

Wednesday, May 27<sup>th</sup>, 2009

The House met at 2:00 o'clock in the afternoon pursuant to adjournment.

The Member for Cartwright – L'Anse au Clair (Ms. Jones) made a Statement to congratulate Amy Park of Forteau on winning the 2009 Canada Day Poster Challenge for Newfoundland and Labrador.

The Member for Fortune Bay – Cape La Hune (Ms. Perry) made a Statement to recognize all the young musicians who participated in the Kiwanis Music Festival in Grand Falls – Windsor and to thank their teachers.

The Member for Burgeo – La Poile (Mr. Parsons) made a Statement to congratulate the St. James' Regional High School Band on being the recipients of the Gold Standard of Performance Award for their performance at MusicFest Canada held in Toronto recently.

The Member for Ferryland (Mr. Hutchings) made a Statement to congratulate the Regina Mundi Cultural Committee of Renewals for organizing the Paddy Day Weekend events.

The Member for Baie Verte – Springdale (Mr. Pollard) made a Statement to recognize the Baie Verte Drama Club, the Ranting Ravens, on their success in the Regional Festival in Gander recently.

The Honourable the Minister of Aboriginal Affairs (Ms. Pottle) made a Statement to inform the House about the visit of George Chuvalo to the Miawpukek Reserve in Conne River to discuss with young people his experience as a father in a family ravaged by drug abuse.

The Honourable the Minister of Human Resources, Labour and Employment (Ms. Sullivan) made a Statement to congratulate Team Newfoundland and Labrador 2009 for their success at the 15<sup>th</sup> Annual Canadian Skills Competition in PEI.

The Honourable the Government House Leader (Ms. Burke) gave notice of the following Resolution:

**WHEREAS** pursuant to subsection 3(1) of the *Citizens' Representative Act* and following a resolution of the House of Assembly on December 13, 2001, the Lieutenant-Governor in Council, by Order in Council dated December 14, 2001, appointed Mr. Fraser March to serve as the Citizens' Representative commencing on February 1, 2002;

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**AND WHEREAS** the Auditor General in his Report on Reviews of Departments and Crown Agencies for the Year ending March 31, 2004, as submitted to the Speaker on January 26, 2005, identified a number of concerns relating to the operations of the Office of the Citizens' Representative;

**AND WHEREAS** the said Auditor General Report contained the written response of the Citizens' Representative with respect to the identified concerns;

**AND WHEREAS** the Internal Economy Commission of the House of Assembly conducted a review of the concerns raised by the Auditor General, hired an independent legal consultant to advise the Internal Economy Commission respecting those concerns and offered Mr. March himself, or through his solicitor, four opportunities to present his case before the Commission, which he declined;

**AND WHEREAS** on June 29, 2005, the Internal Economy Commission directed the Speaker to recommend to the Lieutenant-Governor in Council that pursuant to subsection 7(1) of the *Citizens' Representative Act* the Citizens' Representative be suspended;

**AND WHEREAS** on August 30, 2005 the Lieutenant-Governor in Council temporarily suspended, with pay, the Citizens' Representative from his duties pursuant to section 7 of the *Citizens' Representative Act*;

**AND WHEREAS** on December 12, 2005, the House of Assembly, by a majority vote of its Members passed a resolution that Mr. March be removed from the Office of the Citizens' Representative;

**AND WHEREAS** following the said Resolution the Lieutenant-Governor in Council, under section 6 of the *Citizens' Representative Act*, issued an Order in Council removing Mr. March from the Office of Citizens' Representative effective December 12, 2005;

**AND WHEREAS** on April 6, 2007, Justice David Orsborn of the Supreme Court Trial Division dismissed an Application by Mr. Fraser March and concluded that the Resolution and the manner in which it was debated by the House of Assembly was immune from judicial review due to Parliamentary Privilege;

**AND WHEREAS** Mr. March has requested that there be an independent review of the circumstances surrounding his removal;

**AND WHEREAS** the Minister of Justice, on January 22, 2009 announced that he had asked the Government House Leader to request that the Management Commission

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of the House of Assembly endorse the introduction of a Resolution during the next session of the House of Assembly, to conduct an independent review of the case of the former Citizens' Representative, Mr. Fraser March;

**AND WHEREAS** on May 13, 2009, a majority of the House of Assembly Management Commission members resolved that the Commission endorse a resolution in the House of Assembly to appoint a retired Supreme Court Justice to conduct an independent and impartial review into the circumstances of Fraser March's removal from office, which review will include the opportunity for Fraser March to be heard;

**THEREFORE BE IT RESOLVED** that the House of Assembly Management Commission select a retired Supreme Court Justice who shall be appointed to conduct a review of the actions of Mr. Fraser March that led to his removal from the Office of the Citizens' Representative;

**AND BE IT FURTHER RESOLVED** that the terms of reference for the said review shall be as follows:

1. The retired Justice is authorized to undertake an independent review and evaluation of the actions of Mr. Fraser March with respect to the decision to remove him from the Office of the Citizens' Representative.
2. The review shall include the opportunity for Mr. March to be heard by the retired Justice.
3. The retired Justice is authorized to produce an opinion as to whether or not, there was sufficient cause to remove Mr. March from office.
4. The review shall be completed within two months, at which time the retired Justice shall issue a written report to the Speaker for distribution to Members of the House of Assembly.

Pursuant to order and on motion debate commenced on the following Resolution standing in the name of the Member for Cartwright – L'Anse au Clair (Ms. Jones):

**"WHEREAS** Autism Spectrum Disorders (ASDs) are lifelong neurological disorders that affect a person's development and how the brain processes information;

**AND WHEREAS** ASD is the most common neurological disorder affecting children;

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**AND WHEREAS** Newfoundland and Labrador had a prevalence rate of 1 in 132 in 2008 and the rate is expected to be even higher for 2009;

**AND WHEREAS** the number of people receiving a diagnosis of autism is on the increase in Newfoundland and Labrador;

**AND WHEREAS** evidence based research shows that the lifetime costs of assisting a person with autism can be reduced if the child receives early diagnosis, effective treatment and adequate supports;

**AND WHEREAS** all current direct government programs for children with autism end after age six;

**AND WHEREAS** schools do not have adequate resources and there is a demonstrated need for programs;

**THEREFORE BE IT RESOLVED** that this House of Assembly calls on Government to extend autism services currently offered for children below six years of age to all children of the Province.”

During the debate the Honourable the Minister of Education (Mr. King) moved, seconded by the Member for Port au Port (Mr. Cornect), the following amendment to the Resolution:

“That the Resolution be amended :

- (a) by striking out, in the second recital clause, the words “the most common neurological disorder” and substituting therefor the words “one of the most common neurological disorders”;
- (b) by striking out the sixth recital clause altogether;
- (c) by striking out the seventh recital clause and substituting therefor the words “WHEREAS schools require appropriate resources to meet the needs of students with autism”; and
- (d) by striking out the resolution clause and substituting therefor the following:

**“THEREFORE BE IT RESOLVED** that this House calls on Government to work with the Autism Society of Newfoundland and Labrador, the Regional Health Authorities, School Boards and with individuals and families touched by autism to enhance the

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quality of life of persons with autism through progressive improvements to programs and services.”

The Speaker (Mr. Fitzgerald) recessed the House for a few minutes in order to consider the amendment and upon returning to the Chair ruled the amendment in order.

Debate continued and concluded on the amendment to the Resolution and the Resolution itself.

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

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

It was moved and seconded that when the House rose it would adjourn until tomorrow, Thursday, May 28<sup>th</sup> at 1:30 o'clock in the afternoon.

On motion the House then adjourned accordingly.

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