NOTE: Attached to the end of Part II is a list of Statutes of Newfoundland, 2001 as enacted up to Dec. 13, 2001.



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 76

ST. JOHN'S, FRIDAY, DECEMBER 21, 2001

No. 51

TRUSTEE ACT ESTATE NOTICE

IN THE MATTER OF the Estate of Duncan Benedict MacFarlane, retired electrician, late of the Town of Stephenville, in the Province of Newfoundland and Labrador, deceased

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Duncan Benedict MacFarlane, late of the Town of Stephenville, in the Province of Newfoundland and Labrador, deceased, are hereby requested to send the particulars of the same in writing, duly attested, to the undersigned Solicitor for the Administratrix of the Estate on or before the 19th day of January, 2002, after which date the said Administratrix will proceed to distribute the said Estate having regard only to the claims of which notice shall have been received.

DATED at Stephenville, Newfoundland and Labrador, this 17th day of December, 2001.

MILLS & GALLANT Solicitor for the Administratrix Per: Susan H. Gallant

ADDRESS FOR SERVICE: P. O. Box 447, 87 Gallant Street Stephenville, NF A2N 3A3

Dec 21

MOTOR CARRIER ACT

IN THE MATTER OF THE MOTOR CARRIER ACT, CHAPTER M-19, R.S.N. 1990 AND IN THE MATTER OF THE APPLICATION FOR A

MOTOR CARRIER CERTIFICATE

NOTICE OF APPLICATION

TAKE NOTICE that Hoyles Ambulance Service Ltd., of P. O. Box 7, Newtown, NF, A0G 3L0 has applied to the Board of Commissioners of Public Utilities under the provisions of the *Motor Carrier Act*, Chapter M-19, R.S.N. 1990, for the issuance of a Certificate as a motor carrier to provide the following service:

IRREGULAR ROUTE SPECIALTY AMBULANCE SERVICE for the transportation of persons requiring medical attention or under medical care upon the request of a medical doctor or registered nurse

from any point located on Highway Route Nos. 320 & 330 between and including Trinity and Lumsden to any hospital, nursing home, first aid station or home for senior citizens within the Province of Newfoundland and Labrador and upon the specific request of a medical doctor, registered nurse or a police officer between any two points within the Province of Newfoundland and Labrador.

The Board, having reviewed the application, has granted provisional approval and shall issue said Certificate, unless a person who objects to the application files with a Board a notice of objection to the application together with a written statement setting out in full the reasons why the application should be denied and relevant documentary evidence. The objector must also serve on the applicant a copy of the notice of objection, the statement of reasons and the relevant documentary evidence filed with the Board by personal service or by prepaid, registered mail, at the address shown on the application, and proof of service must be supplied to the Board.

The evidence to be submitted must be received by the Board within twenty days of the date of the publication of this notice, at the office of the Board at Suite East 210, Prince Charles Building, Torbay Road, NF, or by mail to P. O. Box 21040, St. John's, NF A1A 5B2.

Dated at Gander, Newfoundland and Labrador, this 11th day of December, 2001.

ERIC HOYLES Signature of Applicant

Dec 21

QUIETING OF TITLES ACT

2001 05 T NO 0302

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR

TRIAL DIVISION

NOTICE OF APPLICATION under the *Quieting of Titles Act*, Chapter Q-3, of the Revised Statutes of Newfoundland

NOTICE OF APPLICATION

NOTICE IS HEREBY GIVEN to all parties that Leeland Marshall, of Shoal Harbour, Town of Clarenville, in the District of Trinity North, in the Province of Newfoundland and Labrador, has applied to the Supreme Court, Trial Division, Gander, to have title to:

ALL THAT piece or parcel of land situate and being in the Town of Shoal Harbour, in the Electoral District of Trinity North abutted and bounded as follows:

THAT IS TO SAY: beginning at a point on the southern limit of Canadian National Railway Right-of-Way (abandoned (20.12 metres wide), the said point having coordinates N5 338 312.04 metres and E 231 304.52 metres of the Three Degree Modified Transverse Mercator Projection for the Province of Newfoundland;

THENCE along the said southern limit of Canadian National Railway Right-of-Way south eighty-nine degrees forty minutes east (S 89-40 E) thrity-two decimal eight eight (32.88) metres;

THENCE by property of Perry and Donna Janes south zero degrees thirty-eight minutes east (S 00-38 E) sixty-three decimal four nine (S 63.49) metres, south eighty-eight degrees thirty-five minutes east (S 88-35 E) seventeen decimal eight seven (17.87) metres;

THENCE by property of Glen Vardy and John Tilley (Vol. 6 Fol 20) south twelve degrees twenty-six minutes west (S 12-26 W) one hundred fifty-four decimal nine one (154.91) metres;

THENCE by Crown Land north seventy-seven degrees thirty-four minutes west (N 77-34 W) forty-seven decimal five zero (47.50) metres;

THENCE by property of Robert Porter and John Tilley (Vol. 6 Fol. 20) and Edmund Combden and the eastern limit of Bridgemount Crescent north seven degrees fifty-one minutes east (N 07-51E) two hundred seven decimal one one (207.11) metres, more or less, and containing an area of 1.0345 hectares.

All bearings refer to the above mentioned Projection. RESERVING NEVERTHELESS out of the above described piece or parcel of land an easement (4.57 metres wide) extending along the western boundary of property of Perry And Donna Janes.

AND

ALL THAT piece or parcel of land situate and being in the Town of Clarenville, at Shoal Harbour, in the Electoral District of Trinity North abutted and bounded as follows:

THAT IS TO SAY: Beginning at a point on the southern limit of Harbour Drive (20 metres wide), the said point having coordinates N 5 338 559.39 metres and E 231 449.98 metres of the Three Degree Modified Transverse Mercator Projection (NAD083) for the Province of Newfoundland and Labrador;

THENCE by property of Wayne Dymond south twelve degrees thirty minutes west (S 12-30 W) fifteen decimal zero nine (15.09) metres;

THENCE along the northern limit of T'Railway Provincial Park Right -of-Way (20.12 metres wide) south eighty-seven degrees thirty-four minutes west (S 87-34 W) four decimal eight eight (4.88) metres, north eighty-nine degrees forty minutes twenty seconds west (N 89-40-20 W) sixty-two decimal two zero (62.20) metres;

THENCE along the eastern limit of Bridgemount Crescent north eight degrees seventeen minutes east (N 8-17 E) thirty-four decimal zero four (34.04) metres;

THENCE along the said southern limit of Harbour Drive along the arc of a curve having a radius of sixty-six decimal one three (66.13) metres to a point, the said point being distant eighteen decimal nine eight (18.98) metres as measured on a bearing of south sixty degrees twenty-two minutes east (S 60-22 E) from the last mentioned point and THENCE along the arc of a curve having a radius of one hundred and forty-one decimal three seven (141.37) metres to a point, the said point being distant forty-nine decimal nine zero (49.90) metres as measured on a bearings of south seventy-eight degrees forty-six minutes east (S 78-46 E) from the last mentioned point, more or less to the point of beginning and containing an area of 0.1418 hectares.

The above described piece or parcel of land is subject to an Access Easement (4.57 metres wide) extending through the said land as shown on the plan hereto attached.

All bearings refer to the above mentioned Projection.

ALL BEARINGS aforementioned, for which Leeland Marshall claims to be the owner investigated and for a Declaration that Leeland Marshall is the absolute owner in fee simple in possession and the said Leeland Marshall has been ordered to public Notice of Application as required by the above named Act.

All persons having title adverse to the said title claimed by the said Leeland Marshall shall file in the Registry of the Supreme Court of Newfoundland, Trial Division, Gander, particulars of such adverse claim and serve the same together with an Affidavit verifying same on the undersigned Solicitors for the Petitioner on or before the 14th day of January, 2002, after which date no party having any claim shall be permitted to file the same or to be heard except by special leave of the Court and subject to such conditions as the Court may deem just.

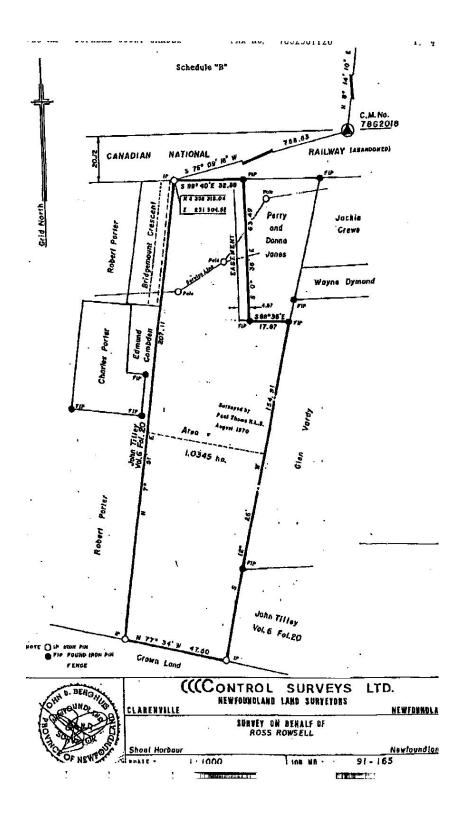
All such adverse claims shall be investigated then in such manner as the Supreme Court of Newfoundland and Labrador, Trial Division, Gander, may direct.

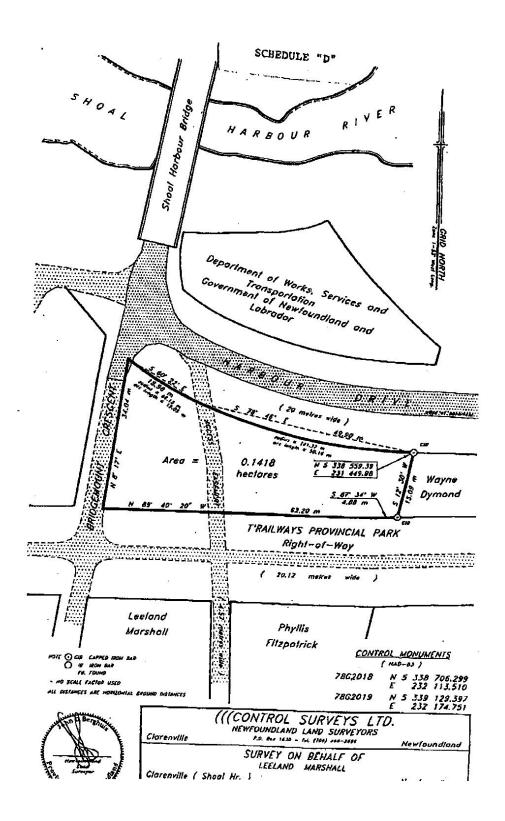
DATED AT Clarenville, in the Province of Newfoundland and Labrador, this 14th day of December, 2001.

MILLS, HUSSY & PITTMAN Solicitors for the Applicant Per: Leeland Marshall

ADDRESS FOR SERVICE: P. O. Box 970 Manitoba Professional Building Manitoba Drive Clarenville, NF A0E 1J0

Dec 21





2001 04 T 0355

THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR

TRIAL DIVISION

IN THE MATTER OF that piece or parcel of land situate and being at Port aux Basques, in the Province of Newfoundland and Labrador.

AND

IN THE MATTER OF the Application of Maxwell and Norma Dutot for a Certificate of Title of said piece or parcel of land pursuant to the *Quieting of Titles Act*, R.S.N. 1990, c. O-3, as amended.

NOTICE

Notice is hereby given to all parties that Maxwell and Norma Dutot, as owners, have applied to the Supreme Court of Newfoundland and Labrador, Trial Division, at Corner Brook, to have investigated the title to ALL THAT piece or parcel of land situate and being at the Town of Channel-Port aux Basques, in the Province of Newfoundland and Labrador, and further bounded and described as set forth in the Schedules hereto; and for a Declaration that the said owners have been ordered to publish notice of the Application as required by the above named Act.

All persons having title adverse to the said title claimed by the said Owners shall file with the Registrar of the Supreme Court of Newfoundland and Labrador, Trial Division, at Corner Brook, particulars of such adverse claim and serve the same together with an Affidavit verifying the same to the undersigned solicitors for the Owners on or before the 15th day of January, 2002, after which date no party having any claim shall be permitted to file the same or be heard except by leave of the Court and subject to such terms and conditions as the Court may deem just.

All such adverse claims shall then be investigated in such manner as the Court may direct.

DATED at Corner Brook, Newfoundland and Labrador, this $12^{\text{th}}\,\text{day}$ of December, 2001.

POOLE, ALTHOUSE Solicitors for the Owner Per: John W. Goodland

ADDRESS FOR SERVICE: 49-51 Park Street Corner Brook, NF A2H 6H7

Dec 21

SCHEDULE "A"

ALL that piece or parcel of land, situate, lying and being in the Town of Channel-Port aux Basques, Electoral District of Burgeo and LaPoile, Province of Newfoundland and Labrador, butted, bounded and being more particularly described as follows:

THAT IS TO SAY: Beginning at a point on the southeast side of Harry's Lane, said point being found by running from Crown Land Monument 82G2332, North twenty-nine degrees fifty-seven minutes fifty-one seconds West (N 29° 57' 51" W) one hundred twenty decimal seven six zero (120.760) metres;

RUNNING THENCE from the above described point of beginning by land of Marguerite White, South twenty-three degrees thirty-five minutes twenty-three seconds West (S 23° 35' 23" W) thirteen decimal six seven two (13.672) metres and South forty-five degrees forty-eight minutes fourteen seconds West (S 45° 48' 14" W) five decimal eight eight (5.888) metres and South thirteen degrees eight minutes twenty-three seconds East (S 13° 08' 23" E) four decimal one five seven (4.157) metres and South fourteen degrees twenty-four minutes twenty-one seconds West (S 14° 24' 21" W) ten decimal three three zero (10.330) metres;

THENCE by land claimed by Daniel Dutot and land of Percival Carter or Assigns, North eighty-two degrees fourteen minutes twenty-seven seconds West (N 82° 14' 27" W) thirteen decimal two six four (13.264) metres;

THENCE by land of Frank Osmond, North fifty-five degrees nineteen minutes fifty-six seconds West (N 55° 19' 56" W) fifteen decimal one seven one (15. 171) metres;

THENCE by land of James Porter, North forty-nine degrees fifteen minutes eighteen seconds East (N 49° 15' 18" E) twenty-nine decimal nine three five (29.935) metres and North forty-five degrees fifty-five minutes forty-three seconds West (N 45° 55' 43" W) fifteen decimal zero one two (15.012) metres;

THENCE by land of Wilson Strickland, North fifty degrees eighteen minutes three seconds East (N 50° 18' 03" E) four decimal three one six (4.316) metres;

Thence by land of Ivan James, South fifty-three degrees thirty minutes zero seconds East (S 53° 30' 00" E) sixteen decimal one five four (16.154) metres and North fifty degrees fifty-six minutes fifty seconds East (N 50° 56' 50" E) five decimal one seven eight (5.178) metres;

Thence by the end of aforesaid Harry's Lane, South thirty-seven degrees thirty-six minutes twenty-nine seconds East (S 37° 36′ 29″E) seven decimal seven two eight (7.728) metres, more or less, to the point of beginning and being subject to that portion of a pole line that extends onto the said piece or parcel of land.

The herein described piece or parcel of land containing an area of seven hundred twenty-four decimal eight (724.8) square metres, more or less, and being more particularly shown and delineated on E.J. Rose Survey's Ltd. Drawing No. 78128-1, dated November 6, 2000, hereto attached.

All bearings being referred to the Meridian of 58° 30' West Longitude of the Three Degree Transverse Mercator Projection for Newfoundland and Labrador, (NAD-83) and premising that the bearing from Crown Land Monument 82G2332 to Crown Land Monument 82G2330 is North eighty-nine degrees five minutes eleven seconds East (N 89° 05' 11" E).

(See Schedule A-Map, p. 662)

SCHEDULE "B"

ALL that piece or parcel of land, situate, lying and being in the Town of Channel -Port aux Basques, Electoral District of Burgeo and LaPoile, Province of Newfoundland and Labrador, abutted, bounded and being more particularly described as follows:

THAT IS TO SAY: Beginning at a point on the east side of Brook Street, said point being found by running from Crown Land Monument 82G2332, North sixty-one degrees forty-four minutes forty-six seconds West (N 61° 44′ 46″ W) one hundred thirty-two decimal three two six (132.326) metres;

RUNNING THENCE from the above described point of beginning along the east side of aforesaid Brook Street, North

thirty-eight degrees thirty-four minutes two seconds West (N 38° 34' 02" W) three decimal eight four nine (3.849) metres;

THENCE by land of Claude Porter and land of James Porter, North forty-nine degrees fifteen minutes eighteen seconds east (N 49° 15' 18" E) twenty-eight decimal six five three (28.653) metres;

THENCE by land of Frank Osmond, South thirty-six degrees seven minutes ten seconds West (S 36° 07' 10" W) sixteen decimal six four three (16.643) metres;

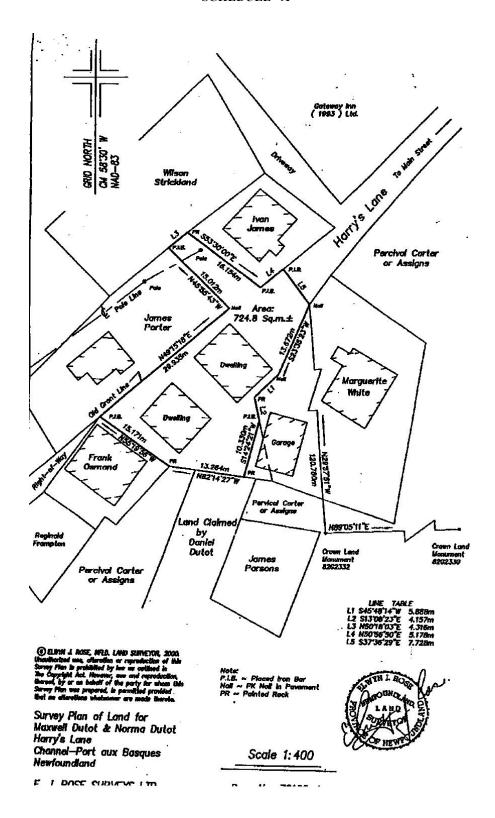
THENCE by land of Reginald Frampton, South forty-eight degrees fifty-seven minutes fifty-one seconds West (S 48° 57' 51"W) twelve decimal five nine one (12.591) metres, more or less, to the point of beginning.

The herein described piece or parcel of land containing an area of seventy-eight decimal four (78.4) square metres, more or less, and being more particularly shown and delineated on E. J. Rose Surveys Ltd. Drawing No. 78128-2, dated April 2, 2001, hereto attached.

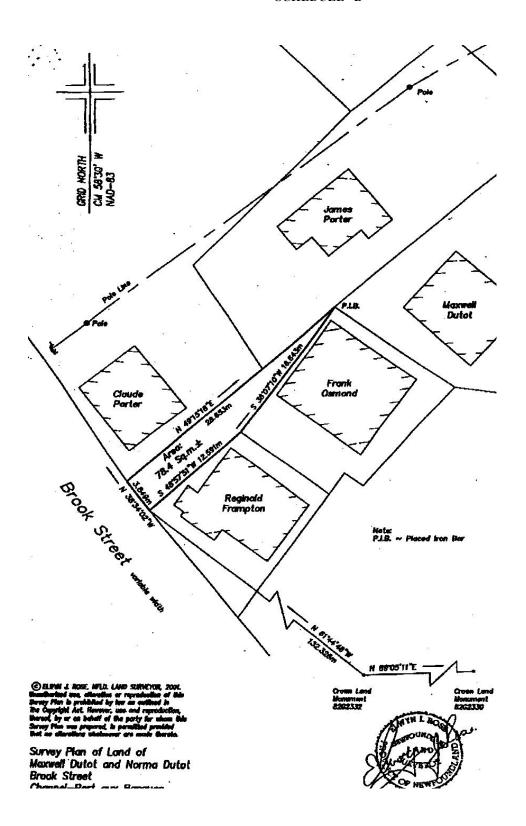
ALL BEARINGS being referred to the Meridian of 58° 30' West Longitude of the Three Degree Transverse Mercator Projection for Newfoundland and Labrador (NAD-83) and premising that the bearing from Crown Land Monument 82G2332 to Crown Land Monument 82G2330 is North eighty-nine degrees five minutes eleven seconds East (N 89° 05' 11" E).

(See Schedule B - Map, p. 663)

SCHEDULE "A"



SCHEDULE "B"



2001 05 T NO 0297

IN THE SUPREME COURT OF NEWFOUNDLAND

TRIAL DIVISION

NOTICE OF APPLICATION under the *Quieting of Titles Act*, Chapter Q-3, of the Revised Statutes of Newfoundland

NOTICE OF APPLICATION

NOTICE IS HEREBY GIVEN to all parties that Harvey Branton and Pauline Branton, of Thornlea, in the District of Bellevue, in the Province of Newfoundland and Labrador, have applied to the Supreme Court, Trial Division, Gander, to have title to:

ALL that piece or parcel of land situate and being on the western side of the Cabot Highway, in the Town of Thornlea, in the Provincial Electoral District of Bellevue, in the Province of Newfoundland and Labrador, Canada, abutted and bounded as follows, that is to say:

Beginning at a point, said point being distant two hundred and seventy four decimal two eight five (274.285) meters, on a bearing of South fifty seven degrees eleven minutes fifty four seconds West (S 57° 11' 54" W) from Provincial Control Survey Marker # 82G3071;

Thence running along land of Jane Best and by land of Donald & Sandra Best North seventy seven degrees zero minutes forty one seconds West (N 77° 00' 41" W) a distance of twenty four decimal four six nine (24.469) metres;

Thence running along land of Donald & Sandra Best North sixty six degrees sixteen minutes thirty eight seconds West (N 66° 16' 38" W) a distance of thirty two decimal nine seven four (32.974) metres:

Thence running along land of the Estate of William Branton South four degrees three minutes seven seconds East (S 4° 03' 07" E) a distance of forty seven decimal three zero two (47.302) metres; Thence South eleven degrees forty three minutes thirty seven seconds West (S 11° 43' 37" W) a distance of twenty decimal five zero two (20.502) metres;

Thence running along land of Gordon & Marty Branton North eighty three degrees twenty three minutes four seconds East (N 83° 23' 04" E) a distance of fifty seven decimal one seven three (57.173) metres;

Thence running along the Western limit of the aforementioned Cabot Highway, twenty (20) meters wide, North two degrees thirty eight minutes forty six seconds West (N 2° 38' 46" W) a distance of forty one decimal nine five one (41.951) metres, more or less to the point of beginning.

Containing an area of zero decimal two eight one (0.281) hectares, more or less, and being more particularly described

and delineated on the drawing labeled Schedule "B" and annexed hereto.

All bearings are referred to the meridian of fifty three degrees west longitude of the Modified Three Degree Transverse Mercator Projection for Newfoundland and Labrador with NAD 83 reference datum.

ALL BEARINGS aforementioned, for which Harvey Branton and Pauline Branton claim to be the owners investigated and for a Declaration that they are the absolute owners in fee simple in possession and the said Harvey Branton and Pauline Branton have been ordered to public Notice of Application as required by the above named Act.

All persons having title adverse to the said title claimed by the said Harvey Branton and Pauline Branton shall file in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division, Gander, particulars of such adverse claim and serve the same together with an Affidavit verifying same on the undersigned Solicitors for the Petitioner on or before the 11th day of January, 2002, after which date no party having any claim shall be permitted to file the same or to be heard except by special leave of the Court and subject to such conditions as the Court may deem just.

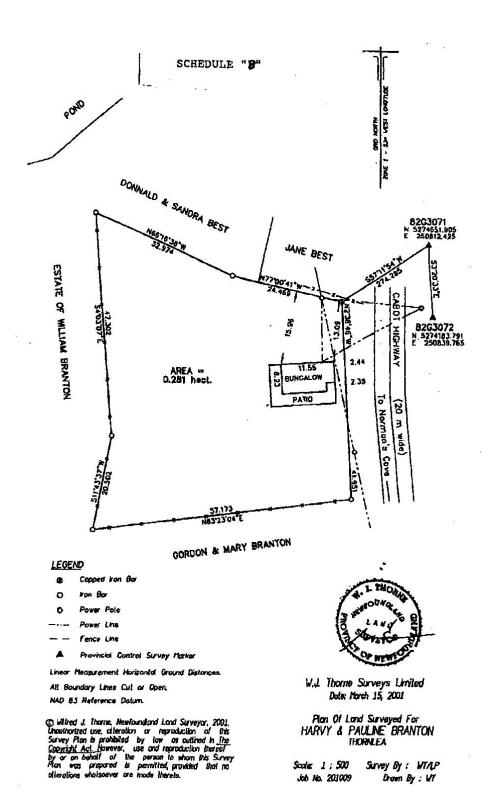
All such adverse claims shall be investigated then in such manner as the Supreme Court of Newfoundland and Labrador, Trial Division, Gander, may direct.

DATED AT Clarenville, in the Province of Newfoundland and Labrador, this 11th day of December, 2001.

MILLS, HUSSEY & PITTMAN Solicitors for the Applicants Per: Greg Pittman

ADDRESS FOR SERVICE: P. O. Box 970 Manitoba Professional Building Manitoba Drive Clarenville, NF A0E 1J0

Dec 21



CHANGE OF NAME ACT

C-8 RSN 1990

NOTICE OF APPLICATION FOR CHANGE OF NAME

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

GERALD RICHARD HOLDEN

of 91 Codroy Place, St. John's, A1E 4J2, in the Province of Newfoundland and Labrador, as follows:

To change my name from

GERALD RICHARD HOLDEN to GERALD RICHARD COX

DATED this 6th day of December, 2001.

GERALD HOLDEN (Signature of Applicant)

Dec 21

NOTICE OF APPLICATION FOR CHANGE OF NAME

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

LOUISE TRIMM

of R.R. # 1, Box 14, Forteau, A0K 2P0, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

SHANNON PAUL-AMIE LEWIS BALL to SHANNON PAUL-AMIE LEWIS TRIMM

DATED this 26th day of September, 2001.

LOUISE TRIMM (Signature of Applicant)

Dec 21

NOTICE OF APPLICATION FOR CHANGE OF NAME

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

KAREN ANN JEANS

of 11 Valleyview Road, Bishop's Falls, A0H 1C0, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name

from

JENNIFER MARIE KEOUGH to JENNIFER MARIE JEANS

DATED this 10th day of December, 2001.

KAREN JEANS (Signature of Applicant)

Dec 21

NOTICE OF APPLICATION FOR CHANGE OF NAME

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

CATHERINE CHAFE

of 2 Canal Road, P. O. Box 1721, Deer Lake, A0K 2E0, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

KATELIN JOANNE CHAFE WEIR to KATELIN JOANNE CHAFE DATED this $21^{\rm st}$ day of May, 2001.

CATHERINE M. CHAFE (Signature of Applicant)

Dec 21

NOTICE OF APPLICATION FOR CHANGE OF NAME

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

SHIRLEY CRITCH-DUNNE

of Box 1338, Manuels, A1W 1E5, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

ASHLEY MARY CRITCH to ASHLEY MARY CRITCH-DUNNE

CHRISTINA MARIE DUNNE to CHRISTINA MARIE CRITCH-DUNNE DATED this 14th day of December, 2001.

SHIRLEY CRITCH-DUNNE (Signature of Applicant)

Dec 21



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 76 ST. JOHN'S, FRIDAY, DECEMBER 21, 2001 No.51

NEWFOUNDLAND AND LABRADOR REGULATIONS

NR 89/01

NR 90/01

NR 91/01

NR 92/01

NR 93/01

NR 94/01



NEWFOUNDLAND AND LABRADOR REGULATION 89/01

Municipal Councillor Remuneration and Reimbursement Regulations, 2001 under the Municipalities Act, 1999 (O.C. 2001-741)

(Filed December 17, 2001)

Under the authority of section 416 of the *Municipalities Act*, 1999, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, December 14, 2001.

Deborah E. Fry Clerk of the Executive Council

REGULATIONS

Analysis

- 1. Short title
- 2. Definitions
- 3. Remuneration4. Total remuneration
- 5. Method of payment

- 6. Entitlement
- 7. Personal expenses
- 8. Payment period
- 9. Repeal

Short title

1. These regulations may be cited as the *Municipal Councillor Remuneration and Reimbursement Regulations*, 2001.

Definitions

2. In these regulations

- (a) "Act" means the Municipalities Act, 1999;
- (b) "fixed revenue" means revenue raised from municipal taxes, municipal operating grants, grants in lieu and other assured revenues other than subsidies paid by the province to a council;
- (c) "leave of absence" means a period of time during which, with the approval of the council, a councillor is not involved with the activities of that council;
- (d) "quarter" means a period extending from January 1 to March 31, April 1 to June 30, July 1 to September 30 or October 1 to December 31 of a financial year of a council; and
- (e) "regularly scheduled public council meeting" means a public meeting required to be held by a council under the Act and additional regular public meetings scheduled by that council.

Remuneration

3. A council may, by a 2/3 majority vote of the councillors in office, vote to pay remuneration to a councillor and shall fix the amount to be paid to him or her.

Total remuneration

- **4.** The total remuneration voted to be paid by a council in a year under section 3 shall not exceed
 - (a) 2% of a total fixed revenue of more than \$1,000,000 in the approved budget for the financial year of the council; or
 - (b) 3% of a total fixed revenue of \$500,000 to \$1,000,000 in the approved budget for the financial year of the council but shall not exceed \$20,000; or
 - (c) 4% of a total fixed revenue of \$250,000 to less than \$500,000 in the approved budget for the financial year of the council but shall not exceed \$15,000; or
 - (d) 5% of a total fixed revenue of less than \$250,000 in the approved budget for the financial year of the council but shall not exceed \$10,000.

Method of payment

5. (1) The remuneration voted to be paid under section 3 shall be paid quarterly by a council cheque or a direct deposit payroll system.

(2) The clerk shall maintain a record of remuneration paid and a copy of the record shall be provided to a councillor as he or she requires for income tax purposes.

Entitlement

- **6.** (1) A councillor is, in accordance with this section, entitled to remuneration for each quarter during which he or she holds office and a councillor's entitlement to remuneration commences in the first quarter in which he or she attends more than half of the regularly scheduled public council meetings subsequent to his or her election or appointment to council.
- (2) Where a councillor is elected or appointed as a councillor in a quarter, that councillor is entitled to remuneration that is a proportional share of remuneration for that quarter provided that he or she attends more than half of the regularly scheduled public council meetings held during that quarter after he or she is elected or appointed.
- (3) A councillor in office throughout a quarter shall not be paid remuneration for that quarter where he or she attends fewer than half of the regularly scheduled public council meetings held during that quarter unless the council has granted him or her a paid leave of absence.
- (4) Where a council approves an unpaid leave of absence for a councillor, the councillor to which the leave of absence applies shall be entitled to a proportional share of remuneration for regularly scheduled public council meetings attended during the quarter during which the leave occurs, provided that he or she attends more than half of the regularly scheduled public council meetings held during that quarter.
- (5) Where a councillor resigns or as a result of an election or for another reason leaves his or her office, that councillor is entitled to remuneration that is a proportional share of remuneration for the quarter during which he or she was a councillor provided that he or she attended more than half of the regularly scheduled public council meetings held during that quarter.
- (6) In this section, a proportional share of remuneration is an amount of remuneration determined by dividing the maximum amount of remuneration that the councillor would be entitled to receive during the quarter by the number of regularly scheduled public council meetings held during that quarter and multiplying that calculated amount by the number of regularly scheduled public council meetings attended by that councillor during that quarter.

Personal expenses

- 7. (1) A council may, by a majority vote of the councillors reimburse a councillor for personal expenses incurred in the conduct of municipal business previously authorized by the council.
- (2) The personal expenses for which a counsellor may be reimbursed under subsection (1) shall be for the following only:
 - (a) accommodation for which the actual cost is verified by a receipt;
 - (b) transportation
 - (i) using a personal vehicle, at a rate per kilometre that shall be fixed by council, and
 - (ii) other than a personal vehicle, the actual cost of which is verified by a receipt;
 - (c) a daily rate that shall be fixed by council; and
 - (d) loss of income that is an actual substantiated loss that shall be approved by the council and that loss of income expense shall not exceed \$250 per day.
- (3) A councillor who requests reimbursement under this section shall submit a claim to the clerk in the form required by the council.
- (4) A claim submitted under subsection (3) shall be certified by the clerk and where approved by the council, shall be paid by council cheque or a direct deposit payroll system.

Payment period

- **8.** (1) Remuneration payable under these regulations shall be paid not later than December 31 of the year to which the payment relates.
- (2) Claims for the reimbursement of expenses under section 7 shall be paid not later than 60 days after those expenses were incurred.

Repeal

9. The *Municipalities Councillor Remuneration and Reimbursement Regulations*, Consolidated Newfoundland and Labrador Regulation 966/96, are repealed.

©Earl G. Tucker, Queen's Printer



NEWFOUNDLAND AND LABRADOR REGULATION 90/01

Judgment Enforcement Regulations, 1999 (Amendment) under the Judgment Enforcement Act (O.C. 2001-692)

(Filed December 17, 2001)

Under the authority of section 181 of the *Judgment Enforcement Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, November 7, 2001.

Deborah E. Fry Clerk of the Executive Council

REGULATIONS

Analysis

- S.2 Amdt.
 Definitions

 S.49 Amdt.
- 2. S.49 Amdt.
 Income exemption

3. S.53 Amdt. Expenses and costs

NLR 102/99

- 1. (1) Section 2 of the *Judgment Enforcement Regulations*, 1999 is amended by adding immediately after paragraph (b) the following:
 - (b.1) "cohabiting partner" means either of 2 persons who are cohabiting in a conjugal relationship outside of marriage or

have cohabited in such a relationship within the preceding year;

- (2) Paragraph 2(h) of the regulations is repealed and the following substituted:
 - (h) "spouse" means either of 2 persons who
 - (i) are married to each other,
 - (ii) are married to each other by a marriage that is voidable and has not been voided by a judgment of nullity, or
 - (iii) have gone through a form of a marriage with each other, in good faith, that is void and are cohabiting or have cohabited with each other within the preceding year.
- 2. (1) Paragraph 49(1)(a) of the regulations is amended by adding the words "or cohabiting partner" after the word "spouse".
- (2) Paragraphs 49(1)(b) and (c) of the regulations are amended by striking out the words "married person supporting a spouse" and substituting the words "person supporting a spouse or cohabiting partner".
- 3. Section 53 of the regulations is amended by adding immediately after subsection (5) the following:
- (6) Where a creditor or another person is entitled to be paid an amount by way of a distribution under the Act and the creditor or other person owes fees to the sheriff in respect of a service previously provided to him or her by the sheriff, the sheriff may deduct from the amount to which the person is entitled an amount equal to the amount owed.

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NEWFOUNDLAND AND LABRADOR REGULATION 91/01

Motor Carrier Regulations (Amendment) under the Motor Carrier Act (O.C. 2001-279)

(Filed December 17, 2001)

Under the authority of section 28 of the *Motor Carrier Act*, the Lieutenant-Governor in council makes the following regulations.

Dated at St. John's, May 17, 2001.

Deborah E. Fry Clerk of the Executive Council

REGULATIONS

Analysis

- 1. S.2 Amdt. Definitions
- 2. S.6 Amdt. Application for certificate
- 3. S.10 Amdt. Public convenience
- 4. S.11 Amdt. Request for hearing
- S.12 Amdt.
 No request for hearing
- S.13 Amdt. Notice of hearing

- 7. S.17 Amdt. Applicant's evidence
- 8. S.22 Amdt. Procedure at hearing
- 9. S.23 Amdt. Board to evaluate benefits
- 10. S.24 Amdt. Determination criteria
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- 13. S.28 Amdt.
 Terms of certificate14. S.33 Amdt.
 - Regular passenger service
- 15. S.34 Amdt.
 Irregular passenger service
- 16. S.35 Amdt.Restriction of operation17. S.40 Amdt.
- Identification of ambulance

CNLR 965/96 as amended

- 1. (1) Paragraph 2(e) of the *Motor Carrier Regulations* is amended by striking out the words "public passenger".
- (2) Section 2 of the regulations is amended by adding immediately after paragraph (i) the following:
 - (i.1) "bus service" means a service that transports passengers as described in paragraph 4(1)(b) of the Act;
- (3) Section 2 of the regulations is amended by adding immediately after paragraph (j) the following:
 - (j.1) "certificate" means a certificate to operate a public service vehicle, issued under section 6 of the Act;
- (4) Paragraph 2(m) of the regulations is amended by striking out the words "public passenger" and substituting the word "bus".
 - (5) Paragraph 2(r) of the regulations is repealed.
- (6) Paragraphs 2(t) and (u) of the regulations are amended by striking out the words "public passenger".
 - 2. (1) Paragraph 6(c) is repealed and the following substituted:
 - (c) particulars of the vehicle to be used to provide the service including type and maximum mass, passenger capacity, and where the vehicle is registered, the motor vehicle plate number;
- (2) Paragraph 6(e) of the regulations is repealed and the following substituted:
 - (e) a timetable and the fares to be charged if the application is for a bus service;

- (3) Section 6 of the regulations is amended by adding the word "and" immediately after the semi-colon at the end of paragraph (g).
 - (4) Paragraph 6(h) is repealed.
- 3. Subsection 10(3) of the regulations is amended by adding the words "and Community Services" immediately after the word "Health".
- 4. Section 11 of the regulations is repealed and the following substituted:

Request for hearing

- 11. If within 20 days after the publication of the notice of application to operate an ambulance service the board has received a written request that it hold a hearing for the consideration of the application and the board determines that a hearing is necessary under subsection 9(4) of the Act, the board shall set the time and place of a hearing and shall publish a notice in the *Gazette* at least 10 days before the hearing and in another manner as the board may consider necessary or desirable and a copy of the notice shall be mailed to the applicant or his or her counsel or agent, to the person who requested the hearing and to the Department of Health and Community Services.
- 5. Section 12 of the regulations is amended by striking out the words "public service passenger certificate" and substituting the words "certificate to operate a public service vehicle".
- 6. Section 13 of the regulations is amended by striking out the words "public service passenger certificate" and substituting the words "certificate to operate a bus service".
- 7. Section 17 of the regulations is amended by adding the words "to operate an ambulance service" immediately after the word "application".
- 8. Section 22 of the regulations is amended by adding the words "to operate a bus service" immediately after the word "application".
- 9. Subsection 23(1) of the regulations is amended by striking out the words "public service passenger operation" and substituting the words "bus service".

- 10. Section 24 of the regulations is amended by striking out the words "public service passenger operation" and substituting the words "bus service".
- 11. Section 25 of the regulations is amended by striking out the words "public service passenger operation" and substituting the words "bus service".
- 12. Section 26 of the regulations is amended by striking out the words "public service passenger operation" and substituting the words "bus service".
- 13. (1) Paragraph 28(d) of the regulations is amended by striking out the words "public service vehicles" and substituting the word "buses".
- (2) Paragraph 28(e) of the regulations is amended by striking out the words "public passenger service or for another" and substituting the word "bus".
- 14. Subsection 33(1) of the regulations is amended by striking out the words "regular public passenger service" and substituting the words "bus service".
- 15. Section 34 of the regulations is amended by striking out the words "public passenger".
- 16. Section 35 of the regulations is amended by striking out the words "as a public passenger vehicle".
- 17. Paragraph 40(1)(c) of the regulations is amended by striking out the word and comma "name,".

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NEWFOUNDLAND AND LABRADOR REGULATION 92/01

Petroleum Products Assessment Regulations under the Petroleum Products Act (O.C. 2001-750)

(Filed December 19, 2001)

Under the authority of section 23 of the *Petroleum Products Act*, the Lieutenant Governor in Council makes the following regulations.

Dated at St. John's, December 18, 2001.

Deborah E. Fry Clerk of the Executive Council

REGULATIONS

Analysis

Short title
 Annual assessment fee

3. Audit

Short title

1. These regulations may be cited as the *Petroleum Products Assessment Regulations*.

Annual assessment fee **2.** (1) A petroleum wholesaler shall pay annually to the commissioner an assessment fee of \$0.0004 per litre on the following petroleum products:

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- (a) automotive fuel;
- (b) clear diesel;
- (c) propane;
- (d) furnace fuel; and
- (e) stove oil.
- (2) An assessment fee imposed under this section shall
- (a) be imposed at the point of wholesale and shall be based upon the net proceeds of the sale; and
- (b) be based upon the volume of product referred to in paragraphs (1)(a) to (e) sold by the wholesaler in the calendar year previous to the year in which the assessment fee is due to the commissioner.
- (3) The commissioner may adjust or vary the rate of the assessment fee imposed under subsection (1).
- (4) Payments of the annual assessment fee imposed by the commissioner under subsection (1) shall be made in the manner and at the time that the commissioner may require.

Audit

3. The commissioner may conduct an audit in respect of the volume of petroleum products sold by wholesalers of the products referred to in paragraphs 2(1) (a) to (e).

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NEWFOUNDLAND AND LABRADOR REGULATION 93/01

Occupational Health and Safety Regulations (Amendment) under the
Occupational Health and Safety Act
(O.C. 2001-751)

(Filed December 19, 2001)

Under the authority of section 65 of the *Occupational Health and Safety Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, December 18, 2001.

Deborah E. Fry Clerk of the Executive Council

REGULATIONS

Analysis

- 1. S.4 R&S
 - 4. Occupational health and safety program
 - 4.1 Occupational health and safety policy
- 2. Schedule Rep.
- 3. Commencement

CNLR 1165/96 as amended

1. Section 4 of the *Occupational Health and Safety Regulations* is repealed and substituted by the following:

Occupational health and safety program

- **4.** (1) An occupational health and safety program required under section 36.1 of the Act shall be signed by the employer and by the person or persons responsible for the management of the employer's operations in the province and shall include:
 - (a) a statement of the employer's commitment to cooperate with the occupational health and safety committee and workers in the workplace in carrying out their collective responsibility for occupational health and safety;
 - (b) a statement of the respective responsibilities of the employer, supervisors, the occupational health and safety committee and workers in carrying out their collective responsibility for occupational health and safety;
 - (c) procedures to identify the need for and for the preparation of, written work procedures to implement health and safety practices, including practices required by the Act and the regulations, or by order of an officer;
 - (d) a plan for orienting and training workers and supervisors in workplace and job-specific safe work practices, plans, policies and procedures, including for emergency response, that are necessary to eliminate, reduce or control hazards;
 - (e) provision for establishing and operating an occupational health and safety committee, including
 - (i) maintenance of membership records,
 - (ii) procedural rules,
 - (iii) access for the committee to management staff with the authority to resolve health and safety issues and to access information about the employer's operations required under the Act and the regulations, and
 - (iv) a plan for training committee members as required under the Act.
 - (f) a system for the recognition, evaluation and control of hazards that includes:

- (i) evaluation and monitoring of the workplace to identify potential hazards and the associated risks,
- (ii) procedures and schedules for regular inspections by management and committee members,
- (iii) procedures for the identification, reporting and control or correction of hazards,
- (iv) procedures for the prompt investigation of hazardous occurrences to determine the cause of the occurrence and the actions necessary to prevent a recurrence,
- (v) identification of the circumstances where the employer is required to report hazards to the committee and the procedures for doing so, and
- (vi) measures for the accountability of persons responsible for the reporting and correction of hazards;
- (g) a plan for the control of biological and chemical substances handled, used, stored, produced or disposed of at the workplace and where appropriate, the monitoring of the work environment to ensure the health and safety of workers and other persons at or near the workplace;
- (h) a system to ensure that persons contracted by the employer or for the employer's benefit comply with the program developed under this section and the Act and regulations;
- (i) an emergency response plan;
- (j) maintenance of records and statistics, including occupational health and safety committee minutes, reports of occupational health and safety inspections and investigations, with procedures to allow access to them by persons entitled to receive them under the Act; and
- (k) provision for monitoring the implementation and effectiveness of the program.

- (2) An employer that is required to establish and maintain an occupational health and safety program under section 36.1 of the Act shall
 - (a) implement the occupational health and safety program; and
 - (b) review and, where necessary, revise the occupational health and safety program
 - (i) at least every 3 years,
 - (ii) where there is a change of circumstances that may affect the health and safety of workers, and
 - (iii) where an officer requests a review.

Occupational health and safety policy

- **4.1** (1) An occupational health and safety policy required under section 36.2 of the Act shall be signed by the employer and by the person or persons responsible for the management of the employer's operations in the province, and shall contain a statement of the employer's commitment to occupational health and safety that includes:
 - (a) a statement of the employer's commitment to cooperate with the worker health and safety representative and workers in the workplace in carrying out their collective responsibility for occupational health and safety; and
 - (b) a statement of the respective responsibilities of the employer, supervisors, the worker health and safety representative and other workers in carrying out their collective responsibility for occupational health and safety.
- (2) An employer that is required to establish and maintain an occupational health and safety policy under section 36.2 of the Act shall review and, where necessary, update the policy at least annually, in consultation with the worker health and safety representative.
 - 2. The Schedule to the regulations is repealed.

Commencement

3. These regulations shall come into force on January 1, 2002.

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NEWFOUNDLAND AND LABRADOR REGULATION 94/01

Species Status Advisory Committee Regulations under the
Endangered Species Act
(O.C. 2001-754)

(Filed December 19, 2001)

Under the authority of subsection 44 of the *Endangered Species Act*, the Minister of Tourism, Culture and Recreation makes the following regulations, with the approval of the Lieutenant-Governor in Council.

Dated at St. John's, December 18, 2001.

Kevin Aylward Minister of Tourism, Culture and Recreation

> Deborah E. Fry Clerk of the Executive Council

REGULATIONS

Analysis

1. Short title

3. Chairperson

- 2. Minimum qualification
- 5. Meetings

4. Term of office

Short title

1. These regulations may be cited as the Species Status Advisory Committee Regulations.

Minimum qualification

- 2. (1) A person who has the following qualifications and has complied with subsection (2) is eligible to be appointed by the minister as a member of the Species Status Advisory Committee:
 - (a) a post-graduate degree from a recognized educational institution in a relevant biological science such as conservation biology, ecology, wildlife management or equivalent expertise in a relevant biological science acquired through a combination of education and experience, and current knowledge of the relevant biological science; or
 - (b) extensive and current traditional ecological or local ecological knowledge about species in the province and their habitat.
 - (2) A person shall demonstrate to the minister that they have
 - (a) general knowledge about the species of the province;
 - (b) detailed knowledge of a taxonomic group such as birds, mammals, vascular plants, invertebrates; or
 - (c) detailed knowledge of the species of a specific geographic region.

Chairperson

3. The members of the SSAC shall elect a member to be the chairperson of the SSAC.

Term of office

4. (1) Members shall be appointed for a minimum 2 year term which may be renewed, but the minister may appoint up to 3 members for a 3 year term which may be renewed.

- (2) Where the term of office of a member of the SSAC expires, he or she shall continue to be a member until re-appointed or replaced.
- (3) The SSAC may provide to the minister a list of suitable candidates to replace a member whose term of office is expiring.

Meetings

- 5. (1) The SSAC shall meet at least once in each calendar year.
- (2) A meeting of the SSAC may be held by means of a telephone or other telecommunication device that permits all persons participating in the meeting to communicate with each other.

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STATUTES OF NEWFOUNDLAND AND LABRADOR 2001

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This list was prepared by the Office of the Legislative Counsel.

Questions or omissions should be brought to the attention of that Office.