

Daily sitting 18

Wednesday, December 4, 2013

10 o'clock a.m.

Prayers.

Mr. Gallant offered condolences to the family of the late Paul Kenny, former Liberal MLA for Bathurst (1978-1991).

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Mr. Speaker welcomed to the House Her Excellency Dienne Moehario, the Ambassador of the Republic of Indonesia.

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Mr. Speaker interrupted proceedings and advised the guests in the gallery that they are not permitted to participate in debate.

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The following Private Bills were introduced and read a first time:

By Mr. Macdonald,

Bill 25, *An Act to Incorporate the College of Massage Therapists of New Brunswick.*

By Mr. Tait,

Bill 26, *An Act to Enable Land and Buildings to Be Used for Additional Hospital and Related Purposes.*

Ordered referred to the Standing Committee on Private Bills.

Pursuant to Standing Rule 44(4), Mr. Fraser, Opposition House Leader, gave notice that on Thursday, December 5, 2013, Opposition Members' Business would be considered in the following order: Motion 14, 12 and 8.

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Hon. Mr. P. Robichaud, Government House Leader, announced that it was the intention of government that the House take into consideration Motion 17; following which the House would resolve itself into a Committee of the Whole to consider Bill 11; following which Bill 11 would be called for third reading.

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Pursuant to Notice of Motion 17, Mr. Tait moved, seconded by Mr. Riordon:

THAT notwithstanding the Standing Rules of the Assembly, following the adoption of this motion, there shall be three days of debate remaining for the proceedings at all stages of the passing of Bill 11, which shall include the days spent considering said Bill from

November 29, 2013 and onward, and at the expiration of the said three days, unless sooner concluded, the Speaker, or the Chair of the Committee of the Whole House, shall interrupt the proceedings and put every question necessary to dispose of the order for second reading of the said Bill; the order for consideration of the said Bill in the Committee of the Whole House and report of the Bill to the House; and the order for third reading of the said Bill; and where necessary, the said Bill shall be allowed to receive more than one reading or advanced more than one stage in one day.

Mr. Fraser rose on a point of order and submitted Motion 17 was out of order as it was an abuse of the Standing Rules and infringed upon the rights of the minority. Mr. Fraser further submitted the motion amounted to closure and should only be moved after a lengthy debate has already occurred on the Bill. Hon. Mr. P. Robichaud also spoke on the point of order.

At 11.37 o'clock a.m., Mr. Speaker declared a recess and left the chair.

*12.05 o'clock p.m.*

Mr. Speaker resumed the chair and delivered the following ruling with respect to Motion 17:

#### STATEMENT BY SPEAKER

Honourable Members,

I will now rule on the point of order raised by the Opposition House Leader with respect to Motion 17.

The use of time allocation motions has been an accepted practice in this House for some time and such motions have been utilized in numerous other jurisdictions as well. A number of Canadian jurisdictions have specific rules that define the use of such motions. New Brunswick, however, does not. Therefore, we must rely on the practices that have been established in our House.

Generally, time allocation motions have been used to facilitate the efficient conduct of debate. A time allocation motion allows for specific lengths of time to be set aside for the consideration of one or more stages of a bill. It is different from a motion of closure, as it invokes the concept of time management as opposed to a motion of closure, which often takes effect immediately, without allowing for any further consideration.

Time allocation motions have been used in this House with some degree of regularity since 2008. In total, three time allocation motions have been passed by this House since that time. Specifically, on April 22, 2008; June 17, 2008, and April 14, 2010.

The wording of the motion currently before the House essentially mirrors that of the motions passed on June 17, 2008 and April 14, 2010, although those motions applied to multiple Bills, where the current motion applies to only one.

With respect to the submission that Motion 17 does not allocate sufficient time for the consideration of Bill 11: as I stated earlier, our Standing Rules do not address time allocation motions. As such, there is not a specific number of hours required before a time allocation motion can be moved, nor a specific number of hours or days that should be allocated in the motion itself.

With respect to protecting the rights of the minority to be heard, there is a suggestion that the Speaker could determine what might be considered a “reasonable” amount of time for consideration of a particular bill by the House. However, the question of how much time should be allocated to the consideration of a Bill - or any particular stage of a Bill - is not a procedural matter and not one to be determined by the Speaker. Speakers have been reluctant to intervene in such matters unless there are exceptional circumstances where it is clear that the rights of the minority are being infringed. I do not find that to be the case in this instance.

Although this motion is only being moved today, Members were given notice of same on Thursday last. Hence, the determination of how to best utilize the time spent considering Bill 11 since Thursday was a decision for Members to make, knowing that the time allocation motion was pending. I note that every Opposition Member had the opportunity to speak on second reading and that the Bill is currently being considered in Committee of the Whole.

The question of whether the overall time spent on the bill is adequate is not one for the Speaker to make but rather is a determination for the House as a whole. The chair has no discretionary power to refuse the motion as it is in keeping with the past practices of the House and is not contrary to the Standing Rules.

Accordingly, I will allow the motion to proceed.

And the question being put, a debate ensued.

At 12.30 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.

It was agreed by unanimous consent to conclude the debate on Motion 17 prior to the expiration of the two hour time limit.

And the debate being ended, and the question being put, Motion 17 was resolved in the affirmative on the following recorded division:

YEAS - 33

Hon. Mr. Higgs	Hon. Mr. Soucy	Ms. Lynch
Hon. Mr. Alward	Hon. Mr. Lifford	Mr. Malloch
Hon. Mr. P. Robichaud	Hon. Mr. Northrup	Mr. Davis
Hon. Mr. Jody Carr	Mr. Steeves	Mr. Macdonald
Hon. Mr. Holder	Ms. Wilson	Mr. S. Robichaud
Hon. Ms. Stultz	Mr. Wetmore	Mr. Tait
Hon. Mr. Olscamp	Mr. Riordon	Mr. Savoie
Hon. Mr. Trevors	Mr. Killen	Mr. Bonenfant
Hon. Ms. Shephard	Ms. Coulombe	Mr. Betts
Hon. Ms. Blais	Mr. MacDonald	Mr. C. Landry
Hon. Mr. Flemming	Mr. McLean	Mr. Urquhart

NAYS - 11

Mr. Arseneault	Mr. Boudreau	Mr. Albert
Mr. Melanson	Mr. Doucet	Mr. Bertrand LeBlanc
Mr. Gallant	Mr. Bernard LeBlanc	Mr. D. Landry
Mr. Fraser	Mr. Collins	

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

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

At 4.17 o'clock p.m., Mr. C. Landry declared a recess and left the chair.

*4.30 o'clock p.m.*

The Committee resumed.

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

And after some further time, the Chair put the question on the motion that Bill 11, *An Act Respecting Pensions under the Public Service Superannuation Act*, be reported as amended, and it was resolved in the affirmative on the following recorded division after leave was granted to dispense with the ten-minute time allotted for the ringing of the bells:

## YEAS - 32

Hon. Mr. Higgs	Hon. Mr. Northrup	Mr. Davis
Hon. Mr. Alward	Mr. Steeves	Mr. Macdonald
Hon. Mr. P. Robichaud	Ms. Wilson	Mr. S. Robichaud
Hon. Mr. Jody Carr	Mr. Wetmore	Mr. Tait
Hon. Mr. Holder	Mr. Riordon	Mr. Savoie
Hon. Mr. Trevors	Mr. Killen	Mr. Bonenfant
Hon. Ms. Shephard	Ms. Coulombe	Mr. Stewart
Hon. Ms. Blais	Mr. MacDonald	Mr. Betts
Hon. Mr. Flemming	Mr. McLean	Mr. C. Landry
Hon. Mr. Soucy	Ms. Lynch	Mr. Jack Carr
Hon. Mr. Lifford	Mr. Malloch	

## NAYS - 9

Mr. Arseneault	Mr. Doucet	Mr. Albert
Mr. Gallant	Mr. Bernard LeBlanc	Mr. Bertrand LeBlanc
Mr. Boudreau	Mr. Collins	Mr. D. Landry

Mr. Speaker resumed the chair, and Mr. Urquhart, the Chair, after requesting that Mr. Speaker revert to Presentations of Committee Reports, reported:

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

Bill 11, *An Act Respecting Pensions under the Public Service Superannuation Act*.

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.

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Pursuant to Motion 17, Bill 11 was ordered for third reading forthwith.

The Order being read for third reading of Bill 11, *An Act Respecting Pensions under the Public Service Superannuation Act*, the motion for third reading was resolved in the affirmative on the following recorded division after leave was granted to dispense with the ten-minute time allotted for the ringing of the bells:

YEAS - 33

Hon. Mr. Higgs	Hon. Mr. Northrup	Mr. Davis
Hon. Mr. Alward	Mr. Steeves	Mr. Macdonald
Hon. Mr. P. Robichaud	Ms. Wilson	Mr. S. Robichaud
Hon. Mr. Jody Carr	Mr. Wetmore	Mr. Tait
Hon. Mr. Holder	Mr. Riordon	Mr. Savoie
Hon. Mr. Trevors	Mr. Killen	Mr. Bonenfant
Hon. Ms. Shephard	Ms. Coulombe	Mr. Stewart
Hon. Ms. Blais	Mr. MacDonald	Mr. Betts
Hon. Mr. Flemming	Mr. McLean	Mr. C. Landry
Hon. Mr. Soucy	Ms. Lynch	Mr. Jack Carr
Hon. Mr. Lifford	Mr. Malloch	Mr. Urquhart

NAYS - 9

Mr. Arseneault	Mr. Doucet	Mr. Albert
Mr. Gallant	Mr. Bernard LeBlanc	Mr. Bertrand LeBlanc
Mr. Boudreau	Mr. Collins	Mr. D. Landry

Accordingly, Bill 11, *An Act Respecting Pensions under the Public Service Superannuation Act*, was read a third time and passed.

And then 6.10 o'clock p.m. the House adjourned.