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*Speaker: Honourable Derek Bennett, MHA*

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The House met at 1:30 p.m.

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

Admit strangers.

Before we begin this afternoon, I'd like to welcome Brock Pittman here this afternoon. Brock is the subject of a Ministerial Statement.

Welcome.

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

### **Statements by Members**

**SPEAKER:** Today we'll hear statements by the Members for the Districts of Stephenville - Port au Port, Terra Nova, Topsail - Paradise, Baie Verte - Green Bay and Waterford Valley.

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

**T. WAKEHAM:** Thank you, Speaker.

Port au Port resident, Cheryl Stagg, is a compelling leader who is passionate about her community and province. With her varied background in small business and community involvement, she has made her mark in so many aspects of the community.

A long-time supporter of the arts, Cheryl was instrumental in the establishment of a Stephenville Theatre Festival and has served as its founding administrative director. Cheryl was co-founder and editor of the local newspaper, *The Georgian*. She has also worked for the provincial government in the former departments of adult education and development.

Cheryl has served on a number of national, provincial and regional board of directors including Canadian National, Marine Atlantic, Newfoundland and Labrador Arts Council, chair of the College of the North Atlantic Board of Governors, Sir Thomas

Roddick Hospital, Bay St. George Chamber of Commerce, Airport Advisory Committee, among others.

In 2016, Cheryl was presented with the prestigious Order of Newfoundland and Labrador in recognition of her years of commitment and dedication that she has given to the people of the province and to the organizations that tie our communities together.

Thank you, Cheryl, for your amazing contributions to our community and our province.

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

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

**L. PARROTT:** Thank you, Mr. Speaker.

Mr. Speaker, I stand today to honor a well-known business owner, family man and the best friend I could ever have asked for.

In 1989, Jim Brown started J-1, a major construction company that serviced Newfoundland and Labrador. He owned Newfoundland Helicopters, another successful business that served the entire province.

Jim was a business titan. His group of companies employed a large number of people throughout the entire province.

Jim was eager to give back, serving as mayor for a number of years. Many times, he was the first call people made when there was a job to be done or if someone was in need. His philanthropy was well known with his annual support of local hospital, schools, sports teams, local charities and many, many unknown individuals.

In true Jim fashion, he never sought recognition or acknowledgement for any of these contributions, not in any way. As a

matter of fact, he is probably looking down on me, cursing on me because I'm saying this out loud.

Jim's greatest joy was his love for the outdoors. He was an avid angler. Life was at its best when Jim was standing by a pond having a flick and just enjoying nature.

Unfortunately, Jim passed away, tragically, this summer, but I can assure you his family will ensure his legacy and his work lives on.

I'd like to ask the House to rise with me in remembering Jim Brown. Rest in peace, buddy.

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

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

**P. DINN:** Speaker, I am proud to rise and recognize eight exceptional athletes from my District of Topsail - Paradise who received the 2024 Premier's Athletic Award for Athletic Excellence.

On October 30, the following athletes each took home awards in their respective sports: Stephen Westcott, boccia; Benjamin Fudge, gymnastics; Will Carroll, hockey; Katie Winsor, hockey; Nicholas Quinn, parasport-badminton; Gavin Baggs, parasport-athletics, basketball, hockey and swimming; Jorja Row, soccer; and Darcy Butler, swimming.

I'm always delighted to hear of exceptional individuals and their contributions to the athletic community. This recognition is a result of countless hours of dedication and time, and I commend them for all their hard work.

In addition to these athletes, I also recognize the commitment of their parents as, without their support, these awards would not have been possible.

Speaker, I would ask all in this hon. House to join me in congratulating these outstanding athletes who are a true inspiration for the community and wish them continued success in their future endeavours.

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

**SPEAKER:** The hon. the Member for Baie Verte - Green Bay.

**L. PADDOCK:** Speaker, tomorrow, the Baie Verte Chamber of Commerce will celebrate their golden anniversary.

Five decades of support to the business community on the Baie Verte Peninsula is a notable achievement, support that has been provided through a focus on community-mindedness and a desire to do better. They have lived the ebb and flow across all business sectors and they have been the anchor when those sectors have experienced great challenges.

Last year, unfortunately, low tide came again on the Peninsula; but luckily, we can spring forward to today where there's a greater energy and optimism for what the next few years will bring, especially across the mining, fishing, forestry and tourism sectors.

Now a pan-peninsula Chamber of Commerce for their 19 communities, they are pursuing opportunities towards some of the area's untapped potential, like with tourism. Of specific tourism note, certain aspects of our provincial history are anchored in that area, like Le Petit Nord and the Dorset Indigenous cultural remnants.

The signature event of the chamber is the Baie Verte Mining Conference. As such, I invite all MHAs from the 50th Assembly to further engage the chamber in person, by partaking in their mining conference and dinner in early June 2025.

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

**SPEAKER:** The hon. the Member for Waterford Valley.

**J. KORAB:** Thank you, Speaker.

Today, I wish to highlight the beautifully restored, tiny dual-purpose historic institution, the Blackhead One Room School and Church Museum. This must-see treasure in Blackhead village near Cape Spear was originally constructed in 1879. This building is a provincially designated heritage structure and hosts a wealth of family history stored in a genealogy exhibit, which also includes a self-guided walking tour.

This past weekend, the museum held their craft and delicious bake sale. My daughter and I were delighted to visit and see the amazing Christmas village complete with two model trains with a conductor, Christian Starr.

On September 29, the museum had a special puppet show, *The Road to Confederation* by Jake Thompson of the show *NL Now*.

From adult workshops, afternoon tea, community garden scoffs and much more, the Blackhead museum is a valuable historic building that has stood the test of time but only with the help of its many volunteers. To name a few: Scott; Shawn; Wes; Hunter; Toni, with the grounds work; Donna; Melissa; Ann; Suzette; Katherine; Ellen; Angela; Colin; Toni; and, of course, Bonita.

Thank you for all the work you do in the community.

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

### **Statements by Ministers**

**SPEAKER:** Statements by Ministers.

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

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

**S. STOODLEY:** Thank you, Speaker.

Everyone deserves the opportunity to obtain employment. That is the purpose of our Supported Employment program, which is essential in promoting inclusivity and expanding opportunities for individuals with intellectual disabilities to find meaningful work.

This past year, we invested \$10 million in the program, providing resources and services that helped more than 650 individuals participate in meaningful employment, individuals like Brock Pittman who is currently watching from the public gallery.

Brock is a second-year student studying political science at Memorial University and, today, is my mentee through Avalon Employment and MentorAbility Newfoundland and Labrador. He was looking for a mentor in politics so I was happy to oblige.

Initiatives like this open doors and create opportunities for people with intellectual disabilities to thrive as valued members of our workforce. We fund the Supported Employment program because it is a compassionate approach and, also, because it empowers people and makes our economy more productive.

Speaker, I urge my fellow MHAs to support this program and to consider mentoring individuals within our communities, someone like Brock Pittman. Together, we can continue building a more inclusive Newfoundland and Labrador.

Thank you, Speaker.

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

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

**L. PARROTT:** Thank you, Mr. Speaker.

I would like to thank the minister for an advance copy of her statement.

We'd like to welcome Brock Pittman to the gallery and thank the Avalon Employment and MentorAbility Newfoundland and Labrador for their service in helping to build inclusive and meaningful workplaces. We would also like to recognize all of the mentors throughout the province who support employees in the workplace.

We hope that the Liberal government will ensure that these supportive employment programs will continue as we recognize the importance of employment and the removal of barriers for individuals in the workplace.

Thank you.

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

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

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

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

Welcome Brock.

We would like to see the province support more people like Mr. Pittman and that's why we were saddened to learn that this government had no plans to fund supportive employment programs, even though the federal government warned them months in advance of cuts.

We, therefore, call on this government to find new means of supporting these programs; not out of compassion, because it's the right thing to do.

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.

Speaker, as we unfold this debacle called the land purchase or land deal, I found out that the Premier's office didn't take the call. The Premier has said he didn't take the call. The current minister said he didn't take the call.

So I would like to ask the former minister of TI, the current Minister of Housing, did he take the call from the developer about this land?

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

**F. HUTTON:** Thank you, Mr. Speaker.

The Member opposite is correct. The Premier did not take a call. He is correct in stating that I did not take the call because the call occurred last February to the past minister of Transportation and Infrastructure – well, the call went to the Transportation and Infrastructure Minister's office and, as a result of that, a meeting was set-up with now the proposed vendor, at the time was the donor of the land.

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

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

**T. WAKEHAM:** I think it took us three days to figure out who took the call.

Speaker, yesterday the minister confirmed that he doesn't own the land that the new

sport and well-being dome is to be built on, according to their RF.

So I ask the minister: Who owns the land?

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

**F. HUTTON:** Thank you, Mr. Speaker.

The land is owned by H3 Development. They are currently in negotiations with the provincial government. I've said publicly here in the House and outside in media interviews that we are very close to a final deal with H3 Development, which is why we signed an MOU with them so that we can build the new acute-care facility, which will service hundreds of thousands of people for generations to come, Mr. Speaker.

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

**SPEAKER: SPEAKER:**

**T. WAKEHAM:** So, Speaker, they actually were in negotiations with H3 long before they did the photo op of announcing the site for the new hospital; long before they said it was going to only take 10 acres of donated land to be built on. They forgot to tell the people of Newfoundland and Labrador anything about the \$23 million they're about to spend.

I ask the minister: Are you aware that part of the land you're attempting to build the turf dome on belongs to another developer?

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

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

The location of the new hospital is incredibly important and we have to be very strategic. I can say to you, Speaker, that not only will we use it, not only will our children use it, not only will our grandchildren use it, our great-great-grandchildren will use this hospital.

We have to be very, very smart about where this location is. It has to have appropriate infrastructure; it has to have appropriate access to this facility. It also has to be at the apex of multiple communities where the population is: Mount Pearl, St. John's, Paradise. It has to be very strategically located.

It is unfortunate the Members opposite can't be as strategic as this government is.

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

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

**T. WAKEHAM:** Speaker, it's amazing though that when they issued a request for proposals for the sport dome, for design services, they included a list of requirements of what they were supposed to look at. They haven't awarded this yet, but one of the things that they were required to look at in this site investigation was to be completed on the survey and geotechnical investigation.

I wonder, Speaker, why would we invest in a billion-dollar hospital complex and not require that work to be completed?

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

**F. HUTTON:** Mr. Speaker, I thank the Member opposite for the question; happy to address it.

As we have mentioned before, the wellness dome and sports complex was announced in the provincial budget. We put out an RFP. It was public. Media stories were done on it. We did a news release about it back in March or whenever it was announced in the provincial budget. We have been in step with what we are supposed to do in terms of acquiring land so that we can service people in Newfoundland and Labrador who need, not only the ability to have access to sports complexes, but rehabilitation after

their medical surgeries or whatever procedures they have.

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

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

**T. WAKEHAM:** Speaker, again, I'm going to go back and focus on the land because that's exactly what I'm talking about.

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

**T. WAKEHAM:** Also, in this request, it also required watershed and flood plain investigation, yet the government is rushing out to spend \$23 million of taxpayers' money on land that they don't even know if it's in a watershed or if a flood plain investigation has been done.

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

**F. HUTTON:** Mr. Speaker, our officials are obviously doing their due diligence and have done their due diligence in terms of looking at the land that is currently zoned for what we want to do with it. Unlike the other land, that the Member opposite has been pointing out over the last few days, which is not zoned for what we want to do.

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

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

**T. WAKEHAM:** Speaker, this in particular, again, asked for, water and sewer valuation, powerline studies, yet again we're moving ahead with \$23 million of expenditure without even knowing if it can be built on.

Again, is this a blank cheque or cost plus, plus? How can you squander people's money without even knowing what the final cost is going to be?

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

**SPEAKER:** Order, please!

The hon. the Minister of Transportation and Infrastructure.

**F. HUTTON:** Thank you, Mr. Speaker.

We are not doing what the Member opposite is suggesting, at all; we are very careful and strategic. Four years ago, when we were in the midst of a global pandemic, our Premier had the vision to put together the Health Accord. Knowing full well the problems in our health care system, planning for the future.

One of the things that we announced a couple of years ago, Members opposite may remember, is a replacement for a 100-year-old hospital. If anybody has been to St. Clare's, they know that hospital has to be replaced. It is going to take time to do it. We have a strategy. We have a vision. We're executing on it so the people of this province can get the health care they need.

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

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

**T. WAKEHAM:** Speaker, let me tell you what they don't have. They don't have the award given for the request for proposals for all of the information they required to build the dome. They also don't have the \$2.1-million report that they commissioned Deloitte to do which is supposed to talk about site preparations.

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

**T. WAKEHAM:** They don't have that, yet the minister is prepared to stand up and spend \$23 million of taxpayers' money without even knowing if this land is fit to build on.

Is that what you're doing?

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

**S. COADY:** Speaker, saying it loudly does not make it true.

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

**S. COADY:** Speaker, this government has been very strategic. We have a Health Accord –

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

**SPEAKER:** Order, please!

The minister is standing right there and I can barely hear her speak.

The hon. the Deputy Premier.

**S. COADY:** We have a Health Accord that outlines exactly the way we're going to develop health care in this province. I can tell you that many, many provinces in this country are now looking to what we've done because of the strategic view that we have taken.

We had Sister Elizabeth Davis and Dr. Pat Parfrey go across this province. We all know that we require a hospital. We know that hospital is going to be around for 100 years. We have to be strategic. We have to be well timed. We have to be thoughtful. I ask the Opposition to be that.

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

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

**T. WAKEHAM:** Speaker, deflect, deflect, deflect. That's exactly all that was.

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

**T. WAKEHAM:** Deflect, deflect, deflect.

Yesterday again, we found out that they announced a new dome in Kenmount Crossing, they didn't own the land. In 2023, they announced a new school in Kenmount Terrace, for which they didn't own the land.

Now, a new hospital is promised on land that they still don't own.

How many projects are the Liberals going to announce on land that they don't own?

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

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

**F. HUTTON:** Mr. Speaker, we are very aggressive as a provincial government in trying to make up for the infrastructure deficits that our province is facing.

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

**F. HUTTON:** We're building schools in Kenmount Terrace, yes. We own the land. We're building a school in Portugal Cove - St. Philip's. We're building a school in Cartwright. We're building a school in Pelley's Island and we're building a high school in Paradise, Mr. Speaker.

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

**F. HUTTON:** We have finished a hospital in Corner Brook that was started before 2010 by the previous administration. We finished it. Long-term care facilities in Corner Brook, Gander, Grand Falls-Windsor – look at the track record. Look at what we're doing in terms of infrastructure. That's what people of Newfoundland and Labrador are noticing.

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

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

**B. PETTEN:** Thank you, Speaker.

Minister, people are noticing a lot more than that. You need to go outside the bubble every now and then, Minister. You're in a big bubble; you've been there for years. Go outside the bubble and you'll learn a lot more.

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

**SPEAKER:** Order, please!

**B. PETTEN:** Thank you.

Speaker, yesterday the Minister of Health indicated he supported the decision not to hold anybody accountable for the travel nurse lease scandal. Yet, a senior health authority official said she has concerns.

Why doesn't the minister share the same concerns?

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

**F. HUTTON:** Mr. Speaker, I'd like to respond to the hon. Member's – what he said there, his preamble, in terms of not knowing what's going on. I would count myself among a lot of people in this province, in this hon. House as well, and perhaps the other side, who are very aware of what's happening in Newfoundland and Labrador, and I take great exception to the fact that they think I don't.

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

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

**AN HON. MEMBER:** The arrogance.

**B. PETTEN:** There is no arrogance here.

I will not take lectures from the Minister of TI, nor will I take lectures from anyone on that side of the House, Speaker.

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

**B. PETTEN:** Now, will the minister answer my question that I just asked?

Do you share the same concerns as your staff have about this travel nurse scandal? Do you share those concerns, Minister?

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

**J. HOGAN:** Thank you, Speaker.

Whenever there are questions about health in this province, I share everybody's concerns about that.

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

**J. HOGAN:** This issue dates back to last March, before I was minister, when the former became aware of allegations with regard to leases in this province for –

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

**SPEAKER:** Order, please!

**J. HOGAN:** The minister at the time did the right thing by writing the Auditor General to advise her of the allegations; to write the CEO of NLHS to advise of the allegations; and to write the chair of the board of the NLHS to advise of the allegations.

We now know that the leases have been terminated as a result of those allegations and investigations. We also know, and the Auditor General confirmed, I believe, yesterday in media reports, that this will be part of her scope with the investigation that she is doing into agency nurses in this province.

I remind the Speaker that that Auditor General investigation is what the Progressive Conservatives asked for. She is doing it. I look forward to her results, and anything in that report that we need to act on, I can guarantee you, we will act on, Speaker.

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

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

**B. PETTEN:** Thank you, Speaker.

So the minister just confirmed, they were well aware of everything last March that was confirmed through their internal investigation, but they won't disclose that so we'll keep asking questions, Speaker.

Last week, the minister confirmed leases were cancelled under the act. We know there are penalties. How much did cancelling these leases cost the taxpayers, Minister?

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

**J. HOGAN:** Sorry, Speaker, but the allegation by the Member then was that, I guess, the government was aware of things back in March. That's not true.

Back in March, there was a letter written from the president of the RNU to the former minister advising of allegations that she had heard, not that they were necessarily true. The minister at the time did the right thing by writing the Auditor General, as, again, suggested by the Progressive Conservatives, writing the CEO of NLHS and writing the chair of the board of the NLHS to look into those allegations. You had to look into something before you could act on them.

They were looked into by NLHS. They are being looked into in further detail by the Auditor General. I look forward to the Auditor General's conclusions and I guarantee you, we will act on any recommendations that she brings forward when the report is thoroughly reviewed, analyzed and investigated.

Thank you, Mr. Speaker.

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

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

**B. PETTEN:** Obviously, the minister had great concerns, he wrote the AG back in

last March. So you got a lot of information in that letter that we have not seen and it's not provided to the public.

Minister, can you provide how many former health authority employees currently have leases in place?

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

**J. HOGAN:** The Member needs to start telling the truth. That letter was provided to him and tabled in the House of Assembly, Speaker.

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

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

**B. PETTEN:** Mr. Speaker, there was a letter –

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

**SPEAKER:** Order, please!

**B. PETTEN:** There was a letter by Ms. Coffey to the minister outlining her concerns; we never seen that letter. There was a letter and information provided to the minister in August from the NLHS providing their concerns and that was never provided to me.

So the minister can jump up and throw down his microphone and act really mad, but it doesn't intimidate me. It doesn't intimidate anyone on this side of the House. We have questions to ask and the people want answers.

I'm going to ask another one now, Minister.

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

**SPEAKER:** Order, please!

**B. PETTEN:** How long were these, now cancelled, but inappropriate, leases in effect?

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

**J. HOGAN:** Speaker, as I said in response to the first question, all this information, if the public is asking and the Opposition is asking, it should be public information. That's why I wrote NLHS yesterday asking for further details about their investigation and to provide each and every piece of information relating to the leases, when they were signed, the values of them and how long they were for.

I look forward to the response from NLHS. When that letter is given to me, it will immediately be made public.

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

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

**B. PETTEN:** Thank you, Speaker.

In March, this issue with the inappropriate leases was identified, but not addressed until August. Why did it take so long for an investigation to be initiated, Minister?

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

**J. HOGAN:** Thank you, Speaker.

Again, the former minister was advised of these allegations back in March. It takes time to investigate. The Auditor General is still doing her investigation. I would suggest the reason it takes a certain amount of time is to make sure it's done properly. But that's the way I think NLHS does things, and I know that's the way the Auditor General does things, Speaker.

Thank you.

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

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

**B. PETTEN:** Not the way things probably should be done, Minister.

The health authority said that the leases were well intended and no one was hiding or disguising themselves within the process.

I ask the minister: Can employees inside the health authority violate any policy or guideline as long as they do it so openly with no intent to hide their actions?

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

**J. HOGAN:** Thank you, Speaker.

I believe what the Member just said is things shouldn't be done carefully, in an analytical way. I guess it should be done quicker, which would lead to things being done maybe improper.

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

**SPEAKER:** Order, please!

**J. HOGAN:** But I will say with regard to any employee in any situation in this province, it doesn't matter where you're employed, if you're employed here in government, if you're employed at NLHS, if you're employed at Hydro, if you're employed with the university, if you're employed in private practice here anywhere, if there are policies about employment that exist, they need to be followed. There are consequences for breaching policies depending on what has been done.

We look forward to the AG's report. I look forward to the letter from NLHS as well outlining the details of what they found when they did their investigation leading up to the decision to terminate the leases.

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

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

**B. PETTEN:** Speaker, the minister just summed up everything and he never said it.

Why aren't you taking the necessary action today instead of hiding behind the AG report? Do what's right. These employees have done wrong. Why don't you, as minister, stand up and do the right thing because that's what the public expects of you, Minister.

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

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

**J. HOGAN:** Thank you, Speaker.

So NLHS – for the Member, as he clearly is not aware of this – is a separate entity from government. It is at arm's-length from the government. It has 23,000 employees. They have a full executive that deals with HR issues and operational issues on a day-to-day basis. All of these issues do not come across the former minister's desk or the current or future minister's desk. That is the job of NLHS. The government provides policy direction to NLHS and they implement the operational, day-to-day decisions of the health authority, Speaker.

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

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

**B. PETTEN:** Thank you, Speaker.

Condescending and arrogant comments do not deter me, never will.

The minister – if you look through *Hansard* – he does a great job on being arrogant. I do not be bullied by arrogance, Speaker.

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

**SPEAKER:** Order, please!

The hon. the Opposition House Leader.

**B. PETTEN:** Thanks for the protection, Speaker, I appreciate that.

Government are the ones, Speaker, who will not listen to questions. It's only this side of the House; don't anyone at home think we're at this. What a joke.

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

**SPEAKER:** Order, please!

**B. PETTEN:** I hope people listen.

The minister said he didn't sign off on the leases. Did the former minister, who's now the Minister of Municipal and Provincial Affairs, sign off on these leases?

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

**J. HOGAN:** Speaker, part of this job is being in the public eye and I quite enjoy my role as Minister of Health and Community Services; it's a difficult job. You don't know how many people in the last four months have said to me I can't believe you're taking this on, it's very difficult. We're with you, we're behind you, we want health care to succeed in Newfoundland and Labrador.

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

**J. HOGAN:** I know that there's going to be some taking some knocks in this job, I get it. But to stand here today and provide answers to questions in the House – and this all stemmed, by the way, Speaker, from me answering a question last week telling the public, telling the Member that these leases were terminated. I wasn't trying to hide behind anything, I was trying to publicly tell people what the Member asked.

To be accused here of being arrogant for trying to answer questions, trying to advise the difference between NLHS and government, trying to advise how policies and procedures work and being called arrogant for it, I will continue to try my best and deliver health care for Newfoundlanders and Labradorians.

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

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

**B. PETTEN:** Speaker, *Hansard* doesn't lie. Read *Hansard* and it reeks with arrogance. The minister needs to realize there is a lot in his words. I just ask questions. I can't control arrogant responses. If he's doing his best, he should do what we're asking him to do and deal with these people. That's all we've ever asked. If he wants someone to cheer him on, I will cheer him on if he does the right thing. I can't cheer him on when he's not.

Speaker, we have heard cases where seniors and other vulnerable individuals were evicted from housing that was in turn rented to a travel nurse at higher rates.

Minister, can you clarify how widespread this is?

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

**J. HOGAN:** Speaker, one thing I won't do is politically interfere where there should never be political interference.

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

**J. HOGAN:** If that's arrogance; well, I'm the most arrogant person in this room, Speaker, because I won't be doing it.

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

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

**L. PARROTT:** Thank you, Mr. Speaker.

Nobody's looking for political interference, they're looking for answers.

Yesterday, in this House, the minister said no one was as disappointed as I was when she referenced the information provided to her by m5. Speaker, m5 is getting paid \$8 million – \$8 million to sell the Liberals nonsensical UK soccer investment.

Will the minister table the full m5 contract?

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

**S. STOODLEY:** Thank you, Speaker.

I stand by what I said yesterday; I was very disappointed when I understood that the numbers provided to me by our agency of record were incorrect.

I'm very proud of the work we're doing in the UK. Based on the UK's changing immigration policies, we believe there are a lot of health care workers in the UK who will want to come to Newfoundland and Labrador, Speaker.

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

**S. STOODLEY:** Speaker, we did three job fairs in the UK where we have over 900 interested individuals. We have done over 100 one-on-one interviews with people in the UK who want to come to Newfoundland and Labrador, and we have 800 left.

We are going to recruit health care workers to Newfoundland and Labrador and I'm very proud of our government for doing that.

Thank you.

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

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

**L. PARROTT:** Obviously, she doesn't want to table the contract; to publicly promote the UK contract cost significantly more than the UK soccer sponsorship itself.

What else is included in the m5 contract?

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

**S. STOODLEY:** Thank you, Speaker.

I'm happy to chat about our immigration efforts in the UK. I wanted to go myself to make sure that our job fairs were a good use of taxpayers' money. I went, I attended two of the job fairs in London. I chatted with job seekers in the UK who want to come to Newfoundland and Labrador, Speaker.

Our job fairs, I think, cost about \$40,000 for staff and travel to attend the job fairs. Of those, we are going to get social workers, we are going to get paramedics, we are going to get nurses and we are going to get doctors.

That is an investment that is worthwhile.

Thank you, Speaker.

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

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

**L. PARROTT:** The previous minister said we had 3,000 people who came from the Ukraine that were all in the health system. Now she's saying that everyone she's talking to is in the health system. The health system is falling apart.

The m5 contract cost \$8 million and it belongs to the people of the province. With one email the Premier or the minister can make it available.

Why won't you do it?

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

**G. BYRNE:** No, Mr. Speaker, I will not take that Member saying falsehoods on this floor –

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

**SPEAKER:** Order, please!

**G. BYRNE:** – that I said there was 3,000 health care workers from Ukraine.

**SPEAKER:** Order, please!

Address the Chair, please.

**G. BYRNE:** That is not correct.

**SPEAKER:** Order, please!

Address the Chair, please.

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

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

**L. PARROTT:** Again, the m5 contract, \$8 million from the public purse, belonging to the people of this province. With one email his minister or the Premier could table it.

Why won't they do it?

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

**S. STOODLEY:** Speaker, this isn't about an m5 contract. I'd be happy to look into that and if it's publicly releasable, I'm happy to do that. This is not a secret.

As a province, we have a declining birth rate. From a population growth perspective, we have to spend money to get doctors and nurses and social workers and health care workers to find out about Newfoundland and Labrador.

This is like a big sales funnel, Speaker. We need as many doctors and nurses, early childhood educators, residential construction workers to come out of that funnel as possible and we have to fill up the top of the funnel, Speaker, with interested people who want to come to Newfoundland and Labrador.

Thank you very much.

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

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

**L. PARROTT:** (Inaudible.)

**SPEAKER:** Order, please!

Your microphone is not on yet.

The hon. the Member for Terra Nova.

**L. PARROTT:** How many people have personally indicated that they immigrated into this province because they saw the province's name in little text –?

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

**SPEAKER:** Order, please!

The hon. the Member for Terra Nova.

**L. PARROTT:** How many people have personally indicated that they immigrated into this province because they saw the province's name in little text on a soccer jersey? Give us the number.

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

**S. STOODLEY:** Thank you, Speaker.

I didn't hear the preamble, but I look forward to reviewing *Hansard* to see what happened and bringing it up in the House the next time I have the opportunity, Speaker.

I'm very proud of the range of marketing initiatives and tactics that we're employing in the UK. Because of the UK's changing family immigration policies, we believe that there are a lot of health care workers and early childhood educators who want to move to Newfoundland, Speaker.

We have a declining birth rate. If we want people to be working in our health care system, in 10, 20 years' time, we have to spend money to make sure that people know about Newfoundland and Labrador. The immigration process is not a short process, Speaker. They have to want to come. They have to fill out the paperwork. The federal government has to allow them.

This is a long-tailed recruitment exercise, Speaker, and we have to fill up the top of the funnel so that people know about Newfoundland and Labrador.

**SPEAKER:** Order, please!

The minister's time has expired.

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

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

**J. BROWN:** Thank you, Speaker.

Speaker, last week parents at Menihek High School were sent an email informing them that the whole school and core-specific fees were now required. The email outlined to parents that the fees be paid as soon as possible, in cash, at the school.

I ask the minister: How many schools in this province are forced to rely on payments, in cash, from parents to make up the lack of funding that this government provides for supplies?

**SPEAKER:** The hon. the Minister of Education.

**K. HOWELL:** Thank you, Speaker.

I'm unaware of the email that the Member opposite is referencing, but I will make every effort to find it in our department and address it.

The Government of Newfoundland and Labrador is currently investing heavily in our education system here in Newfoundland and Labrador, the most recent of which is our Education Accord where we've deployed the resources of several experts in the field who are taking a look at the entirety of our education, from our early childhood right into our seniors, and how we can impact the learning opportunities that they have across the spectrum.

So we do look forward to the report coming from the Education Accord on how we can do things better here in Newfoundland and Labrador. In the meantime, we continue to invest in our transformation team and, on the day to day, we have conversations with our classrooms and determine what resources are needed in each of these. We'll continue to do that.

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

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

**J. BROWN:** Thank you, Speaker.

Well, clearly, the email should have never went out in the first place, but they're looking for cash.

Speaker, accessibility in our schools is important to us, but clearly not this government. The elevator at Menihek High School was broken since November, last year, and only just being now repaired, failing students who have accessibility needs.

I ask the minister: Why does it take over a year for critical maintenance issues to be addressed in our schools across this province?

**SPEAKER:** The hon. the Minister of Education.

**K. HOWELL:** Thank you, Speaker.

As the Member opposite would know, the responsibility for infrastructure in our schools in this province is a shared responsibility between the Education Department and the Department of TI. We work very closely with our partners in TI to ensure that all the measures are implemented and that all of our resources are up to date and that our infrastructure is sound.

We do have a significant number of buildings and we do recognize that there are challenges in some of them, but we'll continue to work together to meet the needs of the students in the buildings.

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

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

**J. DINN:** It sounds like a complete failure to me on their part.

Speaker, teachers continue to highlight the need to address violence in our schools. In September, a student was suspended from a city high school for making credible threats. The student showed up the next day with a machete and a selection of knives.

Other than the feeble response of setting up committees, think tanks and an Education Accord, feeble attempts, the minister refuses to address school violence in a meaningful way.

I ask the minister: Why is that?

**SPEAKER:** The hon. the Minister of Education.

**K. HOWELL:** Thank you for the opportunity to respond and I'm very surprised that it's

taken anybody on the opposite side of the House this long to bring up this very important issue here in our province.

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

**K. HOWELL:** Speaker, we have definitely recognized that there's an issue with violence in our schools, but I wish that I was naive enough to live in the world where the Member opposite lives to think that it's a one-size-fits-all approach to fixing it. It is a very complex issue. It requires the collaboration of many departments of government. It is a reflection of our society and where we are going here in Newfoundland and Labrador and we have to figure out how to address that on all angles.

That's why we're very proud to support our Education Accord which is going to look at how we can support students, not only in the classrooms, but how we can address situations outside of the classrooms.

It's one thing to stand and look at a student and wonder why they fell in the water, but this government is going to go upstream and figure out why they fell in in the first place.

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

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

**J. DINN:** Speaker, we brought this up before and the world I live in, I've lived that life, unlike the minister, and I would say, right now, instead of pulling out students from the water, they're probably drowning them.

Speaker, a recent landmark arbitration decision between the New Brunswick Teachers' Federation and the Department of Education undermined the province that violated its obligations under safety policies, the occupational health and safety act and the collective agreement and awarded

damages to the principal and the resource teacher. In other words, the province failed to address violence in the classroom.

So I ask the minister: Is she waiting for a landmark arbitration decision in this province before she takes the issue of violence in the classroom seriously?

I have a copy of that arbitration decision –

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

The hon. the Minister of Education.

**K. HOWELL:** Thank you, Speaker, for the opportunity to respond.

As I said, we do recognize that there is an increase of occurrence of violence in our classrooms. That is why we're proud to work with our partners at the NLTA to develop our pilot program that introduced eight student services teaching and learning positions into our schools, where they can meet students on the front lines to address some of the issues that operate in the day to day.

We've also increased our student assistants to 160 and put in an additional 40 IRTs in the past school year. We will continue to increase our counselling services. We've actually changed the student to counsellor ratio, which used to be 1-500, now it is 1-333.

Speaker, this is a widespread issue; we have to have a widespread approach. If I had the ability to stop people from being jerks, I can tell you, I'd do it and I could point in the direction that I would start.

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

**SPEAKER:** The time for Oral Question has expired.

**S. COADY:** Point of order.

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

**S. COADY:** Speaker, I rise on a point of order, Standing Order 49 in particular.

Speaker, I believe I heard during Question Period, the Member opposite, the Member for Terra Nova, refer to a question and he said the current minister was probably going to bake sales.

Speaker, I find that misogynistic and I ask for him to withdraw that comment. It is incumbent on all of us to call out when we hear misogynistic remarks. I think it is important in this House.

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

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

**L. PARROTT:** Withdrawn.

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

**SPEAKER:** Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

### **Notices of Motion**

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

**J. HOGAN:** Speaker, I give notice that I will on tomorrow move that notwithstanding Standing Order 9, that this House shall not adjourn at 5 p.m. on Wednesday, November 20, 2024, but shall continue to sit to conduct Government Business and, if not earlier adjourned, the Speaker shall adjourn the House at midnight.

**SPEAKER:** Further notices of motions?

Answers to Questions for which Notice has been Given.

Petitions.

### **Petitions**

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

**P. DINN:** Thank you, Speaker.

Speaker, approximately 100,000 people in Newfoundland and Labrador live with mental illness.

Only about 40 per cent of the people affected by mental illness and addiction seek help.

Seventy per cent of mental illness developed during childhood and adolescence and most go undiagnosed.

Less than 20 per cent receive appropriate treatment.

Emergency and short-term care isn't enough and it is essential more long-term treatment options are made readily available.

Therefore, we petition the House of Assembly as follows: To urge the Government of Newfoundland and Labrador to provide access to long-term mental health care that ensures continuity of care, beginning with psychiatric and neuropsychological assessments being more accessible to the public so they can access proper mental health treatment and supports on a regular and continuous basis.

I've raised this petition many, many times in this House and government doesn't seem to be taking it seriously because there is not progress happening here in what people are asking for. People are telling us that mental health and addictions issues do not do well on wait-lists. We heard the report today by the Canadian Mental Health Association telling how far behind we are.

This government, two years ago, announced that they were going to put 9 per cent of the health care budget towards mental health. It hasn't happened; it hasn't come close, yet people struggle on a daily basis looking for ongoing long-term treatment and specialized services. It is not happening – it's not happening.

We look at some of the comments that have been made, in some cases, people are waiting as long as 24 months for psychiatric services. People with lived experiences are telling us they want continuity of care. They want proactive rather than reactive cases. They have difficulty in locating and accessing services.

One person said – and think about this, this person is dealing with this on a daily basis, lived experience – when they say they're not the right kind of crazy. Think about that. That's what individuals are saying out there in order to get the help they need and it's not available.

So this government needs to do much, much better on the mental health issues and providing continuity of care and providing long-term services.

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

**SPEAKER:** The hon. the Minister of Mental Health and Addictions for a response.

**J. ABBOTT:** Speaker, I'm just going to respond to the Member and the petition.

I appreciate him raising it on the floor of the House of Assembly. As he knows and all of us know, we do have in place the All-Party Committee on Mental Health, Substance Use and Addictions and we're addressing many of those issues that the Member raised.

Suffice to say, while we're waiting for that report, we continue to invest in mental health and addictions services across the province in subsequent budgets.

Just one fact to alert the Member and others, our spend on mental health is over 9 per cent of our health budget and we will continue to expand on that, Speaker.

Thank you.

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

**C. PARDY:** Thank you, Speaker.

Many rural communities in the District of Bonavista with speed limits of 50 kilometres or less do not have driveways off the main road with the 115-metre sightlines to meet the requirement for road access. Many of these properties have large amounts of land and new residents are unable to utilize existing or historical driveways/roadways. This regulation of 115-metre sightlines in existing rural communities is restrictive and detrimental to property sales, thus a hindrance to new property development.

We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to adjust its regulations within such rural communities to allow property development by granting road access to said properties.

In the school system, if you were an administrator in the school system and you did everything the same for every student, you're off track, because we know that some students need something a little different. They need a little more assistance, a little further programming. So you're off track.

The Minister of Education stood, in answer to a question from my hon. friend, and she said: One size does not fit all. It's true, one size does not fit all. Let me give you an example of three situations in the District of Bonavista, which I have written the department over the past couple of years.

Mr. Pelley lives in Harcourt. He's got a large block of land and he has access to the land

on an easement, which was a community easement, a driveway. But it's right around a hair turn, a 90-degree turn. The previous Minister of TI went to look at it and said it was ridiculous. He wanted to move to the end of the property, away from that sharp turn, 100 metres down. But we were 15 metres short and the department refused it. In other words, stay just inside that 90-degree turn.

We have Mr. Gulliford in Brooklyn, another small community, he has a large piece of land but he only has 80 metres of access. But here's the kicker, not one driveway in Brooklyn would meet the regulation under TI.

Therefore, what TI is saying in this rural community is that there's no more land development unless you can use one of the existing driveways. That is the reality of this regulation. It is shameful and it ought to be revisited.

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

**C. PARDY:** The last one, which I don't have time, is in George's Brook-Milton, same situation.

Thank you, Mr. Speaker.

**SPEAKER:** The hon. the Minister of Transportation and Infrastructure for a response.

**F. HUTTON:** Mr. Speaker, thank you for the time to respond to the Member's petition.

I became aware of this situation last week when the Member opposite sent me an email related to one of the examples he just gave this House of Assembly. At that point in time, I did say to the Member opposite, either via text or email, that I would look at it. Our department is currently doing that and reviewing it because what we want to do is to be able to help promote expansion within rural areas of Newfoundland and Labrador or all areas of Newfoundland and

Labrador for that matter. So we are looing at it, Mr. Speaker.

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

**L. O'DRISCOLL:** Thank you, Speaker.

The background to this petition is as follows:

The breakwater on the lower coast in Trepassey is in urgent need of repair. This breakwater is necessary to protect the one and only access road to the lower coast.

Therefore, we petition the House of Assembly as follows: We urge the Government of Newfoundland and Labrador to complete the necessary repairs and install a more durable and sustainable breakwater.

Speaker, I spoke on this yesterday and things haven't changed in Trepassey as of today. When I spoke to the mayor today, they're holding off cleaning the road until the sea settles down. So this is not a major storm. We have some big rough waters, there's no question, but this road has been covered since last Thursday. They've cleaned it three times, and the town is responsible for cleaning it. I did ask the minister yesterday, maybe his department can get someone to go down with a plow to be able to keep this clean.

They said they're not going to do it anymore because it's so costly to get a contractor in that they're going to leave it and wait until the sea settles. Well, that's not good for the people down on the lower coast. We need to have that done. It's a safety issue right now. As I said the other day, a lady came up across that the other day in a Side By Side with her son. It should be done.

Last February is when the thing was built. It washed out this February. There's been nothing done since. Now, we had a meeting last month and we had a discussion. They were going to go up in a couple of weeks.

There has been nothing done up to this point. This is only the start of winter. These are not the major storms right now.

We need something down there to correct this problem. A temporary fix is what they said in our meeting and we have nothing happened since October 21, when we had the meeting. So I would hope that the minister can help this town in some way, get this problem solved and alleviate the problem for the day. We need to get somebody in there today to be able to clean that road and keep the costs down for the town.

There are only 300 residents there. They need some help in being able to clean this road and keep it clean while the storms are happening. They really need the help. It's just costly for the town. They don't have the money and the infrastructure to do it. They just don't.

I ask the minister to see if he can help this town out in a way that gets them by until next year.

Thank you.

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

**SPEAKER:** The hon. the Minister of Transportation and Infrastructure for a response.

**F. HUTTON:** Mr. Speaker, thank you again for the opportunity to address the House and the Member opposite.

I think he referenced yesterday as well when he spoke about this in the House – I was not here to respond. I can't remember, but we did meet with the council at the Member's request and at the council's request. It is a town road. We are attempting to work with them.

In Transportation and Infrastructure, safety is paramount and we are efforting to help

the town as much as we can, but it is a town road.

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

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

Speaker, I present a petition to call to amend the Residential Tenancies Act to include rental increase limitations.

These are the reasons for this petition:

A lack of supply of rental units, coupled with increased demand, has resulted in profiteering by some landlords simply because the market allows.

The *Residential Tenancies Act, 2018* allows for annual rent increases of any amount, for any reason. In doing so, the current legislation lends itself to predatory rent increases for the purpose of profit and treats housing as a commodity rather than a fundamental human right.

Significant rental increases are making life more unaffordable for many in our communities, especially seniors and those on income support and those on fixed incomes. The private sector has failed to deliver on the promise of affordable homes.

Therefore, we the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to introduce legislation to limit the amount rent can be increased annually.

Speaker, this, along with an end to no-fault evictions or rent and vacancy control, will not solve the housing crisis but it will prevent people from being evicted or forced out of housing and from becoming homeless for that matter.

Now, we heard from government Members that it's not one issue in the school, it's also society. Well, I would argue that, for many families, having affordable housing is key to

their ability to be able to provide their children with the needs that they have.

I was talking to one mother this morning. She and her husband work. They are paying \$2,000 in rent. It doesn't leave them much at the end of it, which means that their children cannot participate in some of the school activities or the outside extracurricular activities as well.

We have seniors who are facing, for the first time in their lives, Speaker, increasing rents that are impacting their ability to put food on the table, pay for their medications and so on and so forth. But it's causing significant stress.

So this is a simple way that will not cost the government money as such to put in these measures, to keep people from being thrown out or being rendered homeless until such time as there is a sufficient supply.

Speaker, if the private sector was the answer, we wouldn't be in this situation alone. I understand the profit motive but here there has to be some balance that actually will keep people housed and stable.

Thank you.

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

**J. DWYER:** Thank you, Speaker.

These are the reasons for this petition:

The closure of the Canning Bridge in Marystown has had a devastating impact on residents, fire and emergency services and the local economy. The Department of Transportation and Infrastructure are aware of the poor condition of the bridge, mostly recently documented in a bridge inspection report completed in January 2020, which confirmed the Canning Bridge was in poor condition.

Therefore, we petition the hon. House of Assembly as follows: We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to immediately begin the process to replace the Canning Bridge.

I spoke about this with the minister and, like I said, I'm working with the department to get this done in a timely manner. I'm hoping that the minister can update the House on the progress of the Canning Bridge. There is a Bailey Bridge proposed and people are asking about any action on it and stuff like that. So I ask the minister if he can probably update the House.

Thank you, Speaker.

**SPEAKER:** The hon. the Minister of Transportation and Infrastructure for a response.

**F. HUTTON:** Mr. Speaker, thank you.

I heard the very tail-end of the Member's request and, I think, I got the gist of it, because we were chatting about this yesterday offline. What I can tell you is that the contract, the tender has been awarded and the work on the Bailey Bridge is expected to begin before Christmas. As we're planning to do that and then, of course, so that the folks can be reminded, the Bailey Bridge is being constructed through the winter months – and the contractor says as long as the weather is permissible, they're going to continue to do that – the existing Canning Bridge will remain open so that people, pedestrians can go back and forth on the Canning Bridge and emergency vehicles, as our release stated, I think it was in August. I can't remember the exact date right now.

But the Canning Bridge will remain open during the winter months for pedestrian traffic and for emergency vehicles. That is still the plan and the work on the Bailey Bridge is anticipated to begin in the coming weeks, before Christmas, Mr. Speaker.

Thank you.

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

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

**L. EVANS:** Thank you, Speaker.

This is petition is for affordable travel in my district.

We, the undersigned, are concerned citizens of Newfoundland and Labrador who urge our leaders to return affordable travel to the region of Northern Labrador. Unlike other communities in this province, our Northern Labrador communities of Nain, Natuashish, Hopedale, Makkovik, Postville and Rigolet are land-based but are not connected to the provincial highway system.

Our Northern Labrador communities are totally isolated, with no road access, and marine transportation is limited to five or less months each summer.

Our marine transportation service is a once-a-week ferry running July to October. It starts in late June. Our air transportation service is provided by a single monopoly airline, Air Borealis, and is weather dependent and cost prohibitive.

The cost of air travel for residents living in Northern Labrador is grossly disproportionate to the available income thereby restricting travel, increasing cost of living and contributing to isolation.

Speaker, this is an important petition. We saw recently where the Goose Bay Airport authority and the mayor of Happy Valley-Goose Bay went to Ottawa to do a presentation to the standing committee on transportation and infrastructure. What was shown was that the air travel out of Happy Valley-Goose Bay had increased 33 per cent in the last five years; over in Lab West, 47 per cent increase.

But what they noted was that a ticket from Nain, in my district – no road connection – to St. John's, our capital city, was \$2,500 for a return ticket. Now, looking at that, I just went into my phone again so this is recent. A return ticket from Nain to Goose Bay – so if you want to get to that Trans-Labrador Highway, you fly out of Nain, a return ticket is \$1,233, Speaker. People in St. John's can fly to Florida and basically have their hotels covered for their trip and it would still be less than getting out of Nain.

Now, why is this important? We just saw recently a news release there from the provincial government celebrating the first direct route to Europe since 2019: WestJet offers this route for the next three years, starting in 2024. The flight will operate seasonally, three days per week, from May to October.

And it says, "Budget 2023 included \$1.5 million to support the development and expansion of air travel in Newfoundland and Labrador." But when I presented this petition before, for affordable travel, I was told that there was not going to be any help for my district.

Just looking at the presentation, I got a constituent – I learned from my fellow MHA in Bonavista. His name is Sean Lyle and he's really, really upset because they can subsidize the travel to Europe –

**SPEAKER:** Order, please!

The hon. Member's time has expired.

Orders of the Day.

### **Orders of the Day**

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

**L. DEMPSTER:** Speaker, I call from the Order Paper, Motion 2.

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

**L. DEMPSTER:** Thank you, Speaker.

I move, seconded by the Government House Leader, pursuant to Standing Order 11(1) that the House not adjourn at 5:30 p.m. on Tuesday, November 19.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye,

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

Motion carried.

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

**L. DEMPSTER:** Thank you, Speaker

I call from the Order Paper, Order 7, I move, seconded by the Minister for Health and Community Services, that this House do now resolve itself into a Committee of the Whole on An Act to Amend Opioid Damages and Health Care Costs Recovery Act, Bill 86.

There was some progress on that bill, Speaker, and I just ask that we resolve to consider that.

While we are in Committee, I would also call from the Order Paper, Order 6, Bill 83, An Act to Amend the Medical Act for Committee of the Whole as well.

Thank you.

**SPEAKER:** One seconder is good for two motions.

Is it moved and seconded that I do now leave the Chair for the House to resolve

itself into a Committee of the Whole to consider Bills 83 and 86.

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

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Motion carried.

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

### Committee of the Whole

**CHAIR (Gambin-Walsh):** Order, please!

We're now considering Bill 86.

A bill, "An Act to Amend Opioid Damages and Health Care Costs Recovery Act." (Bill 86)

**CLERK (Hawley George):** Clause 1.

**CHAIR:** Shall clause 1 carry?

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

**J. DINN:** Thank you, Chair.

I have three questions; I'll probably just ask them here.

In clause 1(3) the definition of health care benefits is updated to include a new subparagraph, 2(c)(i)(D) other expenditures by the government.

Does the minister have a plan to identify and quantify what these other expenditures would be?

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

**B. DAVIS:** Yes, thank you, Madam Chair.

The quantification of that will happen throughout that process. As the hon. Member for Mount Pearl - Southlands had said earlier in this debate with respect to opioids, we want to cast a wide net. So we want to make sure we have a flexibility to add some more things in there like counselling services and things like that, that would be, not necessarily a hard cost, but would be a cost into the system. We will continue to work on that.

I know that your questions previously to this were talking about the justice-related costs. We're going to try to do whatever we can to find ways to input the costs that are required, but bearing in mind that this is a national class action. We're going to do what we can to do the best for the people of this province.

We're going to continue to do that and if there are ways we can find things that we are – counselling services that we're providing in the justice system, we're going to look towards that as well. Now that that's under Health and Community Services that will help in that process.

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

**J. DINN:** Madam Chair, if I may be granted some leave, I'll ask two other questions about clause 11 and 12, if that's all right, because I may have to step out.

In clause 11, does the minister have a list of active ingredients –

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

**CHAIR:** Order, please!

I'm having difficulty hearing the Member.

**J. DINN:** That's an unusual complaint.

Does the minister have a list of active ingredients ready to be prescribed in the regulations? Is it consistent with other jurisdictions and what consultations were made in formulating the list?

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

**B. DAVIS:** Thank you, Chair.

I want to go back to the previous question that you had. That will be developed through litigation, as I've said as well, I just wanted to be a little clearer on that.

We do have a list of the ingredients that would form the national framework for this. We are always looking at ways to improve the standing. That's what the legal counsel that we have from British Columbia are working on, as well as all the jurisdictions.

We do have the list of ingredients right now currently, but, as we know, over time, that may expand, depending on what opioid manufacturers do.

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

**J. DINN:** Thank you, Chair.

Regarding clause 12, when does the minister expect this act to come into force? I'm looking for a specific date or an anticipated date.

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

**B. DAVIS:** I don't have the specific date, but I will endeavour to have that for the House. We're going to try to do it as expeditiously as possible because we want to make sure we're ready for that. We're hoping it will be proclaimed by the end of this calendar year, not fiscal.

**CHAIR:** The hon. the Member for Harbour Main.

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

I'm very pleased to speak to Bill 86, An Act to Amend the Opioid Damages and Health Care Costs Recovery Act, and to, as well, ask questions with respect to this important act.

I also recall back in November of 2019 having the opportunity to speak to the foundational bill, which was Bill 17, that I believe received Royal Assent in December of 2019. There was much debate back then, five years ago, so as a result of that, there are some questions that I will be asking.

With respect to this particular amendment, I think it is safe to say, and one would agree, that the amendments that have been proposed are introduced to give us a better legal position with respect to our negotiating position and to ensure that people are compensated fairly in terms of damages.

So I think there are many important goals which have been stated in this amendment. Of course, the ultimate and the primary objective here is to ensure that Newfoundland and Labrador holds opiate manufacturers and wholesalers accountable. That's the key here, accountability for their role in the current public health crisis.

I would say as well, for not only their role, but the fact that it has been alleged, and this is what this class action is all about, is that they have perpetuated the public health crisis, which we are seeing in the Province of Newfoundland and Labrador when it comes to opioid addiction.

So with respect to some of these specific amendments, there are some questions that I have and I'm going to start with one of the amendments that the minister had mentioned in his opening remarks with respect to the *Limitations Act*. I just want some clarification on this from the minister.

In particular, I think one of the clauses stated that the amendment with respect to limitations will exempt Crown actions from limitations under certain conditions – under certain conditions. So that will better shore up or ensure cost recovery over an extended period of time.

So I'm wondering if the minister could please give me some examples of what those certain conditions would be, what they would look like.

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

**B. DAVIS:** Thank you, Madam Chair.

I thank the hon. Member for the questions and her support on this piece of legislation, which is great. I know her colleague, the MHA for Bonavista, asked a number of questions – I think it was yesterday – and they were all very good questions.

We're changing the limitations period from two years to 15 years, and I think that's one piece of what you were asking. I don't want to pre-suppose what you were asking. I missed a little part of what you had said with the limitations, so if I didn't hit it with the two to 15 years, that's based on the legal advice that our legal counsel out of British Columbia had brought forward to us, making sure that we have the ability to hold those manufacturers and consultants that would be involved, and now expanded, accountable for the actions that they cause to our communities.

I think that's an important piece that all of us support in the House. Let's make sure we get as much as we can to align ourselves with this piece of legislation. I'm glad you talked about the foundational aspect of the first bill in 2019. I know that this is going to put us in the best position to receive the – I hate to use the word biggest amount of money, but the most amount of money we can receive through this class action.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Thank you.

So with respect to what the minister has just referenced, the two years to 15 years, that's clear that the reason before that would be so that the Crown could have more time to pursue a certain action. But what I was referencing, actually, was the exemption for Crown actions from limitations under certain conditions.

Basically, the Crown will be exempt from limitations under certain conditions. I'm asking, what would those conditions be? What would that look like? Can you please give us examples of what those conditions would be to ensure cost recovery remains viable over a certain period of time or an extended period of time?

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

**B. DAVIS:** Sorry, I didn't catch that. I'll try to get a clearcut example. What clause specifically are you looking at in the act?

What I can say is, yes, the two years to 15 years is exactly as you highlighted. It wasn't about the limitation for government to make action; it's about making sure that the proceedings can happen. Because, as you know, a lot of these proceedings would take a significant amount of time, especially when you're dealing with all jurisdictions. You're dealing with high-powered lawyers on the other side as well, so they're going to try to use whatever needs and means they have to drag out that process as long as they can. That's why we want to make sure the limitation period is from two years to 15 years.

I know you had more specifically about the government, but if you give me the section, I'll make sure I try to have the answer from the staff that are listening to our debate here today.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Yes, thank you, Minister. That would be clause 15.

Moving along to another question, with respect to the specific allegations in the class action, are we alleging in the class action suit that opioid manufacturers and wholesalers fail to warn doctors and the public of the dangers of opioids, looking at what the specifically allegation is?

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

**B. DAVIS:** Thank you, Madam Chair.

Exactly, you're correct.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Are we also then alleging that they marketed opioids as safer and less addictive than other medications? Is that also one of the allegations in this claim?

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

**B. DAVIS:** I'm not sure how specific I want to get into that, just based on the case. But what I can say is that we know that they have not been forthcoming with all the information that they may or may not have known. That's what the class action suit will uncover and what our lawyers and teams across the country are working towards.

We want to make sure that those individuals that would have been consultants, that would've been advising, whether it be Big Pharma or one of the manufacturing companies, about this and how they were going to be marketing that and educating the public and/or the doctors that would be prescribing these opioids to the general public, we want to make sure that that

whole piece is looked at, knowing full well that it may end up in court, or definitely going to end up in litigation at this point.

I guess it's fine for me to say that we would assume that they didn't provide all the information that they may have had knowledge of.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Going to the Explanatory Note, with respect to the amendment, it says that the changes or the amendments will align this province with other provinces and territories. So from that, can we assume other provinces and territories have introduced the same or similar changes and amendments?

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

**B. DAVIS:** Thank you, Madam Chair.

Yes, absolutely, this aligns us with the other jurisdictions, with what the legal counsel would have provided to other jurisdictions as well. It may not be exactly the same, but it's going to have the same intent. The changes that were made here come out of – the legal counsel that we have suggested that these changes would make our case stronger, and they have made those suggestions to other jurisdictions as well.

I don't know exactly how many of those jurisdictions have them in place currently; I know those jurisdictions will be moving in this general direction if they're not already there.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Can the minister please advise how many other provinces and territories are involved in this class action suit?

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

**B. DAVIS:** Thank you, Madam Chair.

I can get the exact number, but I don't want to say all. My intention is to say all; I just don't want to miss a territory that may or may not be in, but my understanding is every province and territory is in – but I'll confirm that with you in a follow-up question, if you have one – as well as the federal government.

I can confirm that now – yes, all provinces and territories are in, as well as the federal government.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Thank you.

You have stated, and it's clear that the Province of British Columbia has taken the lead with respect to this class action suit.

With respect to that, I'd just like to ask a few questions about that. We've heard that the BC government has led this charge, if you will, and they are lead counsel, if you will, and that there's going to be analysis of recovery, it's going to go province by province, and we're going to look at the damages, and the financial effects, and treatment costs and so forth, trying to quantify the damages.

I believe it was the Attorney General who yesterday stated that there will be a national number that will be agreed upon – forgive me if that's not his exact words, but from what I gathered yesterday – and it may even go to the court and to a judge to decide what value of damages for provinces.

So what I'm wondering about here is: What assurances can you give that Newfoundland and Labrador are going to get their fair share of reparations here?

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

**B. DAVIS:** Yes, I think both myself or the Attorney General will answer this. If you want, he can follow up, if that's okay with you.

The assurance is that we're in this as a collective. As a federation, we've joined with British Columbia, who has had a massive impact as we know, on the opioid crisis that they're facing. They're working very, very hard, along with all other jurisdictions across this country and the federal government, so the national group. I think you're correct in saying that the Attorney General, I think said yesterday, that we would get our portion of it based on per capita. That will be worked out with discussions with that, but that would be the minimum we would receive.

We're always in a situation where we want to try to get as much as we can for our province and we're going to continue to work as hard as we can on that. But the question is very valid to make sure that all parts of the federation are treated equally in this, and we will be, very much so.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Thank you.

Chair, with respect to the other provinces that have been involved, I understand that all of them have come on board with respect to this class action suit.

Can the minister provide some information about any jurisdictional scans or any reviews that have been done.

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

**B. DAVIS:** The lawyers that would be working on this in our department would be in constant consultation with the group – I'll

call them the group of the federation – with the lead counsel being BC.

Every jurisdiction feeds in information and works very closely with each other to make sure that we're – I think I even may have said yesterday that the rising tide lifts all boats – we want to make sure that we're there with them, working with the federation to get the best value that we can for the people that we all represent.

I'm very happy that the House of Assembly is aligned with supporting this piece of legislation and the work that's going to come from this, because I think the MHA for Bay of Islands said it's going to take a very substantial amount of time to potentially get to the finish line on this. I think it was either him or the MHA from Mount Pearl - Southlands. It was one of them. But they were very good points, whoever made those points.

They take time, so it's going to be a team effort on all this. Yes, they share resources and share results and share the best approach.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** You mentioned the group, the working group, I guess, of officials. So I would assume that British Columbia is the lead and they have working groups and officials, so each province would have working groups of officials.

Are there meetings that take place or what does that look like in terms of how this is coordinated?

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

**B. DAVIS:** Yes, there are meetings. I can't give you the exact detail on how often those meetings happen, but they do happen very regularly. This is a process that we're going

through as a team, not unlike a caucus or a Cabinet would meet. They would meet, they would make decisions, decide on the next approach for the next time they're meeting with the lawyers from the other side. That's what would be the process here. Not unlike a regular case, this would just be a much bigger – JPS lawyers are working with the national group, I won't say daily, but they're definitely plugged into the workings of this national group.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Thank you.

Now I'm going to just switch gears a little bit here and talk about similar legislation that we have had here in the *Tobacco Health Care Costs Recovery Act*, and that litigation has taken a very, very long time. I believe it started in 2011. So we're looking at 13 years later and the process is still not resolved. We were given the impression back five years ago that the opioid damage legislation follows basically the same example and the same route as the tobacco legislation.

So how long does the government expect litigation for the opioid health care cost recovery? Now I know you can't give an exact time, but you can understand where I'm going with this. Thirteen years later and we still don't see any resolution with respect to the tobacco health care litigation. I mean, what are we looking at here? Do you have any idea?

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

**B. DAVIS:** Thank you, Madam Chair.

It definitely is a long time, and it's a very valid question that the hon. Member asks. I think the MHA from Bonavista asked a similar question about a crystal ball; I think he used the word crystal ball yesterday. I don't have one, I wish I did, but I can tell

you that it's probably going to be a substantial amount of time.

I'm hopeful it won't be. I think it will be faster than the tobacco, just based on the experience and learnings we've had and the impact that opioids have had. People understand that better than they did when we were dealing with the tobacco early on.

So I think they've got a framework in place on how that's going to progress. That's going to make it a little faster, but I don't want to presuppose what time frame it would be. I would just be throwing a dart in the dark, and I don't want to misinform the House on what could potentially be – because any time I say something here, I'm going to be wrong.

If I say it's going to be five years from now, I could be wrong, it could be shorter. If I say it's five and it's 10 years, then I'm wrong; I don't want to misspeak to the House because it's a challenging file. It'll take what it takes to get it done. That's not a saucy answer or anything like that, I just don't know the time frame.

But I do believe, based on the experiences we've had with the tobacco – and you've made a great correlation to that – this will be faster than that was. That's what I think I can say unequivocally and be safe.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** I'm just going to go now away from the class action suit piece and ask questions regarding individual plaintiffs. I know that this is not the subject of this amendment, but are you aware of individual plaintiffs in Newfoundland and Labrador who have come forward with their own specific claims in regard to this issue of opiate addiction?

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

**B. DAVIS:** Thank you, Madam Chair.

I think the hon. Member from Placentia West - Bellevue highlighted this yesterday in his speech, that this legislation will not preclude individuals from being able to do their own individual class-action lawsuit that is in existence today.

I can't speak to specifics of individuals from this province that are in that class action lawsuit. I would assume the answer is yes, but I don't know specific examples that would be part of that national individual class action lawsuit.

I know full well, and many people in this House know full well, that the families and individuals have been devastatingly impacted by opioids. It's in our districts, it's in our communities and it's in some of our families. My heart goes out to everybody that's dealing with those issues.

Those individual cases are not picked up in this particular piece of legislation, but there is an individual class action lawsuit that is ongoing right now. I would assume, based on just anecdotally, individuals in this province would be a part of that. I can't specifically answer the question of who and how many. If I can find that information, I will provide it to you.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Thank you.

I wasn't asking for specifics. Just if you have knowledge that there were individual plaintiffs that have come forward with their own claims and cause of action.

Going back to the tobacco litigation, we know that with the tobacco litigation, for example, since 2002, I think, up to about 2019, the provincial government had spent approximately \$850,000 on litigation, specifically in relation to the tobacco case.

So can I ask if you have any idea of how much the provincial government has spent since 2019, when Bill 17 was introduced, to the present on litigation with respect to this opioid case.

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

**B. DAVIS:** I do not have that at my fingertips. I can get that for you in the future, I'm sure. If I get that information throughout this question period in Committee, I'll let you know. But I don't have that at my fingertips right now, unfortunately.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Thank you.

Also, we could ask in terms of budget, has there been monies budgeted for this opioid case? I'd also like for you to identify what the anticipated cost of this particular statement of claim would be as well?

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

**B. DAVIS:** All valid questions. All things that I can try to ascertain for the hon. Member.

The cost associated with this, to the best of my knowledge, will all come out of the settlement that will be received from the manufacturers and/or consultants that would have been part of this. As far as costs and budgets, I will take that away from here today, Madam Chair, and provide that information to the hon. Member if I can. I will provide it as quick as I can.

**CHAIR:** The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Thank you.

One final question – and this is something that had arisen in 2019 when we were debating the underlying bill of Bill 17, and I'll

just give a little background with respect to this.

In 2009, Canadian class actions were taken on behalf of individual patients who were injured by prescribed opioids. So we saw since 2009 that there were a number of Canadian consumer class actions that were successful in getting settlement agreements, and had been approved in several provinces.

Now, there was a clause 12 in Bill 17, which was something that we'd discussed back in 2019 when Bill 17 was in Committee. What that clause did, was it permitted the government of Newfoundland and Labrador to exempt itself from any lawful agreements to settle, that had been perhaps in place.

This was a concern raised in 2019 at the Committee stage in questions. What the concern was, was that the provincial government could essentially breach its agreement if it subsequently decided that the bargain or the deal wasn't convenient anymore or it was improvident.

So I'm just wondering if you have any information about this, and whether that clause of Bill 17 since 2009, was that clause used by the provincial Government of Newfoundland and Labrador to basically usurp any lawful agreements to settle?

I know that's a long question, but is that clear? And if so, if you could provide some direction or explanation on that.

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

**B. DAVIS:** As Mom used to say, clear as mud.

It hasn't been used yet in this province.

**CHAIR:** Any more questions?

The hon. the Member for Harbour Main.

**H. CONWAY OTTENHEIMER:** Thank you, that answers my question, and that's the conclusion of my questions.

Thank you.

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

**P. LANE:** Thank you, Madam Chair.

Minister, I heard you, I guess it was yesterday, when we were debating the bill. I do understand that this is about recovering certain health care costs only. I guess my question, concern, whatever you want to call it – I'll put it in the form of a question, I guess – is that when you think of the impacts of somebody with an opioid addiction, yes, we know there are going to be costs in terms of treatment costs and so on, if you're having to go receive different kinds of medical treatments and so on. But there are an awful lot of other costs that are associated to it, costs to the public, to the taxpayer.

Now. I just think of situations – and I think this was raised, but I'll raise it again anyway for clarification – of police. Somebody is addicted to an opioid and because of their addiction, it causes them to break the law, by way of example. There's a cost on that in terms of the RNC and RCMP. There's a cost in terms of the justice system, in terms of the courts to prosecute that person. There are costs if that person ends up in Her Majesty's Penitentiary. There are going to be costs associated to it.

There are families, for example – I know of examples where the kids were taken away because of an addiction. Child, Youth and Family Services kicked in because there were children, and they were taken out of the home and became wards of the state, so to speak. Now the taxpayer is bearing the cost of those children, whether it be fostering or putting them up in these houses owned by Blue sky or hotels or whatever. There's a cost of social workers.

There's a never-ending list, I suppose, of costs that one could – and it's not a stretch to make a direct link between those opioids and those addictions and dealings that those individuals would have, not just with the health care system, but, like I say, with the justice system, with the Child, Youth and Family Services, with Income Support and everything else.

So while this is dealing with certain health care costs, only, was there any discussion or talk when this all came down originally to include these other costs? Did that happen? If it was decided that we're only going to go with direct health care cost with this one, is there any discussions about further lawsuits that would capture the other costs that I mentioned?

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

**B. DAVIS:** Thank you.

I thank the hon. Member for his words, both in second reading as well as what he's asking questions on now, they're valid.

The premise, I guess, not being a lawyer and understanding from all the legal shows that I watch, I guess, making sure you have the best chance of success is one of the key reasons why class actions suits work well. The language is virtually the same with slight modifications in all jurisdictions, but health care benefits are the only ones we can go after in this particular one.

However, I will take what you've said back to the department and look what other options there are. I know there's been many, many discussions with people around the table from all jurisdictions about how you get at some of those other costs that we all, as taxpayers, have to borne because of the situation that some people find themselves in. There are lots of reasons why people end up in the correction system, some of which would have been a direct reflection of what you've said.

So not directly related to this, but it's a very strong takeaway that you've given me that I will take to the department and try to make sure that my colleagues across the country, when I sit down with them and when the Attorney General sits down with them, that we are all pulling the cart the right way not pushing on a rope. We want to make sure we do that right.

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

**P. LANE:** Thank you, Minister.

I certainly would appreciate that because, as I said, it's not a stretch. You could draw a very direct line from opioid addiction to various arms of government, not just direct health care costs. It's definitely worth at least pursuing. I'm not a lawyer either. I don't understand what chances they would have of recovering it, what the success rates might be. Maybe it would be decided that it's not something that they'd ever be able to be successful in, but it is at least worth pursuing, because those are big time. It's not just real costs; it's very, very substantial costs, I might add, very substantial costs.

Minister, I think you indicated during second reading and perhaps even through Committee of the Whole, yesterday, that in terms of our compensation here in Newfoundland and Labrador, I think you said it was based on population. I'm just wondering, is it totally based on population or would there be other factors?

The reason why I say that is that we all know, when we made this argument ourselves many times, when you talk about health care transfers, equalization and everything else, the cost of delivery of health care, as an example, because of our sparse population and so on, makes it, perhaps, somewhat unique and drives the cost here in Newfoundland and Labrador.

Of course, the other things that kind of pops to my mind, and I don't know if there is, is a number that says this is the percentages of population that have opioid addictions in Newfoundland and Labrador as compared to other provinces. Again, I have no idea what the numbers are, but, for argument sake, if 1 per cent of the population in province A had to deal with it, but then maybe 3 per cent of the population from province B, one could argue that simply going by population is really not fair. There has to be some accounting for the fact that there's a bigger percentage of that population impacted; therefore, they should be entitled to a larger slice of the pie, if you will.

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

**B. DAVIS:** It's a very good question. It's one I've asked on a couple of occasions with my staff as well when you deal with provinces such as ours that are sparsely populated, but large geographic footprint, population is never the only way you want to impact any kind of funding arrangement that you would get, whether it be from the federal government or a distributor or a manufacturer of opioids or tobacco or anything. That will be the starting point but that's not settled yet, so I just want to be clear, that's not settled, it's just a starting point for discussion. The court, when we get to that point, will have to approve the proposed distribution and then it will be decided there.

All of those factors that you highlighted about cost of delivery, that's a real concern. That will be factored in. The percentage of the population that have opioid addictions and involved with that, that will be considered as well

You're spot on.

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

**P. LANE:** Thank you, Minister, glad to hear that.

I guess my final point is probably more for the Minister of Health than anything else to be honest with you, but this bill here is holding opioid manufacturers, distributors, consultants, manufactures of ingredients that would be addictive ingredients that are in the opioids themselves and, as I said, trying to cast that wide net, which is a good thing.

I'm just wondering out loud, and I'm assuming this is something that would come in an action, perhaps from patients as opposed to the government, but I would think that if I was a patient or I had a family member with an opioid addiction and I was part of a class action as an individual, that while the people that you're going after here for the health care costs obviously have a huge responsibility, I would feel that there is some degree of responsibility that must be accounted for by the medical community themselves.

The company might have manufactured it, but somebody had to write those prescriptions and somebody had to write those prescriptions over again and over again and over again and over again. We've all heard stories of people, you know, who've talked about that. It's one thing: I had an accident, I have a pain, give me an opioid, whatever, to deal with that situation. But when you hear of patients who have been on opioids for X number of years and going through them steadily and then sometimes going to the doctor in advance saying, I ran out, I had to use extra or whatever the case might be, I don't think anybody could argue.

I'm not trying to paint a negative picture with all physicians, but I think it's fair to say that there is some degree of responsibility on the health care provider in allowing somebody to continue down that path for that period of time without actually realizing and intervening to say: There is an addiction

here. This is more than me prescribing something for pain. This person has an addiction.

The individual knows they have an addiction, the family, the loved ones, all realize the person has an addiction. In many cases, that person is out on the streets and everything else is going on in their lives, but for some reason the physician didn't realize there was an addiction, didn't realize there was a problem. I think there is an issue there.

I also think there's an issue when I've heard – and, again, I talked about this yesterday where I've had a couple of people who came to me that said they were prescribed opioids, they continued to receive those opioids for a long period of time and, at one point in time, the doctor just decided I'm going to drop you as a patient. Now they can't find any doctor to take them on as a patient because doctors are saying oh, we don't take patients with opioids.

So I think there's a bigger problem in terms of the role that health care providers played in all this, and also what are we going to do to deal with people now that have opioid addictions and they have no primary care provider and primary care providers, apparently, can open up shop and say I'm not going to take people who are on opioids. So where are these people left to go?

I guess discussions need to be had with the NLMA perhaps, with the College of Physicians and Surgeons and with our Department of Health to figure out how we help these people because they are out there and it is a concern.

Again, Minister, I know you're not the Minister of Health, but I just wonder if you have any commentary about that because there has to be some accountability. To my mind, it wasn't just a guy that made the pill; someone prescribed it.

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

**B. DAVIS:** Thank you.

I'm glad the hon. Member asked that question, albeit it was a very lengthy question, with so many parts. But I think there are a couple of things I'd like to highlight on that.

I'm going to say something first. The bill doesn't deal with this directly. It doesn't deal with this directly. It's a very valid concern that you have. I'll use the word that you used maybe in 2017, maybe 2018, that many of the doctors were hoodwinked – truly. That's part of the court case that's going forward. The manufacturers and the consultants were selling doctors and prescribers a bill of goods that didn't actually exist in the reality that we see today.

So that's what we're asserting, as a federation, that that's what they did. They marketed this as having little to no side effects; the addictive properties were not what they were; the ingredients are not what they were; and that this was going to solve the problems of the world for this particular patient.

That wasn't true. The doctors believed that, based on the research and based on what was put forward by those opioid manufacturers. That being said, if someone has a complaint about a doctor, those go to the regulatory body, and they'll be looked at from that perspective. I think there's a couple of highlighted things that you said in your question that could realistically go to the governing body to say, well, that's not really fair for a doctor to have done those things.

But I don't think you were trying to characterize the doctors all in a negative light, and that's why I'm taking this approach to say that I do honestly believe that that's the premise. A large part of the case is if

they were clear and upfront and honest with the providers that they were selling these products to or telling them that these are the best products for X case, if that was actually true, we wouldn't be in this situation today. It wasn't true.

All of us have friends, family or individuals in our districts that were told that. They never started out nefariously to be addicted to opioids. This, many times, started at the other end of a prescription pad, based solely upon the recommendations by the manufacturers who were completely misleading the doctors and the prescribers in many, many instances.

So it's a very good point that you made; I'm fully supporting what you just said. That's not the legislation for it, but it's the whole foundation of why this is the issue that's right across our country. They were derelict in their responsibility to market the drugs the way that the intended outcome would be. If you knew full well that by taking this drug for longer term or even shorter term could make your patient addicted and challenging to be on those pills for the rest of their lives, you as a prescribing doctor would probably have never prescribed it or would have prescribed it differently.

I think that's the point I wanted to make, that it's important that this class action lawsuit moves forward and we hold pharmaceutical companies and manufacturers responsible for their actions that they had in single-handedly hurting communities like the Member from Placentia West - Bellevue said in his remarks, and like many of us in this House of Assembly deal with on a daily, if not hourly, basis.

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

**P. LANE:** I thank the minister for that and I do concur with him. Just to say it's not to cast a negative light on all doctors, as you said. That's not the intent, but I think it is a legitimate part of the conversation.

I would agree with the minister that, certainly initially, when they started prescribing it, they were told it's fine, whatever, but my concern would be, after a period of time when you prescribe it, because you're told it's fine, but then next month, they want more and next month they want more and months go by and years go by and then that person has obvious problems, addictions, I think, that a reasonable person might point out. Then I would think there would be, at that point, some degree of responsibility to recognize that and say, while it was not my intent, while I did it based on what they told, obviously I'm seeing, anecdotally in these patients, there is a problem here.

I would think, at that point in time, doctors collectively, maybe through the college, with the Department of Health, whatever, there should have been – I know it's water under the bridge at this point, we're trying to make things better, but there was a lot of damage done, I guess. At some point, somebody should have said hold on a second, b'ys, there is a problem and then come up with some way to try to solve that.

Solving the problem is not to simply say I'm going to now drop my patients who have addictions. That's not solving the problem, to say I'll just drop them.

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

**CHAIR:** Order, please!

**P. LANE:** It's certainly not the solution then to say that I just won't take any patients who are on opioids. So now you have someone who gets dropped, they're cold turkey and they have nowhere to go and a doctor, even if they're taking patients, are going to say I'm not taking a patient who's on opioids and that person is left to their own devices and where they go. Then they go to the street and the illegal drug trade and so on, and they spiral out of control even further.

It's a big issue. This is going to deal with reparations for the province; I get that. Glad we're doing it. I support it 100 per cent, but it is a much bigger problem and I think there's more to it than simply the drug manufacturer. They have a big role, but it wasn't just them.

As we move forward, I think it's important that we have whatever programs or resources we need to deal with people that have these opioid addictions, because right now there are a lot of them that are not getting the supports that they need, they're just not getting it.

Anyway, that's all I have to say.

Thank you, Minister.

**CHAIR:** The hon. the Minister of Housing, and Mental Health and Addictions.

**J. ABBOTT:** It is in the latter, Chair, that I'm going to address.

Just a little, I'll call it, historical moment, if folks go back 20 years or so, we have the oxycontin tax force. We were alerted, I'm going to say, relatively early in the issue around the presence and prescribing, and I will use the word "overprescribing" of oxycontin in our communities. The government of the day set-up the task force and really delved into the issues and came up with some really good recommendations.

So the governments since then have been very focused on how we can minimize the misuse, overuse of opioids in the community. The Prescription Monitoring Program is an example; tamper-resistant prescriptions pads are an example; the Member for Mount Pearl - Southlands references the responsibility of the prescribing physician.

I know when I was the former deputy minister of Health and Community Services we – quote, unquote – reported 10 physicians to the college because of our

concern about what we felt was overprescribing, taking in all the factors that we could to say there's something not right. We measured that to the best of our ability and we presented that to the college and their job was to follow up on that, which they did.

Then just moving ahead, we've been putting in a lot of resources and we're giving good statistics. For instance, right now, we have the opioid treatment hubs right across the province in recognition that we need to make sure we have resources in the community to support individuals, we have our treatment centres and we also have naloxone kits at over 150 sites here in the province. We're taking a lot of interventions into this.

The criminal activity is all around us. My colleague for Lake Melville just alerted us that the police have just done a significant arrest for illegal activity around drugs and the like in Labrador. So it's got to be multi-pronged in how we deal with that. Education in the schools is another element.

So we're doing a lot and, obviously, this bill, went passed and that court case takes off, we'll be able to be compensated for many of the initiatives that we have undertaken and our accounting systems will allow us to pull all those pieces of information together when we need it.

Thank you, Chair.

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

**P. LANE:** I thank the minister for that response. I agree with you and I know there are things that have to be done. I think, perhaps, unfortunately, part of the problem is, hopefully, with the new things that are in place, the monitoring and so on, we're going to prevent, hopefully, more people from getting into that spiral. Unfortunately, I think there's a lot of damage that's been done and once people are in that spiral it's very,

very difficult to get them out and that's what's causing, I think, a lot of the ongoing issues we have.

That's, basically, all I had, Madam Chair. I know it wasn't directly related but I thought it's part of the much bigger issue and I thought it was an opportunity to, at least, bring that as part of the discussion to the floor.

Thank you.

**CHAIR:** The hon. the Member for Baie Verte - Green Bay.

**L. PADDOCK:** Thank you, Chair.

I understand why this bill is being done, Bill 86. We're looking out for the best interests of all residents of Newfoundland and Labrador, a fiduciary responsibility, if you will.

My concern in looking at debate over the past couple of days has to be the potential defence of a producer of these opiates and in our defence to their defence.

So that brought me to (6) on page 6 with the "opioid-related wrong" and further to what the MHA for Mount Pearl - Southlands, MHA for Bonavista, with regard to follow up what was related yesterday, from the MHA for Placentia West - Bellevue with regard to potential consultants, also for the MHA for Harbour Main on medical professionals.

What about and that potential risk, if that wrong was created by our own medical professionals in one of our own institutions? So that's where producer could come back and then what is our defence to that to ensure that we are not impacting a potential settlement?

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

**B. DAVIS:** Thank you, Madam Chair.

That's a very good question, by the way. Thank you.

The action that we're taking as a federation is so strongly rooted, our foundation of it is on the deceit of the companies. We understand, and I'm not naïve enough to believe – although, my wife may say so – that doctors didn't play a role as this went longer term.

But the initial issue was a direct reflection of the misinformation, deceitful tactics of companies to try to peddle their products that they sold as snake oil salesmen to doctors and prescribing physicians, health care systems, as the answer to a major issue that patients are having currently and would have in the future with little to no side effects. It was just going to be rainbows and pots of gold. That's the whole premise of the federation's action of how these drugs were marketed to doctors.

I think if we start with that as the premise of what this piece of legislation is trying to do, that's our defence. There are many other angles they're going to take, materials they have, evidence they're going to put out. At the end of the day, as I've said to the MHA for Bonavista, I think yesterday, it could end up in court. It most likely will. I don't anticipate they're going to come to a financial arrangement that's going to be agreeable to all provinces or territories and the federal government without being dragged to it. That's my thoughts. Maybe I'll be wrong. Maybe I'll be pleasantly surprised. At the end of the day, I think the court is going to look at that and deal directly with those impacts as they come up.

So I think your question is great. That's why we're here trying to strengthen our defence by making those changes to this piece of framework legislation, as your colleague from Harbour Main highlighted earlier. The foundation was set in 2019. We knew that was going to be changed. Part of the reason why it never received Royal Assent was we knew we were going to change that and we

didn't need to. We just needed the framework in place so we could go start those processes.

Now we're gone far enough along in that litigation process that these are some of the highlights of problems that other jurisdictions – and we're not alone in this, that we're facing, based on the legislation we have.

The initial framework legislation came out of that same process but, as they get further into litigation, they realize, okay, here's how we're going to strengthen our defence to make sure – for lack of a better term – we're boxing the companies in to a situation that they can't try to litigate themselves out of. This is a problem they've caused. I know there are probably other things that I don't want to muddy the water in to say doctors caused some of this.

Immaterial that the doctors may have caused this after the fact. They were sold something and told something that was a mistruth. The companies are going to be held to account for hopefully hundreds and hundred and hundreds of millions of dollars that's going to help alleviate some of the problems and concerns and maybe help the health care system, in general terms, better meet the needs of the challenges that we face, that are caused – I don't want to say solely by them, but a significant portion caused by them.

**AN HON. MEMBER:** (Inaudible.)

**B. DAVIS:** Right.

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

**J. DWYER:** Thank you, Madam Chair.

I think what my colleague with the last question was asking is through this litigation, is it going to set up vicarious liability to our doctors or pharmacists to become agents or consultants.

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

**B. DAVIS:** We want the best and brightest that we have in our province to consult on things that makes sense, but what this piece of legislation is doing is those consultants that were providing misinformation to prescribing doctors here in this province and other places around the world, in Canada in particular, we don't want them to be able to get away from their responsibility either.

We have lots of smart doctors in this province, nurse practitioners, nurses and health care providers in a general sense who provide a lot of advice to, I would say, Big Pharma in many cases. Knowing the people in Newfoundland and Labrador, the way they are, they would never knowingly try to push drugs that were going to impact people in our province and if they were to do that, then this legislation would be exactly what they would get and need.

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

**J. DWYER:** We're also looking at changing the limitation period from two to 15 years. How did we land on 15 years?

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

**B. DAVIS:** I think your colleague just in front of you highlighted the fact of why when she talked about the tobacco legislation. We're using that as a strong framework for how long. We hope it doesn't take that, but we got to be prepared without having to come back to the House of Assembly to do it again.

That's not to say we're not going to come back again. We may. If legal counsel and water on the beans changes, we want to make sure we're prepared and nimble enough to make sure we put ourselves, as a province and as a people, in the best possible situation for us to receive the

greatest value for the horrible work that these manufacturers and consultants did to the people, not in our province only, right across the world.

You can't tell people that there are little to no side effects when you know full well that there are side effects and those side effects are going to take your family away from you, in some cases, or your life. That is not on in this department and it's not on for us as a people in this province. Everybody in this Legislature should stand up, like we will, in support to stop manufacturers trying to take advantage at profit versus people.

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

**J. DWYER:** I agree with that, Minister, and I think you will get the approval from this side of the House as well.

Is there an estimate of cost that has been submitted calculated in the new formula?

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

**B. DAVIS:** Thank you.

I think I said earlier – I just can't remember to whom – we don't have that. The cost will be paid out of the settlement. Many of the lawyers that we would have as lead counsel for us, they're not taking any money from us at this point. If we were to lose the case, maybe that would be a case, but they're taking their chances based on the settlement that we will receive as a federation from the opioid manufacturers.

Not unlike what tobacco would be. I mean, obviously, there is a cost because we've been involved in that for so long with people at the helm. There are people that started their career and are going to end their career on tobacco, getting that through the legal system.

Hopefully, that will end soon, and I'm very hopeful that this won't be as long, based on the experience that we have as a country and as a province.

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

**J. DWYER:** The last question there: Are the reparations for Newfoundland and Labrador more with the new formula or with the old formula?

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

**B. DAVIS:** Definitely any change that we would have made would have been in a positive degree in that spectrum. We want to make sure that we have the most opportunity to get the most out of this class action.

The hon. Member for Mount Pearl - Southlands, in one of his questions before, I think I went down the road of saying, okay, it's not just based on per capita; that's one starting point. It will also be based on geography, based on the costs associated with delivery of services. Because sometimes it's cheaper to deliver services in the 905 or the 514 than it would be to do it in 709.

Like, we all know that because we live it. I mean, MHAs, in your district is a challenge because it's from one end to the other. It's a very big geographic spread to provide health care for individuals. All of those things will factor into what the settlement will be and, at the end of the day, a judge or a court will have to approve what is submitted anyway to make sure fairness is put across the country.

We're not going to settle for less than fairness across the country; we want what we should get as a people. We're not going to get dollar-for-dollar what we spend, I'm sure, but there will be some negotiation at the end of that process.

Thank you for the question.

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

**P. LANE:** Thank you.

I just had another question; it just came to my mind. Just wondering, Minister, I know you indicated all provinces, territories, the country is in. Are other countries doing this, or is it just Canada? I don't know if anyone asked that or not.

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

**B. DAVIS:** Definitely the United States; I don't know for sure, just based on my reading there are more countries involved. I can't speak to exactly who; I do remember recently reading something that says the US is in a similar process with opioids in their country.

We're fighting based on what we know is exact here. Obviously all those cases, if they've been settled or if they're going to be settled, they will be moving along a similar path to what we will and they will all frame how we're going to do, too.

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

**P. LANE:** I understand, Minister. I guess it just came to my mind if opioids are not going to distinguish between what country someone's taking them in, I would think if we're successful here in Canada, countries all around the world are going to want to do the same thing.

Anyway, that's all I have.

Thanks.

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

**B. DAVIS:** (Inaudible) absolutely. Just like opioids don't know boundaries, where people do them, that's exactly what I think will happen. Once there's a success that's had, whether it's here in our jurisdiction in Canada, or in the US or Great Britain, wherever, that will all help in the process. And there are other countries that are not currently doing that, that will move on those as well.

**CHAIR:** Seeing no further speakers, shall the motion carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

On motion, clause 1 carried.

**CLERK:** Clauses 2 through 12 inclusive.

**CHAIR:** Shall clauses 2 through 12 inclusive carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

On motion, clauses 2 through 12 carried.

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

**CHAIR:** Shall the enacting clause carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

The enacting clause is carried.

On motion, enacting clause carried.

**CLERK:** A bill, An Act to Amend the Opioid Damages and Health Care Costs Recovery Act. (Bill 86)

**CHAIR:** Shall the title carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

The title is carried.

On motion, title carried.

**CHAIR:** Shall I report the bill carried without amendment?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

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

**CHAIR:** Order, please!

We are now considering Bill 83, An Act to Amend the Medical Act, 2011 No. 2.

A bill, "An Act to Amend the Medical Act, 2011 No. 2." (Bill 83)

**CLERK:** Clause 1.

**CHAIR:** Shall clause 1 carry?

The hon. the Member for Labrador West.

**J. BROWN:** Just to make sure I'm correct, this is clause 1, Bill 83, correct?

**CHAIR:** Yes.

**J. BROWN:** Okay, perfect. I just wanted to double check and make sure; we're doing two bills at once.

Chair, which of the groups were consulted in the drafting of this legislation? Can you give an idea of the feedback from the groups that were consulted during the designing of this legislation?

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

**J. HAGGIE:** Yes, thank you.

Everybody really who had a stake in this. We talked to the College of Physicians and Surgeons; the NLMA; CAPA, which is Canada Association of Physician Assistants and they were all universally supportive.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Are there any ways in which the amendments will lead to improvements in physician recruitment and retention, given the physicians helpers.

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

**J. HAGGIE:** Yes, the whole concept is one of physician extenders. So they are supports for physicians. The difference between them and nurse practitioners is physician assistants are trained in what is called the medical model; nurse practitioners are trained in an analogous way but in a nursing care model.

So what you will see is another range of health care providers added to the existing complement that we can't already licence and use at the moment.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** The language in clarification here, it says that the NLMA may charge fees for membership.

Are you thinking that removing fees altogether for future or is it just the “may” is kind of subjective there?

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

**J. HAGGIE:** I’m not sure which clause, exactly, the Member is referring to, but as far as membership of the NLMA is concerned, it is entirely up to them whether or not they choose to charge membership and, if so, what level of fee they charge.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Section 2, just for clarification for the minister, as well. Are there any cases where the NLMA would hold off notifying the college of an applicant’s failure to pay the membership fee? The language here, currently, leaves the discretion of the association. It doesn’t make it automatic.

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

**J. HAGGIE:** I can’t think of one because it has, in the past, been contingent on you being a member of the NLMA to actually keep your licence, but that’s up to the NLMA.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** This would be under section 3. What are the considerations behind changing the language from through continuing medical education to continuing complete and quality improvement? What was the consideration there?

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

**J. HAGGIE:** It was to harmonize the fact that you’re going to be talking about physician assistants as well. Terminology changes, you know, back in the day it was called updating, then it became continuous professional development, then it became continuous medical development and it’s back to continuous professional development now. We’re talking about continuous quality improvement.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Minister.

This will be under section 4. Is there any mechanism in the bylaws or elsewhere to ensure that all seven spots on a council for medical practitioners and physician assistants don’t go entirely to one group or the other, to make sure there’s a complement of both?

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

**J. HAGGIE:** I would have to check with the bylaws which are actually not part of this bill but, quite frankly, that would be the intent in terms of diversity and when we’ve made specific reference here to make sure there’s a physician assistant on and that kind of thing. That, certainly, is the intent.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Chair.

Thank you, Minister.

This would be under section 4. Why is the power to nominate council members moved from the board of regents to the faculty of medicine? Wouldn’t the board of regents be able to provide a broader list of competent people working in the health field in general? Why is this different, unique and, I guess, a useful perspective to share with the council?

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

**J. HAGGIE:** It was discussions with MUN and with the faculty of medicine. I think the focus here with this being the college is, as a professional standards body, it was felt appropriate that the academic representation, represented the academic disciplines of medicine, rather than academia, in general.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you.

How often does this happen that anybody comes forward to represent a region on the council in reference to the proposal 9(1.2)?

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

**J. HAGGIE:** The council itself, the college, actually has a fairly vigorous process for canvassing its members to seek interested parties from across the province. I still get those.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you.

Why are they removing the stipulation that the registrar or the deputy registrar have to be a medical practitioner?

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

**J. HAGGIE:** The college were quite happy with this. It is consistent with other jurisdictions. There will be certainly a significant body of professional representation on any functioning portion of the college, be it the board, the council of the college, be it disciplinary panels, be it tribunals. So it was felt that maybe someone with administrative and organizational skills,

at that senior leadership level, would be more of a help.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you.

What particular considerations led to the amendments to the quorum rules for these updates?

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

**J. HAGGIE:** Making sure there was an adequate number of people, representation of diversity and there was actually an ability to have a quorum. That can be a challenge in certain organizations and I think this was just felt to be a package of mechanisms to avoid that.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you.

This would be under section 12. What are the specific problems that arose with the current system of having all licences expire on January 15?

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

**J. HAGGIE:** Logistics essentially, that was the main problem. Once you get beyond a certain membership, I mean, this act in 2011, there were probably, just taking from memory, be slightly more than 1,000 registrants. That number is significantly higher now because of locums and other changes. I think it's simply being logistics.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Thank you, Minister.

What are the limits that will be placed on this clause of practitioner and what time limits are you looking for to place on these coming exemptions? That would section 16.

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

**J. HAGGIE:** That is down to the discretion, to a certain extent, of the college. If you look, the current provisional licence was set to have an expiry date, a permanent expiry date of five years. That caused significant challenges with actually keeping the health system running. There were grandfathering mechanisms as well for people of my vintage, for example, who came in on a provisional licence, where it would not expire until you did, basically, from a professional point of view.

Again, this will be an operational issue in some respects for the college, bearing in mind their job is to, (a), protect the public but, (b), part of that is actually making sure that they have adequate numbers of physicians.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** I thank the minister for that.

This would be under section 21. What was behind the 10-1 ratio chosen between medical practitioners and physician assistants on the disciplinary panel?

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

**J. HAGGIE:** Practicality in the first instance. There would be a desire to make sure PAs were on such a panel. Again, these are in very short supply. The only bulk producers really is the military. They've revamped their entire program through Borden as of 2013. There are two academic institutions that produce them as well.

So to be honest, we're only going to get them by poaching them from somewhere else in the first place.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** This would be under section 32. What are the requirements for the peer assessment committee to publish an annual report being removed?

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

**J. HAGGIE:** I will double check on that.

What section was it you're referring to again?

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** Section 32.

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

**J. HAGGIE:** Section 32. Where are we? I've lost count here.

I think the answer for that was basically it was duplicative. That responsibility falls elsewhere under the council, and so it was simply to streamline the process. There is no point of having two reports on the same thing.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** This will be my second last question here. It will be under section 41. Are there any known cases where the practice of medicine is permitted to be carried out by a person under another statute on this?

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

**J. HAGGIE:** The Canadian Armed Forces would be the one that leaks out. Their licence is held by the Surgeon General, not by any provincial body. We have (inaudible) in Gander, a GDMO at the base, and we have had it for about seven years now. The first time for a while. So they practise on a different licence.

**CHAIR:** The hon. the Member for Labrador West.

**J. BROWN:** I guess this is a segway to my next question about the military, given that the physician assistants, you said, Borden would have been a place where they were being trained. Have you spoken to the military or any of those things about these practitioners coming into the provincial system?

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

**J. HAGGIE:** Well, going back a long time, I've certainly spoken to at least two, three Surgeons General about stealing them; they weren't exactly ecstatic. But we, on this occasion, have not. It's a bit of a difficult conversation to have. I mean, the military aren't necessarily going to want to supply that.

Indirectly, they do, because I've had a lot of inquiries over the years from serving members who are about to be released, who are PAs, who want to go into civilian practice and they can't. With this, they will be able to, so we'll keep them home.

**CHAIR:** The hon. the Member for Conception Bay South.

**B. PETTEN:** Thank you, Chair.

I have a few questions. How many active physician assistants are in the province currently?

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

**J. HAGGIE:** Well, I don't know. I think there is one at the CFB Gander, but they're practising on federal licences with military only.

**CHAIR:** The hon. the Member for Conception Bay South.

**B. PETTEN:** How will implementing physician assistants increase access to health care in the province?

**CHAIR:** The hon. the Minister for Municipal and Provincial Affairs.

**J. HAGGIE:** More bodies able to provide primary care, more bodies able to provide secondary care and maybe even tertiary care, depending on the level of expertise of the PA concerned.

**CHAIR:** The hon. the Member for Conception Bay South.

**B. PETTEN:** Minister, due to overlapping in duties, has the Registered Nurses' Union or the college been consulted on these changes?

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

**J. HAGGIE:** They're not necessarily overlapping duties; they are parallel and they work a different model. The physician assistant works in a medical model under the supervision of an identified physician. Nurse practitioners are autonomous and practise through a scope of practice arrangement set out in bylaws by the College of Registered Nurses.

**CHAIR:** The hon. the Member for Conception Bay South.

**B. PETTEN:** Was the College of Physicians and Surgeons consulted on this legislation?

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

**J. HAGGIE:** It was mostly their idea, once we got the discussions about PA under way.

**CHAIR:** The hon. the Member for Conception Bay South.

**B. PETTEN:** Thank you.

Were medical students and medical residents consulted?

**CHAIR:** The Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** The Association of Interns and Residents, I couldn't speak to whether they were consulted directly. They certainly would have a voice through their seats on the NLMA.

**CHAIR:** The hon. the Member for Conception Bay South.

**B. PETTEN:** Will there be access to physician assistant training or education in the province?

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

**J. HAGGIE:** We've got to walk before we can run. So if you look nationally, I think there are two civilian sites that are training physician assistants, both in fairly large, populous provinces. There has been some discussion at a very early level with the Atlantic provinces, who may be between them.

Just for clarity, both the RNU and the Professional Association of Interns and Residents, provincial, were consulted. In actual fact, there's an amendment coming to clarify that in a minute and I'll get that right by the time we get to it.

**CHAIR:** The hon. the Member for Conception Bay South.

**B. PETTEN:** Acronyms – it's all about acronyms.

What other provinces use physician assistants, Minister? Can you give an example of the scope of their work?

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

**J. HAGGIE:** I do have a jurisdictional scan. If memory serves me right you can start at BC and move in four provinces. So BC, Alberta, Saskatchewan and Manitoba have them in civilian practice.

**CHAIR:** The hon. the Member for Conception Bay South.

**B. PETTEN:** Can you give any examples also of the scope of work? What are some examples?

**J. HAGGIE:** You can have various. You can them do primary care, which is family medicine, for want of a better word. So they would see patients, assess, diagnose, treat, prescribe in a way that physicians would do within an agreed limit set between them and their physician. In other practices, you can see them in the OR in a first assist role. You can see them do preoperative anaesthetic care clinics. You can see them as anaesthesia extenders.

Really, the range of use of a physician assistant is really limited by the discussions between the physician who supervises them and the PA. Military have been happy to do all sorts of things with PAs in the field and there are some really interesting tales of advanced scope of practice from Helmand Province, for example, of Afghanistan.

**CHAIR:** The hon. the Member for Conception Bay South.

**B. PETTEN:** Thank you.

The legislation gives the definition of practice of medicine. Is it the same definition for doctors and for nurse practitioners or would the definition change

between these two types of health care providers?

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

**J. HAGGIE:** The definition in law and the definition in practice is determined by two different things. The definition of clinical practice is determined in physician assistants via a different mechanism than via nurse practitioners. Nurse practitioners' scope of practice is defined by the College of Registered Nurses of Newfoundland and Labrador in a scopes of practice document. It is a more informal arrangement for physician assistants and, again, reflects the difference in training in terms of theory and nursing. Their scopes overlap but their methodologies differ.

**CHAIR:** The hon. the Member for Conception Bay South.

**B. PETTEN:** How will the IAC be involved in the appointments of the council?

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

**J. HAGGIE:** I don't think the IAC is involved in that but I will check about the public representatives. I think that's LGIC but I will check.

**CHAIR:** The hon. the Member for Conception Bay South.

**B. PETTEN:** Under clause 10: Is there a list of acceptable post-secondary programs?

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

**J. HAGGIE:** It's the Public Service Commission for recommendations for public reps and they're appointed by the minister. Just to answer the previous question.

That would be up to the college to determine. It determines standards in the

same way as it would determine what's an acceptable medical school for an IMG.

**CHAIR:** The hon. the Member for Conception Bay South.

**B. PETTEN:** What about qualifications or requirements, is that also the responsibility of the college?

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

**J. HAGGIE:** Yes, the idea is to turn this group into a regulated profession and that is the job of the regulator.

**CHAIR:** The hon. the Member for Conception Bay South.

**B. PETTEN:** What would be the scope of practice and role of physician assistants?

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

**J. HAGGIE:** That would be determined by regulations through the college and by negotiation with the physician concerned.

**CHAIR:** The hon. the Member for Conception Bay South.

**B. PETTEN:** Under clause 16, the exemption: Will this apply when highly specialized doctors travel in the province to perform specific procedures that they are experts in?

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

**J. HAGGIE:** Yes.

**CHAIR:** The hon. the Member for Conception Bay South.

**B. PETTEN:** Will this apply to a doctor who comes into the province for less than a month to cover ER in a rural hospital?

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

**J. HAGGIE:** I think that is more in the realm of a locum rather than, necessarily, a one-off visiting expert. It will be up to the college to determine whether, you know, your coming here as an expert to do something that nobody else in the province can do or you're coming here to provide a service that would normally be provided by a physician in this province. It would be up to them to determine whether or not you're a locum or an expert.

**CHAIR:** The hon. the Member for Terra Nova.

**L. PARROTT:** Will PAs just work specifically with one individual doctor or will they work in a hospital setting?

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

**J. HAGGIE:** I would envisage they would be in any setting where physician assistants were felt to be a benefit. How that would work, precisely, would be determined by regulation of the college.

**CHAIR:** The hon. the Member for Terra Nova.

**L. PARROTT:** Will there be situations where they work by themselves?

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

**J. HAGGIE:** They do in other places.

**AN HON. MEMBER:** Supervising.

**J. HAGGIE:** My colleague said about supervision. Having said that, CAF have pushed it because the only medical on a ship, a frigate, a destroyer of the Canadian Navy is a PA, under normal circumstances. They do have supervision but it's done through high bandwidth remote tech.

**CHAIR:** The hon. the Member for Terra Nova.

**L. PARROTT:** Will physician assistants be able to bill MCP?

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

**J. HAGGIE:** Currently, the thinking is that they would be salaried employees of the health care system and that's to be determined, but that's where our heads are at the moment.

**CHAIR:** The hon. the Member for Terra Nova.

**L. PARROTT:** Will there be situations where PAs work for nurse practitioners or with?

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

**J. HAGGIE:** They are parallel not joint. My understanding is that it would be an exceptional situation where that would happen because they have different scopes of practice and different reporting lines. I couldn't think of a situation where that would happen.

**CHAIR:** The hon. the Member for Terra Nova.

**L. PARROTT:** So through military standards, it's a QL6B individual who goes from being a medic into physician assistant and part of that training includes regular medics that are advanced paramedics, training in hospitals. Will there be a situation where advanced paramedics in the province will have an opportunity to do that?

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

**J. HAGGIE:** The military did go through a significant revamp, or were going to, back in my day in Borden where they were going to

make a degree level program pretty much like nursing. Prior to that, it had been master warrant officer, X years and level five or six or whatever it was in those days, before you could enter and the dropout rate was phenomenal. That's why they decided to change it.

I think the nature of their training and qualifications is a matter for the college to determine. How much in parallel it will be with the military one, I'm sure they would be quite happy to take a military trained PA, but that's the next stage down. If you were ever to set up a training program here, what will be the relevant piece for the college will be currency. What is it you have to do to keep your ticket?

Physicians have certain stuff they have to do. We, in Gander, help recertify SAR techs but that's a military requirement and we're civilian sign-offs for it, but I'm sure that the college will have a view, best practices from other jurisdictions about how you keep PAs fresh.

**CHAIR:** Anymore questions?

Seeing no further speakers, shall the motion carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

On motion, clause 1 carried.

**CLERK:** Clause 2.

**CHAIR:** Shall clause 2 carry?

All those in favour, 'aye.'

Oh, sorry.

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

**J. HAGGIE:** I have two corrections, as much as amendments, to the bill. I have a clean copy for you here. Both of them refer to clause 2.

The one I've got on clause 2.6(1) the words "shall be" are removed and the word "are" is substituted, A-R-E.

**CHAIR:** Okay, we're going to recess to examine the amendment.

### Recess

**CHAIR:** Order, please!

The amendment as presented is in order.

The hon. the Minister of Municipal and Provincial Affairs.

**J. HAGGIE:** Thank you very much, Madam Chair.

I trust the Members on the opposite side will support it.

**CHAIR:** Shall the amendment, as presented, carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

On motion, amendment carried.

**CHAIR:** Shall clause 2, as amended, carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

On motion, clause 2, as amended, carried.

**CLERK:** Clause 3.

**CHAIR:** Shall clause 3 carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

On motion, clause 3 carried.

**CLERK:** Clause 4.

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

**J. HAGGIE:** There is an error in clause 4.

**AN HON. MEMBER:** Typo, not an error.

**J. HAGGIE:** Well, yes, paragraph 9(1)(f) the word "Provincial" is incorrect. It should be "Professional" Association of Residents.

Moved by me and seconded by the Member for Cartwright - L'Anse au Clair.

**CHAIR:** We have to recess now to look at the amendment.

### Recess

**CHAIR:** The amendment, as presented, is in order.

Shall the amendment carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

On motion, amendment carried.

**CHAIR:** Shall clause 4, as amended, carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

On motion, clause 4, as amended, carried.

**CLERK:** Clauses 5 through 62 inclusive.

**CHAIR:** Shall clauses 5 through 62 inclusive carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

On motion, clauses 5 through 62 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 Medical Act, 2011 No. 2. (Bill 83)

**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 amendments?

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 amendments, carried.

**CHAIR:** The Deputy Government House Leader.

**L. DEMPSTER:** Thank you, Chair.

I move that the Committee rise and report Bill 86, An Act to Amend the Opioid Damages and Health Care Costs Recovery Act, passed without amendment.

I further move that the Committee rise and report Bill 83, An Act to Amend the Medical Act, 2011 No. 2, carried with amendments.

**CHAIR:** The motion is that the Committee rise and report Bill 86, An Act to Amend the Opioid Damages and Health Care Costs Recovery Act without amendment and the Committee rise and report Bill 83, An Act to Amend the Medical Act, 2011 No. 2, with amendments.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

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

Carried.

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

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

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

**S. GAMBIN-WALSH:** Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill 86 without amendment and Bill 83 with amendments.

**SPEAKER:** The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and have directed that Bill 86 be carried without amendment and Bill 83 be carried with amendment.

When shall the reports be received?

**L. DEMPSTER:** Now.

**SPEAKER:** Now.

When shall the bills be read a third time?

**L. DEMPSTER:** Tomorrow.

**SPEAKER:** Tomorrow.

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

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

**L. DEMPSTER:** Thank you, Speaker.

I call from the Order Paper, Order 11, second reading of Bill 68, An Act to Amend the Lands Act No. 2.

Speaker, that's seconded by the Minister of Fisheries, Forestry and Agriculture.

**SPEAKER:** Thank you.

It's moved and seconded that Bill 68, An Act to Amend Lands Act No. 2, be now read a second time.

Motion, second reading of a bill, "An Act to Amend the Lands Act No. 2." (Bill 68)

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

**G. BYRNE:** Thank you very much, Mr. Speaker.

This is an important occasion for the House, but I think more importantly it's an important occasion for many, many Newfoundlanders and Labradorians that have been looking to see changes with the administration and the legislation surrounding our Crown lands and our land process.

I am very proud to introduce this legislation on behalf of our government and with our government that will see, for the very first time in over 48 years significant, substantial amendments to the *Lands Act*. But, more in particular, a serious amendment, a recasting of the intent of our lands administration.

I say that very deliberately, because in June of 1976 – June 1, I believe, in particular – the *Lands Act* was amended, and amended with a particular purpose in mind. It was to abolish adverse possession. In fact, the legislation as it reads today, section 36, is entitled the abolishment of squatters' rights, of adverse possession.

Since 1977, when the act came into force on January 1 of 1977, it has been the intent of every legislature, every premier and every government since to abolish squatters' rights. Frank Moores of the day decided this. For those who care to examine *Hansard*, it was very deliberate, very intentional, and it was to end opportunities for citizens to pursue claims against the Crown for squatters' rights, for adverse possession.

Squatters' rights must be squashed. Squatters' rights must die. Frank Moores upheld that, Brian Peckford upheld that, Clyde Wells upheld that, Brian Tobin upheld that. I can go through a series of them. Beaton Tulk upheld that, Roger Grimes upheld that, Danny Williams upheld that, Kathy Dunderdale upheld that, Paul Dicks upheld that.

**SPEAKER:** Order, please!

I'm going to ask the minister to refer to them as former premiers, just for the title for clarity for *Hansard* and those listening.

**G. BYRNE:** Because that's what they were, former premiers. Thank you very much for the clarification, Mr. Speaker.

But the point being is that government after government after government took the position that squatters' rights, adverse possession must die.

So with that said, this is the first administration that says we must do something to allow adverse possession to be enacted, reasonably for those who can benefit from it, but, again, there is an expectation of a limitation period for this.

So the previous limitation period, the previous exception was that one must prove to a reasonable standard that a piece of land was occupied openly, notoriously, consecutively and exclusively for a period of 60 years. This was the case prior to the '77 amendment.

The purpose of the '77 amendment was to put in place a very specific limitation period, an exclusionary exemption period to move that period from 60 years to 20 years. That 20 years was defined in legislation as being from January 1, 1957, to December 31, 1976. For all practical purposes from '57 to '77.

I try to maintain a dignity to what I'm about to say but I have to say it as it was

described at the time. Squatters' rights, adverse possession would die as the knowledgeable affiants died. As the pool of affiants diminished because of age, that the ability for one to successfully claim squatters' rights would also end.

So to put it into perspective, if one were 18 years old in 1957, you were of age, you had an ability and you could be expected to understand in some detail how someone occupied a piece of land, someone other than yourself, someone in the community. You were 18 years of age and you could describe with certainty and could sign an affidavit knowing that to sign an affidavit falsely would be a criminal offence. You could sign an affidavit saying I know the history of this property and I know it from 1957 onwards to 1977. If you were 18 years of age at that point in time in 1957, you would be in your late 80s now.

With that said, that was the intention of the Legislature of that time, that squatters' rights would end when that pool of affiants was no longer available.

So, Mr. Speaker, I'll speak further about that. We have taken a decision that we would like people to be able to avail of a squatters' rights opportunity, if they have met the test in law to dispose the Crown, because they occupied a piece of land openly, notoriously, consecutively and exclusively, we would like people to be able to fulfill that promise.

We do so knowing that by reducing the evidentiary period from 20 years to 10, it makes it easier because you do not have to provide 20 years of evidence; you now have to provide 10. The availability, the pool of affiants is now available again.

With that said, it was always the intention of every government that squatters' rights, adverse possession should die, that it should end and enforcement actions to remove people who are illegally occupying land, land without title, that they should be

removed from that land. That was the intention of this Legislature 48 years ago, 47 years ago, 40 years ago, 30 years ago, 20 years ago, 10 years ago. So we want to make an opportunity to be able for people to get good title to their land.

With that said, I'll address this further. This is a story, this is an initiative which is both vested in legislation and in policy. We're here tonight to talk about legislation. The conversation undoubtedly will move into the direction of policy as well. The legislation does enable certain policy initiatives. We have amended legislation because using legislation as an instrument to respond to claims and to respond to circumstances sets a very, very rigid standard. You cannot interfere or violate legislation. The flexibility has been removed when, for example, dates are established in legislation or certain courses of actions are dictated by the word "shall" instead of "may." This is all important.

So we're dealing with a situation, a total rework or reimagination of Crown lands that is both legislation and policy based. So I do expect we'll get a lot of questions on policy. I'll be happy to take those at Committee of the Whole.

But we are doing several things, not just allowing adverse possession applications an opportunity to succeed. We're also creating an independent tribunal, because that evidence of adverse possession, evidence of occupation that is open, notorious, exclusive and consecutive, it is a subjective examination as to whether or not that test of evidence has been met.

The evidence is not arbitrary. The test is not arbitrary. It is founded. The concepts of adverse possession through open, notorious, consecutive and exclusive occupation are well rooted in common law. They're accepted throughout the Commonwealth. They're accepted through first world democracies throughout the world and it's a standard common term. But the

evidence around that is indeed subject to interpretation, interpretation by Crown Lands officials.

They can get it wrong. They can not necessarily interpret the facts correctly and can get it wrong. We have all seen it. There has been a frustration within our constituents who come to us about whether or not the officials got it right and interpreted it correctly.

Of course, the only course of action up until, hopefully, the passage of this bill, if someone is determined not to have met the test, there can be an appeal, but the appeal is done largely by the same officials who made the original decision. So there is a confidence issue about the appeal that has to be sorted out. The only other alternative is to go to a quieting of titles trial, which is expensive.

That's expensive; let's call it as it is. You got to get a lawyer; you got all sorts of evidence that you have to bring. That's not a great way to do things, in my opinion, if there's an alternative way.

With that said, we are doing something which, quickly frankly, I don't think has ever been thought of before or I'm not aware that it's ever appeared in any consultation, any recommendation, anything that was brought forward previously. That is to implement a quasi-judicial appeal board to hear cases of where people may feel as though they have not been heard correctly and would like to have that adjudicated.

So, Speaker, our intentions are that we'll make that readily accessible. We'll have regional boards: one for West Labrador, one for Central, one for Eastern. They'll be constituted by lawyers, members of the Newfoundland and Labrador Law Society, members of the bar, as well as other credible professionals: members from the surveying community, professional engineers, others and a citizens' rep that

will operate to be able to hear those appeals.

I think that's a smart innovation, to be honest with you. That will go over very well. There will be a nominal fee to be able to file an appeal before the appeal board. If someone is successful in getting their appeal and getting their decision overturned, that fee will be refunded to them.

We want to make sure that people have reasonable access to this appeal board. We want to make sure that frivolous claims don't come forward; that people honestly, genuinely believe that they have a strong case; that time is not overly consumed by cases which maybe even the applicant doesn't necessarily believe that they may meet but, what the heck, we might as well try.

With that said, we'll give natural justice its fair due. We'll provide this appeal system and if you are successful, full refund and you get your section 36 grant.

The other thing we're doing is we're creating a process by we recognize that there is a significant volume of land. The act of dispossession of the Crown is a common law axiom, a principle. There are very large areas of land in our province, especially in historic legacy communities such as Bonavista or St. John's, which clearly the Crown has been dispossessed from. We know that the Crown has been dispossessed from Prescott Street and the entire area, just to use that as an example. But we can't say with precision who is the current owner because that will have to be an evidentiary test. There has to be a test of good title and chain of good title.

But we know that Prescott Street and that entire area, the Crown has been dispossessed from this property. That is where we are going to create, basically, a quitclaim. The Crown will quit, will basically provide a certificate of disposition that area

has been dispossessed. So there is no opportunity for the Crown to come back and say you owe us money, or you have to get off this land. Because the Crown has acknowledged and stated out loud, stated to the world, the Crown does not own your property so the Crown cannot take action against you.

That is very important. So areas of historic Bonavista, for example, or historic Trinity, St. John's, areas of Corner Brook, that is clear that the Crown has been dispossessed, we will work with communities to be able to establish what exactly that boundary is. It is not to take in the entire municipal planning and development regulatory area of the community. It's to take the area to which the Crown has been clearly dispossessed from. We will offer a certificate of dispossession for that area to make sure that there is no ambiguity that the Crown is expecting in all this.

The other thing that we are doing is we're creating a pathway for home title ownership, to get clarity that the land that has been possessed for a period of time, to which a home has been built on, and the home is the primary residence of someone today. It does not necessarily have to mean that the person who is in that home today was the original builder of that house. That house could have been conveyed through a family estate or purchased without good title.

What we will do is say, for the purposes of housing security, recognizing that this individual who occupies that land today could, if they had all the evidence to support an adverse claim against His Majesty, against the Crown, could get that land and own it in good title through adverse possession. But this is someone who has not been able to establish, in law and in evidence, that they have access to a claim of good title through squatters' rights, even though the possessory period of squatters' rights has been cut in half, has been made easier. This is for someone who cannot

meet that test but still has a home that they live in that sits on land which they cannot establish as being theirs.

We can get into a discussion about the fact they paid for the land and so they felt they owned the land and we could talk about how the legal community, the real estate community has a role in that. That will be an important conversation but, at the end of the day, every lawyer who certifies a piece of property has to truthfully believe that when a certificate of title is issued, that they would not meet their opinion of what good title is; they meet the test of law of what good title is. When they offer a lawyer's certificate of title to that individual, that representative has to believe that the test of law has been met.

So we'll talk a little bit more about that later, but that is something that is, I think, very, very important. If they cannot then meet that test of law – lawyers themselves don't actually agree that often about a lawyer's certificate. Lawyers are the ones who actually challenge – in a sale of a piece of property, one lawyer representing the seller, for example, may offer a lawyer's certificate of title. The lawyer representing the buyer, however, may say I don't agree. This certificate that you're offering does not meet the test of black letter law. Because, in my interpretation, you do not have the evidence to meet the adverse possession test. So what ends up happening often in those cases, is that the lawyer for the buyer will then go through the adverse possession test themselves or they will recommend to their client: Go ahead and buy the property from the Crown and then you can sell it to the buyer. That's what the seller will do.

I hope I made that distinction correct in my – the lawyer for the seller, may either do one of two things, go through the adverse possession test and establish good title, or he or she may recommend to their client, what you really need to do is just go ahead and buy the land from the Crown, get title through the Crown and then you can sell it.

So lawyers often do not agree with lawyers about what lawyer certificates are. So what this is, the Primary Residence Property Title Program provides a means for those who live on a piece of land, to be able to get security for that land. We will offer a quick-claim deed in reply. If you meet the test of primary occupancy in the community and you show that you genuinely believe that you own the land because you paid taxes and it's your primary residence, it's not a seasonal cottage, it's your home, then nobody will have to pay fair market value for that land.

Let me just emphasize a point here. You may say, well, why would they have to pay anything if they already paid for it, for example? The answer to that question is very simple. They don't have to pay anything for it, if they meet the test of adverse possession in law because they could simply go and get an adverse possession grant, a section 36 grant. But these are for cases where people do not have that ability, because they operated outside of the statutory limitation period, the exemption period for squatters' rights.

There's no evidence that anyone occupied the property in full and in title between 1967 and '77, so there's a gap. Common law is very clear about this. If you have a 10-year gap, or a significant gap in occupation, then there is no adverse possession.

With that said, this says, do you know what? We could simply say, we're done here; you don't own it, too bad. I am not going to take that advice. So we're going to create a pathway to be able to allow for individuals to be able to get confidence in the property that they own.

In that process, there is no evaluation going to be made of the structure of the house or the barn or anything that's built on it. It's purely of the land itself and seniors in receipt of the Guaranteed Income Supplement will pay absolutely nothing except for standard processing fees.

Then we have a Schedule that I can talk about at Committee or otherwise, but I want to keep going here because we have a lot of things to talk about, but we can talk about the fact that no one will pay what would otherwise be considered the fair market value. It will be a very, very moderate, fair-minded result. Bearing in mind that if the *Lands Act* had stayed the same, the same as it was for 48 consecutive years, 48 years where every government since before 1976 had said: Get off that land, it's not yours. You're done. Get off and we're going to put a court order against you if you don't get off. That's the difference between this strategy and that strategy. I think I like our strategy better.

One of the things you may say is that, maybe there are people left out about this. The truth is yes, because I think the reason why no government acted for 48 consecutive years was because governments took the position that if you can't solve everybody's problem, solve nobody's problem. That's a choice. I think we have a responsibility to do what's right, do what's fair, to recognize that there were some people, many people, who just simply bought the land underneath their house because they needed that security and they paid full market value for it.

That's the balance we strike here. There are people who said prior to this: I've got my home. I believed that I bought it in good faith. I paid money for it. I honestly believe that the person selling it owned it or I believe that I own the land because I inherited from my ancestors or various circumstances. But the reality is, they bought the land at full price. Now, that does not tell me that we should be rigid to this, but there is a balance of fairness to all of this.

So that's why I offer the solution that we do. If a lawyer's certificate was issued saying that the test of squatters' rights have been met, if somebody bought a piece of land or has a certificate in their hands from a lawyer

that says the test of squatters' rights has been met, I would encourage them to take that certificate and the evidence that is attached to it and apply for squatters' rights because the lawyer has said that is the case.

If it's not available to them because the lawyer has not necessarily interpreted the evidence correctly or the evidence the lawyer provides is not being interpreted correctly by the Crown Lands officials, we have the independent quasi-judicial tribunal to assist in this so that we can get to the bottom of this and we can get a fair-minded decision.

That's where we are in most cases, but I do want to touch on the fact that regular Crown lands applications – before I do that, I want to say I am guided in the strategies that I have deployed and in the legislative amendments that we have crafted by the advice from Members from this House. Your lived experiences with your constituents, you providing the circumstances, the situations that have been problematic, frustrating, they are the oxygen to which this fire burns. They are the cause. They are the source of the real-world situations that we must try to resolve, so I thank hon. Members.

As frustrating as it sometimes is to drink from the firehose of Crown lands issues because they are many, but they do provide the source of how this bill was constructed. The balance of trying to do something for as many people as you reasonably can. Don't take the approach: if you can't solve everybody's problems, solve nobody's problems. Try to respect the fact that there are those that paid full market value when they could not get a good chain of title for their property; try to respect the fact that there are those who have faced housing insecurity, regardless, that need their confidence; try to make sure that the process is fair. It is fed by the experience of our constituents.

Finally, we do need a smoother application process for regular Crown lands applications. Those applications for land for which there is no dispute the Crown owns the land and we would like to buy or lease the land. Those applications need to be streamlined, the process needs to be improved to a faster answer and a better answer.

One of the ways we're doing that is an online portal. We'll have applications online that can be paid online. That will be going up very, very shortly. The work is already done there. I got that done. We're also going to make sure that the referral process – nobody wants to have a septic tank in the middle of a municipal water system. That's one of the reasons why Crown Lands refers applications out to other departments. We don't want to have somebody build a piece of property on a flood plain. There are all sorts of different reasons why it's important to ask other departments to reflect on whether or not this is a good use of Crown lands.

But the problem has always been that sometimes these referrals sit for a long time without reply. That's one of the reasons why many people have issues with Crown Lands, but the truth is what the real issue sometimes is, is Transportation and Infrastructure, Water Resources, Environment and Conservation, you name it, it's a whole bunch of other departments that may be part of the issue.

How we're going to deal with that is a specific referral period. Instead of sitting on a desk forever or for a long period of time, every department, once referred, will have 30 days to reply to a Crown Lands referral. If they need an extra seven days and ask for another seven days, we'll give it to them. But it will not be any longer than 37 days to which they must reply.

We don't know what the reply will be, but they must reply within 30 days, with a possible extension of seven days. And if

they do not reply, the answer is deemed accepted. So if they do not reply, we are just going to assume and deem the application supported by that department and we move forward. That's how we can shorten application processing times and getting people to a faster final decision.

That's it in a nutshell. I want to take a moment to thank, so, so sincerely the amazing people at Crown Lands led by Tara Morgan, our director, supported by our new assistant deputy minister in that branch, Steve Balsom. But the director of Land Management, the managers within the department, everybody involved, they do an amazing job and their heart is always with the applicant. It's a frustrating and difficult job. We're going to get them more resources to be able to do those jobs.

But I truly want to thank the imagination and the integrity of the people within Crown Lands who work so hard on our behalf. The challenge has been theirs and they've risen to the challenge each and every time and their work is helping us to get a better outcome today.

So with that said, Mr. Speaker, thank you very, very much. I hope that we can get resolution to this bill quickly so that we can get people with answers before Christmas of this year.

Thank you.

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

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

**P. FORSEY:** Thank you, Speaker.

It is good to be up here to speak on Bill 68, An Act to Amend the Crown Lands. We've been asking for this. We've been looking for this for the past number of years, couple of years especially.

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

**P. FORSEY:** We saw some problems within the Crown land issues. There are a lot of problems that were plaguing Crown lands, so we've brought in PMRs. We brought in questions, looking for changes to Crown land to help alleviate some of the problems that are affecting Crown lands. We did so in May of 2023. We brought in a PMR and the other side decided there's no problem with Crown lands. We're going to deny the PMR. They defeated it.

The following year we brought it in again, because we couldn't get no satisfaction to get some legislation brought in for Crown lands. All of a sudden, after I guess they had so many problems issued to them from other constituents of their own that they finally realized, well, we do have a problem with Crown lands.

Here today, we do see some sort of legislation coming in to try to do something with the legislation, but that leads to many questions, many unanswered issues here as well. This is something we've been lobbying, of course, and listening to people. The minister says it's been five decades this has been happening. True, but back in 2015, there was a review done, never adopted by the government – one decade. Five decades, they wasted one already.

That is also stated in the AG's report of Crown lands, it says: The Department of Fisheries, Forestry and Agriculture had not implemented the 2015 recommendation of the Lands Act Review. Even the Auditor General says you should have done it – 10 years, one decade, and says you should have done it.

There were 134 recommendations in there, you couldn't find one to bring in. So now, they've did some pieces of legislation, which is going to take a long time to get this implemented. It's going to take a long time to do something with it. The minister did state of the quieting of titles, 20 years to prove, that stuff. But there's a five-year time period there to have this done. What

happens after the five-year time period, that's one thing.

But again, I'll refer to the Auditor General's report. The Auditor General said that she has serious concerns with the Department of Fisheries, Forestry and Agriculture's ability to effectively manage Crown lands administration. That's the Auditor General. We've heard lots of stories from constituents and individuals but that's the Auditor General.

So to put in a five-year time period, I don't know what they're going to do about that one. I mean, the minister has said that they're going to have appeal boards – independent by the way – that's going to be picked by the minister. So there are going to be appeal boards there, four or five appeal boards, so that they're going to be able to review this.

Within five years, you have to get the appeal boards together, get all this done. You're looking at more applications coming in from individuals within those five-year time periods. The Auditor General has already said in her report again that there was only person doing appraisals in Crown lands, which takes a lot of time to get those appraisals done.

So with more applications, more approvals to be done, it's going to take a long time period to get all this implemented and done. Then we have the approvals themselves. The minister said, they've said that they got a 90-day time window. The minister always did get up and tout 90 days. At one point, he said he had it down to 60. He was really doing well. Not according to the Auditor General – not according to the Auditor General. She's had concerns that wait times and approvals by the minister's department was a turnaround of 90 days. They've alluded to 60 days.

The Auditor General found that it has been 172 day and, in some cases, up to 615 days. Yet, they've always been 90 days.

The minister, when he was minister before for the fisheries and lands, always said 90 days. Like I say, he touted 60 days in the Auditor General report.

So we're looking at a five-year time period to have this done. There's a lot of work in that department to do, from the government here, to have this done in five years. They had 10 years to pick up the review back in 2015, which is 10 years gone. So they couldn't do it in 10, now they're going to do it in 5.

There are a lot of questions to ask here. We've already been through the five-year time period. Again, that seems like it's going to be a big one. Legislation has to be implemented. Surveys have to be done to acquire those land applications. There will be surveys and after 30 days, you know, if the different departments are not back, the minister is going to challenge them. You take Service NL with septic tanks, even though they're going to approve that septic tank, when the time comes to get it done, will that septic tank get approved?

You know that septic tank still got to be done, still got to be approved, even though they are going to accept 37 days and they're going to do it. It still got to be done by that department, whether it's accepted by Crown Lands or not. So there's some communication going to have to be done there to verify who's going to accept that approval. So there's a lot there to look at.

Establish appeal boards: we went through that one. So if the minister needs to look at the time period on that and probably needs to change the time period on that to have this done, with the Auditor General's scathing report on the Crown lands alone, and to have this done within a five-year time period, it seems virtually impossible, is the honest truth, to have this all implemented and done within five years. If it's not done within the five years for some individuals, what happens? Really, what happens after five years? All this is abolished, just like

they abolished squatters' rights, so all this is going to be abolished. Will they extend it? We don't know. That's some of the questions we don't know. That's where we're to on some of this.

The minister has also mentioned the time period for squatters' rights, taking it back 20 years from '76 to '66, instead of going back to '56, approving it after 20 years. That time period will help somewhat in regard to people trying to prove that they had their lands back in those times. Because we've certainly heard stories of Crown lands of people trying to prove their land and what they need to have their land titles given to them. We've had some horror stories, actually.

I guess we'll use the most recent one that we've always alluded to and it only finished up a couple of years ago, of course, the Diamonds in Bonavista. That was the most notorious case I think we've seen through Crown Lands through somebody trying to sell their home to move into a senior's cottage.

**AN HON. MEMBER:** Catalina.

**P. FORSEY:** In Catalina apparently the Diamonds were. My mistake on that one, but it was Catalina.

They wanted to move into a senior's cottage. They couldn't sell their home. Why? Because Crown Lands interfered. They owned that home for years and years, maintained the land, paid the taxes on the land. Did whatever they thought they were doing right, until they wanted to sell. There's a lot more Diamonds out there, unfortunately.

Will is that time period of 10 years going to solve a lot of that problem? I doubt it. It'll solve some. It'll give some people an option to get it done within that period and that time frame.

But to have those people pay to have that done and the stress and the strife that they caused them is really terrible, but hopefully we can get something done. We do need some legislation and, again, I'm glad to see there's legislation coming in, but does it go far enough?

The quitclaim: What warrants a quitclaim? What's going to warrant a quitclaim? We know what warrants a quitclaim, but what will they accept for proof of the quitclaim? Are the town taxes going to be enough? Are deeds going to be enough? Will ownership, long-term affidavits, long-term occupancy, is that what's going to be in the quitclaim that you'll accept to give those people their land?

I say give, because they've occupied that land – if it comes to long occupancy – for over 50 years. They've paid taxes on that land. They've already bought that land. They've paid taxes on the land. They've kept that land clear. They've kept that land occupied. They did well on that land. They raised families on that land.

So are they going to be forced to buy that land again to some sort of price? That's what the government is alluding here. But in those cases, if they can prove that and have that, then they should acquire the land.

The minister also speaks about, again, primary properties, primary estates, what qualifies their residence? Somebody who now lives in urban areas, had a relative who lived in a rural area, again, owned their land same as the Diamonds, we'll say, back then, but in this case, somebody passes, leaves their estate to their son, daughter, some relative who's living in an urban area, now owns that house back in the rural area, yet you're only going to accept the primary residence for someone. I guess that would be now the one in the rural area. What kind of price does he have to pay for that land then in the rural area that was left by that person?

There are a lot of questions, fair questions I think, but it's something that's got to be settled, something that's got to be done because we've been beating this down the road for a long time. It's going to take some real good discussion here; it's going to take some time to debate this piece of legislation.

In some sense, there are some things that can happen here, but with the time periods that are there, very few will avail of the actual legislation and be able to get their properties done in a manner of time that the government is expecting to have this time period done.

There are lots of things there. Again, the 20-year time period from 1977. I'm sure when this was done in 1977 nobody really wanted to say, we're going to come in and take your land, we're going to drive you off the land and that kind of stuff. I'm sure there would have been some reasonable solution. Back then, they did give the opportunity, after the squatters' rights, to come in and avail of their lands, not that anybody was going to take it on them; they gave them the opportunity to avail of their lands for free.

So that's some of the questions that we'll be posing in the Committee stage; we do have a lot of questions. I look forward to the Committee stage so that we can ask those questions, but I also look forward to a healthy debate on this.

It deserves a lot of debate, but the big one for me right now is that five-year period and with the scathing report of the Auditor General, what happens after five years? What happens after five years? With all this to be implemented, failure on government to have it implemented, failure on government to adopt a review that was done in 2015, which we are still kicking the can down the road. What are we going to do after five years, kick it down the road some more? Is this where we're going? Just give us time to kick it down the road another little ways.

Anyway, the overview of the bill is to implement the process to obtain a quitclaim and being referred to as the primary residence or property or title program; authorize additional structures, which can be issued in a shoreline reservation. That's another one that we don't see, the minister didn't mention, but it's structures in a shoreline reservation. What does that actually mean?

That's some of the questions that we'll be asking in Committee, of course, some of the structures that are in the shoreline. In policy there now, there are some structures listed. There may be some other structures listed, so we'll have to see what's really in the legislation or going to be in the legislation for the shoreline reservation.

This will remove time frames from legislation and move them to policy. You're going to move them from legislation – legislation is the rule, but you're going to leave them to the policy, which policy can be tweaked and changed any time. So what are the time frames from legislation to policy?

Allow people whose claim to land was previously rejected to apply again within five years. Again, we just went through that five-year period. There are going to be problems coming. The time period on that is going to be, certainly, exclusive. Just to implement all this, get it ready and get it out the door and get this moving, to see a five-year period done, I don't see it. I really don't see it happening; I don't think it's long enough.

Changing the timeline of adverse possession, of course, from 20 years to 10 years from 1977. Yes, it helps a bit, no doubt it helps a bit, but that should be extended to the other side of '77. From '77 right now, that's not going to help a big deal. People still have the recollection of who owned that land, who lived on that land, what they've done. They will find somebody in the age group, but it's like, back in 2015 that was already there. The quitclaim was

already there to do this. That was 10 years ago.

So the age groups then, if they did it, if they adopted it, then they would have had a better time of doing that time period. They would have had a lot better time doing that time period. So now they've got a decade gone, plus another five years, now you're going to go into 15 years. So it's going to be the same sort of kerfuffle, we'll say, in five to 10 years' time; five years' time especially, because we don't know where we're going.

We are going to create appeal boards again; the appeal board got to be done, so it's going to take a long time to do this.

Allow the minister is to issue certificates saying what is or what is not Crown lands. So the minister is still going to have the option of saying what is Crown lands and what is not Crown lands. Will they accept the decision of the boards and have it done and give the certificates to the individual?

Quitclaim is going to be a new policy; government will relinquish the right to Crown lands by issuing quitclaim deeds to title seekers who have occupied their lands for a long time. This would enable title seekers to resolve challenges associated with securing the title. So that just takes government's right to that land, they don't want anything else to do with that land, they have no further interest in the land. Here's your title, here's your quitclaim; it's yours, go to the lawyers and get the lawyers to do up documents to say that it's yours. That gives up the right to that land.

Again, Speaker, we do have a lot of questions in Committee. There are going to be a lot of things to talk about. There are some things we'd like to see, but for that five-year time frame that the minister speaks about, the 20 years to 10 years will help some, but it's not going to make a big lot of difference for that to get done with regard to the time period of trying to prove

the land from 10 years to 20 years and beyond.

We need to be looking further ahead and if we're going to do this, if we're going to make changes to Crown lands, which we wanted to see, which we wanted brought in, and we see some really big substance to this *Lands Act*, to really do due diligence to this act, we needed that 20 years extended a little bit more on the other side of '77.

We certainly need a longer time frame than five years. The minister says he's going to bring in some approvals. We said that one on the approvals. So there are a lot of things there that we can do and do right if we were really meant to do justice to this *Lands Act* right now. So there are going to be some questions and some more debate, of course, of what's happening here because there are a lot of things that we need to do and probably more things we could do to bring in good legislation to help with this *Lands Act*.

So with that, Speaker, I'll adjourn debate.

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

**J. HOGAN:** Speaker, I move, seconded by the Deputy Government House Leader, that this House recess until 6:30 p.m.

**SPEAKER:** This House do stand in recess until 6:30 p.m. this evening.