

Monday, December 14, 2009

Be it known that on this day there appeared before the Honourable John C. Crosbie, Lieutenant Governor of the Province of Newfoundland and Labrador, Mr. Sandy Collins, Member returned for the District of Terra Nova. The Clerk of the House of Assembly advised His Honour that the Chief Electoral Officer had published a notice in **The Newfoundland and Labrador Gazette** declaring Mr. Sandy Collins the duly elected Member of the House of Assembly for the District of Terra Nova in the By-election held on November 26th, 2009 whereupon Mr. Collins subscribed to the Oath of Office and the Oath of Allegiance in the presence of the Clerk of the House of Assembly and signed the Members' Roll.

William MacKenzie,
Clerk of the House of Assembly.

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

The Member for The Straits – White Bay North (Mr. Dean) made a Statement to congratulate Rufus Genge of Anchor Point and his family on the launch of their fishing vessel KMKA Voyager.

The Member for Ferryland (Mr. Hutchings) made a Statement to congratulate the Town of Petty Harbour – Maddox Cove on receiving a Tidy Towns Award.

The Member for Port de Grave (Mr. Butler) made a Statement to congratulate all those who received the Duke of Edinburgh Award at the award ceremony on December 11.

The Member for Topsail (Ms. Marshall) made a Statement to congratulate Mr. Barry Jenkins on being selected by “Today’s Parent Magazine” as a “passionate principal” and Villanova Junior High School for being selected as one of the top 20 schools in Canada.

The Member for St. John’s East (Mr. Buckingham) made a Statement to recognize the work of the Last Post Fund.

The Member for Bellevue (Mr. Peach) made a Statement to recognize Mrs. Allison Temple, Mrs. Mary Hackett, Mrs. Rebecca Hickey and Mrs. Theresa Clarke for their years of service on their respective town councils.

The Honourable the Minister of Health & Community Services (Mr. Kennedy) made a Statement to thank the Province’s health care professionals for their hard work and dedication during the second wave of the H1N1 infection.

The Honourable the Minister of Tourism, Culture & Recreation (Mr. French) made a Statement respecting the archaeological dig at Cupids and the plans to celebrate the community’s 400th anniversary in 2010.

The Honourable the Speaker tabled the *Independent Review and Evaluation of the Actions of Fraser March with Respect to the Decision to Remove him from the Office of the Citizens’ Representative*.

The Member for Burgeo – La Poile (Mr. Parsons) gave notice that he would on tomorrow move the following Resolution:

“WHEREAS two official inquiries have been recently conducted in the Province of Newfoundland and Labrador involving the preventable fatalities of citizens;

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AND WHEREAS the principal function of our modern civil justice system is to make whole through monetary and non-monetary compensation any person injured by another's negligent or intentional actions, whether they are of a physical, psychological, financial or property nature;

AND WHEREAS unlike other jurisdictions in Canada, Newfoundland and Labrador's principal legislation and regulations governing civil compensation are deficient in that they do not allow family members of a deceased person, whose death occurs through negligence, to claim damages for such consequences as grief and loss of care, guidance and companionship;

AND WHEREAS unlike other jurisdictions in Canada, Newfoundland and Labrador's legislation is deficient in that it does not permit the family members of a deceased person, whose death occurs through negligence, to claim consequential economic damages suffered, such as that of a family member not being able to return to the former employment due to the loss of the deceased person;

THEREFORE BE IT RESOLVED that this House of Assembly call on Government to strike an all-party select committee of the House of Assembly to review the deficiencies in the *Fatal Accidents Act* and the *Survival of Actions Act* and make recommendations the select committee feels appropriate to amend these Acts."

The Honourable the Government House Leader (Ms. Burke) gave notice that she 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 December 15th, 2009.

Pursuant to notice and on motion the following Bills were introduced and read the first time:

A Bill, "An Act To Amend The House Of Assembly Accountability, Integrity And Administration Act" (Bill No. 54);

A Bill, "An Act To Amend The Teachers' Pensions Act" (Bill No. 57);

A Bill, "An Act To Amend The Order Of Newfoundland And Labrador Act" (Bill No. 58).

On motion it was ordered that the above-noted Bills be read the second time on tomorrow.

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

A Bill, "An Act To Amend The Labrador Inuit Land Claims Agreement Act" (Bill No. 46);

A Bill, "An Act To Amend The Labrador Inuit Land Claims Agreement Act No. 2" (Bill No. 47);

A Bill, "An Act Respecting Condominiums" (Bill No. 48);

A Bill, "An Act To Implement Labour Mobility" (Bill No. 55);

A Bill, "An Act To Amend The Government Money Purchase Pension Plan Act" (Bill No. 56);

A Bill, "An Act To Amend The Rail Service Act, 2009" (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.

Pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled "An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act" (Bill No. 51) and on motion it was ordered that Bill No. 51 be now read the second time.

Pursuant to order and on motion the Bill entitled "An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act" (Bill No. 51) was read the second time and on motion it was ordered that Bill No. 51 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 City Of Corner Brook Act, The City Of Mount Pearl Act, The City Of St. John's Act, The City Of St. John's Municipal Taxation Act And The Municipalities Act, 1999" (Bill No. 52) and on motion it was ordered that Bill No. 52 be now read the second time.

Pursuant to order and on motion the Bill entitled "An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act, The City Of St. John's Act, The City Of St. John's Municipal Taxation Act And The Municipalities Act, 1999" (Bill No. 52) was read the second time and on motion it was ordered that Bill No. 52 be referred to a Committee of the Whole House presently.

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Pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled "An Act To Amend The Members Of The House Of Assembly Retiring Allowances Act" (Bill No. 53) and on motion it was ordered that Bill No. 53 be now read the second time.

Pursuant to order and on motion the Bill entitled "An Act To Amend The Members Of The House Of Assembly Retiring Allowances Act" (Bill No. 53) was read the second time and on motion it was ordered that Bill No. 53 be referred to a 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 considered and passed the following Bills without amendment:

A Bill, "An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act" (Bill No. 51);

A Bill, "An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act, The City Of St. John's Act, The City Of St. John's Municipal Taxation Act And The Municipalities Act, 1999" (Bill No. 52);

A Bill, "An Act To Amend The Members Of The House Of Assembly Retiring Allowances Act" (Bill No. 53);

A Bill, "An Act To Amend The Occupational Therapists Act, 2005" (Bill No.59).

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 following Bills without amendment:

A Bill, "An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act And The City Of St. John's Act" (Bill No. 51);

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- A Bill, "An Act To Amend The City Of Corner Brook Act, The City Of Mount Pearl Act, The City Of St. John's Act, The City Of St. John's Municipal Taxation Act And The Municipalities Act, 1999" (Bill No. 52);
- A Bill, "An Act To Amend The Members Of The House Of Assembly Retiring Allowances Act" (Bill No. 53);
- A Bill, "An Act To Amend The Occupational Therapists Act, 2005" (Bill No.59).

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

By leave the Honourable the Minister of Finance and President of Treasury Board (Mr. Marshall) gave notice that he would on tomorrow ask leave to introduce the following Resolution:

WHEREAS section 7 of the *Child and Youth Advocate Act* provides that the Lieutenant-Governor in Council, on a resolution of the House of Assembly carried by a majority vote of the Members of the House of Assembly actually voting, may remove the advocate from office or suspend him or her because of an incapacity to act, or for neglect of duty, or for misconduct;

AND WHEREAS subsection 8(1) of the *Child and Youth Advocate Act* authorizes the Lieutenant-Governor in Council to suspend the Child and Youth Advocate;

AND WHEREAS following correspondence sent to the Lieutenant-Governor in Council by the Speaker of this House dated August 17, 2009 expressing concern about the operation of the Office of the Child and Youth Advocate, the Lieutenant-Governor in Council suspended the Child and Youth Advocate;

AND WHEREAS on September 9, 2009, this Honourable House voted on a resolution to extend the suspension of the Child and Youth Advocate to provide her, as she had requested, an opportunity to respond to the concerns raised by the Honourable the Speaker;

AND WHEREAS the Child and Youth Advocate provided her response in a submission to the Clerk of the Executive Council dated September 30, 2009;

AND WHEREAS the submission of the Child and Youth Advocate has not adequately responded to the concerns raised by the Honourable the Speaker;

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NOW THEREFORE BE IT RESOLVED THAT THIS House of Assembly concur in the removal from office of the Child and Youth Advocate by the Lieutenant-Governor in Council for misconduct.

Pursuant to order and on motion debate continued on the Address in Reply and on motion debate was adjourned for further debate on tomorrow.

It was moved and seconded that when the House rose it would adjourn until tomorrow, Tuesday, December 15th at 1:30 o'clock in the afternoon.

On motion the House then adjourned accordingly.

William MacKenzie,
Clerk of the House of Assembly.