
Thursday, April 7, 2005.

1 o'clock p.m.

Prayers.

Mr. S. Graham recognized the service of Cheryl Wade Fulton of the Hansard Office for her 25 years of service to the Legislative Assembly.

The Hon. the Premier congratulated his mother, Mrs. Marie-Émilie Lord, on the occasion of her 75th birthday.

Mr. Targett, Member for York, laid upon the table of the House a petition signed by taxpayers/residents of the Village of McAdam and surrounding area who record their displeasure and concern regarding the unsafe/hazardous condition of certain sections of Highway 4 and Highway 630 and request immediate attention and appropriate action to certain stated situations. (Petition 26)

Mr. V. Boudreau gave Notice of Motion 61 that on Thursday, April 14, 2005, he would move the following resolution, seconded by Mr. Albert:

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 information and details regarding publicity carried out by each health authority, the Department of Health and Wellness, and Communications New Brunswick, on behalf of the Department of Health and Wellness, from March 31, 2004, to March 31, 2005, including media announcements (written, oral, and visual), publicity for the health plan, the logo, and advertising posters.

Hon. Mr. Green, Government House Leader, announced that it was the intention of government that with agreement of the opposition, the House would dispense with Private Members' Motions, to resume the adjourned debate on the budget.

The Order of the Day for resuming the adjourned debate on the motion (Motion 39),

THAT this House approves in general the budgetary policy of the government, having been read,

The debate was resumed

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

And after some further time, Mr. Holder, the Deputy Speaker, took the chair as Acting Speaker.

And after some time, Mr. S. Graham, seconded by Mr. Haché, moved in amendment:

AMENDMENT

THAT Motion 39 be amended by deleting all the words after "That" and that these words be replaced by the following:

"this House no longer has confidence in the Government."

And the question being put, a debate ensued,

And after some time, pursuant to Standing Rule 69, Mr. Allaby moved the following motion:

Be it resolved that the question on the Amendment to Motion 39 now be put:

At 3.54 Mr. Holder, the Deputy Speaker advised that he would review the motion to determine if it was acceptable.

Mr. Deputy Speaker declared a recess and left the chair.

4.56 o'clock p.m.

Mr. Holder, the Deputy Speaker, resumed the chair and delivered the following ruling:

STATEMENT BY DEPUTY SPEAKER

The member for Fundy Isles has moved that the question on the amendment to Motion 39 now be put. Standing Rule 69 governs the use of the previous question. Standing Rule 69 reads as follows:

The previous question, which may be moved without notice or seconder, until it is decided shall preclude all amendment of the main question, and shall be in the following words:—"That this question be now put". Unless it appears to the Chair that such a motion is an abuse of the Standing Rules of the House or an infringement of the rights of the minority, the question shall be put forthwith and decided without amendment or debate.

If the previous question is resolved in the affirmative, the original question shall be put forthwith and decided without amendment or debate.

I want to reemphasize the wording of Standing Rule 69. When such a motion is put, it precludes all amendments to the main motion. If the previous question is carried, the original motion must then be

put forthwith and decided without debate or amendment. It is clear from the language of the standing rule that the references are to the moving of the previous question on the original motion, not on an amendment.

I refer members to Paragraph 527 of the sixth edition of *Beauchesne's Parliamentary Rules & Forms*, where it is stated:

The previous question has been moved upon the various stages of a bill, but it cannot be moved upon an amendment; however, after the amendment has been adopted, the previous question can be put to the main question as amended. Sir Erskine May, Treatise on the Law, Privileges, Proceedings and Usage of Parliament (20th ed., 1983), p. 379.

This is confirmed in Marleau and Montpetit's *House of Commons Procedure and Practice*, on page 456, which reads as follows:

It [the previous question] cannot be proposed while an amendment to the main question is being considered, but once the amendment is disposed of by the House and the debate resumes on the main motion itself, amended or not, the previous question can then be moved.

It is clear from the parliamentary authorities that the previous question can only be moved on the original motion and not on the amendment; therefore, the previous question cannot be moved on the amendment that is currently before the House.

Accordingly, the motion as moved by the member for Fundy Isles is out of order.

Debate was resumed on the amendment to Motion 39 (nonconfidence motion).

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

And after some further time, Mr. Speaker interrupted proceedings and advised the House that the hour of daily adjournment had arrived.

And then, 6 o'clock p.m., the House adjourned.