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**No. 7**

Wednesday, December 3, 1997.

8.30 o'clock a.m.

Prayers.

**Petitions**

Ms. Weir, Member for Saint John Harbour, laid upon the table of the House a petition signed by hospital workers seeking support in their effort to receive fair treatment from their employer, the Province of New Brunswick. (Petition 2)

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**Bills Introduced**

The following Private Bill was introduced and read the first time:

By Mr. Johnson,

Bill 13, *An Act to Amend An Act Respecting Acadia Life*.

Ordered referred to the Standing Committee on Private Bills.

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**Notices of Motions**

Mr. D. Graham gave Notice of Motion 32 that on Tuesday, December 16, 1997, he would move the following resolution, seconded by Mr. Robichaud:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House the revised "Summary of Vital Statistics by Health Region of Residence, New Brunswick", referred to as Table 2B in the *Annual Statistical Report 1995* of the Department of Health and Community Services, for the calendar year 1997.

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Mr. Sherwood gave Notice of Motion 33 that on Tuesday, December 16, 1997, he would move the following resolution, seconded by Mr. Robichaud:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House the revised "Live Births by Age of Mother and Birth Weight, New Brunswick", referred to as Table 5 in the *Annual Statistical Report 1995* of the Department of Health and Community Services, for the calendar year 1997.

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Mr. Volpé gave Notice of Motion 34 that on Tuesday, December 16, 1997, he would move the following resolution, seconded by Mr. D. Graham:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House the revised "Vital Statistics Summary, New Brunswick", referred to as Table 1 in the *Annual Statistical Report 1995* of the Department of Health and Community Services, for the calendar year 1997.

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Mr. Mockler gave Notice of Motion 35 that on Tuesday, December 16, 1997, he would move the following resolution, seconded by Mr. D. Graham:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House the revised "Summary of Vital Statistics by County of Residence, New Brunswick", referred to as Table 2A in the *Annual Statistical Report 1995* of the Department of Health and Community Services, for the calendar year 1997.

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Mr. Mockler gave Notice of Motion 36 that on Tuesday, December 16, 1997, he would move the following resolution, seconded by Mr. Sherwood:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House the revised "Live Births by Gestation Period and Birth Weight, New Brunswick", referred to as Table 6 in the *Annual Statistical Report 1995* of the Department of Health and Community Services, for the calendar year 1997.

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Mr. Robichaud gave Notice of Motion 37 that on Tuesday, December 16, 1997, he would move the following resolution, seconded by Mr. Volpé:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House the revised "Live Births by Age and Marital Status of Mother, New Brunswick", referred to as Table 7 in the *Annual Statistical Report 1995* of the Department of Health and Community Services, for the calendar year 1997.

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Mr. Robichaud gave Notice of Motion 38 that on Tuesday, December 16, 1997, he would move the following resolution, seconded by Mr. Mockler:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House the revised "Vital Statistics Summary by Cities, Towns and Villages of Over 1000 Population, New Brunswick", referred to as Table 4 in the *Annual Statistical Report 1995* of the Department of Health and Community Services, for the calendar year 1997.

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Mr. Sherwood gave Notice of Motion 39 that on Tuesday, December 16, 1997, he would move the following resolution, seconded by Mr. Volpé:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House the revised "Summary of Vital Statistics by Month, New Brunswick", referred to as Table 3 in the *Annual Statistical Report 1995* of the Department of Health and Community Services, for the calendar year 1997.

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Ms. Weir gave Notice of Motion 40 that on Tuesday, December 16, 1997, she would move the following resolution, seconded by Hon. Mr. Valcourt:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House by the Solicitor General copies of the Police Act / Criminal Files:

1. On the complaints filed by Cst. Phillip Thibodeau of the City of Moncton Police Force;
2. Police Act and Criminal Complaints by Cst. Raymond Fontaine of the City of Moncton Police Force;
3. Police Act and Criminal Complaints by Cst. Brian Cheney of the City of Moncton Police Force;
4. Police Act complaints by members of the City of Moncton Police force relating to the attempts by the staff superintendent attempting to interfere with a promotion routine testing process; and

any and all correspondence, memos or reports, or any other document related to these complaints.

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

Hon. Mr. Tyler announced that it was the intention of the government that the House resume debate on the motion for an Address in Reply to the Speech from the Throne, followed by second reading of Bills. At the resumption of the House at 2 o'clock p.m., the Premier would close the Throne Speech Debate. Subsequently, the House would resume the adjourned debate on second reading of certain bills.

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## Address

The Assembly resumed the adjourned debate on the proposed motion of Mr. Kavanaugh, seconded by Mr. D. Landry:

THAT the following Address be presented to Her Honour the Lieutenant-Governor to offer the humble thanks of this House to Her Honour for the gracious speech which she has been pleased to make to the Legislative Assembly, namely:

Fredericton, N.B.  
November 25, 1997.

To Her Honour,  
The Honourable Marilyn Trenholme Counsell,  
Lieutenant-Governor of the Province of New Brunswick.

May It Please Your Honour:

We, Her Majesty's most dutiful and loyal subjects of the Legislative Assembly of the Province of New Brunswick, now in session, beg leave to extend our humble thanks to Your Honour for the gracious speech which Your Honour has addressed to us, and we assure Your Honour that all matters which may be submitted to us during the session will receive our most careful attention and consideration.

And the debate continuing, it was on motion of Hon. Mr. Tyler, on behalf of Hon. Mr. Frenette, adjourned over.

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## Second Reading

The Order being read for second reading of Bill 9, *An Act to Amend the Labour Market Research Act*, a debate arose thereon.

And after some time, Ms. Weir, seconded by Mr. Doucet, moved in amendment:

### AMENDMENT

THAT the motion for second reading be amended by deleting all the words after the word "that" and substituting the following:

The House declines to give second reading to Bill No. 9, *An Act to Amend the Labour Market Research Act*, for the following reason:

Bill 9 fails to protect the privacy of New Brunswick workers by granting to the minister of Advanced Education and Labour discretionary powers that are too broad in scope.

Mr. Speaker put the question on the amendment, and it was negatived.

Debate continued on the motion for second reading.

And the debate being ended, Mr. Speaker put the question on the motion that Bill 9 be now read a second time, and the motion was carried.

Accordingly, Bill 9, *An Act to Amend the Labour Market Research Act*, was read a second time and ordered referred to the Committee of the Whole House.

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The Order being read for second reading of Bill 11, *An Act Respecting Gasoline and Diesel Oil Fair Marketing Practices*, a debate arose thereon.

And after some time, Mr. Speaker interrupted proceedings and 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.

Mr. Speaker resumed the chair.

## Election Returns

Hon. Mrs. Breault, pursuant to the provisions of the *Elections Act*, laid upon the table of the House the returns of votes polled in the electoral districts of Miramichi-Bay du Vin and Tantramar polled in the

election held on the 17th day of November, 1997.

On motion of Hon. Mr. Frenette, seconded by Hon. Mrs. Breault,

RESOLVED, that the returns be entered in the *Journals of the House*.

And they are as follows:

**RETURNS OF THE ELECTION  
FOR A MEMBER OF THE LEGISLATIVE ASSEMBLY  
HELD ON THE 17TH DAY OF NOVEMBER 1997**

**MIRAMICHI-BAY DU VIN # 12**

James Doyle (LIB) 3,387

Jerry Donahue (PC) 2,419

Debbie McGraw (NDP) 1,210

LILLIAN CARTER

Returning Officer

**RETURNS OF THE ELECTION  
FOR A MEMBER OF THE LEGISLATIVE ASSEMBLY  
HELD ON THE 17TH DAY OF NOVEMBER 1997**

**TANTRAMAR # 19**

Ross Monk (LIB) 1,558

Peter Mesheau (PC) 1,597

Greg Hargrove (COR) 118

Heather Patterson (NDP) 1,417

DENISE MARTIN

Returning Officer

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Mr. James Doyle, member-elect for the electoral district of Miramichi-Bay du Vin, having previously taken the oath and signed the roll, was introduced by Hon. Mr. Frenette, Premier, and took his seat in the House.

Mr. Peter Mesheau, member-elect for the electoral district of Tantramar, having previously taken the oath and signed the Roll, was introduced by Mr. Robichaud, Leader of the Official Opposition, and took his seat in the House.

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**Address**

The Assembly resumed the adjourned debate on the proposed motion of Mr. Kavanaugh, seconded by Mr. D. Landry:

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Fredericton, N.B.  
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To Her Honour,  
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May It Please Your Honour:

We, Her Majesty's most dutiful and loyal subjects of the Legislative Assembly of the Province of New Brunswick, now in session, beg leave to extend our humble thanks to Your Honour for the gracious speech which Your Honour has addressed to us, and we assure Your Honour that all matters which may be submitted to us during the session will receive our most careful attention and consideration.

And the debate continuing,

And the debate being ended and the question being put thereon, it was agreed to without amendment.

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On motion of Hon. Mr. Frenette, seconded by Hon. Mr. Tyler,

RESOLVED that the Address in Reply to the Speech from the Throne be engrossed, signed by Mr. Speaker, and presented to Her Honour by a Committee of the House.

Ordered that Mr. Kavanaugh, Mr. D. Landry, and Hon. Mr. Frenette be the Committee to Wait upon Her Honour with the Address and present the same.

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### Second Reading

Debate was resumed on the motion for second reading of Bill 11, *An Act Respecting Gasoline and Diesel Oil Fair Marketing Practices*.

And the debate continuing,

After some time, on motion of Hon. Mr. Tyler, the debate was adjourned over.

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The Order being read for second reading of Bill 12, *An Act to Amend the Prescription Drug Payment Act*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 12 be now read a second time, it was carried on the following recorded division:

YEAS - 32

Hon. Mr. Frenette	Hon. Mr. Savoie	Mr. Johnson
Hon. Mr. Tyler	Hon. Mr. Gay	Ms. de Ste. Croix
Hon. Mr. Graham	Mr. McAdam	Mr. H. Doyle
Hon. Mr. Lee	Hon. Mr. LeBlanc	Mr. Olmstead
Hon. Mr. King	Hon. Mr. Byrne	Mr. Flynn
Hon. Mrs. Barry	Mr. Allaby	Mr. O'Donnell
Mr. Blaney	Mr. Wilson	Mr. MacDonald
Hon. B. Thériault	Mr. Smith	Mr. Devereux
Hon. C. Thériault	Mr. Kavanaugh	Mr. MacLeod
Hon. Mr. Richard	Mr. Steeves	Mr. J. Doyle
Hon. Mrs. Mersereau	Mr. A. Landry	

NAYS - 6

Mr. Sherwood	Mr. Mockler	Mr. D. Graham
Mr. Robichaud	Ms. Weir	Mr. Mesheau

Accordingly, Bill 12, *An Act to Amend the Prescription Drug Act*, was read a second time and ordered referred to the Committee of the Whole House.

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Mr. Speaker welcomed to the House Mr. Bertin LeBlanc, Liberal Member of the Legislative Assembly for Kent South from 1978-1982.

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Debate resumed on the motion for second reading of Bill 3, *An Act to Amend the Police Act*.

Mr. Mockler rose on a Point of Privilege, his point of privilege being that his brief case had been tampered with and that his rights as a member had been interfered with, quoting *Beauchesne's Parliamentary Rules & forms, 6th Edition*:

**§24.** Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by members of each House individually, without which they could not discharge their functions and which exceed those possessed by other bodies or individuals. Thus, privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law. The distinctive mark of a privilege is its ancillary character. The privileges of Parliament are rights which are "absolutely necessary for the due execution of its powers". They are enjoyed by individual Members, because the House cannot perform its functions without unimpeded use of the services of its Members; and by each House for the protection of its members and the vindication of its own authority and dignity. Sir Erskine May, *Treatise on the Law, Privileges, Proceedings and Usage of Parliament* (20th ed., 1983), pp. 70-71.

Mr. Speaker advised that he would take the matter under advisement.

Debate continued on the motion for second reading of Bill 3.

And after some time, Mr. Mockler requested the unanimous consent of the House to speak beyond his allotted time, in order to move an amendment to the motion for second reading. Unanimous consent was denied.

And after some time, Mr. Volpé moved in amendment, seconded by Mr. Mesheau:

#### AMENDMENT

THAT the motion for second reading be amended by deleting all the words after the word "that" and substituting the following:

Bill No. 3, *An Act to Amend the Police Act*, be not now read a second time but that the order for second reading be discharged and the subject matter of the Bill be referred to the Standing Committee on Law Amendments.

Mr. Speaker ruled the amendment out of order as the same amendment was moved by Mr. Sherwood on November 28, and the amendment was negated.

Debate continued on the motion for second reading of Bill 3.

At 5.57 o'clock p.m. Mr. Speaker interrupted debate to revert to Government Motions for the Ordering of the Business of the House.

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

Hon. Mr. Tyler having requested that the House revert to the order of Government Motions for the ordering of the Business of the House,

On motion of Hon. Mr. Tyler, seconded by Hon. Mr. Frenette,

RESOLVED, that when the House adjourns, it stand adjourned until tomorrow at 2 o'clock p.m.

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And then, 5.58 o'clock p.m., the House adjourned.