

Thursday, November 24<sup>th</sup>, 2005

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

The Member for Trinity - Bay de Verde (Ms. Johnson) made a Statement to inform the House of the launch of high speed internet service in her District.

The Member for Grand Bank (Ms. Foote) made a Statement to congratulate Staff Cadet Ashley Tarrant on being selected HMCS Acadia's new Chief of Sea Operations this past summer.

The Member for St. John's Centre (Mr. Skinner) made a Statement to inform the House of the unveiling of the Merchant Navy Memorial located at the main entrance to the Marine Institute on Ridge Road.

The Member for Port de Grave (Mr. Butler) made a Statement to recognize Mr. Philip Lundrigan of Spaniard's Bay who received the Glen Hillson Award for Excellence of the Canadian Treatment Action Council.

The Member for Humber Valley (Ms. Goudie) made a Statement to acknowledge the accomplishments of the pupils of Xavier Junior High in Deer Lake for their "Clean Green" project.

The Member for Labrador West (Mr. Collins) made a Statement to congratulate Mr. Paul Smith and his Grade 7 Tech-Ed Class at J.R.S. Middle School in Wabush for their efforts in combatting bullying.

The Honourable the Minister of Municipal Affairs (Mr. Jack Byrne) made a Statement to inform the House of the signing of the Canada - Newfoundland and Labrador Federation of Municipalities Rural Infrastructure Fund Agreement.

The Honourable the Minister of Finance and President of Treasury Board (Mr. Sullivan), pursuant to section 26(4) of the **Financial Administration Act**, tabled a copy of Order in Council 2005-606 authorizing the Department of Health & Community Services to pre-commit \$500,000 against its 2006-07 budgetary appropriations to facilitate an early tender call respecting the ground source earth energy system.

The Honourable the Minister of Municipal Affairs (Mr. Jack Byrne) rose on a point of privilege with respect to comments made by the Member for Signal Hill - Quidi Vidi (Mr. Harris). The Speaker took the matter under advisement.

On behalf of the Honourable the Minister of Health & Community Services (Mr. Ottenheimer), the Honourable the Minister of Finance & President of Treasury Board (Mr.

Thursday, November 24<sup>th</sup>, 2005

Sullivan) responded to a question asked on November 23<sup>rd</sup> by the Member for Cartwright - L'Anse au Clair (Ms. Jones) with respect to radiation equipment at the Health Sciences Centre in St. John's.

The Honourable the Government House Leader (Mr. Ed Byrne), on behalf of the Honourable the Minister of Health & Community Services (Mr. Ottenheimer) gave notice that he would on tomorrow ask leave to introduce a Bill entitled, "An Act Respecting Denturists" (Bill No. 60).

The Honourable the Government House Leader (Mr. Ed Byrne) gave notice that he would on tomorrow ask leave to introduce the following Resolution:

**"WHEREAS** subsection 4(1) of the *Child and Youth Advocate Act* provides

"The Office of the Child and Youth Advocate shall be filled by the Lieutenant Governor in Council on a resolution of the House of Assembly."

**NOW THEREFORE BE IT RESOLVED** that Ms. Darlene Neville be appointed as the Child and Youth Advocate."

The Member for Terra Nova (Mr. Oram) presented a Petition on behalf of certain residents of his District respecting the need for winter access through Terra Nova National Park from the Eastport Peninsula and Charlottetown.

Pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled, "An Act To Amend The Pippy Park Commission Act" (Bill No. 42) and on motion it was ordered that Bill No. 42 be read a second time presently.

Pursuant to order and on motion the Bill entitled, "An Act To Amend The Pippy Park Commission Act" (Bill No. 42) was read a second time and on motion it was ordered that Bill No. 42 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 Respecting Protection Against Family Violence" (Bill No 50) and on motion it was ordered that Bill No. 50 be read a second time presently.

Pursuant to order and on motion the Bill entitled, "An Act Respecting Protection Against Family Violence" (Bill No 50) was read a second time and on motion it was ordered that Bill No. 50 be referred to a Committee of the Whole House presently.

Thursday, November 24<sup>th</sup>, 2005

Pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled, "An Act To Amend The Provincial Court Act, 1991" (Bill No. 44) and on motion it was ordered that Bill No. 44 be read a second time presently.

Pursuant to order and on motion the Bill entitled, "An Act To Amend The Provincial Court Act, 1991" (Bill No. 44) was read a second time and on motion it was ordered that Bill No. 44 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 Forestry Act" (Bill No. 32). and on motion it was ordered that Bill No. 32 be read a second time presently.

Pursuant to order and on motion the Bill entitled, "An Act To Amend The Forestry Act" (Bill No. 32) was read a second time and on motion it was ordered that Bill No. 32 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 considered the Bill entitled, "An Act To Revise The Law About Pensions For Members Of The House Of Assembly" (Bill No. 24).

The Honourable the Minister of Finance (Mr. Sullivan) moved the following amendments to Bill No. 24:

"1. (1) That subclause 2(1) of Bill 24 be amended by adding immediately after paragraph (k) the following:

(k.1) "month" means a calendar month and for the purpose of the application of this Act to a member elected for the first time after the 45<sup>th</sup> General Assembly includes a portion of a month;

(2) That subclause 2(1) of the Bill be amended by adding immediately after paragraph (u) the following:

(v) "year" means a calendar year but, for the purpose of the application of this Act to a member elected for the first time

Thursday, November 24<sup>th</sup>, 2005

after the 45<sup>th</sup> General Assembly, “year” means a period of 12 consecutive months.

(3) That clause 2 of the Bill be amended by adding immediately after subclause (2) the following:

- (3) For the purpose of the application of this Act to a member elected for the first time after the 45<sup>th</sup> General Assembly, paragraphs (1)(a), (b) and (c) shall be read as if the words “calendar year” and “calendar years” were “year” and “years” respectively.

2. That clause 3 of the Bill be amended by adding immediately after subclause (2) the following:

- (3) Subsection (1) does not apply to a member elected for the first time after the 45<sup>th</sup> General Assembly and in the application of subsection (2) to such a member the words “calendar years” shall be read as “years”.

3. That clause 11 of the Bill be amended by adding immediately after subclause (1) the following:

(1.1) Notwithstanding paragraph (1)(c), for the purpose of calculating the amount of the registered allowance paid to a member elected for the first time after the 45<sup>th</sup> General Assembly, his or her base minister’s salary shall not be included.

4. That clause 19 of the Bill be amended by adding immediately after subclause (1) the following:

(1.1) Notwithstanding subsection (1), a vested member elected for the first time after the 45<sup>th</sup> General Assembly who is no longer an MHA or a minister may, on application, receive a supplementary allowance if

- (a) the member has paid the contributions for service required under this Act; and
- (b) the member’s
  - (i) MHA service added to his or her age equals or exceeds 60, or

Thursday, November 24<sup>th</sup>, 2005

- (ii) MHA service added to his or her age equals 55 where the member has served as Premier.

5. That clause 20 of the Bill be amended by adding immediately after subsection (2) the following:

(2.1) Notwithstanding paragraph (2)(e), for the purpose of calculating the amount of the supplementary allowance paid to a member elected for the first time after the 45<sup>th</sup> General Assembly, his or her base minister's salary shall not be included."

The Chair declared the amendments in order.

After some debate, the Chair put the question on the amendments and declared the amendments carried.

The Committee passed the Bill entitled, "An Act To Revise The Law About Pensions For Members Of The House Of Assembly" (Bill No. 24) with amendments.

The Committee considered and passed the Bill entitled, "An Act To Amend The Provincial Court Act, 1991" (Bill No. 44).

The Committee considered the Bill entitled, "An Act To Amend The Pippy Park Commission Act" (Bill No. 42).

The Committee considered the Bill entitled, "An Act To Amend The Forestry Act" (Bill No. 32).

The Honourable the Minister of Natural Resources (Mr. Ed Byrne) moved the following amendment to Bill No. 32:

"1. That subclause 4(2) of Bill No. 32 be amended by adding immediately after the proposed subsection 7(6) the following:

(7) The minister, with the approval of the Lieutenant-Governor in Council, may vary the time by which a sustainable forest management plan is to expire."  
The Chair declared the amendment in order.

After some debate, the Chair put the question on the amendment and declared the amendment carried.

The Committee passed the Bill entitled, "An Act To Amend The Forestry Act" (Bill

Thursday, November 24<sup>th</sup>, 2005

No. 32) with an amendment.

On motion the Committee rose.

The Speaker resumed the Chair.

The Chairperson of the Committee of the Whole House (Mr. Fitzgerald) reported that the Committee of the Whole House had considered the matters to it referred, had passed the Bill entitled, "An Act To Amend The Provincial Court Act, 1991" (Bill No. 44) without amendment and asked leave to sit again.

On motion it was ordered that Bill No. 44 be read a third time presently by leave.

The Chairperson of the Committee of the Whole House (Mr. Fitzgerald) also reported that the Committee of the Whole House had considered the matters to it referred and had passed the following Bills with amendments:

A Bill, "An Act To Revise The Law About Pensions For Members Of The House Of Assembly" (Bill No. 24);

A Bill, "An Act To Amend The Forestry Act" (Bill No. 32).

The amendments to Bills No. 24 and 32 having been read a first and second time, on motion it was ordered that Bills No. 24 and 32 be read a third time presently by leave.

On motion the report of the Committee of the Whole House was received and adopted and on motion it was ordered that the Committee of the Whole House have leave to sit again on tomorrow.

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

A Bill, "An Act To Amend The Provincial Court Act, 1991" (Bill No. 44);

A Bill, "An Act To Revise The Law About Pensions For Members Of The House Of Assembly" (Bill No. 24);

A Bill, "An Act To Amend The Forestry Act" (Bill No. 32).

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.

Thursday, November 24<sup>th</sup>, 2005

It was moved and seconded that when the House rose it would adjourn until tomorrow, Monday, November 28<sup>th</sup>, at 1:30 o'clock in the afternoon.

On motion the House then adjourned accordingly.

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