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Daily Sitting 35

Tuesday, April 25, 2000.

1 o'clock p.m.

Prayers.

Mr. Huntjens, from the Standing Committee on Private Bills, presented the Second Report of the Committee which was read and is as follows:

April 25, 2000.

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 Second Report.

Your Committee on Private Bills met in the Legislative Council Chamber on April 13 and 20, 2000, and had under consideration:

Bill 27, *An Act to Amend the City of Saint John Pension Act*,

which it recommends to the favourable consideration of the House.

Your Committee also had under consideration:

Bill 32, *An Act to Amend the Registered Nursing Assistants Act*,

and recommends that the Bill not be proceeded with during the session.

And your Committee begs leave to make a further report.

I move, seconded by Mr. Carr, that the report be concurred in by the House.

(Sgd. :) Anthony Huntjens, M.L.A.

Vice-Chairman.

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

Mr. C. Thériault gave Notice of Motion 128 that on Tuesday, May 2, 2000, he 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 a complete breakdown of the budgets for each tree nursery at the Department of Natural Resources and Energy - Madran, Kingsclear, St.-Paul-de-Kent - including transportation expenses to deliver the seedlings to Crown Land licensees and/or any other expenses as well as a breakdown of all employees including permanent, casual and contract as well as student positions which existed in May and June of 1999, any revenues from each of the three existing nurseries and all memos, letters, e-mails, reports and/or studies from 1990 to 2000 relating to the cost of transferring all nursery activities to Kingsclear, including the construction of facilities.

Ms. Weir gave Notice of Motion 129 that on Tuesday, May 2, 2000, she would move the following resolution, seconded by Mr. Richard:

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 review conducted into the 1998 explosion and fire at the Irving oil refinery and the emergency measures plan developed.

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 Transportation, and that at tomorrow's sitting the Committee would continue consideration of the estimates of the Department of Finance before returning to those of the Department of Transportation.

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

Bill 35, *An Act to Amend the Vital Statistics Act*.

Bill 36, *An Act to Amend the Marriage Act*.

Debate resumed on Motion 6 moved by Mr. Holder, seconded by Mr. Weston, as follows:

WHEREAS the shipbuilding industry of Canada, including New Brunswick, is suffering significant economic hardship as a result of an unfair playing field in international markets;

AND WHEREAS the future of the shipbuilding industry in Canada will depend on its ability to compete in the international commercial shipbuilding markets; and foreign competitors have a pricing advantage over Canadian shipyards and international markets, due to support programs provided by their national governments;

AND WHEREAS the New Brunswick shipbuilding industry historically has made a substantial contribution to the economy of our province and continues to offer significant economic and social opportunities to the Province of New Brunswick;

AND WHEREAS the shipbuilding industry of Canada has called upon the Government of Canada to develop a national shipbuilding policy to counter the pricing advantages of foreign competition;

AND WHEREAS all provincial and territorial leaders have reached a consensus to call upon the Government of Canada to develop a national shipbuilding policy, in concert with the shipbuilding industry of Canada and the provinces;

THEREFORE BE IT RESOLVED THAT the Legislative Assembly of New Brunswick support the call on the Government of Canada to develop a national shipbuilding policy in concert with the shipbuilding industry of Canada and the provinces.

And after some time, Hon. Mr. Mockler requested the unanimous consent of the House to introduce guests in the gallery, and unanimous consent was denied.

Due to the unavoidable absence of Mr. Speaker, Mr. Ashfield, the Deputy Speaker took the chair as Acting Speaker.

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

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

Motions 13, 14, 54, 57, 58, 62, 64, 65, 66, 67, 68, 69, 71, 72, 74, 88, 89, 91, 92, 93, 94, 95, 96, 97, and 104 were, by leave of the House, withdrawn.

Mr. Speaker delivered the following ruling with respect to the Question of Privilege raised on Wednesday last by the Member for Shediac—Cap-Pelé:

STATEMENT BY SPEAKER

Before proceeding into Committee of Supply, I indicated I would be back with a ruling on the notice of privilege brought forward last week, Wednesday last, when the Honourable Member for Shediac—Cap-Pelé rose on a question of privilege pursuant to Standing Rule 9(2) of the *Standing Rules of the Legislative Assembly*.

In reviewing the comments, it is certainly not the position of the Speaker to rule in any sort of subjective manner on the morality or any other like consequence of a notice. It must be based strictly on the rules of the House, on the objectivity of the precedents, the rules, and other authorities that have governed these things in the past.

I have looked at the comments of the Honourable Member, as well as those of the Government House Leader. I find that the main points that are raised are substantially the same as those dealt with in my ruling of April 4th.

The matter essentially relates to the consideration in the House of the Main Estimates. The Member submits that, and I quote,

Members are being placed in a position where the current lack of comparative data, in the words of the 22nd edition of Erskine May, "obstructs or impedes any Member or officer of such House in the discharge of his duty", and that an action "which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent for the offence".

The Member concluded his argument by giving notice of a motion to refer this matter to the Standing Committee on Privileges.

I believe the ruling of April 4 dealt with the substance of this matter in sufficient detail, and it is not my intention to restate my findings at this time. However, I do want to restate the role of the Speaker in matters such as these. The role of the Speaker, when a question of privilege is raised, is limited to deciding whether, on the face of it, a prima facie case of privilege has been established.

I have given additional consideration to the matters and arguments raised in this latest question of privilege and have reviewed the various authorities on the matter of contempt.

As was previously noted, contempts are offences against the authority or dignity of the House. To keep that in perspective, the 22nd edition of *Erskine May's Parliamentary Practice* at pages 121 and 122, under the heading of "Contempt", and the subheading "Obstructing Members of Either House in the Discharge of their Duty", refers generally to such offences as the arrest of Members, molestation of Members while in the execution of their duties, or on account of their conduct in Parliament; attempts by improper means to influence Members in their parliamentary conduct, i.e., bribery; attempted intimidation of Members; or private solicitation of Members. The matters raised by the Member for Shediac—Cap-Pelé do not, in my opinion, fall in the general category of contempt as contemplated by the authorities. Having thoroughly reviewed the matter in question, I find that a prima facie case of privilege has not been established by the Member for Shediac—Cap-Pelé.

As to the other matters raised in the point of privilege, namely:

1. That documentation requested in a standing committee has not yet been provided.

The Speaker is not in a position to ascertain what has taken place in committee. This is a matter to be dealt with by the committee itself and could only be dealt with by the House on a report from the committee.

2. That information requested in tabling motions has not been provided.

The House has established rules and procedures dealing with Private Members' Motions, and to the best of my knowledge, these rules are being respected. In addition, the Government House Leader has undertaken to review with the Members of the opposition the disposition of each of the outstanding tabling motions.

In my opinion, the various matters referred to by the Member for Shediac—Cap-Pelé do not establish a prima facie case that a breach of privilege _ which is all I am addressing here _ has been committed. Therefore, I will not permit the Member's motion to go forward at this time.

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

And after some time, Mr. Ashfield took the chair.

And after some further time, the Chairman declared it to be 6 o'clock p.m., and left the Chair, to resume again at 7 o'clock p.m.

7 o'clock p.m.

The Committee resumed with Mr. Bernard in the chair.

And after some time, due to the unavoidable absence of Mr. Speaker, Mr. Ashfield, the Deputy Speaker took the chair as Acting Speaker, and Mr. Bernard, the Chairman, after requesting that Mr. Acting Speaker revert to Presentations of Committee Reports, reported that the Committee had had under consideration the matters referred to them, had made some progress therein 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.

And then, 10 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:

