

Wednesday, December 16th, 2009

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

The Member for Mount Pearl North (Mr. Kent) made a Statement to congratulate Carissa Reid, Veronica Hounsell, Adam Budgell and Peter Seifert, winners of the Provincial Electoral District Scholarships in 2009.

The Member for Baie Verte - Springdale (Mr. Pollard) made a Statement to congratulate Linda Yates and David Hayashida, of King's Point Pottery, who were chosen to attend an international craft show in South Korea and were the only Canadians to have two pieces displayed.

The Member for Fortune Bay – Cape La Hune (Ms. Perry) made a Statement to congratulate the Coast of Bays Corporation on having received an award for Excellence in Partnerships.

The Member for Bay of Islands (Mr. Loder) made a Statement to recognize the achievements of Jackie Barrett.

The Honourable the Minister of Natural Resources (Ms. Dunderdale) made a Statement to inform the House of progress made in the implementation of the Province's Energy Plan.

The Honourable the Minister of Business (Mr. Wiseman) made a Statement respecting the reduction of regulatory requirements.

The Honourable the Minister of Transportation & Works (Mr. Hedderson) made a Statement to announce that Phase III of the Trans-Labrador Highway is open to the public.

Pursuant to notice and on motion debate commenced on the following Resolution standing in the name of the Member for Burgeo – La Poile (Mr. Parsons):

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

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

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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."

During the debate the Member for Placentia – St. Mary's (Mr. Collins) moved, seconded by the Member for St. John's North (Mr. Ridgley), the following amendment to the Resolution:

"That the Resolution be amended:

- a) by deleting the words "are deficient in that they" in the third recital clause;
- b) by deleting the words "is deficient in that it" in the fourth recital clause;
- c) by adding immediately after the fourth recital clause, the word "and" and the following fifth recital clause:

"WHEREAS the Government of Newfoundland and Labrador has been examining the *Fatal Accidents Act* and the *Survival of Actions Act* to determine whether and which changes may be warranted with respect to limitations on recoverable damages;" and

- d) by deleting the resolution clause and substituting the following:

"BE IT RESOLVED that this House of Assembly call on Government to move forward with a review of the *Fatal Accidents Act* and the *Survival of Actions Act* with respect to limitations on recoverable damages and, in conducting this review, to examine the practices and legislation of other jurisdictions."

The Speaker (Mr. Osborne) suspended the proceedings at 3:31 o'clock in the afternoon to consider the amendment.

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The Speaker (Mr. Fitzgerald) resumed the Chair at 3:45 o'clock in the afternoon and 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, December 17th at 1:30 o'clock in the afternoon.

On motion the House then adjourned accordingly.

William MacKenzie,
Clerk of the House of Assembly.