heard the question; I want to hear the response, too.

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

E. LOVELESS: Thank you, Mr. Speaker.

I'm asking for more time to do it right. Maybe if the PCs took more time to do it right, we wouldn't have the Muskrat Falls boondoggle.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, the minister has asked for more time. I have stood up on three or four questions now and said we're prepared to give you all the time you need.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: Let's get it done. We want this done. The people of Newfoundland want it done. I'm sure the people that they represent want it done. So let's get it done. That's what I'm asking.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: Speaker, there's a man in the Goulds, despite having records of land ownership from court documents from 100 years ago, is being told it's not his, all because he cannot prove that the land was in use in 1957. Government is now saying he can purchase his own land for \$94,000, despite the city even issuing the man building permits.

How do you tell a man in his 70s who is seeking to finally retire that we are now not going to stay and pass this *Lands Act*?

SPEAKER: The hon. the Deputy Premier.

S. COADY: Thank you very much, Speaker.

A very important question, and I'm sure the minister would be very happy to have a conversation with the Member opposite.

But what this does speak to is management, to financial management. We've been listening to the Members opposite talk about financial management of late. I will say, when the Leader of the Opposition was the vice-president of corporate services – I have the Auditor General report from 2005.

SPEAKER: No props.

S. COADY: I'm going to table it, Speaker.

The Auditor General called into question the financial management of the Central West Health Corporation. The reason why is because they found financial improprieties.

I'd say to the Member opposite where does he get his financial management skills?

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Once again, they have said they were going to do it. They made a commitment that they would do it in this session. We are simply saying, we will stay here and help you honour that commitment. The minister said he needs more time; we're prepared to give them more time.

In the meantime, it's been almost 10 years since the last *Lands Act* review. The report was done in 2015, which recommended changes to ensure the Crown lands legislation was strengthened.

So I ask the minister: Will you suspend all court actions against families in the meantime?

SPEAKER: The hon. the Deputy Premier.

S. COADY: Thank you very much, Speaker.

The Member opposite didn't even acknowledge that his acumen in financial management was called into question by the Auditor General when he was the vice-president of Central West Health. Speaker, there were financial improprieties, including a Member, a vice-president who received additional compensation, yet was on leave for 87 of the 137 days. I will table the report following it. There were questionable trips. There were questionable actions within that organization.

Speaker, I will say to you that we will get to the *Lands Act*. We'll work very, very hard. We're willing to work with the Opposition on this. The minister has asked for more time. Give us the time we need to get it right.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Thank you, Speaker.

I think the people of the province deserve better answers, more meaningful answers in the House of Assembly than what they're getting.

SOME HON. MEMBERS: Hear, hear!

B. PETTEN: We will continue to ask those questions. It's our job. It's our responsibility.

Speaker, it's absolutely unacceptable to hear parents describe their school as having outrageous and deplorable conditions. The parents at Frank Roberts Junior High have voiced their concerns for almost four years and they want answers.

I ask the minister: When will parents and students finally get the new school they so deserve?

SPEAKER: The hon. the Minister of Education.

K. HOWELL: Thank you, Speaker.

I've had the opportunity to respond to the question and I've had several conversations with the Member opposite about the condition of Frank Roberts school and recognized that there is much work that needs to be done there.

As we've mentioned before, there are budget processes that unfold. Each year, we evaluate the schools, we evaluate the community and we evaluate the needs. We place, then, the priorities on the most

pressing areas and probably the schools in most need of repair or replacement.

So that process will continue. That's the process that will unfold now, particularly that the school district has been brought into government, we have a more cohesive ability to do those assessments and to figure out which schools can be replaced or need to be replaced.

If we had \$740 million, we could definitely do much more work to rebuild our schools.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: I guess, yes, the boom. I guess they could buy more hotels, too, Speaker. So we're not including that. Imagine what they could do and how many air fryers they can have, how many more cab rides they can pay for, how many more trips the Premier could have. This list can go on, on this side, too, Speaker. People deserve answers. The people in my district deserve it, like anyone in the province.

Speaker, during Education Estimates the minister said: I, too, had an opportunity to visit Frank Roberts – which she did with me – and have identified the schools that I wish for us to proceed on and looking at replacing. So just because there is not a specific budget line doesn't mean that we can't take a look at that.

Minister, why Frank Roberts Junior High not included in this year's budget?

SPEAKER: The hon. the Minister of Education.

K. HOWELL: Thank you, Speaker.

The answer to that, again, to the previous question is the answer to this question. That there is a process that unfolds. We look at the schools that need to be replaced, rebuilt

or populations that would warrant a new school in particular areas.

As we do that, we evaluate the priorities for the department, and we identified the schools in this budget as the priorities for this year and we will do the same next year. As I have mentioned before and told the Member on several occasions, that Frank Roberts is on that list.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Speaker, those are words, but action – the school is still up there in a deplorable state with no cafeteria. I cannot emphasize enough the fact that children have been forced to attend a school plagued by rodents, severe overcrowding and no cafeteria. The minister's own words: They don't have a cafeteria.

The minister recognized the urgent need to replace the school then, why has the government not yet announced plans for a new school?

These are words but we need action, and those children and students and parents deserve better.

SPEAKER: The hon. the Minister of Education.

K. HOWELL: Mr. Speaker, I will say again the same answer that I said before: There is a budget process that unfolds as we look at schools that need to be replaced or evaluated, communities and populations that would feed into a new school and we determine what the priorities for each area would be.

As I have referenced to the Member opposite on several occasions, we've look at Frank Roberts and recognized there is work that needs to be done there. I did have

the opportunity to visit the site and said that myself.

So we will continue to evaluate these processes and just because there wasn't a budget line doesn't mean that the expertise within the departments can't move forward on a plan or progress that may unfold in the future. The budget process will take care of those things.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Thank you, Speaker.

I'd like to ask the minister: Where does Frank Roberts place on the priority list? Where are they to on the priority list or are they on the priority list?

SPEAKER: The hon. the Minister of Education.

K. HOWELL: Thank you, Mr. Speaker.

As I've said before, there are a number of factors that feed into what would constitute a priority and that changes daily. We have different factors in some of our schools. We need repairs. Some of them have instances that we can't escape and we have to then act on those immediately. So the priority list for schools isn't something that we have ticketed numbers of one, two and three.

But every year during the budget process and over the course of the year, as we look at our schools, our catchment areas, our resources, what is appropriate in these areas, we always then measure where the most needed school allocation for new builds, renovations or complete overhauls may be and that is a process that unfolds yearly. It will continue to happen.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Thank you, Speaker.

Speaker, nearly a year ago, May 23, 2023, VOCM, Mr. Terry Hall, who's the assistant deputy minister of Education now, claimed that a replacement for Frank Roberts Junior High was unnecessary. Despite parents raising concerns about air quality, the minister confirmed during Estimates that all schools now have air purifiers.

I ask the minister: Has any testing been conducted since the installation of these purifiers in the school since 2021, and where can parents access these reports to verify the safety of their children?

SPEAKER: The hon. the Minister of Education.

K. HOWELL: Thank you, Speaker.

At this time, I'm not aware of what the schedule for routine testing would be, but I can certainly get that information and provide it to the Member opposite.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Thank you, Speaker.

I look forward to asking a few questions now on the fishery because the fishery is very significant to our province. We believe that it is now a little over a billion. We think it should be somewhere between four billion to five billion.

SOME HON. MEMBERS: Hear, hear!

C. PARDY: Speaker, the capelin fishery is important to many harvesters across rural Newfoundland and Labrador.

I ask the minister: What is the government's position on the call to close the commercial capelin fishery?

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

E. LOVELESS: Thank you, Mr. Speaker.

Yes, the fishery is a very important part. It was founded in terms of if we want to go the historical route, it founded in this province. In terms of the capelin fishery, we support not the shutdown of the fishery, but I think for capelin and like any resource, numbers are very important.

We're in communication with the industry and with the FFAW, not on a daily basis, but the communication is key around the capelin resource or any resource and we support the FFAW moving forward in terms of the capelin fishery.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Thank you, Minister.

The Standing Senate Committee on Fisheries and Oceans has released a new call to action report titled *Sealing the Future*, which recommends the federal government implement a seal population management strategy.

Minister, do you agree with this recommendation and what action has your government taken over the past nine years?

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

E. LOVELESS: Thank you, Mr. Speaker.

We all know the challenges around the sealing industry and one that's very important is identifying markets. Since the new federal minister has come on scene,

which has been encouraging because she's been very interested in the sealing file, I'm hoping next week that I will get a chance to meet with her and meet with the fur industry around potential options around the industry.

There have been ideas of culling the seals; that's not the answer. That's coming from the industry. But we are very open in terms of supporting the sealing industry because it's important, but a very important key part of that is finding markets for that resource. I will work with the federal government because it's their call at the end of the day to support the sealing industry in Newfoundland and Labrador.

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Speaker, I've been in this House since 2019, and I know I'm gone back – I want to go back even when the government took over in 2015. The minister just mentioned seal products industry and trying to work towards that.

I would like to know what actions have we taken as a provincial government in order to try to establish these markets and grow the seal products industry?

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

E. LOVELESS: Again, reminding the hon. Member that jurisdictionally, that's a federal call. That's a federal jurisdiction responsibility.

AN HON. MEMBER: He knows that.

E. LOVELESS: Now, I've asked – and he knows that – the federal minister many a time, and will continue to ask, for joint management around seals or any resource that comes from the water, Mr. Speaker, and we'll continue to advocate there, but at the end of the day I think the industry and all

levels of government are trying to find a balance.

We'll work hard to try and find a balance that'll benefit the industry here in Newfoundland and Labrador.

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Mr. Speaker, I referenced the report of the Standing Senate Committee a short time ago, which was released this morning, and I know we haven't had a chance to digest that, but one of the key findings in that report states – in fact, one of the first findings listed – “The federal government is not managing seal populations in an active or evidence-based manner.”

Maybe surprising, maybe not. I ask the minister: Does he concur with this, and did he present to the committee?

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

E. LOVELESS: Thank you, Mr. Speaker.

I think it goes to the basis of numbers are important. There are a lot of things the federal government hasn't gotten right when it comes to the fishery, and I've made it clear to the federal minister, give us more authority and it will be done right.

SOME HON. MEMBERS: Hear, hear!

E. LOVELESS: But the thing about it is research is very important, and we need to back our decisions up on research. We've asked for more of that. I'll be at the table to jointly join the federal government in terms of getting better research, because with better research we can have better decision-making for the industry in Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

That is very important that we get the research done right for sure. We have to keep after them; that's our job.

Speaker, the latest Child Death Review Committee case was critical of this government's failure to implement operator safety training two years after this House passed the *Off-Road Vehicles Act*.

Speaker, how many more deaths will we see before the minister takes action?

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

S. STOODLEY: Thank you, Speaker.

I'm very pleased that we were able to pass the *Off-Road Vehicles Act* in this House, which significantly increased the safety requirements for off-road vehicles, ATVs and snowmobiles in Newfoundland and Labrador.

Today, Speaker, in MyGovNL, people can access the new online training, as of today –

SOME HON. MEMBERS: Hear, hear!

S. STOODLEY: – for off-road vehicles referenced by the Child Death Review Committee. Now we're working with our stakeholders to roll that out, to make sure that, for example, drivers, new drivers, drivers registering an off-road vehicle for the first time, we'll be slowly rolling those out so that new entrants know that they have to do the course and that they can through MyGovNL and make other means not online available to them.

I encourage anyone to do the course. It should be there now but, if not, it should be shortly. I encourage everyone to do the

course and if you need to do the course in the future, you'll get credit for that, if you do it now.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Exploits.

P. FORSEY: Speaker, with the spring season upon us, illegal dump sites are becoming more visible throughout the province.

What is government's plan to clean up those eyesores?

SPEAKER: The hon. the Minister of Environment and Climate Change.

B. DAVIS: Thank you, Mr. Speaker, and I thank the hon. Member for the question.

He knows quite well that we've had many conversations on illegal dump sites. First, I'd like to make sure that anybody who knows of illegal dump sites, please reach out to our department, as well as your municipal authorities or area communities, making sure that doesn't happen. Every piece of garbage starts in our hand, so let's make sure it ends in the right receptacle that it's supposed to go to.

I understand the question with respect to illegal dump sites, we're working through a process on how we can try to mitigate some of those. We're going to make sure that when we can clean them up, they're not going to be used again by other people that are doing those illegal activities.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Exploits.

P. FORSEY: Speaker, many municipalities, unincorporated areas and Local Service Districts are strapped for cash and cannot take on the major cleanups on those projects.

Will government commit to work with towns to clean up the areas encroaching their boundaries?

SPEAKER: The hon. the Minister of Environment and Climate Change.

B. DAVIS: Mr. Speaker, I reiterate the same answer I gave before, we're working with communities, we're working with our department and other entities that we have within government to find a solution for those issues that arise. I encourage people if they're seeing illegal dump sites pop up, keep an eye out, make sure you report what you see in those activities. We have Crime Stoppers as an available service as well, that's anonymous, you can reach out and make sure that doesn't happen in your community.

We want to encourage people to make the right choices on disposing of their waste. We're going to continue to work on that. When we do get a program in place or a process in place, we're going to make sure that we reach out to the communities who are going to implement that with us and we're going to make sure that doesn't happen in the future – we hope.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Fogo Island - Cape Freels.

J. MCKENNA: Speaker, I'm hearing from many residents in the Carmanville region about the lack of police enforcement in the community. Some residents suggest that they go days at a time without seeing officers present in the community.

I ask the minister: What do you say to those residents who are concerned for their safety?

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

J. HOGAN: Thank you, Speaker.

The Member wasn't here when we invested an extra \$17 million towards the RCMP in the budget several years ago.

SOME HON. MEMBERS: Hear, hear!

J. HOGAN: But, of course, as I've said many times in this House, it's been a struggle for the RCMP to fill vacancies across the country. I believe I was asked the question last week about what I was going to do as minister to deal with the vacancies and I said I was going to meet with the federal commissioner of the RCMP, Mike Duheme, when he was here.

I met with him on Friday. I had a long conversation with him about our vacancies and discussions, not only about vacancy rates, but policing and how it's going to look in Newfoundland and Labrador. He was very pleased to hear about our police transformation group, but the important takeaway I had from him was he directly said: I'm committed to addressing the vacancy in Newfoundland and Labrador. I said: Can I say that in the House of Assembly? He said: Absolutely, you can tell everybody. You have my commitment.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Fogo Island - Cape Freels.

J. MCKENNA: Speaker, having an RCMP presence in the community aids crime prevention and ensures seniors, families with small children and others that they can be safe in their community.

Why is the minister not acting to restore public confidence in policing in rural parts of our province?

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

J. HOGAN: I couldn't agree more with how important policing is to ensure the safety of all Newfoundlanders and Labradorians, that's the RCMP and the RNC.

He may have missed the answer that I've worked in the last little while to meet with the commissioner to discuss vacancy rates, specifically with this province and was happy to get his commitment that he will make Newfoundland and Labrador one of his priorities to ensure our vacancy rates are lowered.

It's not only \$17 million for the RCMP. It's in this recent budget, we increased the funding for RNC officers here. We've expanded RNC jurisdiction on the West Coast. We have a police transformation group. We have joint operations between the RCMP and the RNC on the West Coast. We have a new drug enforcement group here that's doing new proactive ways to deal with drugs and guns and crime in this part of the province. We're also looking at potential discussions between the RCMP and the RNC to expand joint forces operations on this part of the Island as well.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

Speaker, yesterday, I referenced a former resident of Tent City, now residing at the comfort hotel. This person told me she is not allowed visitors. As a result, she spent Mother's Day alone. The Minister of Housing says residents can book out a meeting room or they can meet off site.

I ask the minister: Is the hotel about providing a place for people to live, to call home, at least temporarily, or is it about institutionalizing them?

SPEAKER: The hon. the Minister of Housing.

F. HUTTON: Thank you, Mr. Speaker, for the opportunity to address the Legislature and to answer that question.

While I can't speak to any specific person who was a resident at the tent encampment or is now a resident and living at 106 Airport Road, what I can tell you is the overall concept is that when people are living there, they get to live within the bounds of their own – what it was, a hotel room, at one point in time, which, if anyone has ever been in a hotel room, there's a bed, there's a TV, there's a desk, there's a private bathroom, there's a lock on the door. It's a heated room. There's security in the building. There are three meals provided every day and there will be wraparound supports.

It's a Transitional Supportive Living Initiative and the title is exactly what it is. It's supposed to provide a transition into permanent and more stable housing, but to be supported at the same time with their needs.

SOME HON. MEMBERS: Hear, hear!

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

(Disturbance in the gallery.)

SPEAKER: Order, please!

Order, please!

I remind members in the gallery you're not allowed to participate.

Thank you.

The hon. the Leader of the Third Party.

J. DINN: Thank you, Speaker.

Speaker, the minister is fine in saying that housing is not just about providing a place to live and –

(Disturbance in the gallery.)

SPEAKER: Order, please!

The hon. the Leader of the Third Party.

J. DINN: Thank you, Speaker.

Speaker, the minister is fine in saying that housing is not just about providing a place to live and walking away, but this seems to be the case for this person. This person says she was promised support services to secure permanent housing, mental health supports, that her income support wouldn't be cut, immediate access to her belongings that were taken from the Colonial Building, all of which she says never happened and was false. Except for the intervention of a volunteer, this person would not have gotten her prescription medications filled.

So I ask the minister: Is this his vision of the supportive wraparound services that he had in mind?

SPEAKER: The hon. the Minister of Housing.

F. HUTTON: Mr. Speaker, as I said just a moment ago, I can't speak specifically to any one person's case in the House or publicly through the media, but I am happy to meet with the Member opposite and to discuss that person's case so that maybe we can have our staff look into it.

What I can tell you is that End Homelessness St. John's, our partner in this initiative, a very reputable and credible organization, not just here in Newfoundland and Labrador, but across Canada, have been tasked with the operation of the

building. There will be more staff phased in as more people, more residents are living at the 106 Airport Road location.

Right now, we do have weekly visits from the harm reduction team. We're going to have a physician on site. We'll have nurse practitioners. We'll have social workers, occupational therapists and others who will be there to provide those wraparound supports, Mr. Speaker.

SPEAKER: The minister's time is expired.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

Speaker, Manitoba has just introduced anti-scab legislation to align with the federal legislation.

I ask the Minister Responsible for Labour: When he will table anti-scab legislation to protect workers and their jobs in this province?

SPEAKER: The hon. the Minister Responsible for Labour.

B. DAVIS: Thank you, Mr. Speaker, and I thank the hon. Member for the question.

It's a question that he has raised before, and as I've said before, as Minister Responsible for Labour, you've got to find the balance between the wants and needs of a labourer and wants and needs of employers. This is a very divisive issue.

It's something that we're focusing on at the federal table with my colleagues across the country. We're going to continue to have that conversation, and I encourage the Member to keep raising that issue when he comes up in the House of Assembly. Any time I'm willing to talk to him about it.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The time for Oral Questions has expired.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Tabling of Documents

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

A. PARSONS: I insist.

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

S. COADY: Sorry, Speaker, I didn't see my colleague rise behind me.

I'd like to table the report I referenced today, the Report of the Auditor General dated March 31, 2005.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

A. PARSONS: Speaker, I stand today in the House to table the '23-'24 annual report for the Economic Diversification and Growth Enterprises Board in accordance with section 9 of the *Transparency and Accountability Act*.

SPEAKER: Are there are further tabling of documents?

The hon. the Minister of Education.

K. HOWELL: Thank you, Speaker.

I would like to table the public consultation report for the PWC school system

reconfiguration, as I've committed to earlier in the sitting.

SPEAKER: Further tabling of documents?

Notices of Motion.

Answers to Questions for which Notice has been Given.

Answers to Questions for which Notice has been Given

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

S. STOODLEY: Thank you, Speaker.

I'd just like to clarify. In Question Period, we talked about the mandatory off-road vehicles legislation. It is going live this evening. So it will be live on MyGovNL tonight. It's not currently live, but it's going live tonight.

Thank you, Speaker.

SPEAKER: Petitions.

Petitions

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

J. DINN: Thank you, Speaker. It's not often I get to go first.

This petition concerns the removing of the provincial portion of the HST on children's products to the House of Assembly.

Parents of young children already face tough economic pressure. The government should not be taxing parents for items that are a necessity.

The current cost-of-living crisis has made a challenging situation dire for low-income families, single parents and parents on moderate incomes.

The Provinces of Ontario, Nova Scotia and Prince Edward Island provide a point-of-sale rebate on children's goods such as children's car seats, children's clothing, children's diapers and children's footwear.

Therefore, we, the undersigned, petition the House of Assembly to urge the Government of Newfoundland and Labrador to remove the provincial portion of the HST from children's car seats, children's clothing, children's diapers and children's footwear.

Speaker, we have heard much from the government on the topic of poverty reduction and affordability. This is not just about poverty reduction; this is about affordability for the families who choose to have children, choose to raise a family.

I know, at one time, I do remember when clothing for children and that was not taxed. Now, I grew up in a family with seven children; I had six siblings. I can only imagine what my parents paid out just to keep us clothed. We have an aging population, and it's been very clear that we need families, families that are going to raise children to rejuvenate this population. Why we desperately need immigration as well. Why we need newcomers. Why we need people here, families who are encouraged to stay here and become part of this province.

However, it's safe to say that parents do feel squeezed. I knew it as a teacher. I knew it when I was St. Vincent de Paul, especially when it came round to the school system opening up and parents who didn't have that large income had to come up with school clothes, lunches, the whole thing.

Summer clothing, winter clothing, school clothes, lunches, all put the squeeze on families with limited incomes. Car seats, believe it or not, have an expiry date. So it's not like they can be passed on. It is an added expense to families.

Speaker, we talk about the social determinants of health and affordability is part of that. It's about having children that can go to school, clothed and know that they can focus on their education. This is a key part of that.

Thank you.

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Thank you, Speaker.

Pre-pandemic, residents of the Bonavista Peninsula could walk into the Bonavista hospital and take a number to wait to be called for lab work. The system worked well, and the population were understanding that the pandemic negatively affected many services. Today, residents call into the call centre to book appointments and experience long waits to connect with the attendant. There is much frustration in the process.

We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to reinstate the walk-in service or the booking directly at the Bonavista hospital as it is in other hospitals. This would increase the efficiency of the department and reduce the frustration experienced by the residents of the region.

Mr. Speaker, you may have noticed that this is the third time I presented this petition, and we have a litany of comments that came into me once I presented the first one. Here's one that I just want to mention: I kept calling for over a week to get an appointment for my husband to get his INR checked. Each time I called the call centre, I got a recording saying because of staff shortages, they were unable to take any more calls. My husband has a mechanical heart valve and has to make sure his INR is within a certain range. Too high or too low is dangerous. We've had several of those.

The minister, in Question Period some time ago, talked about the cost to the system on missed appointments. Surely goodness, we're not going to ask people to call day after day and wait hours to try to get through to cancel an appointment. So when we look at the efficiency of the lab in Bonavista, I am really surprised that we haven't made that adjustment yet. If we're concerned still about the pandemic and still about viruses, space them out in the hospital. It's big enough to be able to space them out to diminish that risk, if that is the issue.

So I would ask: We've got many people who depend on that lab, many people in the Bonavista Peninsula who are frustrated – if the minister wants to look at my Facebook page after the first petition I presented and read what's there, there's a litany of them there and that can be proved out to be factual by just looking at that Facebook post.

Tonight, there's a public gathering at Discovery Collegiate at 7 p.m. One of the issues that they want to discuss publicly is this issue about the lab. Why in the world wouldn't they open it up to have a walk-in service that worked so well for so many years reinstated, and everyone is happy with that?

Thank you very much, Speaker.

SPEAKER: The hon. the Member for Exploits.

P. FORSEY: Thank you, Speaker.

Residents on Route 350, 351A and 352 of the Exploits District are concerned of the road conditions on these routes causing safety issues and damage to vehicles.

We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to immediately have roadwork to upgrade and improve conditions of these routes.

Speaker, I've presented this petition a number of times with regard to roads in the district, especially on the kilometres of 40 to 60 kilometres. We're left behind on those districts. We certainly need roadwork done. I'm getting calls continuously with regard to the potholes and conditions of those roads and those areas, especially on the lower part of the districts.

They're good for tourism. They get a lot of traffic down there, but we also get a lot of complaints of vehicles being damaged with regard to tires, lots of damages to their vehicles. We need roadwork done in those areas.

I've talked to four different ministers and every time I talk to the minister, I'm referred to the Five-Year Road Plan. It seems like every time we get a new minister, I've got to go back on five years. I can get a moose licence quicker than that sure. So every time we get to that part, I drop back in the pool. Every time I get a new minister, I get dropped back in the pool, same idea.

We need to get some work done on those roads, Minister. It's just the frustration of not getting it done.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Speaker.

This petition is for timely and adequate access to mental health care for Northern Labrador residents.

We, the undersigned, are concerned citizens of Newfoundland and Labrador who urge our leaders to ensure residents of our six Indigenous communities are provided with access to timely and adequate mental health care.

Northern Labrador communities have long suffered the harmful impacts of government policies that have resulted in intergenerational trauma.

The lack of adequate mental health care supports to our Northern Labrador residents are impacting the ability of people to effectively deal with their trauma, resulting in new cycles of trauma.

We witness the highest rates of suicide compared to other regions of our province. Survivors of suicide often suffer serious adverse mental health impacts.

We also witness deteriorating physical wellness such as diabetes and heart disease in many survivors of unresolved trauma. We witness the increase in children in care in our communities that's also tied to unresolved intergenerational trauma.

Now, Speaker, when I present this petition, I usually talk about the lack of mental health supports because I have government Members here from the different departments that can actually improve our access to mental health supports. I also usually talk about the impacts on the lives of people in my district. What's happening is the quality of life of our people, of our families, is being robbed because they never get the help and supports that they need to overcome the trauma.

The problem is a lot of the trauma that we are facing today is actually a result of the intergenerational trauma that goes back to the eviction of people from the communities of Hebron, Nutak and Okak. We also see the past harms going back decades where people were initially harmed by residential schools.

Now, Speaker, that's usually what I talk about when I'm talking about this petition, but right now I'd like to thank the Minister of CSSD and his department for working with me, with very little notice, to help find supports for youth in my district that really,

really need serious supports that we weren't able to access. So normally when I'm doing a petition I do want to acknowledge when I do get help, so I want to take this time to thank the Minister of CSSD and his department, Speaker.

Thank you.

SPEAKER: Orders of the Day.

Orders of the Day

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Thank you, Speaker.

I call from the Order Paper, Order 2.

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Speaker, I move, seconded by the Deputy Government House Leader, that An Act to Amend the Crop Insurance Act be now read a third time.

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

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

CLERK (Hawley George): A bill, An Act to Amend the Crop Insurance Act. (Bill 76)

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

On motion, a bill, "An Act to Amend the Crop Insurance Act," read a third time,

ordered passed and its title be as on the Order Paper. (Bill 76)

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Thank you, Speaker.

I call from the Order Paper, Order 3.

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Speaker, I move, seconded by the Minister of Digital Government and Service NL, that An Act to Amend the Vital Statistics Act, 2009, Bill 77, be now read a third time.

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

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

CLERK: A bill, An Act to Amend the Vital Statistics Act, 2009. (Bill 77)

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

On motion, a bill, "An Act to Amend the Vital Statistics Act, 2009," read a third time, ordered passed and its title be as on the Order Paper. (Bill 77)

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Speaker, I call from the Order Paper, Order 4.

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Speaker, I move, seconded by the Minister of Digital Government and Service NL, that An Act to Amend the Credit Union Act, 2009 No. 2, Bill 78, be now read a third time.

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

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

CLERK: A bill, An Act to Amend the Credit Union Act, 2009 No. 2. (Bill 78)

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

On motion, a bill, "An Act to Amend the Credit Union Act, 2009 No. 2," read a third time, ordered passed and its title be as on the Order Paper. (Bill 78)

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Speaker, I call from the Order Paper, Motion 1.

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Speaker, I move, seconded by the Deputy Government House Leader, that An Act to Amend the Proceedings Against the Crown Act, Bill 81, be now read a first time.

SPEAKER: It is moved and seconded that the Government House Leader shall have leave to introduce a bill entitled, An Act to Amend the Proceedings Against the Crown Act, Bill 81, and that the said bill be now read a first time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

Motion, that the hon. Minister of Justice and Public Safety to introduce a bill, "An Act to Amend the Proceedings Against the Crown Act," carried. (Bill 81)

CLERK: A bill, An Act to Amend the Proceedings Against the Crown Act. (Bill 81)

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

When shall the said bill be read a second time?

J. HOGAN: Tomorrow.

SPEAKER: Tomorrow.

On motion, Bill 81 read a first time, ordered read a second time on tomorrow.

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Speaker, I call from the Order Paper, Motion 3.

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Speaker, I move, seconded by the Deputy Government House Leader, that

pursuant to Standing Order 11(1) that the House not adjourn at 5:30 p.m. on Monday, May 27.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Speaker, I call from the Order Paper, Order 6, and I move that this House do now resolve itself into Committee of the Whole to consider Bill 53, An Act Respecting King's Counsel and Order of Precedence in the Courts.

SPEAKER: A seconder to that motion, please.

L. DEMPSTER: Seconded by the Government House Leader.

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 Bill 53.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

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

Committee of the Whole

CHAIR (Gambin-Walsh): Order, please!

We are now considering Bill 53, An Act Respecting King's Counsel and Order of Precedence in the Courts.

A bill, "An Act Respecting King's Counsel and Order of Precedence in the Courts." (Bill 53)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The hon. the Member for Harbour Main.

SOME HON. MEMBERS: Hear, hear!

H. CONWAY OTTENHEIMER: Thank you, Madam Chair.

Just as a way of a refresher, if you will, this bill we discussed some time ago, but it is, in essence, An Act Respecting the King's Counsel and Order of Precedence in the Courts. So the purpose of it is, it will repeal and replace the *Queen's Counsel Act* and, essentially, it's to modernize the language, to modernize the terminology.

I would argue it's just primarily a housekeeping bill and following the death of Her Majesty Queen Elizabeth II back on September 8, 2022, this bill will now formalize the practice to use King's Counsel. So it's to ensure the transition to King Charles.

There are only a couple of points on this. It is housekeeping in nature. I would say administrative changes. There's nothing essentially substantive to be made in terms of modifications. It's an update, it's a reset, it's a modernization, it's to include gender-neutral language and to tidy up the language.

So, on that note, I will proceed with some questions of the minister in regard to the bill.

Minister, could you please advise us of any consultations that occurred with respect to this bill?

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

J. HOGAN: I will have to confirm that. I'm not sure if the Law Society would've been consulted on this or not. I personally would've received maybe one email on this. But other than that, no.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: If memory serves me, when you made opening remarks, I think you did perhaps consult with someone. But that's why I asked it again; I wasn't sure. And I think that you had indicated the Law Society, but again I'd appreciate confirmation on that.

Just in terms of the change, will there be any job losses or any employment impacts as a result of this change?

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

J. HOGAN: No, there are no employment positions related to this. The only entity related to this would be the – I think it's called – Legal Appointments Board. That board is really staying the same from how it existed under the *Queen's Counsel Act*.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you.

Were there any additional costs to government as a result of the changes here in this bill?

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

J. HOGAN: No, there are no costs of implementing this legislation.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: So in regard to reprinting letterheads or business cards, I guess something minor of that nature, but other than that (inaudible)?

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

J. HOGAN: Sure, I guess just in terms of the bill itself, like when we talked about positions, there are no jobs going up and down, but obviously it did cost resources. I mean, people in the department had to do the work and draft the bill and Cabinet papers and things like that, even for something that is administrative. But it had to be done.

Business cards, there are Queen's Counsels who are now King's Counsels within the Department of Justice that I guess if they want new business cards, the government will pay for them. But private lawyers obviously would cover that themselves. I didn't get new business cards.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Did the minister consult with Transportation and Infrastructure about the change, because I believe that the legislative changes do affect that department?

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

J. HOGAN: I can get confirmation about what that consultation looked like, but normally before a bill is brought to the House, any relevant departments are consulted for their input.

CHAIR: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you.

My final question, so this bill, is it similar to what has occurred in other jurisdictions in our country and I guess in Commonwealth?

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

J. HOGAN: Yeah, as standard, as everyone in the House knows, we do jurisdictional scans. I'm not sure where it stands in terms of what other provinces have done or who has passed their legislation to date. I know when the Queen did pass away, we did a lot of consultations across the country to see what the interpretations were for whether people who were Q.C. automatically became K.C., so we did that work, but everybody was making the move to change their legislation as necessary.

I'm not sure off the top of my head if everybody needed to do it either. Maybe some have Her Majesty's Counsel and define the monarch within the legislation, so it doesn't matter if it is female or male or otherwise. But, yeah, we would have certainly looked at the other jurisdictions.

CHAIR: The hon. the Member for Labrador West.

J. BROWN: Thank you, Chair.

I guess I'll make my comments brief because the hon. Member covered most of the questions that I had.

But I do remember having a fantastic back and forth during the demise of the Crown act with the hon. Deputy Premier and I remember discussing the K.C. and the Q.C. thing.

I guess the only real question I have on that is, going forward with this legislation, does it automatically now switch in the case of a

monarch's change in the gender, or are we going to have to repeat this process again if there is a Queen in the future rather than a King?

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

J. HOGAN: Yeah, the legislation doesn't contemplate it changing back to a Queen. But you and I are safe, as there are three Kings in line.

CHAIR: The hon. the Member for Labrador West.

J. BROWN: Thank you.

Yes, absolutely. But we never know what could happen, but I do thank the minister for his answer.

But other than that, that is my final question.

CHAIR: Seeing no further questions, shall the motion carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Clauses 2 through 10 inclusive.

CHAIR: Shall clauses 2 through 10 inclusive carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 2 through 10 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 Respecting King's Counsel and Order of Precedence in the Courts. (Bill 53)

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill without amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

CHAIR: The hon. Deputy Government House Leader.

L. DEMPSTER: Thank you, Chair.

I move that the Committee rise and report Bill 53 carried without amendment.

CHAIR: The motion is that the Committee rise and report Bill 53, An Act Respecting King's Counsel and Order of Precedence in the Courts, carried without amendment.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

SPEAKER (Bennett): Order, please!

The hon. the Member for Placentia - St. Mary's and Chair of the Committee of the Whole.

S. GAMBIN-WALSH: Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 53, An Act Respecting King's Counsel and Order of Precedence in the Courts, carried without amendment.

SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and directed her to report Bill 53 carried without amendment.

When shall the report be received?

L. DEMPSTER: Now.

SPEAKER: Now.

When shall the bill be read a third time?

L. DEMPSTER: Tomorrow.

SPEAKER: Tomorrow.

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

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I call from the Order Paper, Order 14, second reading of Bill 74, An Act to Amend the Limitations Act.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: It is moved and seconded that Bill 74, An Act To Amend the Limitations Act, be now read a second time.

L. DEMPSTER: Speaker, seconded by the Government House Leader and Minister of Justice and Public Safety.

SPEAKER: And that is seconded by the Government House Leader.

Thank you.

Motion, second reading of a bill, "An Act to Amend the Limitations Act." (Bill 74)

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Thank you, Speaker.

I rise today to speak to Bill 74, An Act to Amend the Limitations Act. Essentially, today, what we are proposing in this piece of legislation is very similar to what already exists for survivors of sexual misconduct.

The *Limitations Act* sets out the rules that limit the time that one person can bring a civil, legal action against an organization or a person. The act is about the timing of claims, when they can or cannot be commenced in court.

The *Limitations Act* is not about evaluating and assessing harms that have occurred from a sexual misconduct or a battery.

There were amendments made to this act back in 1995, when the province amended subsection 8(2) of the act to remove the limitation period for civil claims relating to misconduct of a sexual nature against a person.

To be eligible, a person must have been under the care or authority of financially, emotionally, physically or otherwise dependent upon or beneficiary of a fiduciary relationship with another person, organization or agency.

What this amendment did was to waive the limitation period for sexual misconduct in these instances, allowing for statements of claim to not be subject to any limitation period. We are here today to make important changes. We are responding to what we have heard in the House of Assembly. The Department of Justice and Public Safety has been reviewing this issue for some time. It is complex and officials have been working through it.

We understand the importance of this change. After many meetings and debates and policy analysis within the department, we are ready to move forward today.

The first amendment we propose is for removing the limitation period for actions relating to battery. Another proposed change contained within the bill is moving to remove the limitation period for battery and sexual misconduct in intimate partner relationships. This proposed amendment would expand the circumstances under which the limitation period is removed for actions relating to misconduct of a sexual nature and for battery that have been committed against a person to include circumstances where the person was in an intimate partner relationship. This is something new that will empower survivors of intimate partner violence to allow them to bring actions forward at their own pace.

Our final amendment included in this bill proposes to incorporate gender-neutral

language and gender-inclusivity throughout the act. This will, of course, help modernize the act and is an important consideration when amending any piece of legislation that hasn't been updated in some time.

Overall, these amendments will bring us in line with other Canadian jurisdictions. We don't know how many new claims will result from these amendments but we bring them forward in the spirit of access to justice.

I want to conclude by thanking department officials who worked on this bill. I want to acknowledge the advocates' voices, both inside and outside this Legislature. I look forward to the next steps and hopefully the support of all hon. Members in passing this bill.

I also want to thank the Members from Harbour Main, Torngat Mountains, St. John's Centre and Humber - Bay of Islands for meeting with me yesterday to review the draft of this bill. We also discussed possible amendments that, hopefully, we can all agree on, which will lead to strengthening this piece of legislation.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER (Gambin-Walsh): The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you, Madam Speaker.

First of all, the way I would like to proceed on this – and I see that I will have sufficient time – we will have opportunity as this goes through Committee, as well, to speak about this legislation and as the minister has correctly pointed out, it is complex. I can say in my five years of being a Member in the House of Assembly that this is perhaps the most complex legislation that we've had to analyze, to understand and to basically digest and to clearly identify what the issues are, what the concerns are and to ensure

that we do not miss anything going forward in creating and in supporting the legislation that's going to be proposed.

So I want to start off – I think it's important to talk about the background first. That's just for the benefit of trying to see how we got to where we are today. This dates back, if I recall correctly, to around October or November of 2022. As the critic for Justice and Public Safety at the time, and I still currently am, all MHAs in this hon. House received a letter from a local lawyer, Mr. Eli Baker. In that letter, Mr. Baker urged all of us to look at this legislation and to encourage the government to bring forth amendments to this legislation, the current legislation that was in place.

Some of the concerns that he had identified back then, and that was, as I say, in I think October or November of 2022, was to basically bring our statute of limitations, our *Limitations Act*, in tune with other provinces in this country. Some of the concerns – and I'll state this as well because Mr. Baker has stated publicly what his concerns were about the current *Limitations Act*. He basically talked about things like the fact that if a person was assaulted, imprisoned or tortured as a child in Fort McMurray, they would be entitled to sue their abusers. But a child in Newfoundland, in St. John's, for example, who had been victimized in this same way, would have a time limit after reaching a legal age to realize what happened to them and then get to a point mentally where they are ready to address it and file a claim with the court.

So, basically, what he was saying, it's not logical that those individuals who are physically and psychologically damaged by their abusers, that they needed to have as much time – as much time as they wanted to bring forth their case. It shouldn't be on someone else's timeline.

So he was talking about trauma, he was talking about the impact of trauma. Trauma is real. His concerns, when I received the

letter, it immediately invoked in me, as the critic for Justice, a desire and a passion to try to find out what we could do on this legislation.

So, in November, I publicly stated to the media that we would look at this, because, as I say, and as has been noted by the minister, it's very complex, the *Limitations Act*, so we would analyze it. That was in November. We did due diligence in terms of our caucus. We did some research just to find out the basic points and issues that were at play here. Then, as a caucus, we decided, we made a commitment that we would take up this cause and to try to do our best to ensure that this, the legislation that was in place, the *Limitations Act* that was very arbitrary, illogical, unfair, and I would argue perhaps unconstitutional, that we would look at trying to do what we could as a caucus, as the Official Opposition, to pursue the changes with this piece of legislation.

So on that note, in January, on behalf of the caucus, I wrote the Minister of Justice. That was in January of 2023, on behalf of the Official Opposition, Progressive Conservative caucus, we asked the minister to bring forward legislation in that spring session of 2023 to remove the two-year time limit on civil lawsuits relating to the physical abuse of children.

We referenced Mr. Eli Baker, who had written all Members of the House advocating for those changes, to bring attention to this. We were very supportive of Mr. Baker's advocacy efforts and believe that these changes would be important for the people of this province and would be appropriate. So we asked the minister if he was willing to bring in such legislative amendments, that we would be in support of that legislation. That was in January.

At that meeting, we discussed the issues and he indicated his concerns about this and his understanding that this needed to be addressed. I left that meeting feeling

quite encouraged that we would get to do this as soon as possible.

However, that was in February of 2023, and, after that, in this hon. House, we still continued our advocacy as an Official Opposition and raised questions in Question Period – many questions in April of 2023, in October of 2023, in April of 2024, as well as recently our Opposition Leader on May 13 of this year concluded our questions with respect to this legislation. Those questions focused on trying to garner the support and to get action to deal with this issue.

Now, I'm not saying that this would be something that could happen overnight. We understand the complexities involved in this legislation. So that goes without saying that that has to be stated. However, we do know that there are several other provinces in our country that have that legislation in place. Those provinces are Ontario, Quebec, Alberta, Manitoba, Saskatchewan, British Columbia and Nova Scotia. They have all removed those time limits.

We do know that that has been in existence in other provinces. So, therefore, the argument that we've made is that we need to get at this. It should not be that complicated if other provinces have done this. But having said that, I will state that the legislation, we have engaged with advocates since 2022 and beyond to today, expert authorities in this area of the law to try to ensure that we are informed about the nuances of the legislation and of the particular tort area of law that is involved here.

So I'm just going to talk about that we raised questions in Question Period and then, after that, we also did numerous, countless petitions. I believe we were successful in doing petitions from the Official Opposition, but we also – and what's really positive about this, Madam Speaker, is that the entire Opposition in the House of Assembly, which includes not only the Official Opposition but also Members of the Third

Party as well as the independent, the unaffiliated Members. They all took up the cause and passionately argued.

SOME HON. MEMBERS: Hear, hear!

H. CONWAY OTTENHEIMER: So, Madam Speaker, we are united. We have been united for months on this important matter to try to bring the necessary changes to this piece of legislation.

I'm just going to talk a little bit about it but trying to keep it at a level – because I have to say I have struggled with it, not having any practical experience in tort law and not as litigating in that area. My background is primarily criminal defence, so there were things with this legislation that I honestly can say that are very high level and complicated, especially when you're talking about the legislation and how one particular phrase in a legislation can affect everything.

I'm just going to say, again, just to summarize what this law is. In criminal law, there's no statute of limitation for reporting child abuse. There's no statute of limitations. There's no time limit when it comes to bringing criminal charges against anyone who has abused a child. What we have here in our province, in Newfoundland and Labrador, I would say it's an arbitrary, illogical act that's been in place. It puts a limit on a person of when they can bring forward an action under civil law related to physical child abuse. Except if it's in a case of sexual nature, where there's no time limit. But physical, there is a time limit.

I gave the scenario earlier about if someone was charged or if a case occurred in another province that has no time limits, say for example Fort McMurray, they would be entitled to sue but a child in St. John's, victimized in the same way, would be subject to a time limit. Mr. Baker has come out strongly saying that that is wrong, that should not happen and that is not fair, it is very arbitrary and that is one of the main concerns that he had as well as others.

So what happens if a victim of physical child abuse comes forward years later? The thing about this is that the Crown can still pursue criminal charges, but the victim cannot bring forward a civil suit against their abuser for damages. This also means that victims of sexual child abuse can bring forward a civil lawsuit years after their abuse has taken place, but victims of physical child abuse cannot.

We can all see how that is illogical. We can all see that doesn't make sense. That's unfair and it causes, again, constitutional questions to be asked as well. So there's no question that things have to be changed there.

As I noted, Mr. Eli Baker had noted that in the case of child abuse, the victims are permanent victims and that we really need to look at this. As well, having heard from him, we've also heard from other lawyers, I would argue, who are authorities in this area. Another is Lynn Moore. She has also been involved and engaged, not only with the Official Opposition, but also with the Third Party, as well as for trying to advise as to what the best legislation can be.

I think that we're fortunate to have that. I wish that we were able to have a legislation Committee whereby we could have many people who are experts in our province, and we have many experts in our province on this area, to basically provide input so that the legislation that we get is the best legislation possible. But we are under constraints, time constraints and everything, and we are able to at least engage others like Mr. Baker and Ms. Moore who have been helpful in trying to advise and help us understand the complexities of this matter.

I must say as well, the daughter of Jack Whalen, Brittany Whalen, who's a lawyer, she has also been involved with us, as well as others in the Opposition to try to address these inadequacies and deficiencies that exist in this legislation. What better person who, basically, has lived experiences with

the impact of this legislation. That is what we need to be doing. We need to be listening and hearing from others outside who have that expertise.

Madam Speaker, I must say for now, as it stands, and I just talking about the legislation, I've spoken about the legislation, but what is the real concern about this *Limitations Act*? Apart from the fact that it's inconsistent with other provinces in our country and apart from the fact that most other provinces have removed these time limits, but why did they do that?

Really when we look at it, to understand, without getting into the nitty-gritty of all the legislation, we can talk about the sections and this section and that section, but really it's about the fact that we have to recognize and acknowledge the long-term traumatizing effects and impacts that abuse has on a person, on a victim. We have to ensure that we protect our vulnerable people. We cannot have a timeline on processing trauma. We just cannot have a timeline on it and we have had a timeline.

So one thing that I'm pleased with when I see the Minister of Justice has stated that there is no longer going to be a time limit. That is an important recognition. It has to be recognized and applauded that we cannot stand for that any longer, that there is a time limit on processing trauma. By removing this limitation period, we are doing that, we are ensuing that that timeline is gone. So that is a good thing. That is a very positive thing that we support in this legislation.

I must also acknowledge that when we look at this law, as I've stated, it is wrong as it has stood, it's wrong, it's unfair, it's illogical, possibly unconstitutional, but what I think is important to recognize as well, is the damaging impacts and effects of child abuse.

When we understand trauma, when we understand the fact that it may take many years for a person to come to terms with

their trauma and the courage that that takes. I mean, to understand the level of courage that it takes to report that you've been abused and it may take a long time to get to that realization because of the trauma. We've heard from Brittany Whalen and her father, Jack Whalen, just about that, what has occurred.

Brittany had sent me, back in January of 2023, when I first had discussions with her, she wanted to make me understand exactly what the impacts that this statute of limitations was having on her father in terms of not being able to access justice, really. She was talking about the systemic problems preventing survivors of abuse from coming forward. I'm going to read this because I think it is important for us to really understand what happened.

She started of telling me that she is a lawyer living in Ontario and that she practised in both Ontario and Newfoundland. She said: I represent a former resident of the Whitbourne boys' home who is seeking compensation for horrific childhood abuse while he was a ward of the Crown. She said: My client has suffered and continues to suffer because of his traumatic childhood experiences. The child welfare system in Newfoundland has produced a legacy of harm with an intergenerational impact. I know this first-hand, because the client that I am referring to above happens to be my father.

She talks about the struggles that her father had. She said: I watched my father struggle as I grew up. I knew he was different from other parents. He had difficulty regulating his emotions and connecting with others. He was paranoid and overprotective of his family. I could tell he carried a lot of pain. I learned about his time in the boys' home when I was a teenager, because I asked him for help with my homework and he could not assist me.

My mother explained to me, my father only had a Grade 6 education because he was

taken from his family, placed in a juvenile delinquency centre and forced into detention where he was not allowed to attend classes like the rest of his peers.

My father entered the boys' home at the age of 13 and remained there until he became an adult, except for short periods of time where he was on the run or with extended family. He spent a total of two years in solitary confinement, including month-long stretches. He was also subjected to extreme sexual, physical, emotional and psychological abuse during his time at the institution in custody.

Basically, she went on to say her father is a good man and all she has wanted is to get him the justice he deserves.

SOME HON. MEMBERS: Hear, hear!

H. CONWAY OTTENHEIMER: So what did she do? What a testament to this amazing young woman. She said: I resolved at a young age that I would go to law school and become a lawyer so I could take on his case.

SOME HON. MEMBERS: Hear, hear!

H. CONWAY OTTENHEIMER: That's what she did. She graduated law school in 2015 and became a lawyer in 2016. She said: At the age of 26, I moved back to Newfoundland to begin my practice, learn about the province's legal system, shadow lawyers who represent survivors of historical institutional abuse and search for records that could help my father discover and advance his claim, then upon obtaining the evidence I needed, I launched a lawsuit on his behalf.

When I read that letter back on January 6, 2023, I could not believe what had happened. I thought, you know, when I brought it to my caucus, we said we have to try to help, not only for Jack Whalen, but for all of the other –

J. HOGAN: For all the Jacks.

SOME HON. MEMBERS: Hear, hear!

H. CONWAY OTTENHEIMER: For all of the Jacks, exactly.

Now, I know that that matter is before the courts and I understand that the minister will not be able to discuss that. We understand that, of course. But we can still talk about what amendments can be made to this legislation to improve the situation for all who are in situations like Jack Whalen.

I know that the minister has indicated the changes to this law. I am very encouraged. When we were invited yesterday, the minister invited us and the Third Party, as well as the independent Members, to attend to try to work on improving this legislation. So that is the first step I would argue. The first step in a process that we will hopefully continue on with other legislation in this hon. House so that we have the best legislation possible.

SOME HON. MEMBERS: Hear, hear!

H. CONWAY OTTENHEIMER: Because I believe that without consulting, without joining all voices like in the Opposition – we've heard from the advocates. We've heard from the experts. We've heard from authorities out there. We've heard from the families who have shared their experiences and shared their knowledge and their understanding and their expertise.

So by inviting us to be a part of this legislation in a meaningful way, which is what the minister attempted to do yesterday, is a very positive step and one which we recognize and we appreciate and we acknowledge. Because if we don't have this in a democracy, we're not a democracy. If we don't have that consultation and that transparency and that accountability and that engagement, we're all Members of the House of Assembly here, we represent people throughout our province and if we

are shut out and not allowed to, only at the eleventh hour, really to participate, that's not consistent with having democratic principles. It's not adhering to a democracy. That's more like having an authoritarian state.

So I'm glad to see that we are moving towards more democracy here, Madam Speaker, and that is a good thing. I know that throughout our discussion – I mean, this is a major piece of legislation. It's a major piece and it's complicated. I know that we're all going to have our opinions heard on this. I believe that we can get to have the best legislation possible but we're not looking for perfect legislation. We're not in a perfect world, but we can strive for excellence.

How we get that excellent legislation is when voices are heard, when people have that opportunity to communicate and collaborate and consult. These are all important principles and to have legislation that we are able to adequately and properly and, in a timely manner, digest and understand.

As I said, this is complex legislation, which if you're not a drafter in statutes and acts and understanding the impact that one clause may have on another, this is difficult and that's why we need to have experts. I know that the Minister of Justice and Public Safety in his department have experts and that's great, and we thank their officials for the work that they've done on this.

But I still think that it's important for there to be the outside input as well from people who are working in the field, who are litigating on these matters and from hearing from families with lived experiences. That's only going to give us the most robust, comprehensive legislation, and we don't want to miss anything.

As a Member of the House of Assembly, we're charged with a huge responsibility which, at times, can be very overwhelming

when you have a major complex piece of legislation like this. If you don't get it right and if you miss something, that can impact many people. That can damage lives. That can destroy lives if we do not have this legislation correct.

I know the minister, in the department, they have their officials. That's great; they work very hard to do this, but there should also be opportunity for outside input because that is important. It means that we, as the Opposition, are not here to rubber-stamp. We are not here to rubber-stamp government's actions and decisions, and I think we've made that pretty clear that that's not what we do.

We are committed to ensuring that the questions are asked, that if there is a gap that may appear, that we're going to raise it and we want to understand it. That's why we reached out to the experts and reached out to people to make sure that we don't miss anything. I think that it's important to note because we're looking at legislation that will be very important in terms of the impact it has on people.

I also want to say that at that meeting that we were invited to by the Minister of Justice and Public Safety, it was a very positive meeting. There was listening. There was understanding. There was collaboration. There was: Let's look at this. The minister was quite open to seeing if this legislation – are we concerned about this? What is the problem that we may have with this based on the expert advice we've been given? It was a total active listening exercise, which I'm very pleased to say.

I also want to recognize that, for example, one of the bills that was introduced by the minister – I think it was on the Order Paper today – which was the Proceedings Against the Crown Act, that is going to be very positive because what it means is that there was a limitation period – I'll just try to explain it in clear language as best as I can.

An Act Respecting Proceedings Against the Crown Act – that's Bill 81 – that is something that we had requested when we met with him yesterday as an important piece to all of this because there was a limitation period there that was impacting, in an indirect way, victims or survivors of sexual abuse that were coming forward, but they were still being impacted by a limitation period and the bottom line is that is going to be addressed. That is a really positive step and it will benefit potential claimants that come forward. So that's a good thing and that was agreed upon.

There were other things that were discussed in terms of amendments that would be brought forward by the Third Party. These amendments, there are positive steps there that will hopefully address some of the concerns that exist and some of the deficiencies in this law.

Now, I can say that I have been continuing conversations with Ms. Brittany Whalen, because there are still some concerns about the legislation from her perspective. I also will be engaging further with Mr. Eli Baker, as we move forward with this legislation, to ensure that their concerns, if appropriate and legitimate, that we will address them as well.

This is all in an attempt to put forward ideas, and some may work and some may not. Some things, we have to be practical. I mean, we're not seeking for the perfect legislation. It would be great if we had perfect legislation, but I don't think that's possible in an imperfect world. But we can have excellent legislation.

So what we'll continue to do is engage with the authorities and with people who have lived experience as we go through this process in this hon. House, which is second reading right now. We are at the stage of second reading and then after all of the Members that will be speaking on this, after I finish, we'll move on to Committee, perhaps by Monday. Then over the

weekend, we can have the opportunity to really flush out if there's anything that we're missing, or if there are any questions that we have to ask, if there's any stone that we need to make sure is not left overturned.

So we're going to continue to do that with optimism and with hope that we can have good legislation, excellent legislation that will help victim survivors of physical abuse that they've experienced as children.

So on that note, Madam Speaker, I'll finish for now, although, I hopefully will have another opportunity when we get to Committee.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

E. JOYCE: Thank you, Madam Speaker.

I just want to stand and have a few words on this also. No matter what we say, no matter what we do in this House, it's not going to take away the pain and suffering that Jack Whalen and others went through, and his family. We're just not going to be able to do it, but we're hoping to help you through that phase now to recognize what happened and be some comfort that the courage of Jack and his family, his daughter Brittany and the whole family who are in the gallery now, hopefully you can know that we're with you on this and hopefully with this legislation.

I know petitions have been presented in this House on numerous occasions fighting to get this changed.

I also have to recognize the Minister of Justice and Public Safety. I know we had many conversations about this, private conversations. I know the minister – I'm going back a while – wanted to try to get

this done and he did. Now it's our duty to move forward on it.

So I just have to recognize the Minister of Justice and Public Safety, who a while back said we want to get this done and it's here now. Now, we have to try to improve it to make sure it's the best legislation possible.

So, Minister, on behalf of, I know, the Whalen family and on behalf of the people here, working together, yesterday, I know the Member mentioned about the meeting we had yesterday – years ago, that's the way it used to be, call people up and find a way to get this resolved. I know the Leader of the NDP, brought in a few motions. Everything was discussed – everything was discussed, everything was open; everything was on the table of what we can do.

One of the solutions that the minister – and I know the Member mentioned it – is the changing of the *Proceedings Against the Crown Act*, changing that so we can make it whole. I know that was brought up yesterday. The minister actually came out and said here's what we have to do to make sure that the *Limitations Act* can be, but we need to change this part of the *Proceedings Against the Crown Act*. That's how the meeting went yesterday to find some way to get this done.

Now, we have to find some way to see, to ensure that the people who are affected, not just Jack Whalen, but other individuals also, that this act is going to encompass all of them. I know I probably shouldn't be saying it, but I was at the meeting yesterday and the minister is saying we're open to any amendments – we're open. If we can do it, if there's any possibility, we'll work on it to get it done. I know from the other government Members, all the Opposition, the NDP, the Progressive Conservative Party, and I know from my colleague, the Member for Mount Pearl - Southlands, I think we all want this done – I think we all want it done.

There's an old adage: Sometimes to get something good, you have to work at it. I think here with the Opposition, when we were working at it with the government, being open, and government being receptive, especially the minister being receptive to see what we can do, the persistence of the family, persistence of Jack Whalen, persistence of Brittany, I think that we can get something positive done in this House.

I won't speak much longer, but I said it before, sometimes you meet people who've got courage. Jack Whalen is one of them. That man, for what he went through –

SOME HON. MEMBERS: Hear, hear!

E. JOYCE: That man, for what he went through, pales to some of us when we think that we have adversity. So we can learn from Jack Whalen, we can learn from his struggles, we can learn from Brittany, we can learn.

We have to stick to what's right in this House of Assembly because sometimes we miss things. Jack Whalen is one person who showed us that over the years the government missed things, but here's a chance to do it right.

Again, I thank the Opposition for their dedication, the NDP, the Member for Mount Pearl - Southlands, the Minister of Justice and Public Safety, the government and the family themselves for sticking with it and not giving up.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

B. PETTEN: Thank you, Speaker.

I'm not sure how long I'll go either, but I felt it was important to get up and add my voice

to this debate. It's been mainly led in our caucus by our shadow minister for Justice and a lot of others in this House. I know there were lot of petitions over the last number of months that were presented by our caucus, by the NDP and by the independents.

Actually, you know, when it comes to mind, you think about the *Limitations Act*, every time it was mentioned, I know it's more than one person, but there's a person that I looked at facing our side of the House was Mr. Jack Whalen, who sat in that gallery day after day after day after day, mornings, afternoons and until you heard more of his story, until you read his story, you couldn't really appreciate.

We can't appreciate. I don't think anyone can appreciate any of those life stories out there until you actually live them. I mean, it's so sad. It's so wrong, but these things happened in the past. You have to find ways for people to get the proper redress. That's where the fight became, of course, and this man and many more like Jack Whalen – we have a lot of Jack Whalens in this province and it's a really sad statement.

We're trying to find a way now and it seems to be working, true as my other colleagues just before me previously said, they met with the minister and it has been good dialogue, which I'm happy to hear. That's the way it should be and it comes down to the legislative process and how we debate legislation in this House.

We've spoken about this many times. I spoke to the media numerous times as House leader here, our caucus has expressed their concerns and we've done it again this week. It's been points of privilege and it didn't rule on it and that's fine. The Speaker admitted today that he's going to write the Privileges and Elections Committee on the two points of privilege from this side on that legislative process.

Just because you do something a certain way forever and a day, that doesn't make it right. If we do that we'll never change. We'll never do new things. We'll never change things. Unfortunately, I've been in this House for a number of years, now, soon be into my 10th year and everything is done on precedence. Everything is done on the way we do things and some of our rituals in here are archaic. Some of them are necessary. Some of them are the integrity of the House and I'm in favour of that. Other things and other issues that we do and the process that we do, I don't think they're right.

This piece of legislation, I'm glad that it came out the way it came out. I'm glad that they sat down yesterday and got together. I commend all involved, but as it was said here, that's the way it should be for every piece of legislation. There's no one winning or losing. This is something that I keep saying. I know I'm pretty practical. I'm not a lawyer, not even remotely close to it, but it's the basics of getting the best piece of legislation out there.

Who wins? There are no governments going to fall; there are no Oppositions going to win. The only people that win are the people out there: the victims, the families, the people of this province. The best legislation is for people in this province. That's who wins this. Those are the winners. There are no winners in this Legislature here. We're advocates – we're advocates. That's what we are. We're advocates. There are 40 advocates here. We advocate for people in this province. All of us do, every day.

This legislative process is coming through and the petitions are being presented and you see the Jack Whalens in the gallery and, like I said, (inaudible) – who's winning in this? They are the ones that are losing until we make this effort to change it. So why shouldn't we not all be all encompassing and all together in this process to make it work?

But for some reason – and I know there are lots of politics at play – that’s always the interference. That’s always one-upmanship. We’re not going to elect you. We don’t want – how dare you have a piece of legislation before we bring it to the House. Someone may get the leg up on us; some may look better than we’re looking. It’s about the legislative process, Speaker. It’s about the process that we’re here debating, debating this piece of legislation.

All these pieces of legislation got different words on them but the processes matter. At the end of the day, every piece of legislation brought forth in this House affects people in the province. This is no different than you’re going to bring in the highway cameras act or whatever, or looking at the Crown *Lands Act*. It’s all about a process. At the end of the day, people will benefit by our processes.

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

J. HOGAN: Again, Speaker, I suggest the Member is not being relevant to the bill (inaudible) two days ago with regard to this bill. I just want to clarify. I think this is important that the point of privilege I made was about the fact that the bill – a bill, it had nothing to do with the fact that it was this specific bill was released. As a result of that, there was a breach of privilege, which the Speaker agreed. That has nothing to do with the process that’s followed with regard to debating this bill. The first step is to do the briefing and a bill separate from that and it’s not public until second reading.

L. DEMPSTER: It is just disrespectful to the family the way you’re getting on. It’s terrible – it’s terrible.

J. HOGAN: I have no problem with consultations being done on the bill. At the meeting we had yesterday, the Member for Torngat Mountains said I want to talk to someone about this; I want to take some

time. I said absolutely, there should be some consultation.

So this bill is important. The Member’s right, this is not about politics. But I just want to stand up to be relevant to this bill, to talk about this bill today.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: I ask the Member for CBS to please stay relevant to the bill we are debating.

The hon. the Member for Conception Bay South.

B. PETTEN: I always try, Speaker. It’s challenging in this House of Assembly and where we’ve gone to in the last while, it’s getting really challenging. I hope people see that for what it’s worth.

I want to, though, before I move on, while the Government House Leader was speaking about my words, the Deputy Government House Leader is telling me I’m being disrespectful to the Whalen family. I personally find that offensive because this side of the House has been nothing short of totally supportive and understanding and compassionate towards the Whalen family and every other family in this province that’s affected by this short-coming legislation.

SOME HON. MEMBERS: Hear, hear!

B. PETTEN: So whether that’s relevance or not relevance, Speaker, I respectfully disagree with comments like that.

If you want to get into the *Limitations Act* and people who could be affected by the *Limitations Act*, we’re talking about this bill, we’re talking about real people, we’re talking about people and you talk about lived experiences – and I hope that those people are watching are following this legislation through – I lived in a neighbourhood around a lot of children that were a ward of the court – foster children at

the time. They used to known as welfare children, believe it or not. That's what they were referred to as. I lived in the neighbourhood with those people. I seen first-hand the abuses.

As a child, I couldn't understand it. I couldn't make sense of it. I seen that. So my passion and my concern for anyone affected by this legislation, it runs deep in me. It's offensive to say you're so disrespectful, when I've heard what I've heard in this House this week. What I've heard said in this Legislature this week, to say that is offensive.

But this legislation needs to look out for all of those victims because we're living around a lot of victims. I grew up around those victims. They deserve the respect. They deserve to be listened to. This legislation, we think it's good steps. We're complimenting. We're okay with it. But there's nothing wrong with us highlighting concerns, how important this legislation is, we are all agreeing how important it is but how close it came to not even being here where it's to over procedural stuff, over processes, over points of privilege.

That's the point – you can call it relevant or not relevant. I think it's very relevant. I think it's very dangerous where this could have went. For what? Again, I'll point out, who wins? Who wins at the end of the day? Who wins? To those people I'm referring to in my childhood growing up, who wins? They don't win. Mr. Whalen didn't win. Who wins by that? Nobody.

So people can yell, government can keep going and muttering and saying what they want to me; I'm okay with that. But I'll never stand here and be accused of being disrespectful or not caring, nor will any of my colleagues, Madam Speaker. None of them. That's not the way we're wired and it's not the way we'll be. We stand up, we fight for lots of individuals. Whatever issue comes up, that's our role.

But again, this legislation, we're happy it's coming through. We're happy. We're hoping that everyone who can avail of it, should avail of it. This is wrong, and everyone have acknowledged that, and that's a good thing.

But to be restricted in what you say and expressing your own views – because we've all got our own views, we've got strong views, we've got our own passion and we've got our own beliefs. But to be trying to constrain those views and to be trying to make those comments, it's galling. It's not upsetting; it's galling.

AN HON. MEMBER: (Inaudible.)

B. PETTEN: And the Member over there – I can hear the voice – continues while I'm trying to speak. That's what I call disrespect. That is disrespectful, Speaker. That's absolute disrespect.

But they can continue on down this road all day long and they can keep going. They might think they're winning the battle, but they're not. The court of public opinion never fails. The court of public opinion always sees stuff. They've been watching this for a long time, and they will continue to watch it. We watch it day in, day out. They think they're in this bubble – I've said before it's a bubble – and they think they're going to pursue.

This is a good piece of legislation, good on them. But the overall conduct and what I see in this House of Assembly – even on a serious piece of legislation like this – is totally, totally wrong, it's totally disrespectful, and it's not where this House of Assembly should be, but it's where this government is taking it to.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Torngat Mountains.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Speaker.

Speaking in this House, getting the opportunity to speak on bills and amendments is a responsibility as MHA and as a critic for different roles that I take very seriously. I'd like to be able to actually hear the words that are coming out of my mouth, Speaker, if I'm going to talk on a bill, I really don't think I can talk –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Speaker.

Speaker, I'm going to start again. I guess emotions can get quite heated when you're talking about bills and access to justice, especially when we witness first-hand how people have been harmed by gaps in legislation – gaps in legislation.

As an MHA, it's an honour to rise in this House of Assembly and be able to contribute to the debate on bills. This particular bill, Bill 74, An Act to Amend the Limitations Act, is very, very important. Speaker, the reason why it's important is because finally – finally we're going to see an amendment to the *Limitations Act* that will remove the limitation period for actions relating to battery and also this amendment will expand the circumstances under which the limitation period is removed for misconduct of a sexual nature.

Now, Speaker, why is that important? It's so important because right now there are gaps in our access to justice. There are gaps because of the limitation period. So what's wrong with the *Limitations Act*? What's wrong with this current legislation? Why are we bringing in this amendment to change it? Because the current *Limitations Act* limits the amount of time in which a person can seek justice or redress through the legal system, after they've been harmed, an action has occurred that's harmed them, such as a crime.

We know that across Canada there are jurisdictions that set limits, time limits. There are two important reasons why that happened, Speaker. Jurisdictions sets limits to help ensure we get access to fair trials. That's what it's about, fair trials. So when somebody is harmed, they can seek justice. But we know the longer the period between an action where somebody has been harmed and when it's brought to the justice system, in actual fact, the amount and quality of evidence decreases.

Speaker, I've been having difficulty trying to speak, because of all the noise and the banter. It's really hard to follow your thought process. For me to be able to stand here and talk about this amendment is a success. It's a success just to be standing here and talking on this legislation because for years, victims have not been able to access justice. This amendment is so important because it's going to allow people now to have the opportunity to be able to seek some form of justice. Speaker, that is so important and we should be celebrating that here today.

The minister talked about meeting with us in Opposition and talking about amendments to make sure that when this legislation is voted on, it's the best legislation, it's the legislation that's going to allow victims to have access to justice. So it's really, really important. Speaker, I'm not going to take – well, I might take the next 15 minutes that I'm allotted, but in actual fact, I don't plan to

repeat what's been said in this House of Assembly. So I'm trying to focus to avoid duplication.

But when somebody has been harmed, when a crime has been acted on them and they need to seek justice, we know that there has to be limits for time because of the quality of the evidence decreases, witnesses can move away or even die, documentation disappears. So in order to have fair trials, we do realize that there's a purpose for time limits.

But also, we know that the limitations that serve to protect the rights of defendants and the accused – the accused is entitled to a fair trial as well – but it serves to protect those rights. In other cases, we witness first-hand, we witness here in the House of Assembly where the limitations can serve to hinder justice.

We all know the name Jack Whalen and we know Jack Whalen's story. We are standing here in the House of Assembly partly due to his advocacy to get this act amended so that not only he can seek justice but all the other people, the youth, the children who have been harmed, so they can have access to justice as well because they suffered abuse under the authority, in the care of the systems that were there that was supposed to protect them. So limitations can serve to protect, but it can also serve to harm. That's why we're bringing in these amendments.

In the province, the *Limitations Act* was amended in 1995 to allow victims of sexual abuse to seek justice. That's when the limitations for sexual assault victims was removed. But the problem with that is the amendments only applied to crimes of a sexual nature.

We look across the country, Speaker, because we're in here in the House of Assembly, we're the MHAs, we're here looking at the House business for Newfoundland and Labrador. Look across

at all the other jurisdictions, which jurisdictions now have not evolved – have not evolved – to actually remove the statute of limitations for physical and psychological abuse? Which jurisdictions?

Speaker, I ask you a question I know the answer to. Our province, Newfoundland and Labrador and also the Province of New Brunswick. Those are the only two jurisdictions that have not removed the limitations for physical and psychological abuse. That's why it's so important. Speaker, I don't think we'd be standing here if it wasn't for the advocacy of one man. One person who was harmed by the system. He was robbed of the future that he had and he had to make a new future for himself. He struggled with those harms. We talk about trauma.

So it's so important for us to be respectful when we're talking about this bill, Bill 74. I know the minister did say to us when we were in discussions about trying to amend it, he said this is not the Jack Whalen law, this is not the Jack Whalen bill. But in actual fact, I will never be able to think of this act without thinking of Jack Whalen. I will never be able to think about this act without actually remembering the stories that he told us, how he was harmed and he has been denied access to justice.

This is so important. We have to be respectful of that. We have to be respectful of this process and we have to be respectful that we should be allowed to stand up in the House of Assembly and debate this amendment, to talk about what's fair and what's unfair, to talk about any potential gaps we see in these amendments. We should be able to actually try to address gaps that exist even with the amendment.

My colleague from Harbour Main mentioned that many times, when we do bring in legislation, it has to be the best legislation possible. We have to make sure it's good, strong legislation.

So just moving on, the reason why I talk about Jack Whalen is because of the harm that was committed to him: 730 days in solitary confinement, sensory deprivation, abuse. We know grown adults who go into solitary confinement and, after a short while, beg, cry, are mentally broken, asking to be released back so they can talk to people. So that they can see things, that they can actually escape the confines of their solitary confinement. Seven-hundred and thirty days, Speaker, imagine the harm done to a child. So we have to make sure that when we bring in this legislation that it is the right legislation.

Also, the current law, the *Limitations Act*, we are looking to amend it because it only allows for survivors to come forward with a claim within two years of an event for damage in respect to injury of a person or property – two years. Speaker, the problem with that is a lot of time when people are seriously harmed, and especially if they're exposed to mental trauma, they may not be able to actually access their justice within those two years, and we've known that. As society has evolved, we've seen that. People have been seriously harmed.

In actual fact, we have to make sure that we remove the limitations so people can access justice. We're looking at this short time frame and it is very unrealistic, especially when we're dealing with survivors who were minors at the time of the offence. Young adults emerging from the care facilities, often they don't have the legal knowledge. Regardless of the time frame, they don't have the legal knowledge or the financial resources to pursue justice. They may not even be aware of their rights. So that's why this current legislation is failing victims. So we have to make sure that we're not hindering justice.

Looking at these amendments, Bill 74 will amend the *Limitations Act* to "remove the limitation period for actions relating to battery that has been committed against a person and has intentionally caused bodily

injury to the person" So we are removing the limitation period for that. In actual fact, if people that are listening to the debate here, they might even be surprised that that limitation period is put on battery, physical harm to somebody.

Also, this amendment to Bill 74 "expands the circumstances under which the limitation period is removed for actions relating to misconduct of a sexual nature" It expands it. And we all know about Mount Cashel and about all the sexual abuse that came to trial, where young people in the care of the system were seriously harmed through sexual assault. That's why the limitations were removed from there so they could have justice. At the end of the day, we have to make sure that all the harm is properly addressed.

One of the problems we have with this bill, when we were looking at it, we wanted to make sure it included harms that impacted people's mental health as well – the trauma. This bill does not address concerns that were brought forward by Jack Whalen, but I'll just stick to the positive first, Speaker.

This Bill 74 – the amendments do go to expand the definitions of physical and sexual abuse to include intimate partner relationships. I applaud the minister and his team for bringing that forward because it does expand the definition. We should be applauding that: Physical and sexual abuse to include intimate partner relationships.

Now, one of the concerns government always has to have is: What's this going to cost the province? I realize they have to be fiscally responsible. But at the end of the day – and we know that this may increase the number of cases being brought forward by survivors against the government for abuse committed while survivors were under the care of a government agency. Maybe this bill will cost more money in settlements paid out to survivors, but still when we look at it, this money, if it's paid out, is due survivors, and justice dictates

that they be compensated for the wrongs committed against them.

That is so important. We can't put dollar values on harm that was done, that we have to be responsible for. We have to make sure that our justice system is about justice, not about money.

When we look at it, one of the problems we've also had with this legislation is the legislation should have, could have been applied to far more people if it had removed the application of section 27 of the *Proceedings Against the Crown Act*. This section limits cases that the Crown cannot be sued for cases that occurred before May 1, 1973.

That's another failure of justice when you put a date on it. Okay, you were harmed after this date; you can seek justice. But if you were harmed before this date, you can't seek justice. So we have to make sure that that's addressed, and the bill has been introduced so we feel very positive about that and we look forward to being able to debate that bill.

I have to say we do applaud the minister and his department for bringing that forward. We're not just criticizing the government for the sake of criticism. We do acknowledge the work that's been done by the Justice Department and the minister on behalf of the province.

Now, one of our concerns is, when you look at the bill as it is, psychological abuse is left out of the legislation as well. We did have some conversations and we met with the minister to make sure that this legislation does not have that gap. We are going to make sure, through amendments, that psychological abuse is included, that it is properly defined and it applies to justice and access to justice. Also, just looking at this, there's a reference under section 3: intentionally caused bodily injury. This specifically omits cases where assault does not leave physical marks.

Speaker, if you hurt somebody and it doesn't leave a mark, were they hurt? That's why we have to make sure when we're bringing in amendments to make sure that's not there. Back in the day, there was this saying a rule of thumb. The rule of thumb is that you could beat your wife with a willow or a stick that was no larger than the width of your thumb.

Speaker, we've evolved from that. We've evolved from being it being acceptable for husbands to beat their wife with the rule of thumb. We should not restrict ourselves to say okay, you can inflict pain, you can harm somebody but it's okay if it doesn't leave a mark, because that's just as bad as the rule of thumb. So when we're looking at these amendments, we have to make sure that we don't fall into gaps that allow people to not be able to access justice.

I could stand up here and I could criticize the minister, and I could criticize the department, I could talk about this being rushed legislation. But at the end of the day, I'm not going to do that because we did have a strong advocate in Jack Whalen. He did come forward; he did push the issues; he got out there in the media; he approached us; he talked about the failure of justice, not only for him, but the people that actually were in the same circumstance as him. So I'm not going to stand here and criticize the department, I'm actually going to applaud the department.

In budget Estimates, we were told that they were working on this. They actually brought it forward and now we have this amendment and we can stand up in the House of Assembly and we can debate it. So I actually will have to applaud the minister and I have to applaud his department for the quick work.

But at the end of the day, Speaker, as my time is winding down, because, I mean, I could talk for probably a couple of hours on this, because it's near and dear to my heart and it's near and dear to the heart of, I think,

probably everybody here in this House of Assembly.

But in actual fact, I just want to get back to the physical harm. One of the things I brought up, and it puts things into perspective, I did talk about: What about waterboarding? Waterboarding doesn't leave a mark, and we were discussing it. You say, well, why would you bring that up? That surely wasn't happening in reform school or the places where our youth were incarcerated and looked after and whatever.

SPEAKER: The hon. Member's time has expired.

SOME HON. MEMBERS: Hear, hear!

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

P. LANE: Thank you, Madam Speaker.

I'm just going to take a couple of moments, no need in repeating everything that's been said. I will support Bill 74. I guess it's going to go through unanimously.

I, too, just want to recognize the Minister of Justice, as some of my colleagues have said. We stand in this House of Assembly day after day, sometimes we're not on the best of terms, a lot of times, as is our role we're criticizing government for things that we think maybe they're not doing right, maybe suggesting how they can do things better, and sometimes it gets pretty heated, but at the end of the day, we're supposed to be here to serve the people of Newfoundland and Labrador, that's why we were all elected and to work together. This is an example of where we've actually seen that happen, which is very refreshing – very refreshing that you would have both sides of the House actually in agreement that this is something that needs to be done and actually willing to work together and maybe compromise to get something done.

That's what we've seen with this particular piece of legislation and the way that it's kind of unfolded over the last couple of months or so. As I said, that's great to see. It's too bad it can't happen all the time with all the legislation.

But, anyway, with that said, it's a good piece of legislation. We all know Mr. Whalen's story. I mean, I didn't know Mr. Whalen from Adam up until a few months ago. One day I turned on, I think it was NTV news or whatever, and I seen the picture of him out there with the little cell that he had constructed out here on the front lawn of the Confederation Building. I didn't even know what it was about. I knew nothing about the *Limitations Act*. I never realized that those issues had even taken place.

I mean, we all knew about Mount Cashel, of course, we all knew about residential schools. But it never occurred to me that this type of abuse would be occurring in secure custody facilities throughout the province, particularly for young people. We've heard complaints at HMP, of course, but certainly not for the young people in Whitbourne or Torbay or Pleasantville where we've had secure custody over the years.

But, anyway, one day, of course like happened with all of us, the phone rang at my office I believe and it was Mr. Whalen, it might have been his wife who called. I said, do you want to come in and have a chat. I sat down with the man and his wife in my office for about an hour or maybe two hours, I don't know, it seemed like a while, and just totally shocked, I guess is the word, by his story.

Many Members now have heard his story, know his story. We had a very good conversation and, like I said, I was shocked by what I was hearing, that this type of thing was happening. But I suppose when you put it in context of the point in time in our province that we're talking about, which would coincide with issues that were taking

place at Mount Cashel and other places, I guess it kind of does make sense. The bottom line is that our institutions, our system, our justice system, in particular, was not working the way that it ought to have been working. That is the bottom line.

Thank God, over time, things have improved greatly. We've seen a lot of improvements, I believe, to the justice system. We've seen a lot of improvements to policing in this province. We've seen a lot of improvements to the court system in the province and in our justice system, in general. There are always going to be exceptions to the rules, unfortunately, but I would like to believe that our society and our system is set up in such a way now that we would not see a repeat of these types of – I don't know what the word is – hideous situations that happened with Mr. Whalen and others. I would like to believe that wouldn't happen in today's day and age.

But we cannot ignore what happened. We cannot ignore the past. Like it or not, the bottom line is, in the case of Mr. Whalen and others like him, at the time, he was in the custody and responsibility of the Crown, of the government. We had a responsibility, certainly there would have been a responsibility like there would be today, to ensure justice is done, to ensure that if anyone does break the law that there is a proper punishment, but to ensure it's done the right way, to ensure that there is rehabilitation and to ensure that everybody is treated fairly and humanely and justly.

That didn't happen, obviously. That did not happen back years ago, even though the responsibility was there. So the government of the day is obligated to own up for the mistakes of the past. That's the bottom line. I shouldn't say the mistakes of the past because I wouldn't really call it a mistake. But they have to own up for the wrongs of the past, if I could put it that way.

This piece of legislation is going to allow that to happen. As has been said, because

of Mount Cashel and so on, the limitations legislation has been changed to allow for complaints of sexual abuse but not physical abuse. That's why we're bringing in this legislation today to deal with the aspects of physical abuse that happened many years ago and to allow the families to seek justice for the wrongs of the past.

Now, I was not at the meeting, my colleague, the Member for Humber - Bay of Islands was, I had some business I had to do with my constituency, my constituents had something, but he went and filled me in and so on. We communicate regularly anyway, daily, multiple times a day sometimes. Sometimes when I don't want to communicate with him, we still communicate, but we conversed on all this. The legislation on its face, I would have a problem with simply because it does not deal with psychological abuse and so on, it deals with physical assault and battery, basically.

As it reads here now, if somebody was physically beaten, there would be redress, but if we take the example of Mr. Whalen, being locked inside this tiny cell for 23 hours a day, unless somebody gave him a smack up side the head as they were putting him in there, simply putting him in there and experiencing that sort of – I'll call it torture really, that's what it is, as far as I'm concerned, and psychological abuse, as this is currently written, it would not be covered. I'm not a lawyer, but as far as I'm concerned it wouldn't be covered and I think based on what I saw in the media from Ms. Moore, is it? I think she indicated – she is a lawyer – that it would not cover that situation.

But the good news is, as I understand it, again talking to my colleagues, is that there will be amendments coming forward when we get to Committee that has been agreed upon, I guess, by the minister and by my other colleagues on this side of the House, there are going to be amendments that will be coming forward that's going to address

that issue of psychological abuse or torture or whatever you want to call it.

Providing that happens, then I would say, we have a great piece of legislation. If it doesn't happen, I'm going to be extremely disappointed. I may not even vote for it. But as long as that happens, that we're going to address this situation properly, I will 100 per cent support it and I think it's a good move.

So with that said, I have lots of time on the clock but I'm not going to take it because I don't need it. We've said what needs to be said. Again, I just once again say, as my colleague from Humber - Bay of Islands said, to the Minister of Justice, I'm going to give you a passing grade on this one. Good job.

We don't always see eye to eye on everything. We've had our little rows in the past but when you do something good, I'll be the first one to stand and say you're doing a good job and, on this particular matter, you're doing a great job.

Now maybe next week, you might do something and I might say that you don't know what you're doing, but we'll save that for then.

Anyway, Madam Speaker, I'll take my seat.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

I won't take much time. I just wanted to have a little say on that and just say this: I'm glad that this House is agreeing to work on this. I want to say that it's an important piece of legislation, but it's also a statement that this House is making in general, that any form of abuse is not acceptable, that

those who seek justice have a right to seek justice.

We all know given what we've seen with Mount Cashel, what we've seen with residential schools, that the harm and the trauma and everything that's been done to the individuals, it takes some time to seek justice. This is why I think it's important that we're making a statement as an Assembly, that we do not accept this anymore, that this is not acceptable in society anymore. I'm glad to see that we finally are going to see these changes because, yes, Mr. Whalen has been out there in the media, but for one Mr. Whalen, there are probably 10 people that are afraid to come forward. There are probably 10 people that have passed on and never got to see their justice. There are 10 people that don't know what to do and where to start to seek justice. So just because we have one Mr. Whalen, there are probably 10 other people behind him that are scared or have passed on or don't know what to do.

Now that individuals who can finally speak out and have their day in court, to have their moment to seek what little justice that they see as correct, because we also know that justice for every individual looks differently. Now we actually have the ability to go forward and tell these people that yes, you now have the ability to seek your justice. You have your ability to come forward and get that, because it is cold comfort for what has happened to a lot of people. It's cold comfort but it's something.

I think that as an Assembly – and I'm glad to hear that we all agree – that abuse in any form in today's society is absolutely unacceptable. It's great to see this legislation. I'm happy to see this.

I also thank the minister for meeting with my colleagues yesterday and addressing some of our concerns and going forward to make sure that those who have been wronged can now finally have some comfort in the justice system and that anyone who has

been wronged in this way can finally have something. It will never, ever replace what happened to them, but at the same time, it is a small slice of justice that they can now seek and I think that's a very important thing.

I'm proud to stand here and say, and have all my colleagues agree, that any form of abuse in this society is absolutely unacceptable.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Seeing no further speakers, if the Minister of Justice speaks now, he will close debate.

J. HOGAN: Madam Speaker, I guess I'll say at the outset, thanks to all the Members who spoke to this bill: the Member for Harbour Main, the Member for Humber - Bay of Islands, the Member for CBS, the Member for Torngat Mountains, the Member for Mount Pearl - Southlands and the Member for Labrador West.

I got some comments here but I'm going to be brief because, to be honest with you, I think everybody in the House deserves a bit of a break, take a few days and let's get out of here and just take a breather. I think it's time; we all deserve it.

But just a couple of comments, and the Member for Labrador West raised it and the Member for Humber - Bay of Islands talking about compensation. Really, at the end of the day, if and when we change – hopefully, we'll change it next week, the limitation period – what it does is allows someone to bring a civil action. What you can get out of that is compensation, is dollars.

I've said it in the House before and I worked on both sides of these court actions in my career as a lawyer, I worked for insurance companies who negotiated settlements to pay people and I worked for plaintiffs and

individuals to get them money for files where they were wronged and that is all that can be done in that situation in a civil action is to pay people, to compensate people.

I think the Member for Humber - Bay of Islands said it right: Money doesn't make the trauma and suffering go away. That is going to remain except maybe, hopefully, through therapy and harm reduction and other things that are available. But we're only talking about the civil litigation system here right now, today. And maybe money can – I'm sure it does help some people and some of that compensation can be to go towards therapy and other things that are needed: loss of income, general damages.

But it is unfortunate that an individual would have been in that situation in their life where they're left with this, sometimes, permanent harm and damage. And if compensation through the civil courts can help them a little, that's a very good thing. Hopefully, people that have suffered these traumas can find some sort of healing, some sort of peace through that process.

I don't want to get into too much of a legal debate here today, but it was discussed a little bit about why limitation periods exist. I don't want anyone to take this the wrong way, because I am obviously bringing this bill forward to remove the limitation period for physical abuse for children, but they do exist for a reason. They exist for a couple policy reasons. Bringing things to court sooner rather than later can have a benefit in terms of preservation of documents, witnesses are still alive, witnesses will have a better memory, obviously, the closer it is happening to the event than later down the road.

So that is a reason that limitation periods exist is to promote that. It is a barrier to people bringing claims, obviously, if you've missed your limitation period, but it's also there to promote people to come forward and bring their claims. It puts a little bit of pressure on the system and the individuals

or entity to bring forward a claim because they know there's a limitation period there.

But like every rule, there are exceptions to the rule, and we've had an exception to this rule for sexual misconduct for, I guess, it's going on 30 years now and happy to now put two more exceptions to that rule. One being with regard to people who are in intimate partner relationships who might have suffered a harm and to add battery as well to that exception to the rule.

So with that, Speaker, again, I thank everybody for their comments. Thank everybody for the meeting yesterday. It was very productive, very eye opening, engaging. I think everybody left pleased with that meeting, certainly from what I heard today. Happy that we could be of assistance to understanding the bill and me understanding what the concerns are with this bill right now, as we look possibly to do amendments next week on that.

With that, I'll take my seat and I do look forward to Committee on this bill.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER (Bennett): Is the House ready for the question?

The motion is that Bill 74 be now read a second time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

CLERK: A bill, An Act to Amend the Limitations Act. (Bill 74)

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

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

L. DEMPSTER: Tomorrow.

SPEAKER: Tomorrow.

On motion, a bill, "An Act to Amend the Limitations Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill 74)

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I move, seconded by the Member for the beautiful District of Cape St. Francis, that this House do now adjourn.

SOME HON. MEMBERS: Hear, hear!

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

This House do stand adjourned until 1:30 p.m. on Monday.

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