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**Daily Sitting 29**

Tuesday, April 11, 2000.

*1 o'clock p.m.*

Prayers.

Mr. C. Thériault welcomed to the House Mr. Fred Harvey, Liberal Member of the Legislative Assembly for Carleton (1987-1993).

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Ms. Weir laid upon the table of the House a petition signed by residents of the Saint John area, urging the government to reverse the decision to close the provincial veterinary laboratory. (Petition 5)

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Hon. Mrs. Blaney laid upon the table of the House a document entitled *Grand Manan Ferry Service Task Force Review - Final Report* - February 2000.

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Mrs. Mersereau gave Notice of Motion 111 that on Tuesday, April 18, 2000, she would move the following resolution, seconded by Mr. S. 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

1. A chart of the Department of Agriculture and Rural Development (1999-2000) that includes all divisions, branches, commissions, boards, regional offices, programs and services;
2. A list of all the staff employed by the department in 1999;
3. A list of all the staff employed today and an explanation for any changes;
4. A detailed budget for the department in 1999-2000 before the restructuring changes were made by the present government by division, branch, commission, board, regional office, program and services;
5. A list of all the NB/Federal Partnership Agreements and the budget of each such agreement;
6. A list of all the NB/Private Partnership Agreements and the budget of each such agreement;
7. The number of loans given and the amounts involved;
8. A list of all the subsidies given and the amounts involved;
9. A detailed proposed budget for 2000-01 under the government's restructuring;
10. A list of the individuals on the "Transition Committee" of the government as well as their responsibilities and action plans;
11. A list of all acts and regulations administered by the department before the restructuring and an indication of where the responsibility for those acts and regulations reside after the restructuring;
12. A copy of the 1999 Agriculture Commodities/Farm Organization Directory.

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Mr. Haché gave Notice of Motion 112 that on Tuesday, April 18, 2000, he would move the following resolution, seconded by Mr. B. Thériault:

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 the registry established for fish plant workers in the Acadian Peninsula including all documentation, correspondence, memorandums, electronic mail relating to or concerning the establishment of the registry, the criteria for eligibility for the registry itself and for eligibility for the training program, and an indication of any employees that were ruled ineligible for such registry with an explanation of any such decision.

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Hon. Mr. Green announced that it was the intention of government that following Private Members' Motions, the House would resolve itself into a Committee of Supply to consider the estimates of the Department of Education.

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Debate resumed on Motion 4, moved by Mr. S. Graham, as follows:

WHEREAS the Premier has made a commitment to the people of New Brunswick to remove the tolls from the new Fredericton-Moncton highway;

WHEREAS the Premier has committed the removal of tolls will not cost the taxpayers of New Brunswick more money;

WHEREAS approximately one-third of toll revenue would come from outside New Brunswick;

BE IT RESOLVED THAT the Legislature urge the Premier to explain to New Brunswickers the real cost of removal of tolls including a clear indication of how the lost toll revenues will be replaced.

And after some time, Mr. Ashfield, the Deputy Speaker, took the chair, as Acting Speaker.

And after some further time, Hon. Mr. N. Betts, seconded by Mr. Stiles, moved in amendment:

#### AMENDMENT

That Motion 4 be amended by:

removing all the words after the word "will", in the second WHEREAS clause, and replacing them with the following:

not increase the total cost of the project;

WHEREAS tolls were removed from the Fredericton-Moncton highway on March 1, 2000:

BE IT RESOLVED that the Legislative Assembly commend the Premier for upholding his commitment to the people of New Brunswick by ensuring the removal of unfair tolls without increasing the total cost of the project.

And the question being put, Mr. Blanchard rose on a Point of Order and submitted that the proposed amendment was out of order as it amounted to a direct negative of the original motion.

Several Members spoke on the point of order.

At 4.14 o'clock p.m., Mr. Ashfield, the Acting Speaker, advised he would take the matter under advisement and declared a brief recess.

4.43 o'clock p.m.

Mr. Ashfield, the Acting Speaker, resumed the chair and delivered the following ruling:

#### STATEMENT BY ACTING SPEAKER

We have reviewed some of the amendments to motions in the past. Yes, those amendments were made and they did modify the motion before the House, but they did not negative entirely the intent of the original motion. If I may refer to *Beauchesne's*, 6th Edition, number 578 on page 176 states:

(1) *An amendment proposing a direct negative, though it may be covered up by verbiage, is out of order.*  
(2) *An amendment which would produce the same result as if the original motion were simply negated is out of order.*

I would also like to refer to the *House of Commons Procedure and Practice*, Edition 2000, page 453:

*An amendment is out of order procedurally, if:*

- *it is not relevant to the main motion (ie., it deals with a matter foreign to the main motion or exceeds the scope of the motion, or introduces a new proposition which should properly be the subject of a substantive motion with notice);*
- *it is the direct negative of the main motion and would produce the same result as the defeat of a main motion; or*
- *one part of the amendment is out of order.*

When I look at the original motion, the "BE IT RESOLVED THAT the Legislature urge the Premier to explain to New Brunswickers the real cost of removal of tolls including a clear indication of how the lost toll revenues will be replaced," and the proposed replacement, "BE IT RESOLVED that the Legislative Assembly commend the Premier for upholding his commitment to the people of New Brunswick by ensuring

the removal of unfair tolls without increasing the total cost of the project," I believe, and it is my opinion, that that negated the original motion, and I rule the amendment out of order.

And the debate continuing on the motion,

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

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The House, according to Order, resolved itself into a Committee of Supply with Mr. Bernard in the Chair.

And after some time spent therein, Mr. Speaker resumed the chair and Mr. Bernard, 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.

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And then, 6 o'clock p.m., the House adjourned.

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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:

The 1998 Annual Report as Required by the Criminal Code of Canada Section 195 (*Protection of Privacy Act*) - April 5, 2000

A Report on Air Quality Monitoring Results in New Brunswick - For the Year 1998 - April 5, 2000

*Legislative Activities 1999* - April 7, 2000

Documents requested in Notices of Motion 68 and 104 - April 7, 2000

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And then, 12.48 o'clock p.m., the House adjourned.