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**Daily Sitting 38**

Thursday, April 19, 2001.

1 o'clock p.m.

Prayers.

Mr. Richard introduced Mr. Alban Landry, Liberal Member of the Legislative Assembly for Nepisiguit (1995-1999).

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Following Oral Questions, Hon. Mr. Green stood on a point of order and submitted that Members of the Opposition had been drawing the attention of the House to the absence of Members from the Chamber. Hon. Mr. Green referred to *Beauchesne's Parliamentary Rules & Forms* which states that it is not acceptable to refer to the presence or absence of specific Members.

Mr. Allaby, the Opposition House Leader, also spoke on the point of order, claiming that it was difficult to address questions to Ministers who were not present in the House.

Mr. Speaker ruled that it is not acceptable under any circumstances to refer to the absence of a Member from the House. Mr. Speaker stated that questions directed to a Minister who is absent should be redirected to the Premier or another Minister and no reference to the absence should be made.

Hon. Mr. Green announced that following Private Members' Motions, it was the intention of the government that the House resolve itself into a Committee of Supply to continue consideration of the estimates of the Department of Family and Community Services.

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Debate resumed on Motion 19, moved by Mr. Stiles, seconded by Mr. Steeves, as follows:

WHEREAS the government successfully sought a mandate to eliminate the tolls placed upon a selected portion of the Trans-Canada Highway; and

WHEREAS the government was able to eliminate these tolls, thereby eliminating an unfair tax upon a selected portion of New Brunswick, while at the same time lowering the overall cost of the toll highway scheme; and

WHEREAS the volume of non-New Brunswick-based commercial traffic would likely not have covered the cost of the tolling system and related infrastructure, operations, and maintenance; and

WHEREAS New Brunswick generates revenues from out-of-province commercial traffic through its participation in international fuel tax agreements; and

WHEREAS the elimination of the toll-taxes on this section of the Trans-Canada Highway will improve safety conditions for the motoring public in general as more New Brunswickers will be able to afford to use the safer, four-lane highway infrastructure;

BE IT THEREFORE RESOLVED that the Legislative Assembly congratulate the government for its commitment to eliminating the tolls from the Fredericton-Moncton section of the Trans-Canada Highway.

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

And after some further time, Mr. Allaby, seconded by Mr. Richard, moved in amendment:

**AMENDMENT**

THAT Motion 19 be amended by:

In the second whereas clause, strike "eliminate" and replace with "hide", and;

By amending the resolution clause by striking the words "its commitment to eliminating the tolls from" and substituting the words "hiding the tolls on".

And the question being put, Hon. Mr. Sherwood stood on a point of order and submitted that the proposed amendment was out of order.

Several Members spoke on the point of order.

At 4.03 o'clock p.m., Mr. Ashfield, the Deputy Speaker, declared a brief recess to review the admissibility of the proposed amendment.

*4.19 o'clock p.m.*

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

#### STATEMENT BY ACTING SPEAKER

According to parliamentary authorities, an amendment is proposed either to 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 main motion. An amendment is out of order if it is not relevant to the main motion—that is, it deals with a matter that is foreign to the main motion, exceeds the scope of the motion, or introduces a new proposition which should properly be the subject of a substantive motion with notice.

I have considered previous rulings in the matter of amendments. In my view, the amendment proposed by the Member for Fundy Isles is relevant to the original motion. Therefore, I rule the amendment in order.

Mr. Ashfield, the Deputy Speaker advised that the time allotted for Private Members' Motions had expired.

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The House, according to Order, resolved itself into a Committee of Supply with Mr. Bernard 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.

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

And after some further time spent therein, due to the unavoidable absence of Mr. Speaker, Mr. Bernard, the Deputy Speaker took the Chair as Acting Speaker and Mr. Ashfield, 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 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.

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And then, 10 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 before the Table of the House, pursuant to Standing Rule 39:

Documents requested in Notices of Motions 51, 52, 53, and 54 - April 18, 2001