
Friday, December 19, 2003.

10 o'clock a.m.

Prayers.

Mr. Speaker informed the House that, in accordance with Standing Rule 9, he had received notice of a question of privilege from the Member for Fundy Isles regarding comments made by the Minister of Finance during the previous day's question period and of Mr. Allaby's intention to move the following motion, seconded by Mr. Lamrock:

THAT the charge against the Minister of Finance of making misleading statements in the House be referred to the Standing Committee on Privilege.

Mr. Speaker advised the House that he would deal with the matter in two hours' time, in accordance with the rules of the House.

Mr. S. Graham, the Member for Kent, laid upon the table of the House a petition signed by residents of New Brunswick requesting that all assets not be included as part of the Family and Community Services financial assessment to determine a subsidy for the cost of nursing home care for a loved one. (Petition 19)

Mr. Allaby, the Member for Fundy Isles, laid upon the table of the House a petition signed by residents of Deer Island urging the Minister of Family and Community Services to convert some apartment units in the Deer Island Seniors Complex into assisted living facilities. (Petition 20)

Mr. Allaby, the Member for Fundy Isles, laid upon the table of the House a petition signed by residents of Campobello urging the Minister of Tourism and Parks to complete the remaining nine holes of the Herring Cove Golf Course to create an important attraction and make Campobello an anchor of growth in the tourism sector of the economy. (Petition 21)

Hon. P. Robichaud laid upon the table of the House a document entitled "Trans Canada Highway Project, Request for Qualifications for the Design, Construction, Financing, Operation, Maintenance & Rehabilitation of a four-lane highway between Saint-Léonard and Longs Creek."

Hon. Mr. Volpé laid upon the table of the House excerpts from chapter two of the Report of the Auditor General, 2001, entitled “Indicators of the Province’s Financial Condition” as well as a document entitled “Response to erroneous information about U.S. \$500 Million bond issue.”

Mr. Lamrock gave Notice of Motion 68 that on Tuesday, December 30, 2003, he would move the following resolution, seconded by Mr. Murphy:

WHEREAS the caseload for special needs students in the New Brunswick school system has nearly tripled in the past decade; and
WHEREAS funding formulas for schools have not reflected this new demand; and

WHEREAS schools are funded for teaching assistants based upon population but not the intensity of case loads in a given school; and

WHEREAS teachers, teaching assistants, parents and children are suffering in some classrooms where there is too little help in classrooms and too many needs;

BE IT RESOLVED that this House urge the Minister of Education to review the current mechanism for funding educational assistance for children with special needs to ensure that every child gets the help they need to succeed.

Mr. Lamrock gave Notice of Motion 69 that on Tuesday, December 30, 2003, he would move the following resolution, seconded by Mr. Boudreau:

WHEREAS numerous international studies have shown a direct correlation between the presence of well-funded school libraries and children’s literacy skills; and

WHEREAS the involvement of school librarians in preparing lesson plans, assisting teachers and advising students have raised the reading and writing test scores of students; and

WHEREAS while the *Quality Learning Agenda* sets out the goal of giving students public library cards, it makes not one mention of improving the libraries in our schools;

BE IT RESOLVED that this House urge the Minister of Education to develop an addendum to the *Quality Learning Agenda* establishing clear goals for the funding, holdings and staffing of school libraries.

Mr. Lamrock gave Notice of Motion 70 that on Tuesday, December 30, 2003, he would move the following resolution, seconded by Mr. Burke:

WHEREAS provincial Route 8 runs through residential Marysville on Bridge and Canada Streets; and

WHEREAS the high frequency of truck-related accidents poses an ongoing threat to the lives and safety of the residents of Marysville; and

WHEREAS the Minister of Transportation has pledged, in the 2004-2005 Capital Estimates, to enter into discussions with the City of Fredericton to begin working towards the Marysville by-pass;

BE IT RESOLVED that this House express its support for any efforts the Minister of Transportation may make to make the Marysville by-pass a reality, and urge the Minister of Transportation to take all reasonable steps to ensure that the Province is prepared to commit funds to the Marysville by-pass project in the 2005-2006 Capital Budget.

Hon. Mr. Green announced that following third reading, it was the intention of the government that the House proceed with the Royal Assent Ceremony.

The following Bill was read a third time and passed:

Bill 8, *An Act to Amend the Employment Standards Act*.

Mr. Speaker having put the question that Bill 9, *An Act to Amend the Municipal Assistance Act*, be now read a third time, and a recorded vote having been requested, the motion for third reading was resolved in the affirmative on the following recorded division:

YEAS - 27

Hon. Ms. Blaney	Mr. Sherwood	Hon. Mr. Huntjens
Hon. E. Robichaud	Hon. Mr. Steeves	Mr. Betts
Hon. Mr. Mesheau	Hon. Ms. Dubé	Mr. Malley
Hon. Mr. Volpé	Hon. Ms. Poirier	Mr. Williams
Hon. Mr. Lord	Hon. Mr. Ashfield	Mr. Carr
Hon. Mr. Green	Hon. Mr. Fitch	Mr. MacDonald
Hon. D. Graham	Hon. Ms. Fowlie	Mr. Stiles
Hon. Mr. Mockler	Hon. P. Robichaud	Mr. Holder
Hon. Ms. MacAlpine	Hon. Mr. Alward	Mr. C. LeBlanc

 NAYS - 24

Mr. McGinley	Ms. Weir	Mr. Arseneault
Mr. Jamieson	Mr. Ouellette	Mr. Foran
Mr. MacIntyre	Ms. Robichaud	Mr. Albert
Mr. Allaby	Mr. Lamrock	Mr. A. LeBlanc
Mr. S. Graham	Mr. Targett	Mr. Paulin
Mr. Armstrong	Mr. Burke	Mr. Doucet
Mr. Landry	Mr. Murphy	Mr. Boudreau
Mr. Branch	Mr. Kenny	Mr. Brewer

Accordingly, Bill 9, *An Act to Amend the Municipal Assistance Act*, was read a third time and passed.

The following Bills were read a third time:

Bill 10, *An Act Respecting the Real Property Tax on University Property*.

Bill 11, *An Act to Amend the Gasoline and Motive Fuel Tax Act*.

Bill 12, *An Act to Amend the Tobacco Tax Act*.

Ordered that the said Bills do pass.

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

Mr. Speaker addressed His 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 Clerk Assistant then read the titles of the Bills as follows:

Bill 8, *An Act to Amend the Employment Standards Act*.

Bill 9, *An Act to Amend the Municipal Assistance Act*.

Bill 10, *An Act Respecting the Real Property Tax on University Property*.

Bill 11, *An Act to Amend the Gasoline and Motive Fuel Tax Act*.

Bill 12, *An Act to Amend the Tobacco Tax Act*.

His Honour signified His Assent as follows:

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

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

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

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

Mr. Speaker delivered the following ruling with respect to a question of privilege raised earlier in the sitting by Mr. Allaby, the Member for Fundy Isles:

STATEMENT BY SPEAKER

I am prepared to give my decision. I have reviewed the transcript of yesterday's question period. I have considered and listened to the explanations from both the Member and the Minister opposite. This matter does involve a disagreement between two members as to the facts. Similar questions of privilege relating to allegedly inaccurate and misleading responses in question period have been raised many times in this Assembly. Notwithstanding the ruling of Speaker Milliken, decisions of previous Speakers, in this House and in other jurisdictions, are consistent. I believe they are similar to one I rendered a year or two ago.

In short, there is a debate in the Assembly over a question of whether something is a fact. This cannot be ascertained by the Speaker, and it does not constitute a question of privilege. I therefore find that the member for Fundy Isles has not established a *prima facie* case of privilege.

It was agreed by unanimous consent to vary the hours of sitting, to recess at 1 o'clock p.m., to resume sitting at 1.30 o'clock p.m., and to continue until 5 o'clock p.m.

Hon. Mr. Green announced that following second reading, and with the unanimous consent of the House, it was the intention of the government that the House debate Motion 71, following which, the House would resolve itself into a Committee of Supply to consider the Capital Estimates of the Departments of Education and Supply and Services, and to resume consideration of the Supplementary Estimates 2002-2003, Volume II, following which, the House would resume debate on the proposed amendment to Motion 48.

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

Bill 27, *Supplementary Appropriations Act 2003-2004 (1)*.

With leave of the House, Hon. Mr. Volpé moved the following resolution, seconded by Hon. Mr. Lord: (Motion 71)

WHEREAS the government of New Brunswick entered into the Comprehensive Integrated Tax Coordination Agreement with the government of Canada to harmonize the federal goods and services tax and the provincial sales tax on October 18, 1996;

WHEREAS the provincial *Harmonized Sales Tax Act* came into force on April 1, 1997;

WHEREAS the Lieutenant-Governor in Council authorized the Minister of Finance to enter into an agreement to amend the Comprehensive Integrated Tax Coordination Agreement on September 4, 2003;

AND WHEREAS subsection 2(3) of the *Harmonized Sales Tax Act* requires the Minister of Finance to introduce for the consideration of the Legislative Assembly a resolution respecting the change or the agreement under subsection 2(2) within 10 days after its proposal or execution if the Legislative Assembly is sitting, or, if the Legislative Assembly is not then sitting, within 10 days after it next sits;

BE IT RESOLVED that the Legislative Assembly ratify and confirm the agreement to amend the Comprehensive Integrated Tax Coordination Agreement entered into between the province of New Brunswick and the government of Canada, and the provinces of Newfoundland and Labrador and Nova Scotia, pursuant to subsection 2(2) of the *Harmonized Sales Tax Act*.

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

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

At 1.15 o'clock p.m., the Chairman left the chair to resume again at 1.45 o'clock p.m.

1.47 o'clock p.m.

The Committee resumed with Mr. C. LeBlanc in the chair.

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

And after some further time, Mr. Speaker resumed the chair and Mr. Holder, 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, had passed several items, 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.

The following are the items reported:

SUPPLEMENTARY ESTIMATES, 2002-2003 VOLUME II Voted
ORDINARY ACCOUNT

BUSINESS NEW BRUNSWICK

Resolved, That there be granted to Her Majesty a sum not exceeding \$0.00 to defray the expenses of the following program:

Business and Industry Development.....	0.00
--	------

GENERAL GOVERNMENT

Voted, Supply in the following amounts to defray the expenses of the following programs:

Employee Benefit Plans	10,370,611.54
------------------------------	---------------

Legislated Pension Plans and

Benefit Accruals and Subsidies	18,427,471.35
--------------------------------------	---------------

Provision for Losses	2,615,583.73
----------------------------	--------------

DEPARTMENT OF HEALTH AND WELLNESS

Resolved, That there be granted to Her Majesty a sum not exceeding \$19,544,683.25 to defray the expenses of the following programs:

Public Health and Medical Services	7,861,126.09
--	--------------

Institutional Services	11,683,557.16
------------------------------	---------------

DEPARTMENT OF JUSTICE

Resolved, That there be granted to Her Majesty a sum not exceeding \$1,203,169.04 to defray the expenses of the following program:

Court Services	1,203,169.04
----------------------	--------------

LEGISLATIVE ASSEMBLY

Resolved, That there be granted to Her Majesty a sum not exceeding \$169,663.80 to defray the expenses of the following program:

Office of the Chief Electoral Officer	169,663.80
---	------------

MARITIME PROVINCES HIGHER EDUCATION COMMISSION

Resolved, That there be granted to Her Majesty a sum not exceeding \$1,449,830.00 to defray the expenses of the following programs:

Administration	24,591.00
----------------------	-----------

Assistance to Universities.....	1,425,239.00
---------------------------------	--------------

DEPARTMENT OF NATURAL RESOURCES AND ENERGY

Resolved, That there be granted to Her Majesty a sum not exceeding \$795,518.34 to defray the expenses of the following program:

Energy Secretariat	795,518.34
--------------------------	------------

DEPARTMENT OF PUBLIC SAFETY

Resolved, That there be granted to Her Majesty a sum not exceeding \$645,872.05 to defray the expenses of the following program:

Safety Services	645,872.05
-----------------------	------------

DEPARTMENT OF SUPPLY AND SERVICES

Resolved, That there be granted to Her Majesty a sum not exceeding \$1,406,182.23 to defray the expenses of the following program:

Buildings Group	1,406,182.23
-----------------------	--------------

DEPARTMENT OF TOURISM AND PARKS

Resolved, That there be granted to Her Majesty a sum not exceeding \$1,371,750.52 to defray the expenses of the following programs:

Administration	180,401.27
Business and Tourism Infrastructure	1,191,349.25

DEPARTMENT OF TRANSPORTATION

Resolved, That there be granted to Her Majesty a sum not exceeding \$8,841,146.04 to defray the expenses of the following program:

Winter Maintenance	8,841,146.04
--------------------------	--------------

CAPITAL ACCOUNT

DEPARTMENT OF HEALTH AND WELLNESS

Resolved, That there be granted to Her Majesty a sum not exceeding \$1,796,613.84 to defray the expenses of the following program:

Public Hospitals - Capital Equipment	1,796,613.84
--	--------------

DEPARTMENT OF NATURAL RESOURCES AND ENERGY

Resolved, That there be granted to Her Majesty a sum not exceeding \$(800,000.00) to defray the expenses of the following program:

Capital Improvements	(800,000.00)
----------------------------	--------------

The said items were concurred in by the House.

Debate resumed on the adjourned debate on the proposed amendment to Motion 48, moved by Mr. Lamrock, seconded by Mr. Targett, as follows:

AMENDMENT

THAT this Motion be amended by adding the following phrase after the word "Procedure":

“, except for any and all recommendations amending Standing Rule 81,”.

And the question being put, the amendment was carried.

Mr. Speaker put the question on Motion 48 moved by Hon.

Mr. Green, seconded by Hon. P. Robichaud, as amended as follows:

THAT the recommendations contained in the First Report of the Standing Committee on Procedure, except for any and all recommendations amending Standing Rule 81, be concurred in by the House.

And the question being put, Motion 48 as amended was carried.

With leave of the House, Hon. Mr. Green moved the following resolution, seconded by Mr. Lamrock: (Motion 72)

BE IT RESOLVED that the Legislative Assembly acknowledge and confirm the agreement entered into between the Government and the Official Opposition as hereto set forth:

The Government and the Official Opposition agree that each shall provide the name of a Member of their respective caucus for the purpose of their entering into a pairing agreement to indicate that they will not take part in any recorded division held during any and all proceedings of the Committees of the Whole House during the life of the Fifty-fifth Legislative Assembly.

And the question being put, a debate ensued.

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

And then, 5.10 o'clock p.m., the House adjourned.