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**No. 34**

*Thursday, April 18, 1996.*

8.30 oclock a.m.

Prayers.

**Petition**

Mrs. Kingston, Member for New Maryland, laid upon the table of the House, a petition on behalf of New Brunswick residents whose concern is the need for government to preserve and enhance services in rural communities in order to promote a strong economic base for rural families. (Petition 7)

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Mr. Speaker advised Members to limit Members' Statements to one minute or less as prescribed in the *Standing Rules* as he will be required to intervene if Members exceed the limit.

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**Government Motions re Business of House**

Hon. Mr. Frenette announced that following Private Members' Motions, it was the intention of the government to review legislation in Committee of the Whole followed by the consideration of estimates in the Committee of Supply.

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**Second Reading**

The following Bill was read a second time and ordered referred to the Committee of the Whole House:

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

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The Order being read for second reading of Bill 88, *Supplementary Appropriations Act 1994-95 (2)*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 88 be now read a second time, it was resolved in the affirmative on the following recorded division:

YEAS - 33

Hon. Mr. Frenette Hon. Mr. Smith Mr. Jonson

Hon. Mr. Graham Hon. Mrs. Trenholme Ms. de Ste. Croix

Hon. Mr. King Mrs. Jarrett Mr. Kavanaugh

Hon. Mrs. Barry Mr. McAdam Mr. Olmstead

Mr. McKay Mr. Kennedy Mr. O'Donnell

Hon. B. Thériault Hon. Mr. Doucet Mr. MacDonald

Hon. Mrs. Breault Hon. Mr. Richard Mr. Byrne

Hon. C. Thériault Hon. Mrs. Day Mr. MacLeod

Hon. Mr. Tyler Mr. Allaby Mr. Doyle

Hon. Mrs. Mersereau Mr. LeBlanc Mr. D. Landry

Hon. Mr. Lockyer Mr. Jamieson Mrs. Kingston

NAYS - 6

Mr. Sherwood Mr. Mockler Mr. Volpé

Mr. Robichaud Ms. Weir Mr. D. Graham

Accordingly, Bill 88, *Supplementary Appropriations Act 1994-95 (2)*, was read a second time and ordered referred to the Committee of the Whole House.

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Second Reading of Bills continued, and the following Bill was read a second time and ordered referred to the Committee of the Whole House:

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

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### **Private Members' Motions**

Motion 19 by Mr. by Mr. Robichaud was, by leave of the House, stood over until Tuesday, April 23, 1996.

Motion 21 by Mr. Volpé was, by leave of the House, stood over until Tuesday, April 23, 1996.

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Pursuant to Notice of Motion 35, Hon. Mr. Valcourt moved, seconded by Mr. Robichaud:

BE IT RESOLVED THAT this Assembly ask the government to consider carrying out an in-depth study to determine the cost effectiveness of private versus public sector laboratories as they relate to our health system before allowing Hospital Corporations and the Department of Health and Community Services to pursue the MDS proposals to privatize publicly funded laboratories in New Brunswick.

And the question being put, a debate ensued.

And the debate being ended and the question being put, it was resolved in the affirmative.

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Pursuant to Notice of Motion 36, Hon. Mr. Valcourt moved, seconded by Mr. Sherwood:

WHEREAS research has shown that elderly people live longer and healthier lives when they maintain strong ties to their families and to their communities;

WHEREAS this government should always be mindful of the need for compassion and consideration of the well being of New Brunswickers;

BE IT RESOLVED THAT this Assembly ask the government to consider reversing the policy announced by the Minister of Health and Community Services and not consider the principal residence of those admitted to nursing homes as an asset for the purposes of determining eligibility.

And the question being put, a debate ensued.

And after some time, Hon. Mr. King moved in amendment, seconded by Hon. Mr. Tyler, as follows:

### **AMENDMENT**

THAT Motion 36 be amended by:

Deleting everything after the word "government" in the first line of the resolution clause and inserting the following:

"to consult with relevant stakeholders and to address the question of consideration of appropriate assets used to fund uninsured residential services."

And the question being put, a debate ensued.

And Mr. Speaker having informed the House that the time for Private Members' Motions had expired, Mr. Robichaud rose on a Point of Order, stating that a Member cannot introduce an amendment after

having already spoken to the main motion and requested the amendment be withdrawn, quoting from *Beauchesne's Parliamentary Rules & Forms, 6th Edition*:

**465.** (7) *A Member who has already spoken to a question has no right to propose an amendment, though an amendment may be spoken to when moved by another Member.*

Bourinot, pp. 345-46.

Mr. Speaker advised that it is the custom and practice in this and other Assemblies that an amendment can be moved either at the commencement of a speech or at the conclusion of one's remarks and the amendment will be allowed.

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### **Government Motions re Business of House**

Hon. Mr. Frenette requested that Mr. Speaker revert to Government Motions for the Ordering of the Business of the House and moved, seconded by Hon. Mr. Tyler:

THAT when the House adjourns on Friday April 19, 1996 it stand adjourned until Tuesday, April 23, 1996 at 10.45 o'clock a.m.

Hon. Mr. Valcourt raised a Point of Order stating that Standing Rule 29 respecting the sittings of the House is clear and that such a motion is out of order.

Hon. Mr. Frenette spoke on the Point of Order and maintained that such a motion was in order, referring to Standing Rule 66(h) which permits such a motion to be made without notice.

Mr. Robichaud referred to citation 277 of *Beauchesne's Parliamentary Rules & Forms, 6th Edition*, as follows:

**277.** *No notice is required for a motion relating to "times of meeting or adjournment of the House", pursuant to Standing Order 54. The word "times" appears as "heures" in the French version of Standing Order 54. It seems therefore that if a motion does not relate to the hour but to the day on which the House is to sit, a notice must be given. Debates, May 21, 1920, p. 2626.*

Hon. Mr. Valcourt, having noted the provisions of Rule 66, withdrew his objection to the motion.

Mr. Speaker advised the House that the motion proposed by Hon. Mr. Frenette was in order and in accordance with the Rules of the House whereupon, he put the question and it was resolved in the affirmative.

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### **Bills Introduced**

After requesting that Mr. Speaker revert to the Order of Introduction of Bills, Mr. Kennedy introduced the following Private Bill which was read a first time:

Bill 90, *An Act to Amend An Act Respecting the New Brunswick Medical Society and the College of Physicians and Surgeons of New Brunswick.*

Ordered referred to the Standing Committee on Private Bills.

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### **Committee of the Whole**

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

And after some time spent therein, 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, Ms. Weir sought to introduce an amendment to Bill 74, *An Act to Amend The Residential Tenancies Act*, to add a section 6.1 after section 6, said amendment seeking to amend section 24 of the original Act.

Hon. Mr. Frenette rose on a Point of Order claiming that the amendment was out of order since it was beyond the scope of the Bill and could only be considered by way of introduction of a Bill.

Ms. Weir also spoke on the Point of Order and argued that in accordance with citation 425 of *Beauchesne's Parliamentary Rules & Forms, 6th Edition*, amendments were permissible and could expand the scope of a Bill if the intent was increasing acceptability.

Mr. MacDonald, the Chairman, agreed that the principle outlined by the Member for Saint John Harbour allowed certain amendments to enhance or amend sections of the original *Act* that were being amended in the Bill. The Chairman then ruled that the amendment was out of order in accordance with the principle enunciated in *Beauchesne's 6th Edition*, citation 698(8)(b) since it sought to amend a section from the original *Act* that was not specifically being amended in a clause of the Bill before the Committee.

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 Presentations of Committee Reports, reported that the Committee had directed him to report the following Bills as agreed to:

Bill 21, *An Act to Amend the Assessment Act*.

Bill 22, *An Act to Amend the Libraries Act*.

Bill 64, *An Act to Amend the Municipalities Act*.

Bill 74, *An Act to Amend The Residential Tenancies Act*.

Bill 77, *An Act to Amend the Evidence Act*.

Bill 79, *An Act to Amend the Provincial Court 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.

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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.

The 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.*

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

At 9.36 o'clock p.m. the Chairman declared a 5-minute recess.

*9.46 o'clock p.m.*

The Committee resumed with Mr. MacDonald in 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 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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### **Committee of Whole**

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

After some time spent in Committee of the Whole, 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 directed him to report the following Bills as agreed to:

Bill 54, *An Act to Amend the Motor Vehicle Act*.

Bill 63, *An Act to Amend the Motor Vehicle Act.*

Bill 67, *An Act to Amend the Municipalities 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.

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And then, 11.01 p.m., the House adjourned.

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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*