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No. 17

Friday, December 19, 1997.

8.30 o'clock a.m.

Prayers.

Documents Tabled

Hon. Mr. Frenette laid upon the table of the House a document entitled Review and Recommendations of William L.M. Creaghan on the New Brunswick *Conflict of Interest Act*.

Mr. Mockler laid upon the table of the House correspondence dated July 28, 1997, from Hon. Jane Barry, Solicitor General, to Joseph L. Côté, Administrator-Clerk, Town of Grand Falls.

Notices of Motions

Mr. Volpé gave Notice of Motion 79 that on Thursday, January 8, 1998, he would move the following resolution, seconded by Hon. Mr. Valcourt:

WHEREAS Members of the Legislative Assembly of New Brunswick have received many representations from fellow citizens, expressing concerns about the safety of snowmobile, hiking, and all-terrain trails and the protection of wildlife, forest resources, and our environment;

WHEREAS Members are aware that some game wardens and deputy game wardens are employed by the Department of Natural Resources on a seasonal basis only;

WHEREAS Members are of the opinion that our forest resources, our wildlife, and our environment should be protected through enforcement of the *All-Terrain Vehicle Act*, the *Crown Lands Act*, the *Crown Lands and Forests Act*, the *Fish and Wildlife Act*, the *Clean Water Act*, and the *Clean Air Act* and the required supervision to enforce these *Acts* every day of the year;

WHEREAS Members are of the opinion that the presence of game wardens and deputy game wardens on snowmobile trails and their law enforcement ability would be a measure that would contribute to increased safety of the snowmobile trail network as mentioned in the special report on snowmobile safety;

WHEREAS Members are aware that the greater majority of game wardens and deputy game wardens who only work on a seasonal basis for the Department of Natural Resources must resort to employment insurance and that this entails a significant cost at the federal level for the employment insurance fund; and

WHEREAS Members are of the opinion that action should be initiated by the provincial government to negotiate with the federal government a financial contribution allowing for the year-long hiring of seasonal game wardens and deputy game wardens so that they may enforce wildlife protection, environmental, and forest protection legislation year-round and serve as safety officers on snowmobile, hiking, and all-terrain trail networks;

BE IT RESOLVED that the Legislative Assembly ask the government to enter immediately into discussions with the federal government to agree on and invest in federal and provincial financial resources to hire seasonal game wardens and deputy game wardens on an annual basis for the purpose of law enforcement under their jurisdiction and serving as safety officers on our snowmobile, hiking, and all-terrain trails network.

Hon. Mr. Tyler announced that following third reading, it was the intention of the government that the House resolve itself into a Committee of the Whole House to consider legislation; in particular, Bill 3 and those Bills related to the Department of Transportation.

Third Reading

The following Bills were read the third time:

Bill 14, *An Act to Amend the Municipalities Act*.

Bill 15, *An Act to Amend the Education Act*.

Bill 17, *An Act to Amend the Assessment Act*.

Ordered that the said Bills do pass.

Committee of the Whole

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

During consideration of Bill 3, *An Act to Amend the Police Act*, Ms. Weir moved an amendment to section 3 and the amendment was negated on a voice vote.

Ms. Weir having risen to request a recorded vote, the Chairman ruled that Standing Rule 62 required that two or more members stand in their place, and only one member had stood to request a recorded division.

Following consideration of Bill 6, *An Act to Amend the Highway Act*, the Chairman put the question that he report the Bill as agreed to and it was carried on the following recorded division:

YEAS - 33

Hon. Mr. Lockyer	Hon. Mr. Jamieson	Mr. A. Landry
Hon. Mr. Blanchard	Mrs. Jarrett	Mr. Johnson
Hon. Mr. Tyler	Mr. McAdam	Ms. de Ste. Croix
Hon. Mr. Graham	Hon. Mr. LeBlanc	Mr. Doyle
Hon. Mr. Lee	Hon. Mr. Byrne	Mr. Olmstead
Hon. Mrs. Breault	Hon. Mrs. Kingston	Mr. Flynn
Mr. Blaney	Mr. Allaby	Mr. MacDonald
Hon. B. Thériault	Mr. Wilson	Mr. MacLeod
Hon. Mr. Richard	Mr. Smith	Mr. D. Landry
Hon. Mrs. Day	Mr. Kavanaugh	Mr. Armstrong
Hon. Mr. Gay	Mr. Steeves	Mr. J. Doyle

NAYS - 6

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

And after some time, Mr. O'Donnell took the chair.

And after some further time, Mr. Speaker resumed the chair and Mr. O'Donnell, the Chairman, after requesting 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 6, *An Act to Amend the Highway Act*.

And that the Committee had directed him to report progress on the following Bill:

Bill 3, *An Act to Amend the Police Act*.

And the Committee asked leave to make a further report.

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.

Speaker's Ruling

Mr. Speaker delivered the following ruling:

Honourable members, on Wednesday, the Minister of Education gave notice of a question of privilege in accordance with Standing Rule 9. The question of privilege arises out of remarks made by the member for Carleton during Tuesday's sitting. The minister contends that in the course of debate, the member for Carleton purported to quote from a letter the minister had written when, in reality, the statement the member was quoting did not exist.

Privilege, as all members know, is a very serious and important issue. The essence of privilege or breach of privilege has to do with the ability of a member to fulfill his or her responsibilities as a member. When members claim that certain actions constitute a breach of privilege, they must specify which privilege is affected. Contempts, on the other hand, are offences against the authority or the dignity of the House itself, while breaches of privilege involve the protection of its members from impediments to their functioning as members of the House.

First of all, in dealing with the privileges of members, I do not find that the matter complained of affects the privileges of members, or that any members have been obstructed in the performance of their duties. On the second issue of possible contempt of the House having been committed, it would be necessary to determine whether the member for Carleton was deliberately misleading the members of this House when he attributed a statement to the Minister of Education which the minister claims he did not make.

I have had an opportunity to review the Hansard precedents and decisions in other jurisdictions, and also the relevant authorities, concerning the issues raised in this matter. Let me say several things at the outset. First, because all members are presumed to be honourable, no member should suggest otherwise. Second, it is not the responsibility of the Speaker to determine the veracity of statements that are made in this House. It is not for the Speaker to make a judgment on whether a member has stated the facts correctly. These principles have been consistently followed by Speakers in other Canadian jurisdictions.

Our review indicates, however, that there is one authority in which the making of a deliberately misleading statement in the House may be grounds for contempt. There is a 1963 resolution of the House of Commons at Westminster. In that situation, a member made a personal statement to the House of Commons to deny the truth of allegations made against him. Later, the member was forced to admit that in making this personal statement of denial to the House, he had deliberately misled the House. As a consequence of his actions, he resigned from the House, which subsequently agreed to a resolution declaring him guilty of a grave contempt. References to that resolution and the circumstances surrounding it can be found on page 119 of the 21st edition of Erskine May, or on page 654 of the second edition of the House of Representatives Practice. The matter before me does not compare with the very serious circumstances associated with that incident.

The authorities clearly indicate that although many claims have been raised, as a matter of privilege or contempt, that a member has deliberately misled the House, no Speaker has ever accepted such a claim. Joseph Maingot, in *Parliamentary Privilege in Canada*, states on pages 205 and 206:

However, deliberately misleading statements may be treated as a contempt. In the Canadian House of Commons, however, members attempt to get such matters before the House on a "question of privilege" when there is merely an allegation of contempt rather than an admitted matter.

If the conduct of a member is to be formally discussed or debated in the House of Commons, such as a charge of . . . deliberately misleading the House, it cannot be done on a "question of privilege" because until admitted, or, so found by the House, such allegations are unparliamentary and cannot be uttered and the fact that the accused member denies it is irrelevant.

Extensive research clearly indicates that it will be a rare situation indeed in which there can be a finding of contempt. I have examined the transcript of Tuesday's sitting and the remarks made by the member for Carleton. During the course of the debate, the member for Carleton referred to a letter he had received from the Minister of Education. He purported to quote an extract from the letter in question. Following several points of order, the member for Carleton undertook to table the letter from which he purported to quote. In examining the Hansard transcript, I noted that the member for Carleton twice attempted to withdraw the statement attributed to the minister. On the second attempt, the minister stated and I quote from page 7 of the unrevised Hansard excerpt:

Mr. Speaker, on the fact that I made a statement and that the minister was . . . I will withdraw that, Mr. Speaker.

The Chair then called the member to order and asked him not to make any further comments regarding the letter in question until it had been tabled.

The member for Carleton has since tabled the letter to which he referred. I have examined the letter, and it is clear that the extract the member purported to cite is not contained in the letter written by the Minister of Education. I have considered with great care the remarks and actions of the member for Carleton. Given the facts before me, it is fair to assume that the member added words to the letter from which he purported to read. However, after considering the subsequent actions of the member—namely the two attempts to withdraw the offending remarks and his willingness to table the letter in question—I am unable to conclude that there was any intention to deliberately mislead the House.

I did interrupt the member on his second attempt to withdraw and advised him that I would allow no further reference to the letter until the document was tabled. The member subsequently tabled the document, as he said he would, and I feel it is only fair that I allow him the opportunity now to complete the withdrawal of his comments.

Mr. D. Graham withdrew the comments made in his earlier speech.

Mr. Speaker concluded his ruling as follows:

Honourable members, it is a well established principle that the word of a member is accepted without question. With that, however, comes the very serious responsibility for all members to be conscious of the accuracy of their remarks. It is not acceptable in debate for a member to purport to be quoting from a letter or other correspondence when, in reality, the member is adding to or supplementing the words contained in the document. A 1921 decision by Speaker Edgar Rhodes of the House of Commons sets out the principle that a member cannot quote from an imaginary letter or from correspondence which does not exist. From this, it can be inferred that it is improper for a member, when quoting from a letter, to quote or refer to certain passages or sentences which do not exist. Speaker Rhodes ordered that the letter in question not be printed in the revised edition of Hansard. He states on pages 3260-3261 of the House of Commons transcript of May 21, 1921:

Furthermore, the matter contained in a letter of this character, although said to be purely imaginary, cannot fail to convey a meaning and be capable of an interpretation which the hon. member affected cannot effectively deny, being precluded by the very nature of the letter; thus in effect an hon. member would be enabled by this indirect method to convey a meaning or impression which he would be precluded from doing by direct assertion.

In the matter before us, I find that the remarks by the member for Carleton were not contained in the letter he tabled, and that such remarks may reflect negatively and improperly upon the Minister of Education. I therefore order that the offending remarks be struck from the record and not be printed in the revised edition of Hansard.

Committee of the Whole

The House resolved itself into a Committee of the Whole with Mr. O'Donnell in the chair.

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. MacDonald in the chair.

During consideration of Bill 3, *An Act to Amend the Police Act*, Ms. Weir moved a number of amendments to the Bill.

And the question being put on each separate amendment, each one was negatived on a voice vote.

Ms. Weir having risen at her seat each time to request a recorded vote, the Chairman ruled that Standing Rule 62 required that two or more members stand in their place to request a recorded division and only one member had stood.

It was agreed by unanimous consent to stand further consideration of Bill 3, *An Act to Amend the Police Act*.

During consideration of Bill 2, *Fredericton - Moncton Highway Financing Act*, it was agreed by unanimous consent that the Chairman dispense with the reading of a certain amendment moved by Hon. Mr. Blanchard.

And after some time, it was agreed by unanimous consent to stand consideration of Bill 2.

During further consideration of Bill 3, *An Act to Amend the Police Act*, Ms. Weir moved several additional amendments, all of which were defeated.

Ms. Weir having risen at her seat each time to request a recorded vote, the Chairman ruled that Standing Rule 62 required that two or more members stand in their place to request a recorded division and only one member had stood.

And the debate being ended, and the question being put that the Chairman report Bill 3, *An Act to Amend the Police Act*, as amended, it was carried on the following recorded division:

YEAS - 30

Hon. Mr. Lockyer	Hon. Mr. Gay	Mr. A. Landry
Hon. Mr. Blanchard	Hon. Mr. Jamieson	Mr. Johnson
Hon. Mr. Tyler	Mrs. Jarrett	Ms. de Ste. Croix
Hon. Mr. Lee	Mr. McAdam	Mr. Doyle
Hon. Mrs. Barry	Hon. Mr. Byrne	Mr. Olmstead
Hon. Mrs. Breault	Hon. Mrs. Kingston	Mr. Flynn
Mr. Blaney	Mr. Allaby	Mr. MacDonald
Hon. C. Thériault	Mr. Wilson	Mr. MacLeod
Hon. Mrs. Mersereau	Mr. Smith	Mr. Armstrong
Hon. Mrs. Day	Mr. Kavanaugh	Mr. J. Doyle

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

And after some further time, the Chairman put the question that he report Bill 2, *Fredericton - Moncton Highway Financing Act*, as amended and it was carried on the following recorded division:

YEAS - 29

Hon. Mr. Lockyer	Hon. Mrs. Mersereau	Mr. A. Landry
Hon. Mr. Blanchard	Hon. Mr. Gay	Mr. Johnson
Hon. Mr. Tyler	Hon. Mr. Jamieson	Ms. de Ste. Croix
Hon. Mr. Graham	Mrs. Jarrett	Mr. Doyle
Hon. Mr. Lee	Mr. McAdam	Mr. Olmstead
Hon. Mrs. Barry	Hon. Mr. Byrne	Mr. Flynn
Hon. Mrs. Breault	Hon. Mrs. Kingston	Mr. MacDonald
Mr. Blaney	Mr. Allaby	Mr. MacLeod
Hon. C. Thériault	Mr. Wilson	Mr. J. Doyle
Hon. Mr. Richard	Mr. Smith	

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Mr. Volpé	Ms. Weir	Mr. Mesheau
Mr. Robichaud	Mr. D. Graham	

And after some further time, it was agreed by unanimous consent to continue sitting beyond the ordinary hour of daily adjournment.

And the debate being ended, and the question being put that the Chairman report Bill 7, *An Act to Amend the New Brunswick Highway Corporation Act*, as agreed to, it was carried on the following recorded division:

YEAS - 26

Hon. Mr. Frenette	Hon. Mrs. Mersereau	Mr. Johnson
Hon. Mr. Tyler	Hon. Mrs. Day	Ms. de Ste. Croix

Hon. Mr. Graham	Mrs. Jarrett	Mr. H. Doyle
Hon. Mr. Lee	Mr. McAdam	Mr. Olmstead
Hon. Mrs. Barry	Hon. Mr. LeBlanc	Mr. Flynn
Hon. Mrs. Breault	Hon. Mr. Byrne	Mr. MacDonald
Mr. Blaney	Hon. Mrs. Kingston	Mr. MacLeod
Hon. C. Thériault	Mr. Wilson	Mr. J. Doyle
Hon. Mr. Richard	Mr. A. Landry	
	NAYS - 6	
Mr. Volpé	Mr. Mockler	Mr. Graham
Mr. Robichaud	Ms. Weir	Mr. Mesheau

And after some further time, Mr. Speaker resumed the chair and Mr. O'Donnell, the Chairman, after requesting Mr. Speaker revert to the Order of Presentations of Committee Reports, reported:

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

Bill 4, *An Act to Amend the Companies Act*.

Bill 7, *An Act to Amend the New Brunswick Highway Corporation Act*.

That the Committee had directed him to report the following Bills as amended:

Bill 3, *An Act to Amend the Police Act*.

And the Committee asked leave to make a further report.

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.

Government Motions re Business of House

Hon. Mr. Tyler, after requesting Mr. Speaker revert to the order of Government Motions for the Ordering of the Business of the House, moved, seconded by Mr. Allaby:

THAT with the unanimous consent of the House, Bills 2, 3, 4, 6 and 7 be read a third time forthwith.

And unanimous consent having been granted, the motion was carried.

Third Reading

The Order being read for third reading of Bill 2, *Fredericton - Moncton Highway Financing Act*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 2 be now read a third time, it was resolved in the affirmative.

Accordingly, Bill 2, *Fredericton - Moncton Highway Financing Act*, was read a third time and passed.

The following Bills were read the third time:

Bill 3, *An Act to Amend the Police Act*.

Bill 4, *An Act to Amend the Companies Act*.

Bill 6, *An Act to Amend the Highway Act*.

Bill 7, *An Act to Amend the New Brunswick Highway Corporation Act*.

Ordered that the said Bills do pass.

Government Motions re Business of House

Hon. Mr. Tyler having requested Mr. Speaker revert to the Order of Government Motions for the Ordering of the Business of the House, announced that it was the intention of government that the House resolve itself into a Committee of Supply to consider the estimates of the Department of Transportation.

Committee of Supply

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

And after some time spent therein, 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 made some progress in the consideration of the matters referred to them, 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.

Bills Introduced

At the request of Hon. Mr. Tyler, and with leave of the House, Mr. Speaker reverted to the Order of Introduction of Bills.

The following Bill was introduced and read the first time:

By Hon. Mr. Graham:

Bill 19, *Conservation Easements Act*.

By Hon. Mr. MacIntyre,

Bill 20, *An Act to Amend the Boiler and Pressure Vessel Act*.

Bill 21, *An Act to Amend the Workers' Compensation Act*.

By Hon. Mr. Lee,

Bill 22, *An Act to Amend the Motor Vehicle Act*.

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

By Mr. Kavanaugh on behalf of Hon. Mr. King,

Bill 24, *An Act to Repeal An Act to Establish "The Jordan Memorial Sanitarium" and the Jordan Memorial Home Act*.

Bill 25, *An Act to Amend the Family Services Act*.

Bill 26, *An Act to Amend the Medical Services Payment Act*.

Bill 27, *An Act to Amend the Hospital Services Act*.

By Hon. Mr. Frenette,

Bill 28, *An Act to Amend the Assessment Act*.

Bill 29, *An Act to Amend the New Brunswick Geographic Information Corporation Act*.

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

Royal Assent

Her Honour the Honourable Marilyn Trenholme Counsell, Lieutenant-Governor was announced, and having been bidden to enter, took her seat in the chair upon the Throne.

Mr. Speaker addressed Her Honour as follows:

May It Please Your Honour:

The Legislative Assembly of the Province of New Brunswick has passed several Bills at the present sittings of the Legislature to which, in the name and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

The Clerk Assistant then read the titles of the Bills as follows:

Bill 2, *Fredericton - Moncton Highway Financing Act*.

Bill 3, *An Act to Amend the Police Act*.

Bill 4, *An Act to Amend the Companies Act*.

Bill 5, *An Act to Amend the Motor Vehicle Act*.

Bill 6, *An Act to Amend the Highway Act*.

Bill 7, *An Act to Amend the New Brunswick Highway Corporation Act*.

Bill 14, *An Act to Amend the Municipalities Act*.

Bill 15, *An Act to Amend the Education Act*.

Bill 17, *An Act to Amend the Assessment Act*.

Her Honour signified Her Assent as follows:

It is the Queen's wish. La reine le veut.

To these Bills, Her Honour's assent was announced by the Clerk of the Legislative Assembly in the following words:

Her Honour the Lieutenant-Governor assents to these Bills, enacting the same and ordering them to be enrolled.

Her Honour was pleased to adjourn the session with the following speech:

Mr. Premier, honourable members, I was wondering as I was sitting out there if you were going to ask me to come in and give Royal Assent after first reading, because of all the bills being introduced. But, on a more serious note, it is really a great pleasure to see so many of you still here tonight. I have been following the days and weeks with great interest. Everyone has worked hard and has done a good job. I am quite amazed at the amount that has been accomplished, and I want to thank you on behalf of the citizens of New Brunswick for your diligence.

Thank you, everybody, New Brunswickers, for your work. And now, it is Christmas.

I was thinking that maybe I could recite a poem since the honourable member for Riverview did refrain. I guess it could be "'Twas the week before Christmas and all through the palace", but I don't know where I would go from there. I would have to think about it. I am sure that the Premier is anxious to play golf and that the honourable member for Dalhousie is very anxious to have her first Christmas as a mother. Congratulations. Happy Christmas.

I wish you all a merry Christmas and a very pleasant and enjoyable season with your families, friends, and constituents.

To you all, I wish a very joyous Christmas, a good rest, and wonderful family time. That is what I think we all need right now. Thank you very much for your work, and we will all see each other in the new year.

Her Honour then retired and Mr. Speaker resumed the chair.

Mr. Speaker wished all members the Compliments of the Season.

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 Mr. Allaby:

RESOLVED, THAT when the Assembly adjourns at the end of this sitting day, it stand adjourned until Tuesday, January 20, 1998, provided always that if it appears to the satisfaction of Mr. Speaker, after consultation with the Government, that the public interest requires that the House should need at an

earlier time during the adjournment, Mr. Speaker may give notice that he is so satisfied and in such notice shall state a time at which the House shall meet, and thereupon the House shall meet at the time so stated and shall transact its business as if it has been duly adjourned to that time, and

THAT in the event of Mr. Speaker being unable to act owing to illness or other cause, either of the Deputy Speakers shall act in his stead for the purpose of this order.

And then, 7.55 o'clock p.m., the House adjourned.

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

Documents requested in Notices of Motions 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 25, 26, 29, 32, 33, 34, 35, 36, 37, 38, 39, 49, 51, 52, 53,

55, 56, 57, 59, 60, 62, and 63

December 18, 1997

Documents requested in Notice of Motion 18

December 17, 1997