

Friday, December 3, 2004.

10 o'clock a.m.

Prayers.

Mr. Speaker paid tribute to a former provincial and federal Cabinet Minister, the late Gerald Merrithew, PC MLA for Saint John East (1972-1974), East Saint John (1974-1984) and PC MP for Saint John (1984-1993).

Mr. S. Graham paid tribute to a former provincial Cabinet Minister and judge, the late Rodman Logan, PC MLA for Saint John (1963-1967), and Saint John West (1967-1982). Mr. Sherwood joined with the Leader of the Opposition in this regard.

Mr. S. Graham paid tribute to the late Adelard Savoie, a Liberal MLA for Northumberland (1948-1952), and Adjutor Ferguson, Liberal MLA for Gloucester (1967-1974) and Tracadie (1974-1978).

Mr. Speaker introduced the Pages for the session. Returning from last session: Kelly Farish, Kingston, Ontario, Head Page; Sarah Murphy, Rothesay; Ann Lockhart, Bath; Cynthia Jenkins, New Maryland; Sarah Monnon, Smithers, British Columbia; Colin Carruthers, Moncton; Rebecca Clark, Harvey; Alexandra Pope, Douglas; Courtney Bavis, Fredericton; Jean-Paul Blanchard, St. Stephen; Krisjana Buck, Alma. The new Pages are: Daniel Murphy, Rexton; Joëlle Badman, Grand Falls; Julianne Vipond, Fredericton; Pamela Dela Torre, Fredericton; Nicole Badry, Heisler, Alberta.

During Congratulatory Messages, Mr. Speaker interrupted proceedings and reminded Members that this item of Routine Proceedings is not to be used to congratulate government on initiatives.

Mr. Armstrong, Member for Kings East, laid upon the table of the House a petition signed by residents of the province urging the government to cancel the implementation of the current NB Health Education Curriculum for Grades 6, 7, and 8, and to implement an abstinence-based program. (Petition 1)

Mr. Ouellette, Member for Grand Falls Region, laid upon the table of the House a petition signed by residents of Grand Falls requesting that the government maintain the number of beds and health care services at Grand Falls General Hospital. (Petition 2)

Mr. A. LeBlanc, Member for Saint John Lancaster, laid upon the table of the House a petition signed by residents of the province urging the government to protect children from sexual exploitation by raising the age of sexual consent from 14 to 18. (Petition 3)

Hon. Ms. Blaney paid tribute to the memory of the young women who lost their lives in the Montreal Massacre at l'École polytechnique de Montreal on December 6, 1989.

Prior to Question Period, Mr. Speaker cautioned Members against the use of cell phones, and similar devices, in the Chamber.

It was agreed by unanimous consent to extend the time allotted for Oral Questions by 15 minutes.

The following Bills were introduced and read a first time:

By Hon. Mr. Steeves,

Bill 2, *An Act to Amend the Motor Vehicle Act.*

By Hon. Mr. Ashfield,

Bill 3, *An Act to Amend the Crown Lands and Forests Act.*

Bill 4, *An Act to Amend the Fish and Wildlife Act.*

By Hon. Mr. Green,

Bill 5, *Queen's Printer Act.*

Bill 6, *An Act to Amend the Judicature Act.*

Bill 7, *An Act to Amend the Elections Act.*

By Hon. Ms. Fowlie,

Bill 8, *An Act to Amend the Assessment and Planning Appeal Board Act.*

By Mr. T.J. Burke,

Bill 9, *An Act to Amend the Family Services Act.*

By Mr. S.Graham,

Bill 10, *Public Trustee Act.*

It was agreed by unanimous consent that the second reading of Bills 2 through 10 be deferred until Wednesday, December 8, 2004.

Mr. S. Graham gave Notice of Motion 1 that on Thursday, December 9, 2004, he would move the following resolution, seconded by Mr. Doucet:

WHEREAS the CEO of NB Power has indicated that rate hikes exceeding 3% are impending; and

WHEREAS NS Power has asked for 13% rate hikes; and

WHEREAS the breakup of NB Power is costing rate payers of New Brunswick millions of dollars in extra administration cost; and

WHEREAS the government's mishandling of orimulsion negotiations is costing New Brunswick rate payers hundreds of millions of dollars; and

WHEREAS the government has removed public policy goals from its new Electricity Act;

BE IT THEREFORE RESOLVED that the Legislature condemn the government for not protecting the interests of the people of New Brunswick with regard to stability of price and continuity of supply of electrical energy.

Mr. S. Graham gave Notice of Motion 2 that on Thursday, December 9, 2004, he would move the following resolution, seconded by Mr. Murphy:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all documents, e-mails, correspondence, between the Department of Family and Community Services, the Department of Justice, the Department of Education, the Department of Public Safety and the Premier's Office related to the establishment of the Office of the Child and Youth Advocate including but not limited to the scope, mandate, limitations, and exclusions from April 2004.

Mr. MacDonald gave Notice of Motion 3 that on Thursday, December 9, 2004, he would move the following resolution, seconded by Mr. Malley:

WHEREAS the forest industry is a major contributor to the province's economy;

WHEREAS the industry is a major contributor to jobs and economic activity in many local communities;

WHEREAS the Official Opposition has opposed measures to alleviate some of the burdens this important industry has faced;

WHEREAS the government of New Brunswick is working diligently with industry stakeholders to sustain and to strengthen this sector of the economy;

BE IT THEREFORE RESOLVED that the House support the government's intention to establish quantifiable wood supply objectives as recommended by the Select Committee on Wood

Supply and its intention to bring forward a solid wood supply plan and to provide sustainable silviculture funding to meet five-year management plan objectives.

Mr. Allaby gave Notice of Motion 4 that on Thursday, December 9, 2004, he would move the following resolution, seconded by Mr. Lamrock:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House a copy of all of the statements filed by insurers to the Superintendent of Insurance under the requirements of subsection 79(1) of the Insurance Act for the calendar year 2003.

Mr. Arseneault gave Notice of Motion 5 that on Thursday, December 9, 2004, he would move the following resolution, seconded by Mr. Boudreau:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all e-mails, correspondence, minutes of meetings between the Department of Intergovernmental and International Relations, the Premier's Office and/or any other government departments and the Government of Québec regarding the discussions, correspondence or negotiations between the governments of New Brunswick and Québec dealing with improving labour mobility between New Brunswick and Québec.

Mr. Arseneault gave Notice of Motion 6 that on Thursday, December 9, 2004, he would move the following resolution, seconded by Mr. Boudreau:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House a copy of all flight logs from the government plane from January 1, 2004, to June 30, 2004, and a breakdown of expenditures arising from the ongoing operation of the government plane from January 1, 2004, to December 1, 2004.

Mr. Arseneault gave Notice of Motion 7 that on Thursday, December 9, 2004, he would move the following resolution, seconded by Mr. Boudreau:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the

House all names and remuneration received by any individual who has been employed on a full time, part time, or contract basis, or who has been appointed to a government board or commission, since June 10, 2003.

Mr. MacIntyre gave Notice of Motion 8 that on Thursday, December 9, 2004, he would move the following resolution, seconded by Mr. A. LeBlanc:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all documents, e-mails, correspondence, regarding any initiative by the Department of Family and Community Services to cover needles and test strips for diabetics who have a low income but not on social assistance and qualify for health care through the Department of Family and Community Services since June 1999.

Mr. Jamieson gave Notice of Motion 9 that on Thursday, December 9, 2004, he would move the following resolution, seconded by Mr. MacIntyre:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all documents, e-mails, correspondence, between the Department of Health and Wellness and the Department of Environment and Local Government regarding soil and sediment testing in the Belledune area, including but not limited to soil and sediment testing and results for lead, arsenic and cadmium since June 1999.

Before Orders of the Day, Mr. Foran rose pursuant to Standing Order 45(1), to propose that the House do now adjourn for the purpose of considering the following motion relating to matters of urgent public importance in the forestry industry:

WHEREAS the forest industry in New Brunswick contributed \$1.7 billion to the province's economy in 2002;

WHEREAS 28,000 New Brunswickers are employed in this industry either directly or indirectly;

WHEREAS 14 New Brunswick communities depend entirely on forestry operations to survive;

WHEREAS the proposed closure of the UPM Kynmeme Kraft Mill in Miramichi will cost 400 jobs in January;

WHEREAS mill workers in Miramichi are bracing for a strike;

WHEREAS the closure of the St.-Anne Nackawick pulp mill has cost 400 jobs;

WHEREAS there is clearly a crisis in the cornerstone industry in this province;

WHEREAS this government has failed to outline any significant plan or long-term strategy to deal with the challenges in the forest industry;

WHEREAS this is the earliest opportunity to raise this important issue in the Legislative Assembly;

BE IT THEREFORE RESOLVED that the House condemn the government's inaction in forestry, and urge the government to cease its inattention to the forest industry;

BE IT FURTHER RESOLVED that this Legislature direct the government to immediately restore the \$2.9 million that was cut from the silviculture budget in the current fiscal year and to use this level as a base to create a dedicated 10-year silviculture fund for private woodlot owners in order to foster stability and long-term planning.

At 12.43 o'clock p.m., Mr. Speaker stated he would take the matter under advisement, declared a recess, and advised that the House would resume at the ringing of the bells.

1.23 o'clock p.m.

Mr. Speaker resumed the chair and was pleased to deliver the following ruling regarding Mr. Foran's earlier request for an emergency debate:

Honourable Members:

The Member for Miramichi Centre has asked leave to introduce a motion asking for an emergency debate for the purpose of considering urgent and critical matters related to the forestry industry. In accordance with Standing Rule 45(2) which governs requests for emergency debates, I received notice from the Member in the required time frame prior to the opening of the House along with a written statement of the matter proposed to be discussed. I understand that the Leaders of the recognized parties have also received notice and the required documentation.

I have had the opportunity to consider the matter proposed for debate. The forest industry in New Brunswick is, of course, of great importance to the economy of our province and to the well being of many New Brunswickers.

Further, the closure of the St.-Anne Nackawick pulp mill and the proposed closure of the UPM Kymmene Kraft Mill in Miramichi are of great concern, not only to the many employees that will be out of work, and their families, but also to many other New Brunswickers whose livelihood will be effected either directly or indirectly as a result of the closures.

However, in considering whether to set aside the business of the House to consider the proposed motion, I must refer to Standing Rule 45(6), which states:

45(6) In determining whether a matter should have urgent consideration, the Speaker shall have regard to the extent to which it concerns the administrative responsibilities of the government or could come within the scope of ministerial action and also shall have regard to the probability of the matter being brought before the House within a reasonable time by other means.

There is no doubt that the very important subject matter of the forest industry in New Brunswick falls under the administrative responsibilities of government. Indeed, it is my understanding that this matter has very much been under consideration by government for some time.

However, pursuant to Standing Rule 45(6), I must also have regard to the probability of the matter being brought before the House within a reasonable time by other means.

Although the matters raised this morning by the Member for Miramichi Centre are clearly of importance to New Brunswickers, in the opinion of the Chair, the matter proposed for discussion does not satisfy the requirements of Standing Rule 46, in particular, paragraph (a).

The matter proposed for discussion does not, in my opinion, relate to a genuine emergency, calling for immediate and urgent consideration. Furthermore, I do not agree with the Opposition House Leader's contention that the matter can not be raised within a reasonable time by any other means.

In view of the fact that this is an important matter, Members should be aware that other avenues are available by which a substantive motion to this effect might be introduced and brought before the House within a reasonable time, such as by introducing a Private Member's Motion with due notice.

Although not directly related to the question of whether this matter qualified as an emergency debate, I must note that the motion proposed by the Member for Miramichi Centre this morning would

have the effect of directing the government to restore certain funds that were purportedly cut from the silviculture budget.

A motion which directs the government to do anything is always out of order whether introduced by means of a motion in an emergency debate or by means of a Private Member's Motion. Similarly, a motion calling for an expenditure of public funds is always out of order pursuant to the provisions of Standing Rule 107 and sections 54 and 90 of the *Constitution Act, 1867*, if it has not been first recommended by Message of the Lieutenant-Governor. A Private Member's Motion which urges or asks the government to consider the feasibility of restoring the funds would be acceptable.

The Member for Fredericton-Fort Nashwaak requested the unanimous consent for the House to now take up the motion proposed by Mr. Foran for an emergency debate and unanimous consent was denied.

And then, 1.28 o'clock p.m., the House adjourned.