

Monday, March 22<sup>nd</sup>, 2010

The House met at 10 o'clock in the morning pursuant to the adjournment motion adopted on December 21<sup>st</sup>, 2009.

The Sergeant-at-Arms announced the arrival of His Honour the Lieutenant Governor, the Honourable John C. Crosbie, P.C., OC, ONL, QC.

The Speaker left the Chair.

His Honour the Lieutenant Governor took the Chair.

His Honour the Lieutenant Governor was then pleased to make the following Speech:

**Mr. Speaker and Members of the Honourable House of Assembly:**

The Second Session of the Forty-Sixth General Assembly of this Honourable House of Assembly is about to be prorogued, but before releasing you from your duties, I wish to express gratitude for the careful and sympathetic attention you have given to the important matters brought before you by My Ministers. Your diligence has greatly benefited the people of Newfoundland and Labrador.

**Mr. Speaker and Members of the Honourable House of Assembly:**

Sixty pieces of legislation were enacted during this Session of the Honourable House of Assembly. In particular, legislative initiatives were taken in the areas of natural resources, health, education, government services, finance, justice, municipal affairs, transportation, innovation, environment, labour, Aboriginal affairs, the House of Assembly, and child, youth and family services. Several resolutions were also passed, among them two concerning the Office of the Child and Youth Advocate, and another appointing the first Members' Compensation Review Committee.

**Mr. Speaker and Members of the Honourable House of Assembly:**

As its very first order of business, My Government introduced An Act Respecting **Apologies**, new legislation recommended in both the December 2008 report of the Task Force on Adverse Health Events and the March 2009 report of the Cameron Commission of Inquiry on Hormone Receptor Testing. The Apology Act allows for an honest expression of regret or remorse by providing that an apology made by or on behalf of a person in relation to a civil matter does not constitute an admission of fault or liability by the person or a confirmation of a cause of action in relation to the matter; it does not affect the insurance coverage available to the person; it may not be taken into

Monday, March 22<sup>nd</sup>, 2010

account in a determination of fault or liability; and it is not admissible in a judicial or quasi-judicial proceeding as evidence of the fault or liability of the person in connection with the matter.

**Mr. Speaker and Members of the Honourable House of Assembly:**

There is no higher priority than safeguarding the best interests of our children. Last year, My Government established the new Department of **Child, Youth and Family Services** and brought forward amendments to the Adoption Act, the Child Care Services Act, the Child, Youth and Family Services Act and the Regional Health Authorities Regulations to effect an orderly transfer of operational responsibility for services from the regional health authorities to the newly-created department.

My Government introduced an amendment to the Judicature Act to replace the Unified Family Court by **reorganizing the Trial Division of the Supreme Court** of Newfoundland and Labrador into two parts: a General Division having responsibility for all matters other than family law matters and a Family Division that would have responsibility for family law matters. The amendments permit the current jurisdiction of the Unified Family Court and its replacement, the Family Division, to be extended to other areas of the province.

My Government brought forward a Bill to amend the Children's Law Act respecting declaratory orders of **parentage** when the alleged father of a child is deceased.

To reflect recent developments in the law regarding **spouses**, My Government brought forward the Spouses Amendment Act, revising eight pieces of legislation and two pieces of subordinate legislation to provide a unified and consistent definition of the term spouse by changing language that, either explicitly or implicitly, assumed that spouses must be members of the opposite sex.

My Government brought forward three pieces of new legislation regarding **vital events**. First, there was the new Vital Statistics Act, 2009, which consolidated and revised the existing law to modernize the language, to remove gender bias, to remove the bias against common-law couples, to strengthen the provisions surrounding protocol and to protect personal information. A second bill replaced the Solemnization of Marriage Act with a new, modernized Marriage Act. The third was a new Change of Name Act, 2009, which modernizes the law respecting name change requests and provides an avenue of appeal when such requests are denied.

My Government also introduced amendments to the Vital Statistics Act, 2009 that, among other things, allow nurse practitioners and registered nurses to sign the medical

Monday, March 22<sup>nd</sup>, 2010

certificate portion of the **death registration** form for deaths and stillbirths in the absence of a medical practitioner.

Following extensive consultations with the Law Society of Newfoundland and Labrador, My Government brought forward a new **Registration of Deeds** Act, 2009 to consolidate and modernize the law with respect to the registration of deeds and other documents. The new law will allow access for people throughout the province to these important documents while at the same time enhancing the privacy of personal details contained in these documents.

My Government brought forward a new Condominium Act, 2009 to replace the 34-year old law with modern legislation reflecting growth and change in the province's **condominium industry**. The Act's many new provisions reflect the recommendations My Government received during extensive consultations throughout the province.

My Government introduced a new **Public Trustee** Act, 2009 to repeal and replace the existing law to reflect the current realities of the administration of estates in the province. The legislation provides for the transfer of the responsibility and the organizational framework associated with the administration of estates from the Supreme Court of Newfoundland and Labrador to an independent Office of the Public Trustee, a structure consistent with those in the other common law jurisdictions of Canada.

**Mr. Speaker and Members of the Honourable House of Assembly:**

My Government brought forward a Bill to amend the **Victims of Crime** Services Act to require peace officers to provide information concerning victims to the Victims of Crime Services Division. The amendment clarifies the obligation of police officers, strengthens the referral process, and benefits the victims of crime, who will receive the information they need about services and programs that are designed to support them.

Building on several other measures to improve access to **legal aid** in Newfoundland and Labrador, My Government introduced an amendment to the Legal Aid Act to improve the efficiency of processing legal aid applications. This particular change reflects a recommendation of the February 2008 report of My Government's Task Force on Criminal Justice Efficiencies.

My Government brought forward progressive amendments to the Tobacco control Act that, among other things, have eliminated **tobacco power walls** in the province's retail outlets and prohibited the sale of tobacco in additional locations, including educational facilities and sporting venues.

Monday, March 22<sup>nd</sup>, 2010

**Mr. Speaker and Members of the Honourable House of Assembly:**

My Government brought forward amendments to the Student Financial Assistance Act to allow for the elimination of interest on the provincial portion of **student loans**. This is yet another measure My Government has taken to give Newfoundland and Labrador one of the most affordable, accessible and attractive post-secondary education systems in the country.

My Government introduced legislation to fulfill a tax commitment contained in the 2009 Budget relating to the **dividend tax credit** under the Income Tax Act, 2000.

My Government introduced an amendment to the **Labour-Sponsored Venture Capital Tax Credit** Act to improve the tax competitiveness of the province.

This Honourable House enacted a new **Credit Unions** Act, which provides more powers to the board of directors of credit unions and reduces red tape in their operations.

In a continuing effort to reduce red tape, My Government brought forward a new **Consumer Protection and Business Practices** Act, consolidating and replacing many Acts including the Trade Practices Act, the Direct Sellers Act, the Unsolicited Goods and Credit Cards Act, the Consumer Reporting Agencies Act, the Consumer Protection Act, the Cost of Consumer Credit Disclosure Act, and the Unconscionable Transactions Relief Act.

My Government introduced a new **Revenue Administration** Act to further reduce red tape and the administrative burden on taxpayers by consolidating the law with respect to the administration of various taxation schemes within the province. The new Act replaces the Gasoline Tax Act; the Health and Post-Secondary Education Tax Act; the Horse Racing Regulation and Tax Act; the Insurance Companies Tax Act; the Mining and Mineral Rights Tax Act, 2002; the Retail Sales Tax Act; and the Tobacco Tax Act.

In compliance with the recommendations of the Members' Compensation Review Committee established in light of the Green report, the House approved an amendment to the House of Assembly Accountability, Integrity and Administration Act that, among other measures, **freezes MHAs' salaries** for a period of time.

My Government brought forward several Bills regarding **pensions**; namely, amendments to the Pension Funding Act, the Members of the House of Assembly Retiring Allowances Act, the Government Money Purchase Pension Plan Act, the Teachers' Pensions Act and the City of St. John's Act; and Members also dealt with two Bills to amend the Memorial University Pensions Act.

Monday, March 22<sup>nd</sup>, 2010

**Mr. Speaker and Members of the Honourable House of Assembly:**

Following extensive consultations with accounting professionals, My Government brought forward a new **Public Accountants Act**. The Act changes the governance of the profession by allowing the accounting profession to appoint their own members to the licensing board, while retaining public representatives on the board. The Act also enhances the accountability of the profession by providing for an impartial hearing process, extensive and varied sanctions in the event of a finding of fault, and a process for informing the public of the outcome of a disciplinary proceeding.

Also following a period of consultation, My Government brought forward legislation to amend the **Engineers and Geoscientists Act**, 2008 to make by-laws with respect to the appointment of committees to assist the board of directors in the conduct of its duties and powers under the Act.

Following the advice of the province's **Pharmacy Board**, with the support of the province's College of Physicians and Surgeons, My Government introduced amendments to the Pharmacy Act to enable a pharmacist to fill a prescription authorized by a prescriber practising outside the province, consistent with the practice in other provinces.

In consultation with members of the chiropractic profession, My Government brought forward a new **Chiropractors Act** to enhance accountability.

In response to a request by the Newfoundland and Labrador Occupational Therapy Board, My Government brought forward amendments to the **Occupational Therapists Act**, 2005.

To improve the safety of the working environment, My Government introduced amendments to the **Occupational Health and Safety Act**.

To aid emergency response personnel and advance public safety, My Government brought forward amendments to the City of Corner Brook Act, the City of Mount Pearl Act and the City of St. John's Act to provide authority to the **municipal councils** to require property owners to attach civic numbers to their buildings and houses in a form required by the councils. A further amendment to these Acts and also to the City of St. John's Municipal Taxation Act and the Municipalities Act, 1999 gives municipalities the authority to charge compound interest on arrears of taxes.

My Government brought forward a new **Labour Mobility Implementation Act** to provide individuals who are certified to practise an occupation from other jurisdictions with easier access to certification in Newfoundland and Labrador. Such certification will

Monday, March 22<sup>nd</sup>, 2010

allow them to practise their occupation in this province in accordance with Chapter Seven of the Agreement on Internal Trade, and ensures that regulators who issue such certifications in this province consider and apply Chapter Seven for those from other jurisdictions. The Act, which is consistent with the actions of other jurisdictions across Canada, ensures individuals with these certifications will encounter fewer obstacles to mobility.

My Government brought forward a Supplementary Supply Act, 2009-2010 to provide financial benefits for workers displaced by the **closure of the AbitibiBowater mill in Central Newfoundland**, including severance for unionized and non-unionized mill workers, silviculturists and loggers, and certain entitlements under the Work Force Reduction Program and Early Retirement Allowance program.

**Mr. Speaker and Members of the Honourable House of Assembly:**

To facilitate the progress of work to develop the hydro-power resources of the **Lower Churchill**, My Government brought forward an amendment to the Energy Corporation of Newfoundland and Labrador Water Rights Act to clarify what constitutes the Lower Churchill River for the purpose of the Act.

My Government brought forward two Bills regarding **rail service** in the province. The new Rail Service Act, 2009 anticipates the provision of new rail services in Labrador in association with mining operations.

On behalf of My Government, My Minister of Aboriginal Affairs introduced two Bills amending the **Labrador Inuit Land Claims Agreement** Act. The first simply incorporated changes which were finalized in accordance with the agreement on the effective date, December 1, 2005. The second incorporated an agreement between the Nunavik Inuit and the Labrador Inuit respecting their overlapping land claims in an area in northern Labrador and offshore areas adjacent to both northern Labrador and northern Quebec.

Having launched the province's **Research & Development Corporation** in May 2009, My Government brought forward amendments to the Research and Development Council Act that, among other things, expanded the definition of research to include social sciences and humanities along with science, engineering and technology.

Monday, March 22<sup>nd</sup>, 2010

**Mr. Speaker and Members of the Honourable House of Assembly:**

Among the **other legislative measures** enacted during this Session were amendments to the Highway Traffic Act; the Loan and Guarantee Act, 1957; the Workplace Health, Safety and Compensation Act; the Income Tax Savings Plans Act; the Provincial Court Act, 1991; the Wild Life Act; the Private Investigation and Security Services Act; the Attorney General Statutes Amendment Act, 2009; the Liquor Control Act; the Petroleum Products Act; and the Order of Newfoundland and Labrador Act.

My Government also **repealed legislation** that is no longer of use. For example, while there are no adverse effects associated with the repeal of the Government-Kruger Agreements Act, the repeal has removed 65 regulatory requirements from government's operations. Other examples of repealed legislation include the Labrador Transportation Initiative Fund Act and the Newspapers and Books Act.

**Mr. Speaker and Members of the Honourable House of Assembly:**

I thank you for the large measure of Supply you have granted. I assure you the appropriations you have granted have been and will be expended by My Ministers with care and efficiency.

**Mr. Speaker and Members of the Honourable House of Assembly:**

It is my pleasure that the Second Session of the Forty-Sixth General Assembly now be prorogued and it is prorogued accordingly.

His Honour the Lieutenant Governor left the Chamber.

The Speaker resumed the Chair.

The Speaker then said, "It is the wish and pleasure of His Honour the Lieutenant Governor that this General Assembly be prorogued, and it is prorogued accordingly".

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