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Daily Sitting 44

Wednesday, May 10, 2000.

10 o'clock a.m.

Prayers.

Mr. Haché laid upon the table of the House a petition signed by residents of the Bathurst area urging the government to reverse its decision to close the Madran nursery and transfer existing jobs to the south of the province. (Petition 12)

Mr. Speaker introduced two new Pages, Tracy Broadley and Emily Hall.

Mr. Speaker delivered the following ruling with respect to a Point of Order raised during the previous day's sitting by Hon. Mr. Green, the Government House Leader, as to whether there is a requirement on the part of a Private Member to table a cited document.

STATEMENT BY SPEAKER

Honourable Members,

At this time, I am prepared to deal with the Point of Order raised by the Government House Leader at yesterday's sitting, as to whether there is a requirement on the part of a Private Member to table a document cited.

I would refer Members to a previous ruling given on December 7, 1999, on this very issue.

I would like to quote two passages from this ruling:

"Tabling of documents is part of the ordinary daily routine of business in the House, as prescribed by Standing Rule 35. This item of routine business has traditionally been reserved for ministers of the Crown to lay upon the table of the House any report or other paper dealing with a matter within the administrative responsibilities of the government."

and

"Generally, Private Members have not been permitted to table documents during the item of business known as tabling of documents, unless they have first received the unanimous consent of the House. This is consistent with the practice in most other provincial Legislatures and in the House of Commons, and also with the principles outlined in various parliamentary authorities. Paragraph 495 of the sixth edition of Beauchesne's Parliamentary Rules and Forms states clearly that a private member may not table a document, voluntarily or otherwise. It states that "A private Member has neither the right nor the obligation to table an official, or any other, document."... Erskine May's Parliamentary Practice, 20th Edition, page 434, refers indirectly to the rule against tabling by Private Members. It states:

There is no rule to prevent Members not connected with the government from citing documents in their possession, both public and private which are not before the House even though the House would not be able to form a correct judgment from partial extract.

In other words, although Private Members may not table, there is no rule to prevent them from citing a document which cannot be before the House, inconvenient as this may be."

It is clear in *Erskine May* and other parliamentary authorities, as well as in other Canadian legislatures that have been consulted, that there is neither the right nor the obligation on the part of Private Members to table a document cited, even though the House cannot verify the accuracy of such documents.

The reference to paragraph 495(2) of Beauchesne's, which has been provided as the basis of this point of order, and which states "that a document which has been cited ought to be laid on the Table of the House" is an extract from Erskine May and applies specifically to Ministers of the Crown.

According to Marleau and Montpetit's *House of Commons Procedure and Practice*, there has been a long-standing practice in the House that Private Members may not table documents, official or otherwise. However, since the mid-1980's, Members have been allowed, on occasion, to table documents or material to which they may have referred during their speeches or during Question Period with the unanimous consent of the House. Private Members sometimes place material for the information of all Members on the Table, although this is not considered an official tabling. This is essentially the same practice that is followed in our House.

Members may find helpful a previous ruling given by the Chairman of Committee of Supply on February 25, 1999. During consideration of the estimates of the Department of the Environment, a Private Member read from a letter and then proceeded to question the minister on its contents. A point of order was raised asking the member to table the document.

The Chairman ruled that the official tabling of documents can only be done in the House and not in committee. The Chairman further noted, however, that it had been the practice in the past that when a Member quotes from a letter, the Member has provided a copy of the letter to the Chair or to another member, if so requested. Continuing, the Chairman stated that "if a member is unwilling to provide a copy of the letter from which he or she has purported to quote, then a minister would be justified if he or she chooses to refrain from commenting or answering such questions on that letter."

To summarize, I find that a Private Member has neither the right nor the obligation to officially table documents in the House, unless the unanimous consent of the House has first been granted.

As is the practice in other jurisdictions, Private Members may sometimes place material for the information of all Members on the Table, although this is not considered an official tabling.

With respect to Points of Order raised during the previous day's Question Period regarding unparliamentary language, Mr. Speaker advised that he had reviewed the transcript and found phrases and words that were in the realm of being "unparliamentary," and cautioned Members to avoid the use of unparliamentary terms.

Mrs. Mersereau rose and withdrew any words spoken during the previous day's sitting which may have been judged to be unparliamentary.

Mr. Blanchard gave Notice of Motion 143 that on Tuesday, May 16, 2000, he would move the following resolution, seconded by Mr. C. 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 copies of the following reports commissioned by the government of New Brunswick and NB Power and completed and presented to the government of New Brunswick and NB Power in December 1999:

1. Evaluation of Restructuring Alternatives for NB Power. Summary Report by TD Securities;
2. Evaluation of Restructuring Alternatives for NB Power. Detailed Report (Book 1 of 2) by TD Securities;
3. Evaluation of Restructuring Alternatives for NB Power. Detailed Report (Book 2 of 2) by TD Securities;
4. A Market Structure for the New Brunswick Power Market by Navigant Consulting Inc.

Ms. Weir gave Notice of Motion 144 that on Tuesday, May 16, 2000, she would move the following resolution, seconded by Mr. Richard:

WHEREAS Alberta's Bill 11 legislation that will permit the contracting out of publicly-funded surgeries to private sector hospitals will set the stage for two-tier American-style health care by establishing access to health services based on whether you can pay, not what services you need and

WHEREAS Bill 11 erodes the fundamental principles of Medicare by allowing richer patients to receive care before those who can't pay the price, and

WHEREAS trade experts have raised concerns that Bill 11 will trigger NAFTA, opening our Canadian health care system to U.S. for-profit corporations

THEREFORE BE IT RESOLVED THAT all Members of this House join in urging the Prime Minister to refer Bill 11 to the Supreme Court of Canada, and further call on the Federal Government to institute a ban on private for-profit hospitals.

Hon. Mr. Green 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 Health and Wellness, followed by consideration of Bill 34 in Committee of the Whole.

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

And after some time, 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. Ashfield in the chair.

And after some time, Mr. Speaker resumed the chair, and Mr. Ashfield, the Chairman, after requesting that Mr. 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 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, 6 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 43, 83, 114, 131, and 137 - May 2, 2000