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Journals

(Unrevised)

Legislative Assembly

Province of New Brunswick

Hon. Herménégilde Chiasson
Lieutenant-Governor

Speaker: Hon. Eugene McGinley

Thursday, May 24, 2007

**First Session of the 56th Legislative Assembly
Fredericton, New Brunswick**

Thursday, May 24, 2007.

1:25 o'clock p.m.

Prayers.

Mr. Kennedy from the Standing Committee on Private Bills presented the third report of the Committee, which was read and is as follows:

May 24, 2007.

To The Honourable
The Legislative Assembly of
The Province of New Brunswick

Mr. Speaker:

Your Standing Committee on Private Bills begs leave to submit this, their Third Report of the Session.

Your Committee on Private Bills met on May 24, 2007, in the Legislative Council Chamber and had under consideration:

Bill 56, *An Act to Incorporate the Filles de Jésus Moncton*,
which it recommends to the favourable consideration of the House.

Your Committee also had under consideration:

Bill 55, *An Act to Authorize an Easement Though Certain Lands
in The City of Saint John for Natural Gas Pipeline
Purposes*,

which it recommends to the favourable consideration of the House with certain amendments.

And your Committee begs leave to make a further report.

I move, seconded by the Member for Nepisiguit, that the report be concurred in by the House.

Dr. Larry Kennedy, M.L.A.
Chairman.

Mr. Speaker put the question on the motion of concurrence in the report of the Committee and it was resolved in the affirmative.

It was agreed by unanimous consent to dispense with the two hours reserved for Private Members' Motions.

Hon. Mr. Jamieson, Government House Leader, announced that it was the intention of government that the House resolve itself into a Committee of the Supply to resume consideration of the estimates of the Department of Health and the Department of Public Safety.

Pursuant to Standing Rule 9, Hon. Mr. Lamrock rose on a Question of Privilege concerning comments of Mr. Mockler, the Member for Restigouche-la-Vallée, in Committee of Supply on May 23, 2007, and gave notice of his intention to move the following motion, seconded by the Government House Leader:

BE IT RESOLVED that, pursuant to Standing Rule 9(2), the actions of the Member for Restigouche-la-Vallée on May 23, 2007, specifically obtaining the unanimous consent of the House through deliberate deception and using abusive language toward guests of the Assembly, be referred to the Standing Committee on Privileges.

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

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

And after some time, Mr. Speaker resumed the Chair, and Mr. R. Boudreau, 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 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 resolved in the affirmative.

The required two hours' notice having been given earlier in the sitting, Mr. Speaker invited Hon. Mr. Jamieson, Government House Leader, on behalf of Hon. Mr. Lamrock, to speak on the question of privilege.

Hon. Mr. Jamieson submitted that it was a breach of the privileges of the House for a Member to make partisan remarks or to be abusive when introducing a guest. He noted that when a Member stands to introduce a guest it should be done in a polite and sincere manner, and that visitors should be treated with respect and decorum.

Mr. Harrison, Opposition House Leader, stated that the matter did not amount to a breach of privilege, and submitted that individual Members can only claim privilege insofar as any denial of their rights or threat made to them would impede the functioning of the House.

Mr. Speaker delivered the following ruling:

STATEMENT BY SPEAKER

Members, as I stated earlier, I have had an opportunity to read the transcript, do some research, and reflect on the matter. I have listened carefully to the brief arguments made on behalf of the proponent and by the member for Hampton-Kings. I should say that there is nothing I have heard in the arguments which would significantly change my decision, and I now propose to deliver the decision that I have prepared.

I thank both members for their comments, but when a question of privilege is raised, the Speaker must decide whether there is a *prima facie* case of privilege and whether it was raised at the earliest opportunity. I think perhaps the earliest opportunity requirement may have been met. The question is whether this was a *prima facie* case.

There are two points which are relevant to this matter and which bear directly on the matter. This matter arose during the proceedings of the Committee of Supply, and before a Speaker can consider a matter of privilege which has arisen in committee, the committee must have reported to the Speaker and to the House to raise or report on a matter of privilege. There was nothing done along that line. There was no matter of privilege brought to the House from the committee.

The second matter deals with language used in debate. That is perhaps a point of order—a matter of the language that is used and whether it is unparliamentary. That could be raised as a point of order, not as a point of privilege. Questions of order are decided by the chairman of the committee, and the Speaker does not automatically have jurisdiction. In fact, the Speaker does not automatically have jurisdiction over matters that arise in committee. As a rule, the committee conducts its own affairs. I would be usurping the jurisdiction of the chairman of the committee if I were to rule on that.

In my opinion, a *prima facie* case of privilege has not been made, and I have to say that I cannot accept the honourable member's motion, whatever the propriety or impropriety of the language used may have been. Consequently, the motion will not be heard.

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

At 6:10 o'clock p.m., the Chairman left the chair to resume again at 7:30 o'clock p.m.

7:30 o'clock p.m.

The Committee resumed with Mr. R. Boudreau in the chair.

And after some time, Mr. Speaker resumed the Chair, and Mr. R. Boudreau, 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.

MAIN ESTIMATES, 2007 - 2008

ORDINARY ACCOUNT

DEPARTMENT OF PUBLIC SAFETY

Resolved, That there be granted to Her Majesty a sum not exceeding \$108,161,000 to defray the expenses of the following program allocations for the fiscal year ending the 31st of March, 2008:

Corporate Services and Planning.....	5,131,000
Community and Correctional Services	33,743,000
Safety Services	69,326,000
Less amounts authorized by law.....	39,000
Voted	108,161,000

GENERAL GOVERNMENT

Voted, Supply in the following amounts to defray the expenses of the following program for the fiscal year ending the 31st of March, 2008:

New Brunswick Police Commission.....	179,000
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WORKING CAPITAL - MAXIMUM BALANCES

2007 - 2008

Voted

PETTY CASH ADVANCES

Public Safety	25,000
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The said items were concurred in by the House.

And then, 10.04 o'clock p.m., the House adjourned.

The following document, having been deposited with the Clerk of the House, was deemed laid upon the table of the House, pursuant to Standing Rule 39:

Response to Petition No. 33

May 23, 2007