

Thursday, May 19th, 2005

The House met at 1:30 o'clock in the afternoon pursuant to adjournment.

The Member for St. John's West (Ms. Osborne) made a Statement to congratulate Sarah Dyke, Kyle Howlett, Garrett Wells, Michael Westcott, Lisa Woodrow and Niraj Skukla who will be receiving the Duke of Edinburgh Awards.

The Member for Bellevue (Mr. Barrett) made a Statement to congratulate Ms. Denika Cox who won a speak-off sponsored by the Eastern Newfoundland and Labrador Lion's Club.

The Member for Port au Port (Mr. Jim Hodder) made a Statement to congratulate Ms. Melissa Foley and Mr. Thomas Bailey who were named Female and Male Athlete of the Year in his District.

The Member for Port de Grave (Mr. Butler) made a Statement to congratulate the Ascension Collegiate Astros Boys' Ball Hockey Team which won the Provincial High School Ball Hockey Championship.

The Member for St. John's North (Mr. Ridgley) made a Statement to congratulate Ms. Ashlee Forward, a student of Prince of Wales Collegiate who will receive her Silver Duke of Edinburgh Award.

The Member for Bonavista North (Mr. Harding) made a Statement to congratulate Mr. Jeffrey Blackwood of Greenspond who has received the Special Directed Activities Cadet Scholarship.

The Honourable the Premier (Mr. Williams) made a Statement to inform the House about recent discussions between Government and FPI Limited regarding its proposal to restructure its U.S. marketing operations and sell forty percent of this entity through an income trust.

The Honourable the Minister of Innovation, Trade and Rural Development (Ms. Dunderdale) made a Statement respecting a Supplier Development Seminar to be held in St. John's.

The Honourable the Minister of Finance & President of Treasury Board (Mr. Sullivan) tabled the 2003-04 Annual Report of the C.A. Pippy Park Commission and the 2003-04 Report of the Newfoundland and Labrador Municipal Financing Corporation.

The Honourable the Minister of Human Resources, Labour and Employment (Ms. Burke) tabled the Annual Report of the Workplace Health, Safety and Compensation

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Commission for the year ended December 31, 2004.

The Honourable the Minister of Natural Resources (Mr. Ed Byrne) tabled the Report of Mining Leases, Mineral Licences and Surface Leases for the period April 1, 2004 - March 31, 2005.

The Member for Carbonear - Harbour Grace (Mr. Sweeney) presented a Petition calling upon the House of Assembly to urge Government to reinstate 24-hour home care for Mildred and Clovia Baker of Carbonear.

The Member for Labrador West (Mr. Collins) presented a Petition on behalf of certain residents of the Province calling on the House of Assembly to urge Government to increase funding for problem gambling, strictly to enforce the existing VLT regulations, at the very least remove VLTs from venues frequented by individuals under 19 years of age and to hold a province-wide referendum on banning video lottery terminals in conjunction with municipal elections in 2005.

The Member for Grand Bank (Ms. Foote) presented a Petition from residents of Grand Bank and Fortune calling upon the House of Assembly to urge Government to provide a CT scanner and dialysis unit for the Burin Peninsula Regional Hospital at Burin.

The Member for Port de Grave (Mr. Butler) presented a Petition calling upon the House of Assembly to urge Government to re-evaluate their plan to release permanent workers who have worked year round to provide road maintenance and to budget additional funding for essential workers.

The Member for Twillingate & Fogo (Mr. Reid) presented a Petition on behalf of certain residents of the Province calling on the House of Assembly to urge Government to provide a replacement vessel to transport passengers across the Strait of Bell Isle until such a time as the MS Apollo is repaired and can maintain regular operations.

The Member for Fortune Bay - Cape La Hune (Mr. Langdon) presented a Petition calling on the House of Assembly to urge Government to prevent FPI from taking the portion of its fish quota that has been traditionally processed in Harbour Breton, out of the community.

The Member for Exploits (Mr. Grimes) presented a Petition calling upon the House of Assembly to urge Government not to implement mandatory snowmobile trail permits and any supporting regulations and restrictions that will negatively impact our snowmobile culture.

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The Member for Grand Falls - Buchans (Ms. Thistle) presented a Petition calling on the House of Assembly to request Government to halt discussions with Abitibi on power development on the Exploits River until government gets a commitment from Abitibi for a two-machine operation at the Grand Falls Mill.

The Member for Grand Bank (Ms. Foote) presented a Petition calling on the House of Assembly to urge Government to install a Dumping Station at Frenchman's Cove Provincial Park.

The Member for Grand Falls - Buchans (Ms. Thistle) presented a Petition calling on the House of Assembly to request that Government provide funding for the necessary road work on the Buchans Highway this summer.

The Honourable the Government House Leader (Mr. Ed Byrne) moved that the House not adjourn at 5:30 o'clock in the afternoon and that the House not adjourn at 10 o'clock in the evening.

The Speaker put the question on the motions and declared the motions carried.

Pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled, "An Act To Amend The Buildings Accessibility Act" (Bill No. 35) and on motion it was ordered that Bill No. 35 be read a second time presently.

Pursuant to order and on motion the Bill entitled, "An Act To Amend The Buildings Accessibility Act" (Bill No. 35) was read a second time and on motion it was ordered that Bill No. 35 be referred to a Committee of the Whole House presently.

Pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled, "An Act To Amend The Public Service Collective Bargaining Act" (Bill No. 39) and on motion it was ordered that Bill No. 39 be read a second time presently.

Pursuant to order and on motion the Bill entitled, "An Act To Amend The Public Service Collective Bargaining Act" (Bill No. 39) was read a second time and on motion it was ordered that Bill No. 39 be referred to a Committee of the Whole House presently.

Pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled, "An Act To Amend The Automobile Insurance Act" (Bill No. 26) and on motion it was ordered that Bill No. 26 be read a second time presently.

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Pursuant to order and on motion the Bill entitled, "An Act To Amend The Automobile Insurance Act" (Bill No. 26) was read a second time and on motion it was ordered that Bill No. 26 be referred to a Committee of the Whole House presently.

Pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled, "An Act To Amend The Lobbyists Registration Act" (Bill No. 38) and on motion it was ordered that Bill No. 38 be read a second time presently.

Pursuant to order and on motion the Bill entitled, "An Act To Amend The Lobbyists Registration Act" (Bill No. 38) was read a second time and on motion it was ordered that Bill No. 38 be referred to a Committee of the Whole House presently.

Pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled, "An Act To Amend The Motorized Snow Vehicles And All-Terrain Vehicles Act" (Bill No. 36) and on motion it was ordered that Bill No. 36 be read a second time presently.

Pursuant to order and on motion the Bill entitled, "An Act To Amend The Motorized Snow Vehicles And All-Terrain Vehicles Act" (Bill No. 36) was read a second time and on motion it was ordered that Bill No. 36 be referred to a Committee of the Whole House presently.

On motion of the Honourable the Government House Leader (Mr. Ed Byrne) the House resolved itself into a Committee of the Whole House.

The Speaker left the Chair.

Mr. Fitzgerald took the Chair of Committee of the Whole House.

The Committee of the Whole House considered and passed a Bill entitled, "An Act To Amend The Buildings Accessibility Act" (Bill No. 35).

The Committee of the Whole House considered and passed a Bill entitled, "An Act To Amend The Public Service Collective Bargaining Act" (Bill No. 39).

The Committee of the Whole House considered a Bill entitled, "An Act To Amend The Automobile Insurance Act" (Bill No. 26).

The Honourable the Government House Leader (Mr. Ed Byrne) moved the following amendments to Clause 6 of Bill No. 26:

- "1. (1) That Clause 6 of Bill No. 26 be amended by striking out in the proposed subsection 62.1(2) the words and date "Not later than

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August 1, 2005" and substituting the word and date "Effective August 1, 2005";

- (2) That Clause 6 of the Bill be amended by striking out in the proposed subsection 62.1(3) the date "August 1, 2005" and substituting the date "September 1, 2005"; and
- (3) That Clause 6 of the Bill be amended by striking out in the proposed subsection 62.1(4) the date "August 1, 2005" and substituting the date "September 1, 2005".

The Chair ruled the amendments in order.

Debate continued on the Bill entitled, "An Act To Amend The Automobile Insurance Act" (Bill No. 26).

The Chair put the question on the amendments moved by the Honourable the Government House Leader (Mr. Ed Byrne) and declared the amendments carried.

The Committee passed the Bill entitled, "An Act To Amend The Automobile Insurance Act" (Bill No. 26) with amendments.

The Committee of the Whole House considered and passed a Bill entitled, "An Act To Amend The Lobbyists Registration Act" (Bill No. 38).

The Committee of the Whole House considered and passed a Bill entitled, "An Act To Amend The Motorized Snow Vehicles And All-Terrain Vehicles Act" (Bill No. 36).

The Committee of the Whole House continued the consideration of the Bill entitled, "An Act To Revise The Law Respecting Smoking In Public Places And The Workplace" (Bill No. 20).

The Committee passed Clauses 7 to 12 without amendment.

The Member for Signal Hill-Quidi Vidi (Mr. Harris) moved an amendment to Clause 13 of Bill No. 26.

The Chair ruled the amendment in order.

Debate continued on the Bill entitled, "An Act To Revise The Law Respecting Smoking In Public Places And The Workplace" (Bill No. 20).

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The Chair put the question on the amendment moved by the Member for Signal Hill-Quidi Vidi (Mr. Harris) and declared the amendment defeated.

The Member for Signal Hill-Quidi Vidi (Mr. Harris) moved a second amendment to Clause 13 of Bill No. 26.

The Chair ruled the amendment in order.

Debate continued on the Bill entitled, "An Act To Revise The Law Respecting Smoking In Public Places And The Workplace" (Bill No. 20).

The Chair put the question on the amendment moved by the Member for Signal Hill - Quidi Vidi and declared the amendment defeated.

The Honourable the Acting Minister of Health and Community Services (Mr. Sullivan) moved an amendment to Clause 13 of Bill No. 20.

The Chair ruled the amendment in order. Debate ensued on the amendment.

By leave, the amendment was withdrawn and the Honourable the Acting Minister of Health and Community Services (Mr. Sullivan) moved the following amendment to Bill No. 20:

"1. That Clause 13 of Bill No. 20 be deleted and the following substituted:

"RSNL 1990 cL-18 Amdt.

13. Section 33 of the *Liquor Control Act* is amended by adding immediately after subsection 6 of the following:

(6.1) The board may cancel a licence where the licensee has been convicted of an offence under the *Smoke-free Environment Act, 2005*".

The Chair ruled the amendment in order.

Debate ensued on the above noted amendment to Clause 13 of Bill No. 20.

The Chair put the question on the second amendment moved by the Honourable the Acting Minister of Health and Community Services (Mr. Sullivan) and declared the second amendment carried.

The Committee passed Clause 13 of Bill No. 20 with an amendment.

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The Committee passed Clause 14 of Bill No. 20.

Debate continued on the Bill entitled, "An Act To Revise The Law Respecting Smoking In Public Places And The Workplace" (Bill No. 20).

The Leader of the Opposition (Mr. Grimes) proposed an amendment to Clause 15 of Bill No. 20.

The Chair declared the amendment in order.

Debate ensued on the amendment to Clause 15 of the Bill entitled, "An Act To Revise The Law Respecting Smoking In Public Places And The Workplace" (Bill No. 20).

The Chair put the question on the amendment moved by the Leader of the Opposition (Mr. Grimes).

The Committee divided.

There appeared in favour of the motion: Mr. Grimes; Mr. Parsons; Mr. Butler; Mr. Langdon; Ms. Thistle; Mr. Reid; Mr. Andersen; Mr. Sweeney; Mr. Joyce.

Against: Mr. Williams, Mr. Edward Byrne; Mr. Rideout; Ms. Dunderdale; Mr. Taylor; Mr. Tom Marshall; Mr. Sullivan; Mr. Shelley; Mr. O'Brien; Ms. Burke; Mr. Tom Osborne; Mr. Jim Hodder; Mr. Wiseman; Mr. Denine; Mr. French; Mr. Harding; Mr. Young; Mr. Hunter; Mr. Jackman; Mr. Ridgley; Mr. Skinner; Mr. Oram; Mr. Harris.

The Chair declared the amendment defeated.

The Committee passed Clause 15 of Bill No. 20.

The Committee of the Whole House passed the Bill entitled, "An Act To Revise The Law Respecting Smoking In Public Places And The Workplace" (Bill No. 20) with an amendment.

On motion the Committee rose.

The Speaker (Mr. Hodder) resumed the Chair.

The Chairperson of the Committee of the Whole (Mr. Fitzgerald) reported that the Committee of the Whole House had considered the matters to it referred and had passed the following Bills without amendment:

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A Bill, "An Act To Amend The Buildings Accessibility Act" (Bill No. 35);

A Bill, "An Act To Amend The Public Service Collective Bargaining Act" (Bill No. 39);

A Bill, "An Act To Amend The Motorized Snow Vehicles And All-Terrain Vehicles Act" (Bill No. 36);

A Bill, "An Act To Amend The Lobbyists Registration Act" (Bill No. 38).

On motion it was ordered that Bills No. 35, 39, 36 and 38 be read a third time presently by leave.

The Chairperson of the Committee of the Whole House further reported that the Committee had passed the following Bills with amendments and asked leave to sit again:

A Bill, "An Act To Amend The Automobile Insurance Act" (Bill No. 26);

A Bill, "An Act To Revise The Law Respecting Smoking In Public Places And The Workplace" (Bill No. 20).

On motion it was ordered that Bills No. 26 and 20 be read a third time presently by leave.

Pursuant to order and on motion the following Bills were read a third time and passed:

A Bill, "An Act To Amend The Buildings Accessibility Act" (Bill No. 35);

A Bill, "An Act To Amend The Public Service Collective Bargaining Act" (Bill No. 39);

A Bill, "An Act To Amend The Motorized Snow Vehicles And All-Terrain Vehicles Act" (Bill No. 36);

A Bill, "An Act To Amend The Lobbyists Registration Act" (Bill No. 38);

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A Bill, "An Act To Amend The Automobile Insurance Act" (Bill No. 26).

On motion it was ordered that the said Bills be printed being entitled as above and that they be submitted to His Honour the Lieutenant Governor for His Assent.

The Speaker put the question on the motion that the Bill entitled, "An Act To Revise The Law Respecting Smoking In Public Places And The Workplace" (Bill No. 20) be read a third time.

The House divided.

There appeared in favour of the motion: Mr. Williams, Mr. Edward Byrne; Mr. Rideout; Ms. Dunderdale; Mr. Taylor; Mr. Tom Marshall; Mr. Sullivan; Mr. Shelley; Mr. Fitzgerald; Mr. O'Brien; Ms. Burke; Mr. Tom Osborne; Mr. Jim Hodder; Mr. Wiseman; Mr. Denine; Mr. French; Mr. Harding; Mr. Young; Mr. Hunter; Mr. Jackman; Ms. Johnson; Mr. Ridgley; Mr. Skinner; Mr. Oram; Mr. Grimes; Mr. Parsons; Mr. Butler; Mr. Langdon; Ms. Thistle; Mr. Reid; Mr. Andersen; Mr. Sweeney; Mr. Joyce; Mr. Harris.

The Speaker declared the motion carried.

On motion the Bill entitled, "An Act To Revise The Law Respecting Smoking In Public Places And The Workplace" (Bill No. 20) was read a third time and on motion it was ordered that the said Bill be printed being entitled as above and that it be submitted to His Honour the Administrator for His Assent.

By leave the amendments to Bills No. 26 and 20 were deemed read twice.

Pursuant to order and on motion debate commenced on Second Reading of a Bill entitled, "An Act To Revise The Law About Pensions For Members Of The House of Assembly" (Bill No. 24) and on motion debate was adjourned for further debate on tomorrow.

The House recessed for a few minutes to await the arrival of His Honour the Administrator.

At 7:11 o'clock in the evening the Sergeant-at-Arms announced the arrival of His Honour The Administrator, the Honourable Clyde Wells, Chief Justice of Newfoundland and Labrador.

The Speaker left the Chair.
His Honour the Administrator took the Chair.

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The Speaker addressed His Honour the Administrator as follows:

"It is my agreeable duty on behalf of Her Majesty's dutiful and loyal subjects, Her Faithful Commons in Newfoundland and Labrador to present to Your Honour Bills for the Appropriation of Supply and Supplementary Supply granted in the present Session".

Whereupon the Clerk read the following Bills:

A Bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Additional Expenses Of The Public Service For The Financial Year Ending March 31, 2006 And For Other Purposes Relating To The Public Service" (Bill No. 4);

A Bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Additional Expenses Of The Public Service For The Financial Year Ending March 31, 2005 And For Other Purposes Relating To The Public Service No. 2" (Bill No. 25).

His Honour the Administrator then said, "In Her Majesty's Name, I thank Her Loyal Subjects, I accept their benevolence and I Assent to these Bills".

The Speaker further addressed His Honour as follows:

"May it please your Honour, the General Assembly of the Province has at its present Session passed certain Bills, to which, in the name and on behalf of the General Assembly, I respectfully request Your Honour's Assent."

Whereupon the Clerk read the following Bills:

A Bill, "An Act To Amend The Tobacco Tax Act" (Bill No. 5);

A Bill, "An Act To Amend The Loan And Guarantee Act, 1957" (Bill No. 14);

A Bill, "An Act To Repeal The Investment Contracts Act" (Bill No. 12);

A Bill, "An Act To Repeal The Literacy Development Council Act" (Bill No. 6);

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A Bill, "An Act To Amend The City of Corner Brook Act, The City Of Mount Pearl Act, The Municipalities Act,1999 And The St. John's Assessment Act" (Bill No. 15);

A Bill, "An Act To Amend The Income Tax Act, 2000" (Bill No. 8);

A Bill, "An Act To Amend The Public Service Pensions Act, 1991, Teachers' Pensions Act And Uniformed Services Pensions Act,1991" (Bill No. 9);

A Bill, "An Act To Amend The Municipal Elections Act" (Bill No. 1);

A Bill, "An Act To Establish A Financial Services Appeal Board" (Bill No. 11);

A Bill,

"An Act To Amend The Service Charges Act" (Bill No. 10);

A Bill,

"An Act Respecting The Rooms Corporations" (Bill

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No.
17);

- A Bill, "An Act To Amend The Wild Life Act" (Bill No. 13);
- A Bill, "An Act To Amend The Executive Council Act" (Bill No. 7);
- A Bill, "An Act To Amend The Liquor Corporation Act" (Bill No. 18);
- A Bill, "An Act To Amend The Natural Products Marketing Act And The Farm Practices Protection Act" (Bill No. 22);
- A Bill, "An Act To Amend The Labrador Inuit Land Claims Agreement Act" (Bill No. 28);
- A Bill, "An Act To Amend The Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act" (Bill No. 31);
- A Bill, "An Act To Amend The Law Society Act, 1999" (Bill No. 30);
- A Bill, "An Act To Amend The Municipalities Act, 1999 And The Municipal Elections Act" (Bill No. 29);
- A Bill, "An Act To Amend The Insurance Companies Act" (Bill No. 27);
- A Bill, "An Act To Amend The Aquaculture Act" (Bill No. 19);
- A Bill, "An Act Respecting The Practice Of Medicine In The Province" (Bill No. 21);
- A Bill, "An Act To Revise The Law Respecting The Guarantee Of Loans To Local Authorities" (Bill No. 23);
- A Bill, "An Act To Amend The Victims Of Crime Services Act" (Bill No. 34);
- A Bill, "An Act To Amend The Highway Traffic Act And The Provincial Offences Act" (Bill No. 33);
- A Bill, "An Act Respecting

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Management Of Government
Information For The Province" (Bill
No. 16);

A Bill, "An Act To Amend The City Of Corner Brook Act, The City
Of Mount Pearl Act And The City Of St. John's Act" (Bill No. 37);

A Bill, "An Act To Amend The Buildings Accessibility Act" (Bill No.
35);

A Bill, "An Act To Amend The Public Service Collective
Bargaining Act" (Bill No. 39);

A Bill, "An Act To Amend The Automobile Insurance Act" (Bill No.
26);

A Bill, "An Act To Amend The Lobbyist Registration Act" (Bill No. 38);

A Bill, "An Act To Amend The Motorized
Snow Vehicles And All-Terrain Vehicles
Act" (Bill No. 36);

A Bill, "An Act To Revise The Law Respecting Smoking In Public
Places And The Workplace" (Bill No. 20).

His Honour the Administrator then said, "In Her Majesty's Name, I Assent to these
Bills."

His Honour the Administrator then left the Chamber.

The Speaker resumed the Chair.

The Honourable the Government House Leader (Mr. Ed Byrne) moved: "That
when this House adjourns today, it stands adjourned until the call of the Chair. The
Speaker, or in his absence from the Province the Deputy Speaker, may give notice and
thereupon the House shall meet at the time and date stated by the notice of the proposed
sitting. And I also move that this House do now adjourn."

The Speaker put the question on the above noted motions and declared the
motions carried.

On motion the House then adjourned accordingly.

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A. John Noel, Q.C.,
Clerk of the House of Assembly.