

(The electronic version of the following Journal  
of the Legislative Assembly is for information purposes only.  
The printed version remains the official version.)

**No. 34**

Tuesday, February 17, 1998.

*1 o'clock p.m.*

Prayers.

**Speaker's Ruling**

Mr. Speaker delivered the following ruling:

Honourable members, last week, as members will recall, a question of privilege was raised by the member for Madawaska-la-Vallée. I did have the advantage of benefiting from several comments made by members in this House and I would like now to deal with the question of privilege that was raised by the honourable member for Madawaska-la-Vallée at the conclusion of last Thursday's sitting of the House.

The question of privilege was raised with respect to certain comments made by the honourable Minister of the Environment during the consideration of her departmental estimates in the Committee of Supply. Before responding to the question posed to her by the member for Madawaska-la-Vallée, the honourable minister stated: "The staff wanted me to comment on the attractiveness of the member opposite, but I think I will refrain from doing that.."

The member for Madawaska-la-Vallée, to whom the comments were directed, immediately rose on a point of order and asked that the comments be withdrawn.

The Chairman ruled that the point of order well taken, stating that it was not appropriate to comment in the House on a particular person's appearance.

The honourable Minister of the Environment then stood and withdrew the remarks.

Upon resuming the Chair and receiving the report from the Committee of Supply, the member for Madawaska-la-Vallée rose on a point of privilege pursuant to Standing Rule 9(1). The member stated that he found the remarks made by the honourable minister to be unparliamentary and offensive. The member stated his concern that the minister's staff, while on the floor of the House, had advised the minister to ridicule another member.

The honourable Minister of the Environment, in speaking on the point of privilege, noted that she had already withdrawn the remarks. The minister further advised the House that the remarks were her own. The next morning, the honourable minister apologized to the House for her remarks.

At Friday's sitting, I had the opportunity to hear several other members on this question of privilege. The Opposition House Leader, the member for Grand Bay-Westfield, in speaking on the question of privilege noted that senior civil servants are permitted in the Legislative Chamber for a specific purpose. They are present to provide their minister with detailed information which would enable the minister to more fully and accurately respond to the questions posed by other honourable members. He noted that senior officials are not invited into the House for the purpose of suggesting to the minister how they might insult a member of the opposition. The Opposition House Leader noted that the purpose of a point of privilege is to protect these privileges which are necessary for a member to carry out his or her duties as an elected representative. He submitted that the member for Madawaska-la-Vallée's privileges had been violated as he could not be expected to perform his duties if senior public officials are permitted to sit in this Chamber and make suggestions as to how the member's personal appearance might be ridiculed.

All honourable members are aware of the tradition in this Assembly, that is that advisors to ministers are allowed onto the floor of the House during proceedings in Committee of the Whole or Committee of Supply on the invitation of the House. These officials are present to assist the minister in answering detailed questions on bills and estimates. Officials are employees of the civil service and are legally responsible to the minister. Ultimately, the minister must accept full responsibility for any responses made or for words that are spoken in the House.

As I have noted in a previous ruling, it is a long-standing tradition in this House and in other Parliaments that the word of a member be accepted without question. The honourable Minister of the Environment has stated that the remarks, which form the basis of the question of privilege, are her own and not those of her officials. We must, therefore, accept the member at her word.

The Chair therefore concludes that the matter as raised fails to establish a prima facie case of privilege. However, I do find that the remarks in the context in which they were spoken are unparliamentary and they do reflect unfavourably on the House. The minister has since withdrawn the remarks and has apologized to the member for Madawaska-la-Vallée.

Honourable members, I have taken notice of several instances of late where members have commented in the House regarding the personal appearance or physical attributes of other members. As parliamentarians, we must show restraint and good judgment when speaking in this Chamber. If we wish to earn respect as parliamentarians, we have an obligation to show respect for each another. Personal remarks or attacks directed at other members are indeed unparliamentary and I will show no leniency when hearing remarks of this nature in the future.

---

### **Petition**

Mr. Robichaud, Member for Tracadie-Sheila, laid upon the table of the House a petition on behalf of residents of the Tracadie-Sheila area requesting permission to cut timber on the former Tracadie military camp and on neighbouring Crown land. (Petition 6)

---

During Oral Questions, Mr. Speaker interrupted proceedings and advised Hon. Mr. Tyler that the term "misleading the House" was unparliamentary and that he should rephrase his remarks, which he did.

---

### **Bills Introduced**

The following Bills were introduced and read the first time:

By Hon. Mrs. Breault,

Bill 60, *An Act to Amend the Elections Act*.

Bill 61, *An Act to Amend the Municipal Elections Act*.

Bill 62, *Greater Saint John Regional Facilities Commission Act*.

By Hon. Mrs. Barry,

Bill 63, *An Act to Amend the Police Act*.

By Hon. Mr. Blanchard,

Bill 64, *An Act Respecting Pensions*.

Bill 65, *An Act to Amend the Income Tax Act*.

Bill 66, *Supplementary Appropriations Act 1997-98(2)*.

By Hon. Mr. Frenette,

Bill 67, *An Act to Amend the Land Titles Act*.

By Hon. Mr. Tyler,

Bill 68, *Livestock Operations Act*.

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

---

### **Notices of Motions**

Mr. D. Graham gave Notice of Motion 97 that on Thursday, February 19, 1998, he would move the following resolution, seconded by Mr. Mesheau:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House a breakdown of all financial assistance provided to tomato processors and producers in Kent County, including the names and locations of the processors or producers, the amount of financial assistance, the type of financial assistance (loan, grant, program) and date.

---

Mr. D. Graham gave Notice of Motion 98 that on Thursday, February 19, 1998, he would move the following resolution, seconded by Mr. Mesheau.

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House a list of all farmers from Kent County who applied for debt relief from the Farm Debt Review Board, including the name of the farmer, the location of the farm, the amount of debt relief sought, amount of debt relief granted.

---

It was agreed by unanimous consent that Motions 97 and 98, which required two clear sitting days' notice, be permitted to stand on the Order and Notice Paper for Thursday, February 19, 1998.

---

Mr. D. Graham gave Notice of Motion 99 that on Tuesday, February 24, 1998, 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 all correspondence, memos, discussions, legal, economic and/or political analysis, minutes of meetings and any other documents concerning the Multilateral Agreement on Investment.

---

Mr. D. Graham gave Notice of Motion 100 that on Tuesday, February 24, 1998, 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 all tenders and offers to purchase any lands submitted through the Department of Transportation, through planning and land management from the Letang Inlet to Lepreau.

---

Mr. Mockler gave Notice of Motion 101 that on Thursday, February 19, 1998, 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 a copy of all agreements by any government of New Brunswick employee, department or agency for any one time, long term or block use, rental space, or booking of facilities at the Wharf Inn in Newcastle since January 1997, and or prior to.

---

It was agreed by unanimous consent that Motion 101, which required two clear sitting days' notice, be permitted to stand on the Order and Notice Paper for Thursday, February 19, 1998.

---

## **Second Reading**

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

Bill 55, *Protection of Personal Information Act*.  
Bill 56, *Public Health Act*.  
Bill 57, *An Act Respecting the Public Health Act*.  
Bill 58, *An Act to Amend the Motor Vehicle Act*.  
Bill 59, *An Act to Amend the Provincial Court Act*.

---

## **Private Members' Motions**

Debate resumed on Motion 87, moved by Mr. Robichaud, seconded by Mr. Volpé, as follows:

WHEREAS this Government has a record of failed public-private partnerships; and

WHEREAS those failed deals have cost the taxpayers of New Brunswick millions of dollars; and

WHEREAS the Auditor General reports that government departments lack a systematic approach for identifying appropriate areas or programs for privatization; and

WHEREAS the Justice Minister has attributed public-private partnership failures to the lack of a clear and firm understanding of the goals, objectives, complexity and assignments of responsibilities;

BE IT RESOLVED THAT the Legislative Assembly ask the government to consider drafting a legislative protocol in which public-private partnership projects can be publicly analyzed and further consider a moratorium on any public-private partnerships now under consideration until the protocol is established.

During the debate, Hon. Mr. Valcourt rose on a Point of Order, his point being that comments should not be directed to the gallery but should be directed through the chair. Mr. Speaker ruled the point of order well taken and asked that Members direct all comments to the Chair.

And after some time, Mr. Speaker interrupted proceedings and advised that the time allotted for Private Members' Motions had expired.

---

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

Hon. Mr. Tyler announced that it was the intention of government that the House resolve itself into a Committee of Supply to consider the estimates of the Regional Development Corporation.

---

### **Committee of Supply**

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

And after some time spent therein, 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, 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.

---

### **Standing Committee on Private Bills**

Mr. Kennedy, from the Standing Committee on Private Bills, presented the Third Report of the Committee for the session which was read and is as follows:

February 17, 1998

To The Honourable  
The Legislative Assembly of  
The Province of New Brunswick

Mr. Speaker:

Your Standing Committee on Private Bills begs leave to submit this their Third Report of the session.

Your Committee on Private Bills met on February 17, 1998 in the Legislative Council Chamber and had under consideration:

- Bill 49, *An Act to Incorporate St. Stephen's University*,

which it recommends to the favourable consideration of the House without amendments.

Your Committee also had under consideration:

- Bill 50, *An Act to Amend An Act Respecting the New Brunswick Medical Society and College of Physicians and Surgeons of New Brunswick*,

which it recommends to the favourable consideration of the House with certain amendments.

And your Committee asks leave to make a further report.

I move, seconded by Mr. O'Donnell that the report be concurred in by the House.

Mr. Speaker put the question on the motion of concurrence in the Report of the Committee, and it was resolved in the affirmative.

---

And then, 5.56 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:

Public Accounts for the fiscal year ended 31 March 1997 - Volume 3 - Financial Statements of Crown Corporations, Boards, Commissions - February 16, 1998