

Daily sitting 50

Tuesday, June 11, 2013

*1 o'clock p.m.*

Prayers.

Hon. Mr. P. Robichaud, Government House Leader, announced that it was the intention of government that Bills 67, 45, 63 and 64 be called for second reading; following which the House would resolve itself into a Committee of the Whole to consider Bills 41, 58, 57, 38, 56, 65, 55, 68, 44, 59 and 53.

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

STATEMENT BY SPEAKER

Honourable Members,

I would now like to rule on the question of privilege that was raised on Wednesday last.

On Wednesday, June 5<sup>th</sup>, the Member for Dieppe Centre-Lewisville rose on a question of privilege. The Honourable Member stated that he and the Leader of the Official Opposition had walked over to shake hands with certain guests on the floor of the Legislature and that the Member for Saint John-Fundy was impolite to him and acted in a disrespectful manner.

The Government House Leader and Opposition House Leader also spoke on the matter. These submissions were made immediately after the alleged incident occurred.

Following the noon break, the Opposition House Leader gave the appropriate notice of motion to raise a question of privilege, pursuant to Standing Rule 9(2). At this time, the Member for Saint John-Fundy also rose and stated that there had been a misunderstanding and that he recognized the Member for Dieppe Centre-Lewisville had been offended. The Honourable Member stated that it was not his intent to offend and offered his apologies to the Member opposite.

Following the two hour notice period, both Opposition and Government Members were given an opportunity to speak on the question of privilege.

To briefly summarize, the Opposition House Leader stated that during the morning sitting, the Leader of the Official Opposition and the Member for Dieppe Centre-Lewisville walked across the floor of the House to greet a guest of the Legislative Assembly. Upon returning to their seats, the Opposition Members encountered the Member for Saint John-Fundy, where he allegedly made threatening statements and gestures.

The Opposition House Leader stated that these actions caused discomfort to the Member for Dieppe Centre-Lewisville and constituted an attempt to obstruct, intimidate and interfere with the Member in the conduct of his legislative duties on the floor of the Legislative Assembly.

The Opposition House Leader also listed various other alleged transgressions by the Member for Saint John-Fundy, stating that there was a pattern of unacceptable behavior exhibited by this Member in his dealings with Opposition Members.

Following the Opposition House Leader's remarks, the Member for Fredericton-Silverwood was given the floor. He submitted that a *prima facie* case of breach of privilege had not been established, and noted that the Member for Saint John-Fundy had already given a full and sincere apology. The Member also stated that the alleged incident was not on the record and was not part of debate.

I wish to thank all Members for their thoughtful remarks on this matter. I also met separately in my office with the Member for Dieppe Centre-Lewisville and the Member for Saint John-Fundy. I carefully considered their comments in my deliberations.

I would note, as I am sure all Members are aware, that a question of privilege must be raised at the earliest opportunity. While the alleged incident was certainly brought to the House's attention at the appropriate time, the other allegations made by the Opposition House Leader were not, and as such, I have not considered them with respect to this particular point of privilege.

I am therefore limited to deciding whether there is a *prima facie* case that a breach of privilege has been committed sufficient to entitle the Member to move his motion and allow it to take precedence over the ordinary business of the House.

The well-established definition of parliamentary privilege is found in Erskine May's *Treatise on the Law, Privileges, Proceedings, and Usage of Parliament*:

“Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively... and by Members of each house individually, without which they could not discharge their function, and which exceed those possessed by other bodies or individuals. Thus, privilege, though part of the law of the land, is to a certain extent an exemption from the general law.”

These rights can be divided into two categories: those extended to Members individually and those extended to the House collectively.

Maingot, in “Parliamentary Privilege in Canada” discusses this matter and states that “Members are entitled to go about their parliamentary business undisturbed. The assaulting, menacing or insulting of any Member on the floor of the House or while he is coming or going to or from the House is a violation of the rights of Parliament.”

I must stress that these are important rights for the efficient operation of the Legislature. For one Member to engage in intimidation of another Member is unacceptable and will not be tolerated. To be clear, the obstruction, interference with, or intimidation of a Member in the performance of his or her parliamentary duties, if established, would most certainly amount to a *prima facie* case of a breach of privilege and constitute a matter upon which the House could take appropriate action.

With respect to the particular matter before me, I did not witness the alleged incident. The events were not part of official proceedings and were not recorded in Hansard. Video footage did not contain any audio and was inconclusive. I must therefore rely upon the Honourable Members' submissions as to what transpired.

Accordingly, I take the Member for Dieppe Centre-Lewisville at his word that he felt the Member for Saint John-Fundy acted in an impolite and disrespectful manner towards him. I accept the Opposition House Leader's submission that “Not only was this behaviour an embarrassment for all Members, but the words and actions by the Member for Saint John-Fundy caused a great deal of discomfort to the Member for Dieppe Centre-Lewisville...”

I must also, however, take the Member for Saint John-Fundy at his word. The Member submitted that there was a misunderstanding and acknowledged that the Member for Dieppe Centre-Lewisville felt some offence to it. The Member clearly stated that it was not his intent to offend.

First, let me state that all Members are presumed to be honourable and no Member should suggest otherwise. This principle has been consistently followed in this Legislature and in other Canadian jurisdictions.

As has been noted in previous rulings, there is a long-standing tradition in this House, and in other Parliaments, that the word of a Member is accepted without question.

As I did not witness the incident and as it did not form part of the official record, I must take the Honourable Member for Saint John-Fundy at his word that this was a misunderstanding and that it was not his intent to offend. I also note that the Member rose in the House and apologized to the Member opposite.

I must therefore conclude that the matter as raised fails to establish a *prima facie* case of a breach of privilege. Accordingly, I cannot allow the motion proposed by the Opposition House Leader to proceed at this time.

Honourable Members, in this Assembly we enjoy the privilege of being able to invite guests on to the floor of the House. It is not a privilege that all Legislatures enjoy. It is a special event for the guests, as well as the Members. Surely we are able to act in a respectful manner and accommodate the right of all Members to move about the Chamber, to greet guests and to associate with one another as required.

I would urge all Members to work together in these few remaining weeks to ensure a respectful and productive legislative session.

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Debate resumed on the adjourned debate on the motion that Bill 67, *An Act Respecting the Right to Information and Protection of Privacy Act*, be now read a second time.

And after some time, due to the unavoidable absence of Mr. Speaker, Mr. Urquhart, the Deputy Speaker, took the chair as Acting Speaker.

And the debate being ended, and the question being put that Bill 67 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 67, *An Act Respecting the Right to Information and Protection of Privacy Act*, was read a second time and ordered referred to the Committee of the Whole House.

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The Order being read for second reading of Bill 45, *An Act to Amend the Oil and Natural Gas Act*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 45 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 45, *An Act to Amend the Oil and Natural Gas Act*, was read a second time and ordered referred to the Committee of the Whole House.

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The Order being read for second reading of Bill 63, *Financial and Consumer Services Commission Act*, a debate arose thereon.

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

And the debate being ended, and the question being put that Bill 63 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 63, *Financial and Consumer Services Commission Act*, was read a second time and ordered referred to the Committee of the Whole House.

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The Order being read for second reading of Bill 64, *An Act Respecting the Financial and Consumer Services Commission*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 64 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 64, *An Act Respecting the Financial and Consumer Services Commission*, was read a second time and ordered referred to the Committee of the Whole House.

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

At 3.20 o'clock p.m., Mr. Urquhart declared a recess and left the chair.

*3.35 o'clock p.m.*

The Committee resumed with Mr. C. Landry in the chair.

And after some time, Mr. Urquhart resumed the chair.

At 4.28 o'clock p.m., Mr. Urquhart declared a recess and left the chair.

*4.29 o'clock p.m.*

The Committee resumed.

At 6 o'clock p.m., Mr. Urquhart left the chair to resume again at 7 o'clock p.m.

*7 o'clock p.m.*

The Committee resumed.

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

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

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

And after some further time, due to the unavoidable absence of Mr. Speaker, Mr. Urquhart, the Deputy Speaker, took the chair as Acting Speaker, and Mr. C. Landry, the Chair, after requesting that Mr. Deputy Speaker revert to Presentations of Committee Reports, reported:

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

Bill 38, *An Act to Amend the Law Reform Act.*

Bill 41, *An Act to Amend the Surveys Act.*

Bill 44, *An Act to Amend the Public Works Act.*

Bill 55, *An Act to Amend the Seafood Processing Act.*

Bill 56, *Enforcement of Money Judgments Act.*

Bill 57, *An Act to Amend the Vital Statistics Act.*

Bill 58, *An Act to Amend the Marriage Act.*

Bill 65, *An Act Respecting the Enforcement of Money Judgments Act.*

Bill 68, *Marshland Infrastructure Maintenance Act.*

And the Committee asked leave to make a further report.

Pursuant to Standing Rule 78.1, Mr. Deputy 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.

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And then, 11 o'clock p.m., the House adjourned.

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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:

Annual Report 2012-2013,  
Office of the Commissioner of Official Languages  
for New Brunswick, Official Languages,  
Aim Higher, Go Further!

June 10, 2013