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No. 12

Friday, December 11, 1998.

8.30 o'clock a.m.

Prayers.

Hon. Mr. Valcourt rose on a Point of Order to request that Hon. Mrs. Breault table a document which she had quoted from during question period.

Mr. Speaker heard several Members on the point of order.

Citing paragraph 495 of *Beauchesne's Parliamentary Rules & Forms, 6th Edition*, Mr. Speaker ruled that a Minister's briefing notes could be interpreted as a private memorandum and, therefore, need not be tabled.

Hon. Mr. Tyler rose on a Point of Order in reference to certain questions posed by Mr. Volpé to the Minister of Agriculture during question period, citing Standing Rule 7 which states:

- *7 In any debate or proceedings of the House or its Committees or transactions or communications which a Member may have with other Members or with Ministers or servants of the Crown, the Members shall disclose any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect, that the Member may have had, may have or may be expecting to have.*

Mr. Speaker heard several Members on the point of order and advised that he would be giving a ruling after further deliberation.

Bills Introduced

The following Bill was introduced and read the first time:

By Hon. Mr. Lee,

Bill 12, *An Act to Amend the Motor Vehicle Act.*

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

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

By Mr. Green,

Bill 13, *An Act to Amend An Act to Dedicate Certain Lands in The City of Fredericton as a Public Park.*

Ordered referred to the Standing Committee on Private Bills.

The following Bill was introduced and read the first time:

By Hon. Mr. Byrne,

Bill 14, *An Act to Amend the Small Claims Act.*

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

Notices of Motion

Ms. Weir gave Notice of Motion 81 that on Thursday, December 17, 1998 she would move the following resolution, seconded by Mr. D. Landry:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House copies of any and all reports, reviews, analysis, memos, correspondence, or any other document between the Departments of Health and Community Services and Environment and the Technical Review Committee for the Irving Oil Limited refinery expansion.

Ms. Weir gave Notice of Motion 82 that on Thursday, December 17, 1998 she would move the following resolution, seconded by Mr. D. Landry:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House copies of all letters, submissions, reports, or any other document or correspondence from Irving Oil Limited to either the Department of Health and Community Services, or the Department of Environment as a response to the list of questions set out in the Dalhousie University School for Resource and Environmental Studies review of the refinery expansion application.

Ms. Weir gave Notice of Motion 83 that on Thursday, December 17, 1998 she would move the following resolution, seconded by Mr. D. Landry:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House copies of any and all correspondence (including attachments), memos, reports, or any other document between officials of the Irving Oil refinery and the Minister, Deputy Minister, or any other official in the Department of Environment from September 1, 1998 to the present.

Mr. Green gave Notice of Motion 84 that on Thursday, December 17, 1998 he would move the following resolution, seconded by Mr. Lord:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House any correspondence including, but not limited to, letters, memos, electronic mail, faxes, etc. between the Department of Health and Community Services and the Hospital Corporations concerning the funding for the Y2K problem, in particular to using the equipment budget or any other Corporation budget.

Mr. Green gave Notice of Motion 85 that on Thursday, December 17, 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 notes, memos, correspondence, etc. between the Offices of the Presidents of the University of New Brunswick, Saint Thomas University, Université de Moncton and Mount Allison University and the Department of Finance and the Department of Education in the last three (3) months.

Mr. Mesheau gave Notice of Motion 86 that on Thursday, December 17, 1998 he would move the following resolution, seconded by Mr. Lord:

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 proposals and feasibility studies proposed to the government to correct the Y2K problem over the past five (5) years.

Mr. Mesheau gave Notice of Motion 87 that on Thursday, December 17, 1998 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 details of all public relations/communications, and advertising contracts, the amount of said contract, and purpose of the contract, between the Premier's Office, Department of Economic Development, Tourism and Culture and all private public relations, communications, or communications consulting firms contracted in all the provinces of Canada, and the United States since 1995.

Mr. Volpé gave Notice of Motion 88 that on Thursday, December 17, 1998 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 a list indicating the names, addresses, dates of appointment, terms of reference, salaries or fees of all current or past members of boards of directors or commissions established pursuant to regulations or accountable to the Government of New Brunswick appointed between 1996 to date.

Mr. Volpé gave Notice of Motion 89 that on Thursday, December 17, 1998 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 a copy of any assistance given by the Environmental Trust Fund to l'Association Chasse et Pêche de Lac Baker over the past five (5) years.

It was agreed by unanimous consent to extend the time for Notices of Motions to dispose of certain tabling motions remaining on the Order and Notice Paper and for which the documents requested had been tabled.

Motion 60 by Mr. Lord was, by leave of the House, stood over until Thursday, December 17, 1998.

Private Members' Motions 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, and 74 were, by leave, stood over until Friday, December 18, 1998.

Motion 61 by Mr. Mockler was, by leave of the House stood over until Friday, January 15, 1998.

Motion 9 by Mr. Green was, by leave of the House withdrawn.

Motions 35, 36, 38, 52 and 54 by Mr. Mesheau were, by leave of the House withdrawn.

Government Motions re Business of House

Hon. Mr. Byrne announced that it was the intention of the government that the House resume the Budget Debate and, if time permitted, the House would proceed to Committee of the Whole to consider legislation.

Third Reading

The following Bill was read a third time.

Bill 2, *An Act to Amend the Family Services Act*.

Ordered that the said Bill does pass.

Second Reading

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

Bill 9, *An Act to Amend the Beverage Containers Act*.

Bill 10, *Plant Health Act*.

The Order being read for second reading of Bill 11, *An Act to Amend the Human Rights Act*, a debate arose thereon.

And after some time, the debate was, on motion of Hon. Mrs. Kingston, adjourned over.

Budget Debate

The Order of the Day for resuming the adjourned debate on the motion (Motion 59),

That this House approves in general the budgetary policy of the government, having been read,

The debate was resumed.

And after some time, it was agreed by unanimous consent to sit beyond the ordinary hour of adjournment.

And after some further time, on motion of Mr. Green, the debate was adjourned over.

Speaker's Ruling

Mr. Speaker delivered his ruling on a Point of Order raised earlier by Hon. Mr. Tyler, as follows:

I would like to return to the question that was raised this morning on a point of order that referred to the interpretation of Standing Rule 7, which states that "the Members shall disclose any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect, that the Member may have had, may have or may be expecting to have.

Standing Rule 8, which applies as well, states: "No Member shall vote upon any question in which that Member has a direct pecuniary interest and the vote of any Member so interested shall be disallowed."

Of course, this question which is pertinent in these two rules is, what is a direct pecuniary interest? This question, honourable members, has come before this Legislature in the past and has been raised on numerous occasions in various Houses of Parliament over the past century or longer. So we are not dealing with a unique situation at this particular time.

The rules, of course, state that honourable members do have an obligation to state -- and all members are obligated to do this -- their particular pecuniary interest by way of declaration. It is not the Speaker necessarily who is to be the watchdog on this. All honourable members are on their honour to declare where there may be an interest and to withdraw themselves from any such debate. I should also advise the House that next week I, on your behalf, will be tabling a report which will further clarify the question of conflict of interest of members and of senior government officials.

With regard to this particular point of order, I would like to state something that may help clarify the issue. This has been raised in the United Kingdom at Westminster, in particular by one Speaker Fitzroy. Mr. Speaker Fitzroy reminded honourable members that they individually must be the judge themselves on the question of personal interest and, as a general rule, gave the following guidelines, which have been followed through the years.

The interest of a member of a general or remote character on any question before the House would not operate as a disqualification.

Now, I would go back and remind you of the qualification, "general or remote character on any question".

The interest to disqualify must be immediate and must be personal.

They go further back than that for those of you who are interested in the historic foundation of these rulings. On the 17th of July 1881, Mr. Speaker Abbot, ruled with regard to a pecuniary interest.

This interest must be a direct pecuniary interest and separately belonging to the persons whose votes were in question and not in common with the rest of Her Majesty's subjects or on a matter of state policy.

"A direct interest" is what is at issue here. Of course, this means that we have many situations where honourable members' participation in the business of the House may be subject to question. With that, an honourable member although he may benefit from some Act of Parliament, or of the House, as matter of general policy would not be precluded from voting thereof.

Some examples of where Speakers have ruled in favour of members being allowed to vote, or by extension, being allowed to participate in discussion, would include:

- a farmer voting on a measure directly designed to benefit agriculture (not a conflict of interest);
- a minister voting against a reduction of his official salary (not a conflict of interest);
- a lawyer voting on amendment to a justice bill (not a conflict of interest);
- Members voting on their own salaries (not a conflict of interest);
- a teacher voting on an education bill (not considered to be a conflict of interest);
- a doctor voting on a medical bill is not considered to be a conflict of interest.

Although in every case, the personal finances of the members involved could very significantly be affected, because the interest applies to more than the person who is involved. There is no doubt, honourable members, that the interest that is objected to must be strictly personal and not an interest which is shared by the rest of the province; otherwise, there are very few items of government business would ever have enough members in here to be able to reach a quorum.

For the interest of the House, this point of order was raised, very similar, and the honourable member for Grand Lake will probably remember it, back in 1992. At that time, he was the member for Queens North.

I do not, in this case, see that there is a violation of Rule 7 with regard to the participation by the member for Madawaska-les-Lacs. The issues he was discussing would be of interest and would affect many, many members of the public in the province of New Brunswick and, therefore, that is my ruling.

And then, 1.52 o'clock p.m., the House adjourned.