

I. Technology, Modernization and the Impacts of Covid-19

The Liberal Party is committed to reducing barriers to access to justice in our province's legal system, and ensuring it operates efficiently and effectively. Increased use of technology will be a key component of achieving this goal. The courts became capable of facilitating a trial by video in mid-May, and the Crown brought forward a case for trial on the first day.

Covid-19 continues to present unique challenges to the province's justice system. We will continue to support the system through the pandemic, and commit to incorporating learnings to improve and modernize it. Consultation with the Canadian Bar Association – Newfoundland and Labrador Branch will be a key aspect of that process.

To that end, we look forward to examining possibilities for procedures and technologies used during the pandemic and reviewing the final task force report from the Canadian Bar Association when it is released on February 17th. A Liberal Government will continue to work with the Canadian Bar Association and other stakeholders in the legal community to modernize our justice system.

We are also addressing some of the obstacles to increased virtual proceedings and electronic filing. This includes a lack of access to necessary technology or broadband Internet—particularly in rural areas. Our recent commitments to increase rural cell service and broadband will help address this issue.

II. Resourcing

The Liberal Party of Newfoundland and Labrador shares with the Canadian Bar Association the goals of timely access and positive outcomes in the justice system and we recognize that adequate resourcing is a key component of this commitment. Our government continues to review staffing levels and engage with Ottawa given the administration of justice is an area of shared jurisdiction between the federal government and the provinces and territories.

III. Infrastructure

The Liberal Party recognizes that current infrastructure at Newfoundland and Labrador's court facilities can present challenges. The Department of Justice and Public Safety continues to work with stakeholders to ensure that courts across the province operate as effectively as possible while moving needed infrastructure projects forward.

Construction has started on a new courthouse in Happy Valley - Goose Bay, which will increase courtroom and office space, including more space for Legal Aid and Victim Services. An extension to the Labrador Correctional Centre is also being constructed.

The Government of Newfoundland and Labrador will issue Requests for Proposals early in 2021, with construction of a new penitentiary set to start in 2022 and completed by 2024-25. The Furey Government recognizes the importance of this commitment to replace the current aged institution to allow for enhanced programming, recreation and mental health services to better support the inmates and improve working conditions for employees.

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We commit to working with stakeholders in our province's justice system, including the Canadian Bar Association – Newfoundland and Labrador Branch, to ensure that all court facilities across the province are accessible, safe, and secure.

IV. Access to Justice

Access to justice encompasses many dimensions, ranging from the elimination of discriminatory practices to the reduction of barriers in accessing legal services. The Liberal Party shares the Canadian Bar Association's vision of a justice system that "provides meaningful and effective access to all." We are committed to continuing our work to reduce barriers in accessing legal services in the province and ensuring funds are best utilized to facilitate that access and reduce gaps to access.

In particular, the Liberal Party shares the Canadian Bar Association's support for a robust Legal Aid system and we greatly value the role of Legal Aid in helping ensure all people, regardless of means, capacity or social situation, have access to the knowledge and services they require to protect their basic legal rights. The funding for Legal Aid is provided by the federal and provincial governments as well as the Law Foundation of Newfoundland and Labrador.

In 2018, to ensure the sustainability of our province's Legal Aid services, our government introduced an amendment to the *Legal Aid Act* to remove a Legal Aid client's option to choose a private practice lawyer on a go-forward basis. Our province was one of only two jurisdictions in Canada that had allowed individuals charged with certain offenses with a choice of counsel.

We will continue to work with the Canadian Bar Association and other stakeholders in the justice system to improve access to justice, including exploring opportunities for the increased use of technology and best allocation of resources.

V. Alternative Approaches

During our time in government, the Liberal Party has worked to make the justice system more inclusive and responsive to the needs of Newfoundlanders and Labradorians. For example, our government introduced the option for those appearing in Provincial Court to take an affirmation or oath with a sacred eagle feather.

Offenders in all correctional facilities in Newfoundland and Labrador have access to cultural services. Adult Corrections also works with community groups throughout the province to provide appropriate cultural supports. We recognize that more can be done to utilize alternative approaches to justice and restorative justice principles, and we are committed to continuing that work.

Additionally, our government reintroduced electronic monitoring and implemented a new bail supervision program, as well as introduced an adult diversion program to give offenders alternative measures to the traditional court process.

Our Liberal Government is proud to have established a Drug Treatment Court in the province to offer an alternative approach for offenders with serious drug addictions who commit non-violent, drug-motivated crimes. In September 2020, the Drug Treatment Court also had its first graduates. The Court establishes supports outside the criminal justice system through programming like clinical case management and social services support. Our government is exploring expansion of both the Drug Treatment Court and Family Violence Court, which requires the availability of wrap around supports in areas targeted for expansion.

The Furey Government believes that the core of a caring, civil society is developing authentic relationships and empathy with others. The Government of Canada incorporates restorative justice options and practices as part of the criminal justice system, but restorative justice in education deals with developing foundational relationships as a way of being. Many educational institutions have begun implementing restorative justice practice as part of a holistic student and faculty approach to improving the school climate, developing meaningful relationships and enhancing the learning environment of the school. The Little Book of Restorative Justice in Education defines Restorative Justice in Education as ‘facilitating learning communities that nurture the capacity of people to engage with one another and their environment in a manner that supports and respects the inherent dignity and worth of all’ (Evans & Vaandering, Restorative Justice in Education, 2016). The Furey Government is committed to working further with the expertise established at Memorial University to enhance teacher training in restorative justice principles. We will work to further implement these principles into all our Province’s schools to nurture healthy relationships built on foundational respect for all members of the school community and support the development of policies and practices that reinforce inclusive behavior.

V1. Legislation and Law Reform

The Liberal Government values the perspectives of the CBA and is always open to dialogue on legislative and law reform efforts. There were significant recommendations made regarding Section 36 and adverse possession during the last Lands Act review in the 2015. One of the specific objectives set out for the review committee was to assess the provisions of Section 36.

Our Liberal Government looks forward to the release of your report on this matter and discussing its contents upon review.

With reference to your concerns regarding the Mechanics’ Lien Act, our government looks forward to the opportunity to review your findings and recommendations for improvement.

Our Liberal Government is fully cognizant of the importance both of these matters hold for your members and we would be delighted to meet with you and work with you on these matters.