

Thursday, December 6, 2001.

1 o'clock p.m.

Prayers.

Hon. Mrs. Blaney laid upon the table of the House a letter from the Road Builders' Association of New Brunswick Inc. dated December 5, 2001.

Hon. Mrs. Blaney paid tribute to the memory of the fourteen young women who lost their lives December 6, 1989, at École polytechnique in Montreal. Mr. Richard joined with Mrs. Blaney in this regard.

The following Bill was introduced and read the first time:

By Hon. Mr. Volpé,

Bill 10, *An Act to Amend the Crown Lands and Forests Act.*

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

Hon. Mr. Mesheau, 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:

December 6, 2001.

The Lieutenant-Governor transmits the Capital Estimates for the year ending March 31, 2003, required for the services of the province, not otherwise provided for, for the year ending March 31, 2003, and in accordance with the provisions of the *Constitution Act, 1867*, recommends these estimates to the House.

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

Hon. P. Robichaud, Deputy Government House Leader, informed the House that there was agreement between the parties to vary the orders of the day and to begin with third reading of Bill 4, following which the House would revert to the order of Private Members' Motions and resume debate on Motion 3 and, at the expiration of time, the House would resolve itself into a Committee of Supply to consider the 2002-2003 Capital Estimates of the Department of Transportation.

It was agreed by unanimous consent to vary the orders of the day as announced by the Deputy Government House Leader.

Pursuant to Notice of Motion 42, Hon. Mr. Mesheau moved, seconded by Hon. Mr. Lord,

THAT this House approves in general the capital budgetary policy of the government.

And the question being put, Hon. Mr. Mesheau proceeded to deliver the capital budget speech.

And the debate being ended and the question being put, Motion 42 was carried.

Hon. P. Robichaud, after requesting that the House revert to Government Motions for the Ordering of the Business of the House, announced that it was the intention of the government that the House resolve itself into a Committee of Supply to be granted to Her Majesty forthwith.

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

And after some 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 proceeding in the matter under consideration, had passed the following resolution:

RESOLVED, that the Supply be granted to Her Majesty.

And he was directed to ask leave to sit again.

Mr. Bernard moved, seconded by Hon. Mr. Lord,

THAT the House does concur with the Committee of Supply in its report and agrees in its resolution that Supply be granted to Her Majesty.

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

Hon. P. Robichaud, after requesting that Mr. Speaker revert to Government Motions for the Ordering of the Business of the House, moved, seconded by Hon. Mr. Lord,

THAT consideration of Estimates in Committee of Supply be added to the Orders of the Day until such time as they are dispatched.

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

The following Bill was read a third time and passed:

Bill 4, *An Act to Amend the Assessment and Planning Appeal Board Act*.

Debate resumed on the amendment to Motion 3, moved by Hon. Mr. Volpé, seconded by Mr. J. Dubé, as follows:

AMENDMENT

That Motion 3 be amended by:

Deleting the second WHEREAS clause in its entirety and substituting therefore:

“WHEREAS all levels of government, the community, and the various stakeholders will need to work together to deal with the loss of revenues and jobs as a result of this decision;”

By deleting the words “the government” in the third WHEREAS clause and substituting instead “these groups”

By deleting the fifth and following clauses in their entirety and adding the following in their place:

“WHEREAS Noranda has already made 95% of its exploration information from the Bathurst Camp available;

BE IT RESOLVED that this Assembly urge the various groups involved to continue to seek for innovative ways in which the acquired knowledge from exploration in the Bathurst Camp can be used to develop new opportunities for the people of the Bathurst region.”

And after some time, Mr. Haché, seconded by Mrs. Mersereau, moved a subamendment to the amendment, as follows:

SUBAMENDMENT

THAT the amendment to Motion 3 be amended by adding in the fifth sentence after the word “available” the words “in hard copy” and by adding after the sixth sentence or resolved clause the following:

BE IT FURTHER RESOLVED that this Assembly urge the government to ask Noranda to make its assessment data which has or is to be filed in hard copy according to the provisions of the *Mining Act* be made available in digital format as soon as possible.

And the question being put, a debate ensued.

And after some time, Mr. McGraw rose on a point of order stating that the subamendment was only available in English and requesting a French version. Mr. Speaker advised the House that Members can move amendments in either official language.

Hon. E. Robichaud rose on a point of order and stated that Members should be able to receive amendments in both official languages.

Mr. Richard spoke on the point of order adding that simultaneous interpretation is available for the benefit of all Members and that the Minister of Health and Wellness should know better than to question the ruling of the chair.

Mr. Speaker advised he was taking the matter under advisement and declared a recess a 3.56 o'clock p.m., and left the chair.

4.09 o'clock p.m.

Mr. Speaker resumed the chair and delivered the following statement:

STATEMENT BY SPEAKER

My intention is to settle this issue, and it should be settled on a permanent basis so that it does not recur. The issue involves the rights of members to speak in the House in the language of their choice. We all have that here, and we have simultaneous translation. I am going to quote first of all from the *Constitution of Canada*, specifically the *Charter of Rights* as it applies to this province. Subsection 16(2) states:

(2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick.

To further quote from the *Constitution*, subsection 17(2) states:

(2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

I will further quote from the *Official Languages of New Brunswick Act*. Subsection 5(2) states:

5(2) Motions or other documents introduced into the Legislative Assembly or committee thereof may be printed—may be printed—in either or both official languages.

Debate resumed on the subamendment to the amendment to Motion 3. 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, Mrs. Mersereau rose on a point of order and requested that Hon. E. Robichaud refrain from referring to a certain family member in the House.

Mr. Deputy Speaker requested that Members refrain from making pointed reference to persons outside the House unless it is pertinent to the matters under consideration.

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

And after some further time, Mr. 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, it was agreed by unanimous consent to sit past the ordinary hour of adjournment for the purpose of continuing consideration of the 2002-2003 Capital Estimates of the Department of Transportation.

And after some further time, Mr. Allaby rose on a point of order stating that Members should refrain from referring to the absence of Members from the Chamber.

The Chairman cautioned Members to avoid referring to the absence of Members from the House.

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, 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.

And then, 6.30 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:

Documents requested in Notice of Motion 40

December 5, 2001