

Monday, June 7th, 2004

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

By leave, the Honourable the Premier (Mr. Williams) made a Statement to pay tribute to the late Dr. Harry Roberts prominent medical doctor, businessman, promoter of education and youth. The Premier enumerated Dr. Roberts many contributions to society. The Leader of the Opposition (Mr. Grimes) and the Member for Signal Hill-Quidi Vidi (Mr. Harris) also spoke and agreed that a message of condolence be sent to the family of the late Dr. Roberts.

The Member for Port de Grave (Mr. Butler) made a Statement to draw Members > attention to the Newfoundland Historical Society Symposium entitled *ADown the Labrador* sponsored by the Bay Roberts Heritage Society and held recently in Bay Roberts.

The Member for Bonavista South (Mr. Fitzgerald) made a Statement to congratulate Mr. Maurice Lewis, the Principal at St. Mark 's All Grade School in King 's Cove who was recently selected as the *AProvincial Principal of the Year* .

The Honourable the Premier (Mr. Williams) made a Statement to advise Members of a commitment recently made by the Prime Minister of Canada that the Federal Government would commit itself to amending the Atlantic Accord so that the Province would receive one hundred per cent of the Province 's oil and gas revenues under the Atlantic Accord.

After Oral Questions, the Opposition House Leader (Mr. Parsons) rose on a point of order to question the booking of satellite time with respect to televising the proceedings of the House. The Member for Signal Hill-Quidi Vidi (Mr. Harris) and the Honourable the Acting Government House Leader (Mr. Sullivan) spoke to the point of order. The Speaker agreed that he would ensure that the television satellite time would be booked when the House sat outside regular hours. The Speaker stated the House would book in advance segments of two hours television time depending on the anticipated time the House adjourned.

The Honourable the Speaker (Mr. Hodder), in accordance with section 35 of the *House of Assembly Act*, tabled the 2003-04 Annual Report of the Commissioner of Members ' Interests for the period April 1, 2003 to March 31, 2004.

The Member for Signal Hill-Quidi Vidi (Mr. Harris) gave notice that he would on tomorrow move the following Resolution:

WHEREAS fair, affordable and accessible automobile insurance is a concern for all Newfoundlanders and Labradorians;

Monday, June 7th, 2004

AND WHEREAS public automobile insurance has been suggested as a model that could bring relief for Newfoundland and Labrador drivers, and may be a necessity in the event private insurers discontinue their operations in the province;

AND WHEREAS there are many models of public insurance that contain numerous options and in the interest of an informed debate these models and options should be explored in the Newfoundland and Labrador context;

AND WHEREAS the province should be ready to operate a public automobile system that has been developed to satisfy the needs and desires of the people of the province with a practical plan for implementation and delivery;

THEREFORE BE IT RESOLVED THAT this House appoint a Select Committee on Public Automobile Insurance to examine into and inquire on the most suitable form of public insurance system for Newfoundland and Labrador should the province conclude that a public system is required;

AND BE IT FURTHER RESOLVED THAT the Select Committee shall inquire into and identify:

1. The most suitable model of public automobile insurance to ensure fair, affordable and accessible public automobile insurance including:
 - (a) the type of public automobile system to be recommended,
 - (b) the types of coverage and benefits to be offered,
 - (c) a proper risk rating system for establishing premiums,
 - (d) the method of distribution,
 - (e) the types of insurers;
2. The start-up costs for establishing the proposed model, including infrastructure, office equipment, payroll, initial provision for losses, etc.;
3. The fixed and recurring costs of operating the proposed model;
4. The legal and trade implications involved in setting up the proposed model;
5. The downstream impact of the proposed model on the legal community, the physiotherapists and other therapists, as well as on

Monday, June 7th, 2004

the brokers, independent adjusters, automotive repair shops and trades or professions;

6. The creation of a basic automobile insurance policy within a public system.

AND BE IT FURTHER RESOLVED THAT the Select Committee be provided with sufficient resources to conduct an adequate public consultation process and engage consultants to advise on matters required to fulfill its mandate.

The Honourable the Acting Government House Leader (Mr. Sullivan) gave notice that he would on tomorrow move 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 on Tuesday, June 8th, 2004.

The Leader of the Opposition (Mr. Grimes) gave notice that he would on tomorrow move the following Resolution:

WHEREAS the Premier has written to the Prime Minister and the Leaders of the Conservative Party of Canada and the New Democratic Party of Canada asking for commitments from them on fourteen issues which are important to the future of this province including:

Support for Newfoundland and Labrador 's claim to 100 percent of our offshore oil and gas provincial revenues, making the province the true principal beneficiary as intended under the Atlantic Accord.

Transfer at no cost to Newfoundland and Labrador of the 8.5 percent Hibernia shares owned by the Federal Government.

Give Newfoundland and Labrador jurisdictional control and ownership over petroleum and other economic resources in the offshore.

Supporting calculation of equalization based on a ten-province standard.

The restoration of federal transfers to the province for health care, post-secondary education and social services to 1994-95 levels adjusted for inflation.

The allocation of future transfers on the basis of need rather than population numbers alone.

Monday, June 7th, 2004

Giving Newfoundland and Labrador a direct and meaningful say in the management (i.e. the allocation and harvesting) of fisheries stocks in the ocean territory adjacent to the province.

Support for imposing custodial management on the continental shelf immediately outside Canada 's 200-mile exclusive economic zone where such action is warranted to preserve fish stocks from international unsustainable harvesting practices.

Support for efforts to develop the Hydro-power resources of the Lower Churchill River system for the primary benefit of Newfoundland and Labrador, including the provision of a Federal Government guarantee if necessary to proceed with the project on a stand alone basis.

Support for initiatives that make amends for the grossly lopsided Upper Churchill power contract that was signed after Ottawa refused to support a reasonably-priced power corridor for Newfoundland and Labrador to wheel electricity across Quebec to external markets.

Support for the completion of the Trans-Labrador Highway and raise it to an acceptable standard.

Support for efforts for the repair, replacement and maintenance of key transportation infrastructure in the province on a timely basis.

Support for the construction of a fixed link across the Strait of Belle Isle to give this province the continuous land-based connection to the North American highway grid that most residents of the nine other provinces enjoy, and which will complete the Trans Canada Highway from coast to coast.

Support for efforts to restore and enhance military training activities at 5-Wing Goose Bay, which has served for many years as a key NATO international flight training base.

AND WHEREAS the people of this province have not received satisfactory and definitive answers on many of these issues;

THEREFORE BE IT RESOLVED that this House of Assembly calls on the Government of this province to follow-up and request definitive answers in writing on

Monday, June 7th, 2004

these issues so this information can be made public before election day.

The Opposition House Leader (Mr. Parsons) gave notice that the Resolution for the next Private Members ' Day would be the above-noted Resolution notice of which was given by the Leader of the Opposition.

The Member for Grand Falls-Buchans (Ms. Thistle) presented a Petition on behalf of certain residents of her District requesting the Government of Newfoundland and Labrador to recognize the success of the Central West Health Board and place the headquarters of the Central Newfoundland Regional Health Board in the Town of Grand Falls-Windsor.

The Member for Bay of Islands (Mr. Joyce) presented a Petition on behalf of certain residents of his District requesting the Western Health Care Corporation to begin implementation of the plan to build the required facility for extended and chronic care patients in Western Newfoundland.

The Member for Grand Bank (Ms. Foote) presented a Petition on behalf of certain residents requesting the Department of Environment and Conservation to cease plans to place a sewage sludge pond on Route 220 between Burin and Marystown and consider another location that will have less of a negative impact on residents and the environment.

The Member for Burgeo & LaPoile (Mr. Parsons) presented a Petition on behalf of certain residents of his District requesting the Government of Newfoundland and Labrador to reinstate operations and rehire weigh scale operators in Port aux Basques, Foxtrap and other locations to protect the safety of Newfoundlanders and Labradorians.

The Honourable the Acting Government House Leader (Mr. Sullivan) moved pursuant to Standing Order 11 that the House not adjourn at 5:30 o'clock in the afternoon and not adjourn at 10 o'clock in the evening.

The Speaker put the question on the motions that the House not adjourn at 5:30 o'clock in the afternoon and not adjourn at 10 o'clock in the evening.

The Speaker 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 Petroleum Products 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 Petroleum Products Act (Bill No. 32) was read a second time and on motion it was ordered that Bill

Monday, June 7th, 2004

No. 32 be referred to a Committee of the Whole House presently.

On motion of the Honourable the Acting Government House Leader (Mr. Sullivan) 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 Honourable the Acting Government House Leader (Mr. Sullivan) moved pursuant to Standing Order 47 that the debate on Bill No. 26 entitled, An Act To Amend The Fishing Industry Collective Bargaining Act standing in the name of the Honourable the Minister of Human Resources, Labour and Employment shall not be further adjourned and that further consideration of any resolution or resolutions, clause or clauses, section or sections, schedule or schedules, preamble or preambles, title or titles, or whatever else might be related to Bill No. 26 shall be the first business of the Committee of the Whole and shall not be further postponed.

The Chairperson put the question on the motion and declared the motion carried.

The Committee of the Whole House considered the Bill entitled, An Act To Amend The Fishing Industry Collective Bargaining Act (Bill No. 26).

The Honourable the Minister of Fisheries and Aquaculture (Mr. Taylor) moved the following amendment to Bill No. 26:

- A1. That Clause 7 of Bill No. 26 be amended by deleting the proposed section 35.4 and substituting the following:
- 35.4 Notwithstanding sections 26, 27 and 28 or another section of this Act, where the minister requires the sale of a fish species by auction, there shall be no strike, lockout or cessation of business dealings between fishers and processors with respect to the fish species that is the subject of the auction while the auction system is in effect.

The Chair ruled the amendment in order.

The Committee recessed for the dinner break at 5:15 o'clock in the afternoon.

The Chair of Committee (Mr. Fitzgerald) resumed the Chair at 7:00 o'clock in the evening.

Monday, June 7th, 2004

The Committee continued the consideration of the Bill entitled, An Act To Amend The Fishing Industry Collective Bargaining Act (Bill No. 26).

The Member for Signal Hill-Quidi Vidi (Mr. Harris) moved the following amendment to Bill No. 26:

- A1. That Clause 7 of Bill No. 26 be amended by adding after the proposed section 35.5 the following:

35.6 Sections 35.1 to 35.5 shall cease to have effect on June 1, 2006.

The Chair ruled the amendment in order.

Debate continued on the Bill entitled, An Act To Amend The Fishing Industry Collective Bargaining Act (Bill No. 26).

The Member for Burgeo & LaPoile (Mr. Parsons) moved an amendment to clause 7 Bill No. 26.

The Chair ruled the amendment in order.

Debate continued on the Bill entitled, An Act To Amend The Fishing Industry Collective Bargaining Act (Bill No. 26).

The Chair put the question on the amendment moved by the Member for Burgeo & Lapoile (Mr. Parsons) and declared the amendment defeated.

The Chair put the question on the amendment moved by the Honourable the Minister of Fisheries and Aquaculture (Mr. Taylor) and declared the amendment carried.

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

The Committee considered and passed the Bill entitled, An Act To Amend The Fishing Industry Collective Bargaining Act (Bill No. 26) with amendments.

The Committee considered and passed the Bill entitled, An Act To Amend The Petroleum Products Act (Bill No. 32).

Monday, June 7th, 2004

The Committee considered and passed the Bill entitled, An Act To Amend The Automobile Insurance Act, The Insurance Companies Act And The Highway Traffic Act To Effect Certain Reforms Respecting Automobile Insurance (Bill No. 30).

On motion the Committee rose.

The Speaker (Mr. Hodder) 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 and had passed the following Bills without amendment:

A Bill, An Act To Amend The Petroleum Products Act (Bill No. 32);

A Bill, An Act To Amend The Automobile Insurance Act, The Insurance Companies Act And The Highway Traffic Act To Effect Certain Reforms Respecting Automobile Insurance (Bill No. 30).

On motion it was ordered that Bill No. 30 be read a third time presently and that Bill No. 32 be read a third time on tomorrow.

The Chairperson of the Committee of the Whole House also reported that the Committee had passed the Bill entitled, An Act To Amend The Fishing Industry Collective Bargaining Act (Bill No. 26) with amendments and asked leave to sit again.

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

On motion the amendments to Bill No. 26 having been read a first and second time, on motion it was ordered that Bill No. 26 be read a third time presently.

Pursuant to order and on motion debate commenced and continued on Third Reading of a Bill entitled, An Act To Amend The Fishing Industry Collective Bargaining Act (Bill No. 26).

The Speaker put the question on the motion that Bill No. 26 be read a third time.

The House divided.

Monday, June 7th, 2004

There appeared in favour of the motion: Mr. Ottenheimer; Ms. Dunderdale; Mr. Rideout; Mr. Taylor; Mr. Tom Marshall; Mr. Jack Byrne; Mr. Sullivan; Ms. Elizabeth Marshall; Mr. Shelley; Mr. Fitzgerald; Ms. Burke; Mr. Tom Osborne; Ms. Whalen; Mr. Wiseman; Mr. Denine; Mr. Manning; Mr. Harding; Mr. Young; Mr. Hunter; Mr. Jackman; Ms. Johnson; Mr. Skinner; Mr. Oram; Mr. Harris; Mr. Collins.

Against: Mr. Grimes; Mr. Parsons; Mr. Butler; Ms. Jones; Ms. Thistle; Mr. Reid; Ms. Foote; Mr. Joyce.

The Speaker declared the motion carried.

Pursuant to order and on motion the Bill entitled, An Act To Amend The Fishing Industry Collective Bargaining Act (Bill No. 26) was read a third time and passed 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 Lieutenant Governor for His Assent.

Pursuant to order and on motion it was ordered that the Bill entitled, An Act To Amend The Automobile Insurance Act, The Insurance Companies Act And The Highway Traffic Act To Effect Certain Reforms Respecting Automobile Insurance (Bill No. 30) be read a third time and passed.

On motion it was ordered that Bill No. 30 be printed being entitled as above and that it be submitted to His Honour the Lieutenant Governor for His Assent.

It was moved and seconded that when the House rose it would adjourn until tomorrow, Tuesday, June 8th at 1:30 o'clock in the afternoon.

On motion the House then adjourned accordingly at 10:27 o'clock in the evening.

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