

Daily sitting 15

Friday, December 16, 2011

9 o'clock a.m.

Prayers.

Mr. Speaker delivered the following ruling in relation to the question of privilege raised on Wednesday last:

STATEMENT BY SPEAKER

Honourable Members,

I am prepared now to rule on the question of privilege raised at Wednesday's sitting by the Honourable Member for Dalhousie-Restigouche East.

In stating his question of privilege, the Member for Dalhousie-Restigouche East submitted that prior to the start of Wednesday's sitting, the Member for Nepisiguit was observed examining documents on the desk of the Opposition House Leader and handling certain documents.

The Member submitted that the violation of the privacy of documents on a Member's desk is an unacceptable breach of the privileges of the Member.

The Honourable Government House Leader also spoke on the question of privilege and noted that it is a common occurrence for Members on one side of the House to gather with Members on the opposite side to discuss procedural or other issues and that the expectation of privacy in the Chamber is not absolute.

The Government House Leader further submitted that the Member for Nepisiguit was not trying to obtain confidential information coming from the official opposition but simply examining a colouring book that had been placed on certain Members' desks.

Honourable Members, as the Government House Leader pointed out, there are many occasions where Members from one side of the House will gather with Members on the other side to converse or discuss particular issues. Indeed, this is part of what makes parliament function and it helps facilitate the flow of business in the House.

It should go without saying, however, that Members have the right to expect that the documents or other possessions that are placed on their desks will not be picked up, examined or otherwise interfered with.

In this instance, it has been submitted that it was not the intention of the Member for Nepisiguit to view any personal or confidential documentation. I refer Members to a December 5, 1997 decision of Speaker McKay. At that time, the then Member for Madawaska-la-Vallée had complained that his briefcase which was in the chamber had been tampered with during his absence and that his rights as a Member had been interfered with. In that instance, the Speaker found that the duct-taping of the Member's briefcase did not amount to a *prima facie* case of a breach of privilege as there was no meaningful intent to infringe upon the Member's rights, or interfere with the member's ability to do his work in the House.

Similarly, in the situation before us, I am hesitant to find that this particular incident rises to the level of a *prima facie* case of a breach of privilege. While I do not condone the actions of the Member, I am hesitant to find that there was any meaningful intent to infringe upon the rights or privileges of the Opposition House Leader. I must reiterate, however, that Members do have a right to expect privacy with respect to the desks that have been assigned to them and it is not acceptable for Members to handle or examine documents that have been placed on another Member's desk.

At this time, I also want to address the issue of distribution of documents on Members' desks. There have been previous rulings in this House that Pages should not be asked to distribute items of a frivolous or offending nature. The distribution of colouring books to particular Members of the House is one such example and it is not something that I wish to see repeated.

Honourable Members, it has been said many times that we must treat each other with respect and courtesy in this Chamber. As elected parliamentarians it is a privilege to have the right to sit in this Chamber and represent the people who have elected you. I urge all of you to reflect on this privilege and to conduct yourselves accordingly.

In conclusion, I have found that this particular matter does not rise to the level of a *prima facie* case of a breach of privilege. Accordingly the proposed motion will not go forward at this time.

I want to thank Honourable Members for their comments on this matter and I acknowledge the fact that the Member for Nepisiguit has offered an apology to the House.

Mr. Bertrand LeBlanc, Member for Rogersville-Kouchibouguac, laid upon the table of the House a petition urging the government to implement a food solidarity program of \$50 per month for all households on social assistance and to raise the basic social assistance rates to match the average of those in place in Atlantic Canada. (Petition 54)

Mr. Albert, Member for Caraquet, laid upon the table of the House a petition urging the government to implement a food solidarity program of \$50 per month for all households on social assistance and to raise the basic social assistance rates to match the average of those in place in Atlantic Canada. (Petition 55)

Mr. Melanson, Member for Dieppe Centre-Lewisville, laid upon the table of the House a petition urging the government to implement a food solidarity program of \$50 per month for all households on social assistance and to raise the basic social assistance rates to match the average of those in place in Atlantic Canada. (Petition 56)

Mr. D. Landry, Member for Centre-Péninsule—Saint-Sauveur, laid upon the table of the House a petition urging the government to implement a food solidarity program of \$50 per month for all households on social assistance and to raise the basic social assistance rates to match the average of those in place in Atlantic Canada. (Petition 57)

Mr. Arseneault gave Notice of Motion 27 that on Thursday, December 22, 2011, he would move the following resolution, seconded by Mr. Collins:

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 documentation, including correspondence, however recorded, stored or archived, by electronic means or otherwise, regarding any and all safety concerns at the Saint John Regional Correctional Centre, including but not limited to any third party reports or findings such as the report identified in the Telegraph Journal article of December 15, 2011.

Mr. McLean, Acting Government House Leader, announced that following third reading, it was the intention of government that the House resolve itself into a Committee of the Whole to consider Bills 9, 18, 13, 19, 8, 15, 16 and 11.

The Order being read for third reading of Bill 9, *An Act to Amend the Electoral Boundaries and Representation Act*, Hon. Ms. Blais, seconded by the Honourable the Premier, moved in amendment:

AMENDMENT

That the motion for third reading be amended by deleting all the words after the word “that” and substituting the following:

Bill 9, *An Act to Amend the Electoral Boundaries and Representation Act*, be not now read a third time but that the order for third reading be discharged and the Bill referred back to the Committee of the Whole House.

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

The following Bill was read a third time:

Bill 17, *An Act Respecting Regional Health Authorities*.

Ordered that the said Bill does pass.

The House resolved itself into a Committee of the Whole with Mr. C. Landry in the chair.

At 1.14 o'clock p.m., Mr. C. Landry declared a recess and left the chair.

1.19 o'clock p.m.

The Committee resumed.

And after some time, Mr. Speaker resumed the chair, and Mr. C. Landry, the Chair, after requesting that Mr. Speaker revert to Presentations of Committee Reports, reported:

That the Committee had directed that he report the following Bills as amended:

Bill 9, *An Act to Amend the Electoral Boundaries and Representation Act*.

Bill 18, *An Act to Amend the Gas Distribution Act, 1999*.

And that the Committee had directed that he report progress on the following Bill:

Bill 13, *An Act Respecting the Recovery of Debts Owed to the Crown*.

And the Committee asked leave to make a further report.

Pursuant to Standing Rule 78.1, Mr. Speaker 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.

Pursuant to Standing Rule 10, Hon. Ms. Blais rose on a question of privilege and submitted that Mr. Fraser questioned the integrity of the Speaker on his twitter account.

And then, 2 o'clock p.m., the House adjourned.