

46



Journals

(Unrevised)

Legislative Assembly

Province of New Brunswick

Hon. Herménégilde Chiasson
Lieutenant-Governor

Speaker: Hon. Michael Malley

Thursday, June 8, 2006

Third Session of the 55th Legislative Assembly
Fredericton, New Brunswick

Thursday, June 8, 2006.

11.30 o'clock a.m.

Prayers.

Mr. Speaker reminded Members to adhere to the time limits prescribed by the Standing Rules for Introduction of Guests and Congratulatory Messages.

Hon. Mr. Harrison, rose on a point of order and requested that Mr. Arseneault withdraw the term "lied" in reference to the government. The Member for Dalhousie-Restigouche East withdrew the remark.

Ms. C. Robichaud gave Notice of Motion 92, that on Thursday, June 15, 2006, she would move the following resolution, seconded by Mr. Doherty:

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, handwritten notes, reports, analysis and research from the departments of Family and Community Services and Education pertaining to the planning and development of the pre-Kindergarten program from January 21, 2005, to present that was announced by the Premier in the December 2005 Speech from the Throne.

With leave of the House to dispense with notice, Hon. Mr. Harrison moved, seconded by Hon. P. Robichaud: (Motion 93)

That pursuant to Standing Rule 77, the order for referral of Bills 19, 33, 38, 39, 48, 49, 50, and 63, to the Committee of the whole House be discharged and that with the unanimous consent of the House the said Bills be ordered for Third Reading forthwith.

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

Hon. Mr. Harrison, Government House Leader, announced that following third reading and the time reserved for Private Members' Motions, it was the intention of government that the House resolve itself into a Committee of Supply to take into consideration the estimates of the Department of Energy followed by the Department of Education.

It was agreed by unanimous consent to limit the time reserved for Private Members' Motions to one hour and for the time reserved for the right of reply to five minutes.

The following Bills were read a third time:

Bill 19, *An Act to Amend the Motor Vehicle Act.*

Bill 33, *An Act to Amend the Executive Council Act.*

Bill 38, *An Act Respecting Pensions.*

Bill 39, *An Act to Repeal the Married Woman's Property Act.*

Bill 48, *An Act to Amend the Pre-arranged Funeral Services Act.*

Bill 49, *An Act to Amend the Teachers' Pension Act.*

Bill 50, *Class Proceedings Act.*

Bill 63, *An Act to Amend the Elections Act.*

Ordered that the said Bills do pass.

Mr. Speaker delivered the following ruling:

STATEMENT

Honourable Members,

Last Friday, the Government House Leader raised a point of order concerning comments made by the Member for Moncton North during question period. I undertook to review the record and report back to the House if necessary. In speaking on the point of order, the Government House Leader stated that it is unacceptable to accuse a minister of being fraudulent and doing things illegal.

In their arguments, the Minister of Health and the Opposition House Leader made reference to paragraphs 489 and 490 of *Beauchesne's Parliamentary Rules and Forms* which contains a list of terms that have been ruled both parliamentary and unparliamentary. However, it is the context in which words or phrases are used that the Speaker must consider when deciding whether or not they should be withdrawn. A word or expression deemed unparliamentary one day may not necessarily be deemed unparliamentary the following day.

At page 5 of *Hansard* of Question Period for June 2, 2006, the Member for Moncton North said "There are two principal reasons that what the Minister did in the budget is both fraudulent and illegal". I find that this language is unacceptable. The use of the words "fraudulent" and "illegal" to describe the action of the Minister is unparliamentary and must be withdrawn.

The word "fraudulent" further implies that there was a wilful attempt on the part of the Minister to deceive. The use of the word in this context is, in my opinion, unparliamentary. I would therefore ask the Member for Moncton North to withdraw the offending remarks.

The Member for Moncton North withdrew the offending remarks.

Due to the unavoidable absence of Mr. Speaker, Mr. Betts, the Deputy Speaker, took the chair as Acting Speaker.

Mr. Deputy Speaker delivered the following ruling:

STATEMENT

Honourable Members,

On Tuesday, I reserved my decision on the question of privilege raised by the Member for Moncton North in relation to comments made in a Member's Statement by the Member for Saint John-Kings.

In speaking on the point of privilege, the Member for Moncton North complained that the Member for Saint John-Kings had accused him of making a sexist remark in the House, that she did not refer to the remark in question and that it was part of a campaign to impugn his reputation and that it had to end.

Continuing, the Member for Moncton North explained that he had used the term "weathergirl" in debate on the estimates of the Department of Finance and that it was a reference to an iconic figure and part of an expression, and there was no malice or intent.

The Member for Saint John-Kings spoke on the question of privilege and claimed that she was not impugning the character or person of the Member for Moncton North. The Member for Saint John-Kings maintained that the use of the term "weathergirl" by the Member for Moncton North was inappropriate and derogatory, that it was not a professional title, that it was made in a flippant way, and that it was a sexist remark for which the Member should apologize to the House.

The Member for Fredericton-Fort Nashwaak spoke briefly on the point of privilege and expressed concern that the matter had not been raised as a point of order at the time the remark was made and that it had been saved up to be used in debate.

I have had an opportunity to review the relevant Hansard transcripts of the exchanges in question. I find that this matter involves a question of order and not privilege. It concerns language used in debate. Any member who feels aggrieved by a remark or allegation may bring the matter to the immediate attention of the Speaker on a point of order.

The Member for Saint John-Kings has expressed an opinion. She states that she believed, at the time the remarks were made, and continues to believe, that the term used by the Member for Moncton North was inappropriate.

The Member for Moncton North has indicated that he made reference to an iconic figure, a wording of expression, with no malice or intent.

I must accept both Members at their word.

I want to remind all members, however, that the proper time to raise a point of order is when the words are used and not afterwards. It is not in order for a Member to raise what amounts to a point of order during the making of a Member's Statement. In future, if a Member wants to complain to the House regarding objectionable language, it should be raised in a timely fashion as a point of order, and not through a Member's Statement.

Honourable Members we have less than two weeks of session remaining. I want to caution Members on both sides of the House not to use intemperate or inflammatory language in debate.

Pursuant to Notice of Motion 78, Mr. S. Graham moved the following resolution, seconded by Mr. Murphy:

WHEREAS Canada is a federation in which provinces have constitutional responsibility for the delivery of a number of essential public services to citizens, including health, social services and education;

AND WHEREAS section 36(2) of the Constitution Act 1982 recognizes the commitment of Parliament and the Government of Canada to the principle of making equalization payments to ensure provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation;

AND WHEREAS all Premiers of Canada have further agreed the federal government should strengthen its commitment to the Equalization Program so the Program meets its constitutionally mandated objective of addressing the fiscal imbalance in Canada;

AND WHEREAS a properly functioning equalization program is necessary to ensure fiscal disparities across this country do not widen resulting in non-comparative tax rates;

AND WHEREAS the Province of New Brunswick is currently a recipient of equalization payments and relies on a properly functioning program to provide quality services to its citizens and maintain its competitive position relative to the rest of Canada;

AND WHEREAS the people of New Brunswick believe a strong and effective federation is best achieved through the cooperation of all levels of government working to meet the needs of Canadians;

THEREFORE be it resolved that the Legislative Assembly reaffirms its commitment to section 36(2) of the Constitution Act 1982 and

the principle of making equalization payments to ensure provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation;

BE IT FURTHER resolved that the Legislative Assembly recognizes the fundamental importance of the provision of equalization payments as an essential characteristic of the Canadian federation;

BE IT FURTHER resolved that the Legislative Assembly call upon the Government of Canada to enhance the current equalization program, by using a ten province model and including all revenue from non-renewable resources, to ensure it meets its constitutional mandate.

And the question being put, a debate ensued.

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

AMENDMENT

THAT Motion 78 be amended by:

Adding the following "Whereas" clause:

AND WHEREAS all Premiers of Canada have further agreed the federal government should ensure the Equalization Program meets its constitutionally mandated objective;

AND WHEREAS the Government of Canada has acknowledged the existence of a fiscal imbalance and has committed in its 2006-07 budget to introducing a renewed and strengthened Equalization Program by the fall of 2006;

And, in the final resolution clause, by adding the words:

"with full revenue coverage, including" after the words "by using a ten province model" and adding the words "and no cap or ceiling on program entitlements" after the words "nonrenewable resources,"

At 1.50 o'clock p.m., Mr. Deputy Speaker declared a recess and left the chair.

2.05 o'clock p.m.

Mr. Deputy Speaker resumed the chair.

With the unanimous consent of the House, Hon. Mr. Volpé withdrew his previous amendment and moved, seconded by Hon. Mr. Green, the following amendment:

AMENDMENT

THAT Motion 78 be amended by:

Adding the following "Whereas" clause after the final whereas clause:

AND WHEREAS all premiers of Canada have further agreed the federal government should ensure the Equalization Program meets its constitutionally mandated objective;

And deleting the second resolution clause and replacing it with:

BE IT FURTHER RESOLVED that the Legislative Assembly call upon the government of Canada to enhance the current equalization program, by using a ten province model with full revenue coverage, including non-renewable resources, and no cap or ceiling on program entitlements to ensure it meets its constitutional mandate.

And the question being put, a debate ensued.

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

The debate resumed on Motion 78 as amended as follows:

WHEREAS Canada is a federation in which provinces have constitutional responsibility for the delivery of a number of essential public services to citizens, including health, social services and education;

AND WHEREAS section 36(2) of the Constitution Act 1982 recognizes the commitment of Parliament and the Government of Canada to the principle of making equalization payments to ensure provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation;

AND WHEREAS all Premiers of Canada have further agreed the federal government should strengthen its commitment to the Equalization Program so the Program meets its constitutionally mandated objective of addressing the fiscal imbalance in Canada;

AND WHEREAS a properly functioning equalization program is necessary to ensure fiscal disparities across this country do not widen resulting in non-comparative tax rates;

AND WHEREAS the Province of New Brunswick is currently a recipient of equalization payments and relies on a properly functioning program to provide quality services to its citizens and maintain its competitive position relative to the rest of Canada;

AND WHEREAS the people of New Brunswick believe a strong and effective federation is best achieved through the cooperation of all levels of government working to meet the needs of Canadians;

AND WHEREAS all Premiers of Canada have further agreed the federal government should ensure the Equalization Program meets its constitutionally mandated objective;

THEREFORE be it resolved that the Legislative Assembly reaffirms its commitment to section 36(2) of the Constitution Act 1982 and the principle of making equalization payments to ensure provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation;

BE IT FURTHER resolved that the Legislative Assembly recognizes the fundamental importance of the provision of equalization payments as an essential characteristic of the Canadian federation;

BE IT FURTHER RESOLVED that the Legislative Assembly call upon the government of Canada to enhance the current equalization program, by using a ten province model with full revenue coverage, including non-renewable resources, and no cap or ceiling on program entitlements to ensure it meets its constitutional mandate.

And the debate being ended, and the question being put, Motion 78 as amended was resolved in the affirmative.

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

And after some time spent in Committee of Supply, 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, 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:

MAIN ESTIMATES, 2006-2007

ORDINARY ACCOUNT

DEPARTMENT OF ENERGY

Resolved, That there be granted to Her Majesty a sum not exceeding \$1,937,000 to defray the expenses of the Ordinary Account program allocations for the Department of Energy for the fiscal year ending the 31st of March, 2007:

Administration.....	556,000
Energy Policy Management	1,419,000
Less amounts authorized by law	38,000
Voted	1,937,000

ENERGY EFFICIENCY AND

CONSERVATION AGENCY OF NEW BRUNSWICK

Resolved, That there be granted to Her Majesty a sum not exceeding \$8,031,000 to defray the expenses of the Ordinary Account program allocations for the Energy Efficiency and Conservation Agency of New Brunswick for the fiscal year ending the 31st of March, 2007:

Administration.....	1,231,000
Energy Efficiency Programs	6,800,000
Less amounts authorized by law	0
Voted	8,031,000

LOANS AND ADVANCES

ENERGY EFFICIENCY AND

CONSERVATION AGENCY OF NEW BRUNSWICK

Resolved, That there be granted to Her Majesty a sum not exceeding \$3,400,000 to defray the expenses under Loans and Advances of the Energy, Efficiency and Conservation Agency of New Brunswick for the fiscal year ending the 31st of March, 2007:

Loans for energy efficiency upgrades	3,400,000
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The said items were concurred in by the House.

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