

Tuesday, June 3<sup>rd</sup>, 2008

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

The Member for Fortune Bay – Cape LaHune (Ms. Perry) made a Statement to congratulate the St. Alban's and the Milltown – Head of Bay d'Espoir Fire Departments for the success of their Annual Telethons.

The Member for Mount Pearl North (Mr. Kent) made a Statement respecting the City of Mount Pearl Focus on Youth Awards.

The Member for Ferryland (Mr. Hutchings) made a Statement to congratulate Samantha Kavanagh of Calvert and Brandi O'Keefe of Ferryland on being awarded the Duke of Edinburgh Silver Award of Achievement.

The Member for Bellevue (Mr. Peach) made a Statement to congratulate Rebecca Higdon, Cody Clark, Ashley George, Erin Kelly and Alyssa Power for winning awards at the Avalon Regional Historical Fair.

The Member for Placentia – St. Mary's (Mr. Collins) made a Statement to pay tribute to the late Catherine McGrath of Freshwater.

The Honourable the Minister of Health and Community Services (Mr. Wiseman) made a Statement to recognize June as Seniors' Month.

The Honourable the Minister of Environment and Conservation (Ms. Johnson) made a Statement to announce that the week of June 1-7 is Environment Week.

The Honourable the Minister of Finance and President of Treasury Board (Mr. Marshall), in accordance with section 26(4) of the **Financial Administration Act**, tabled copies of Orders in Council relating to the following funding pre-commitments:

- (a) Order in Council 2008-146 authorized the Department of Transportation and Works to spend \$16,594,000 against its 2009-10 budgetary appropriations to facilitate the award of the contract to Peter Kiewit & Sons for the construction of two (2) new vessels;
- (b) Order in Council 2008-147 authorized the Department of Transportation and Works to spend \$2,000,000 against its 2009-10 budgetary appropriations to accommodate acquisition of propulsion systems for a medium class vessel;

Tuesday, June 3<sup>rd</sup>, 2008

- (c) Order in Council 2008-148 authorized the Department of Education to spend \$800,000 in 2009-10, \$770,000 in 2010-11, \$740,000 in 2011-12 and \$730,000 in 2012-13 in order to fund the service costs associated with federal-provincial student loans administrative integration agreements;
- (d) Order in Council 2008-149 authorized the Office of the Chief Information Officer to pre-commit the following funds for the licensing fee to participate in BizPal, against its budgetary appropriations for the fiscal years 2009-2010 in the amount of \$27,370, 2010-2011 in the amount of \$27,869 and 2011-2012 in the amount of \$28,378;
- (e) Order in Council 2008-150 authorized the expenditure of funds not exceeding \$34,960 from fiscal year 2008-09 in fulfillment of a contract between the Department of Justice and the Women's Policy Office (Violence Prevention Initiative) and Lillian Fidler Design Inc. to produce a court preparation DVD/Video for children;
- (f) Order in Council 2008-151 authorized the Department of Transportation and Works to spend funds to facilitate the award of a road maintenance contract for the Trans Labrador Highway of \$4,551,627, \$4,990,662, \$5,140,382, \$5,294,594 and \$2,298,071 against its 2009-10, 2010-11, 2011-12, 2012-13 and 2013-14 budgetary appropriations respectively.

The Honourable the Minister of Natural Resources (Ms. Dunderdale) answered a question to which notice had been given respecting Island Aggregate.

The Member for Signal Hill – Quidi Vidi (Ms. Michael) presented a Petition calling on the House of Assembly to urge Government to undertake measures to install a province-wide 911 service and put in place a public safety education campaign designed to help the general public, travelers and tourists be safer and better prepared.

The Honourable the Government House Leader (Ms. Burke) 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.

Tuesday, June 3<sup>rd</sup>, 2008

Pursuant to order and on motion debate continued and concluded on Second Reading of a Bill entitled “An Act To Amend The Energy Corporation Act” (Bill No. 35) and on motion it was ordered that Bill No. 35 be now read a second time.

Pursuant to order and on motion the Bill entitled “An Act To Amend The Energy Corporation Act” (Bill No. 35) was read a second time and on motion it was ordered that Bill No. 35 be now referred to a Committee of the Whole House.

On motion of the Honourable the Government House Leader (Ms. Burke) the House resolved itself into a Committee of the Whole House.

The Speaker left the Chair.

Mr. Collins took the Chair of the Committee of the Whole.

The Chair of the Committee of the Whole (Mr. Collins) ruled on a point of order raised on May 27<sup>th</sup> respecting the use of electronic devices in the Chamber.

During the debate the Honourable the Minister of Natural Resources (Ms. Dunderdale) moved the following amendments to Bill No. 35:

“1. That Clause 2 of the Bill be amended by deleting the word ‘and’ at the end of the proposed paragraph 5.2(1)(a), by deleting the period at the end of the proposed paragraph 5.2(1)(b) and substituting a semi-colon and the word ‘and’ and by adding immediately after the proposed paragraph 5.2(1)(b) the following:

- (c) a report of each subsidiary giving an account of its activities during the immediately preceding financial year and including information that it believes may be of public interest relating to its activities but the report shall not be required to include commercially sensitive information.

2. Clause 2 of the Bill be amended by deleting the proposed section 5.3 and substituting the following:

5.3 The report required under section 5.2 shall be consistent in form and content with annual reports prepared by publicly traded companies.

3. Clause 2 of the Bill be amended by deleting the proposed subparagraph 5.4(1)(d)(i) and substituting the following:

- (i) is treated consistently in a confidential manner by the third party, or

Tuesday, June 3<sup>rd</sup>, 2008

4. Clause 2 of the Bill be amended by deleting the proposed subsection 5.4(3) and substituting the following:

- (3) where a person appeals,
  - (a) under subsection 60(1) of the *Access to Information and Protection of Privacy Act*, from a decision under subsection (1); or
  - (b) under subsection 43(3) of the *Access to Information and Protection of Privacy Act* from a refusal by a chief executive officer under subsection (1) to disclose information,

paragraph 62(3)(a) and section 63 of that Act apply to the appeal as if Part III of that Act included the grounds for the refusal to disclose the information set out in subsection (1) of this Act.

5. Clause 2 of the Bill be amended by deleting the proposed section 5.5 and substituting the following:

5.5 (1) Where,

- (a) during the course of an audit;
- (b) as a result of a review of an audit report prepared by another auditor;  
or
- (c) as a result of an internal audit procedure,

the auditor general becomes aware of an improper retention or misappropriation of funds by a director, officer, employee or agent of the corporation or a subsidiary, or of another activity that may constitute an offence under the Criminal Code or an Act of the province or of Canada, the auditor general shall, where the report includes community sensitive information, notwithstanding the *Auditor General Act*, provide the report to the Lieutenant-Governor in Council in confidence.

(2) In addition to the report required under subsection (1), the auditor general shall immediately provide a report to the House of Assembly that includes a general description, excluding commercially sensitive information, of the activity that is the subject of the report under subsection (1) and the dates on which those activities were reported to the Lieutenant-Governor in Council.

Tuesday, June 3<sup>rd</sup>, 2008

(3) Section 19.1 of the *House of Assembly Act* applies to a report under subsection (2) as if it were a report of an officer of the House of Assembly.

6. Clause 5 of the Bill be amended by renumbering the proposed section 17.1 as subsection (1) of section 17.1 and by adding immediately after subsection (1) the following:

(2) Notwithstanding subsection (1), the Lieutenant-Governor in Council may declare that a subsidiary is subject to the *Public Tender Act* and in that event the Act applies to the subsidiary.

(3) Subject to the prior approval of the Lieutenant-Governor in Council, the corporation shall develop and adopt procurement principles that follow best industry practices for procurement and contracting, including transparent supplier development, monitoring and reporting and those principles shall apply to the corporation and its subsidiaries.

(4) The corporation and its subsidiaries shall report to the minister on their procurement activities and shall include a summary of contacts entered into and the identities of suppliers to whom the contracts have been awarded every 6 months.

(5) A summary of the procurement principles adopted under subsection (3) and the reports required under subsection (4) shall be made public by the minister by

- (a) presenting them to the House of Assembly; and
- (b) other effective means, including electronically.

(6) Section 19.1 of the *House of Assembly Act* applies to a summary required under subsection (5) as if the summary were a report of an officer of the House of Assembly.

The Chair ruled the amendments in order.

The Chair put the question on the amendments to Clause 2 and declared the amendments carried.

The Opposition House Leader (Mr. Parsons) moved the following amendment to Clause 4 of Bill No. 35:

“That Clause 4 of Bill No. 35 be amended by adding immediately after the proposed subsection 14.1(8) the following:

Tuesday, June 3<sup>rd</sup>, 2008

- (9) The sale, lease, exchange or otherwise disposal of all or substantially all of a subsidiary or a substantial asset of a subsidiary shall be approved by the Lieutenant-Governor in Council and the House of Assembly.”

The Chair ruled the amendment in order.

By agreement the proceedings were suspended at 5:30 o'clock for the dinner break.

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

Debate continued and concluded on the amendment to Clause 4 of Bill No. 35.

The Chair put the question on the amendment to Clause 4 and declared the amendment defeated.

After some debate the Chair put the question on the amendment to Clause 5 and declared the amendment carried.

The Committee passed the Bill entitled “An Act To Amend The Energy Corporation Act” (Bill No. 35) with amendments.

On motion the Committee rose.

The Chairperson of the Committee of the Whole (Mr. Collins) reported that the Committee of the Whole House had considered the matters to them referred, and had directed him to report that they had passed the Bill entitled “An Act To Amend The Energy Corporation Act” (Bill No. 35) with some amendments.

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

The amendments to Bill No. 35 having been read a first and second time, on motion it was ordered that Bill No. 35 be read a third time on tomorrow.

Pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled “An Act Respecting Registered Nurses” (Bill No. 3) and on motion it was ordered that Bill No. 3 be now read a second time.

Tuesday, June 3<sup>rd</sup>, 2008

Pursuant to order and on motion the Bill entitled “An Act Respecting Registered Nurses” (Bill No. 3) was read a second time and on motion it was ordered that Bill No. 3 be now referred to a Committee of the Whole House.

On motion of the Honourable the Government House Leader (Ms. Burke) the House resolved itself into a Committee of the Whole House.

The Speaker left the Chair.

Mr. Collins took the Chair of the Committee of the Whole House.

The Committee considered and passed the Bill entitled “An Act Respecting Registered Nurses” (Bill No. 3) without amendment.

The Chairperson of the Committee of the Whole (Mr. Collins) reported that the Committee of the Whole House had considered the matters to them referred, and had directed him to report that they had passed the Bill entitled “An Act Respecting Registered Nurses” (Bill No. 3) without amendment.

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

On motion it was ordered that Bill No. 3 be read a third time on tomorrow.

Pursuant or order and on motion the Bill entitled “An Act To Enable The Issuance Of Water Rights To The Energy Corporation Of Newfoundland And Labrador For The Lower Churchill River” (Bill No. 36) was read a third time and passed.

On motion it was ordered that Bill No. 36 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, June 4<sup>th</sup> at 2:00 o'clock in the afternoon.

On motion the House then adjourned accordingly.

**William MacKenzie,**  
Clerk of the House of Assembly.