

Thursday, June 10th, 2010

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

The Honourable the Government House Leader (Ms. Burke) rose on a point of privilege respecting comments made outside the House alleging bias on the part of the Speaker.

The Speaker ruled that there was a *prima facie* case of breach of privilege.

The Honourable the Government House Leader (Ms. Burke) moved the following motion:

“WHEREAS the Leader of the Opposition made the following remarks in an interview with the press on June 9, 2010 which aired on NTV News that same evening: “... sometimes I feel that the Speaker is not really balanced in terms of how he makes those rulings...” and “... I think the Speaker has been very unbalanced in a lot of his rulings...”;

AND WHEREAS the Leader of the Opposition is quoted in *The Telegram* today, Thursday, June 10, 2010, saying: “I will not be muzzled by the Speaker in the House of Assembly...”;

AND WHEREAS Subsection 71(1) of *Beauchesne* states: “The Speaker should be protected against reflections on his or her actions”;

AND WHEREAS Section 167 of *Beauchesne* states, in part: “The Presiding Officer, while but a servant of the House, is entitled on all occasions to be treated with the greatest attention and respect by individual members because the office embodies the power, dignity and honour of the House itself”;

AND WHEREAS Subsection 168(1) of *Beauchesne* states, in part: “The chief characteristics attached to the office of Speaker in the House of Commons are authority and impartiality”; and this Subsection also states, in part: “Reflections upon the character or actions of the Speaker may be punished as breaches of privilege”;

AND WHEREAS O'Brien and Bosc's *House of Commons Procedure and Practice* (2nd edition) states on page 116; “the intimidation or attempted intimidation of the Speaker or any other Chair Occupant is viewed very seriously by the House”, and states on page 313: “The actions of the Speaker may not be criticized in debate or by any means except by way of a substantive motion”;

AND WHEREAS the Leader of the Opposition, through her remarks, has violated Sections 71, 167 and 168 of *Beauchesne* and the provisions of O'Brien and Bosc's

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House of Commons Procedure and Practice by publicly denying the impartiality of the Speaker and the impartiality of his actions;

AND WHEREAS Subsection 168(1) of *Beauchesne* also states, in part: “Confidence in the impartiality of the Speaker is an indispensable condition of the successful working of procedure, and many conventions exist which have as their object, not only to ensure the impartiality of the Speaker but also, to ensure that there is a general recognition of the Speaker’s impartiality”;

AND WHEREAS Subsection 118 of *Beauchesne* states that “A complaint of a breach of privilege must conclude with a motion providing the House an opportunity to take some action”, and one of those actions may be “a statement of condemnation for a breach of privilege”;

THEREFORE BE IT RESOLVED that this Honourable House finds that the remarks the Leader of the Opposition made in an interview on June 9, 2010 that aired on June 9 and subsequently on NTV News and her remarks as quoted in *The Telegram* on June 10, 2010 constitute a breach of privilege;

AND BE IT FURTHER RESOLVED that this House condemns the Leader of the Opposition for breaching the privileges of the Speaker and all Members by making those remarks;

AND BE IT FURTHER RESOLVED that the Leader of the Opposition shall be directed to withdraw those offensive remarks immediately and unequivocally and to apologize to the Speaker, to all other Members of the House and to the people of Newfoundland and Labrador for making them.”

Debate ensued.

The Speaker (Mr. Fitzgerald) put the question on the motion and declared the motion carried.

The Leader of the Opposition (Ms. Jones) withdrew her comments made outside the House and apologized for the same.

The Member for Port au Port (Mr. Cornect) made a Statement to congratulate Shriel Syan, a pupil of Stephenville High School on being selected to the International Air Cadet Exchange Programme and the People to People Student Ambassador Leadership Summit.

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The Member for Signal Hill – Quidi Vidi (Ms. Michael) made a Statement to congratulate Bishop Field Elementary on receiving the Chapters Indigo Love of Reading Grant for 2010.

The Member for Bellevue (Mr. Peach) made a Statement to recognize Chief Warrant Officer Daphne Germain who has recently been promoted to the rank of Chief Warrant Officer at 22 Wing at CFB North Bay.

The Honourable the Minister of Innovation, Trade & Rural Development (Mr. Skinner) made a Statement to inform the House that Government, in collaboration with industry and labour organizations, community-groups and the business community has launched its Workplace Skills Enhancement Programme.

The Honourable the Minister of Transportation & Works (Mr. Hedderson) made a Statement respecting the construction of six ferries for the South Coast of the island and the South Coast of Labrador.

The Honourable the Minister of Government Services (Mr. O'Brien) tabled the Annual Report of the Board of Commissioners of Public Utilities on operations carried out under the Automobile Insurance Act Chapter A-22, RSNL 1990, as amended, for the period April 1, 2009 to March 31, 2010.

The Honourable the Minister of Human Resources, Labour & Employment (Ms. Sullivan) tabled the 2009 Annual Performance Report of the Workplace Health, Safety and Compensation Commission in accordance with the *Transparency and Accountability Act* and the Guidelines for Category 1 Annual Performance Reports.

The Honourable the Speaker (Mr. Fitzgerald), pursuant to paragraph 19(5)(a) of the *House of Assembly Accountability, Integrity and Administration Act*, tabled the minutes of the meetings of the House of Assembly Management Commission held on March 24, 2010.

The Honourable the Minister of Government Services (Mr. O'Brien) gave notice that he would on tomorrow ask leave to introduce the following Bills:

- A Bill, “An Act To Amend The Highway Traffic Act” (Bill No. 27);
- A Bill, “An Act To Amend The Insurance Companies Act No. 3” (Bill No. 28);
- A Bill, “An Act To Amend The Prepaid Funeral Services Act” (Bill No. 29).

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The Honourable the Minister of Natural Resources (Ms. Dunderdale) gave notice that she would on tomorrow ask leave to introduce a Bill entitled “An Act Respecting The Health And Protection Of Animals” (Bill No. 30).

The Honourable the Minister of Justice & Attorney General (Mr. Collins) gave notice that he would on tomorrow ask leave to introduce a Bill entitled “An Act Respecting Human Rights” (Bill No. 31).

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 Monday, June 14th, 2010.

The Member for Cartwright – L'Anse au Clair (Ms. Jones) presented a Petition from certain residents of the Province calling on the House of Assembly to urge Government to pave the road between Red Bay and Goose Bay.

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 resumed their consideration of the amendment moved by the Leader of the Opposition to subclause 62(3) of the Bill entitled “An Act Requesting The Care And Protection Of Children And Youth (Bill No. 1).

The Chair put the question on the amendment to subclause 62(3) and declared the amendment lost.

The Committee passed without amendment clauses 62-79 inclusive.

The Honourable the Government House Leader (Ms. Burke) moved the following amendment to Clause 80 of Bill No. 1:

“That the Bill be amended by deleting clause 80 and substituting the following:

80(1) The minister shall, every 5 years, conduct a review of this Act and the principles on which it is based and consider the areas which may be improved.

(2) A review conducted under subsection (1) shall include public consultations.

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

The Speaker put the question on clause 80 as amended and declared clause 80 as amended carried.

The Honourable the Government House Leader (Ms. Burke) moved the following amendment to Clause 81 of Bill No. 1:

“That the Bill be amended by deleting clause 81 and substituting the following:

81. There shall be a process to regularly monitor plans for children who are under the supervision or in the custody of a manager.

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

The Speaker put the question on clause 81 as amended and declared clause 81 as amended carried.

The Committee passed the remaining clauses of Bill No. 1 without amendment.

The Committee considered and passed the following Bills without amendment:

A Bill, “An Act To Amend The Provincial Court Act, 1991” (Bill No. 4);

A Bill, “An Act To Amend The Commissioners For Oath Act” (Bill No. 7).

The Committee began their consideration of the Bill entitled “An Act To Amend The Notaries Public Act” (Bill No 8).

The Honourable the Minister of Justice (Mr. Collins) moved the following amendment to Bill No. 8:

“1. That the Bill be amended by adding immediately after clause 1 the following:

1.1. Subsection 5(6) of the Act is amended by deleting the words and commas “or who, after the revocation of his or her appointment, uses or exercises the powers conferred upon a notary public by this Act”.

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The Speaker put the question on the amendment and declared the amendment to Bill No. 8 carried.

The Committee passed the remaining clauses of Bill No. 8.

The Committee considered and passed the following Bills without amendment:

A Bill, "An Act To Amend The Small Claims Act" (Bill No. 11);

A Bill, "An Act To Amend The Insurance Companies Act" (Bill No. 16).

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 Provincial Court Act, 1991" (Bill No. 4);

A Bill, "An Act To Amend The Commissioners For Oath Act" (Bill No. 7);

A Bill, "An Act To Amend The Small Claims Act" (Bill No. 11);

A Bill, "An Act To Amend The Insurance Companies Act" (Bill No. 16).

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.

The Chairperson of the Committee of the Whole (Mr. Osborne) further reported that the Committee of the Whole House had passed the following Bills with amendments:

A Bill, "An Act Respecting The Care And Protection Of Children And Youth" (Bill No. 1);

A Bill, "An Act To Amend The Notaries Public Act" (Bill No. 8).

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

The amendments to Bills No. 1 and 8 having been read the first and second time, on motion it was ordered that Bills No. 1 and 8 be read the third time on tomorrow.

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Pursuant to order and on motion debate commenced and concluded on Second Reading of a Bill entitled "An Act Respecting The Practice Of Social Work" (Bill No. 20) 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, Monday, June 14th at 1:30 o'clock in the afternoon.

On motion the House then adjourned accordingly.

William MacKenzie,
Clerk of the House of Assembly.