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Journals
(Unrevised)

Legislative Assembly

Province of New Brunswick

Hon. Graydon Nicholas
Lieutenant-Governor

Speaker: Hon. Dale Graham

Wednesday, April 6, 2011

First Session of the 57th Legislative Assembly
Fredericton, New Brunswick

Wednesday, April 6, 2011.

10 o'clock a.m.

Prayers.

Mr. Boudreau, Leader of the Opposition, rose on a question of privilege regarding a Minister's Statement by Hon. Mr. Williams the previous sitting day in which he advised the House that an agreement with the Federal Government provides for the forgiveness of the outstanding debt on the Saint John Harbour Bridge.

Mr. Boudreau submitted that the agreement signed by Canada and New Brunswick dated March 25, 2011, contains no such provision and the statement by Hon. Mr. Williams is a misrepresentation of the agreement.

In accordance with Standing Rule 9(2), Mr. Boudreau gave notice of his intention to move the following motion, seconded by Mr. Doucet:

WHEREAS all honourable members of this House are presumed to be telling the truth; and

WHEREAS, according to Marleau and Montpetit, page 52, any conduct which offends the authority or dignity of the House "is referred to as a contempt of the House"; and

WHEREAS, according to Marleau and Montpetit, page 67, the House also claims the right to punish, as a contempt, any action which, though not a breach of a specific privilege, "is an offense against the authority or dignity of the House"; and

WHEREAS the Minister of Transportation and Infrastructure stated during Ministers Statements yesterday and I quote "our Agreement with the federal government will see the outstanding debt on the bridge forgiven"; and

WHEREAS the Agreement signed between Canada and New Brunswick, dated March 25, 2011, clearly states in Section 1.2 "This Agreement comprises the entire agreement between the Parties. No prior document, negotiation, provision, undertaking or agreement in relation to the subject of the Agreement has legal effect, unless incorporated by reference into this Agreement. No representation or warranty express, implied or otherwise, is made by Canada to the Province except as expressly set out in this Agreement. For greater certainty, this Agreement does not deal with certain commitments made by Canada and the Province with regard to the forgiveness by Canada of the debt owing to Canada by the SJHBA or its successors or assigns"; and

WHEREAS such a blatant misrepresentation of the Agreement of March 25 by the Minister of Transportation and Infrastructure clearly offends the authority and dignity of the House;

BE IT THEREFORE RESOLVED that the Minister of Transportation and Infrastructure be found to be in contempt of the House.

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

Pursuant to Standing Rule 44(4), Mr. Fraser, Opposition House Leader, gave notice that on Thursday, April 7, 2011, Opposition Members' Business would be considered in the following order: Motion 35, 21 and 5.

On motion of Hon. P. Robichaud, seconded by the Honourable the Premier:

RESOLVED, that when the Assembly adjourns on Thursday, April 7, 2011, it stand adjourned until Friday, April 8, 2011, at 10 o'clock a.m.

Hon. P. Robichaud, Government House Leader, announced that it was the intention of government that the House resume the adjourned debate on the budget.

The Order of the Day for resuming the adjourned debate on the motion (Motion 18),

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. Urquhart, the Deputy Speaker, took the chair as Acting Speaker.

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

The required two hours' notice having been given earlier in the sitting, Mr. Speaker invited Mr. Boudreau and Hon. P. Robichaud to speak on the question of privilege. Having heard their arguments, Mr. Speaker delivered the following ruling:

STATEMENT BY SPEAKER

Honourable Members,

I am prepared to rule on this matter at this time.

In stating his question of privilege, the Leader of the Opposition referred to a Minister's Statement in which the Minister of Transportation and Infrastructure stated, and I quote, "our Agreement with the federal government will see the outstanding debt on the bridge forgiven".

The Leader of the Opposition suggested that this was a blatant misrepresentation of the Agreement signed between Canada and New Brunswick, dated March 25, 2011.

In my view, however, the Minister's statement is subject to interpretation. It is not clear whether the Minister was referring specifically to the said written agreement or to other discussions or commitments between the two levels of government.

Essentially this is a matter of debate - a dispute as to the facts.

Honourable Members, the parliamentary authorities are clear, a dispute as to the facts cannot form the basis of a question of privilege.

Although the matter was, in my opinion, raised at the earliest opportunity, I do not find that a *prima facie* case of a breach of privilege has been established.

Accordingly, I will not permit the proposed motion to go forward at this time.

At 12.20 o'clock p.m., Mr. Speaker left the chair, to resume again at 2 o'clock p.m.

2 o'clock p.m.

Mr. Speaker resumed the chair.

And the debate continuing, after some time, on motion of Mr. McLean, on behalf of the Honourable the Premier, the further consideration thereof was adjourned over.

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

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

Annual Report 2010,

Office of the Consumer Advocate for Insurance April 4, 2011