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Daily Sitting 53

Thursday, May 25, 2000.

1 o'clock p.m.

Prayers.

Mr. Leblanc laid upon the table of the House a petition on behalf of parents of children attending Amirault School requesting budget allocations in the March 28 budget for a cafeteria and new classrooms at the school. (Petition 14)

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 the Environment and Local Government.

Mr. Speaker delivered the following ruling with respect to Motion 56 standing on the Order and Notice Paper in the name of the Member for Saint John Harbour.

STATEMENT BY SPEAKER

Honourable Members,

Before we proceed to Private Members' Motions, I wish to draw to the attention of the House Motion 56, which stands on the Order and Notice Paper in the name of the Member for Saint John Harbour. Motion 56 deals essentially with the same subject-matter as another motion which has been already decided by the House during the current session.

There is a well established and old rule of Parliament which states "that a question being once made and carried in the affirmative or negative, cannot be questioned again, but must stand as the judgement of the House." This rule can be found in *Bourinot's Parliamentary Procedure and Practice*, 4th edition, at page 328.

As stated in *Beauchesne's Parliamentary Rules & Forms*, 6th edition, paragraph 558, "Unless such a rule were in existence, the time of the House might be used in the discussion of a motion of the same nature and contradictory decisions would be sometimes arrived at in the course of the same session."

This rule is cited in both *Erskine May* and in *Beauchesne*, and has been consistently followed in this House. As was stated in a previous decision of the Chair reported at page 186 of the 1993 Journals of the Legislative Assembly, "it is a common sense rule that is intended to prevent repetition in debate and stability of decision during a session".

Motion 48 by the Member for Campbellton, was moved, debated and resolved in the negative during this session. The motion called upon the government to halt any sale, proposed sale or negotiations concerning the sale of any assets of NB Power, until such time as the government had brought forward its energy policy for all New Brunswickers to review and debate.

Motion 56 offered by the Member for Saint John Harbour calls upon the government to respond in full to the Report of the Select Committee on Energy, to terminate negotiations with any private sector corporations for the sale of any assets of NB Power, and to immediately disclose the status of directions to NB Power.

I find the two motions to be very similar in nature; both motions deal with the sale of assets of NB Power and government's energy policy.

To allow Motion 56 to go forward would, in my opinion, revive debate on a question that has already been decided by this House during the current session. Therefore, I rule the motion out of order.

Debate resumed on Motion 53, moved by Ms. Weir, as follows:

WHEREAS in recent months skyrocketing home heating fuel prices have hit hard at low and limited income New Brunswickers; and

WHEREAS the Harmonized Sales Tax has added to the pressure on people trying to heat homes and apartments with a limited budget; and

WHEREAS the New Brunswick government has been the beneficiary of windfall HST revenues because of this situation;

THEREFORE BE IT RESOLVED that this Legislative Assembly urge the New Brunswick government to consider measures that will assist New Brunswickers during this winter heating season and bring a greater measure of tax fairness to hard-working New Brunswick families and seniors who are struggling on limited incomes.

And the debate being ended and the question being put, the motion was negated on the following recorded division:

YEAS - 8

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| Mr. Blanchard | Mr. B. Thériault | Mr. Richard |
| Mr. Allaby | Mr. Haché | Ms. Weir |
| Mr. C. Thériault | Mr. S. Graham | |

NAYS - 30

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| Hon. Mr. Green | Ms. Poirier | Mr. Jordan |
| Hon. D. Graham | Mr. Cosman | Mjr. Landry |
| Hon. Mrs. Blaney | Mr. Weston | Mr. Laforest |
| Hon. Mr. McFarlane | Mr. Malley | Ms. Keddy |
| Hon. Mrs. Jardine | Mr. Stiles | Mr. Huntjens |
| Hon. Mr. Sherwood | Mr. MacDonald | Mr. Savoie |
| Hon. P. Robichaud | Mr. Forbes | Mr. Cyr |
| Mr. J. Betts | Mr. Holder | Mr. Ashfield |
| Mrs. Fowlie | Mr. McGraw | Mr. MacKenzie |
| Mr. LeBlanc | Mr. Steeves | Ms. Dubé |

Motions 17, 22, 24, and 36 by Ms. Weir were, by leave of the House, stood over to Tuesday, May 30, 2000.

Pursuant to Notice of Motion 55, Ms. Weir moved, seconded by Mr. Richard:

WHEREAS the Minister of Natural Resources and Energy acknowledges that his government is proceeding with the sale of NB Power assets in the absence of public debate, public disclosure; or public review; and

WHEREAS in other provinces, such as Nova Scotia, these decisions could not be taken without public review and scrutiny; and

WHEREAS the New Brunswick *Public Utilities Act* only permits the Public Utilities Board to review rate increases by NB Power that exceed 3%, or decisions for significant capital investments;

THEREFORE BE IT RESOLVED that consideration be given to amending the *Public Utilities Act* to grant the Public Utilities Board powers to review any sale of assets by NB Power to private corporations, or sale of buildings or equipment, plants, leases or other capital holdings.

And the question being put, it was agreed by unanimous consent to postpone debate on the Motion until Tuesday, May 30, 2000.

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

And after some 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. Ashfield in the chair.

And after some time, Mr. MacKenzie took the chair as Acting Chairman.

And after some further time, due to the unavoidable absence of Mr. Speaker, Mr. Ashfield took the chair as Acting Speaker, and Mr. MacKenzie, the Acting Chairman, after requesting the Acting Speaker to 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, the Acting 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, 10 o'clock p.m., the House adjourned.