

Thursday, May 28th, 2009

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

The Member for Signal Hill – Quidi Vidi (Ms. Michael) made a Statement to congratulate Jillian Keiley and Anita Best who are to be granted honorary doctorates by Memorial University.

The Member for Kilbride (Mr. Dinn) made a Statement to congratulate award winners honoured at the Goulds Lions Club 32nd Anniversary Charter Night.

The Member for Burgeo – La Poile (Mr. Parsons) made a Statement to recognize Master Corporal Marty Francis, who has returned recently from a successful tour of duty in Afghanistan for his service to the country.

The Member for Port au Port (Mr. Cornect) made a Statement respecting the Western Newfoundland Regional Heritage Fair held at Sir Wilfred Grenfell College in Corner Brook recently.

The Member for Bay of Islands (Mr. Loder) made a Statement to recognize Meghan Matthews a recent graduate of the Western Regional School of Nursing who is the recipient of the Western Memorial Regional Hospital Clinical Proficiency Award.

The Member for Humber Valley (Mr. Kelly) made a Statement to pay tribute to Norman Wheeler, an outstanding veteran and citizen.

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 Tourism, Culture and Recreation (Mr. Jackman) made a Statement to congratulate Jennice Ripley and Rhonda Buckley whose films were screened at the 62nd Annual Cannes Film Festival.

The Honourable the Minister of Education (Mr. King) made a Statement to congratulate Michael Smart, winner of the 2008-2009 PanGlobal Fourth Class Student Award.

The Honourable the Minister of Finance and President of Treasury Board (Mr. Kennedy), in accordance with section 26(5)(a) of the **Financial Administration Act**, tabled copies of the following Orders in Council relating to the following funding pre-commitments:

- (a) Order in Council 2009-169 which authorized the Department of Education to pre-commit funding in the amount of \$9,350,000 against its 2010-11

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budgetary appropriations to facilitate the awarding of a tender for the Paradise – New School #2 infrastructure project;

- (b) Order in Council 2009-170 which authorized the Department of Education to pre-commit funding in the amount of \$4,700,000 against its 2010-11 budgetary appropriations to facilitate the awarding of a tender for the construction of a new school in Placentia;
- (c) Order in Council 2009-175 which authorized the Department of Tourism, Culture and Recreation to pre-commit funds of \$478,000 against each of its 2010-11 and 2011-12 budgetary appropriations to support the Province's contribution to the proposed Atlantic Canada Tourism Partnership Memorandum of Agreement;
- (d) Order in Council 2009-176 which authorized the Department of Transportation and Works to pre-commit funds against its future years budgetary appropriations to facilitate the awarding of various service contracts as follows: \$2,483,535 for 2010-11; \$1,701,580 for 2011-12 and \$637,881 for 2012-13.

The Honourable the Minister of Health and Community Services (Mr. Wiseman) tabled a report on progress being made in the implementation of the recommendations of the Report of the Commission of Inquiry on Hormone Receptor Testing.

The Honourable the Speaker (Mr. Fitzgerald) in compliance with the *Public Tender Act*, tabled the Report of the *Public Tender Act* Exceptions for April 2009.

The Member for Port de Grave (Mr. Butler) presented a Petition from certain residents of the Province requesting that the House of Assembly urge Government to undertake measures to construct a fixed link between Long Island and Pilley's Island in Green Bay.

The Member for Burgeo – La Poile (Mr. Parsons) presented a Petition from certain residents of the Province calling on the House of Assembly to urge Government to establish a satellite dialysis unit at the Dr. Charles L. LeGrow Health Centre in the Town of Channel – Port aux Basques.

Pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled "An Act To Revise The Law Respecting Rail Service" (Bill No. 36) and on motion it was ordered that Bill No. 36 be read the second time presently.

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Pursuant to order and on motion the Bill entitled “An Act To Revise The Law Respecting Rail Service” (Bill No. 36) was read the second time and on motion it was ordered that Bill No. 36 be referred to the Committee of the Whole House presently.

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 Committee of the Whole House.

The Committee of the Whole House considered and passed the Bill entitled “An Act To Revise The Law Respecting Rail Service” (Bill No. 36).

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 passed the Bill entitled “An Act To Revise The Law Respecting Rail Service” (Bill No. 36) without amendment.

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

On motion it was ordered that Bill No. 36 be read the third time presently by leave.

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

A Bill, “An Act To Amend The Income Tax Act, 2000” (Bill No. 29);

A Bill, “An Act To Amend The Wild Life Act” (Bill No. 30);

A Bill, “An Act To Amend The Liquor Control Act” (Bill No. 32);

A Bill, “An Act To Amend The Adoption Act, The Child Care Services Act, The Child, Youth and Family Services Act And The Regional Health Authorities Regulations” (Bill No. 35);

A Bill, “An Act To Revise The Law Respecting Rail Service” (Bill No. 36).

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.

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Pursuant to order and on motion debate commenced and concluded on the following Resolution standing in the name of the Honourable the Government House Leader (Ms. Burke):

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;

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;

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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 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.

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

Pursuant to order and on motion debate commenced and concluded on the following Resolution standing in the name of the Honourable the Government House Leader:

“WHEREAS subsection 16(1) of the *House of Assembly Accountability, Integrity and Administration Act* requires that an independent committee, called a Members’ Compensation Review Committee, be appointed at least once during each General Assembly;

AND WHEREAS, in accordance with subsection 16(2) of *the House of Assembly Accountability, Integrity and Administration Act*, the Speaker has consulted with all House leaders on the appointment of the said Committee;

AND WHEREAS all House leaders have agreed with the introduction of this Resolution;

AND WHEREAS, under subsection 16(4) of the *House of Assembly Accountability, Integrity and Administration Act*, a Members’ Compensation Review Committee appointed under this resolution must report to the Speaker on its recommendations within 120 days of its appointment;

BE IT RESOLVED THAT Joe O’Neill, Cathy Bennett and Brian Barry be appointed to the Members’ Compensation Review Committee, with the appointment to be effective on July 6, 2009;

AND BE IT FURTHER RESOLVED THAT the Members’ Compensation Review Committee inquire into and prepare a report respecting the salaries, allowances, severance payments and pensions to be paid to Members of the House of Assembly;

AND BE IT FURTHER RESOLVED THAT the Members’ Compensation Review Committee, as part of its inquiries, include consultations with appropriate persons who can assist the Committee with respect to its required duties;

AND BE IT FURTHER RESOLVED THAT the Members’ Compensation Review Committee deliver its report to the Speaker on or before October 31, 2009;

AND BE IT FURTHER RESOLVED THAT the House of Assembly Service conclude the contractual arrangements required to carry out the intent of this Resolution.”

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

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

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

“20 May 2009

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 31 March 2010, 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. **John Crosbie**
Lieutenant Governor.”

Pursuant to notice and on motion of the Honourable the Government House Leader (Ms. Burke) the House resolved itself into a Committee of the Whole on Supply to consider a certain Resolution and Bill No. 34 for the granting of Supplementary Supply To Her Majesty.

The Speaker left the Chair.

Mr. Collins 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, 2010 And For Other Purposes Relating To The Public Service” (Bill No. 34).

On motion the Committee rose.

The Speaker resumed the Chair.

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The Chairperson of the Committee (Mr. Collins) 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. 34 be introduced to give effect to the Resolution.

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

"That it is expedient to introduce a measure to provide for the granting to Her Majesty for defraying certain additional expenses of the public service for the financial year ending March 31, 2010, the sum of \$50,000,000" (Resolution of Bill No. 34).

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, 2010 And For Other Purposes Relating To The Public Service" (Bill No. 34) was read the first, second and third time and passed.

On motion it was ordered that Bill No. 34 be printed being entitled as above and that it be submitted to His Honour the Administrator for his Assent.

The House recessed for a few minutes to await the arrival of His Honour the Administrator.

The Sergeant-at-Arms announced the arrival of His Honour the Administrator, the Honourable Derek Green, Chief Justice of Newfoundland and Labrador.

The Speaker left the Chair.
His Honour the Administrator took the Chair.

The Speaker addressed His Honour the Administrator as follows:

"It is my agreeable duty on behalf of Her Majesty's dutiful and loyal subjects, Her Faithful Commons in Newfoundland and Labrador to present to Your Honour a Bill for the Appropriation of Supplementary Supply granted in the present Session".

Whereupon the Clerk read the following Bill:

A Bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Additional Expenses Of The Public Service For

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The Financial Year Ending March 31, 2010 And For Other Purposes Relating To The Public Service " (Bill No. 34).

His Honour the Administrator then said, "In Her Majesty's Name, I thank Her Loyal Subjects, I accept their benevolence and I Assent to this Bill".

The Speaker further addressed His Honour as follows:

"May it please your Honour, the General Assembly of the Province has at its present Session passed certain Bills, to which, in the name and on behalf of the General Assembly, I respectfully request Your Honour's Assent."

Whereupon the Clerk read the following Bills:

- A Bill, "An Act Respecting Apologies" (Bill No. 1);
- A Bill, "An Act To Amend The Labour-Sponsored Venture Capital Tax Credit Act" (Bill No. 3);
- A Bill, "An Act To Consolidate The Law Respecting Revenue Administration" (Bill No. 4);
- A Bill, "An Act To Repeal The Labrador Transportation Initiative Fund Act" (Bill No. 5);
- A Bill, "An Act To Amend The Pensions Funding Act" (Bill No. 6);
- A Bill, "An Act To Amend The Workplace Health, Safety And Compensation Act" (Bill No. 7);
- A Bill, "An Act Respecting Chiropractors" (Bill No. 8);
- A Bill, "An Act To Amend The Student Financial Assistance Act" (Bill No. 9);
- A Bill, "An Act To Amend The Highway Traffic Act" (Bill No. 10);
- A Bill, "An Act Respecting Credit Unions" (Bill No. 11);
- A Bill, "An Act To Amend The Pharmacy Act" (Bill No. 12);
- A Bill, "An Act To Amend The Children's Law Act" (Bill No. 13);

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- A Bill, "An Act To Amend The City Of St. John's Act" (Bill No. 14);
- A Bill, "An Act To Amend The Legal Aid Act" (Bill No. 15);
- A Bill, "An Act To Amend The Loan And Guarantee Act, 1957" (Bill No. 16);
- A Bill, "An Act To Amend The Tobacco Control Act" (Bill No. 17);
- A Bill, "An Act To Amend The Judicature Act" (Bill No. 18);
- A Bill, "An Act To Amend The Income Tax Savings Plans Act" (Bill No. 19);
- A Bill, "An Act To Amend The Research And Development Council Act" (Bill No. 20);
- A Bill, "An Act Respecting The Registration Of Deeds And Other Documents" (Bill No. 21);
- A Bill, "An Act Respecting Consumer Protection And Business Practices" (Bill No. 22);
- A Bill, "An Act To Amend The Occupational Health And Safety Act" (Bill No. 23);
- A Bill, "An Act Respecting The Registration Of Births, Marriages, Deaths And Other Vital Events" (Bill No. 24);
- A Bill, "An Act Respecting Marriage In The Province" (Bill No. 25);
- A Bill, "An Act To Provide For Change Of Name" (Bill No. 26);
- A Bill, "An Act Respecting The Public Trustee" (Bill No. 27);
- A Bill, "An Act To Amend The Provincial Court Act, 1991" (Bill No. 28);
- A Bill, "An Act To Amend The Income Tax Act, 2000" (Bill No. 29);
- A Bill, "An Act To Amend The Wild Life Act" (Bill No. 30);

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- A Bill, "An Act To Repeal The Government-Kruger Agreements Act" (Bill No. 31);
- A Bill, "An Act To Amend The Liquor Control Act" (Bill No. 32);
- A Bill, "An Act To Amend the Memorial University Pensions Act" (Bill No. 33);
- A Bill, "An Act To Amend The Adoption Act, The Child Care Services Act, The Child, Youth and Family Services Act And The Regional Health Authorities Regulations" (Bill No. 35);
- A Bill, "An Act To Revise The Law Respecting Rail Service" (Bill No. 36).

His Honour the Administrator then said, "In Her Majesty's Name, I Assent to these Bills."

His Honour the Administrator then left the Chamber.

The Speaker resumed the Chair.

The Honourable the Government House Leader (Ms. Burke) moved the following resolution: "That when this House adjourns today, it stands adjourned to the call of the Chair; the Speaker, or in his absence from the Province the Deputy Speaker, may give notice and thereupon the House shall meet at the time and date stated by the notice of the proposed sitting and that this House do now adjourn."

The Speaker put the question on the above noted motions and declared the motions carried.

On motion the House then adjourned accordingly.

William MacKenzie,
Clerk of the House of Assembly.