

Tuesday, December 14th, 2004

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

The Member for Bay of Islands (Mr. Joyce) made a Statement to congratulate the Curling Lions Club on the 25th anniversary of its creation. The Member recognized the fund raising efforts of the Club and its many contributions to the community during the years.

The Member for Grand Falls - Buchans (Ms. Thistle) made a Statement to advise Members and the people of the province on the celebration respecting the 100th anniversary of the establishment of the Town of Grand Falls-Windsor. The theme of the anniversary will be "People, Power and Paper - 100 years in the Industrial Heartland".

The Member for Carbonear - Harbour Grace (Mr. Sweeney) made a Statement to congratulate Mr. Ryan Wrice of Carbonear on his recent athletic achievements earning him a gold medal in the 81 kg weight class and his hope for a placing with the wrestling team to compete at the 2005 Canada Summer Games in Regina.

The Honourable the Minister of Transportation, Works & Aboriginal Affairs (Mr. Rideout) made a Statement to update Members with respect to the fuel supply situation in the Town of Rigolet.

The Honourable the Minister of Human Resources, Labour and Employment and the Minister Responsible for the Status of Women (Ms. Burke) made a Statement to give special recognition to the Grand Falls-Windsor Committee Against Violence for their recent initiative to raise awareness about violence among students in central Newfoundland by sponsoring the play, *Broken Hearts, Broken Homes*.

The Honourable the Minister of Government Services (Ms. Whalen) tabled the following:

- (a) the 2003-04 Annual Report of the Department of Government Services;
- (b) the 2003-04 Annual Report and audited financial statements of the Newfoundland and Labrador Petroleum Products Pricing Commission;
- (c) the 2003 Report to the Lieutenant Governor-In-Council Concerning the Position of the Fund of the Public Accountants Licensing Board.

The Honourable the Minister of Health & Community Services (Mr. Ottenheimer) tabled the following:

- (a) the 2003-04 Annual Report of the Department of Health and Community Services;

Tuesday, December 14th, 2004

- (b) the 2003-04 Annual Report of the Central East Health Care Institutions Board;
- (c) the 2003-04 Annual Report of the Health and Community Services Central Region;
- (d) the 2003-04 Annual Report of the Peninsulas Health Care Corporation;
- (e) the 2003-04 Annual Report of the Western Health Care Corporation; and
- (f) the 2003-04 Annual Report of the Central West Health Corporation.

The Member for Bay of Islands (Mr. Joyce), in his capacity as Chair of the Public Accounts Committee, tabled the Report of the Public Accounts Committee on certain matters dealt with in the Report of the Auditor General for the fiscal year ended March 31, 2001. The Member noted that this Report was the work of the Public Accounts Committee of the Forty-Fourth General Assembly.

The Member for Bay of Islands (Mr. Joyce) presented a Petition on behalf of certain residents requesting the Government of Newfoundland and Labrador to reinstate operations and rehire scale operators in Port aux Basques, Foxtrap and other locations to protect the safety of citizens of Newfoundland and Labrador.

The Member for Cartwright - L'Anse au Clair (Ms. Jones) presented a Petition on behalf of certain residents of her District requesting the Government of Newfoundland and Labrador to reconsider their decision with respect to the structure of the Labrador Marine Services and reinstate the former service to the port of Cartwright thereby increasing the frequency of crossings between Cartwright and Goose Bay to three trips per week.

The Member for Labrador West (Mr. Collins) presented a Petition on behalf of certain residents of the Province requesting the 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.

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 and passed the Bill entitled, "An Act Respecting The Government Purchasing Agency" (Bill No. 41).

Tuesday, December 14th, 2004

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 and had passed the Bill entitled, "An Act Respecting The Government Purchasing Agency" (Bill No. 41) without amendment and asked leave to sit again.

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

On motion it was ordered that Bill No. 41 be read a third time presently.

Pursuant to order and on motion the Bill entitled, "An Act Respecting The Government Purchasing Agency" (Bill No. 41) was read a third time and passed.

On motion it was ordered that Bill No. 41 be printed being entitled as above and that it be submitted to His Honour the Lieutenant Governor for His Assent.

The Honourable the Minister of Finance and President of Treasury Board (Mr. Sullivan) informed the House that he had received a Message from His Honour the Lieutenant Governor.

The Message was read to the House by the Speaker as follows:

"December 14, 2004

As Lieutenant Governor of the Province of Newfoundland and Labrador, I transmit Estimates of sums required for the Public Service of the Province for the year ending March 31, 2005, by way of Supplementary Supply, and in accordance with the provisions of sections 54 and 90 of the *Constitution Act, 1867*, I recommend these Estimates to the House of Assembly.

Sgd. **Edward Roberts**
Lieutenant Governor."

Tuesday, December 14th, 2004

On motion of the Honourable the Minister of Finance and President of Treasury Board (Mr. Sullivan) it was moved that the Message be referred to a Committee of the Whole on Supply.

The Speaker left the Chair.

Mr. Fitzgerald took the Chair of Committee of the Whole on Supply.

The Committee of the Whole on Supply considered and passed a certain Resolution and a Bill entitled, "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. 67).

On motion the Committee rose.

The Speaker resumed the Chair.

The Chairperson of the Committee reported that the Committee of the Whole on Supply had considered the matters to it referred and had passed a certain Resolution and a Bill consequent thereto and recommended that Bill No. 67 be introduced to give effect to the same.

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

"That it is expedient to introduce a measure to provide for the granting to Her Majesty for defraying certain expenses of the public service for the financial year ending March 31, 2005, the sum of \$971,000."

Pursuant to order and on motion a Bill entitled, "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. 67) was read a first, second and third time and passed.

On motion it was ordered that Bill No. 67 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 debate commenced and concluded on Second Reading of the Bill entitled, "An Act To Amend The Occupational Health And Safety Act"

Tuesday, December 14th, 2004

(Bill No. 64) and on motion it was ordered that Bill No. 64 be read a second time presently.

Pursuant to order and on motion the Bill entitled, "An Act To Amend The Occupational Health And Safety Act" (Bill No. 64) was read a second time and on motion it was ordered that Bill No. 64 be referred to a Committee of the Whole House presently.

Pursuant to order and on motion debate continued and concluded on Second Reading of the Bill entitled, "An Act To Amend The Public Tender Act" (Bill No. 53) and on motion it was ordered that Bill No. 53 be read a second time presently.

Pursuant to order and on motion the Bill entitled, "An Act To Amend The Public Tender Act" (Bill No. 53) was read a second time and on motion it was ordered that Bill No. 53 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 Amend The Public Tender Act" (Bill No. 53).

The Honourable the Government House Leader (Mr. Ed Byrne) moved an amendment to delete Clause 2 of Bill No. 53.

The Chair put the question on the amendment and declared the amendment carried.

The Committee passed the Bill entitled, "An Act To Amend The Public Tender Act" (Bill No. 53) with an amendment.

The Committee continued consideration of the Bill entitled, "An Act To Provide For The Registration Of Lobbyists (Bill No. 43).

The Honourable the Minister of Justice and Attorney General (Mr. Marshall) moved the following amendment to Clause 4 of Bill No. 43:

- "1. That paragraph 4(1)(o) of Bill No. 43 be deleted and the following substituted:

Tuesday, December 14th, 2004

“(o) a person acting as an unpaid volunteer;”.

The Chair ruled the amendment in order.

The Chair put the question on the amendment and declared the amendment carried.

The Member for Signal Hill - Quidi Vidi (Mr. Harris) moved an amendment to Clause 4 (1) of Bill No. 43:

The Chair ruled that amendment in order and debate ensued on that amendment.

Debate on Bill No. 43 was adjourned for further debate on tomorrow.

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 and had passed the Bill entitled, “An Act To Amend The Public Tender Act” (Bill No. 53) with an amendment, had made progress on another Bill and asked leave to sit again.

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

The amendment to Bill No. 53 having been read a first and second time, on motion it was ordered that Bill No. 53 be read a third time presently.

Pursuant to order and on motion debate commenced and concluded on Third Reading of the Bill entitled, “An Act To Amend The Public Tender Act” (Bill No. 53) and on motion the Bill entitled, “An Act To Amend The Public Tender Act” (Bill No. 53) was read a third time and passed.

On motion it was ordered that Bill No. 53 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 debate commenced on Second Reading of the Bill entitled, “An Act To Amend The Liquor Corporation Act” (Bill No. 61) and on motion debate was adjourned for further debate on tomorrow.

Tuesday, December 14th, 2004

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 that the House not adjourn at 5:30 o'clock in the afternoon and at 10 o'clock in the evening.

The Speaker declared the motions carried.

The House recessed at 5:19 o'clock in the afternoon for the dinner break.

The Speaker resumed the Chair at 7 o'clock in the evening.

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 continued consideration of the Bill entitled, "An Act To Provide For The Registration Of Lobbyists" (Bill No. 43).

The Committee continued consideration of Clause 4 of Bill No. 43.

On motion debate was adjourned on Bill No. 43.

The Committee considered and passed the Bill entitled, "An Act To Amend The Occupational Health And Safety Act" (Bill No. 64).

The Committee considered the Bill entitled, "An Act To Enhance The Transparency And Accountability Of The Government And Government Entities To The People Of The Province" (Bill No. 39).

The Honourable the Minister of Education (Mr. Hedderson) moved the following amendments to Clauses 4 and 21 of Bill No. 39 :

"1. That Clause 4 of Bill No. 39 be amended by adding immediately after subclause (3) the following:

"(4) The following provisions do not apply to the Memorial University of

Tuesday, December 14th, 2004

Newfoundland:

- (a) subparagraph 5(2)(a)(i);
- (b) subsections 5(3), (9), (10), and (11) but the strategic plan of the university may be amended by the Board of Regents and in that case a copy of the amendments shall be provided to the minister responsible for the university;
- (c) subparagraph 6(2)(a)(i);
- (d) subsections 6(3), (9), (10) and (11) but the business plan of the university may be amended by the Board of Regents and in that case a copy of the amendments shall be provided to the minister responsible for the university;
- (e) paragraph 7(2)(a);
- (f) subsections 7(3), (9), (10) and (11) but the activity plan of the university may be amended by the Board of Regents and in that case a copy of the amendments shall be provided to the minister responsible for the university; and
- (g) subsections 20(2) and (3)."

"2. Subclause 21(2) of the Bill is deleted and the following substituted:

"(2) The Lieutenant Governor in Council shall determine the matters to be included in a contract between a deputy minister of a department and the minister responsible for the department." "

The Chair ruled the amendments in order.

Considerable debate ensued on Bill No. 39 and the above noted amendments to Bill No. 39.

The Chair put the question on the amendments to Clause 4 of Bill No. 39.

The Committee divided.

There appeared in favour of the motion: Mr. Ed Byrne, Mr. Ottenheimer, Ms.

Tuesday, December 14th, 2004

Dunderdale, Mr. Rideout, Mr. Tom Marshall, Mr. Hedderson, Mr. Shelley, Mr. French, Ms. Burke, Mr. Tom Osborne, Ms. Whalen, Mr. Manning, Mr. Denine, Mr. O'Brien, Mr. Harding, Mr. Jim Hodder, Ms. Goudie, Mr. Oram, Mr. Ridgley, Mr. Grimes, Mr. Parsons, Mr. Butler, Mr. Barrett, Mr. Langdon, Ms. Jones, Ms. Thistle, Mr. Reid, Mr. Andersen, Mr. Sweeney, Ms. Foote, Mr. Harris, Mr. Collins.

Against: Mr. Skinner, Ms. Elizabeth Marshall.

The Chair declared the amendments to Clause 4 of Bill No. 39 carried.

The Chair put the question on the amendments to Clause 21 of Bill No. 39 and declared the amendments carried.

The Committee passed the Bill entitled, "An Act To Enhance The Transparency And Accountability Of The Government And Government Entities To The People Of The Province" (Bill No. 39) with amendments.

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 a Bill, "An Act To Amend The Occupational Health And Safety Act" (Bill No. 64) without an amendment.

On motion it was ordered that Bill No. 64 be read a third time presently.

The Chairperson of the Committee of the Whole House also reported that the Committee had passed the Bill entitled, "An Act To Enhance The Transparency And Accountability Of The Government And Government Entities To The People Of The Province" (Bill No. 39) with amendments and asked leave to sit again.

On motion the amendments to Bill No. 39 having been read a first and second time, on motion it was ordered that Bill No. 39 be read a third time presently.

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

On motion it was ordered that the Bill entitled, "An Act To Enhance The

Tuesday, December 14th, 2004

Transparency And Accountability Of The Government And Government Entities To The People Of The Province” (Bill No. 39) be read a third time.

The House divided.

There appeared in favour of the motion: Mr. Ed Byrne, Mr. Ottenheimer, Ms. Dunderdale, Mr. Rideout, Mr. Tom Marshall, Mr. Hedderson, Mr. Sullivan, Mr. Jack Byrne, Mr. Shelley, Mr. French, Ms. Burke, Mr. Tom Osborne, Ms. Whalen, Mr. Manning, Mr. Denine, Mr. O’Brien, Mr. Harding, Mr. Young, Mr. Jim Hodder, Ms. Goudie, Mr. Skinner, Mr. Oram, Ms. Elizabeth Marshall, Mr. Ridgley.

Against: Mr. Grimes, Mr. Parsons, Mr. Butler, Mr. Barrett, Mr. Langdon, Ms. Jones, Ms. Thistle, Mr. Reid, Mr. Andersen, Mr. Sweeney, Ms. Foote, Mr. Harris, Mr. Collins.

The Speaker declared the motion carried.

Pursuant to order and on motion the following Bill was read a third time and passed:

A Bill, “An Act To Enhance The Transparency And Accountability Of The Government And Government Entities To The People Of The Province” (Bill No. 39)

On motion it was ordered that Bill No. 39 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 the Bill entitled, “An Act To amend The Occupational Health And Safety Act” (Bill No. 64) was read a third time and passed.

On motion it was ordered that Bill No. 64 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, Wednesday, December 15th, at 2 o’clock in the afternoon.

On motion the House then adjourned at 12:08 o’clock in the morning.

Tuesday, December 14th, 2004

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