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Tuesday, December 16, 2003.

*1 o'clock p.m.*

Prayers.

Mr. Speaker delivered the following ruling:

STATEMENT BY SPEAKER

Before beginning with proceedings of the day, I would like to address two points of order raised Friday last with regard to comments made during statements by members.

The first point of order was raised by the member for Fredericton-Fort Nashwaak. In seeking clarification on the guidelines for making members' statements, the member stated it was his understanding that rulings of this House and other jurisdictions made it clear that members' statements were not to be used for personal attacks against other members.

The *Standing Rules* provide little, if any, guidance to members for making Members' Statements. Guidelines for members' statements have been established by practices and precedents of this House.

I refer members to a relevant ruling made by former Speaker Branch given in this House on April 18, 1989, and I quote from pages 833-834 of the Journal of Debates (*Hansard*):

*Standing Rule 40 .1 gives Members of the Legislative Assembly an opportunity to make statements about any subject of interest or concern. These statements are made daily in a 10-minute period following Statements by Ministers. Each statement is limited to 90 seconds. Although the Standing Rules give little guidance concerning the content of these brief speeches, the Chair has counseled that remarks should be directed to matters of concern; that personal attacks or congratulations are not appropriate.*

*The Speaker may rule out of order any such personal attacks, attempts to move motions by unanimous consent, congratulatory messages, recitations of poetry or clearly frivolous issues.*

The decision is consistent with the practice in other jurisdictions and lays down the guidelines for making Members' Statements. Members' Statements allow members to put on the public record issues of concern to them or their constituencies. Members' Statements are not to be used for making personal attacks against other members.

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In reviewing the transcripts of Members' Statements for last Friday, it is clear that the guidelines, set down in 1989 and followed by successive Speakers, have not been respected.

The Chair seeks the cooperation of all honourable members in abiding by these guidelines. It is my intention to be more forceful in the future to ensure that they are respected.

I would now like to deal with the second point of order raised by the Member for Fredericton-Fort Nashwaak. In speaking to his point of order, the member for Fredericton-Fort Nashwaak took exception to an allegation made by the member for Oromocto-Gagetown that a member of this House was in conflict of interest.

I have reviewed the transcript of the allegation in question and given that there is a reference immediately following to the member for York and given earlier statements made on the day in question, the clear inference is that the conflict of interest allegation was against the member for York. The fact that this allegation was made during the debate on second reading of Bill 9 demonstrates the liberties that members have taken in debates in this House.

More importantly, members are aware, I am sure, that there are mechanisms in legislation for dealing with conflict of interest matters. Members should take special care not to refer to such matters in the House.

While I am on my feet, I would also like to address the question of personal privilege raised Friday last by the member for Nepisiguit in response to a Member's Statement made by the member for Kent South.

In speaking on the matter, which I find is more appropriately dealt with as a point of order, the member for Nepisiguit cited *Standing Rule 49* and claimed that the member for Kent South had implied that the member for Nepisiguit was part of a protest in Saint Sauveur in 1997.

However, in response, the member for Kent South maintained that he did not in any way imply that the member for Nepisiguit was part of the government during the period the protest took place.

I have reviewed the member's statement and it is not entirely clear to me that there has been a transgression of *Standing Rule 49* which requires the Speaker to call to order a member who imputes false or unavowed motives to another member. Needless to say, this issue would not have arisen if the period reserved for Member's Statements had been used for the purpose for which it was intended.

I would like to put all members on notice that I will be paying particular attention to this item of business and will call to order members who persist in ignoring the guidelines that have been established by precedents of this House and which will be enforced strictly in future.

I thank you for your attention and for your anticipated cooperation.

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Immediately following the ruling delivered by Mr. Speaker, the Members for Oromocto-Gagetown and Kent South offered apologies if their remarks on the previous sitting day had offended other Members.

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During introduction of Guests and Congratulatory Messages, Mr. Ouellette welcomed to the Assembly Mr. Andy Savoy, a Liberal Party Member of Parliament for Tobique-Mactaquac.

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Ms. Weir rose on a point of order and requested that Mr. Speaker inquire whether any of the protesters outside of the Legislature had been unfairly denied access to the gallery. Mr. Speaker stated he would take the matter under advisement.

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Mr. Boudreau, the Member for Campbellton, laid upon the table of the House a petition on behalf of students and teachers in the Community Academic Services Program who request that permanent premises be provided to ensure a healthy learning environment, or that students be reintegrated into the Campbellton NBCC campus, for the following reasons: overlapping middle, high school and college courses; day care services; availability of required courses; access to cafeteria, library, maintenance and Internet; excellent learning environment; feeling of belonging; ease of transportation; and respect of student status. (Petition 15)

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Mr. Boudreau, the Member for Campbellton, laid upon the table of the House a petition on behalf of teachers in the Community Academic Services Programs in New Brunswick, who state that literacy should be the responsibility of a single department; that Literacy New Brunswick Inc. be eliminated; and who request new facilities for the Community Academic Services Program and the following: pay equity; benefits; better terms of salary payment; appropriate working conditions; and infrastructure that promotes learning and adult development. (Petition 16)

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The following Bills were introduced and read a first time:

By Mr. S. Graham,

Bill 25, *An Act to Amend the Legislative Assembly Act*.

By Ms. Weir,

Bill 26, *An Act to Amend the Regional Health Authorities Act*.

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

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Hon. Mr. Volpé, Minister of Finance, delivered to Mr. Speaker a Message from His Honour, the Lieutenant-Governor, and the said Message was read by Mr. Speaker, all the Members standing, and is as follows:

Fredericton, N.B.  
December 16, 2003.

His Honour the Lieutenant-Governor transmits the *Supplementary Estimates 2002-2003 Volume II* of the sums required for the services of the province, not otherwise provided for, for the year ending March 31, 2003, and the *Supplementary Estimates 2003-2004 Volume I* of the sums required for the services of the province, not otherwise provided for, for the year ending March 31, 2004, and in accordance with the provisions of the *Constitution Act, 1867*, recommends these Estimates to the House.

(Sgd. :) Herménégilde Chiasson.  
Lieutenant-Governor.

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Hon. Mr. Green moved, seconded by the Honourable the Premier:

THAT the Message from His Honour the Lieutenant-Governor, together with the *Supplementary Estimates 2002-2003 Volume II* and *Supplementary Estimates 2003-2004 Volume I* accompanying the same, be referred to the Committee of Supply.

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

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Hon. Mr. Volpé, Minister of Finance, delivered to Mr. Speaker a Message from His Honour the Lieutenant-Governor, and the said Message was read by Mr. Speaker, all the Members standing, and is as follows:

Fredericton, N.B.  
December 16, 2003.

The Lieutenant-Governor transmits the Capital Estimates for the year ending March 31, 2005, required for the services of the province, not otherwise provided for, for the year ending March 31, 2005, and in accordance with the provisions of the *Constitution Act, 1867*, recommends these estimates to the House.

(Sgd. :) Herménégilde Chiasson.  
Lieutenant-Governor.

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Hon. Mr. Volpé laid upon the table of the House a document entitled *Budget Paper, Accounting for Tangible Capital Assets*.

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Hon. Mr. Green announced that following second reading, if unanimous consent was granted to dispense with Private Members' Motion, it was the intention of government to debate Motion 46, following which, the House would resolve itself into a Committee of Supply to consider the *Supplementary Estimates 2002-2003 Volume II*.

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It was agreed by unanimous consent to vary the Orders of the Day and dispense with the two hours reserved for Private Members' Motions.

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The Order being read for second reading of Bill 22, *An Act to Amend the Education Act*, a debate arose thereon.

And the debate being ended and the question being put that Bill 22 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 22, *An Act to Amend the Education Act*, was read a second time and ordered referred to the Committee of the Whole House.

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The following Bill was read a second time and ordered referred to the Committee of the Whole House:

Bill 23, *An Act to Amend the Executive Council Act*.

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The Order being read for second reading of Bill 24, *An Act to Amend the Human Rights Act*, a debate arose thereon.

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

And the debate being ended and the question being put that Bill 24 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 24, *An Act to Amend the Human Rights Act*, was read a second time and ordered referred to the Committee of the Whole House.

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Pursuant to Notice of Motion 46, Hon. Mr. Volpé 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. Volpé proceeded to deliver the capital budget speech.

And the debate being ended and the question being put, Motion 46 was carried.

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Hon. Mr. Green, 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.

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

And after some time spent therein, Mr. Speaker resumed the chair and Mr. C. LeBlanc, 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.

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Mr. C. LeBlanc 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.

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Hon. Mr. Green, 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.

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

And after some time, Hon. E. Robichaud rose on a point of order and submitted that the questions by the Leader of the Opposition were not related to the estimates under consideration.

The Chairman reminded Members that wide latitude is granted to all Members posing questions in Committee of Supply.

And after some further time, Hon. Mr. Lord rose on a point of order and submitted that the questions being asked of the Minister of Finance were repetitious and not relevant to the debate.

The Chairman stated that traditionally during Committee of Supply there are no limits on the number of questions that can be asked nor the length of responses as long as the debate is relevant to the discussion and not repetitious. The Chairman cautioned Members to abide by these principles and ruled that there had been repetition and that the same question had been asked of the Minister on several occasions.

And after some further time spent therein, Mr. Speaker resumed the chair and Mr. C. LeBlanc, 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, 6 o'clock p.m., the House adjourned.