

Thursday, December 17<sup>th</sup>, 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 Healing Expressions on their successful first four months of operation.

The Member for St. John's West (Mr. Osborne) made a Statement to congratulate Kyle Dingle who was among the 24 finalists of 1500 who entered an essay contest sponsored by Habitat for Humanity and Genworth Financial.

The Member for Port au Port (Mr. Cornect) made a Statement to congratulate Erica Noonan, winner of three medals at the 2009 Canada Summer Games.

The Member for Exploits (Mr. Forsey) made a Statement to recognize the contribution of Pastoral Caregivers.

The Honourable the Minister of Tourism, Culture & Recreation (Mr. French) made a Statement respecting Tourism marketing.

The Honourable the Minister of Transportation & Works (Mr. Hedderson) replied to a question of which notice had been given on December 16 by the Member for Signal Hill – Quidi Vidi respecting 911 services.

The Member for Port de Grave (Mr. Butler) presented a Petition from certain residents of the Province calling on the House of Assembly to urge Government to re-evaluate Government's approach to gravel pit campers and work out a long-term solution to problems with the practice.

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 Bill entitled "An Act To Amend The Teachers' Pensions Act" (Bill No. 57) without amendment.

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 Amend The Teachers' Pensions Act" (Bill No. 57) without amendment.

Thursday, December 17<sup>th</sup>, 2009

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

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

- A Bill, "An Act Respecting Public Accountants" (Bill No. 49);
- A Bill, "An Act To Amend the Petroleum Products Act" (Bill No. 50);
- 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 Order Of Newfoundland and Labrador Act" (Bill No. 58).

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 notice and on motion debate commenced on the following Resolution standing in the name of the Honourable the Minister of Finance and President of Treasury Board (Mr. Marshall):

**"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;

Thursday, December 17<sup>th</sup>, 2009

**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;

**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.”

During the debate the Member for Burgeo – La Poile (Mr. Parsons) moved, seconded by the Member for Cartwright – L’Anse au Clair (Ms. Jones), the following amendment to the Resolution:

“That the last clause of the Resolution be replaced with the following:

**“NOW THEREFORE BE IT RESOLVED** that this House of Assembly shall not consider recommending the removal of Darlene Neville from the Office of the Child and Youth Advocate until she has been given a hearing as contemplated by the principles of procedural fairness and natural justice, including a meaningful opportunity to respond to the allegations in person against her and her office.”

The Speaker (Mr. Kelly) suspended proceedings at 4:28 o’clock in the afternoon to consider the amendment.

The Speaker (Mr. Kelly) resumed the Chair at 4:32 o’clock in the afternoon and ruled the amendment in order.

Debate commenced on the amendment to the Resolution.

It was moved and seconded that when the House rose it would adjourn until tomorrow, Monday, December 21<sup>st</sup> at 1:30 o’clock in the afternoon.

On motion the House then adjourned accordingly.

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