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No. 33

Wednesday, April 17, 1996.

8.30 o'clock a.m.

Prayers.

Documents Tabled

Hon. Mr. Doucet laid upon the Table of the House a document entitled New Brunswick Power Corporation Business Plan 1996 - 2001.

Speaker's Ruling

Mr. Speaker delivered his decision on the Point of Order raised by Hon. Mr. Valcourt:

Honourable Members, perhaps this would be an appropriate time for me to respond to the Point of Order raised by the Honourable Leader of the Opposition last Thursday. During debate on the Second Reading stage of a Bill, the Honourable Leader informed the House that he had received a note from another Member, a note which he read into the record and which referred to the Leader of the Opposition in an unparliamentary manner. The Honourable Leader took offence to the comment contained in the note and submitted that the sending of this type of message on the floor of the Chamber was an abuse of the rules and privileges of this House.

I have examined the note in question and I agree with the Honourable Leader of the Opposition that the contents of the note are objectionable. As Speaker, I have a responsibility to ensure that a proper level of decorum and behaviour is maintained in this Chamber. A remark of this nature made through a written note is offensive, not only to the Member to whom it is directed, but also to the Members of this House collectively, upon whom it reflects. The fact that the words were not spoken in debate makes it no less offensive.

It is unfortunate that Members find it necessary to communicate with one another in such a manner. I find it especially disturbing that one of the Pages was asked to deliver the message in question. I believe this is an abuse of the services provided to the Members in this Chamber. I urge all Honourable Members to treat their colleagues with dignity and respect at all times.

During Oral Questions Mr. Speaker noted that the Members were taking advantage of the latitude that he had allowed during Question Period and that lengthy preambles were leading to debate and confrontations. He asked that the rules respecting Question Period be respected.

Notices of Motions

Hon. Mr. Valcourt gave Notice of Motion 39 that on Tuesday, April 23, 1996 he would move the following resolution, seconded by Mr. Sherwood:

WHEREAS New Brunswickers have recently been made aware of troubling facts with regard to our corrections system in New Brunswick;

BE IT RESOLVED THAT this Assembly ask the Lieutenant-Governor in Council to consider causing a commission to issue under the Great Seal to one or more persons to hold an inquiry into and concerning the treatment of inmates in New Brunswick jails.

Points of Order

Hon. Mr. Valcourt raised a Point of Order regarding two Bills, namely Bills 85 and 86 standing on the Order and Notice Paper for Second Reading. Hon. Mr. Valcourt quoted Standing Rule 42(2):

42(2) When a Public Bill is read a first time it stands ordered for second reading at the next sitting of the House but a Bill shall not be read the second time until the Bill has been printed and copies thereof have been deposited with the Clerk and have been distributed to each Member.

He stated that these Bills were introduced at 10.57 p.m. the previous sitting day, that copies were not available to Members, and that therefore it was a violation of the rules of the House for Members to be asked to consider the Bills at Second Reading when the conditions of the Standing Rules had not been met.

Hon. Mr. Frenette, in speaking to the Point of Order, noted that the subject Bills were on Members' desks prior to the start of the morning sitting. The Honourable Government House Leader suggested that Second Reading of Bills could take place at a later time during the sitting, a time which could be set and agreed upon.

Mr. Speaker stated that the Members had raised valid concerns that could be accommodated by postponing Second Reading of the Bills until 3 o'clock p.m.

It was agreed by unanimous consent to postpone second reading of Bills standing on the day's Order and Notice Paper until 3 o'clock p.m.

Hon. Mr. Valcourt rose on a Point of Order, his Point of Order being that the rules relating to routine proceedings were being ignored, that Members were frequently asking the Speaker to revert and that this was not conducive to an efficient House and did not permit Members to do their job.

He added that the order of the daily routine of business in the House is provided for in the Standing Rules and that it is not in keeping with the intent and spirit of the Rules to regularly revert back to items of routine business during the course of the day.

Hon. Mr. Frenette spoke on the Point of Order and submitted that the rules of the House do provide for reverting back to items of routine business and that this is a common procedure followed in all parliamentary systems.

Mr. Speaker acknowledged the importance of the matters raised and agreed they should be looked at more closely. Accordingly, the Speaker referred the matter to the Standing Committee on Procedure.

Ms. Weir expressed concern regarding the amount of legislation being introduced at one time in the House and asked that the matter be placed on the agenda of the Committee on Procedure.

Government Motions re Business of House

Hon. Mr. Frenette rose and announced that it was the intention of government to resolve itself into a Committee of Supply to consider estimates and that at 3 o'clock p.m., as agreed, the House would proceed with second reading of Bills.

Committee of Supply

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

At 11.03 o'clock a.m., the Chairman declared a recess.

11.12 o'clock a.m.

The Committee resumed with Mr. O'Donnell in the Chair.

And after some time, it was agreed by unanimous consent that the written speeches of Hon. Mr. MacIntyre and Hon. Mrs. Day be tabled and be deemed to have been read into the record.

And after some further time, the Chairman declared it to be 12.30 o'clock p.m. and left the Chair, to resume again at 2 o'clock p.m.

2 o'clock p.m.

The Committee resumed with Mr. O'Donnell in the Chair.

And after some time Mr. MacDonald took the Chair.

And after some further time, Mr. O'Donnell resumed the Chair.

And after some further time spent in Committee of Supply, Mr. Speaker resumed the Chair and Mr. O'Donnell, the Chairman, after requesting that Mr. Speaker revert to Presentations of Committee Reports, reported that the Committee had made some progress in the consideration of the matters referred to them, had passed several items and asked leave to sit again.

Pursuant to Standing Rule 78.1, Mr. Speaker 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.

The following are the items reported:

MAIN ESTIMATES - ORDINARY ACCOUNT

1996 - 1997

DEPARTMENT OF INTERGOVERNMENTAL

AND ABORIGINAL AFFAIRS

Resolved, That there be granted to Her Majesty a sum not exceeding \$1,203,200 to defray the expenses of the Ordinary Account program allocations of the Department of Intergovernmental Affairs for the fiscal year ending the 31st day of March, 1997.

GENERAL GOVERNMENT

Voted, Supply in the following amounts to defray the expenses of the following programs:

32 29 Intergovernmental Conferences 28,400

32 30 Council of Maritime Premiers 920,000

LEGISLATIVE ASSEMBLY

Voted, Supply in the following amounts to defray the expenses of the following programs:

52 03 Auditor General 1,521,000

52 07 Office of the Ombudsman 586,200

52 08 Supervisor of Political Financing 818,000

WORKING CAPITAL - MAXIMUM BALANCES

1996 - 1997

Voted

INVENTORIES

Legislative Assembly 25,000

SUPPLEMENTARY ESTIMATES 1995 - 1996

VOLUME II

ORDINARY ACCOUNT

Voted, Supply in the following amounts to defray the expenses of the following program:

DEPARTMENT OF TRANSPORTATION

40 04 Winter Maintenance 6,500,000

SUPPLEMENTARY CAPITAL ESTIMATES 1994 - 1995

VOLUME II

CAPITAL ACCOUNT

Voted, Supply in the following amounts to defray the expenses of the following programs:

DEPARTMENT OF MUNICIPALITIES, CULTURE AND HOUSING

55 50 Housing 143,580.36

55 53 Flood Damage 726,000.00

DEPARTMENT OF SUPPLY AND SERVICES

77 50 Design and Construction of Provincial Buildings 7,837,068.36

DEPARTMENT OF TRANSPORTATION

40 50 Permanent Bridges 1,342,304.20

40 53 National and Arterial Highways 73,909.24

40 57 Strategic Highway Improvement Program 453,232.79

SUPPLEMENTARY ESTIMATES 1994 - 1995

VOLUME II

ORDINARY ACCOUNT

Voted, Supply in the following amounts to defray the expenses of the following programs:

DEPARTMENT OF ADVANCED EDUCATION AND LABOUR

61 02 Government Funded Training 0

61 15 Employment Development 0

DEPARTMENT OF ECONOMIC DEVELOPMENT

AND TOURISM

17 06 Finance, Infrastructure and Policy 2,603,024.36

DEPARTMENT OF FINANCE

25 06 Provision for Losses 2,284,771.66

DEPARTMENT OF INCOME ASSISTANCE

76 01 Corporate Services 1,757,302.21

76 02 Income Security 4,325,240.39

MARITIME PROVINCES

HIGHER EDUCATION COMMISSION

53 02 Assistance to Universities 438,872.69

MUNICIPALITIES, CULTURE AND HOUSING

55 05 Housing and Public Safety Services 464,882.73

DEPARTMENT OF NATURAL RESOURCES

AND ENERGY

60 02 Fish and Wildlife Management 0

REGIONAL DEVELOPMENT CORPORATION

14 20 Development Projects and Operations 2,484,476.97

DEPARTMENT OF SOLICITOR GENERAL

78 02 Correctional Services 4,112,367.79

DEPARTMENT OF TRANSPORTATION

The said items were concurred in by the House.

Bills Introduced

Hon. Mr. Frenette requested Mr. Speaker to revert to Introduction of Bills.

The following Bills were then introduced and read a first time:

By Hon. Frenette on behalf of Hon. Mr. Blanchard,

Bill 87, *Supplementary Capital Appropriations Act 1994 - 95 (2)*.

Bill 88, *Supplementary Appropriations Act 1994 - 95 (2)*.

Bill 89, *Supplementary Appropriations Act 1995 - 96 (2)*.

Ordered that the said Bills be read a second time at the next sitting.

Government Motions re Business of House

Hon. Mr. Frenette requested Mr. Speaker revert to Government Motions for the Ordering of the Business of the House and announced the intention of government, as agreed to earlier, to proceed to second reading of Bills, as well as resuming the adjourned debate on the motion for second reading of Bill 27.

Second Reading

The Order being read for second reading of Bill 84, *An Act Respecting Sexual Abuse of Patients by Health Professionals*, a debate arose thereon.

And after some time, Hon. Mr. Valcourt moved the following amendment:

AMENDMENT

THAT the title of Bill 84, *An Act Respecting Sexual Abuse of Patients by Health Professionals*, be amended by inserting, between the words "by" and "Health", the word "Certain".

Hon. Mr. Frenette rose on a Point of Order, suggesting that the amendment may not be permissible at the second reading stage of a Bill.

Mr. Speaker informed the House that he had reservations regarding the admissibility of the proposed amendment at this stage and would therefore hear additional arguments before making a decision.

In speaking to the Point of Order, Hon. Mr. Valcourt claimed that the title of a Bill was always amendable at the second reading stage.

Hon. Mr. Valcourt then informed the House that the provisions of Standing Rule 74 which requires that a Bill be read twice before committal or amendment had been brought to his attention.

With leave of the House, Hon. Mr. Valcourt withdrew the amendment.

And the debate being ended, and the question being put that Bill 84 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 84, *An Act Respecting Sexual Abuse of Patients by Health Professionals*, was read a second time and ordered referred to the Committee of the Whole House.

The Order being read for second reading of Bill 85, *An Act to Amend the Hospital Act*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 85 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 85, *An Act to Amend the Hospital Act*, was read a second time and ordered referred to the Committee of the Whole House.

The Order being read for second reading of Bill 86, *An Act to Repeal the New Brunswick Extra-Mural Hospital / Hôpital extra-mural du Nouveau-Brunswick Act*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 86 be now read a second time, it was resolved in the affirmative on the following recorded division:

YEAS - 24

Hon. Mr. Duffie Mrs. Jarrett Ms. de Ste. Croix

Hon. Mr. Frenette Mr. McAdam Mr. Olmstead

Mr. McKay Hon. Mr. Richard Mr. Flynn

Hon. Mrs. Breault Mr. Allaby Mr. O'Donnell

Hon. Mr. Tyler Mr. Steeves Mr. Byrne

Hon. Mr. Smith Mr. Wilson Mr. D. Landry

Hon. Mrs. Trenholme Mr. LeBlanc Mr. Armstrong

Hon. Mr. Savoie Mr. Johnson Mrs. Kingston

NAYS - 7

Mr. Sherwood Mr. Mockler Mr. Volpé

Mr. Robichaud Ms. Weir Mr. D. Graham

Hon. Mr. Valcourt

Accordingly, Bill 86, *An Act to Repeal the New Brunswick Extra-Mural Hospital / Hôpital extra-mural du Nouveau-Brunswick Act*, was read a second time and ordered referred to the Committee of the Whole House.

Second reading of Bills continued and Bill 27, *An Act Respecting the New Brunswick Extra-Mural Hospital / Hôpital extra-mural du Nouveau-Brunswick* was read a second time and ordered referred to the Committee of the Whole House.

And then, 6.06 o'clock p.m., the House adjourned.

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

Farm Products Marketing Commission

Annual Report

April 16, 1996