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Daily Sitting 32

Thursday, April 5, 2001

1 o'clock p.m.

Prayers.

Mr. Speaker welcomed to the Assembly Saint John Mayor Shirley McAlary and members of the Saint John City Council, who were present on the occasion of Saint John day.

Following a statement by the Member for Mactaquac, Mr. Allaby rose on a point of order, namely, that the Member for Saint John Harbour had been erroneously referred to as an independent Member. Mr. Speaker ruled the point of order well taken and stated that all Members should be addressed by their riding.

Mr. Richard gave Notice of Motion 64 that on Thursday, April 12, 2001, he would move the following resolution, seconded by Mrs. Mersereau:

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 documentation, correspondence, memorandums, reports and/or electronic mail relating to or concerning the issue of tourist related signage changing across North America to blue and a detailed costing breakdown of the various colour options actually considered.

Mr. S. Graham, gave Notice of Motion 65 that on Thursday, April 12, 2001, he would move the following resolution, seconded by Mrs. Mersereau:

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 documentation, correspondence, memorandums, reports and/or electronic mail relating to or concerning the removal of a steel building from the N.B. Power site at the Minto Power Plant, including, without limiting the foregoing, copies of the entry log for the gate for that site since December 1, 2000 up to and including today's date.

Mrs. Mersereau gave Notice of Motion 66 that on Thursday, April 12, 2001, she 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 detailed information which responds to the following specific questions:

1. In 1999-2000, how many children entering school were evaluated for learning difficulties by the Department of Health and Wellness?
2. In 1999-2000, of those children entering the system and determined by Health & Wellness to require a support service, how many received the support services recommended?
3. How long did they wait to receive support service?
4. What is the process a child goes through in the Department's evaluation, including without limiting the foregoing, an indication of what tests are given for which problems and what the recommended action is for each;
5. What is the average waiting period for a child entering Kindergarten before receiving the treatment/service that was recommended by the Department of Health & Wellness?

Hon. Mr. Green informed the House that there had been agreement between the government and opposition in regard to House business, specifically to vary the orders of the day and to commence with consideration of Motion 58 following which the House would resume the adjourned debate on the motion that this House approve in general the budgetary policy of the government, followed by Private Members' Motions. Hon. Mr. Green announced that, time permitting, the House would resolve itself into a Committee of the Whole to consider legislation; namely, Bill 34.

The House agreed by unanimous consent to vary the orders of the day accordingly.

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

RESOLVED that when the House adjourns on Wednesday, April 11, 2001, it stand adjourned until Tuesday, April 17, 2001 at 1 o'clock p.m.

The following Bills were read the third time:

Bill 31, *An Act to Amend the Marriage Act.*

Bill 32, *An Act to Amend the Elevators and Lifts Act.*

Bill 33, *An Act to Amend the Gasoline and Motive Fuel Tax Act.*

Ordered that the said Bills do pass.

Pursuant to Notice of Motion 58, Hon. Mr. Green, seconded by Hon. Mr. Lord, moved the following resolution: That, notwithstanding Standing Rule 29(1), the time for the daily meeting and sitting of the Assembly shall be as follows:

Tuesday 1.00 p.m. to 6.00 p.m.

7.00 p.m. to 10.00 p.m.

Wednesday 10.00 a.m. to 12.30 p.m.

2.00 p.m. to 6.00 p.m.

Thursday 1.00 p.m. to 6.00 p.m.

7.00 p.m. to 10.00 p.m.

Friday 10.00 a.m. to 12.30 p.m.

2.00 p.m. to 6.00 p.m.

That this Special Order shall come into effect on the first sitting day following the conclusion of the Budget Debate and shall remain in effect until such time as the House has concluded its consideration of the estimates in the Committee of Supply.

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

The Order of the Day for resuming the adjourned debate on the motion (Motion 47),

That this House approves in general the budgetary policy of the government, having been read,

The debate resumed.

And after some time, Hon. Mr. Green rose on a point of order to complain that Mr. Richard had referred to persons not present in the House. In support of his point of order, Hon. Mr. Green referred to citation 493 of *Beauchesne's Parliamentary Rules & Forms* 6th Edition, which states in effect that a Speaker may caution Members to exercise great care in making statements about persons who are outside of the House and unable to reply.

Mr. Speaker acknowledged that, with the exception of the sub judice rule, Members have considerable latitude in speaking. Mr. Speaker stated that he had already cautioned one Member for commenting on persons not present in the Assembly and cautioned Members to exercise great care in referring to persons outside the House who are unable to defend themselves.

Debate resumed on Motion 59 as amended, moved by Mr. Richard, seconded by Mr. S. Graham, as follows:

WHEREAS the Maritime Accord on Softwood Lumber which guarantees New Brunswick and Atlantic Canadian softwood lumber producers free market access to American export markets, expired on March 31, 2001;

WHEREAS thousands of New Brunswickers depend on the forestry industry, including the softwood lumber sector, for their livelihoods;

WHEREAS the four Atlantic provinces are united in their position and have called on the Government of Canada in a number of venues over time to ensure that the existing free trade practices in softwood lumber between Atlantic Canada and the United States are maintained;

WHEREAS trade sanctions by American lumber producers and the United States Government or voluntary export limitations by the Government of Canada would be devastating to New Brunswick's economy and cripple several dozens of rural communities in New Brunswick such as Saint-Jacques, Baker Brook, Saint-Leonard, Doaktown, Kedgwick, Chipman, Nackawic and many others;

WHEREAS the position of the Government of New Brunswick and the other Atlantic Provinces is consistent with the position of the Maritime Lumber Bureau, the organization representing the softwood lumber sector in Atlantic Canada;

WHEREAS since 1981, the Maritime Provinces have been excluded from any and all the various trade remedies implemented to resolve ongoing softwood lumber disputes;

BE IT RESOLVED that the Legislative Assembly of New Brunswick call upon the Government of Canada to immediately renew the Maritime Accord with the Government of the United States to ensure that the existing free trade practices in softwood lumber between Atlantic Canada and the United States can continue and to ensure Atlantic Canada is not subject to any anti-dumping action, countervail duties or export taxes.

And the debate being ended, and the question being put, Motion 59 as amended was carried.

During consideration of Private Members' Motions, Mr. Speaker interrupted proceedings and advised that debate on the motion "That this House approve in general the budgetary policy of the government" had not been adjourned earlier in the sitting. With leave of the House, Hon. Mr. Green, on behalf of Hon. Mr. Lord, moved:

That the debate be now adjourned.

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

Debate resumed on the amendment to Motion 4, moved by Mr. Thériault, seconded by Mr. Allaby, as follows:

AMENDMENT

In the resolution clause, after the word "lives" add, "and that their decisions be binding upon this Government".

And after some time, due to the unavoidable absence of Mr. Speaker, Mr. Ashfield, the Deputy Speaker, took the chair as Acting Speaker.

And the debate being ended and the question being put, the amendment was negatived on the following recorded division:

YEAS - 5

Mrs. Mersereau	Mr. Haché	Mr. Allaby
Mr. Richard	Mr. S. Graham	

NAYS - 25

Hon. Mr. Betts	Mr. MacDonald	Mr. Landry
Hon. Mr. Green	Mr. Forbes	Mr. Laforest
Hon. Mr. Volpé	Mrs. Keddy	Mr. Dubé
Mr. J. Betts	Mr. Savoie	Mr. Moore
Mrs. Fowlie	Mr. Holder	Mr. Bernard
Ms. Poirier	Mr. Kinney	Ms. Dubé
Mr. Carr	Mr. McGraw	Mr. Weston
Mr. Jordan	Mr. Steeves	Mr. Alward

Mr. Stiles

Debate resumed on Motion 4, moved by Mr. Carr, seconded by Mr. Cyr, as follows:

WHEREAS the Government successfully sought a mandate to empower people and communities by instituting new elected District Education Councils; and

WHEREAS the Government successfully sought a mandate to empower people and communities by instituting new Regional Health Authorities; and

WHEREAS the Government successfully sought a mandate to empower people and communities by instituting new community economic development agencies; and.

WHEREAS the Government successfully sought a mandate to empower people and communities by holding a referendum on the future of VLT machines in New Brunswick.

BE IT THEREFORE RESOLVED that the Legislative Assembly of New Brunswick endorses the principle that people and communities should be empowered to take an active role in the decisions affecting their lives.

And after some time, Mrs. Mersereau, seconded by Mr. Richard, moved in amendment:

AMENDMENT

That Motion 4 be amended by:

Adding after the fourth WHEREAS clause the following:

WHEREAS the Government has a mandate to empower the people of New Brunswick and especially in the Chaleur region by ensuring that the Canada Games 2003 are a great success;

WHEREAS the Government has a mandate to empower future citizens of New Brunswick with an important and valuable legacy from the Canada Games 2003; AND

By adding after the final clause the following:

BE IT FURTHER RESOLVED that the Legislative Assembly of New Brunswick ask the government to empower the people, through full support of the Canada Games Society to ensure that the people of New Brunswick are left with permanent legacies namely the Bathurst Field House and a per

manent long-track speed skating oval for Campbellton as a result of Canada Games 2003.

Mr. Speaker having put the question, Hon. Mr. Green rose on a point of order and submitted that the proposed amendment was out of order as it proposed an element foreign to the original motion. Several Members spoke on the point of order. Mr. Ashfield, the Deputy Speaker, stated he would take the matter under advisement and declared a brief recess at 5.29 o'clock p.m.

5.55 o'clock p.m.

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

STATEMENT BY ACTING SPEAKER

I have carefully reviewed the previous decision of the Speaker to which the member for Fundy Isles referred. Having reviewed the amendment that was at issue in that situation, I believe a distinction can be made with the present situation. In the earlier ruling, the Speaker ruled a government amendment in order because, in his view, the amendment as proposed was in keeping with the spirit and intent of the original motion and the amendment did not present an entirely new proposition to the House.

I acknowledge that it is an accepted practice in the House to allow amendments that modify the original motion in order to make it more acceptable to the House or to present a different proposition as an alternative to the original motion. However, in doing so, the amendment cannot present an entirely new proposition to the House. This can only be done by introducing a new motion on notice.

The amendment proposed by the member for Bathurst, in my view, expands on the original motion, but more importantly, introduces an entirely new and very specific foreign proposition to the House. I therefore rule the amendment out of order.

The debate continued on Motion 4 and after some time, Mr. Ashfield, the Deputy Speaker interrupted proceedings and advised that the time allotted for Private Members' Motions had expired.

It was agreed by unanimous consent to sit beyond 6 o'clock p.m., the ordinary hour of daily adjournment, to consider Bill 34 in Committee of the Whole House.

Accordingly, the House resolved itself into a Committee of the Whole with Mr. Bernard in the chair.

And after some time, due to the unavoidable absence of Mr. Speaker, Mr. Ashfield, the Deputy Speaker, took the chair as Acting Speaker and Mr. Bernard, the Chairman, after requesting that the Acting Speaker revert to the Order of Presentations of Committee Reports, reported:

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

Bill 34, *An Act Respecting Pensions*.

And the Committee asked leave to make a further report.

Pursuant to Standing Rule 78.1, Mr. Ashfield, the Deputy 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, 6.12 o'clock p.m., the House adjourned.