UPDATE

NOTE:

Attached to the end of Part II is a list of Statutes passed during the Second Session of the 45th General Assembly of Newfoundland and Labrador.



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 81

ST. JOHN'S, FRIDAY, MARCH 10, 2006

No. 10

ELECTIONS ACT, 1991

PROVINCIAL BY ELECTION REPORT FOR THE ELECTORAL DISTRICT OF PLACENTIA & ST. MARY'S, FEBRUARY 21, 2006

Under authority of Section 163 of the Elections Act, 1991, the following voting information is provided

Dated at St. John's this 9th day of March, 2006

Wayne Green Chief Electoral Officer

No.	Electoral District	No. of Electors on Revised Permanent List	Total No. Votes Cast	Total No. Ballots Cancelled	Total No. Ballots Rejected	Name of Candidate	Party Affiliation	No. of Votes Cast For Each Candidate	Candidate Elected
28	Placentia			4	12	CAREEN, Nick		1641	
	& St. Mary's					COLLINS, Felix	PC	2247	COLLINS, Felix
						HICKEY, Tom	NLFP	31	
						POWER, Kevin	LIB	931	
_	Totals	6961	4862	4	12			4850	

URBAN AND RURAL PLANNING ACT

NOTICE OF REGISTRATION ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 367, 2006

Take notice that the St. John's Development Regulations Amendment Number 367, 2006, adopted on the 28th day of February, 2006 has been registered by the Minister of Municipal Affairs.

In general terms, the purpose of St. John's Development Regulations Amendment Number 367, 2006 is to reclassify "Mineral Works" and "Salvage Yards" from their current status as Permitted Uses in the Industrial General (IG) Zone to Discretionary Uses.

The St. John's Development Regulations Amendment No. 367, 2006 comes into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the amendment may do so at the Department of Planning, 3rd Floor, St. John's City Hall during regular business hours (Monday through Friday, 9:00 a.m. to 4:30 p.m.)

CITY OF ST. JOHN'S ENGINEERING & PLANNING DEPARTMENT Tammy Burke/Cliff Johnston

Mar 10

NOTICE OF REGISTRATION ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 368, 2006

Take notice that the St. John's Development Regulations Amendment Number 368, 2006, adopted on the 28th day of February, 2006 has been registered by the Minister of Municipal Affairs.

In general terms, the purpose of St. John's Development Regulations Amendment Number 368, 2006 is to add "Light Industrial Use" as a Discretionary Use in the Commercial Regional (CR) Zone.

The St. John's Development Regulations Amendment No. 368, 2006 comes into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the amendment may do so at the Department of Planning, 3rd Floor, St. John's City Hall during regular business hours (Monday through Friday, 9:00 a.m. to 4:30 p.m.)

CITY OF ST. JOHN'S ENGINEERING & PLANNING DEPARTMENT Tammy Burke/Cliff Johnston

Mar 10

LANDS ACT

NOTICE OF INTENT *LANDS ACT*, Chapter 36, S.N. 1991

Notice is hereby given that Graham Curlew of Clarenville, intends to apply to the Department of Environment and Conservation, two months from the publication of this

Notice, to acquire title, pursuant to Section 7(2) of the said Act, to that piece of Crown Land situated within fifteen (15) metres of the waters of Come by Chance Pond, in the Electoral District of Bellevue for the purpose of constructing an Aircraft Hangar and being more particularly described as follows:

Bounded on the North by Come By Chance Pond for a distance of 15 m;

Bounded on the East by Come By Chance Pond for a distance of 15 m;

Bounded on the South by Crown Land for a distance of 15 m;

Bounded on the West by Crown Land for a distance of 15 m;

and containing an area of approximately 225 square metres.

Any person wishing to object to the application must file the objection, in writing, within one month from the publication of this notice, with reasons for it, to the Minister of Environment and Conservation, c/o the nearest Regional Lands Office.

For further information regarding the proposed application, please contact Graham Curlew, Telephone (709) 709 466-7161.

Mar 10

MOTOR CARRIER ACT

IN THE MATTER OF THE MOTOR CARRIER ACT, cM-19, RSNL 1990 AND

IN THE MATTER OF THE APPLICATION FOR A MOTOR CARRIER CERTIFICATE

NOTICE OF APPLICATION

TAKE NOTICE that Margaret Clowe, of P. O. Box 178, Ferryland, NL A0A 2H0, has applied to the Board of Commissioners of Public Utilities under the provisions of the *Motor Carrier Act*, cM-19, RSNL 1990, for the issuance of an amendment to a Certificate as follows:

TOADD

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

from any point located on Highway Route No. 10, or accessed thereby, between and including Chance Cove Provincial Park and Aquafort 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, NL or by mail to P. O. Box 21040, St. John's, NL A1A 5B2.

Dated at St. John's, Newfoundland and Labrador, this 1^{st} day of March, 2006.

MARGARET CLOWE Signature of Applicant

Mar 10

TRUSTEE ACT

ESTATE NOTICE

IN THE MATTER OF the Estate and Effects of Josephine White, late of the Town of Cull's Harbour, 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 Josephine White, the aforesaid deceased, who died at the City of St. John's, in the Province of Newfoundland and Labrador, on or about the 6th day of January, 1999, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Administrator of the Estate on or before the 20th day of March, 2006, after which date the Administrator will proceed to distribute the said Estate having regard only to the claims of which he shall then have had notice.

DATED at Gander, Province of Newfoundland and Labrador, this $28^{\rm th}$ day of February, 2006.

BONNELL LAW Solicitor for the Administrator PER: R. Archibald Bonnell

ADDRESS FOR SERVICE P. O. Box 563 218 Airport Boulevard Gander, NL A1V 2E1

Mar 10 & 17

ESTATE NOTICE

IN THE MATTER OF the Estate of Stanley Norman Glen Layden late, of the Town of Pasadena, in the Province of Newfoundland and Labrador, truck driver, bachelor, deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Stanley Norman George Layden, late of the Town of Pasadena, 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 Administrator of the Estate on or before the 10th day of April, 2006, after which date the Administrator 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 28th day of February, 2006.

MARIE MARCHE-WHITE Solicitor for the Administrator PER: Marie Marche-White

ADDRESS FOR SERVICE P.O. Box 272, 43 Main Street Stephenville, NL A2N 2Z4

Mar 10

ESTATE NOTICE

IN THE MATTER OF the Estate of Alice King, late, of the Town of Stephenville Crossing, in the Province of Newfoundland and Labrador, deceased, February, 11th, 2006.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Alice King, late of the Town of Stephenville Crossing, 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 Administrator of the Estate on or before the 12th day of April, 2006, after which date the said Administrator 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 $6^{\rm th}$ day of March, 2006.

ROXANNE PIKE LAW OFFICE Solicitor for the Administrator PER: Roxanne Pike

ADDRESS FOR SERVICE P.O. Box 272, 43 Main Street Stephenville, NL A2N 2Z4

ESTATE NOTICE

IN THE MATTER OF the Estate of Thomas Doyle, late of the City of St. John's, in the Province of Newfoundland and Labrador, Retired Butcher, Deceased.

All persons claiming to be creditors of or who have any claims or demands either as beneficiaries or next of kin (by blood, legal adoption or marriage) upon or affecting the Estate of Thomas Doyle, Widower, who died at the City of St. John's, in the Province of Newfoundland and Labrador, on January 27, 2006, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned solicitors for the Estate of Thomas Doyle, on or before April 5, 2006, after which date the Executor will proceed to distribute the Estate having regard only to the claims of which they then shall have had notice.

DATED AT St. John's, Newfoundland and Labrador, this 3^{rd} day of March, 2006.

AYLWARD, CHISLETT & WHITTEN Solicitors for the Executor of the Estate of Thomas Doyle PER: Marina Whitten

ADDRESS FOR SERVICE 261 Duckworth Street P. O. Box 5835 St. John's, NL A1C 5X3

Mar 10

QUIETING OF TITLES ACT

2006 01 T0813 SUPREME COURT OF NEWFOUNDLAND AND LABRADOR TRIAL DIVISION

Notice of Application under the *Quieting of Titles Act*, RSNL, 1990, cQ-3, as amended:

NOTICE

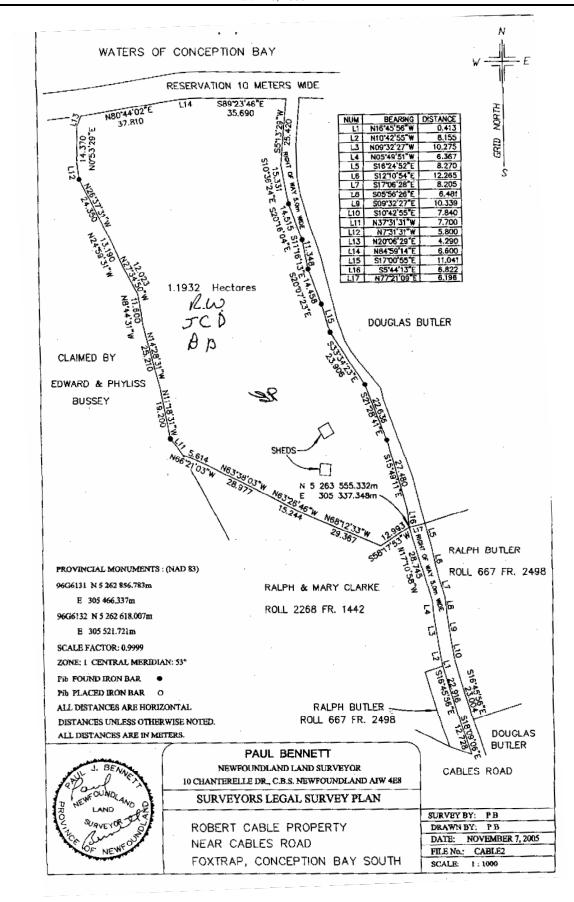
Notice is hereby given to all parties that Lorraine Porter, as Administratrix of the Estate of Robert Cable has applied to the Supreme Court of Newfoundland and Labrador to have title to all that piece or parcel of land, more particularly described in Schedule "A" hereto attached, of which the said Lorraine Porter, as Administratrix of the Estate of Robert Cable claim to be the owner, investigated, and for a declaration that Lorraine Porter, as Administratrix of the Estate of Robert Cable is the absolute owner in fee simple in possession, and the said Lorraine Porter, as Administratrix of the Estate of Robert Cable has been ordered to publish Notice of Application as required by the above named Act.

All persons having title adverse to the said title claim by the said Lorraine Porter, as Administratrix of the Estate of Robert Cable shall file in the Registry of the Supreme Court of Newfoundland and Labrador, particulars of such adverse claim and serve the same together with an Affidavit verifying the same on the undersigned Solicitors for the Applicants on or before the 15th day of March, 2006, after which date no party having any claims 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 then be investigated in such manner as the Court may direct.

Dated in Kelligrews, in the Town of Conception Bay South, in the Province of Newfoundland and Labrador, this 1st day of March, 2006.

C.B.S. LEGAL SERVICES Solicitors for the Applicants PER: Randell L. Wellon

ADDRESS FOR SERVICE: 565 Conception Bay Highway P. O. Box 17004, Station Kelligrews Conception Bay South, NL A1X 3H1



THE NEWFOUNDLAND AND LABRADOR GAZETTE March 10, 2006

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 for a change of name, pursuant to the provisions of the *Change of Name Act, by me:*-

MELLISA MICHELLE SPURRELL

of 11 Neal Place, Mount Pearl, A1N 2L1, in the Province of Newfoundland and Labrador, as follows:

To change my name from

MELLISA MICHELLE SPURRELL to MELISSA MICHELLE MELEE

DATED this 1st day of March, 2006

MELLISA SPURRELL (Signature of Applicant)



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 81 ST. JOHN'S, FRIDAY, MARCH 10, 2006 No. 10

NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 27/06 NLR 28/06



NEWFOUNDLAND AND LABRADOR REGULATION 27/06

Hopedale Alcohol Committee Regulations under the Liquor Control Act

(Filed March6, 2006)

Under the authority of section 133 of the *Liquor Control Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, February 28, 2006.

Robert C. Thompson Clerk of the Executive Council

10. Quorum

REGULATIONS

Analysis

2.	Definitions	11.	Voting procedures
3.	Committee established	12.	Minutes of meetings
4.	Election of committee	13.	Rule-making power
5.	Qualifications of committee	14.	Mandate of committee
	members	15.	Validation of committe
6.	Term of committee		actions
7.	Resignation of member	16.	No liability
8.	Officers	17.	Financial responsibility
9.	Meetings		

Short title

1. These regulations may be cited as the *Hopedale Alcohol Committee Regulations*.

The Newfoundland and Labrador Gazette

1. Short title

129

March 10, 2006

2. In these regulations

Definitions

- (a) "Act" means the *Liquor Control Act*;
- (b) "committee" means the Hopedale Alcohol Committee referred to in subsection 3(1);
- (c) "council" means the council of the municipality of Hopedale:
- (d) "municipality" means the town of Hopedale; and
- (e) "youth representative" means a resident of the municipality who is 16 years of age or more but under 19 years of age.

Committee established

- **3.** (1) The municipality may establish the Hopedale Alcohol Committee, the members of which shall be elected in accordance with the procedures set out in section 4.
- (2) The alcohol committee established by the municipality prior to the coming into force of these regulations shall be continued as the committee for the purposes of these regulations until an election is held under section 4.
- (3) An election to elect the committee shall be held within 12 months after the day these regulations come into force.

Election of committee

- **4.** (1) The committee shall consist of 7 members, one of which shall be a youth representative.
- (2) The members of the committee shall be elected in a general election held on a day ordered by council.
- (3) An election under subsection (2) shall be held in the same manner as an election held under the *Municipal Elections Act*, with such necessary modifications as council may require.
- (4) A candidate for youth representative shall be nominated in the same manner as any other member of the committee but shall run as a candidate for youth representative only.
 - (5) Where

- (a) no candidates are nominated; or
- (b) fewer candidates are nominated than there are members of the committee to be elected

council may appoint as many persons as are necessary to fill the vacancies.

- (6) Where a member resigns, or a vacancy on the committee otherwise arises, a person who
 - (a) was a candidate at the last election for members of the committee; and
 - (b) received the highest number of votes among the candidates who were not elected

may fill the vacancy and be a member of the committee until the next election.

- (7) Where the person referred to in subsection (6) refuses to fill the vacancy on the committee, council shall offer the place to the candidate who received the next highest number of votes among the candidates who were not elected until a candidate fills the vacancy and becomes a member of the committee until the next election.
- (8) Where a vacancy cannot be filled by the procedure set out in subsection (6) or (7), council shall, on the recommendation of the committee, appoint another person as a member of the committee.

Qualifications of committee members

- 5. (1) A person who
 - (a) is less than 19 years of age; or
 - (b) has been convicted of an offence involving alcohol under the *Criminal Code*, the Act or regulations under the Act, or another Act within the 3 years immediately preceding the election of the committee; or
 - (c) is the subject of an interdiction order under section 81 of the Act, or an order of prohibition under subsection 131(1) of the Act; or

(d) holds or is an applicant for a licence granted under the Act

is not qualified to be nominated as a candidate in an election for membership in the committee or to be appointed by council to the committee under subsection 4(5) or 4(8).

- (2) Notwithstanding paragraph (1)(a), a person seeking nomination as a youth representative shall be not less than 16 years of age and not more than 19 years of age but is otherwise subject to the requirements of subsection (1).
- (3) Where a person who has been nominated as a candidate in an election for membership in the committee, including nomination as a youth representative,
 - (a) is convicted of an offence involving alcohol under the *Criminal Code* the Act or regulations under the Act, or another Act; or
 - (b) is the subject of an interdiction order under section 81 of the Act, or an order of prohibition under subsection 131(1) of the Act; or
 - (c) applies for or is issued a licence under the Act

after being nominated but before the close of the poll, that person shall be considered to have withdrawn from the election and a vote cast in favour of that candidate shall be rejected and shall not be counted.

Term of committee

6. The term of a member of the committee shall be 2 years.

Resignation of member

- **7.** Notwithstanding section 6, a person who while serving as a member of the committee,
 - (a) is the subject of an interdiction order under section 81 of the Act, or an order of prohibition under subsection 131(1) of the Act;
 - (b) is convicted of an offence involving alcohol under the *Criminal Code*, the Act or regulations under the Act, or another Act; or
 - (c) applies for, or is issued, a licence under the Act

132

shall be considered to have resigned from the committee.

Officers

- **8.** (1) The committee shall elect from among its members a chair-person, vice-chairperson and secretary.
 - (2) The chairperson is the head of the committee and shall
 - (a) preside over the meetings of the committee;
 - (b) oversee generally the carrying out of the decisions and functions of the committee; and
 - (c) have those other powers that may be conferred on him or her by the rules of the committee made under section 13.

Meetings

- **9.** (1) The committee may convene a special meeting whenever necessary, but shall meet at least 4 times a year.
- (2) The chairperson or, where the chairperson is absent or unable to act, the vice-chairperson or secretary, may call a special meeting by giving 7 days notice, in writing, to each member of the committee, of the time, date and place of the special meeting.

Quorum

10. A quorum of the committee shall consist of 3 members.

Voting procedures

- **11.** (1) Where a quorum exists, a decision of the committee shall be made by a majority vote of the members present.
- (2) Each member of the committee shall have one vote, except the chairperson who may only vote in the event of a tie.

Minutes of meetings

12. The secretary shall keep minutes of all meetings and records of all decisions of the committee.

Rule-making power

13. The committee may make rules for its proceedings which are not inconsistent with the Act or these regulations.

Mandate of commit-

- **14.** The committee may
 - (a) provide programs to educate persons in the use of alcohol for the prevention of alcohol abuse;

- (b) establish a counselling service for persons who abuse alcohol:
- (c) promote programs for the prevention of alcohol abuse; and
- (d) provide advice to council respecting
 - (i) the issuance or renewal of a licence to sell liquor in the municipality,
 - (ii) the passing of a resolution approving the cancellation of a licence to sell liquor in the municipality, and
 - (iii) the passing of a resolution approving restrictions on or the prohibition of the possession, purchase, sale, consumption, making and transportation of liquor within the municipality

and prior to providing such advice to council, the committee may seek the views of the residents of the municipality on the matters referred to in subparagraphs (i), (ii) and (iii).

Validation of committee actions **15.** An act done by the committee shall, notwithstanding that it is subsequently discovered that there was a defect in the election, appointment or qualification of a person purporting to be a member of the committee, be considered as valid as if that defect had not existed.

No liability

- **16.** No action lies or shall be commenced against a member of the committee or of council or a person acting on behalf of the committee or council for any loss or damage suffered by a person because of anything in good faith done, authorized to be done or authorized to be omitted by any of them
 - (a) under or in the exercise of a power conferred by these regulations; or
 - (b) in the carrying out of any decision or order made under these regulations or any duty imposed by these regulations.

Financial responsibility

- 17. All costs and expenses respecting
 - (a) the election of members of the committee and procedures for filling vacancies on the committee;

- (b) the operation of the committee;
- (c) the implementation of the advice of the committee on a matter referred to in paragraph 14(d); and
- (d) the establishment of the programs and services referred to in paragraphs 14(a), (b) and (c)

shall be the sole and exclusive responsibility of the municipality.

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NEWFOUNDLAND AND LABRADOR REGULATION 28/06

Official Administrator for the Town of Seal Cove 2006 under the Municipal Affairs Act

(Filed March 6, 2006)

Under the authority of section of the 6 of the *Municipal Affairs Act*, I make the following Order.

Dated at St. John's, February 20, 2006.

Jack Byrne Minister of Municipal Affairs

ORDER

Analysis

Official administrator appointed

1. NLR 43/04 Rep.

Official administrator appointed **1.** Ms. Emily Loveless is appointed as official administrator to manage and conduct the affairs of the Town of Seal Cove, Fortune Bay until a quorum of councillors is elected or appointed.

NLR 43/04 Rep.

1. The Official Administrator for the Town of Seal Cove Order, Newfoundland and Labrador 43/04, is repealed.

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THE NEWFOUNDLAND AND LABRADOR GAZETTE March 10, 2006

Index

PART I

Change of Name Act – Applications Elections Act, 1991 – Notice Lands Act – Notice Motor Carrier Act – Notice Quieting of Titles Act – Notice			
Trustee Act – Notices Urban and Rural Planning Act – Notice			
CONT	PART	Γ II ORDINATE LEGISLATION	
Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	NL Gazette Date & Page No.
Liquor Control Act			
Hopedale Alcohol Committee Regulations	NLR 27/06	New	Mar 10/06, p. 129
Municipal Affairs Act			
Official Administrator	NLR 28/06	NLR43/04 R&S	Mar 10/06, p. 137

for the Town of Seal Cove, 2006

THE NEWFOUNDLAND AND LABRADOR GAZETTE March 10, 2006

The Newfoundland and Labrador Gazette is published from the office of Earl G. Tucker, Queen's Printer.

Copy for publication must be received before **Friday**, **4:30 p.m.**, seven days before publication, to ensure inclusion in next issue. Advertisements should be typewritten or printed legibly, separate from covering letter. Number of insertions required must be stated and the names of all signing officers typewritten or printed.

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STATUTES OF NEWFOUNDLAND AND LABRADOR

Second Session, 45th General Assembly 54 & 55 Elizabeth II, 2005 & 2006

Bill	Act	Chapter
	STATUTES OF NEWFOUNDLAND AND LABRADOR 2005	
	Second Session, 45 th General Assembly 54 Elizabeth II, 2005	
2	Interim Supply Act, 2005 (In force April 1, 2005)	1
3	Supplementary Supply Act, 2004-2005	2
	(ASSENTED TO MARCH 24, 2005)	
4	Supply Act, 2005	3
25	Supplementary Supply Act, 2004-2005 No. 2	4
5	Tobacco Tax (Amendment) Act (In force March 22, 2005)	5
14	Loan and Guarantee (Amendment) Act, 1957	6
12	Investment Contracts (Repeal) Act	7
6	Literacy Development Council (Repeal) Act (To be proclaimed)	8
15	City of Corner Brook (Amendment) Act, City of Mount Pearl (Amendment) Act, Municipalities (Amendment) Act, 1999 and St. John's Assessment (Amendment) Act	9
8	Income Tax (Amendment) Act, 2000 (S.6 in force January 1, 2001 and Ss. 1 - 5 & 7 - 19 in force January 1, 2004)	10

Bill	Act	Chapter
9	Public Service Pensions (Amendment) Act, 1991, Teachers' Pensions (Amendment) Act and Uniformed Services Pensions (Amendment) Act, 1991	11
* 1	Municipal Elections (Amendment) Act	12
11	Financial Services Appeal Board Act	F-9.1
10	Services Charges (Amendment) Act (In force November 1, 2005)	13
17	Rooms Act	R-15.1
13	Wild Life (Amendment) Act	14
7	Executive Council (Amendment) Act	15
18	Liquor Corporation (Amendment) Act	16
22	Natural Products Marketing (Amendment) Act and Farm Practices Protection (Amendment) Act	17
28	Labrador Inuit Land Claims Agreement (Amendment) Act (In force when SNL2004 cL-3.1 is proclaimed)	18
31	Canada-Newfoundland And Labrador At- lantic Accord Implementation New- foundland and Labrador (Amendment) Act (In force when SNL2004 cL-3.1 is proclaimed)	19
30	Law Society (Amendment) Act, 1999	20
29	Municipalities (Amendment) Act, 1999 and Municipal Elections (Amendment) Act (Ss. 1, 3 and 4 in force January 1, 2006)	21
27	Insurance Companies (Amendment) Act	22
19	Aquaculture (Amendment) Act	23
21	Medical Act, 2005 (In force July 1, 2005)	M-4.01

Bill	Act	Chapter
23	Local Authority Guarantee Act, 2005 (In force June 9, 2004)	L-24.2
34	Victims of Crime Services (Amendment) Act (To be proclaimed)	24
33	Highway Traffic (Amendment) Act and Pro- vincial Offences (Amendment) Act	25
16	Management of Information Act	M-1.01
37	City of Corner Brook (Amendment) Act, City of Mount Pearl (Amendment) Act and City of St. John's (Amendment) Act	26
35	Buildings Accessibility (Amendment) Act	27
39	Public Service Collective Bargaining (Amendment) Act	28
* 26	Automobile Insurance (Amendment) Act (In force July 1, 2005)	29
38	Lobbyist Registration (Amendment) Act (In force when SNL2004 cL-24.1 is pro- claimed)	30
36	Motorized Snow Vehicles and All-Terrain Vehicles (Amendment) Act	31
* 20	Smoke-Free Environment Act, 2005 (To be proclaimed)	S-16.2
	(ASSENTED TO MAY 19, 2005)	
41	Fishery Products International Limited (Amendment) Act (To be proclaimed)	32
	(ASSENTED TO JUNE 24, 2005)	
68	Supplementary Supply Act, 2005-2006	33
69	Supplementary Supply Act, 2005-2006 No. 2	34
46	Financial Administration (Amendment) Act	35

Bill	Act	Chapter	
47	Municipal Financing Corporation (Amend- ment) Act	36	
49	Insurance Companies Tax (Amendment) Act	37	
40	Teachers' Pensions (Amendment) Act	38	
44	Provincial Court (Amendment) Act, 1991	39	
* 24	Members of the House of Assembly Retiring Allowances Act (Ss.9, 10 & 11 in force Jan. 1, 1992)	M-6.1	
* 32	Forestry (Amendment) Act	40	
51	Dietitians Act	D-23.1	
52	Dispensing Opticians Act, 2005	D-25.1	
53	Hearing Aid Practitioners Act	H-2.01	
54	Licensed Practical Nurses Act, 2005	L-12.1	
55	Massage Therapy Act, 2005	M-1.2	
56	Occupational Therapists Act, 2005	O-4.1	
57	Psychologists Act, 2005	P-34.1	
58	Optometry (Amendment) Act, 2004	41	
59	Pharmacy (Amendment) Act	42	
50	Family Violence Protection Act (In force July 1, 2006)	F-3.1	
45	Workplace Health, Safety and Compensation (Amendment) Act (In force April 1, 2006)	43	
60	Denturists Act, 2005	D-7.1	
48	Income Tax (Amendment) Act, 2000 No. 2	44	

Bill	Act	Chapter
42	Pippy Park Commission (Amendment) Act (S.9 in force when SNL2004 cT-8.1 is proclaimed)	45
61	Highway Traffic (Amendment) Act	46
67	Public Service Commission (Amendment) Act	47
70	Order of Newfoundland and Labrador (Amendment) Act	48
72	Fish Inspection (Amendment) Act	49
66	Tobacco Health Care Costs Recovery (Amendment) Act	50
63	Memorial University Pensions (Amendment) Act	51
43	Electoral Boundaries (Amendment) Act	52
65	City of St. John's (Amendment) Act	53
62	Loan and Guarantee (Amendment) Act, 1957 No. 2	54
	(ASSENTED TO DECEMBER 13, 2005)	
	STATUTES OF NEWFOUNDLAND AND LABRADOR 2006	
	Second Session, 45 th General Assembly 55 Elizabeth II, 2006	
73	Fishing Industry Collective Bargaining	1

In researching the law readers should note that the following Statutes of Newfoundland and Labrador include amendments to other Statutes as listed below:

(ASSENTED TO FEBRUARY 24, 2006)

(Amendment) Act

^{*} Bills amended in Committee of the Whole House.

Chapter D-7.1	Denturists Act, 2005 Denturists Act (Repealed)
Chapter D-23.1	Dietitians Act Dieticians Act (Repealed)
Chapter D-25.1	Dispensing Opticians Act, 2005 Dispensing Options Act (Repealed)
Chapter F-9.1	Financial Services Appeal Board Act Insurance Adjusters, Agents and Brokers Act Mortgage Brokers Act Real Estate Trading Act Securities Act
Chapter H-2.01	Hearing Aid Practitioners Act Hearing Aid Dealers Act (Repealed)
Chapter L-12.1	<u>Licensed Practical Nurses Act, 2005</u> Licensed Practical Nurses Act (Repealed)
Chapter L-24.2	Local Authority Guarantee Act, 2005 - (In force June 9, 2004) Local Authority Guarantee Act, 1957 (Repealed)
Chapter M-1.01	Management of Information Act Archives Act (Repealed)
Chapter M-1.2	Massage Therapy Act, 2005 Massage Therapy Act (Repealed)
Chapter M-4.01	Medical Act, 2005 - (In force July 1, 2005) Medical Act (Repealed)
Chapter M-6.1	Members of the House of Assembly Retiring Allowances Act (Ss.9, 10 & 11 in force Jan. 1, 1992) House of Assembly Act Pensions Funding Act Members of the House of Assembly Pensions Act (Repealed)
Chapter O-4.1	Occupational Therapists Act, 2005 Occupational Therapists Act (Repealed)
Chapter P-34.1	Psychologists Act, 2005 Psychologists Act (Repealed)
Chapter R-15.1	Rooms Act Historic Resources Act
Chapter S-16.2	<u>Smoke-Free Environment Act, 2005</u> - (To be proclaimed)

Liquor Control Act Smoke-free Environment Act (Repealed)

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

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