

Friday, December 9, 2005.

10 o'clock a.m.

Prayers.

Mr. Doucet, Member for Charlotte, laid upon the table of the House a petition signed by residents of Charlotte County in support of keeping Emergency Room/Outpatient Services at Charlotte County Hospital open 7 days a week, 24 hours a day. (Petition 3)

Following Oral Questions, Mr. Lamrock stood on a point of order and claimed that the Member for Petitcodiac had used the term "deliberately mislead the House" which was unparliamentary.

Mr. Speaker stated that the term "deliberately mislead the House" had been ruled unparliamentary and Mr. Stiles withdrew the offending remark.

The following Bills were introduced and read a first time.

By Hon. Mr. Ashfield,

Bill 10, *An Act to Amend the Crown Lands and Forests Act.*

Bill 11, *An Act to Amend the Crown Lands and Forests Act.*

Bill 12, *An Act to Amend the Forest Products Act.*

By Hon. Ms. Blaney,

Bill 13, *An Act to Amend the Occupational Health and Safety Act.*

Bill 14, *An Act to Amend the Industrial Relations Act.*

By Hon. Mr. Holder,

Bill 15, *An Act to Amend the Clean Environment Act.*

Bill 16, *An Act to Amend the Clean Environment Act.*

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

Mr. Burke gave Notice of Motion 10 that on Thursday, December 15, 2005, he would move the following resolution, seconded by Mr. S. Graham.

WHEREAS 65,000 women and children immigrated to Canada during and following the Second World War;

WHEREAS the immigration to Canada of such a unique group of women and children is unprecedented in Canadian history;

WHEREAS nearly one in 30 Canadians can proudly say they have a War Bride in their family tree;

WHEREAS 2006 is the 60th anniversary of the arrival of the majority of War Brides in Canada at Pier 21 in Halifax;

BE IT RESOLVED that this Legislature officially recognize 2006 as the Year of the War Bride.

Mr. Murphy gave Notice of Motion 11 that on Thursday, December 15, 2005, he would move the following resolution, seconded by Mr. V. Boudreau:

WHEREAS in August 1981 a shooting occurred in the town of Shediac wherein Constable Clarence Bourque was shot five times;

AND WHEREAS a question has arisen with regard to the appropriateness, thoroughness and direction of the investigation by the then town of Shediac police and the royal Canadian Mounted Police; and further said investigation has never officially been closed and the public have received no satisfactory response from the RCMP and the New Brunswick Department of Justice;

BE IT RESOLVED that a debate be held in this Legislative Assembly as to the ordering of the formation of a Commission of Inquiry under Section 2 of the *Inquiries Act* to determine whether administration of Justice has been brought into disrepute by any inadequate investigation as above noted.

Mr. R. Boudreau gave Notice of Motion 12 that on Thursday, December 15, 2005, he would move the following resolution, seconded by Mr. V. 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 correspondence, including minutes of meetings, letters, e-mails, memoranda, briefing notes, hand-written notes, reports, analysis and research pertaining to the Department of Family and Community Services' plan concerning residential services for people with autism.

Hon. Mr. Green, the Government House Leader, announced that it was the intention of government that following second reading the House would resume debate on the amendment to the motion for an Address in Reply to the Speech from the Throne.

It was agreed by unanimous consent to vary the hours of sitting, to recess at 12.30 o'clock p.m., to resume at 1 o'clock p.m., and to adjourn the House at 4.30 o'clock p.m.

The Order being read for second reading of Bill 2, *Fiscal Responsibility and Balanced Budget Act*, a debate arose thereon.

And after some time, Mr. Murphy moved in amendment, seconded by Mr. Lamrock:

## AMENDMENT

THAT the motion for second reading be amended by deleting all the words after the word "that" and substituting the following:

Bill 2, *Fiscal Responsibility and Balanced Budget Act*, be not now read a second time but that the Order for second reading be discharged and the subject matter of the Bill referred to the Standing Committee on Law Amendments.

Mr. Speaker put the question and a debate ensued.

And the debate being ended and the question being put, the House divided as follows:

## YEAS - 27

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

## NAYS - 27

Hon. Ms. Blaney	Mr. Sherwood	Mr. Huntjens
Hon. E. Robichaud	Hon. Mr. Steeves	Ms. Fowlie
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. Mr. Holder	Mr. Stiles
Hon. Mr. Mockler	Hon. P. Robichaud	Mr. Betts
Hon. Ms. M <sup>ac</sup> Alpine-Stiles	Hon. Mr. Alward	Mr. C. LeBlanc

There being an equality of votes upon a division in the House, pursuant to Standing Rule 14, Mr. Speaker cast his deciding vote in the negative and delivered the following statement:

## STATEMENT

Considering that there is a tie, it will be up to the House to decide to refer a Bill to the Standing Committee on Law Amendments, not up to the Speaker. I feel that, in casting my vote, I will be voting to allow the Bill to continue in second reading. Therefore, the amendment is defeated, and the Bill will continue in its process of second reading.

And the question being put that Bill 2, *Fiscal Responsibility and Balanced Budget Act*, be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 2, *Fiscal Responsibility and Balanced Budget Act*, was read a second time and ordered referred to the Committee of the Whole House.

At 12:37 o'clock p.m. Mr. Speaker left the chair to resume again at 1 o'clock p.m.

1 o'clock p.m.

Mr. Speaker resumed the chair.

The Order being read for second reading of Bill 3, *An Act to Amend the New Brunswick Income Tax Act*, a debate arose thereon.

And the debate being ended and the question being put that Bill 3, *An Act to Amend the New Brunswick Income Tax Act*, be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 3, *An Act to Amend the New Brunswick Income Tax Act*, was read a second time and ordered referred to the Committee of the Whole House.

The Order being read for second reading of Bill 4, *Tuition Tax Cash Back Credit Act*, a debate arose thereon.

And the debate being ended and the question being put that Bill 4, *Tuition Tax Cash Back Credit Act*, be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 4, *Tuition Tax Cash Back Credit Act*, was read a second time and ordered referred to the Committee of the Whole House.

The Order being read for second reading of Bill 5, *Tobacco Damages and Health Care Costs Recovery Act*, a debate arose thereon.

And the debate being ended and the question being put that Bill 5, *Tobacco Damages and Health Care Costs Recovery Act*, be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 5, *Tobacco Damages and Health Care Costs Recovery Act*, was read a second time and ordered referred to the Committee of the Whole House.

The Order being read for second reading of Bill 6, *Franchises Act*, a debate arose thereon.

And after some time, Hon. Mr. Green moved in amendment, seconded by Hon. Mr. Mesheau:

AMENDMENT

THAT the motion for second reading be amended by deleting all the words after the word "that" and substituting the following:

Bill 6, *Franchises Act*, be not now read a second time but that the Order for second reading be discharged and the subject matter of the Bill referred to the Standing Committee on Law Amendments.

Mr. Speaker put the question on the amendment and it was resolved in the affirmative.

The Order being read for second reading of Bill 7, *Energy Efficiency and Conservation Agency of New Brunswick Act*, a debate arose thereon.

And the debate being ended and the question being put that Bill 7, *Energy Efficiency and Conservation Agency of New Brunswick Act*, be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 7, *Energy Efficiency and Conservation Agency of New Brunswick Act*, was read a second time and ordered referred to the Committee of the Whole House.

The Order being read for second reading of Bill 8, *An Act to Amend the Film and Video Act*, a debate arose thereon.

And the debate being ended and the question being put that Bill 8, *An Act to Amend the Film and Video Act*, be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 8, *An Act to Amend the Film and Video Act*, was read a second time and ordered referred to the Committee of the Whole House.

The Order being read for second reading of Bill 9, *An Act Respecting the Protection of Low-Income Occupiers*, a debate arose thereon.

And the debate being ended and the question being put that Bill 9, *An Act Respecting the Protection of Low-Income Occupiers*, be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 9, *An Act Respecting the Protection of Low-Income Occupiers*, was read a second time and ordered referred to the Committee of the Whole House.

The Order of the Day being read that the House proceed to take into further consideration the amendment to the proposed Address in Answer to His Honour's speech at the opening of the session,

And the debate continuing,

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 time, Mr. Betts took the chair as Acting Speaker.

And after some time, Mr. C. LeBlanc resumed the chair.

And after some further time, Hon. Mr. Green moved, on behalf of Mr. C. LeBlanc, the adjournment of the debate on the amendment to the proposed Address in Answer to His Honour's speech at the opening of the session.

And then, 4.28 o'clock p.m., the House adjourned.