

Tuesday, May 27th, 2008

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

The Member for Ferryland (Mr. Hutchings) made a Statement to congratulate the Baltimore School 2008 graduating class.

The Member for St. John's East (Mr. Buckingham) made a Statement respecting this year's Holocaust Memorial Service.

The Member for Exploits (Mr. Forsey) made a Statement to congratulate the 512 Air Cadet Squadron of Bishop's Falls on a successful year.

The Honourable the Minister of Municipal Affairs (Mr. Denine) made a Statement to inform the House about a partnership that Government has entered into with the Canadian Red Cross and Newfoundland Power with the objective of enhancing emergency preparedness in the Province.

The Honourable the Minister of Natural Resources (Ms. Dunderdale) tabled the following:

- (a) the 2007 Business and Financial Report of the Newfoundland and Labrador Hydro Corporation;
- (b) a statement of approximate expenditures made between October 2003 and April 2008 on the Lower Churchill Project.

The Honourable the Speaker (Mr. Fitzgerald) in compliance with the *Public Tender Act*, tabled the Report of the *Public Tender Act* Exceptions for April 2008.

The Member for Port de Grave (Mr. Butler) presented a Petition on behalf of certain residents of the Province calling upon the House of Assembly to urge Government to reconsider the route being proposed for the Torbay Bypass Road.

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, May 27th, 2008

Pursuant to order and on motion debate continued and concluded on Second Reading of a Bill entitled "An Act To Amend The Provincial Court Act, 1991" (Bill No. 31) and on motion it was ordered that Bill No. 31 be now read a second time.

Pursuant to order and on motion the Bill entitled "An Act To Amend The Provincial Court Act, 1991" (Bill No. 31) was read a second time and on motion it was ordered that Bill No. 31 be referred to a Committee of the Whole House presently.

Pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled "An Act To Amend The Liquor Control Act" (Bill No. 37) and on motion it was ordered that Bill No. 37 be now read a second time.

Pursuant to order and on motion the Bill entitled "An Act To Amend The Liquor Control Act" (Bill No. 37) was read a second time and on motion it was ordered that Bill No. 37 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. Osborne took the Chair of the Committee of the Whole House.

The Committee considered the Bill entitled "An Act To Provide For The Protection Of Personal Health Information" (Bill No. 7).

During the debate the Honourable the Minister of Health and Community Services (Mr. Wiseman) moved the following amendment to Bill No. 7:

"1.(1) That Clause 15 of the Bill be amended by adding immediately after the proposed subsection (3) the following:

- (3.1) Where a custodian reasonably believes that there has been a material breach as defined in the regulations involving the unauthorized collection, use, or disclosure of personal health information, that custodian shall inform the commissioner of the breach.
- (3.2) Notwithstanding a circumstance where, under subsection (5), notification of an individual by a custodian is not required, the commissioner may recommend that the custodian, at the first reasonable opportunity, notify the individual who is the subject of the information.

Tuesday, May 27th, 2008

- (2) subclause 15(5) of the Bill be amended by deleting the phrase 'Subsection (3) does not apply' and substituting the phrase 'subsection (3) and subsection 20(3) do not apply'.
2. Clause 20 of the Bill be amended by adding immediately after subsection (3) the following:
 - (3) subsection (3) does not apply where, following an analysis under subsection 15(5), a custodian reasonably believes that the use or disclosure of personal health information will not have an adverse impact as described in that subsection.
3. Subclause 90(1) of the Bill be amended by adding immediately after paragraph (e) the following:
 - (e.1) prescribing what constitutes a material breach for the purpose of section 15;
4. The Bill be amended by adding immediately after section 95 the following:
 - 95.1 Section 6 of the Regional Authorities Regulations, Newfoundland and Labrador Regulation 18/08, made under the authority of the *Regional Health Authority Act*, is repealed."

The Chair ruled the amendments in order. Debate commenced and concluded on the amendments to Bill No. 7.

The Chair put the questions on the amendments moved by the Honourable the Minister of Health and Community Services (Mr. Wiseman) and declared the amendments carried.

The Committee passed the Bill entitled "An Act To Provide For The Protection Of Personal Health Information" (Bill No. 7) with amendments.

On motion the Committee rose.

The Chairperson of the Committee of the Whole (Mr. Osborne) 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 Provide For The Protection Of Personal Health Information" (Bill No. 7) with amendments.

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

Tuesday, May 27th, 2008

The amendments to Bill No. 7 having been read a first and second time, on motion it was ordered that Bill No. 7 be read a third time on tomorrow.

Pursuant to order and on motion debate commenced on Second Reading of a Bill entitled "An Act To Amend The Child And Youth Advocate Act" (Bill No. 33) and on motion debate was adjourned for further debate presently.

Pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled "An Act To Amend The Judicature Act" (Bill No. 34) and on motion it was ordered that Bill No. 34 be now read a second time.

Pursuant to order and on motion the Bill entitled "An Act To Amend The Judicature Act" (Bill No. 34) was read a second time and on motion it was ordered that Bill No. 34 be referred to a Committee of the Whole House presently.

Pursuant to order and on motion debate continued and concluded on the Bill entitled "An Act To Amend The Child And Youth Advocate Act" (Bill No. 33) and on motion it was ordered that Bill No. 33 be now read a second time.

Pursuant to order and on motion the Bill entitled "An Act To Amend The Child And Youth Advocate Act" (Bill No. 33) was read a second time and on motion it was ordered that Bill No. 33 be referred to a Committee of the Whole House on tomorrow.

The Opposition House Leader (Mr. Parsons) raised a point of order with respect to the wording of the Resolution of which notice was given on May 26th.

The Speaker took the matter under advisement.

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. Osborne took the Chair of the Committee of the Whole House.

The Committee considered and passed the following Bills without amendment:

A Bill, "An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act" (Bill No. 32);

A Bill, "An Act To Amend The Judicature Act" (Bill No. 34);

A Bill, "An Act To Amend The Liquor Control Act" (Bill No. 37);

Tuesday, May 27th, 2008

A Bill, "An Act To Amend The Provincial Court Act, 1991" (Bill No. 31).

On motion the Committee rose.

The Chairperson of the Committee of the Whole House (Mr. Osborne) 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 following Bills without amendment:

A Bill, "An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act" (Bill No. 32);

A Bill, "An Act To Amend The Judicature Act" (Bill No. 34);

A Bill, "An Act To Amend The Liquor Control Act" (Bill No. 37);

A Bill, "An Act To Amend The Provincial Court Act, 1991" (Bill No. 31).

On motion the report of the Committee was received and adopted and on motion it was ordered that the said Bills be read a third time on tomorrow.

The Speaker suspended proceedings at 5:30 o'clock in the afternoon for the dinner break.

The Speaker resumed the Chair at 7:00 o'clock in the evening.

The Speaker ruled on the point of order raised by the Opposition House Leader earlier in the sitting.

The Speaker ruled that there was no point of order.

On motion it was ordered that Bills No. 20, 30, 29, 7 and 32 be now read a third time.

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

A Bill, "An Act To Amend The Members Of The House Of Assembly Retiring Allowances Act, The Provincial Court Judges' Pension Plan Act, The Public Service Pensions Act, 1991, The Teachers' Pensions Act And The Uniformed Services Pensions Act, 1991" (Bill No. 20);

Tuesday, May 27th, 2008

- A Bill, "An Act To Amend the Partnership Act" (Bill No. 30);
- A Bill, "An Act To Amend The Legal Aid Act" (Bill No. 29);
- A Bill, "An Act To Provide For The Protection Of Personal Health Information" (Bill No. 7);
- A Bill, "An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act" (Bill No. 32).

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.

Pursuant to order and on motion debate commenced and concluded on the motion that the House concur in the Report of the Government Services Committee.

The Speaker (Mr. Fitzgerald) put the question on the motion that the House concur in the Report of the Government Services Committee.

The Speaker declared the motion carried.

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

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

"May 20, 2008

The Honourable the Minister of Finance and President of Treasury Board

I, the Lieutenant-Governor of the Province of Newfoundland and Labrador, transmit Estimates of sums required for the Public Service of the Province for the year ending March 31, 2009, by way of Further Supply and, in accordance with the provisions of the *Constitution Act, 1867*, I recommend these Estimates to the House of Assembly.

Sgd. **John Crosbie**
Lieutenant-Governor."

Tuesday, May 27th, 2008

On motion of the Honourable the Government House Leader (Ms. Burke), the House resolved itself into a Committee of the Whole House on Supply to consider the Message together with a Certain Resolution and Bill No. 25 for the Granting of Supply to Her Majesty.

The Speaker left the Chair.

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

The Committee of the Whole considered and passed a Certain Resolution and a Bill entitled "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses of the Public Service For The Financial Year Ending March 31, 2009 And For Other Purposes Relating To The Public Service" (Bill No. 25).

On motion the Committee rose.

The Speaker resumed the Chair.

The Chairperson of the Committee (Mr. Osborne) reported that the Committee of the Whole on Supply had considered the matters to them referred and had directed him to report that they had passed a certain Resolution and a Bill consequent thereto and recommended that Bill No. 25 be introduced to give effect to the Resolution and ask leave to sit again.

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, 2009 the sum of \$4,031,867,500" (Bill No. 25).

Pursuant to order and on motion the Bill entitled "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses of the Public Service For The Financial Year Ending March 31, 2009 And For Other Purposes Relating To The Public Service" (Bill No. 25) was read a first, second and third time and passed.

On motion it was ordered that Bill No. 25 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, May 28th at 2:00 o'clock in the afternoon.

Tuesday, May 27th, 2008

On motion the House then adjourned accordingly.

William MacKenzie,
Clerk of the House of Assembly.