
Thursday, January 3, 2002.

8.30 o'clock a.m.

Prayers.

Mr. Speaker delivered a short statement in commemoration of the 216th anniversary of the first meeting of the Legislative Assembly of New Brunswick on January 3, 1786, at the Mallard House in Saint John.

Mr. Cosman laid upon the table of the House a petition signed by residents of the Yeomans Road area who object to a plan to operate a level 4 group home for physically and mentally handicapped individuals. (Petition 5).

Hon. Mr. Green, the Government House Leader, announced that with consent of the House to dispense with Private Members' Motions, it was the intention of the government that the House resolve into a Committee of the Whole House forthwith to consider legislation; namely, Bill 17.

Accordingly, it was agreed by unanimous consent to dispense with the order of Private Members' Motions.

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.

During consideration of Bill 17, *Regional Health Authorities Act*, Mr. Richard moved the following amendment to subsection 19(2):

AMENDMENT

In Section 19 subsection (2) of the Bill,

By striking out subsection 19(2).

Hon. E. Robichaud rose on a point of order and submitted that the amendment moved to subsection 19(2) of Bill 17 was out of order.

The Chairman took the matter under advisement and stated that he would report back following the noon recess.

It then being 12.30 o'clock p.m., the Chairman left the chair to resume again at 2 o'clock p.m.

2 o'clock p.m.

The Committee resumed with Mr. Bernard in the chair.

The Chairman delivered the following statement:

STATEMENT BY CHAIRMAN

Honourable Members,

Prior to breaking for lunch a point of order was raised by the Minister of Health and Wellness, calling into question the admissibility of the amendment moved by the Leader of the Opposition.

The Minister referred to *Beauchesne's Parliamentary Rules & Forms, 6th Edition* paragraphs 698(6) and 699. These sections deal with the admissibility of amendments to a Bill during clause by clause consideration of a Bill by a Committee of the House of Commons. Clause by clause consideration of a Bill differs substantially from the procedure followed during Committee of the Whole consideration in our House. Although there is provision in our rules for clause by clause consideration, it has not been the practice followed in recent years. The practice instead has been to open the whole Bill for consideration and questions and amendments have been allowed to any section, in no particular order.

Paragraph 698 (6) of Beauchesne states:

(6) An amendment to delete a clause is not in order, as the proper course is to vote against the clause standing part of the bill.

As we are not doing a clause by clause consideration of Bill 17, this section is not applicable. It is not a option for members to simply vote against a clause of the Bill because each clause is not voted upon individually.

Clearly, amendments such as the one proposed which seek to strike out a section or subsection of a Bill have been allowed in the past, and have been moved by both the government and the opposition.

Therefore, I rule the amendment to be in order and we will continue with consideration of the amendment.

And after some time, the Chairman put the question and the amendment was negatived.

And after some further time, Mr. Haché rose on a point of order and stated that Hon. P. Robichaud had used a certain unparliamentary term. The Chairman requested that the Member withdraw the term, which he did.

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

During further consideration of Bill 17, *Regional Health Authorities Act*, Mr. Richard moved the following amendment to section 19(5):

AMENDMENT

In Section 19 subsection (5)(a)(b) of the Bill,

In paragraph (a) by striking out the word “seven” and replacing with the word “five” and by striking out the word “Minister” and replacing with the word “Board”.

In paragraph (b) by striking out the word “eight” and replacing with the word “ten.”

And the question being put, a debate ensued.

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

YEAS - 7

Mrs. Mersereau
Mr. Allaby
Mr. Richard

Mr. Lee
Mr. Haché

Mr. S. Graham
Mr. Kennedy

NAYS - 21

Hon. Mr. Betts
Hon. Mr. Green
Hon. Mr. Mockler
Hon. E. Robichaud
Mr. Sherwood
Hon. Mr. Weston
Hon. P. Robichaud

Hon. Mrs. MacAlpine
Mr. Cosman
Mr. Carr
Mr. Jordan
Mr. Malley
Mr. MacDonald
Mr. Forbes

Mr. Holder
Mr. Steeves
Mr. Huntjens
Mr. Savoie
Ms. Dubé
Mr. Alward
Mr. Moore

It then being 6.05 o'clock p.m., the Chairman left the chair, to resume again at 7.05 o'clock p.m.

7.05 o'clock p.m.

The Committee resumed with Mr. Ashfield in the chair.

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

And after some further time spent in Committee of the Whole, Mr. Speaker resumed the chair and Mr. Bernard, 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 progress on the following Bill:

Bill 17, *Regional Health Authorities 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.

And then, 10 o'clock p.m., the House adjourned.

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 Notice of Motion 47	December 21, 2001
Documents requested in Notices of Motions 41 and 43	January 2, 2002