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**No. 19**

*Wednesday, March 20, 1996.*

8.30 oclock a.m.

Prayers.

**Notices of Motions**

Mr. D. Graham gave Notice of Motion 30 that on Tuesday, March 26, 1996 he would move the following resolution, seconded by Mr. Volpé:

WHEREAS, Video Lottery Owner/Operators have received more than \$22 million a year in 1993/94 and 1994/95, according to the Report of the Auditor General, fiscal year ending 31 March 1995, for their role in video gambling; and

WHEREAS, the government has found it necessary to introduce program and funding reductions in the Department of Health and Community Services;

BE IT RESOLVED that this Assembly recommend that the provincial government consider changes to the *Lotteries Act* and its regulations in order to eliminate the possibility of entering into agreements with Video Lottery Owner/Operators and consider redirecting any moneys being now paid to he Owner/Operators under the video lottery scheme into the New Brunswick Health Care System.

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**Government Motions re Business of House**

Hon. Mr. Frenette rose and announced the governments intention to proceed with consideration of Bill 23, *An Act to Amend the Schools Act*, in Committee of the Whole; and thence, to consideration of the estimates of the Department of Education in Committee of Supply. Continuing, the Government House Leader requested and leave was granted to vary the hours of this days sitting, adjusting the noon hour recess from 12.00 oclock to 1.30 oclock p.m.

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**Speaker's Ruling**

Mr. Speaker delivered his reserved decision on the admissibility of the proposed amendment to the motion for second reading of Bill 27, *An Act Respecting the New Brunswick Extra-Mural Hospital / Hôpital extra-mural du Nouveau-Brunswick*, moved by Hon. Mr. Frenette:

**AMENDMENT**

THAT Bill 27, *An Act Respecting the New Brunswick Extra-Mural Hospital / Hôpital extra-mural du Nouveau-Brunswick* be not now read a second time but that it be read a second time on Friday, March 22nd, 1996.

Honourable Members:

Yesterday several points of order were raised from each side of the House with reference to the amendment proposed by the honourable Government House Leader to the motion for second reading of Bill 27, *An Act Respecting the New Brunswick Extra-Mural Hospital/Hôpital extra-mural du Nouveau-Brunswick*. The amendment proposed that the said Bill be not read a second time but that it be read a second time at Fridays sitting of the House.

Initially, I accepted the amendment and allowed debate to proceed. During the debate, several points of order were raised questioning whether the said amendment was permissible at the second reading stage of a Bill. Particular reference was also made to the requirements of Standing Rule 42(2) as

another basis for the objection. After hearing the comments of various honourable members, I recorded my decision.

I have had an opportunity to review the Standing Rules and practices of this House, the parliamentary authorities, and to consult with colleagues in other jurisdictions.

In the many jurisdictions that were consulted, Government Public Bills that have been ordered for second reading are placed on the Order and Notice Paper for second reading and may be called for second reading in such sequence and at such time as the Government may think fit. This is not the practice in this Assembly and in this we seem to be unique.

In New Brunswick, under Standing Rule 42(2), a Public Bill that has been read a first time stands ordered for second reading at the next sitting of the House. The order for second reading is placed as the first item of business under the Orders of the Day.

Prior to the new Rules being adopted in 1985, the third and second reading of Bills were, by the rules of the House then in existence, given priority over all other business coming immediately after Prayers.

Although our new Rules are silent on this issue, since 1985, it has been the practice in this House to continue to give priority to Public Bills that have been ordered for third and second reading. Bills that have been ordered for third or second reading appear daily on the Order Paper as the first order of business under the Orders of the Day. Such orders are called automatically by the Speaker.

However, an order for second reading cannot bind the House to give the Bill second reading after the Order has been called and read by the Speaker. It is perfectly in order for a Member to introduce one of a number of amendments to the second reading motion.

I refer all Honourable Members to Citations 666, 667 and 668 of *Beauchesnes Parliamentary Rules & Forms, 6th Edition* at page 200 which sets out the three kinds of amendments that are possible at the second reading stage of a Bill. They are:

**666.** There are three types of amendments that may be proposed at the second reading stage of a bill. These are:

(a) the hoist (eg. three months, six months).

(b) the reasoned amendment; and

(c) the discharge of the order for second reading and the referral of the subject-matter to a committee.

Upon further reflection, it is clear that the amendment proposed by the honourable Government House Leader was not intended as a hoist amendment. The amendment proposes to postpone second reading of Bill 27 until Friday's sitting of the House. It does not appear to fall within the scope of amendments contemplated at the second reading stage as outlined. I am reluctant, therefore to allow the House to proceed with the amendment as doing so would establish an undesirable precedent. For these reasons, and having regard to the practice of this House, I rule the amendment proposed by the honourable the Government House Leader out of order.

Hon. Mr. King then moved the adjournment of the debate on the motion that Bill 27, *An Act Respecting the New Brunswick Extra-Mural Hospital / Hôpital extra-mural du Nouveau-Brunswick* be now read a second time.

Mr. Speaker put the question and it was carried on the following recorded division:

YEAS - 37

Hon. Mr. Duffie Hon. Mr. Savoie Mr. Johnson

Hon. Mr. Blanchard Mrs. Jarrett Mr. Kavanaugh

Hon. Mr. Frenette Mr. McAdam Mr. Olmstead

Hon. Mr. Graham Hon. Mr. MacIntyre Mr. Flynn

Hon. Mr. Lee Hon. Mr. Richard Mr. DeGrâce

Hon. Mr. King Hon. Mrs. Day Mr. MacDonald

Hon. Mr. Blaney Mr. Allaby Mr. Byrne

Mr. McKay Mr. Steeves Mr. MacLeod

Hon. B. Thériault Mr. Wilson Mr. Doyle

Hon. C. Thériault Mr. LeBlanc Mr. D. Landry

Hon. Mr. Tyler Mr. Jamieson Mr. Armstrong

Hon. Mr. Smith Mr. A. Landry Mrs. Kingston

Hon. Mrs. Trenholme

NAYS - 6

Mr. Sherwood Hon. Mr. Valcourt Mr. Volpé

Mr. Robichaud Mr. Mockler Mr. D. Graham

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## Second Reading

The following Bills were read the second time and ordered referred to the Committee of the Whole House:

Bill 30, *An Act to Amend the Police Act*.

Bill 31, *Statute Law Amendment Act 1996*.

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Debate resumed on the proposed amendment to the motion for second reading of Bill 28, *An Act to Amend the Vital Statistics Act*, moved by Hon. Mr. Valcourt, seconded by Mr. Mockler, as follows:

### AMENDMENT

THAT Bill 28, *An Act to Amend the Vital Statistics Act*, not be read a second time but that it be referred to the Law Amendments Committee for further study and consultation.

And the debate being ended and the question being put on the proposed amendment, the Honourable the Government House Leader rose to speak in debate.

Hon. Mr. Valcourt rose on a point of order, his point of order being that it was his understanding of the rules, that debate is not allowed after the question is put by the Chair,

Mr. Speaker ruled the point of order well taken.

Mr. Speaker again put the question on the proposed amendment to the motion for second reading of Bill 28 and it was negatived on the following recorded division:

YEAS - 6

Mr. Sherwood Hon. Mr. Valcourt Mr. Volpé

Mr. Robichaud Mr. Mockler Mr. D. Graham

NAYS - 32

Hon. Mr. Duffie Hon. Mr. Richard Mr. Kavanaugh

Hon. Mr. Frenette Hon. Mrs. Day Mr. Olmstead

Hon. Mr. Lee Mr. Allaby Mr. Flynn

Hon. Mr. Blaney Mr. Steeves Mr. MacDonald

Mr. McKay Mr. Wilson Mr. MacLeod

Hon. Mr. B. Thériault Mr. LeBlanc Mr. Doyle

Hon. Mr. Smith Mr. Jamieson Mr. D. Landry

Hon. Mrs. Trenholme Mr. A. Landry Mr. Armstrong

Mrs. Jarrett Mr. Johnson Mr. Devereux

Mr. McAdam Ms. de Ste. Croix Mrs. Kingston

Hon. Mr. MacIntyre

Accordingly, Bill 28, *An Act to Amend the Vital Statistics Act*, was read a second time and ordered referred to the Committee of the Whole House.

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### **Committee of Whole**

The House resolved itself into a Committee of the Whole with Mr. MacDonald in the chair.

During deliberations, Mr. Chairman noted the presence in the Gallery of Mr. Omer Léger, a Progressive Conservative Member of the Legislative Assembly for Kent County from 1971 to 1974 and for Kent South from 1974 to 1987.

Unanimous consent having been previously granted to vary the hours of sitting, Mr. Chairman declared it to be 12.00 o'clock, p.m. and left the chair, to resume again at 1.30 o'clock p.m.

*1.30 o'clock p.m.*

Mr. Chairman resumed the chair.

And after some further time spent in Committee of the Whole, Mr. Speaker resumed the chair and Mr. MacDonald, the Chairman, after requesting that Mr. Speaker revert to the order of Presentations of Committee Reports, reported:

That the Committee had directed him to report the following Bill as agreed to:

Bill 23, *An Act to Amend the Schools Act*.

And the Committee asked leave to make a further report.

Pursuant to Standing Rule 78.1, Mr. Speaker then put the question on the motion deemed to be before the House, that the report be concurred in, and it was resolved in the affirmative on the following recorded division:

YEAS - 34

Hon. Mr. Duffie Mr. Kennedy Mr. Kavanaugh

Hon. Mr. Frenette Hon. Mr. Richard Mr. Olmstead

Hon. Mr. Graham Hon. Mrs. Day Mr. Flynn

Hon. Mrs. Barry Mr. Allaby Mr. DeGrâce

Mr. McKay Mr. Steeves Mr. MacDonald

Hon. B. Thériault Mr. Wilson Mr. Byrne

Hon. C. Thériault Mr. LeBlanc Mr. MacLeod

Hon. Mr. Tyler Mr. Jamieson Mr. Doyle

Hon. Mr. Smith Mr. A. Landry Mr. D. Landry

Hon. Mrs. Trenholme Mr. Johnson Mr. Armstrong

Hon. Mr. Savoie Ms. de Ste. Croix Mr. Devereux

Mr. McAdam

NAYS - 7

Mr. Sherwood Mr. Mockler Mr. Volpé

Mr. Robichaud Ms. Weir Mr. D. Graham

Hon. Mr. Valcourt

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### **Committee of Supply**

The House according to Order, resolved itself into a Committee of Supply with Mr. MacDonald in the chair.

And after some time spent therein, Mr. Chairman declared it to be 6 o'clock p.m. and left the chair, to resume again at 8 o'clock p.m.

*8 o'clock p.m.*

Mr. Chairman resumed the chair.

And after some further time spent in Committee of Supply, Mr. Speaker resumed the chair and Mr. MacDonald, the Chairman, after requesting that Mr. Speaker revert to Presentations of Committee Reports, reported that the Committee had had under consideration the matters referred to them, had made some progress therein, and asked leave to sit again.

Pursuant to Standing Rule 78.1, Mr. Speaker then put the question on the motion deemed to be before the House, that the report be concurred in, and it was resolved in the affirmative.

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And then, 10.57 o'clock p.m. the House adjourned.

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The following documents, having been deposited with the Clerk of the House, were deemed laid before the Table of the House pursuant to Standing Rule 39:

*Annual Report Human Rights Commission 94-95* March 5, 1996

*Annual Report Environment 94-95* March 7, 1996

*Annual Report Economic Development*

*and Tourism 94-95*

March 15, 1996

*Annual Report Provincial Holdings Ltd. 94-95* March 15, 1996