
Friday, December 20, 2002.

10 o'clock a.m.

Prayers.

Mr. Speaker delivered the following statement:

STATEMENT BY SPEAKER

I will now rule on the question of privilege raised earlier yesterday by the Member for Bathurst.

The matter relates directly to a decision made on Wednesday last by the Deputy Speaker during debate on the amendment to the Budget motion.

At that time the Member for Saint John Harbour had the floor and was informed by the Deputy Speaker that the time allotted for her to speak on the budget motion had expired.

A point of order was raised in which it was submitted that the Member's time had not expired.

The Deputy Speaker ruled that the Member had indeed utilized the time allotted to her pursuant to Standing Rule 59.

Honourable Members, pursuant to Standing Rule 10 the Speaker shall not accept a motion such as the one introduced by the Member for Bathurst yesterday, unless satisfied that there is a *prima facie* case that a breach of privilege has been committed.

In this instance I do not find that a *prima facie* case of a breach of privilege has been committed.

I find rather that the matter relates directly to a decision of the Chair occupant.

Standing Rule 17 states that when the Speaker leaves the Chair he may call upon either of the Deputy Speakers or, in absence of the Deputy Speakers, upon any Member of the House to take the Chair and to act as Speaker during the remainder of the day, unless the Speaker again resumes the Chair.

It is a well established rule that when either of the Deputy Speakers is in the Chair, they exercise all the powers and rights of the Speaker and their decision with respect to any point of order is final.

Standing Rule 13 states that the Speaker shall preserve order and decorum and shall decide questions of order. It goes on to state that no debate may be permitted on any such decision and no such decision shall be subject to an appeal to the House.

Whoever is occupying the Chair must make decisions to the best of his or her ability and with the information available to them at the time. It is not open to either myself or any Member of the House to review or overrule those decisions.

Beauchesne's Parliamentary Rules & Forms, 6th Edition, states at paragraph 14 that the interpretation of both the written rules and traditions is in the hands of the occupant of the Chair. It goes on to state that many rulings must be made with little opportunity for reflection or consultation. When possible the Speaker may defer a decision to give time for research and full consideration.

In this instance some confusion may have ensued regarding the time available to the Member, due to reverting to the introduction of guests during the course of the Member's remarks. However, the Acting Speaker made a decision based on the Standing Rules and the information he had at the time, and it is not open to me to review that decision.

I find that the matter does not relate to the privileges of the House, that it was raised as a point of order during Wednesday's sitting and that the matter was ruled upon at that time.

Accordingly I will not permit the Member for Bathurst to move her motion at this time.

Ms. Weir, Member for Saint John Harbour, laid upon the table of the House a petition signed by residents of the province who urge the government to implement an independent commission to regulate the insurance premiums and to regulate the insurance companies. (Petition 7)

The Honourable the Premier laid upon the table of the House a document entitled *A Progress Report to New Brunswickers, December 2002*.

Hon. Elvy Robichaud laid upon the table of the House the following documents:

2001 Survey of Gambling and Problem Gambling in New Brunswick, New Brunswick Department of Health & Wellness, 2001

Prevalence of Substance Use & Gambling Among New Brunswick Adults Aged 55+, New Brunswick Department of Health & Wellness, 2002

Hon. Mr. Green rose on a point of order and submitted that Members opposite were displaying props which was contrary to the rules and usages of the House.

Several Members spoke on the point or order.

Mr. Speaker ruled that the use of government documents or any other material as props or exhibits in the House was contrary to the rules and should not be repeated in the future.

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

RESOLVED, that when the Assembly adjourns at the end of this sitting day, it stand adjourned until Tuesday, January 7, 2003, provided always that if it appears to the satisfaction of Mr. Speaker, after consultation with the Government, that the public interest requires that the House should meet at an earlier time during the adjournment, Mr. Speaker may give notice that he is so satisfied and in such notice shall state a time at which the House shall meet, and thereupon the House shall meet at the time so stated and shall transact its business as if it has been duly adjourned to that time, and THAT in the event of Mr. Speaker being unable to act owing to illness or other cause, either of the Deputy Speakers shall act in his stead for the purpose of this order.

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

Hon. Mr. Green announced that it was the intention of the government that the House resolve itself into a Committee of Supply to consider the estimates of the Departments of Transportation and Education.

It was agreed by unanimous consent to continue sitting through the noon recess.

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

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

At the request of Hon. Mr. Green, Mr. Speaker reverted to Government Motions for the Ordering of the Business of the House, and Hon. Mr. Green advised that it was the intention of the government to recess the House until 2 o'clock p.m., at which time the Royal Assent ceremony would take place.

Mr. Speaker declared a recess at 1.42 o'clock p.m.

2 o'clock p.m.

Mr. Speaker resumed the chair.

Her Honour, the Lieutenant-Governor, was announced, and having been bidden to enter, took her seat in the chair upon the Throne.

Mr. Speaker addressed Her Honour as follows:

May It Please Your Honour:

The Legislative Assembly of the Province of New Brunswick has passed several Bills at the present sittings of the Legislature to which, in the name and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

The Acting Clerk Assistant then read the titles of the Bills as follows:

Bill 2, *An Act to Amend the Municipalities Act.*

Bill 3, *An Act to Amend the Assessment Act.*

Bill 4, *An Act to Amend the Municipal Assistance Act.*

Bill 5, *An Act to Amend the Revenue Administration Act.*

Bill 6, *An Act to Amend the Financial Corporation Capital Tax Act.*

Bill 7, *An Act to Amend the Tobacco Tax Act.*

Bill 8, *An Act to Amend the Tourism Development Act.*

Bill 9, *An Act to Amend the Provincial Court Act.*

Bill 11, *An Act to Amend the Maritime Provinces Harness Racing Commission Act.*

Bill 12, *An Act to Amend the Highway Act.*

Bill 15, *An Act to Amend the Fish and Wildlife Act.*

Bill 16, *An Act to Amend the Forest Fires Act.*

Her Honour signified Her Assent as follows:

It is the Queen's wish. La reine le veut.

To these Bills, Her Honour's assent was announced by the Clerk Assistant of the Legislative Assembly in the following words:

In Her Majesty's name, Her Honour the Lieutenant-Governor assents to these Bills, enacting the same and ordering them to be enrolled.

Her Honour then retired and Mr. Speaker resumed the chair.

Mr. Speaker thanked all Members, staff, pages and commissionaires for their tremendous effort during the year and wished them the very best for the Christmas season and the coming New Year.

And then, 2.15 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:

Annual Report Maritime Provinces Higher Education Commission	December 19, 2002
Public Accounts for the fiscal year ended 31 March 2002 - Volume 2 - Supplementary Information	December 19, 2002
Public Accounts for the fiscal year ended 31 March 2002 - Volume 3 - Financial Statements of Crown Corporations, Boards, Commissions	December 19, 2002
Public Accounts for the fiscal year ended 31 March 2002 - Volume 5 - Salary Listings of Organizations	December 19, 2002
Annual Report Department of Health and Wellness 2001-2002	December 20, 2002