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Speaker: Honourable Derek Bennett, MHA

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May 28, 2024

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 author, Helen Escott, her daughter Sabrina Escott and Mary Sexton, co-owner of Rink Rat Productions. Helen will be recognized this afternoon in a Member's statement.

Welcome.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

SPEAKER: Today, we'll hear statements by the hon. Members for the Districts of Mount Pearl North, Placentia - St. Mary's, Placentia West - Bellevue, St. George's - Humber and Virginia Waters - Pleasantville, with leave.

The hon. the Member for Mount Pearl North.

L. STOYLES: Speaker, Susanne O'Keefe, a resident of Mount Pearl North and a dedicated volunteer in our community, recently retired after 32 years of teaching music in our school system.

In 2020, Susanne received the Canadian Music Educators' Association Builders Award. Last year, in her final year of teaching, she was awarded the Jamie Wilkinson Memorial Award from the Newfoundland and Labrador Music Educators' Association. This award is granted to a teacher who has a passion for music, inspires their students, and takes pride in their school's music program.

Susanne has always had the passion to help others in the music industry, especially in the performing arts. Many students have benefited from Susanne's knowledge and passion. One local artist, Jenny Mallard,

says that Susanne was not only a mentor, but her inspiration to live her dreams. Jenny credits Susanne for her many successes.

Susanne still volunteers at her local church as a Sunday choir director.

Speaker, I ask all Members to join me in thanking Susanne O'Keefe for dedication to our education system, as she still continues to mentor others.

SOME HON. MEMBERS: Hear, hear!

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

S. GAMBIN-WALSH: Speaker, St. Vincent's Beach is located at the bottom of the Avalon Peninsula along the Irish Loop. Direct from St. John's, you'll have a leisurely hour-and-45-minute drive over 133 kilometres. As you make your way to the beach, you can stop at the Salmonier Nature Park, Father Duffy's Well, The Wild's golf resort and the Battery in St. Mary's.

Upon arrival at the beach, you will be greeted by a beautiful, scenic cobblestone beach and very friendly residents. Yearly, from the end of June to the end of July, visitors can sit and enjoy the main attraction: the magnificent humpback whales.

They jump, frolic and feed on their food supply just a stone's throw away from the shore. They're surfacing, diving and showing off their massive tails. The five-kilometre beach is the largest site in the world where you can view humpbacks and other whales from land. Due to a steep drop-off in the water not far from the shore, the whales are able to get quite close to the beach when feeding, making for an incredible experience for all.

I encourage everyone to take a day this summer and visit St. Vincent's Beach.

SOME HON. MEMBERS: Hear, hear!

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

J. DWYER: Thank you, Speaker.

Today, I stand in this hon. House to recognize the Smallwood Crescent Community Centre located in Marystown in the beautiful District of Placentia West - Bellevue.

Community centres throughout the province serve as vital hubs fostering connection and support within neighbourhoods, and that's exactly what Smallwood Crescent does. They offer a myriad of services from educational workshops and recreational activities to social gatherings and cultural events.

From the Young at Heart 50+ Club to serving community meals, employment and skills supports and grocery give aways, the Smallwood Crescent Community Centre fosters inclusivity and connection amongst individuals of all ages.

On Monday, April 22, 2024, Smallwood Crescent cut their ribbon for their Spring Carnival, which included a week of events and activities for all ages throughout the community, including breakfast, bingo, a reptile show and much, much more.

I want to give special recognition to the executive director, Darrell Jackman, and Veronica Barnes, coordinator of community programs, who is joining us today in the gallery, and their staff and volunteers for their continued hard work and dedication towards enriching people's lives.

I ask all hon. Members to please join me in showing our appreciation to the Smallwood Crescent Community Centre for all that you do to revitalize the neighbourhood and community.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for St. George's - Humber.

S. REID: Speaker, I rise today to pay tribute to the Codroy Valley Area Development Association. Since 1973, the Codroy Valley Area Development Association had been a critical component of the community, with an elected board that is active and well represented in each of the 15 communities.

Throughout its existence, the Codroy Valley Area Development Association has been a strong advocate for community interests, contributing to the financing of initiatives that promote growth of the region, businesses and the quality of life. By virtue of the volunteers' endeavours, it has evolved into a means of community members to actively participate in enhancing their area.

The Codroy Valley Area Development Association has contributed to the growth of the local economy, specifically, in the tourism sector, through development and improvement of trails. It also oversees the Wetlands Interpretation Centre, which is located in the only Ramsar-designated wetland area in Newfoundland. It serves as a venue for community education and workshops and gatherings.

Consistent community gatherings cultivate solidarity and the exchange of concepts. The five volunteer committees attend to business development, an ecomuseum, the Valley Venture Hub, which unites regional business proprietors, thereby stimulating regional, economic and youth activities.

I ask all Members of the House to join with me in recognizing the role that the Codroy Valley Area Development Association has played and continues to play in the community.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

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

Does the Member have leave?

AN HON. MEMBER: Leave.

SPEAKER: Leave is granted.

B. DAVIS: Thank you, Mr. Speaker.

This being the Year of the Arts, I thought, from time to time, we should celebrate those contributing to the growth of arts in our province. Today, I wish to recognize an award-winning fiction writer and author from my district, Mrs. Helen Escott.

Since retiring from the RCMP civilian-led comms branch in 2014, Helen has published eight novels, a stage play and a ninth novel coming out this July, entitled *We Will Meet Again*. An amazing multi-generational tale of four women who have fought a war on the home front and so much more.

The fan base for Helen's fiction continues to grow each and every year with every novel she writes. Helen's five-book Operation series, set in Newfoundland and Labrador, follows the careers of RNC Sergeant Nicholas Myra and RCMP Corporal Gail McNaughton. This best-selling, award-winning series takes you on a lightning-paced, action-packed romp, filled with twists and turns and, yes, astonishing conclusions.

The Operation series has now been optioned by producer Mary Sexton of Rink Rat Productions for film and television – the same production company that brought you the critically acclaimed *Maudie*.

Helen Escott is an amazing storyteller, and she's ours.

SOME HON. MEMBERS: Hear, hear!

B. DAVIS: I ask all hon. Members to join me in congratulating Helen Escott on her astonishing second chapter.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Statements by Ministers.

Statements by Ministers

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

B. DAVIS: Thank you, Mr. Speaker.

I rise in this hon. House today to recognize June 2 to 8 as National Environment Week.

This year's theme is "Generation Restoration."

As individuals, we can preserve and restore our environment through actions such as growing trees, reducing waste, conserving energy and adopting other environmental practices in our everyday use.

As a government, we continue to focus on a new and improved waste management practices.

Last year, 180 million beverage containers, or 70 per cent, were diverted from landfills through recycling programs in our province.

Speaker, Newfoundland and Labrador is ahead of other jurisdictions with more than 91 per cent of our electricity sourced from renewable sources.

We are increasing electrification in homes, industries and transportation sectors.

Since 2021, we have provided more than \$17 million to over 2,600 homeowners to transition from oil to electric heating.

Our Electric Vehicle Incentive has helped achieve over 1,000 per cent growth in

electric vehicles. We are now averaging two electric vehicles on the road each and every day.

As of 2022, Mr. Speaker, our greenhouse gas emissions have fallen to 8.6 million tonnes. These are the lowest emissions on record since 1996.

SOME HON. MEMBERS: Hear, hear!

B. DAVIS: We are on track to meet our 2030 greenhouse gas reductions, without even needing any carbon tax forced on us by the federal government.

Speaker, this year we will release our two new 2025-2030 climate change action plans.

Our mitigation plan will lay the foundation for achieving net zero emissions in 2025, and our adaptation plan will outline ways to future proof our province against the impacts of climate change.

I am pleased with the progress we are making together, and I encourage everyone to continue playing their role towards a shared goal of preserving our environment for generations to come.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Exploits.

P. FORSEY: Thank you, Speaker.

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

I, too, rise today in recognition of National Environment Week. While the initiatives mentioned are commendable, there are critical areas requiring further action and investments.

Firstly, the availability of electric charging vehicles infrastructure in Newfoundland and Labrador remains insufficient. Secondly, while oil to electric heating transition program has helped many, it leaves lower income households behind.

Additionally, our waste management practices still face significant issues. Many dumpsites across the province are inaccessible and improperly managed, leading to environmental hazards and inefficiencies in waste disposal.

Addressing the gaps in EV infrastructure, making heating transitions more accessible and improving waste management are critical to truly embody generation restoration and ensure a sustainable future for Newfoundland and Labrador – and I never even mentioned carbon tax.

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 applaud the Regeneration Restoration theme. Our environment is being harmed by our action on this earth. That is the key to reversing climate change, species loss, destruction of entire ecosystems that we're currently witnesses.

Waste management is just one aspect of the pollution prevention and mitigation that we need. We must also focus on proactive change in the way we manage our lives, our towns, cities and our country.

Also, transition off oil is a first step to not only slowing climate change and environmental destruction, but to ensure our workforces evolves to be strong and resilient in the changing global economy.

Thank you, Speaker.

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.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: Just as the busy tourist season is starting up, the residents of Fogo Island - Change Islands became aware and are reeling from the news that they're losing their current ferry and it's going to be replaced by a much smaller vessel.

I ask the Premier: Why does the Liberal government continue to punish residents of rural Newfoundland and Labrador?

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

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

Providing reliable ferry services is one of the foundations of our department, and we will continue to do that. We were required to change the vessel for a number of reasons, and I think the Members opposite know why.

We've had the current vessel, the *Veteran*, on dry dock, and I asked myself: Why? Because we bought a lemon. And the lemon was produced by the other side. It's been on dry dock every year; we've spent over \$13 million on that vessel to keep it running, and it's still on dry dock.

So until we can address that, we're going to be stuck with the services we have.

SPEAKER: Order, please!

The minister's time has expired.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: I'll remind the minister he's had nine years to try to figure out this – nine years in government.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: Now, the Fogo Island Co-op is booming. They're bringing in crab, directly landing it at the plant. They're bringing in crab into the island. And now, at the end of the day, this government decision is actually throwing their business plan in worse condition at this worst possible time for the next two weeks. This needs to be addressed.

We know the *Veteran* is out of service, but where's the plan? So again, why is the Liberal government trying to shut down the crab industry?

SPEAKER: The hon. the Premier.

A. FUREY: Thank you, Mr. Speaker.

We're obviously not trying to shut down the crab fishery. We've been very supportive of the crab fishery –

SOME HON. MEMBERS: Hear, hear!

A. FUREY: – including the HELP that was announced last week. The HELP that was announced last week will allow harvesters to grow their enterprise, to achieve loans at lower interest rates, Mr. Speaker.

That's called support. We increased capacity, we allowed for outside buyers, and

now we've produced a loan program that will actually help harvesters grow their enterprise and support rural Newfoundland and Labrador, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, I'm glad to see the government move on something we've been asking for, for a while.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: But let me tell you – let me quote from the Fogo Island Co-operative who said: Grave concerns about their ability to maintain operations. Over 400 plant workers, fish harvesters and staff rely on this plant. It's important that they be able to ship product in and off the island.

So we ask again, Speaker: What is going to be done to address this situation, and will a larger vessel be employed there?

SPEAKER: The hon. the Premier.

A. FUREY: Thank you, Mr. Speaker.

We would have the full complement of vessels available, had the party who was in government the last time not purchased inadequate vessels, vessels that don't work and docks that don't fit, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

T. WAKEHAM: The reassurance to the people of Fogo Island - Change Islands is that we're blaming it on some other. We have not got the ability to consult – this

government has no ability to consult with the people of Fogo Island - Change Islands about this move. They did no consultations and now they're simply saying that their hands are tied and they don't know what to do to fix it.

Well, I'm saying there are solutions; it's just that the minister needs to find them and go talk to the people on Fogo Island - Change Islands about it.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: So, again, I ask: Why is the Premier jeopardizing the largest employer on Fogo Island?

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

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

The Leader of the Opposition, in his preamble, says he has a solution. I would love to know what his solution is because –

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

J. ABBOTT: – vessels are not created overnight.

We are managing the fleet quite well. Yesterday, the Member for Torngat Mountains wanted to know when (inaudible) her vessel was being returned.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

J. ABBOTT: It will be going back to the Labrador service.

We have a new *Astron* that will meet the needs. Albeit there's going to be cramped

space and we've got two weeks where we have to work this through, and we will be working with the co-op and anybody else on the island to make sure we maximize that vessel to meet their service needs.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, again I say, this minister, that's part of his job, is to find solutions, to talk to and consult with people.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: He hasn't done it, but I will tell the minister that after the next general election, they'll have lots of time over on this side of the House to ask any question he wants.

SOME HON. MEMBERS: Hear, hear!

T. WAKEHAM: Any question he wants.

So again, where is it? What consultation did the minister do with the people of Fogo Island - Change Islands about this move?

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

The hon. the Minister of Transportation and Infrastructure.

J. ABBOTT: Thank you, Speaker.

We have an excellent working relationship with the user committee on both Fogo and Change Islands, along with the mayors.

SOME HON. MEMBERS: Hear, hear!

J. ABBOTT: We keep them advised on all our plans. That's why we made sure that they knew what was happening. I appreciate that it is going to be difficult for two weeks, but we will make it work. I'll go

back to the fact that this is misguided project, number two –

SOME HON. MEMBERS: Hear, hear!

J. ABBOTT: – the vessels were constructed without supervision and we are now paying the cost.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

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

T. WAKEHAM: Speaker, what we have is a government of blame, a minister of blame, blaming it on actions of a previous government. You're paid to fix this. That's your job, to govern. Not to simply blame –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

It is hard to hear the questions and the response. I ask Members on both sides to keep it down a bit, please.

The hon. the Leader of the Official Opposition.

T. WAKEHAM: Again, Speaker, there is a fleet – the minister has a fleet. What he ought to have done is he ought to have contacted – talked about how we might use our fleet. How we might be concerned about the fact that we're into the vital time for the crab fishing industry and how we might support that crab fishing industry on Fogo Island a little better than what he just did by simply arbitrary making a move like that.

So again: Why is the Liberal government downgrading this service at a critical time in the fishing industry?

SPEAKER: The hon. the Premier.

A. FUREY: Once again, Mr. Speaker, we're in this position, not to place blame, but to play cleanup. Clean up for ferries that didn't work; docks that didn't fit.

SOME HON. MEMBERS: Hear, hear!

A. FUREY: Are you telling me that ferries should only last nine years – they should only last nine years?

Muskrat Falls should be a generational project; \$740 million every year. How many ferries could we buy and run and operate with \$740 million?

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

Premier, you've got 20 more seconds if you're not finished.

A. FUREY: I'm happy to keep going.

SOME HON. MEMBERS: Hear, hear!

A. FUREY: Seven hundred and forty million dollars, Mr. Speaker, year after year, not just one year, multiple years. We could do a causeway to Fogo for that money.

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

When the Members are ready, we'll start.

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Thank you, Speaker.

Obviously, as my newly elected colleague, the Member for Fogo Island - Cape Freels

says: The Liberals have lost their ability to listen. We seen it in Fogo.

SOME HON. MEMBERS: Hear, hear!

B. PETTEN: And we seen it last night in Baie Verte - Green Bay, Speaker, in one of the biggest majorities in provincial history and they're still not listening. By that action today, the Premier is still not listening.

I got some more questions that the Premier might want to get up and about talk a few things.

SOME HON. MEMBERS: Hear, hear!

B. PETTEN: I don't know why they're so excited, Speaker.

As reported by the Commissioner for Legislative Standards in August 2023, a conflict screen was established by the Premier to avoid placing him in a conflict of interest on any files, discussions or decisions that touch upon wind energy development.

SPEAKER: Get to the question.

B. PETTEN: I ask the Premier: Does that ethical wall remain in place?

SPEAKER: The hon. the Premier.

A. FUREY: Yes, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Thank you, Speaker.

It has been reported that Masdar is scouting the Newfoundland market for hydrogen opportunities, including an eye on World Energy GH2.

Did the Premier meet with anyone connected with Masdar on his trips to Dubai or Rotterdam?

SPEAKER: The hon. the Premier.

A. FUREY: Thank you, Mr. Speaker.

Happy to answer that question.

Of course, we met with Masdar, and I touted all the proponents and what the wind can offer with respect to wind to hydrogen and the new and green energy that is available in Newfoundland and Labrador. I was not involved in the policy decisions; I recused myself from those, but once those policy decisions are made, I'm happy to sell that industry, not just to Dubai but, indeed, around the world for the future of Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Thank you, Speaker.

Premier, do you intend to meet with Masdar when they visit this province?

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

A. PARSONS: Thank you, Mr. Speaker.

Certainly, whether it's Masdar or Mitsubishi or any company that wants to invest in Newfoundland and Labrador –

SOME HON. MEMBERS: Hear, hear!

A. PARSONS: – I can guarantee you that I will meet with anybody that wants to make a meaningful investment in Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

A. PARSONS: In job creation, in renewable opportunities, of course, I will meet with them.

In fact, part of what we do as a department is send our officials to numerous places to talk about the potential opportunities here. Whether it's in energy, whether that be renewable or our offshore, whether it be in critical minerals, whether it be in tech, these are the meetings that we'll continue to have.

I will point out that Masdar, actually, is one of the fastest-growing companies in the world, so bring it on. I say, bring on all that investment to Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Thank you, Speaker.

But I never asked if the minister is planning on meeting with them, I'm asking if the Premier is planning on meeting with them when they come to the province – not the minister, the Premier, simple question.

SPEAKER: The hon. the Premier.

A. FUREY: Thank you, Mr. Speaker.

I don't believe it's in my agenda, but again, once the policy decision is made, I'm happy to support every proponent in Newfoundland and Labrador.

SOME HON. MEMBERS: Hear, hear!

A. FUREY: This industry represents over \$80 billion at CapEx; 12,000 jobs and growing. This is an energy resource for the province and for the future of the province. It will create sustainable and renewable jobs in rural Newfoundland and Labrador, and we need to sell it, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Thank you, Speaker.

The Premier's friends at World Energy GH2, John Risley and Brendan Paddick, stand to benefit immensely if Masdar does a wind energy deal with them.

Speaker, is it ethical or is it a conflict of interest –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

B. PETTEN: – for the Premier to be holding meetings to facilitate such an agreement?

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

A. PARSONS: Thank you, Speaker.

I certainly don't need the Premier to have those meetings, that's why I like to have those meetings and our department.

SOME HON. MEMBERS: Hear, hear!

A. PARSONS: So the question I have, though, is: Are we against investment in renewable opportunities in Newfoundland and Labrador? Are we against investment from other jurisdictions? Again, we haven't been in the past, but are we against investment in Lab West, in Stephenville, down in Burin, you name it? Are we against those investments?

Because I tell you, what we need, we continue to need to have investment in our renewable opportunities. We stand on a huge opportunity here, but it requires more than just Newfoundland and Labrador dollars, it requires investment globally.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Thank, Speaker.

The minister will have lots of time to ask questions next year when he's on this side.

SOME HON. MEMBERS: Hear, hear!

B. PETTEN: Right now, we're going to ask them questions. The Premier knows I asked him, not the minister who jumped up protecting the Premier.

Premier, answer the question: Do you agree or not that it's a conflict of interest? Answer the question.

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

A. PARSONS: So I said this last week and I'll say it again, they determine who asks, we will determine who answers.

I'll say to the Member, I've been here for nine years, we've seen plenty of Opposition leaders come and plenty go, so I wouldn't get too –

SOME HON. MEMBERS: Hear, hear!

A. PARSONS: – cocky yet. I wouldn't get too cocky yet, is what I would say. Pride cometh before the fall, is what I would say.

But here's the big question: Is the Opposition interested in investment in renewable projects in rural Newfoundland and Labrador? That is the question.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Thank you, Speaker.

For someone who's been around this Legislature a long time, and long than the

Minister of Industry in different roles, I've seen a lot of premiers and ministers come and go. That will change next year, too.

SOME HON. MEMBERS: Hear, hear!

B. PETTEN: I've seen them flip over both sides. So stay tuned, stay tuned, Speaker, stay tuned.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

Move on, please.

B. PETTEN: Thanks for the protection, Speaker.

Premier, based on your friendship with Mr. Risley and Brendan Paddick of World Energy GH2, how can you stay behind an ethical wall when you're meeting with this company? Isn't that a conflict of interest?

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

A. PARSONS: Thank you, Speaker.

So I think it's important to point out that I think it was the –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

Order, please!

I ask Members on both sides.

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

The hon. the Minister of Industry, Energy and Technology, you have 35 seconds.

A. PARSONS: Thank you.

I honestly thought the Member opposite would be in a better mood today.

SOME HON. MEMBERS: Hear, hear!

A. PARSONS: I don't know why he's so sour.

But what I would say, Speaker, I would just ask the Member would you please stop yapping and let me answer. I didn't say nothing.

But I would point out that he actually brought, I think, an investigation forward because of this complaint before. It was investigated independently and impartially and it was turned down.

So, again, I ask the question: Here we are, is this what the Opposition stands for, scaring away investment into Newfoundland and Labrador? Because I've got to tell you, that's not how we see things. We want investment in all of our renewable –

SPEAKER: The minister's time has expired.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Terra Nova.

L. PARROTT: Thank you, Mr. Speaker.

We want investment, but we want investment to come here on their own free will, not to line their pockets.

Dylan Hamlyn of Lab City was denied a medevac in 2022 after suffering complications due to Type 1 diabetes. The family had to take matters into their own hands and bring him to St. John's on a commercial flight. Medical staff in St. John's were shocked that he had not been medevaced to the hospital.

Dylan, who is now 31, almost died. He ended up having part of his leg amputated

and may face being on dialysis the rest of his life.

Is this acceptable health care for Labradorians in urgent need?

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

A. PARSONS: I don't want to take away from the Member's important question, but I have to point out that in the preamble, I think I heard the words that you're talking about: People lining their pockets. What I would say is I would require some clarification on who are you talking about lining their pockets? That's a very serious allegation to make in the House. It's a serious one to make outside.

So I just would like some clarification because, again, we did go through an 18-month process here that was done above board. We had a fairness advisor and, in fact, I have not heard any complains about the wind project. So, again, I put that out. I do not want to do anything that scares away investment in Newfoundland and Labrador, but I can tell you everything that we do is above board.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Terra Nova.

L. PARROTT: Dylan Hamlyn of Labrador City, a young man was medevaced after suffering complications due to Type 1 diabetes. The family had to take matters into their own hands and bring him to St. John's on a commercial flight. Medical staff were shocked that he hadn't been medevaced.

Dylan is now 31. He almost died. He ended up having part of his leg amputated and may face being on dialysis the rest of his life.

Is this acceptable health care for Labradorians in urgent need?

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

J. HAGGIE: Thank you very much, Speaker.

As the Member opposite well knows, I can't speak to individual cases in the House of Assembly. None of us here have done that over the years.

What I can say is that decisions about who gets a medevac are made by one category of individual and one category of individual only, and that is a physician. It is not an administrative decision, it is not a pilot's decision, it is not a dispatcher's decision or an elected official decision; it is the decision of a physician.

If the family feel a decision was inaccurate, unprofessional, taken inappropriately, there are recourses that they have to deal with that. Not that that helps the particular gentleman here. Obviously, if the Member opposite feels there's stuff that would help improve the system, bring it over.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Terra Nova.

L. PARROTT: Another clear example of the minister not listening. There was a question at the end that said: Is this acceptable health care for Labradorians? There was an example given, but the question was about acceptable health care for all Labradorians.

Sadly, Dylan Hamlyn's story is far too common for the people of Labrador. Many Labradorians can tell similar stories of challenges accessing medevac services.

Speaker, let me ask you this: What did the 2024 budget do to change things for Labradorians in need of air ambulance and medevac?

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

L. DEMPSTER: Thank you, Speaker.

Health care, I believe, is more important than anything else in this province. I guarantee you, anything less than good health care is not acceptable for Labrador or anywhere else in Newfoundland and Labrador for that matter, Speaker.

We just brought in a budget with an historic amount of investment in health care: \$4 billion.

SOME HON. MEMBERS: Hear, hear!

L. DEMPSTER: We're being guided by health transformation. In terms of the 54 recommendations in the all-party Committee, the road to recovery, we are making changes there in mental health. We are transforming moving to a new integrated road and air ambulance system, which is going to be a game changer for people in this province, but in particular, for people who live far from services like the people of Labrador, Speaker.

I would say more if I had more time.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Terra Nova.

L. PARROTT: Speaker, I'll give you the answer of what the budget did: nothing. Further, even when Labradorians get access to medevac, they're often left to find their own way home.

Speaker, what help is there for Labradorians who need a flight back home after being medevaced for urgent care or are they left on their own?

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

L. DEMPSTER: Speaker, the Member referenced the Medical Transportation Assistance Program. I want to say what this government did in *Budget 2023* was added an extra million dollars to that program, because we know that it's valued by the people who live far from services.

SOME HON. MEMBERS: Hear, hear!

L. DEMPSTER: In *Budget 2024*, Speaker, we added another \$700,000 to the Medical Transportation Assistance Program.

SOME HON. MEMBERS: Hear, hear!

L. DEMPSTER: We're continuing to review that program, Speaker, to help the people.

What we don't do when we have to find efficiencies, we look in the backroom – we don't reach into the most vulnerable communities in our province, isolated communities and say we're going to take the nurses out and leave you on your own, like the Leader of the Opposition suggested.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Terra Nova.

L. PARROTT: I tell the minister it doesn't matter how many nurses are up there if they're denied health care, and that's what happens when they're not sent out here.

SOME HON. MEMBERS: Hear, hear!

L. PARROTT: Another budget, another opportunity gone.

Why hasn't the Liberal government found a way to subsidize and significantly reduce the cost of air travel from this northern region of our province so people can afford to get to major centres where high-level health care and other services are provided? Why are Labradorians treated so terribly?

SPEAKER: The hon. the Minister of Labrador Affairs.

L. DEMPSTER: Speaker, the Member is asking the questions, but I don't think he's stopping to listen to the answers I'm providing. I did mention the almost \$2 million in the last two years that we have added to medical transportation, almost a \$13-million program now when combined with the income support.

In addition to that, Speaker, in September of '23, myself and the Premier, we went to Labrador West, announced a voucher program so that when people had to fly, 100 per cent of that first \$1,000 could be paid for upfront and they wouldn't have to put it on their credit card. Turning around those requests, Speaker, within 24 to 48 hours, and the uptake continues to rise. I believe, it was 670 vouchers that we processed in the first couple of months after that program.

So people are using it, Speaker, and we're hearing feedback that it is helping them on their medical journey.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

J. WALL: Speaker, we have a housing crisis in our province and a facility that's costing over \$500,000 a month. Yesterday, the Minister of Housing said – and I quote – it could be a few months, it could be longer, when questioned about the comfort inn, when it's going to be at full capacity.

I ask the minister: What are the issues preventing the full capacity at the hotel?

SPEAKER: The hon. the Minister of Housing.

F. HUTTON: Mr. Speaker, thank you for the opportunity to address this House and the question from the Member opposite.

In January, we signed the lease with the owners of the hotel at 106 Airport Road. April 15, we signed the agreement with End Homelessness St. John's. They are in the process of hiring. They've hired their executive team, which are on the ground now and meeting this week.

They're continuing to hire more staff who will be in addictions counselling, grief counselling, as I've mentioned before, and I can go through the list of positions that are there, are going to be on the ground: occupational therapist, social workers, primary care providers, nurse practitioners, doctors.

As we ramp up and phase in the staff, who are going to be on site on a daily basis with this transitional supportive housing initiative, we will be intaking more people who will be living there and signing their leases, Mr. Speaker.

SPEAKER: Order, please!

The minister's time has expired.

SOME HON. MEMBERS: Hear, hear!

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

J. WALL: Speaker, the Minister of Finance stood in the House last week and spoke about strength, growth and optimism in our economic forecast. However –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

Move on to your question.

J. WALL: Speaker, I wouldn't clap too soon.

However, we have 20 per cent of people in our province, serious issue, experiencing housing insecurity while government continues to pay \$500,000 a month for a hotel with many vacancies.

Speaker, what does the Minister of Housing have to say to those who don't have a safe roof over their heads tonight?

SPEAKER: The hon. the Minister of Housing.

F. HUTTON: Mr. Speaker, I believe that the premise of the question from the Member opposite is related to the Vital Signs report that was released this week, and I'm happy to address that because the housing insecurity issue is very real in this province. We understand it. It's why the Premier of this province decided to have Housing as a stand-alone portfolio right now.

SOME HON. MEMBERS: Hear, hear!

F. HUTTON: It's why this provincial government has doubled its budget to help the folks who are in need. It's also important, though, to put into context what housing insecurity means. It's about adequacy and, Mr. Speaker, that has to do with whether or not a person's home needs to be repaired.

We have a very robust program in Newfoundland and Labrador Housing. If you own a home and you require major repairs on it, there is a loan and a grant program available to people. I can go on, Mr. Speaker, in my next answer –

SPEAKER: Order, please!

The minister's time is expired.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Speaker.

Speaker, in my district, people are deeply worried. We have seen the earliest breakup of sea ice on record. The residents of Northern Labrador need a commitment that our ferry the *Kamutik W* will be available for its start date, June 10. Store shelves are bare of food and supplies.

Will the Minister of Transportation ensure our ferry service will be available to start June 10?

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

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

Obviously, trying to play King Solomon – not do I have two children, but I have three children. I have three ferry services I'm trying to manage on inadequate vessels. That being said, the vessel that will be leaving – the *Kamutik* will be leaving Fogo. It will be going to the North within the next two to three weeks.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

Speaker, the recent Vital Signs report from the Harris Centre states that out of 100 Newfoundlanders and Labradorians, 20 per cent will face housing insecurity; 26 face food insecurity; and 31 will have difficulty affording their basic needs. That's 20 per cent of our population struggling to get by.

I ask the minister: When will this government put out a comprehensive poverty reduction strategy that will get this province on track? Clearly the current

Liberal plan is not working for
Newfoundlanders and Labradorians.

SPEAKER: The hon. the Minister of
Housing.

F. HUTTON: Mr. Speaker, I'm happy to
address a portion of the question related to
housing, and I started to in my previous
answer.

Housing insecurity in this report is – and
again, for some context, it's not about
people who are actually homeless. It is
people who are precariously housed at this
point or could be facing homelessness, and
it's related to adequacy, affordability and
sustainability.

With respect to affordability, I want to
address another program which we have
available. We have increased our rent
eviction program by prohibiting that by
\$450,000 this year.

SOME HON. MEMBERS: Hear, hear!

F. HUTTON: Understanding that people are
facing increased costs in other aspects of
their life, their rent may be precarious
because of that. So we have \$450,000.

We've also increased funding for two
outreach positions to work with folks who
need that help.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: Thank you, Speaker.

Speaker, some of the larger schools in the
St. John's metro region consistently rely on
retired teachers, something virtually
unheard of when I taught.

A recent ATIPP indicates that since 2019,
the Avalon region is short 160 regular
substitute teachers, have seen use of

emergency supply teachers go from zero to
126 and the use of retired teachers increase
from 16 to 193. That's just for the Avalon
region.

I ask the Minister of Education how our
department could allow the shortage of
teachers to grow to such a crisis in five
short years?

SPEAKER: The hon. the Minister of
Education.

K. HOWELL: Thank you, Speaker.

The Member opposite raises a very
important issue in the Department of
Education. When we look at the number of
retirees that are finishing in Newfoundland
and Labrador, we're looking at about 250
retirees each year and we produce about
130. So we are left with a relevant number
to fill.

So we've been working with our partners at
the NLTA, we've been working the faculty of
Education to determine how we can
increase the number of students that are
moving through their program and
becoming available for use in Newfoundland
and Labrador. In the meantime, we do often
rely on our retired teachers to fill some of
these vacancies.

But we have a very competitive salary and a
collective agreement that will see us spend
three quarters of a billion dollars by the time
it's finished and we hope that that will work
towards recruitment and retention.

SOME HON. MEMBERS: Hear, hear!

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

J. DINN: I would say, Speaker, probably not
competitive enough.

Will the minister admit that the shortages
are a direct result of government failing to
listen to educational professionals and

address the factors driving teachers from the profession?

SPEAKER: The hon. the Minister of Education.

K. HOWELL: No, I will admit that the math just simply does not add up.

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: I do have one.

In accordance with subsection 19(5) of the *House of Assembly Accountability, Integrity and Administration Act*, I would like to table the minutes of the Management Commission meetings held on the following dates: February 21, April 11 and May 1, 2024.

Further tabling of documents?

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

S. COADY: Thank you, Speaker.

Pursuant to section 26(5)(a) of the *Financial Administration Act*, I am tabling four Orders in Council relating to funding precommitment for fiscal years '24-'25 to 2033-'34.

SPEAKER: Are there any further tabling of documents?

Notices of Motion.

Answers to Questions for which Notice has been Given.

Petitions.

Petitions

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

P. DINN: Thank you, Speaker.

WHEREAS Newfoundland and Labrador have the highest rate of diabetes in the country; and

WHEREAS currently there is no complete coverage for continuous glucose monitoring systems used to monitor blood glucose on a continual basis by insulin-requiring people with diabetes; and

WHEREAS reducing the major complications such as strokes, heart attacks, blindness, kidney failure and amputations would result in net savings for our province and our health care system and have a huge positive effect on those living with diabetes.

THEREFORE we petition the House of Assembly as follows: We, the undersigned, call upon the hon. House of Assembly to urge the Government of Newfoundland and Labrador to provide a funding program for those who need the continuous glucose monitoring system as a proactive approach to allow better management of diabetes and a more stable, healthier outcome.

This has been something I have been raising for five years now, I guess, and we've seen very small incremental allotments made to a pilot program. This is far larger than that, as we are, again, the highest rates of diabetes in the country.

It was only this weekend I met two friends that I've known for a number of years, first time seeing them in a while. One had his leg amputated and the other one is just getting over a stroke and a heart attack – both diabetics.

We've known that 30 per cent of strokes are cause due to poor management of diabetes; 40 per cent of heart attacks; 50 per cent of kidney failure requiring dialysis; 70 per cent of non-traumatic amputations and it's the leading cause of blindness.

When you look at what the Canadian Diabetes Association can tell you, this province can save over \$80 million per year by coming in with a glucose-monitoring program for everyone – \$80 million a year in savings.

SOME HON. MEMBERS: Hear, hear!

P. DINN: When we listened to MUN's medical students back in 2021 with their provincial day of action, they spoke about load-bearing devices for feet for those with diabetes. They also talked about just that alone would save between \$16 million and \$20 million in this province.

There is absolutely – absolutely – no information out there that would prevent us from having a system here that provides this service to everyone who needs it. It saves us money; it keeps people in the workforce longer; it keeps people's lifestyles more active. It baffles me as to why we have not come in with a full, continuous, glucose-monitoring device program in this province.

SOME HON. MEMBERS: Hear, hear!

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

P. LANE: Thank you, Speaker.

A request that the Province of Newfoundland and Labrador join with the provinces of Alberta, Saskatchewan, Manitoba, New Brunswick, Ontario and the Yukon territory to not waste valuable provincial resources on the current federal government buyback program as imposed by federal Bill C-21.

WHEREAS Canada already has stringent regulations and comprehensive legislation related to firearms ownership; Canada has millions of responsible, law-abiding firearms owners; data shows that the confiscation regime would not stop firearms violence in Canada; the vast majority of firearms used in violent crimes are obtained illegally and/or are smuggled into Canada; legal firearm owners are strong advocates for measures that will actually prevent firearms violence; legal firearm owners in Canada are vetted on a daily basis through the CPIC system; the list of firearms to be confiscated is arbitrary and not based on functionality; assault rifles or fully automatic firearms have already been banned in Canada since 1977; criminals who have illegally obtained firearms will not be impacted by the confiscation regime; the list of firearms to be confiscated include some hunting rifles and shot guns, which can be expanded upon to include more firearms which are used for hunting purposes; the federal government is abandoning evidence-based decision-making as it relates to preventing firearm violence; and the list of firearms was legally obtained by licensed, law-abiding citizens and were never purchased from the federal government, therefore, how can the government buyback something that was not something that was not theirs to begin with.

Therefore, we petition the House of Assembly as follows: We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to not participate in a federal buyback program which would entail the use of provincial resources, including, but not limited to, provincial law enforcement, provincial government agencies and the provincial office of the chief firearms officer.

Mr. Speaker, I've presented this now a few times on behalf of hunters and gun owners of Newfoundland and Labrador. I think the petition speaks for itself. Basically, what they're saying is we have a federal program that's being put in place, all it's going to do

is it's going to punish citizens who are law abiding citizens who are hunters, gun collectors and so on. It's going to do nothing to solve crime. It's going to do nothing to deal with the criminal element in our society who are not abiding by any laws we have in any case; therefore, as a petition indicates, we have a number of people here in this province who are asking our government to join the many other jurisdictions across Canada not to participate in this program.

Thank you.

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

J. DINN: Thank you, Speaker.

Petition to call to establish a plan and timeline to end the use of travel nurses in our province.

Concerned citizens of Newfoundland and Labrador urge our leaders to take action to address the growing use of private agency travel nurses in the delivery of health care in our province. The recent revelation that \$35.6 million was spent on a sole-sourced contract with Canadian Health Labs between April and August 2023.

Nursing students reporting difficulty finding full-time, permanent positions while nurses in our public system are routinely expected to work overtime and being burned out.

Therefore, we the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to implement a plan and a timeline to eliminate the use of private agency travel nurses in our province and focus on retention and recruitment.

Speaker, we've got a date but we have yet to see a plan. In a recent news story on CBC, \$91 million was spent on travel nurses. In 2023, it ballooned near the end, yet we have the president of the Registered Nurses' Union saying that nurses still have

not received their long-service premium and the contract was signed nine months ago.

Now we can see when it comes to it, if the government wants to get money out the door, it can, but it's taking nine months – it showed nurses how valuable they are with their long-service premium.

Yvette Coffey, the president says that members are being nicked and dined on a daily basis.

So \$91 million, I'm thinking do you know what? If we had \$91 million to spend on travel nurses then, that was \$91 million or part of that that could have been used to enrich the contract, the collective agreement for our nurses.

That's what that says. I can tell you, I heard too many times from government negotiations and government about zero-based budgeting and about the question of where are we going to get the money. Yet, it seems when government needs to, they will find the money.

So I'm saying, here's an opportunity – how about enriching the contract, how about making sure that the nurses are compensated in a way that will actually attract them to this profession and keep them here as opposed to saying how we have in comparison to our Atlantic counterparts, we are better, whatever else. It still may not address the issue.

So, to me, as long as we're getting reports in the news about this and we're hearing from the president of the union that the issues haven't been addressed, we're still going to have a retention problem and you can set a date all you like, but it's got to come with a plan and that's what we've called for – a date and a plan.

We want to see that plan, not only to bring travel nurses to an end, but also to make sure we have a plan to keep our nurses in the system.

Thank you.

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Thank you, Speaker.

In the 1990s, the federal government purchased back salmon licences from Newfoundland harvesters. It was widely understood that existing fishers would have to wait five years for the wild salmon fishery to reopen if they did not sell. Many young harvesters, at the time, retained their licences and waited for the five-year reopening date. Over three decades have passed since then and these much older harvesters would like to sell their licences, given that the promised reopening never materialized.

We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to lobby the federal government to purchase existing wild salmon licences at fair market value.

Mr. Speaker, when the moratorium happened then that's when the federal government initiative was to purchase the licences. I've got fishers in my district, liker Gerald Miller in New Bonaventure, Phonse Ducey in Keels and I'm sure there are others. The minister, one time, stood up and said that he had harvesters with licences in his district. There are many out in Newfoundland and Labrador.

Let me stretch the imagination. Imagine if the wild salmon industry is viable. While we stand here in the House, today, imagine if that industry was a viable industry that could support and feed Newfoundlanders. Many harvesters would say that it is. Do we know? No. We've seen nothing from the federal DFO to indicate the strength of the salmon stock. Many harvesters in my district feel that it is out there and it is marketable product that we can tap into. But we don't see action on that.

In the absence of good action from this government, we're asking that they lobby the federal government, if not to open and have a look and investigate the opening of the wild salmon, but at minimum to reimburse those with licences out there in the province who hung on to them under the promise and assumption that in about five years they would be able to go back on the water and continue with their livelihood and catching salmon.

So we would ask that to occur. Our fishery is underperforming and we would ask this current government to take some action to step it up.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Orders of the Day.

Orders of the Day

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Speaker, I call from the Order Paper, Order 2.

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 Highway Traffic Act and the Provincial Offences Act, Bill 79, be now read a third time.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: It is moved and seconded that the said bill, Bill 79, 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 Highway Traffic Act and the Provincial Offences Act. (Bill 79)

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 Highway Traffic Act and the Provincial Offences Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 79)

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Speaker, I move, seconded by the Deputy Government House Leader, that this House do now recess for 20 minutes.

SPEAKER: This House do stand in recess until 2:52 p.m.

Recess

SPEAKER: Order, please!

The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I move that this House do now resolve itself into Committee of the Whole to consider Bill 74, An Act to Amend the Limitations Act.

SPEAKER: And a seconder, 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 Committee of the Whole to consider Bill 74.

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 (Trimper): Order, please!

We are now considering Bill 74, An Act to Amend the Limitations Act.

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

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you, Mr. Chair.

I'm very pleased today to stand here to talk about the *Limitations Act*. By way of background, I just want to remind people that last Thursday – that would have been May 23 – we discussed this bill in second reading and it was debated. Now we are at the process at this stage of what's called Committee. It is at this point in time that we have the opportunity to ask questions of the Minister of Justice about this particular legislation and with respect to the amendment that has been proposed.

I, first of all, want to say that this day is a very important day. It is going to be very important for many people in our province. It is going to be important for adults who have suffered as children in regard to physical abuse. It is going to allow them to access justice and to be able to address the harms that they were caused and the suffering that they endured as children at the hands of physical abusers.

We've come a long way, when we look back at the legislation with respect to sexual abuse, back approximately 30 years ago in this province. If you were a child, for example, and you were maybe five years old and you had been sexually assaulted, we know that would fundamentally harm a child. That is why there was legislation put in place to protect people and children from being sexually abused. And when I say protect, what happened is that they allowed children who had been sexually abused not to be barred later on if it was years down the road as adults if they discovered and realized the trauma that they experienced, they were able to sue and they were able to access the courts and to seek redress and to pursue their claim in the court of law.

Now we see, today, that the law is catching up. It is catching up with the law that was in place with respect to a child having been sexually assaulted. There is going to be an amendment coming forward when we get to clause 2 – and I won't speak about that until that happens, but we will see the progress that we have made in terms of understanding and making sure that our law is in keeping with constitutional principles, fairness, equity and allowing children who have been abused physically to access the court system in our province.

By way of background, just briefly, minors have been, up until now, treated differently, depending on what province you lived in. If you had been physically beaten or abused as a child and, for example, you lived in a jurisdiction like Northwest Territories, then you would have been able to access the

courts and you would not be barred and you would not be prevented. As an adult, you could then seek justice and obtain justice for the harms and the suffering that you experienced as a child.

Well, today, in Newfoundland and Labrador we are making progress and we are going to see that happen in our province.

SOME HON. MEMBERS: Hear, hear!

H. CONWAY OTTENHEIMER: So it's a really important day. It's going to help so many people, so many adults who suffered as children and it's going to allow them to access justice.

So how did we get here today? I feel so privileged to have been a part of an important process whereby we all worked together to ensure that the rights of children are protected.

SOME HON. MEMBERS: Hear, hear!

H. CONWAY OTTENHEIMER: And this was not the work of just one person; it was many people who had a very important role to play in this.

As I mentioned before, on Thursday, it first came to our attention through the efforts of Mr. Eli Baker who was a lawyer who was very concerned about that and had proposed amendments himself. He drafted amendments back in 2022. I think it was November 2022.

He was one of the persons who initially started to draw attention to this, but as well, we have senior lawyers and legal authorities in the province; for example, Lynn Moore, who has been committed and vigorously pursued change with respect to this *Limitations Act* so that there would be reforms to protect children.

As well, I would be remiss if I did not mention Brittany Whalen. We know Brittany is the daughter of Mr. Jack Whalen and I

mention the story how she came to bring attention to the Opposition party about what had happened to her father and their experience and their history and their life story about what they've endured to try to access justice in our province.

I recall meeting Mr. Whalen back in August of last year, met with him and his wife, it was an incredible experience to meet with him to see what he had endured and to hear his story and to see the replica cell that he had created and has created on the back of his truck to how what he endured as a child. The time that he spent in solitary confinement, really the equivalent of solitary confinement in a cell for almost two years, the impact that that had on his life and his family life. The trauma that he had experienced and the fact that he was not able to access justice because of a statute of limitation, a time limit, a deadline that was placed on him pursuing justice.

But, today, we're going to see that that is going to change. So that is good for Jack Whalen and all of the people that will follow past Jack Whalen.

SOME HON. MEMBERS: Hear, hear!

H. CONWAY OTTENHEIMER: But it's not only the lawyers that have been involved, the legal authorities, the experts in our province, who really through their consciousness and their commitment and their passion saw this through and brought this to where it is today, but it was also the Members of the Legislative Assembly and the Members of the Opposition, the entire Opposition, not only the Official Opposition, but as well the NDP and the Third Party and the two independent Members, the unaffiliated Members, as well. We see the work that has taken place by other concerned citizens and advocacy groups who've also been very concerned about this.

I finally want to say, the role of the Opposition, I mean, we as Opposition

Members, we feel that we have a very important role to do. We are constitutionally required to hold government to account. We are constitutionally required to engage in due diligence whenever we have legislation before us. We, as the elected Opposition, have the responsibility to examine, to analyze, to debate and to consult with outside experts. All of that took place to bring us where we are today.

So I'm very proud of that fact. When we get to vote on this legislation, we know that it has happened because of collaboration. It has happened because of co-operation and that's where I want to mention the Minister of Justice who has reached out to us in the last number of days to try to see if we can work at and arrive at a solution. I'm very encouraged and very proud to say that I believe we have done just that.

SOME HON. MEMBERS: Hear, hear!

H. CONWAY OTTENHEIMER: Mr. Chair, that hasn't been the norm as of late in this hon. House of Assembly – that has not been the norm. So to take that important step represents a very courageous, I would argue, a courageous and an honourable effort on the part of the Minister of Justice.

SOME HON. MEMBERS: Hear, hear!

H. CONWAY OTTENHEIMER: Because often when we're used to doing and when governments are used to doing things a certain way and, you know, that's the way these things are in a busy House of Assembly, so to take that step to encourage transparency because that's what it does, it encourages transparency and accountability. So I'm very proud of that and that brings us to where we are today.

So the only other thing is, I do see my time is running out and I do have a question for the minister and this is only with respect to the *Proceedings Against the Crown Act*. I know that the minister has introduced that legislation or that is on the Order Paper, an

Act to Amend the *Proceedings Against the Crown Act*, Bill 81.

So I would ask that the minister just elaborate on that because the concern that we had with that and that's why we raised this position is that we are concerned that this, the Crown, has, in effect, used a section of this act, section 27, to essentially extinguish sexual abuse claims prior to April 30, 1973. So we're concerned about that because it really, in effect, acts as a shield against survivors of sexual abuse and really still imposes a limitation, a limitation of up to 1973, so any claims prior to that are barred.

I just want to ask the minister, if he could please explain by bringing that government motion, I think, it was on the 23rd, I know that was as a result of discussions that we had with him and collaboration, if he could just please indicate, for example, when can we expect to see this come forward, because it still is, in effect, a limitation with respect to sexual assault claims or sexual abuse claims. If he could provide some background to that we can be reassured that will be addressed and in a timely manner.

Thank you.

SOME HON. MEMBERS: Hear, hear!

CHAIR: Thank you.

The hon. the Minister of Justice and Public Safety.

J. HOGAN: Thank you, Chair.

With regard to what's on the Order Paper, Order 13, An Act to Amend the Proceedings Against the Crown Act, Bill 81, I'll just go back to when the briefing was done on the *Limitations Act*. It was raised, I believe, by the Member for Harbour Main about possible amendments to *Proceedings Against the Crown Act*. It hadn't been something that the department looked at when we were looking at the amendments

to the *Limitations Act*, but we did have some discussions about it internally, about what an amendment would mean, what it would look like and how it plays into the *Limitations Act*.

I did discuss with the people in the department if it would be appropriate to make such an amendment in the *Limitations Act* itself and the conclusion we came to was it would not. So the *Proceedings Against the Crown Act* is an act that allows for when actions can be commenced against the Crown – can and can't – and the *Limitations Act* is an act that deals with timelines with regard to when matters can be brought to court.

So it wouldn't be appropriate to sort of shoehorn that amendment with regard to *Proceedings Against the Crown Act* into sexual abuse and other claims there for child abuse that we're dealing with today. It's just not where it goes.

We had a bill, we're prepared to deal with amendments that are related to this specific bill and the limitation periods. We didn't really have the time and we weren't prepared to rush an amendment to *Proceeding Against the Crown Act*, but I am prepared and committed to reviewing it, looking at what an amendment could look like. It will help actually after we have this bill passed, hopefully today, to look at what needs to be done with regard to any amendments to the *Proceedings Against the Crown Act*. I can't commit to when it's going to happen.

Trust me, I sat hear in my seat a lot over this session, for sure, people ask when are you going to do the limitations? I knew right around when I was going to do it and I did do it when I thought I was going to do it, but I didn't want to commit to anything because you never know what can happen.

So all I can do is give my commitment that we're looking at that and we're looking at it

after having heard from the Opposition on that issue.

CHAIR: The Chair recognizes the hon. Member for Torngat Mountains.

L. EVANS: Thank you, Chair.

Last week, I spoke on this bill for the first time, the amendment to amend the *Limitations Act* and I did mention that it was a good day. Those sentiments are echoed by my colleague for Harbour Main. This is a good day that we can stand here in the House of Assembly to be able to debate, discuss and, more importantly, the opportunity was there and we all took advantage of it of working together.

One of the things that we are always talking about in the House is to make sure that it is good legislation, make sure that there are no gaps or pitfalls that actually can cause problems. If we continue to allow gaps and pitfalls in this particular legislation, the *Limitations Act*, it is going to continue to harm people and that is why it was so important to us to work together to try and, I guess, fill some of the voids.

One of the things that we mentioned and we talked about a lot is that there are only two provinces now, Newfoundland and New Brunswick, the two jurisdictions that maintain the limitation periods for claim of physical and psychological abuse.

So when we pass this legislation and make the amendments to remove the limitation period, it is going to be a great day for the Province of Newfoundland and Labrador. That's what my colleague for Harbour Main talked about as well.

We did have some concerns when the amendment came forward and we were reading through it. We did have some concerns and a lot of it was about the limitations. For us, as it was put forward, it was to remove the limitation period for actions, but it was relating to battery that

was committed against a person and it intentionally cause bodily injury to the person.

Chair, that created a lot of concern for us because we didn't want to have gaps continuing where people who had been seriously harmed, that should be entitled to justice, but would fail to get justice if we didn't address it. That was relating to psychological abuse. Also, too it was about when you're looking at battery, intentionally causing bodily harm. That was sort of restricted to being able to prove the harm with marks upon the body. So for us, that was a big concern. We needed to make sure that was addressed.

My time ran out when I was speaking last time because I said forms of torture, and I was just getting into talking about water boarding because that's a perfect example to me. Water boarding of people usually it's used against soldiers in war or about getting secrets. It's all about torture. For me, it was really important to talk about that because water boarding doesn't leave marks. It's a form of torture. To me, we're looking at that abuse, being required to have physical proof of abuse was limiting and we were afraid that people were going to fall through the gaps.

I was looking things up and the third Geneva Convention says forms of torture are illegal under the war act. So we, as a province, have to make sure that torture of youth and children, people in our care, under our authority that we harmed were not falling through the cracks. We had to make sure that the legislation fills most of the gaps.

Sadly, even when we do our amendments and we make changes, we know that there are going to be people out there that were seriously harmed that will still be denied justice. But that's a battle for another day.

Here in the House of Assembly, the co-operation and the effort on the minister's

part to reach out to the Opposition and the Third Party to make sure – and the independents were involved and engaged as well – we co-operated. So even if it's a battle for another day, I think that this type of consensus building and working together is really going to allow us to be able to go forward and bring in new amendments and bring in legislation in the future that's going to improve the quality of lives for people in our province.

For us, that's the big things, making sure that people who've been harmed through psychological abuse, we have to make sure they're captured as well, which is why we will be bringing in an amendment that was worked on in co-operation amongst everybody. The efforts are so important.

Chair, like I said, I will be bringing in an amendment under section 2, but right now I do have some questions so I will ask the minister some questions.

What consultations were done concerning this legislation?

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

J. HOGAN: This was really an internal review with the major focus looking on what other jurisdictions do across the country, reviewing multiple petitions on this issue to be honest with you. It's true.

CHAIR: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Chair.

Yes, I think that was discussed earlier as well.

Continuing under section 1, is the department aware of how much litigation the government may face as a result of lifting the limitation period on actions mentioned in this bill?

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

I wonder if I could ask the speakers just to speak a little louder. It's very quiet, very soft.

Thank you.

The hon. the Minister of Justice and Public Safety.

J. HOGAN: No, we're not aware of how much, if any, or numbers of litigations going to come forward as a result of any changes that happen here in this House. We wouldn't be able to quantify that with any certainty.

CHAIR: The hon. the Member for Torngat Mountains.

L. EVANS: Chair, the Member for Harbour Main did ask my question there. We were going to ask the question in regard to section 27 of the *Proceedings Against the Crown Act* which was omitted from the bill. I do thank the minister for his answer because that answers our questions as well.

Just looking at this, through our briefings with the minister, most of my questions have been answered. So with that, Chair, I will be bringing in an amendment when we get to clause 2.

CHAIR: We're still on clause 1, so I'll wait for that.

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

E. JOYCE: Thank you very much.

I'll just take a few minutes here to just speak, I won't get into the details of it all, but it's a good day here for the Whalen family. It's a good day for a lot of those people who went through it.

We all know about the petitions that were presented by all the Members of this House

of Assembly that participated. I have to recognize the Minister of Justice and Public Safety for his commitment. I'll go back a month, month and a half ago, when he said he was going to try to get this done, especially the last few days, that he got everybody together to work through that. So I just have to recognize the minister on that. I know I spoke to the Premier. The Premier said we want it done, and it is done.

I have to recognize the Member for Harbour Main. She worked hard and diligent on this also. I have to thank her for that. Enlightening people like me who were going through the process and learning the ins and outs and the legal parts of it all and why we need this move and this move, so I have to recognize the Member for Harbour Main for her work and her petitions also on this.

The Leader of the Third Party and the Member for Torngat Mountains were heavily involved with this also. I have to recognize two of those individuals also for presenting petitions and keeping the fight up and working together to make sure that we brought all pieces together to make sure that it worked.

The Member for Mount Pearl - Southlands, my colleague here, was persistent also to help us to bring this to attention. I know he met with the Jack and the family, hour and a half, two, three hours at the beginning to get insight on all this. So I have to recognize the Member for Mount Pearl - Southlands also for that.

I'm not going to get into any of the details because there is going to be an amendment coming up and the family is well aware of the amendment that is going to come up. Also to the family, I was just talking to a few of the guards and they said the family were relentless coming up every day supporting Jack and supporting other people across the province. So to all the Whalen family and all the extended family that's in the gallery and that were here before on a

regular basis, thank you for making sure that (inaudible).

SOME HON. MEMBERS: Hear, hear!

E. JOYCE: You may not know that when we look up and see how much this meant to the family and how much this meant to Jack and a lot of others also down the road that we won't even know yet, that this could help all because of Jack's tenacity and Brittany, of course – I know Brittany is watching there now and hopefully Jack is. I hope this is a proud day because you've helped a lot more people than Jack Whalen. You helped a lot more people that went through the physical abuse and the other mental torture that they went through.

So I have to say, Jack, not only is this going to help you, this is going to help a lot of people you'll never meet. But because of you, they'll be much better off. They'll be able to get the services that they need and they'll be able to actually have closure to this here, if there is ever any way to get closure. So Jack, on behalf of all the Members of this House of Assembly, thank you for blazing the trail.

Also, the Members on the government side, I know they were listening to petition after petition after petition, but I can say honestly and put it on the record that the few I've been speaking to about this, wanted it done. They wanted it done. They really, truly wanted it done. The ones I spoke to said: What can we do to get it done? They weren't as involved at the Minister of Justice and Public Safety, but I can assure you the ones that I spoke to – and to be fair, a lot them said: We have to get this done. How can we get this done? What's this about? How can we learn more? And a lot of them did. I have to recognize that.

I'll take my seat and I'll let the amendments come through. The process is, which is a great process, to show the unity in this House, the Minister of Justice and Public Safety, who called everybody together who

was working on this, called everybody together on a few occasions to hammer this out. There were some frank discussions that we had, I can assure you. But it's just to show how this whole House is behind the Whalen family. The NDP is going to present the motion, it's going to be seconded by the Member for Harbour Main, and the minister said this is how it should be done to show that this House of Assembly worked together on this.

J. HOGAN: You said that.

E. JOYCE: Pardon me?

J. HOGAN: You said that. You can take credit for it.

E. JOYCE: The minister said too bad you never did much on it.

SOME HON. MEMBERS: Oh, oh!

E. JOYCE: I'm joking – I'm joking.

The minister, on a serious note again, there are a lot of Opposition over there that pushed for it. I can honestly say, and I'll say it and I'll take my seat, Jack and the family, thank you. Without the Minister of Justice and Public Safety, this would not be done today.

SOME HON. MEMBERS: Hear, hear!

E. JOYCE: So thank you all very much again for listening to me a while. I know the Whalen family said they're going to get me a cup of tea. I'll have one medium tea, one milk, one sugar, when all this is done.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

CHAIR: Thank you.

The hon. the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Mr. Chair.

I'm not going to repeat everything, but I do want to give credit to my colleague from Humber - Bay of Islands. I did meet with the family and I presented a number of petitions. But in terms of the independents' role in all this, really it was my colleague who carried the lead last going off in terms of participating in these meetings and so on.

We are independent Members, but we do converse – too much, sometimes; I think I've said before – on regular basis and the Member for Humber - Bay of Islands was very, very passionate about this, as we all are, so I just want to recognize and thank him for his diligence.

SOME HON. MEMBERS: Hear, hear!

P. LANE: And, certainly, to all Members of the House of Assembly – the Minister of Justice has been recognized; certainly, my colleagues in the NDP; the Official Opposition, in particular, the Member for Harbour Main. I think it was a real team effort, if you will.

Not to take away from what we're doing with this, but as was sort of alluded to, I think, by a couple of my colleagues, this is what we need to see happening more often. One of the things I hear from the people in my district, and throughout the province, quite frankly, is that they want 40 Members to be elected and to actually work together.

I've been in here now 12 years, working on my 13th year, and I can count on one hand the number of times that we've actually seen this kind of thing happen. It did happen with the All-Party Committee on Mental Health and Addictions where everybody actually agreed on everything and actually formed a Committee and worked together and got a lot of good things done, but it's very, very rare. It's really sad that it's rare that this happens that we can all come together and actually work together to get things done.

How much better off would this province be if this Legislature could just use this here as the template when it comes to other matters to benefit the people of this province?

Where we actually put partisanship aside and actually said we're here to do some work on behalf of the people and we're going to actually work together, we're going to listen to what each other has to say and we're going to be willing to make amendments if necessary.

If we could do that on a regular basis, this province would be much better served than sometimes it is and has been in the past. But the fact of the matter is, when it comes to this legislation, we have done that. I will absolutely be supporting the bill. I will absolutely be supporting the amendment.

As my colleague from Torngat said, I had the exact same concern when I saw the original bill, that it was dealing with physical abuse with the use of the term "assault" and "battery," but it did not capture the essence of what happened to Jack and others. Locking somebody up in a cell for 23 hours a day and all the other psychological abuse and torture, it was not captured.

I am to understand that with the amendment coming forward we're going to change a couple of terms there, which I'll wait until it happens. I'm not a lawyer but I'm told the amendment that's coming forward will capture this whole notion of torture, psychological abuse and so on. That's what we need to see happen because that was a very big part of what happened to Mr. Whalen and, perhaps, to other individuals like Mr. Whalen.

Up until this legislation came forward, we had a mechanism to deal with people who experienced sexual assault. We know what happened with residential schools, we know what happened with Mount Cashel and so on, the horrific things that happened, but we had no way to deal with things like what happened in Mr. Whalen's case in Whitbourne. Even with the original bill, as I

said, it still wouldn't deal with him; it would deal with physical assault, but not psychological abuse and torture and so on.

We are all doing the right thing here. I think that every Member, all 40 Members of this House of Assembly, should be able to hold our heads up high for this one. Be proud and give ourselves a collective pat on the back for actually doing the right thing.

As my colleague from Humber - Bay of Islands has said, would this not have happened – when they talk about the fact can one person make a difference, Mr. Jack Whalen is an example. It's an example of where an individual came forward and had the courage of his convictions, the courage to tell his story. Not only did he have the courage to tell his story, but then he and his family took it further.

They came. They met with us. They went to the media. They lobbied hard. Because of those actions, not only will Mr. Whalen hopefully get the justice that he deserves, but other people in that same boat will also get the justice they deserve. God forbid, if anything were to happen in the future, it will be to the benefit of others.

Now, I would certainly hope and pray – and I would think that under today's society and all the rules and checks and balances we have in place – that this would be something that wouldn't happen under today's environment. I suppose it could, particularly in a private home setting, but certainly not in an institutional setting. When you think about what happened to Mr. Whalen, that was an institutional setting. He was a ward of the court, of the government.

It's absolutely astounding when you think about the fact that somebody that would be in a facility owned and run by the government would have to endure that kind of torture. It's just mind-boggling to me how that could even happen. But, sadly, back in those days, the days of Mount Cashel, those things did happen. God willing they

will never happen again, but for those who were negatively impacted, we're now going to have a way so they can seek redress, that they can get the justice they deserve.

As I said, it happened, it started with Mr. Whalen and it's going to end here in this House of Assembly, thanks to the efforts of all 40 Members, once again, working together doing the people's business. As I say, for that, we should all be very proud.

Thank you, Mr. Chair.

SOME HON. MEMBERS: Hear, hear!

CHAIR: Thank you.

Seeing no further speakers, shall clause 1 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clause 1 carried.

CLERK: Clause 2.

CHAIR: Shall clause 2 carry?

The hon. the Member for Torngat Mountains.

L. EVANS: Yes, thank you, Chair.

I'm just going to speak briefly. I did mention some of the issues we had with the amendment, out of concerns, and the fact that we all did work together to come up with some solutions. I do want to thank the minister for reaching out and allowing us to contribute.

Just looking at this, as I spoke earlier, we are concerned that some victims could be omitted. That's when we're looking at the

amendment there: "... an action relating to battery that has been committed against a person and has intentionally caused bodily injury to the person where, at the time of contact, the person ..." and it goes on to list the criteria.

Chair, we are concerned there that is limited just to where victims can show evidence that they were harmed, such as marking, so we were concerned about that. Also, we were concerned that victims who were harmed by psychological forms of abuse and torture could be omitted as well. We wanted to make sure – and we all worked together on this – that we were bringing in good legislation and that we would work together, through consultation, to fill the gaps to the best of our ability.

Again, I'd like to thank the minister, the Member for Harbour Main and the two independents from Humber - Bay of Islands and Mount Pearl - Southlands, for working on and making sure that we're bringing forward the best legislation. We did look at adding words to make sure that the gaps would be covered.

Also, as the Member for Mount Pearl - Southlands was talking about, it's youth. One of the things that we are concerned about is with youth and children a lot of times they don't even realize that they're being harmed, or that there is wrong being done to them. That's so important that we got to make sure that the youth are looked after and that they have the wherewithal to access justice. That's why we will be bringing in the amendment.

Also, I did mention initially when I did speak that we were really, really pleased about the expansion to include intimate partner relationships. We do want to thank the government, the minister and his department for including that, because that's a huge gap that existed beforehand.

So with that, Chair, I move the following amendment: That subclause 2(3) of the bill

is amended by deleting the proposed paragraph 8(2)(b) and substituting the following:

(b) an action relating to assault, battery or trespass to the person that has been committed against a person where, at the time of the assault, battery or trespass, the person was (i) a minor; and (a) was under the care or authority of another person, organization or agency, (b) was financially, emotionally, physically or otherwise dependant upon another person, organization or agency, or (c) was a beneficiary of a fiduciary relationship with another person, organization or agency, or (ii) was in an intimate partner relationship with the person who committed the assault, battery or trespass.

This is seconded by the Member for Harbour Main.

SOME HON. MEMBERS: Hear, hear!

CHAIR: Thank you very much.

The Committee will now recess to consider the said amendment.

Recess

CHAIR: Order, please!

Are the House Leaders ready?

The Committee have considered the proposed amendment, and it is clear that the will of the House is there. The amendment is in order.

SOME HON. MEMBERS: Hear, hear!

CHAIR: I recognize the Member for Torngat Mountains, for further remarks.

L. EVANS: Chair, I rise just to actually show my appreciation and thank everybody, and also to thank the minister for their co-operation to be able to bring in this amendment.

When I spoke on the original amendment, I did say that I would never, ever be able to think about this act, the *Limitations Act*, without thinking about Jack Whalen. Because, Chair, I think we recognize without the actions and advocacy of Jack Whalen and the support of his family to bring this to our attention, to get the attention of the province, and the attention of the government and the minister and to really show the unfairness and bring it to light – without the Whalen family, we wouldn't actually be discussing this *Limitations Act*.

So like I said, I just wanted to recognize the tremendous work that Jack Whalen has done, but more importantly is to recognize that Jack Whalen was showing us what he and others have gone through and have been failed by the justice system. We were given the opportunity to correct that.

I'm very proud, like I said, with the Member from Harbour Main, who really was the one who championed this. The two independents, the Member from Humber - Bay of Islands and the Member from Mount Pearl – Southlands, they continued, week by week, in the House of Assembly. It was them that really were able to make sure that the petitions were read consistently and to, sort of, hold the government to account.

Chair, with that. I'll take my seat.

Thank you.

SOME HON. MEMBERS: Hear, hear!

CHAIR: Thank you,

I next recognize the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Mr. Chair.

I won't take long. I just have a question – and I don't mean to throw a wrinkle into things, and I'm not a lawyer, I have no legal background, so I'm not going to pretend I

know what I'm talking about here. But a scenario just occurred to me when I was reading the amendment, that I don't see covered, and maybe the minister could point out to me how it is covered.

That is, when we look at the amendment, we are dealing with psychological abuse, torture and so on by adding the term "trespass." Then when we say that we go down to subsection (i) and we're talking about a minor and (a), (b) and (c) are the things that tie to the minor. Then we have a subsection (2), which talks about intimate partner violence.

My question, Minister, is – and if you could point out where it's covered, I'd appreciate it – what about if I'm not a minor, I'm an adult and I have been somehow psychologically abused or whatever and I'm an adult. I'm not in an intimate partner relationship; I'm thinking about perhaps I'm an adult with a disability of some sort and I might have an IQ of a minor, so to speak, but in terms of years of age I'm not a minor. But now I'm being psychologically abused, whether it be by my parents, my caregiver, or whatever, is that being addressed in this amended legislation? If you could point it out to me, I'd appreciate it, because I'm not seeing it there.

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

J. HOGAN: So what I'll say is that I just want to clarify when people talk about psychological or psychiatric damage. That is different from a tort. A tort is sexual misconduct, battery, assault, trespass of the person. That is what gives you a cause of action. That founds your claim in law. That's what you can sue on.

What people in the department are saying is that will get you in the door in court. Lifting the limitation period will allow people who had those things happen to them to make a claim in court regardless of time periods.

What flows from that tort, what flows from that sexual misconduct, that battery, that assault, that trespass of the person, can be minor, it can be very significant, it can be life altering, it can be all those things in between, but that can include psychiatric or psychological damage.

For example, when you look at the clause that deals with sexual misconduct, it does not say whether you can or cannot claim for psychological or psychiatric damage. Those are the damages that flow from the cause of action being sexual misconduct. They are two different things. There are damages that flow and there is cause of action that allows you to bring the claim in the first place.

With regard to the other scenario, you're talking about someone who is an adult. The conversations we had this afternoon when we talked about making this amendment to make sure it encompassed what was being put forward in the petitions, it was very clear to me that what was being sought was to lift the limitation period for torts against minors. So the word "minor" was added to this to cover battery and what we have now increased it to battery and trespass against the person.

If someone is an adult, it is a very different situation if they were faced with an assault and battery or sexual misconduct or trespass against the person. They are in a different situation than someone who was abused. Child abuse was the word that was used in the House, even though that's not a tort in and of itself. That is a different situation than a child who was faced with that situation.

That is a legitimate policy reason about why limitation periods should be lifted for a child who was abused. Children don't understand. Children don't comprehend. Children may not remember. There are all kinds of reasons why it wouldn't be fair for them to have a limitation period run against them when they were abused when they were a child as opposed to an adult.

A very simple example – and I’m not trying to put this on anyone or say this shouldn’t be a big deal, but a child who was punched when they were 10 years old might not know the difference. If me and you get in a fist fight in the parking lot, you and I know the difference. The limitation should apply to people who know the difference.

CHAIR: The hon. the Member for Mount Pearl - Southlands for the remarks?

P. LANE: Yes.

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

P. LANE: No, I appreciate that minister, and I guess I understand what you’re saying about a child; but what I’m trying to get at here and maybe I didn’t explain myself very well. Let’s just take a scenario where you have someone who is, say, 25 years old, for argument’s sake.

They are 25 years old but their IQ or whatever, because of cognitive ability or whatever the case might be, is that of an 8-year-old or of a 10-year-old, to use your example, and somewhere along the way, somebody becomes aware of the fact that this adult with the mind of a child is being locked up in a cell like Mr. Whalen was, down in the basement or something. God forbid, but I’m just saying – well, actually, we saw that kind of thing has happened.

So that’s all I’m asking here. I understand minor, but you can be 25 years old but in terms of your cognitive ability and so on, it could be that of a minor and you could be just as vulnerable or more vulnerable than an actual child. So that’s why I was asking. I don’t see that it’s covered here. If it’s not covered, it’s not covered, I’m just asking, is it covered?

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

J. HOGAN: So not to be difficult but I can’t answer the question because there are other rules related to limitation periods that are determined by the court in a lot of cases, such as what’s known as the discoverability rule. So despite the fact that you might have suffered a harm, you might not know that harm happened.

Sexual misconduct, for example, someone might have been sexually assaulted when they were 20 years old and they might not have appreciated it at the time that it was a sexual assault. They might not realize that until they were 30 or 40, after going through therapy, after talking to people that what happened to me then was wrong.

So even though there’ll be a limitation period that applies to that, the court can say it doesn’t start to run until it was discovered by the individual. So your point when you said, someone becomes aware, the limitation period does not start to run in some cases until the person becomes aware, despite the fact that the act happened historically, okay.

So I can’t answer that question because it’s case specific. But there’s room for flexibility in situations like that with regard to someone who has a disability, the *Limitation Act* – I guess for lack of a better word – can put a pause on it, and a limitation period, again, similarly, may not start to run until the person emerges from that disability. So there’s no pressure on someone who’s under a disability to make a decision that they can’t make.

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

P. LANE: I thank the Minister for the answer.

I’m not going to drag it out, but when I’m saying about being under a disability until they’re able to make that decision, what I’m trying to say to you, Minister, is that we have individuals that are born with severe,

significant cognitive disabilities, whether they're 5 years old, 10 years old, 30 years old, there are some individuals that in terms of their cognitive ability and so on, their IQ or whatever the case might be, it's not going to change. It's not going to be okay, when I turn 40, all of a sudden, my disability goes away or whatever.

So I guess all I was wondering about is, if you had somebody like that, whether they were in a care setting in terms of group home, or whether somebody one day discovered that they were being locked up in the basement or something by their horrific parents or something like that and that this has been ongoing for a long period of time, I was just wondering, in those scenarios, are these people covered in terms of an action against the perpetrators, if you will.

I know this is more about torts and so on, but perhaps if a family member became aware of it, they'd say, well, we need the ability to be able to seek justice and even financial redress to help look after this person for the rest of their time.

I'm just wondering about that scenario. I'm not talking about someone with a disability that can go away or be corrected. I'm talking about someone who was born with severe disabilities and are not able to defend themselves, speak up for themselves, and if someone else becomes aware of the fact later down the road that this happened to them, is there any redress for them or would they be covered by this lifting the limitations? I guess that's what I'm asking.

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

J. HOGAN: No, that is not the intent of this amendment. But, again, you can't sue for something that you're not aware of. So the clock doesn't start ticking until someone becomes aware of it.

CHAIR: Any further speakers?

The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Thank you.

I just have a few comments to make.

First of all, I thank the Member for Torngat Mountains for moving this amendment and I'm very proud to second it.

I just want to say that this is an important amendment because it's not just about assault, battery, but the wording of trespass to the person is very important because it expands to include persons that suffer from psychological trauma or have psychological impacts from being abused, physically abused as a minor.

So that's why it's so important, it will now allow people like Jack Whalen to seek redress, to access justice, to have closure, to have healing and hopefully this will prevent future harm from occurring to others.

I just want to say that I spoke to Ms. Whalen, Brittany Whalen, about this amendment and her words were: It's an important step and it's in the right direction. So she was pleased with this amendment. I also spoke to Eli Baker, who had a role to play in this as well, and he, too, was very pleased. He says this is great. It evens the playing field throughout our country in terms of provinces that were able to allow minors to seek access to justice and there were no time limits. So it levels the playing field. Now we're up-to-date in terms of the law. He said this is where we needed to be.

So on that note, I just want to say that, again, it is a very good day and I'm very pleased to be a part of this collaboration that took place in this hon. House. It was a very proud moment for me to see all of us working together. The Member for Humber - Bay of Islands and Mount Pearl - Southlands have been included in this important process; the Third Party Leader; and, of course, the Member for Torngat

Mountains who moved this important amendment; the Member for Labrador West; and all of our caucus in the Official Opposition who took up this cause and were committed and passionate about it from day one back in fall of 2022.

So it's a great day and I thank everyone for their involvement.

SOME HON. MEMBERS: Hear, hear!

CHAIR: Thank you.

Seeing no further speakers, is it the pleasure of the Committee to adopt subclause 2(3) of this bill?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

So just for the information of the Committee, subclause 2(3) was what the amendment was for. So, in other words, it is the amendment, so that's what I just asked your support for. So let me do it again so everyone's clear.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Thank you.

Carried.

On motion, amendment carried.

CLERK: Clause 2, as amended.

CHAIR: Shall clause 2, as amended, carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Clause 2, as amended, is carried.

On motion, clause 2, as amended, carried.

CLERK: Clauses 3 through 14 inclusive.

CHAIR: Shall clauses 3 through 14 carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, clauses 3 through 14 carried.

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

CHAIR: Shall the enacting clause carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, enacting clause carried.

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

CHAIR: Shall the title carry?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, title carried.

CHAIR: Shall I report the bill with amendment?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

CHAIR: I recognize the Deputy Government House Leader.

L. DEMPSTER: Thank you, Chair.

I move that this House do now rise and report Bill 74 carried with one amendment.

CHAIR: It is moved and seconded that the Committee rise and report Bill 74 carried as amended.

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

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

SPEAKER (Bennett): Order, please!

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

P. TRIMPER: Speaker, the Committee of the Whole have directed me to report that Bill 74 has been carried with amendment.

Thank you.

SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and directed that Bill 74 be carried with amendment.

When shall the report be received?

J. HOGAN: Now.

SPEAKER: Now.

When shall the bill be read a third time?

J. HOGAN: Now.

SPEAKER: Now.

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

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Thank you, Speaker.

I move seconded, by the Member for Harbour Main, that the amendment be now read a first time.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: It is moved and seconded that the amendment shall now be read a first time.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

CLERK: First reading of the amendment.

On motion, amendment read a first time.

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Thank you, Speaker.

I move, seconded by the Member for Torngat Mountains, that the amendment be now read a second time.

SOME HON. MEMBERS: Hear, hear!

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

On motion, amendment read a second time.

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Speaker, I move, seconded by the Deputy Premier, that An Act to Amend the Limitations Act, Bill 74, 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 Limitations Act. (Bill 74)

SOME HON. MEMBERS: Hear, hear!

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

On motion, a bill, "An Act to Amend the Limitations Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 74)

SPEAKER: The hon. the Government House Leader.

J. HOGAN: Speaker, I move, seconded by the Minister of Industry, Energy and Technology, that this House do now adjourn.

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

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

This House do stand adjourned until 10 a.m. tomorrow.

On motion, the House at its rising adjourned until tomorrow, Wednesday, at 10 a.m.