

Monday, December 12th, 2005

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

The Member for Cartwright - L'Anse au Clair (Ms. Jones) made a Statement to congratulate Bishop David Torriville who was ordained on November 30th at St. Martin's Cathedral in Gander.

By leave, the Honourable the Minister of Finance & President of Treasury Board and Member for Ferryland (Mr. Sullivan) made a Statement to pay tribute to the late Mr. William Patrick O'Brien of Ferryland who died recently.

The Member for Burgeo & LaPoile (Mr. Parsons) made a Statement to congratulate Mr. Don Crewe of Port aux Basques who had been awarded the Outstanding Professional Achievement Award as part of the 2005 Memorial University of Newfoundland Alumni Tribute Awards.

The Member for Humber Valley (Ms. Goudie) made a Statement to congratulate Humber Valley Resort on winning the Best International Development Award at the 2005 Bentley International Property Awards in November.

The Member for Fortune Bay - Cape La Hune (Mr. Langdon) made a Statement to recognize the dedicated service provided by the Harbour Breton Volunteer Fire Department.

The Member for Labrador West (Mr. Collins) made a Statement to recognize the organizers of the Toys for Joys event in Labrador West.

The Member for Bay of Islands (Mr. Joyce) made a Statement to congratulate the members of the Meadows Volunteer Fire Department and Meadows Firettes on their dedication to ensuring the safety of their town and its residents.

The Member for Gander (Mr. O'Brien) made a Statement to mark the 25th anniversary of the Arrow Air disaster in Gander.

The Honourable the Premier (Mr. Williams) made a Statement to congratulate the curling team of Brad Gushue, Jamie Korab, Mark Nichols and Russ Howard along with Spare Mike Adam and Coach Toby MacDonald and sports psychologist Bas Kavanagh on winning the Tim Horton's Canadian Curling Trials in Nova Scotia. This rink will represent Canada at the 2006 Olympic Winter Games in Torino, Italy.

The Honourable the Minister of Environment & Conservation (Mr. Osborne) made a Statement to inform the House that he had attended the United Nations' Conference on

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Climate Change, commonly known as COP 11, which was held in conjunction with the first meeting of the parties who signed the Kyoto Protocol.

The Honourable the Minister of Transportation and Works (Mr. Taylor) made a Statement to inform the House that government is prepared to pledge an additional \$50 million over five years for the Trans-Labrador Highway to assist in reaching a cost-sharing agreement that would see the Federal Government match this contribution.

The Honourable the Minister of Education (Ms. Burke) tabled the Annual Report of the Department of Education for 2004-05.

The Honourable the Minister of Finance and President of Treasury Board (Mr. Sullivan) tabled the Annual Report of the Department of Finance for 2004-05.

The Honourable the Minister of Tourism, Culture & Recreation (Mr. Hedderson) tabled the Annual Report of the Newfoundland and Labrador Arts Council for 2004-2005.

The Honourable the Minister of Environment & Conservation (Mr. Osborne) tabled the Annual Report of the Department of Environment and Conservation for 2004-05.

The Honourable the Minister of Natural Resources (Mr. Edward Byrne) tabled the Annual Performance Report of the Department of Natural Resources for 2004-05.

The Honourable the Speaker (Mr. Hodder) tabled the *Public Tender Act* Exceptions for the months of May, June, July, August, September and October, 2005.

The Member for Grand Bank (Ms. Foote) presented a Petition calling on the House of Assembly to urge the Government to install a kidney dialysis unit at the Burin Health Care Centre.

The Member for Humber Valley (Ms. Goudie) presented a Petition on behalf of certain residents of Bonne Bay calling upon the House of Assembly to urge Government to provide a permanent doctor in Bonne Bay.

Pursuant to order and on motion debate continued on the following amendment standing in the name of the Member for Grand Bank to the Resolution respecting the removal of the Citizens' Representative (Motion No. 2) introduced on December 5th by the Honourable the Government House Leader:

"That the motion be amended by deleting all the words after the word "That" and substituting the following therefor:

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“Fraser March be given an opportunity to state his case to the House of Assembly before a vote is taken regarding his removal from the Office of the Citizens’ Representative.”

After some debate, the Chair put the question on the amendment.

The House divided.

There appeared in favour of the amendment: Mr. Reid; Mr. Butler; Mr. Barrett; Mr. Langdon; Ms. Jones; Ms. Thistle; Mr. Sweeney; Ms. Foote; Mr. Joyce; Mr. Harris; Mr. Collins.

Against: Mr. Edward Byrne; Mr. Rideout; Ms. Dunderdale; Mr. Taylor; Mr. Hedderson; Mr. Sullivan; Mr. Shelley; Mr. Fitzgerald; Ms. Sheila Osborne; Mr. O’Brien; Mr. Tom Osborne; Mr. Jim Hodder; Mr. Wiseman; Mr. Denine; Mr. French; Mr. Harding; Mr. Young; Mr. Jackman; Mr. Ridgley; Ms. Goudie; Mr. Skinner; Mr. Oram; Ms. Elizabeth Marshall; Mr. Forsey.

The Speaker declared the amendment defeated.

The Speaker noted that the Member for Burgeo & LaPoile (Mr. Parsons) did not vote and that he had recused himself from the debate on the Resolution on December 5th, 2005.

Debate continued on the Resolution.

The Honourable the Government House Leader (Mr. Ed Byrne) moved pursuant to Standing Order 11 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.
Debate continued on the Resolution.

The Member for Signal Hill - Quidi Vidi (Mr. Harris) moved the following amendment:

“That the Resolution be amended :

1. By inserting, after the word “WHEREAS” in the third preamble, the words “it is alleged”; and
2. By deleting all the words after the words “BE IT RESOLVED” and inserting

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the words “that this House of Assembly consider whether Fraser March should be removed from the Office of Citizens’ Representative after a proper procedure is invoked in keeping with the position of an officer of this House and to provide for application of the rules of natural justice by either having the matter addressed by the Standing Committee on Elections and Privileges with a report back to this House or considered by an independent tribunal appointed by this House of Assembly after consultation with representatives of the three parliamentary groups represented herein, and receiving the tribunal’s report.”

The Speaker heard argument with respect to the amendment and suspended proceedings to consider the amendment at 5:17 o’clock in the evening.

The Speaker resumed the Chair at 5:40 o’clock in the evening and ruled that the amendment was not in order.

Debate continued on the Resolution.

The Honourable the Leader of the Opposition (Mr. Reid) moved the following amendment:

“That the Resolution be amended as follows:

1. By inserting after the word “WHEREAS” in the third preamble, the words “it is alleged”; and
2. By deleting all the words after the words “BE IT RESOLVED” and inserting the words “that this House of Assembly consider whether Fraser March should be removed from the Office of Citizens’ Representative after a proper procedure has been invoked in keeping with the position of an officer of this House with full application of the rules of natural justice by having the matter considered by an independent tribunal appointed by this House of Assembly after consultation with representatives of the three parliamentary groups represented herein, and receiving the tribunal’s report.”

The Speaker heard argument with respect to the amendment and suspended proceedings to consider the amendment at 6:36 o’clock in the evening.

The Speaker resumed the Chair at 7:27 o’clock and ruled that the amendment was not in order.

Debate continued on the Resolution.

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During the debate, the Leader of the Opposition (Mr. Reid) moved the following amendment:

“That the Resolution of the Honourable the Government House Leader be amended as follows:

1. By inserting, after the word “WHEREAS” in the third preamble, the words “it is alleged”; and
2. By deleting all the words after the word “that” in the Resolution and inserting the words “Fraser March not be removed from the Office of Citizens’ Representative until after a proper procedure has been invoked in keeping with the position of an officer of this House with full application of the rules of natural justice by having the matter considered by an independent tribunal appointed by this House of Assembly after consultation with representatives of the three parliamentary groups represented herein, and receiving the tribunal’s report, and a majority of the Members of the House of Assembly votes in favour of removing him as Citizens’ Representative.”

The Speaker suspended proceedings to consider the amendment at 7:36 o’clock in the evening.

The Speaker resumed the Chair at 7:40 o’clock and ruled that the amendment was not in order.

Debate continued on the Resolution.

During the debate, the Member for Carbonear - Harbour Grace (Mr. Sweeney) moved the following amendment:

“That the Resolution of the Honourable the Government House Leader be amended as follows:

1. By inserting, after the word “WHEREAS” in the third preamble, the words “it is alleged”; and
2. By deleting all the words after the word “that” in the Resolution and inserting the words “Fraser March not be removed from the Office of the Citizens’ Representative until after a proper procedure has been invoked in keeping with the position of an officer of this House with full application of the rules of natural justice and a majority of the members of the House of Assembly

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votes in favour of removing him as Citizens' Representative."

The Speaker heard argument with respect to the amendment and suspended proceedings to consider the amendment at 8:12 o'clock in the evening.

The Speaker resumed the Chair at 8:24 o'clock and ruled the amendment was not in order.

Debate continued and concluded on the Resolution.

The Speaker put the question on the following Resolution:

"WHEREAS in accordance with section 3 of the *Citizens' Representative Act*, the Lieutenant Governor in Council, on a Resolution of this House of Assembly, by Order in Council dated December 14, 2001, appointed Fraser March to the office of Citizens' Representative;

AND WHEREAS the Citizens' Representative, Fraser March, has, in accordance with subsection 7(1) of the *Citizens' Representative Act* been suspended as the Citizens' Representative;

AND WHEREAS section 6 of the *Citizens' Representative Act* provides that the Lieutenant Governor in Council may, on a Resolution of this House of Assembly, for cause remove the Citizens' Representative from office;

AND WHEREAS there is cause to remove Fraser March from the office of Citizens' Representative;

THEREFORE BE IT RESOLVED by this House of Assembly that Fraser March be removed from the office of Citizens' Representative".

The House divided.

There appeared in favour of the Resolution: Mr. Williams; Mr. Edward Byrne; Mr. Rideout; Mr. Taylor; Mr. Tom Marshall; Mr. Hedderson; Mr. Sullivan; Mr. Shelley; Mr. Fitzgerald; Ms. Sheila Osborne; Mr. O'Brien; Ms. Burke; Ms. Whalen; Mr. Jim Hodder; Mr. Wiseman; Mr. Denine; Mr. French; Mr. Harding; Mr. Young; Mr. Jackman; Mr. Ridgley; Ms. Goudie; Mr. Skinner; Mr. Oram; Ms. Elizabeth Marshall; Mr. Forsey.

Against: Mr. Reid; Mr. Butler; Mr. Barrett; Mr. Langdon; Ms. Jones; Ms. Thistle; Mr. Andersen; Mr. Sweeney; Ms. Foote; Mr. Joyce; Mr. Harris; Mr. Collins.

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The Speaker declared the Resolution carried without amendment.

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 the Committee of the Whole House.

The Committee considered and passed a certain Resolution and Bill entitled, "An Act To Amend The Loan And Guarantee Act, 1957 No. 2" (Bill No. 62).

On motion the Committee rose.

The Speaker resumed the Chair.

The Chairperson of the Committee (Ms. Osborne) reported that the Committee of the Whole had considered the matters to it referred and had passed a certain Resolution and a Bill consequent thereto and recommended that Bill No. 62 be introduced to give effect to the Resolution and asked leave to sit again.

On motion the report of the Committee was received and adopted.

Pursuant to order and on motion the following Resolution was read a first and second time:

"That it is expedient to bring in a measure further to amend *The Loan and Guarantee Act, 1957*, to provide for the advance of loans to and the guarantee of the repayment of bonds or debentures issued by or loans advanced to certain corporations." (Bill No. 62)

Pursuant to order and on motion the Bill entitled, "An Act To Amend The Loan And Guarantee Act, 1957 No. 2" (Bill No. 62) was read a first, second and third time and passed.

On motion it was ordered that Bill No. 62 be printed being entitled as above and that it be submitted to His Honour the Lieutenant Governor for His Assent.

The Honourable the Premier (Mr. Williams), the Leader of the Opposition (Mr. Reid), the Member for Signal Hill - Quidi Vidi (Mr. Harris), the Opposition House Leader (Mr. Parsons) and the Honourable the Government House Leader (Mr. Ed Byrne) thanked officials and the staff of the House and wished everyone a Merry Christmas.

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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 the 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 to the call of the Chair.

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