

(The electronic version of the following Journal of the Legislative Assembly is for information purposes only.
The printed version remains the official version.)

Daily Sitting 5

Tuesday, December 7, 1999.

1 o'clock p.m.

Prayers.

Mr. Speaker delivered the following statement:

STATEMENT BY SPEAKER

Honourable Members:

Before we begin House proceedings today, I have a statement that I indicated on Friday that I would make. Honourable Members, last Friday, following the tabling of documents, I advised the House that in today's sitting, I would report back on the tabling of documents by Private Members.

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. This is done pursuant to the standing authority in various statutes which requires that certain documents be laid before the House: for example, there are annual reports from departments or agencies. It allows for the tabling of various documents of importance that a minister would be expected to table.

Pursuant to Standing Rule 39, documents can also be filed with the Clerk of the House and can be deemed for all purposes to have been presented to or laid before the House. This provision is clear in that it applies only to a return, report, or other paper required to be laid before the House in accordance with any Act or in pursuance of any resolution or standing rule. Presentation of papers pursuant to this standing rule is commonly referred to as tabling through the back door, and only ministers of the Crown have used this means to table documents.

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." That is from the *Journals*, April 6, 1971, pages 475 and 476. *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.

In the past, previous Speakers have accorded a degree of leniency with regard to the tabling of documents by allowing Private Members to table certain documents which have been referred to in debate. In such instances where no objections have been raised to the tabling, it can be said that the implied consent of the House has been granted. However, this should not be interpreted to mean the Private Members have the right to table documents as a matter of course.

A review of the practice in this House indicates that for the most part Private Members have first sought the leave of the Assembly before tabling documents. I intend to adhere to this practice. Therefore, in the future, Private Members will not be permitted to table documents unless they receive the unanimous consent of the House to do so.

Mr. Alward paid tribute to the memory of the late Stephen Porter, Progressive Conservative Member of the Legislative Assembly for the constituency of Carleton South (1978-1987).

Hon. Mr. Betts, Minister of Finance, delivered to Mr. Speaker a Message from Her Honour the Lieutenant-Governor, and the said Message was read by Mr. Speaker, all the Members standing, and is as follows:

Fredericton, N.B.
December 7, 1999.

The Lieutenant-Governor transmits the Supplementary Estimates 1999-2000 of the sums required for the services of the Province, not otherwise provided for, for the year ending March 31, 2000, and in accordance with the provisions of the *Constitution Act, 1867*, recommends these Estimates to the House.

(Sgd. :) Marilyn Trenholme Counsell,
Lieutenant-Governor.

The following Bills were introduced and read the first time:

By Hon. Mr. Betts,

Bill 3, *An Act Respecting Pensions*.

Bill 4, *An Act to Amend the Tobacco Tax Act*.

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

Hon. Mr. Betts, Minister of Finance, delivered to Mr. Speaker a Message from Her Honour the Lieutenant-Governor, and the said Message was read by Mr. Speaker, all the Members standing, and is as follows:

Fredericton, N.B.
December 7, 1999.

Her Honour the Lieutenant-Governor transmits a Bill entitled "Special Appropriation Act 1999 (3)", and having been informed of the subject matter of the Bill, recommends the same to the House.

(Sgd. :) Marilyn Trenholme Counsell,
Lieutenant-Governor.

The following Bill was introduced and read the first time:

By Hon. Mr. Betts,

Bill 5, *Special Appropriation Act 1999 (3)*.

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

Hon. Mr. Green announced that following Private Members' Motions, it was the intention of the government that the House resume debate on the motion for an Address in Reply to the Speech from the Throne, and, time permitting, to proceed to Government Motions; namely Motion 1.

On motion of Hon. Mr. Green, seconded by Hon. Mr. Lord:

RESOLVED, THAT the Membership of the Select Committee on Education be amended by substituting the name of Mrs. Mersereau for Mr. B. Thériault; and

THAT the Membership of the Select Committee on Health Care be amended by substituting the name of Mr. B. Thériault for Mrs. Mersereau.

Pursuant to Notice of Motion 31, Mrs. Mersereau, seconded by Mr. Haché, moved:

WHEREAS the Government of N.B. and the Government of Canada forgave a \$38 M debt for the Port of Saint John in 1996;

WHEREAS the Government of Canada forgave ports across Canada more than \$726 M over the years;

WHEREAS l'Association des municipalités francophones du NB, le Conseil économique du NB, the regional municipalities and the Chaleur Industrial Commission have identified the Port of Belledune as a strategic infrastructure for economic development in the North;

WHEREAS that it is critical for the Government of N.B. to take a leadership role in the negotiations with the Government of Canada immediately;

BE IT RESOLVED THAT this Legislature urge the Premier to immediately ask the Prime Minister of Canada to treat the Port of Belledune as it did the Port of Saint John.

And the question being put, a debate ensued.

And after some time, Hon. Mr. P. Robichaud, seconded by Mr. Bernard, moved in amendment:

AMENDMENT

THAT Motion 31 be amended by deleting the words:

"WHEREAS the Government of New Brunswick and the Government of Canada forgave a \$38M debt for the Port of Saint John in 1996;"

and by deleting all the words after the word "Legislature" and replacing them with the following:

"encourage the Government of New Brunswick to continue its ongoing efforts to urge the federal government to reduce or eliminate the debt of the Port of Belledune."

And the question being put, a debate ensued.

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

The Assembly resumed the adjourned debate on the proposed motion of Ms. Dubé, seconded by Mr. MacDonald:

THAT the following Address be presented to her Honour the Lieutenant-Governor to offer the humble thanks of this House to Her Honour for the gracious speech which she has been pleased to make to the Legislative Assembly, namely:

Fredericton, N.B.
November 30, 1999.

To Her Honour,
The Honourable Marilyn Trenholme Counsell,
Lieutenant-Governor of the Province of New Brunswick.

May It Please Your Honour:

We, Her Majesty's most dutiful and loyal subjects of the Legislative Assembly of the Province of New Brunswick, now in session, beg leave to extend our humble thanks to Your Honour for the gracious speech which Your Honour has addressed to us, and we assure Your Honour that all matters which may be submitted to us during the session will receive our most careful attention and consideration.

And after some time, it was agreed by unanimous consent to continue sitting past the ordinary time of adjournment.

And the debate continuing, after some time it was, on motion of Hon. Mr. E. Robichaud, adjourned over.

On motion of Hon. Mr. Green, seconded by Hon. Mr. Lord:

RESOLVED, That when the House adjourns, it stand adjourned until tomorrow at 10 o'clock a.m.

And then, 6.15 o'clock p.m., the House adjourned.