

Daily sitting 20

Friday, February 20, 2015

9 o'clock a.m.

Prayers.

Mr. Northrup, Member for Sussex-Fundy-St. Martins, laid upon the table of the House a petition urging the government to keep the abortion related provisions of regulations 84-20 in place and continue the two doctor rule. (Petition 20)

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The following Bills were introduced and read a first time:

By Hon. Mr. Melanson,

Bill 14, *An Act Respecting Responsible Governance*.

By Mr. Wetmore,

Bill 15, *An Act to Amend the Workers' Compensation Act*.

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Hon. Mr. Fraser gave notice that on Tuesday, March 10, 2015, Bill 14 would be called for second reading.

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On motion of Hon. Mr. Fraser, seconded by Mr. Albert:

RESOLVED, that when the Assembly adjourns at the end of this sitting day, it stand adjourned until Tuesday, March 10, 2015, at 1:00 p.m.

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Hon. Mr. Fraser, Acting Government House Leader, announced that it was the intention of government that the House take into consideration Motions 18 and 7.

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Ms. Dubé rose on a point of order and submitted that, given the fundamental nature of the Standing Rules of the House, Motion 18 should not be allowed to proceed, as it would limit the debate on the proposed amendments to the Standing Rules. She further submitted that the Standing Rules should not be amended by a government majority vote after a limited debate, but rather by consensus, after all parties in the House have been consulted. Hon. Mr. Fraser spoke on the point of order and submitted that the government followed the established practice required to amend the Standing Rules and that the time allocation motion should be allowed to proceed.

At 11 o'clock a.m., Mr. Speaker declared a recess and left the chair.

11.52 a.m.

Mr. Speaker resumed the chair and delivered the following ruling:

## STATEMENT BY SPEAKER

Honourable Members,

I wish to now rule on the point of order raised by the Opposition House Leader. Specifically, the Member submitted that the Standing Rules of the Legislative Assembly are fundamental to its operations. They ensure the rights of all parties, whether they be the majority or the minority, are protected and respected. The Member submitted that the process that the House has followed to amend the rules, and the possibility that a time allocation motion may be adopted to limit further debate, is not in order and I, as Speaker, should not permit the time allocation motion to proceed.

The Deputy Government House Leader also spoke on the point of order, and submitted that the proper process has been followed and that it is now within the government's prerogative to introduce a motion to limit further debate.

The Honourable Opposition House Leader referred to Standing Rule 15 which states as follows:

“Whenever the Speaker is of the opinion that a motion offered to the House is contrary to the rules or privileges of the Legislature, the Speaker shall apprise the House thereof immediately, and may reserve any decision and subsequently state the reasons therefor, before putting the question.”

I am familiar with the provisions of this Standing Rule. With respect to the proceedings in this House relating to the proposed implementation of certain changes to the Standing Rules, I have not been of the opinion that any motion offered to the House is contrary to the rules or privileges of the Legislature.

There is indeed a long-established process that has been followed in this House with respect to putting forward, considering and perhaps implementing changes to the Standing Rules.

First, such proposed changes should emanate from the Standing Committee on Procedure.

This is outlined in Rule 92 which states:

“All Standing Rules and practices of the House, together with any matter referred by the Speaker, stand permanently referred to the Committee on Procedure.”

This practice was indeed followed in this instance. To my understanding, there were two separate meetings of this committee to consider the proposed rule changes.

Secondly, the Procedure Committee must present these proposed rule changes in a report to the House, clearly outlining the specific wording of the changes to be considered.

Thirdly, there must be a motion of concurrence in the recommendations contained in the committee report. Such a motion of concurrence was brought forward in Motion 7. Indeed, there must also be debate on this motion following the ordinary rules of debate as followed in this House.

With respect to Motion 7, there was, I believe, five separate days to-date on which this motion was debated and considered by the House, encompassing over eight hours of debate. Various Members from all three sides spoke on the motion.

With respect to the amount of time to be spent considering the motion of concurrence, a time allocation motion was introduced by a government Member. As noted by the Honourable Opposition House Leader, there is ample precedent in this House, and many other Legislatures, with respect to the use of time allocation motions.

It is not the duty of the Speaker to substitute my opinion as to how much time should be considered sufficient to consider Motion 7. A time allocation motion was put forward to facilitate the efficient conduct of debate and, as noted, this has been an accepted practice in this House for some time. I should also note that time allocation motions have also been used in other jurisdictions, specifically Ontario, to amend their Standing Rules when consensus could not be reached.

Accordingly, I find that the practices that have been followed in the past with respect to implementing proposed changes to the Standing Rules have been followed. Further, I do not find that any specific Standing Rule has been infringed in putting forward and considering the proposed changes.

Therefore, I will permit the Member for Restigouche-Chaleur to move his motion.

Pursuant to Notice of Motion 18, Mr. Guitard moved, seconded by Mr. Bertrand LeBlanc:

THAT, notwithstanding the Standing Rules of the Assembly, following the adoption of this motion, there shall be three days of debate remaining for the consideration of Motion 7 to concur in the recommendations contained in the First Report of the Standing Committee on Procedure, and any amendments thereto, which shall include the days spent considering Motion 7 from February 17, 2015, and onward, and, at the expiration of the said three days, unless sooner concluded, the Speaker shall interrupt the proceedings and put every question necessary to dispose of Motion 7 and any amendments thereto, which shall be decided without further amendment or debate.

And the question being put, a debate ensued.

And after some time, due to the unavoidable absence of Mr. Speaker, Ms. Harris, the Deputy Speaker, took the chair as Acting Speaker.

Ms. Dubé rose on a point of order and submitted that Hon. Mr. Fraser was not debating the subject matter of Motion 18. Madam Deputy Speaker ruled the point well taken.

And after some time, Mr. Speaker resumed the chair.

And the debate being ended, and the question being put, Motion 18 was resolved in the affirmative on the following recorded division:

YEAS - 25

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|---------------------|----------------------|-------------|
| Hon. Mr. Boudreau   | Hon. Ms. Rogers      | Mr. Bourque |
| Hon. Mr. Melanson   | Hon. Mr. Fraser      | Mr. Harvey  |
| Hon. Mr. Gallant    | Hon. Ms. Landry      | Mr. Guitard |
| Mr. Albert          | Hon. Mr. Kenny       | Mr. Roussel |
| Hon. Mr. Horsman    | Hon. Mr. Rousselle   | Mr. Ames    |
| Hon. Mr. Arseneault | Mr. Bertrand LeBlanc | Ms. Harris  |
| Hon. Mr. Doucet     | Mr. Chiasson         | Mr. LePage  |
| Hon. Mr. Doherty    | Ms. LeBlanc          |             |
| Hon. Mr. Landry     | Mr. Bernard LeBlanc  |             |

## NAYS - 23

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|---------------|---------------|---------------|
| Mr. Holder    | Mr. Coon      | Mr. Wetmore   |
| Mr. Jody Carr | Ms. Lynch     | Mr. Crossman  |
| Mr. Fitch     | Mr. Macdonald | Mr. Keirstead |
| Ms. Dubé      | Mr. Stewart   | Mr. Steeves   |
| Mr. MacDonald | Mr. Savoie    | Mr. Jeff Carr |
| Mr. Northrup  | Ms. Wilson    | Mr. Oliver    |
| Mr. Higgs     | Mr. Flemming  | Mr. Urquhart  |
| Ms. Shephard  | Mr. Alward    |               |

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And then, 2 o'clock p.m., the House adjourned.