

Journal 15

Thursday, December 7, 2000.

12 o'clock noon

Prayers.

Hon. Mr. Green rose on a question of privilege concerning an editorial cartoon in the *Times & Transcript* of December 7, 2000, and gave notice, pursuant to Standing Rule 9(2), of his intention to move the following motion, seconded by Hon. Mr. Lord:

THAT this Assembly condemns the Moncton *Times & Transcript* for the editorial cartoon it published in its Thursday, December 7th, 2000, edition.

The following Bill was introduced and read the first time:

By Hon. Mr. Lord,
Bill 18, *Order of New Brunswick Act*.

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

Mr. Thériault gave Notice of Motion 32 that on Thursday, December 14, 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 copies of all documents, including but not limited to, letters, correspondence, electronic mail, memorandums, minutes of meetings, reports, records of telephone calls between officials of the department of Natural Resources and Energy and K. & M. Coakley Ltd., its directors, officers or employees concerning the removal of sand or other materials from lands within the province of New Brunswick.

Mr. Thériault gave Notice of Motion 33 that on Thursday, December 14, 2000, he would move the following resolution, seconded by Mr. Allaby:

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 all documents, including but not limited to, letters, correspondence, electronic mail, memorandums, minutes of meetings, reports, surveys (including departmental and private), applications for permits, permits issued, application for leases, leases issued in connection with the removal of sand or any other materials from lands known and identified as PID #60078565.

Mr. S. Graham gave Notice of Motion 34 that on Thursday, December 14, 2000, he would move the following resolution, seconded by Mr. Lee:

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 list of unpaid royalties on timber and aggregate from Crown Lands which are now owed to the government.

Mr. Richard gave Notice of Motion 35 that on Thursday, December 14, 2000, he would move the following resolution, seconded by Mr. Allaby:

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 all correspondence between the Premier or any of his staff and the Prime Minister of Canada and any federal Cabinet Ministers or their staff, indicating copies of all correspondence, documentation, memorandums, e-mails relating to any such correspondence.

Hon. Mr. Green announced that it was the intention of the government that following Private Members' Motions, the House would resolve itself into a Committee of Supply to consider the Capital Estimates 2001-2002, followed by the *Supplementary Estimates Volume III (1999-2000)*, and time permitting, a Committee of the Whole to resume consideration of Bill 13.

Motions 5, 10, 12, 13, 14, 21, and 25 were, by leave of the House, withdrawn.

Debate resumed on Motion 3, as follows:

WHEREAS the government has promised an energy policy to be presented this fall;

WHEREAS one of the most significant energy issues to the people of New Brunswick is the future of NB Power;

WHEREAS comments from the government have suggested that the future of NB Power will not be included in the upcoming energy policy;

WHEREAS no energy policy could be considered comprehensive that does not include the future of the province's greatest energy presence;

BE IT THEREFORE RESOLVED that this Legislature urge the government to include a plan for the future of NB Power in the energy policy to be released this fall.

And after some time, Mr. S. Graham, seconded by Mr. Allaby, moved in amendment:

AMENDMENT

That Motion 3 be amended by:

After the 4th WHEREAS clause add:

WHEREAS an energy policy could address the serious problem of electrical disconnections for residences in winter months.

After the resolution clause, add:

BE IT FURTHER RESOLVED that this Legislature ask the government to include within the energy policy a directive to NB Power not to disconnect residential electricity between the dates of November 1 and March 31.

And the question being put, a debate ensued.

Mr. Speaker interrupted proceedings and advised that earlier in the sitting the Government House Leader had raised a question of privilege and had given notice of his intention to move a motion as required by the Standing Rules.

Mr. Speaker indicated he had been prepared to hear from other Members to assist him in determining whether the matter as raised constituted a *prima facie* case; however, he had ascertained there was unanimous consent to deal with the matter now, and rather than reserve his decision, he left the matter in the hands of the Assembly.

With leave of the House, Hon. Mr. Green moved, seconded by Hon. Mr. Lord:

THAT this Assembly condemns the Moncton *Times & Transcript* for the editorial cartoon it published in its Thursday, December 7th, 2000, edition. (Motion 36)

And the question being put, it was resolved in the affirmative.

Debate resumed on the amendment to Motion 3, moved by Mr. S. Graham.

And after some time, Mr. Ashfield, the Deputy Speaker, took the chair as Acting Speaker.

And after some further time, Mr. Richard rose on a point of order and stated that the Minister of Family and Community Services had imputed a direct quote to him and therefore should table the document

cited.

In speaking on the point of order, Hon. Mr. Mockler submitted that he had not been quoting a letter or other document but was quoting statements made previously by the Member.

Mr. Ashfield, the Deputy Speaker reserved his decision on the point of order.

Debate continued and after some further time Mr. Richard rose on a point of order and submitted that the Minister of Family and Community Services should make no further reference to the purported quote until the Deputy Speaker had ruled on the matter. Several Members spoke on the point of order.

At 3.03 o'clock p.m., Mr. Ashfield, the Deputy Speaker, declared a recess and left the chair.

3.40 o'clock p.m.

Mr. Ashfield, the Deputy Speaker, resumed the chair and delivered the following ruling:

STATEMENT BY DEPUTY SPEAKER

Several Points of Order have been raised by Members concerning statements made by the Minister of Family and Community Services in debate. The Minister has attributed certain remarks to the Member for Shédiac—Cap-Pelé as a direct quote.

The Member for Shédiac—Cap-Pelé has stated that if a Member is going to purport to quote him and attribute words to him, he must be prepared to produce a transcript of the remarks he was purported to have made or produce a copy of the document cited.

The rules are clear that if a document is quoted in the House and a request is made that it be tabled, the Member must table the document.

The Minister of Family and Community Services has contended that he was not quoting a specific document but rather was quoting statements that were previously made by the Member. Therefore, he contends there is no document that can be tabled.

The authorities state that a Member cannot do indirectly what cannot be done directly. Therefore, simply stating that there is no document which is being quoted from, should not allow the Member to impute words to another Member without being able to substantiate what was said.

Therefore, I will ask the Minister that if he continues to use direct quotes, then he must be prepared to table the document from which he is quoting if so requested.

The debate continued on the amendment to Motion 3, and after some time, Mr. Ashfield, the Deputy Speaker, interrupted proceedings and announced that the time allotted for Private Members' Motions had expired.

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, Mr. Bernard resumed the chair.

And after some further time spent therein, Mr. Speaker resumed the Chair and Mr. Bernard, 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, had passed several items 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.

The following are the items reported:

CAPITAL ESTIMATES, 2001-2002 Voted

DEPARTMENT OF HEALTH AND WELLNESS

Resolved, That there be granted to Her Majesty a sum not exceeding \$2,500,000 to defray the expenses of the following programs:

Public Hospitals - Capital Equipment 2,500,000

The said items were concurred in by the House.

And then, 5.07 o'clock p.m., the House adjourned.

The following documents, having been deposited with the Clerk of the House since the last sitting of the House, were deemed laid upon the table of the House pursuant to Standing Rule 39:

Annual Report New Brunswick Police Commission 1999-2000 - December 6, 2000

Capital Estimates 2001-2002 (Transmitted by Message of Her Honour the Lieutenant-Governor) -
December 6, 2000