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**Daily Sitting 12**

Friday, December 1, 2000.

*10 o'clock a.m.*

Prayers.

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

**STATEMENT BY SPEAKER**

Honourable Members:

At this time, I am prepared to rule on the Question of Privilege raised on Tuesday last by the Member for Shediac—Cap-Pelé.

In stating the question of privilege, the Member for Shediac—Cap-Pelé gave notice of motion pursuant to Standing Rule 9(2). Standing Rule 9(3) states that the Speaker shall not accept such a motion unless satisfied that there is a *prima facie* case that a breach of privilege has been committed and that the matter is being raised at the earliest opportunity.

I have reviewed the comments of the Honourable Member, as well as those of other Members. I want to thank you for your comments.

In presenting his question of privilege, the Member for Shediac—Cap-Pelé submits that the delay by the Minister of Training and Employment Development in providing important information to the House, namely an actuarial study relevant to a Bill before the House, amounts to a breach of privilege.

The Member states that the actuarial study in question had been requested from Government both in a Notice of Motion some six months earlier and at a meeting of the Standing Committee on Public Accounts and the fact that it was not provided until after the House had commenced its consideration of Bill 10 demonstrates a contempt for Members on both sides of the House.

I have reviewed the various authorities on the matter of contempt and will repeat what I stated in a ruling of April 25th this year.

Contempts are offences against the authority or dignity of the House. 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.

It has always been recognized that Members of the Assembly should be granted as much access as possible to documents requested from government, to ensure that Members are well informed on matters before the Assembly and that Members are able to participate in debate in a meaningful way. Although Members may request documents from Government through notices of motions, this does not confer upon Members an automatic right to receive the documents requested.

The practice of this House and of other Assemblies clearly establishes that it is the prerogative of Government to withhold a document it deems privileged. The Government House Leader, in his submission, states that the study in question was a confidential and privileged document that the Minister of Training and Employment Development was under no obligation to table but, who chose to do so to facilitate debate on the Bill.

The Member for Shediac—Cap-Pelé further contends that a minister who introduces a major bill is also responsible for tabling any information necessary to enable Members on both sides to discuss the matter in a reasonable and informed fashion.

However, unless there is an Order of the House, there is no Standing Rule or other legal requirement which requires a Minister of the Crown to provide the House in advance with all documents that may be considered to be applicable to a matter under debate or to legislation that is under consideration.

In my opinion the Member has not established a *prima facie* case that a breach of privilege has been committed and accordingly I will not allow the Member's motion to go forward.

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The following Bill was introduced and read a first time:

By Hon. Mr. Lord,

Bill 16, *An Act to Amend the Beaverbrook Auditorium Act*.

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

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The following Private Bill was introduced and read the first time:

By Mr. Forbes,

Bill 17, *An Act Respecting the Canadian Information Processing Society of New Brunswick*.

Ordered referred to the Standing Committee on Private Bills.

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Mr. S. Graham gave Notice of Motion 31 that on Tuesday, December 5, 2000, he would move the following resolution, seconded by Mr. Allaby:

WHEREAS the winter months are now upon us;

WHEREAS the disconnection of electricity continues to be a serious problem for New Brunswickers living on low or fixed incomes;

WHEREAS other jurisdictions have seen fit to protect their residential customers from disconnects during the winter months;

BE IT THEREFORE RESOLVED that this Legislature urge the government to instruct NB Power to adopt a policy of not disconnecting residential electricity between the dates of November 1 and March 31.

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Mr. S. Graham requested the unanimous consent of the House to add Motion 31 to the Order Paper to be considered on Tuesday, December 5, 2000, following consideration of Motion 1, and unanimous consent being denied, Notice of Motion 31 was deferred to Thursday, December 7, 2000.

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Hon. Mr. E. Robichaud announced that following second reading, the House would resolve itself into a Committee of the Whole to consider legislation; namely, Bills 11 and 13; and time permitting, the House would resolve itself into a Committee of Supply to consider the Supplementary Estimates.

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The Order being read for second reading of Bill 14, *New Brunswick Income Tax Act*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 14 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 14, *New Brunswick Income Tax Act*, was read a second time and ordered referred to the Committee of the Whole House.

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The House resolved itself into a Committee of the Whole with Mr. Ashfield in the chair.

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

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

And after some further time, Mr. Speaker resumed the chair and Mr. Ashfield, the Chairman, after requesting that Mr. Speaker revert to the Order of Presentations of Committee Reports, reported:

That the Committee had directed him to report the following Bill agreed to as amended:

Bill 11, *An Act to Amend the All-Terrain Vehicle Act*.

And that the Committee had directed him to report progress on the following Bill:

Bill 13, *An Act to Amend the Education Act*.

And the Committee asked leave to make a further report.

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.

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And then, 2.30 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:

Documents requested in Notices of Motions 14 and 18 - November 30, 2000

*Supplementary Estimates 1999-2000 Volume III*

Transmitted by Message of Her Honour

The Lieutenant-Governor - November 30, 2000