

Monday, December 13<sup>th</sup>, 2004

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

By leave, the Honourable the Minister of Justice and Attorney General (Mr. Marshall) gave notice and moved a Resolution that Mr. Philip Wall be appointed the new Information and Privacy Commissioner in accordance with section 42.1 of the *Information and Privacy Act* with effect as of December 13<sup>th</sup>, 2004. The Leader of the Opposition (Mr. Grimes) and the Member for Signal Hill - Quidi Vidi (Mr. Harris) spoke and gave their concurrence to the Minister's Resolution.

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

The Member for Exploits (Mr. Grimes) made a Statement to congratulate two talented individuals from the Exploits Valley namely: Mr. Corey Tetford and Mr. Barry Canning who were recently recognized for their talents by the Music Industry Association of Newfoundland and Labrador.

The Member for St. John's Centre (Mr. Skinner) made a Statement to recognize the unsung angels of the Christmas season namely the many volunteers who give of their time and resources to help those who are less fortunate than themselves.

The Member for Port de Grave (Mr. Butler) made a Statement to congratulate Ms. Nellie Strowbridge, formerly from the Port de Grave District who had recently released her second book entitled *Far From Home - Dr. Grenfell's Little Orphan*.

The Honourable the Premier (Mr. Williams) made a Statement to pay tribute and offer condolences to the family of the late Honourable Fabian O'Dea, former Lieutenant Governor of the Province, a prominent and outstanding citizen. The Leader of the Opposition (Mr. Grimes) and the Member for Signal Hill-Quidi Vidi (Mr. Harris) also spoke and agreed that the Speaker send a letter to the family of the late Mr. O'Dea expressing the condolences of all Members.

The Honourable the Minister of Tourism Culture & Recreation (Mr. Shelley) made a Statement to advise Members that applications were available for the Premier's Athletic Awards, a program designed to assist provincial athletes to compete at the national and international levels.

The Opposition House Leader (Mr. Parsons) raised a point of order respecting the use of lecterns by Members and whether cellular telephones and other communication and electronic devices could be used in the Chamber during debate.

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The Speaker took the matter under advisement, however he did warn Members not to use cellular telephones while the House was in session. He also opined that the matter of electronic devices in the Chamber should be discussed by a Standing Orders Committee of the House.

The Honourable the Minister of Finance and President of Treasury Board (Mr. Sullivan) tabled the following:

- (a) the 2003-04 Annual Report of the Treasury Board Secretariat;
- (b) the 2003-04 Annual Report of the Department of Finance;
- (c) the 2003-04 Department of Finance Annual Activity Reports of the Crown Corporations, Agencies, Boards and Commissions; and
- (d) the 2003-04 Annual Report of the Atlantic Lottery Corporation.

The Honourable the Minister of Innovation, Trade & Rural Development (Ms. Dunderdale), in accordance with the *Economic Diversification and Growth Enterprises Act*, tabled the list of companies currently holding EDGE Status.

The Honourable the Minister of Fisheries & Aquaculture (Mr. Taylor) tabled the 2003-04 Annual Report of the Department of Fisheries & Aquaculture.

The Speaker (Mr. Hodder) tabled the Report of the Commission of Internal Economy for the fiscal year April 1, 2003 to March 31, 2004.

The Honourable the Minister of Finance and President of Treasury Board (Mr. Sullivan) gave notice that he would on tomorrow Move that the House Resolve itself into a Committee of the Whole to Consider certain Resolutions relating to the Granting of Supplementary Supply To Her Majesty (Bill No. 67).

The Honourable the Minister of Justice and Attorney General (Mr. Marshall) gave notice that he would on tomorrow ask leave to introduce a Bill entitled, "An Act To Amend The Law Society Act, 1999" (Bill No. 66).

The Member for Terra Nova (Mr. Oram) gave notice that he would on tomorrow move the following Resolution:

**"WHEREAS** today seniors make up approximately 13 percent of the Province's population and by 2021, Statistics Canada predicts the number of seniors to grow to more than one-quarter of the Province's population;

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**AND WHEREAS** it is necessary for Government to incorporate this demographic shift into its planning process;

**AND WHEREAS** seniors have, and continue to make, significant contributions to building our Province;

**AND WHEREAS** the Government is committed to encouraging the participation of seniors in planning for and responding to their needs;

**THEREFORE BE IT RESOLVED** that this House of Assembly support recent Government initiatives, such as the creation of the Division of Aging and Seniors, the Provincial Advisory Council on Aging and Seniors and the Ministerial Council on Aging and Seniors, which allow for significant participation and input from seniors to assist Government in planning for and developing policies, programs and services that better accommodate an aging population, promote healthy aging, and foster an environment that better understands aging.”

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 continue snow clearing on the Red Bay to Lodge Bay section of the Trans Labrador Highway during the winter months.

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.

The Member for Burgeo & La Poile (Mr. Parsons) presented a Petition on behalf of certain residents of the Province opposing the proposed mandatory snowmobile trail permits, and any supporting regulations and restrictions that will negatively impact their snowmobiling culture under Bill No. 45, “An Act To Amend The Motorized Snow Vehicles And All Terrain Vehicles Act” until public consultations have been held.

The Member for Carbonear-Harbour Grace (Mr. Sweeney) 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.

Pursuant to order and on motion debate commenced and concluded on Second

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Reading of a Bill entitled, "An Act Respecting The Government Purchasing Agency" (Bill No. 41) and on motion it was ordered that Bill No. 41 be read a second time presently.

Pursuant to order and on motion the Bill entitled, "An Act Respecting The Government Purchasing Agency" (Bill No. 41) was read a second time and on motion it was ordered that Bill No. 41 be referred to a Committee of the Whole House presently.

Pursuant to order and on motion debate commenced on Second Reading of a Bill entitled, "An Act To Amend The Public Tender Act" (Bill No. 53) and on motion debate was adjourned for further debate on tomorrow.

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.

Pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled, "An Act to Provide For The Registration Of Lobbyists" (Bill No. 43) and on motion it was ordered that Bill No. 43 be read a second time presently.

Pursuant to order and on motion the Bill entitled, "An Act To Provide For The Registration Of Lobbyists" (Bill No. 43) was read a second time and on motion it was ordered that Bill No. 43 be referred to a Committee of the Whole House presently.

The Speaker recessed the House at 5:22 o'clock in the afternoon for the dinner break.

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

Pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled, "An Act To Remove Anomalies And Errors In The Statute Law" (Bill No. 59) and on motion it was ordered that Bill No. 59 be read a second time presently.

Pursuant to order and on motion the Bill entitled, "An Act To Remove Anomalies And Errors In The Statute Law" (Bill No. 59) was read a second time and on motion it was ordered that Bill No. 59 be referred to a Committee of the Whole House presently.

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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 Amend The Public Service Pensions Act, 1991" (Bill No. 63).

The Member for Burgeo & La Poile (Mr. Parsons) moved, seconded by the Member for Bay of Islands (Mr. Joyce) an amendment to Clause 1 of Bill No. 63.

The Chair ruled the amendment in order.

Debate continued and concluded on the amendment to Clause 1 of Bill No. 63.

The Chair put the question on the amendment.

The Committee divided.

There appeared in favour of the amendment: Mr. Parsons, Mr. Sweeney, Mr. Joyce, Mr. Collins.

Against: Mr. Ed Byrne, Mr. Rideout, Mr. Hedderson, Mr. Sullivan, Mr. Jack Byrne, Ms. Burke, Ms. Whalen, Mr. Manning, Mr. Denine, Mr. O'Brien, Mr. Harding, Mr. Young, Mr. Hunter, Ms. Goudie, Mr. Skinner, Mr. Oram, Ms. Elizabeth Marshall, Mr. Ridgley.

The Chair declared the amendment to Clause 1 defeated.

The Committee passed the Bill entitled, "An Act To Amend The Public Service Pensions Act, 1991" (Bill No. 63) without amendment.

The Committee considered and passed the Bill entitled, "An Act To Amend The Financial Administration Act No. 2" (Bill No. 60).

The Committee continued consideration of the Bill entitled, "An Act To Amend The House Of Assembly Act And The Elections Act, 1991" (Bill No. 40).

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The Honourable the Government House Leader (Mr. Ed Byrne) moved the following amendment to Clause 3 of Bill No.40:

- “1. That Clause 3 of Bill 40 be deleted and the following substituted:
  - “3. Section 58 of the Elections Act, 1991 be repealed and the following substituted:
    - “58. The day of polling to be fixed by the proclamation required under section 57 shall be a day not less than 21 clear days from the date of the proclamation nor more than 30 clear days.”

The Chair ruled the amendment in order.

Debate continued and concluded on the amendment to Clause 3 of Bill No. 40.

The Chair put the question on the amendment to Clause 3 of Bill No. 40 and declared the amendment carried.

The Member for Signal Hill - Quidi Vidi (Mr. Harris) moved an amendment to the above noted amendment to Clause 3 of Bill No. 40.

The Chair ruled the amendment in order.

The Chair put the question on that amendment and declared that amendment defeated.

The Committee passed the Bill entitled, “An Act To Amend The House Of Assembly Act And The Elections Act, 1991” (Bill No. 40) with an amendment.

The Committee considered and passed the Bill entitled, “An Act Respecting Court Security” (Bill No. 54).

The Committee considered and passed the Bill entitled, “An Act To Remove Anomalies And Errors In The Statute Law” (Bill No. 59).

The Committee considered the Bill entitled, “An Act To Provide For The Registration Of Lobbyists” (Bill No. 43).

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The Opposition House Leader (Mr. Parsons) moved amendments to Clauses 7 and 23 of Bill No. 43.

Debate was adjourned on the Bill entitled, "An Act To Provide For The Registration Of Lobbyists" (Bill No. 43).

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 following Bills without amendment:

A Bill, "An Act To Amend The Public Service Pensions Act, 1991"  
(Bill No. 63);

A Bill, "An Act To Amend The Financial Administration Act No. 2"  
(Bill No. 60);

A Bill, "An Act Respecting Court Security" (Bill No. 54);

A Bill, "An Act To Remove Anomalies And Errors In The Statute  
Law" (Bill No. 59).

On motion it was ordered that Bills No. 63, 60, 54 and 59 be read a third time presently.

The Chairperson of the Committee of the Whole House (Mr. Fitzgerald) further 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 House Of Assembly Act And The Elections Act, 1991" (Bill No. 40) with an amendment and asked leave to sit again.

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

On motion the amendment to Bill No. 40 having been read a first and second time, on motion it was ordered that Bill No. 40 be read a third time presently.

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

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A Bill, "An Act To Amend The House Of Assembly Act And The Elections Act, 1991" (Bill No. 40);

A Bill, "An Act To Amend The Public Service Pensions Act, 1991" (Bill No. 63);

A Bill, "An Act Respecting Court Security" (Bill No. 54).

By leave, pursuant to order and on motion the following Bills were read a third time and passed:

A Bill, "An Act To Remove Anomalies And Errors In The Statute Law" (Bill No. 59);

A Bill, "An Act To Amend The Financial Administration Act No. 2" (Bill No. 60).

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.

By leave, the following Bills were introduced and read a first time:

A Bill, "An Act To Amend The Law Society Act, 1999" (Bill No. 66);

A Bill, "An Act To Amend The Occupational Health And Safety Act" (Bill No. 64).

On motion it was ordered that the said Bills be read a second time presently by leave.

Pursuant to order and on motion the Bill entitled, "An Act Respecting Labour-Sponsored Venture Capital Tax Credits"(Bill No. 58) was introduced and read a first time and on motion it was ordered that Bill No. 58 be read a second time on tomorrow.

Pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled, "An Act To Amend The Pensions Funding Act" (Bill No. 62) and on motion it was ordered that Bill No. 62 be read a second time presently.

Pursuant to order and on motion the Bill entitled, "An Act To Amend The Pensions Funding Act" (Bill No. 62) was read a second time and on motion it was ordered that Bill



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No. 62 be referred to a Committee of the Whole House presently.

By leave, pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled, "An Act To Amend The Law Society Act, 1966" (Bill No. 66) and on motion it was ordered that Bill No. 66 be read a second time presently.

Pursuant to order and on motion the Bill entitled, "An Act To Amend The Law Society Act" (Bill No. 66) was read a second time and on motion it was ordered that Bill No. 66 be referred to a Committee of the Whole House presently by leave.

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 To Amend The Pensions Funding Act" (Bill No. 62).

The Committee considered and passed the Bill entitled, "An Act To Amend The Law Society Act, 1999" (Bill No. 66).

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

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

The Chair ruled the amendment in order.

The Committee agreed to defer consideration of Clause 4 until tomorrow.

The Opposition House Leader (Mr. Parsons) moved amendments to Clause 7 and 23 of Bill No. 43.

The Chairperson ruled the amendments to Clauses 7 and 23 in order.

Debate ensued on the amendments to Clauses 7 and 23.

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The Chairperson put the question on the amendments to Clauses 7 and 23 and declared the amendments defeated.

The Committee passed Clauses 1 to 3 and 5 to 36 without amendment and deferred consideration of Clause 4 of Bill No. 43.

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 following Bills without amendment and asked leave to sit again:

A Bill, "An Act To Amend The Pensions Funding Act" (Bill No. 62);

A Bill, "An Act To Amend The Law Society Act, 1999" (Bill No. 66).

On motion it was ordered that Bills No. 62 and 66 be read a third time presently.

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

By leave, the following Bills were read a third time and passed:

A Bill, "An Act To Amend The Pensions Funding Act" (Bill No. 62);

A Bill, "An Act To Amend The Law Society Act, 1999" (Bill No. 66).

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.

By leave, the Honourable the Minister of Finance and President of Treasury Board (Mr. Sullivan) gave notice that he would presently ask leave to introduce a Bill entitled, "An Act To Amend The Members of the House of Assembly Pensions Act" (Bill No. 68).

Pursuant to order and on motion the Bill entitled, "An Act To Amend The Members of the House of Assembly Pensions Act" (Bill No. 68) was introduced and read a first time and on motion it was ordered that Bill No. 68 be read a second time presently by leave.

By leave, debate commenced and concluded on Second Reading of a Bill entitled,

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"An Act To Amend The Members of the House of Assembly Pensions Act" (Bill No. 68) and on motion it was ordered that Bill No. 68 be read a second time presently.

Pursuant to order and on motion the Bill entitled, "An Act To Amend The Members of the House of Assembly Pensions Act" (Bill No. 68) was read a second time and on motion it was ordered that Bill No. 68 be referred to a Committee of the Whole House presently by leave.

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. Harding (pro-tem) took the Chair of Committee of the Whole House.

The Committee considered the Bill entitled, "An Act To Amend The Members Of The House Of Assembly Pensions Act (Bill No. 68).

The Honourable the Minister of Finance and President of Treasury Board (Mr. Sullivan) moved, seconded by the Honourable the Minister of Municipal and Provincial Affairs (Mr. Jack Byrne) an amendment to delete Clause 2 of Bill No. 68.

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

The Committee passed the Bill entitled, "An Act To Amend The Members Of The House Of Assembly Pensions Act" (Bill No. 68) with an amendment.

On motion the Committee rose.

The Speaker resumed the Chair.

The Chairperson of the Committee of the Whole House (pro-tem) (Mr. Harding) 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 Members Of The House Of Assembly Pensions Act" (Bill No. 68) with an amendment and asked leave to sit again.

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

On motion the amendment to Bill No. 68 having been read a first and second time,

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on motion it was ordered that Bill No. 68 be read a third time presently by leave.

By leave, a Bill entitled, "An Act To Amend The Members Of The House Of Assembly Pensions Act" (Bill No. 68) was read a third time and passed.

On motion it was ordered that Bill No. 68 be printed being entitled as above and that it be submitted to His Honour the Lieutenant Governor for His Assent.

The Honourable the Government House Leader (Mr. Ed Byrne) 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, December 14<sup>th</sup>, 2004.

It was moved and seconded that when the House rose it would adjourn until tomorrow, Tuesday, December 14<sup>th</sup>, at 1:30 o'clock in the afternoon.

On motion the House then adjourned at 10:01 o'clock in the evening.

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