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# Journals

(Unrevised)

Legislative Assembly

Province of New Brunswick

Hon. Herménégilde Chiasson  
Lieutenant-Governor

Speaker: Hon. Roy Boudreau

**Thursday, June 18, 2009**

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

Thursday, June 18, 2009.

10 o'clock a.m.

Prayers.

Due to the unavoidable absence of Mr. Speaker, Mr. Fraser, the Deputy Speaker, took the chair as Acting Speaker.

It was agreed by unanimous consent to defer Routine Proceedings and Opposition Members' Business until 1 o'clock p.m., and that the House resolve itself immediately into a Committee of the Whole to consider Bill 93 until 12 o'clock p.m., at which time the House would recess until 1 o'clock p.m.

The House resolved itself into a Committee of the Whole with Ms. Robichaud in the chair.

Following consideration of Bill 93, *An Act to Amend the Medical Services Payment Act*, the Chair put the question that she report the Bill as agreed to and the motion was carried on the following recorded division:

YEAS - 23

Hon. Ms. Schryer	Hon. Mr. Stiles	Hon. B. LeBlanc
Hon. V. Boudreau	Hon. Mr. Lamrock	Hon. Mr. Kenny
Hon. Mr. Murphy	Hon. Mr. Arseneault	Ms. MacAlpine-Stiles
Hon. Mr. Byrne	Hon. Mr. Albert	Mr. Miles
Hon. Mr. Jamieson	Ms. Lavoie	Mr. A. LeBlanc
Hon. Mr. Haché	Hon. Mr. Ouellette	Mr. Collins
Hon. D. Landry	Hon. Mr. Foran	Mr. Paulin
Mr. McGinley	Hon. Mr. Brewer	

NAYS - 15

Mr. Fitch	Mr. MacDonald	Mr. Urquhart
Mr. Alward	Mr. Holder	Mr. Jack Carr
Ms. Blaney	Mr. D. Graham	Mr. Olscamp
Mr. Steeves	Mr. Williams	Mr. C. Landry
Ms. Poirier	Mr. Northrup	Mr. C. LeBlanc

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

And that the Committee had directed that she report the following Bill as agreed to:

Bill 93, *An Act to Amend the Medical Services Payment Act*.

And the Committee asked leave to make a further report.

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At 12.15 o'clock p.m., the Deputy Speaker left the chair to resume again at 1 o'clock p.m.

*1 o'clock p.m.*

Mr. Fraser, the Deputy Speaker resumed the chair.

Mr. Collins, Member for Moncton East, laid upon the table of the House a petition on behalf of residents of the Moncton area urging the government to work with the City of Moncton to develop an action plan to deal with the air pollution in the industrial zones surrounding L'école Champlain. (Petition 99)

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Mr. Collins, Member for Moncton East, laid upon the table of the House a petition on behalf of students of the Champlain school in Moncton urging the government and the City of Moncton to take action to ensure that students can breathe the air outside on the school grounds. (Petition 100)

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Mr. Alward, Leader of the Opposition and Member for Woodstock, laid upon the table of the House a petition on behalf of residents of the Licford area urging the government to reverse its decision to cut the Licford government garage to a winter-only operation. (Petition 101)

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Ms. Robichaud, Member for Miramichi Bay-Neguac, laid upon the table of the House a petition on behalf of residents of the Neguac region of the province urging the government to build a nursing home in Alnwick Parish at Neguac. (Petition 102)

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Mr. Williams, Member for Kent South, laid upon the table of the House a petition on behalf of residents of the Coles Island area urging the government to reverse its decision to cut the Coles Island government garage to a winter-only operation. (Petition 103)

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Mr. Urquhart, Member for York, laid upon the table of the House a petition on behalf of residents of the Lake George region urging the government to reverse its decision to cut the Lake George government garage to a winter-only operation. (Petition 104)

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Mr. D. Graham, Member for Carleton, laid upon the table of the House a petition on behalf of residents of the Renous area urging the government to reverse its decision to cut the Renous government garage to a winter-only operation. (Petition 105)

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Mr. Olscamp, Member for Tantramar, laid upon the table of the House a petition on behalf of residents of the Robinsonville region

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of the province urging the government to reverse its decision to cut the Robinsonville government garage to a winter-only operation. (Petition 106)

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Mr. Steeves, Member for Albert, laid upon the table of the House a petition on behalf of residents of the Hillsborough area urging the government to reverse its decision to cut the Hillsborough government garage to a winter-only operation. (Petition 107)

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Mr. Steeves, Member for Albert, laid upon the table of the House a petition on behalf of residents of the Albert County area protesting the cuts to the education system. (Petition 108)

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Mr. Jody Carr, Member for Oromocto, laid upon the table of the House a petition on behalf of residents of the Moncton and Shediac regions of the province urging the government to amend the provincial animal cruelty legislation. (Petition 109)

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Mr. C. LeBlanc, Member for Dieppe Centre-Lewisville, laid upon the table of the House a petition on behalf of members of the Lou MacNarin School Parent Community in Dieppe urging the government to provide basic educational services in literacy by reinstating services to the levels provided for in 2008/2009. (Petition 110)

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Hon. Mr. Lamrock from the Standing Committee on Procedure presented the First Report of the Committee which was read and is as follows:

June 18, 2009.

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

Mr. Speaker:

I present herewith the First Report of the Standing Committee on Procedure.

Further to its permanent order of reference, the Committee met on June 4, 2009, to consider the possibility of setting up an electronic petitions system and to consider changes to update and improve the terminology contained in the Standing Rules.

Your Committee anticipates that a complete review and evaluation of an electronic petitions system will extend beyond the current session. However, a number of housekeeping amendments are proposed to the Standing Rules to modernize the language of the Rules and to make it consistent with the *Legislative Assembly Act* and other public Acts.

Respectively submitted on behalf of the Committee.

(Sgd. :) Hon. Kelly Lamrock, Vice-chair  
MLA, Fredericton-Fort Nashwaak

Ordered that the Report be received, that leave be granted, and the Committee continued.

The full report of the Committee as presented follows:

June 17, 2009  
To The Honourable  
The Legislative Assembly of  
The Province of New Brunswick

Mr. Speaker:

Your Standing Committee on Procedure begs leave to submit this their First Report of the Session.

Under Standing Rule 92, all Standing Rules and practices of the Legislative Assembly together with any matter referred by the Speaker stand permanently referred to the Standing Committee on Procedure.

On May 19, 2009, Deputy Speaker of the House, Mr. Bill Fraser, ruled that an electronic petition presented by the Member for Rothesay did not conform to the rules respecting petitions.

In his ruling, Mr. Fraser noted that while the right to petition the Crown or Parliament for the relief of grievances is fundamental, it must be exercised in accordance with the procedure established in the Standing Rules of the Assembly. Mr. Fraser referred the matter of electronic petitions to the Standing Committee on Procedure in his capacity as Acting Speaker.

Your Committee met in the Legislative Council Chamber on June 4, 2009 to consider the possibility of setting up an electronic petitions system and to consider a number of housekeeping amendments to the Standing Rules.

A number of commonwealth parliaments allow the use of electronic petitions. Currently, the Parliament at Westminster, the Scottish National Assembly, the National Assembly of Wales and the Parliaments of Queensland and Tasmania have introduced an e-petition system and have amended their Standing Orders to accommodate their e-petition systems. No Canadian jurisdiction has introduced an e-petition system in their Assembly. A committee of the National Assembly of Quebec has recommended the introduction of an e-petition system on the Assembly's own website as part of e-democracy initiatives.

The introduction of electronic petitions has significant consequences for the Legislative Assembly in terms of public expectations, information technology and staffing costs.

Your Committee therefore anticipates that a complete review and evaluation of the subject-matter of petitions will extend beyond

the current session. The Committee will report its findings and recommendations later this fall.

However, your Committee is prepared to make recommendations to modernize the language of the Standing Rules, to make the language consistent with the *Legislative Assembly Act* and other public Acts and to make a number of revisions to the French version of the Rules.

The term “Orateur”, a literal translation of the term “Speaker,” is used throughout the Standing Rules. As part of a revision of the public Acts conducted by the Office of the Attorney General to update and improve the terminology contained in public statutes, the term “Orateur” was changed in the French version of the *Legislative Assembly Act* during the Second Session to the more well-established and appropriate term “président de l’Assemblée législative.”

It is recommended that similar amendments be made to the Standing Rules of the Legislative Assembly to reflect established practice in the House and in other Canadian legislatures. The necessary revisions to change the term “orateur”, l’orateur”, “L’orateur”, “d’Orateur”, “de l’Orateur”, the various ways and numerous times it is used in the Standing Rules are substantial and will require the repeal of the current Rules and their replacement with a new version. In addition, the term “Chair” will replace the term “Chairman” and a number of revisions are planned to the French version of the Rules.

Your Committee therefore recommends the adoption of the amendments to the Standing Rules of the Legislative Assembly of New Brunswick as detailed hereinafter.

The current version of the Standing Rules of the Legislative Assembly of New Brunswick adopted provisionally in 1985 and then permanently in 1986 are repealed and the following is substituted:

**PART I  
DECLARATORY AND INTERPRETATIVE PROVISIONS**

**1** In these rules

“Committee of the Whole” includes the Committee of Supply and means a Committee composed of all Members of the House with the exception of the Speaker;

“day” means sitting day;

“House” means the Legislative Assembly of New Brunswick;

“Lieutenant-Governor” includes a person administering the government of the province of New Brunswick;

“Member” means a Member of the Legislative Assembly;

“Private Bills” are those relating to private or local matters or for the particular interest or benefit of any person, corporation or municipality;

“Public Bills” relate to matters of public policy and are introduced directly by Members of the House. “Government Bills”

are those Public Bills introduced by a Minister of the Crown. All other Public Bills are “Private Members’ Public Bills”;

“recognized party” means any registered party that elects five Members or receives twenty percent of the vote at a general election;

“strangers” include all persons who are neither Members nor permanent officers of the Legislative Assembly.

2 In these Standing Rules “shall” is to be construed as imperative and “may” as permissive.

3 The proceedings in the House and in all Committees of the House shall be conducted according to these Standing Rules.

4 All questions shall be decided by a majority of Members present and voting.

5 Each recognized party may designate a House Leader and a Chief Whip.

6 In all cases not provided for in these Standing Rules, questions shall be decided by the Speaker or Chair, whose decisions may be based on the usages and precedents of the House and parliamentary tradition in New Brunswick and other jurisdictions.

7 In any debate or proceedings of the House or its Committees or transactions or communications which a Member may have with other Members or with Ministers or servants of the Crown, the Members shall disclose any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect, that the Member may have had, may have or may be expecting to have.

8 No Member shall vote upon any question in which that Member has a direct pecuniary interest and the vote of any Member so interested shall be disallowed.

## **PART II PRIVILEGE**

9(1) When a matter of privilege arises during the proceedings of the House it shall be taken into consideration immediately.

9(2) A Member who raises a matter or question directly concerning the privileges of the House or of any Committee or Member thereof shall do so by proposing a motion, of which two hours’ notice has been given to the Legislative Assembly, calling upon the House to take action thereon or referring the same to the Standing Committee on Privileges.

9(3) The Speaker shall not accept such a motion unless satisfied that there is a prima facie case that a breach of privilege has been committed and that the matter is being raised at the earliest opportunity, and the Speaker’s decision thereon is not subject to appeal.

10 A Member may complain to the House of a statement in a published or broadcast report, referring personally to the Member and relating to some proceeding of the House or a Committee thereof, as a breach of privilege without proposing a motion but shall confine any remarks to explaining the matter and no debate shall be allowed.

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**PART III**  
**THE FIRST MEETING OF THE HOUSE AND THE**  
**ELECTION OF A SPEAKER**

11(1) The House, on its first assembling after a general election, and at any other time as determined pursuant to subrule (2), shall make the election of Speaker the first order of business, which shall not be interrupted by any other proceedings.

11(2) In the case of a vacancy in the Office of Speaker, as a result of the death, resignation or otherwise of the incumbent to that Office, the House shall proceed to elect one of its Members to be Speaker.

11(3) No Minister of the Crown, nor leader of a recognized party in the House, shall be eligible for election to the Office of Speaker.

11(4) The election of a Speaker shall take precedence over all other business and no motion of any kind shall be accepted, and the House shall continue to sit, if necessary, beyond its ordinary time of daily adjournment, until a Speaker is elected and is installed in the Chair and if the House has continued to sit beyond its ordinary hour of daily adjournment, the Speaker shall thereupon adjourn the House until the next sitting, unless otherwise ordered.

11(5) For the purpose of electing a Speaker, the Clerk of the House, or in the absence of the Clerk of the House, another Clerk at the Table shall administer the election process and shall preside during the election of a Speaker.

11(6) During the election of a Speaker, the Clerk of the House shall not be permitted to entertain any question of privilege or point of order.

11(7) During the election of a Speaker, there shall be no debate.

11(8) The election of a Speaker shall be conducted by secret ballot as follows:

(a) Any Member who does not wish to be considered for election to the Office of Speaker shall advise the Clerk of the House in writing no later than 5:00 o'clock p.m. on the day preceding the day in which the election of Speaker is expected to take place;

(b) Before the taking of the first ballot, the Clerk of the House shall affix in the lobby an alphabetical list of candidates and shall distribute that list to Members present in the Chamber;

(c) If there are two or more candidates for election to the Office of Speaker, ballot papers shall be provided to Members present in the Chamber, by the Clerks at the Table, prior to taking of the ballot;

(d) Members wishing to indicate their choice for the Office of Speaker shall print on the ballot paper, the first and last name of a candidate whose name appears on the list distributed pursuant to this Standing Rule;

(e) Members shall deposit their completed ballot papers in a box provided for that purpose at the Table;

(f) Once all Members wishing to do so have deposited their ballot paper, the vote shall be counted by the Clerks at the Table who, for this purpose, shall retire from the Chamber. The Clerk of the House, being satisfied as to the accuracy of the count, shall destroy the ballots together with all records of the number of ballots cast for each candidate, and all those persons present will in no way divulge the number of ballots cast for any candidate;

(g) If one candidate receives a majority of votes cast, the Clerk of the House shall announce in the Chamber the name of that Member as Speaker;

(h) If no candidate receives a majority of the votes cast, the name of the candidate having the least number of total votes shall be excluded from subsequent ballots;

(i) If every candidate receives the same number of votes, no name shall be excluded from the next ballot;

(j) For each subsequent ballot, the Clerk of the House shall prepare an alphabetical list of candidates and affix that list in the lobby, and distribute it to Members present in the Chamber;

(k) Subsequent ballots shall be conducted in the manner prescribed above, and the balloting shall continue, in like manner, until such time as a candidate is elected Speaker upon having received a majority of the votes cast;

(l) At any time after the result of the first ballot has been declared, but before the commencement of a second or subsequent ballot, a candidate may withdraw from the election, which shall then proceed as if such Member has not been nominated;

(m) If only one Member stands for election to the Office of Speaker, or at any stage a withdrawal pursuant to the above rules leaves only one candidate remaining, the Clerk of the House shall announce in the Chamber that candidate's name and without any vote declare that Member to be elected Speaker.

**11(9)** The election of a Speaker shall not be considered to be a question of confidence in the Government.

*(Amended: December 2, 1994)*

**12** Within the first five days of the first session of each House, or whenever a vacancy occurs, the House shall elect two Deputy Speakers from among its members.

*(Amended: February 18, 1992.)*

#### **PART IV POWERS AND DUTIES OF THE SPEAKER AND OFFICERS OF THE HOUSE**

**13** The Speaker shall preserve order and decorum and shall decide questions of order. In deciding a point of order or practice, the Speaker shall state the Standing Rule or other authority applicable to the case.

No debate may be permitted on any such decision, and no such decision shall be subject to an appeal to the House.

**14** The Speaker shall not vote or take part in any debate before the House or any Committee of the Whole House, except, when there is an equality of votes upon a division in the House, the Speaker shall cast the deciding vote and any reasons stated by the Speaker shall be entered in the Journal.

**15** Whenever the Speaker is of the opinion that a motion offered to the House is contrary to the rules or privileges of the Legislature, the Speaker shall apprise the House thereof immediately, and may reserve any decision and subsequently state the reasons therefor, before putting the question.

**16** The Deputy Speakers shall be Chairs of the Committees of the Whole House.

*(Amended: February 18, 1992.)*

**17** Whenever the Speaker, from illness or other cause, finds it necessary to leave the Chair during any part of the sittings of the House on any day, the Speaker may call upon either of the Deputy Speakers or, in absence of the Deputy Speakers, upon any Member of the House to take the Chair and to act as Speaker during the remainder of that day, unless the Speaker resumes the Chair before the close of the sittings for that day.

*(Amended: February 18, 1992.)*

**18** Whenever the House is informed by the Clerk of the unavoidable absence of the Speaker, either of the Deputy Speakers or in the absence of the Deputy Speakers, any Member appointed by the House shall take the Chair and shall perform the duties and exercise the authority of the Speaker in relation to all the proceedings of the House until the meeting of the House on the next sitting day, and so on from day to day on the like information being given to the House until the House otherwise orders.

*(Amended: February 18, 1992.)*

**19** The Speaker or the Chair, after having called the attention of the House, or of the Committee, to the conduct of a Member who persists in irrelevance, or tedious repetition of arguments may direct the Member to discontinue speaking.

**20(1)** The Speaker or the Chair shall order any Member or Members whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of that day's sitting; and the Sergeant-at-Arms shall act on such orders as are received from the Chair in pursuance of this rule. But if, on any occasion, the Speaker or the Chair deems that the powers under the previous provisions of this rule are inadequate, the Speaker or Chair may name such Member or Members.

**20(2)** The provisions of subrule (1) shall not apply to Chairs of Standing or Select Committees.

**21** Whenever a member has been named by the Speaker, or by the Chair, immediately after the commission of the offence of disregarding the authority of the Chair, or of persistently and wilfully obstructing the business of the House by abusing the rules of the House, or otherwise, then, if the offence has been committed by such Member in the House, the Speaker shall forthwith put the question, on a motion being made by any Member, "That \_\_\_\_\_ be suspended from the service of the House for a period of \_\_\_\_\_"; and, if the offence has been committed in a Committee of the Whole House, the Chair shall forthwith suspend the proceedings of the Committee and report the circumstances to the House; and the Speaker shall on a motion being made forthwith put the same question, as if the offence had been committed in the House itself.

**22** In the case of grave disorder arising, the Speaker or the Chair may adjourn or suspend the House or a Committee without motion.

**23(1)** Strangers may be admitted to the galleries or to such other parts of the House as the Speaker sets apart for that purpose.

**23(2)** If any Member takes notice that strangers are present, the Speaker or the Chair shall forthwith put the question, "Shall strangers be ordered to withdraw?", without permitting any debate or amendments.

**23(3)** When strangers are ordered to withdraw the business of the House shall be suspended until all strangers have withdrawn and strangers shall not be readmitted during the same day except upon motion which shall neither require notice nor be debated.

**23(4)** An order for strangers to withdraw does not apply to persons to whom seats in the press gallery have been assigned, except by decision of the House.

**23(5)** A stranger admitted to any part of the House or galleries who commits a misconduct or who does not withdraw when strangers are ordered to withdraw, shall be taken into custody or ejected from the Legislative Chamber or galleries by the Sergeant-at-Arms, as the Speaker may order. No persons so taken into custody shall be discharged without the special order of the House.

**24** The officers of the House are the Speaker, the Premier, and the Leader of the Opposition. The permanent officers of the House are the Clerk of the House, the Clerks Assistant and the Sergeant-at-Arms.

**25(1)** Subject to the directions of the Speaker, or the House, the Clerk shall

(a) be responsible for the safekeeping of the records and documents of the House;

(b) have direction over the Clerks Assistant and such clerks, official reporters, translators, stenographers, messengers, doorkeepers and pages as may be employed in connection with the House;

(c) be present at the Table in the Legislative Chamber during the sittings of the House;

- (d) prepare and cause to be distributed the daily Journal, and Order and Notice Paper;
- (e) cause a copy of the Journal for the preceding day to be available in the office of the Clerk and to such other offices as the Clerk may decide and a copy of the Order and Notice Paper for the day to be placed each morning on the Speaker's table and on each Member's desk;
- (f) cause a copy of the Journal for the preceding day to be delivered to the office of the Lieutenant-Governor;
- (g) when the Committees have been appointed, cause a list thereof to be printed and posted in conspicuous places in the Legislature;
- (h) at the conclusion of each session, cause the Journals to be indexed, published and bound;
- (i) coordinate the broadcasting of live or recorded accounts of the proceedings of the House;
- (j) perform such duties as are assigned by the Speaker.

25(2) The Clerks Assistant shall be present at the Table during the sittings of the House and shall assist the Clerk.

25(3) In the absence of the Clerk, the Clerk Assistant, or in the absence of the Clerk Assistant, such person as is appointed by the Speaker, shall perform the duties of the Clerk.

26 The Sergeant-at-Arms is responsible for the safekeeping of the Mace, furniture and fittings of the House, subject to the orders received from time to time from the Speaker or the Clerk.

27 The Speaker may designate a Chaplain from time to time from amongst the religious community who shall read prayers before any business is entered upon. In the absence of the Chaplain, the Speaker or such person as is appointed by the Speaker shall read the prayers.

28 The permanent officers of the House shall complete the work remaining at the close of a session.

#### PART V SITTINGS OF THE HOUSE AND QUORUM

29(1) Unless otherwise provided by Standing or Special Order of the House, the time for the daily meeting and adjournment of the sitting of the Assembly shall be as follows:

Tuesday	1.00 p.m. to 6.00 p.m.
Wednesday	10.00 a.m. to 12.30 p.m. 2.00 p.m. to 6.00 p.m.
Thursday	1.00 p.m. to 6.00 p.m.
Friday	10.00 a.m. to 12.30 p.m. 1.30 p.m. to 4.30 p.m.

*(Amended: December 7, 1999; December 23, 2005.)*

29(2) The sitting hours established under subrule (1) for Friday may be varied, upon the request of the Government House Leader or any Member and by unanimous consent of the House, to 8.30 a.m. to 1.30 p.m.  
*(Amended: March 24, 1988; March 22, 1989; November 27, 1996; November 26, 1997.)*

**30(1)** At the ordinary time of daily adjournment, the proceedings on any business under consideration shall be interrupted and the Speaker shall adjourn the House without question put until the next sitting day.

**30(2)** If the House is in Committee of the Whole or Committee of Supply at the ordinary time of daily adjournment, as specified by subrule (1), the Committee shall rise and the Chair of the Committee shall report the Committee's progress to the House. At the conclusion of the Committee's progress report, the Speaker shall adjourn the House without question put.

**30(3)** When the House rises on Friday, it stands adjourned unless otherwise ordered, until the following Tuesday.  
(Amended: February 18, 1992; November 27, 1996; November 26, 1997.)

**31** (Repealed November 26, 1997.)

**32** The House shall not meet on New Year's Day, Good Friday, the day fixed for the celebration of the birthday of the Sovereign, July 1, New Brunswick Day, Labour Day, Thanksgiving Day, Remembrance Day or Christmas Day.

**33(1)** The presence of fourteen Members, including the Speaker, is necessary to constitute a meeting of the House for the exercise of its powers.

**33(2)** Subject to subrule (4), if at the time of meeting a quorum is not present, the Speaker shall take the Chair and, without question put, adjourn the House to a specified time the same day or until the next day.

**33(3)** When the Speaker adjourns the House for want of a quorum, the time of the adjournment and the names of the Members present shall be entered in the Journal.

**33(4)** The Speaker shall, whether or not a quorum is present, take the Chair for the purpose of admitting the Lieutenant-Governor.

**34(1)** When the Speaker is in the Chair, a Member may propose a motion, without notice, to continue a sitting through dinner or beyond the ordinary hour of daily adjournment for the purpose of considering a specified item of business or a stage or stages thereof subject to the following conditions:

(a) the motion must relate to the business then being considered, provided that proceedings in any Committee of the Whole may be temporarily interrupted for the purpose of proposing a motion under the provisions of this Standing Rule;

(b) the motion must be proposed in the thirty minutes preceding the time at which the business under consideration should be interrupted by a dinner hour, or the ordinary time of daily adjournment;

(c) the motion shall not be subject to debate or amendment.

**34(2)** When the Speaker puts the question on such motion, those Members who object shall be asked to rise in their places. If five or more Members then rise, the motion shall be deemed to have been withdrawn, otherwise the motion shall have been adopted.

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**PART VI**  
**BUSINESS OF THE HOUSE**

**35** The ordinary daily routine of business in the House shall be:

Prayers.

Condolences and Messages of Sympathy (prior notice to Speaker).

Introduction of Guests.

Messages of Congratulation and Recognition (10 minutes).

Presentations of Petitions.

Answers to Petitions and Written Questions.

Presentations of Committee Reports.

Tabling of Documents.

Statements by Ministers.

Statements by Members.

Oral Questions (30 minutes).

Introduction of Bills.

Notices of Motions.

Notice of Opposition Members' Business.

Government Motions for the Ordering of the Business of the House.

Orders of the Day.

*(Amended: March 24, 1988; March 22, 1989; May 10, 1989; March 15, 1990; December 19, 2003; November 28, 2007.)*

**35.1** The Speaker shall not call the item of routine business "Condolences and Messages of Sympathy" unless a Member shall have given prior notice to the Speaker of the Member's intention to present a message of condolence or sympathy.

*(Amended: December 19, 2003.)*

**35.2** A Member introducing a guest shall speak for no more than sixty seconds.

*(Amended: December 23, 2005.)*

**35.3(1)** A maximum of ten minutes shall be allocated to the item of routine business "Messages of Congratulation and Recognition".

*(Amended: November 28, 2007.)*

**35.3(2)** A Member making a statement of congratulation or recognition shall speak for no more than sixty seconds.

*(Amended: December 23, 2005; November 28, 2007.)*

**Petitions**

**36(1)** The signature of a Member desiring to present a petition shall be endorsed thereon. The petition shall be presented to the House during routine proceedings. The Member may make a brief statement naming the parties from whom it comes, the number of signatures attached to it, and the material allegations it contains.

**36(2)** Petitions must refer to matters within the legislative competence of the House.

**36(3)** A Member transmitting a petition is answerable that it does not contain impertinent or improper matter.

36(4) Petitions may be either English or French and either written or printed.

36(5) The execution of a petition by a corporation shall be authenticated by the seal of the corporation.

36(6) On the presentation of a petition, no debate on, or in relation to, the same shall be allowed.

36(7) The government shall provide a written response to a petition within two weeks of its presentation.

#### **Written Questions**

37 Questions may be placed on the Order and Notice Paper seeking information from Ministers of the Crown relating to public affairs, and in putting any question or replying to it, no argument or opinion shall be offered, nor any facts stated, except so far as may be necessary to explain; and in answering a question the matter to which it refers shall not be debated.

38 When a reply has been tabled to a written question, the question and the reply shall be printed in the Journal of Debates (Hansard). If, in the opinion of the Clerk, the question and answer is voluminous, or deals with replies from several departments, it may be made a Sessional Paper.

#### **Tabling of Documents**

39 Any return, report or other paper required to be laid before the House in accordance with any Act or in pursuance of any resolution or Standing Rule may be deposited with the Clerk of the House on any day, and any such return, report or other paper shall be deemed for all purposes to have been presented to, or laid before, the House. A record of any such document shall be entered in the Journal on the day it is filed. When such document is filed on a day when the House is not sitting, it shall be recorded on the next sitting day.

#### **Statements by Ministers**

40(1) On the calling of the Order "Statements by Ministers", a Minister of the Crown may make a brief statement on, or explanation of, government policy or ministerial administration but in doing so shall not offer arguments or observations beyond the fair bounds of explanation.

40(1.1) A Minister of the Crown shall request the unanimous consent of the House to make a lengthy statement.  
(Amended: December 23, 2005.)

40(2) No debate shall be permitted on such a statement or explanation but a representative of each recognized party in opposition may comment briefly.

40(2.1) The reply from a representative of each recognized party in opposition shall not exceed the length of the Minister's statement.  
(Amended: December 23, 2005.)

**Statements by Members**

40.1(1) A Member, other than a Minister of the Crown, may be recognized to make a statement for not more than sixty (60) seconds. (Amended: March 24, 1988; March 22, 1989; February 18, 1992.)

40.1(2) The time allotted for "Statements by Members" shall be limited to ten (10) minutes.

(Amended: March 24, 1988; March 22, 1989)

40.1(3) Members shall be recognized as follows: the Official Opposition first, followed by other recognized parties in order of the size of their membership in the House and finally the Government and then in rotation, until the time provided in subrule (2) has expired.

(Amended: March 24, 1988; March 22, 1989)

**Oral Questions**

41(1) On the calling of the Order "Oral Questions", questions on matters of urgency may be addressed orally to Ministers of the Crown, provided however that, if in the opinion of the Chair a question is not urgent, the Speaker may direct that it be placed on the Order and Notice Paper, provided also that the time allowed for a question period prior to the calling of the Orders of the Day shall not exceed thirty minutes.

41(2) An oral question and the answer thereto shall be concisely and clearly put without argument or opinion and shall refer only to a matter which may reasonably be assumed to be within the present knowledge of the Minister.

41(3) The Minister to whom an oral question is directed may

- (a) forthwith answer the question;
- (b) state that the question is taken as notice and answer it orally on a subsequent day under the same order of business;
- (c) state that the question should be put in writing; or
- (d) decline to answer.

41(4) A Member asking a question shall speak for no more than sixty seconds. A Minister's reply shall not exceed sixty seconds.

(Amended: December 19, 2003.)

41(5) A Member asking a question shall be allowed two supplementary questions on the same subject matter.

(Amended: December 19, 2003.)

41(6) If a Minister replies to a question taken as notice and answers it orally on a subsequent day, the Member who asked the question shall be entitled to ask one supplementary question and the Minister shall be entitled to respond.

(Amended: December 19, 2003.)

**Introduction of Bills**

42(1) The motion for introduction of any Bill shall be "That a Bill entitled \_\_\_\_\_ be now read a first time" which shall be decided without debate or amendment. The Member introducing it may give a brief explanation of the provisions of the Bill.

(Amended: February 18, 1992.)

42(2) No Bill shall be read a second time until the Bill has been printed and copies thereof have been deposited with the Clerk of the House and have been distributed to the Members.

*(Amended: November 28, 2007.)*

#### **Stages of Government Bills**

42.1(1) Subject to subrule (2), when a Government Bill is read a first time, it shall be carried daily on the Order and Notice Paper under "Government Bills and Orders" and shall be called for second reading at the discretion of the Minister acting as the Government House Leader.

*(Amended: November 28, 2007.)*

42.1(2) Before a Government Bill is read a second time, a minimum of one day's notice shall be provided by the Minister acting as the Government House Leader.

*(Amended: November 28, 2007.)*

42.1(3) For the purpose of subrule (2), "one day's notice" means notice given at the earliest opportunity during the previous sitting of the House.

*(Amended: November 28, 2007.)*

42.1(4) A Government Bill introduced by a Minister of the Crown and given second reading shall stand referred to the Committee of the Whole House or other Committee designated by the sponsor of the Bill.

*(Amended: November 28, 2007.)*

42.1(5) When a Government Bill has received second reading and is reported from a Committee other than the Committee of the Whole House, it shall stand referred to the Committee of the Whole House.

*(Amended: November 28, 2007.)*

42.1(6) A Government Bill reported from the Committee of the Whole House shall stand ordered for third reading at the next sitting of the House unless third reading of the Bill is deferred to a subsequent day by the Minister acting as the Government House Leader.

*(Amended: November 28, 2007.)*

#### **Stages of Private Members' Public Bills**

42.2(1) A Public Bill introduced by a Government Private Member and given first reading shall be carried daily on the Order and Notice Paper under Government Bills and Orders, and subject to subrule

42.1(2), shall be called for second reading at the discretion of the Minister acting as the Government House Leader in the same manner as government business.

*(Amended: November 28, 2007.)*

42.2(2) Standing Rules 44(7), (8) and (9) and the time limits prescribed therein shall apply during any debate at the second and third reading stages of a Public Bill introduced by a Government Private Member.

*(Amended: November 28, 2007.)*

42.2(3) A Public Bill introduced by a Government Private Member and given second reading shall stand referred to the Committee of the Whole House unless referred to another Committee by a majority of the House and shall be called for consideration in the Committee of

the Whole House in the same manner as government business at the discretion of the Minister acting as the Government House Leader.  
(Amended: November 28, 2007.)

42.2(4) A Public Bill introduced by a Government Private Member and reported from the Committee of the Whole House shall stand ordered for third reading at the next sitting of the House unless third reading is deferred to a subsequent day by the Minister acting as the Government House Leader.

(Amended: November 28, 2007.)

42.2(5) A Public Bill introduced by an Opposition Member and given first reading shall be carried daily on the Order and Notice Paper under "Opposition Members' Business" and shall be taken up for consideration as set out in Standing Rule 44.

(Amended: November 28, 2007.)

42.2(6) Opposition Members' Public Bills given second reading shall stand referred to the Committee of the Whole House unless referred to another Committee by a majority of the House.

(Amended: November 28, 2007.)

42.2(7) Opposition Members' Public Bills given second reading shall be called for consideration in the Committee of the Whole House in the same manner as government business at the discretion of the Minister acting as the Government House Leader.

(Amended: November 28, 2007.)

42.2(8) Opposition Members' Public Bills reported from the Committee of the Whole House or other Committee shall stand ordered for third reading and shall be carried daily on the Order and Notice Paper under Opposition Members' Business and shall be taken up for consideration as set out in Standing Rule 44.

(Amended: November 28, 2007.)

### **Appropriation Bills**

42.3(1) Notwithstanding anything else herein contained, upon introduction and first reading of a Bill for an *Appropriations Act* that is based on estimates concurred in by the House, the questions for second and third reading shall be forthwith put, without amendment and the Bill shall not be committed.

(Amended: November 28, 2007.)

42.3(2) Debate at the second and third reading stages of an *Appropriations Act* introduced pursuant to subrule (1) shall not exceed one sitting day. At ten minutes prior to the adjournment of the House, the Speaker shall interrupt proceedings and put every question necessary if the debate has not concluded by that time.

(Amended: November 28, 2007.)

42.3(3) Subrules (1) and (2) do not apply to a special *Appropriation Act* introduced pursuant to subsection 34(4) of the *Financial Administration Act*.

(Amended: November 28, 2007.)

**Orders of the Day**

43 Except as otherwise provided in these Standing Rules, government business and Private Bills will be taken up at the discretion of the Minister acting as the Government House Leader.

**Opposition Members' Business**

44(1) The first Order of the Day commencing on the second Thursday of the session shall be "Opposition Members' Business" which shall have precedence over all other business except the daily routine of the business of the House.

*(Amended: November 28, 2007.)*

44(2) Opposition Members' Business shall consist of, in order of priority, Opposition Members' Public Bills and Opposition Members' Motions and shall be taken up until 6 p.m. on Thursdays.

*(Amended: November 28, 2007.)*

44(3) Subject to subrule (2), the order of consideration of items of Opposition Members' Business shall be determined by the order in which such items have been presented in the House unless notice has been provided in accordance with subrule (4) to consider items in a different order, and in the application of this subrule, the rotation described in subrule (6) shall be observed.

*(Amended: November 28, 2007.)*

44(4) Subject to subrule (6), an item of Opposition Members' Business may be considered in an order different from its order of priority or its order of presentation in the House provided that one day's notice has been given in the House under "Notice of Opposition Members' Business."

*(Amended: November 28, 2007.)*

44(5) For the purpose of subrule (4), "one day's notice" means notice given at the earliest opportunity during the previous sitting of the House.

*(Amended: November 28, 2007.)*

44(6) Items of Opposition Members' Business shall be considered according to the following rotation:

(a) seven items introduced by Members of the party forming the Official Opposition;

(b) one item introduced by Members of the party having the third largest membership in the House.

*(Amended: November 28, 2007.)*

44(7) An item of Opposition Members' Business shall be debated for not more than one hundred and twenty minutes.

*(Amended: November 28, 2007.)*

44(8) The proposer of an item of Opposition Members' Business may speak for up to twenty minutes, and all other Members up to fifteen minutes. The proposer when speaking in reply shall not speak for more than ten minutes.

*(Amended: November 28, 2007.)*

44(9) At the expiration of one hundred and ten minutes of the time allocated for the consideration of an item of Opposition Members' Business under subrule (7), the Speaker shall interrupt proceedings and recognize the sponsor of the Bill or the mover of the motion to close the debate.

*(Amended: November 28, 2007.)*

44(10) Notwithstanding Standing Rule 64, a motion to adjourn the debate shall not be in order with respect to an item of Opposition Members' Business if moved by a Minister of the Crown or by a Government Private Member.

*(Amended: November 28, 2007.)*

44(11) A motion for returns (tabling motion) shall not be considered as an item of Opposition Members' Business for the purposes of the rotation described in subrule (6) unless notice has been provided pursuant to subrule (4).

*(Amended: November 28, 2007.)*

44.1(1) Motions introduced by Government Private Members shall be carried daily on the Order and Notice Paper under Government Bills and Orders, and subject to subrule (2), shall be called by the Minister acting as the Government House Leader in the same manner as government business.

*(Amended: November 28, 2007.)*

44.1(2) If a Government Private Member introduces a motion that deals essentially with the same subject matter of an Opposition Member's Motion standing on the Order and Notice Paper, the motion by a Government Private Member shall not be called for consideration until the Opposition Member's Motion has been considered by the House.

*(Amended: November 28, 2007.)*

44.1(3) For the purpose of subrule (2), the Speaker shall make the final determination as to whether a motion introduced by a Government Private Member deals essentially with the same subject matter of an Opposition Member's Motion.

*(Amended: November 28, 2007.)*

44.1(4) Standing Rules 44(7), (8), and (9) and the time limits set out therein shall apply to the consideration of motions introduced by Government Private Members.

*(Amended: November 28, 2007.)*

#### **Emergency Debates**

45(1) A Member may move a motion for the adjournment of the House for the purpose of discussing a specific and important matter requiring urgent consideration after the ordinary daily routine of business as set out in Standing Rule 35 is concluded, and before "Orders of the Day" are called.

45(2) A Member wishing to move, "That this House do now adjourn", under the provisions of this Standing Rule shall give to the Speaker, the offices of all leaders of recognized parties and the Government and Official Opposition House Leaders, at least two hours prior to the

opening of a sitting, a written statement of the matter proposed to be discussed, and may file such representations and background material with the Speaker as the Member may deem appropriate to assist the Chair in determining the question. If the urgent matter is not then known, the Member shall give the written statement to the Speaker as soon as practicable but before the opening of the sitting.

45(3) On any day when two or more notices of motion under subrule (2) have been received, the Speaker shall decide which notice shall receive precedence.

45(4) When proposing such a motion, the Member shall present without argument the statement referred to in subrule (2).

45(5) The Speaker shall decide, without any debate, whether or not the matter is proper to be discussed.

45(6) In determining whether a matter should have urgent consideration, the Speaker shall have regard to the extent to which it concerns the administrative responsibilities of the government or could come within the scope of ministerial action and also shall have regard to the probability of the matter being brought before the House within a reasonable time by other means.

45(7) The Speaker may defer the decision upon whether the matter is proper to be discussed until later in the sitting, and may interrupt the proceedings of the House for the purpose of announcing the decision.

45(8) In stating whether or not the Chair is satisfied that the matter is proper to be discussed, the Speaker is not bound to give reasons for the decision.

45(9) If it is determined that the Member may proceed, the motion shall stand over until 8.00 o'clock p.m. on that day, provided that the Speaker may direct that the motion shall be set down for consideration on the following sitting day at a specified hour.

45(10) When a request to make such a motion has been made on any Friday, and the Speaker directs that it be considered the same day, it shall stand over until 1.00 o'clock p.m.

45(11) Proceedings on any such motion may continue beyond the ordinary hour of daily adjournment but, when debate thereon is concluded prior to that hour in any sitting, the motion shall be deemed to have been withdrawn. In any other case, the Speaker, when satisfied that debate has been concluded, shall declare the motion carried and forthwith adjourn the House until the next sitting day.

45(12) No Member shall speak longer than fifteen minutes during debate on such motion.

45(13) The provisions of this Standing Rule shall not be suspended by the operation of any other Standing Rule relating to the hours of sitting or in respect of the consideration of any other business; provided that, in cases of conflict, the Speaker shall determine when such other business shall be considered or disposed of and shall make any consequential interpretation of any Standing Rule that may be necessary in relation thereto.

**46** The right to move the adjournment of the House for the above purposes is subject to the following conditions:

- (a) the matter proposed for discussion must relate to a genuine emergency, calling for immediate and urgent consideration;
- (b) not more than one such motion can be made at the same sitting;
- (c) not more than one matter can be discussed on the same motion;
- (d) the motion must not revive discussion on a matter which has been discussed in the same session pursuant to the provisions of this Standing Rule;
- (e) the motion must not raise a question of privilege;
- (f) the discussion under the motion must not raise any question which, according to the Standing Rules of the House, can only be debated on a distinct motion under notice.

**PART VII  
RULES OF DEBATE AND PROCEDURES**

**47** Every Member desiring to speak shall rise and address the Speaker, in either English or French.

**48** Speeches shall be directed only to the question under consideration or to a motion or amendment that the Member speaking intends to move, or to a point of order.

**49** In debate, a Member shall be called to order by the Speaker if the Member

- (a) persists in tedious repetition or raises matters that have been decided during the current session;
- (b) refers to any matter that is the subject of a proceeding
  - (i) that is pending in a court or before a judge for judicial determination, or,
  - (ii) that is before any quasi-judicial body;

where it is shown to the satisfaction of the Speaker that further references would create a real and substantial danger of prejudice to the participants;

- (c) imputes false or unavowed motives to another Member;
- (d) charges another Member with uttering a deliberate falsehood;
- (e) uses abusive or insulting language of a nature likely to create disorder;
- (f) speaks disrespectfully of the Sovereign or of any member of the Royal Family, or the Governor General, or the Administrator of Canada, or the Lieutenant-Governor or the Administrator of the Province;
- (g) introduces any matter in debate that in the opinion of the Speaker offends the practices and precedents of the House.

**50** When a Member is speaking, no Member shall interrupt except to raise a point of order or privilege or with the consent of the Member speaking. A Member addressing the House, if called to order either by the Speaker or on a point of order or privilege raised by another Member, shall sit down while the point is being stated. After the point has been stated, the Member may explain. The Speaker may permit debate on the point of order or privilege before giving a decision, but the debate must be strictly relevant to the point.

**51** When entering, leaving or crossing the Chamber, Members shall bow to the Chair.

**52** When the Speaker rises at any time, any Member speaking shall sit down and the Speaker shall be heard without interruption.

**53** When the Speaker is putting a question, no Member shall walk out of or across the Chamber or make any noise or disturbance.

**54** No Member shall pass between the Chair and the Table, nor between the Chair and the Mace when the Mace has been taken by the Sergeant-at-Arms.

**55** When a Member is speaking, no Member shall pass between that Member and the Chair.

**56** When the House adjourns the Members shall keep their places until the Speaker has left the Chamber.

**57** Members shall not interrupt the business of the House by engaging in private conversation or otherwise.

**58** When two or more Members rise to speak, the Speaker shall call upon the Member who first rose, but a motion may be made that any Member “be now heard” or “do now speak”.

**59** Unless otherwise provided in these Standing Rules, when the Speaker is in the Chair, no Member, except the Premier and the Leader of the Opposition, or a Minister moving a government order and the Member speaking in reply immediately after such Minister, or a Member making a motion of “No-confidence” in the government and a Minister replying thereto, shall speak for more than forty minutes at a time in any debate.

**60** No Member may speak twice to a question except in explanation of a material part of the speech which may have been misquoted or misunderstood, but shall not then introduce any new matter, and no debate shall be allowed on the explanation.

**61** When the mover of the original motion rises to speak in reply, the Speaker shall inform the House that the reply closes the debate and any Member who has not spoken and who wishes to speak shall be allowed to do so before the reply.

**62(1)** When a question is put from the Chair, the Speaker or the Chair shall state whether in the opinion of the Chair the yeas or the nays have it and unless a recorded division is requested by two Members, shall declare the motion carried or lost.

62(2) If two Members request it, by standing in their places, the Speaker or the Chair shall direct that the Members be called in for the purpose of holding a recorded division.

62(3) No debate shall be permitted after the question has been put by the Speaker or the Chair.

62(4) The Speaker shall, ten minutes after directing that the Members be called in, or earlier if all the Members are present, read the question and call successively upon those voting in the affirmative and in the negative to rise and their names shall be entered in the Journal, together with such abstentions and pairs as may be declared following the division.

63 When an order is called for the House to go into Committee of Supply or Committee of the Whole, the Speaker shall leave the Chair without question put.

64 A motion to adjourn the House or a debate, unless otherwise prohibited in these Standing Rules, shall always be in order, but no second motion to the same effect shall be made until some intermediate proceeding has taken place.

65(1) Except as otherwise provided in these Standing Rules, two days written notice of motion shall be given by a Member of the House for any resolution, address, alteration of the Standing Rules of the House, or appointment of any Committee.

65(2) Such notices of motion shall specify the day on which the Member proposes to move the same, and the Member giving the notice of motion shall deliver at the table a written or typewritten copy thereof.

65(3) A Member may give notice of motion for an absent Member and the notice of motion shall be entered on the Order and Notice Paper in the name of the absent Member.

65(4) The Clerk shall publish these notices each day on the Order and Notice Paper.

66 No notice is required for any of the following motions:

- (a) an amendment to a question;
- (b) for the committal of a Bill or question;
- (c) for the postponement of a question to a certain day;
- (d) for the previous question;
- (e) for reading the Orders of the Day;
- (f) for any reading of a Bill;
- (g) for the adjournment of the House or a debate;
- (h) for fixing a time of meeting or adjournment of the House;
- (i) for concurrence in the Reports of the Committee of the Whole House, the Committee of Supply and the Standing Committee on Estimates;

(j) for concurrence in Reports of the Standing Committee on Private Bills;

(k) for concurrence in Reports of the Standing Committee on Law Amendments.

*(Amended: March 24, 1988; February 18, 1992; November 28, 2007.)*

**67(1)** All motions shall be in writing, and seconded, before being debated or put from the Chair, except:

(a) the motion for introduction of any Bill;

(b) the motion to adjourn the House or a debate;

(c) the motion moving the Previous Question.

*(Amended: March 24, 1988; February 18, 1992.)*

**67(2)** When a motion has been seconded it shall be put from the Chair before being debated.

**68** A Member who has made a motion may withdraw it with the unanimous consent of the House.

**69** The previous question, which may be moved without notice or a seconder, until it is decided shall preclude all amendment of the main question, and shall be in the following words: - "That this question be now put". Unless it appears to the Chair that such a motion is an abuse of the Standing Rules of the House or an infringement of the rights of the minority, the question shall be put forthwith and decided without amendment or debate.

If the previous question is resolved in the affirmative, the original question shall be put forthwith and decided without amendment or debate.

**70** A motion to refer a Bill, resolution or any question to a Committee of the Whole or any Committee, shall preclude all amendment of the main question.

**71** A Bill may not be introduced either in blank or imperfect form.

**72** Except as otherwise provided in these Standing Rules, a Bill shall receive three separate readings on different days before being passed.

**73(1)** *(Repealed February 18, 1992.)*

**73(2)** *(Repealed February 18, 1992.)*

**73(3)** *(Repealed February 18, 1992.)*

**73(4)** *(Repealed February 18, 1992.)*

**74** A Public Bill must be read twice in the House before committal or amendment.

**75** A Bill may, with the unanimous consent of the House, be read twice or thrice, or advanced two or more stages in one day.

**76** The Clerk shall endorse on each Bill the dates on which it receives its several readings and when it is passed shall certify the same, with the date, at the foot of the Bill.

77 *(Repealed November 28, 2007.)*

78 When a Bill has been amended in any Committee it shall be reprinted as the Clerk of the House directs, amendments being indicated, and shall not be further proceeded with until it has been reprinted.

78.1 On the presentation of a report from the Committee of the Whole or the Standing Committee on Law Amendments, a motion that the report be concurred in shall be deemed to be before the House. The motion to concur in the Report of the Committee of the Whole or the Standing Committee on Law Amendments shall be put forthwith by the Speaker and decided without debate and no amendment shall be received unless it is moved by a Minister for the purpose of reinstating a Bill, a clause of a Bill or an amendment to a Bill. If a Minister moves an amendment as provided herein, the debate on such amendment shall be limited to one hour and no Member shall speak for more than ten minutes. The debate having been concluded, the question shall be put on any amendment so moved, then in the concurrence of the report, be it amended or not.

*(Amended: March 24, 1988; November 28, 2007.)*

78.2 On the presentation of a report from the Committee of Supply or the Standing Committee on Estimates, a motion that the report be concurred in shall be deemed to be before the House. The motion to concur in the report of the Committee of Supply or the Standing Committee on Estimates shall be put and decided without debate and no amendment shall be received unless it is moved by a Minister for the purpose of reinstating some estimate or estimates reduced or negated in Committee. If a Minister moves an amendment as provided herein, the debate on such amendment shall be limited to one hour and no Member shall speak for more than ten minutes. The debate having been concluded, the question shall be put on any amendment so moved, then in the concurrence of the report, be it amended or not.

*(Amended: November 28, 2007.)*

#### **PART VIII COMMITTEES OF THE WHOLE HOUSE**

79 The Standing Rules of the House shall be observed in the Committees of the Whole House insofar as they are applicable, except the rules as to seconding of motions and limiting the number of times of speaking, and the length of speeches. Speeches in Committees of the Whole House must be strictly relevant to the item or clause under consideration.

80 The Chair shall maintain order in the Committees of the Whole House and decide all questions of practice and procedure subject to an appeal to the Speaker.

81 The Chair of the Committee of the Whole House shall not vote or take part in any debate in the Committee of the Whole House. When there is an equality of votes upon a division in a Committee of the Whole House the Chair shall cast a deciding vote.

82 Bills that are on the Order Paper are referred together to a Committee of the Whole House which may consider all the Bills so referred to it without the Chair leaving the Chair on each Bill.

83 A Bill so referred that is not taken up during the sitting of the Committee or on which progress only is reported shall be placed on the Order Paper for consideration in the Committee of the Whole House at the next sitting.

84 In proceedings in any Committee on Bills, the preamble, if any, and the schedule and title are first postponed and then every clause considered in its proper order, followed by the schedule, the title, and the preamble if any.

85 *(Repealed November 28, 2007.)*

86 A motion that the Chair leave the Chair is always in order and shall take precedence over any other motion, and shall not be debatable. Such motion, if rejected, cannot be renewed unless some intermediate proceeding has taken place.

87 When a Bill is considered by the Committee of the Whole House, the Chair shall inquire whether any comments, questions or amendments are to be offered and to which sections, and will call only those sections. If no sections are so designated, the Bill shall be reported as a whole.

#### **PART IX COMMITTEES**

88 The Standing Rules of the House shall be observed in the Committees of the House insofar as they are applicable except the rules as to the seconding of motions and limiting the number of times of speaking and the length of speeches.

89 The Standing Committees shall be appointed on motion at the commencement of each House and shall be:

- (a) the Standing Committee on Crown Corporations;
- (b) the Standing Committee on Education;
- (c) the Standing Committee on Estimates;
- (d) the Standing Committee on Health Care;
- (e) the Standing Committee on Law Amendments;
- (f) the Legislative Administration Committee;
- (g) the Standing Committee on Legislative Officers;
- (h) the Standing Committee on Private Bills;
- (i) the Standing Committee on Privileges;
- (j) the Standing Committee on Procedure;
- (k) the Standing Committee on Public Accounts.

*(Amended: December 23, 2005.)*

**89.1** Without limiting the generality of the foregoing, the Committees established under Standing Rule 89 shall, when so ordered by the Assembly, examine

(a) Bills;

(b) any other matter that may be referred by the House or by the Standing Rules.

*(Amended: December 23, 2005.)*

**90** All annual reports of provincial agencies, boards and commissions stand permanently referred to the Crown Corporations Committee.

**91** Unless otherwise provided by the Standing Rules, all reports to the House of Legislative Officers stand permanently referred to the Standing Committee on Legislative Officers.

*(Amended: December 23, 2005.)*

**92** All Standing Rules and practices of the House, together with any matter referred by the Speaker, stand permanently referred to the Committee on Procedure.

**93** All reports to the House of the Auditor General, and all Public Accounts stand permanently referred to the Public Accounts Committee.

*(Amended: November 17, 1996.)*

**94** Select Committees may be appointed on motion and continue to exist until the presentation of their final reports or until the dissolution of the House whichever occurs first.

**95** The Clerk of the House shall cause to be affixed in some conspicuous part of the House a list of the several Standing and Select Committees.

**96(1)** Unless otherwise ordered by the House a majority of the members of a Committee is a quorum.

**96(2)** The presence of a quorum shall be required whenever a vote, resolution or other decision is taken by a Committee, provided that any Committee, by resolution, may authorize the Chair to hold meetings to receive evidence when a quorum is not present, provided that no question of substance shall be decided by the Committee without a quorum being present.

**97(1)** Subject to subrule (2), no standing or select committee shall, except by order of the House, sit concurrently with the House.

*(Amended: November 28, 2007.)*

**97(2)** The Standing Committee on Estimates and the Standing Committee on Law Amendments shall have the authority to sit concurrently with the House.

*(Amended: November 28, 2007.)*

**98** Unless otherwise ordered, Standing or Select Committees shall have the power to strike subcommittees.

**99** Not later than five sitting days after the establishment of a Committee, the Clerk of the House shall convene a meeting of the Committee and shall preside over the election of a Chair and a Vice-Chair who shall act during the life of the Committee.

**100** Any Member may request a recorded vote in Committee. The Chair of a Committee shall vote only when there is an equality of votes.

**100.1(1)** The Chair of a Standing or Select Committee shall maintain order in the Committee and decide all questions of order subject to an appeal to the Speaker. No debate shall be permitted on any decision of the Chair.

*(Amended: December 23, 2005.)*

**100.1(2)** If two members of a Standing or Select Committee appeal the decision of the Chair of the Committee to the Speaker, the Chair shall at the next meeting of the House present a report which accurately states the matter on which the Chair decided, the arguments raised by the members and the decision made by the Chair, and the Speaker shall confirm or vary any decision of the Chair.

*(Amended: December 23, 2005.)*

**100.1(3)** If the House is adjourned, in recess or is not otherwise meeting on a day on which a decision of the Chair of a Standing or Select Committee is appealed to the Speaker, the Chair shall deliver a copy of the report to the Speaker and shall file a copy of the report with the Clerk of the House. The decision of the Speaker shall be in writing, shall be delivered to the Chair and the Clerk of the Committee and shall be entered in the Journals of the House on the first day on which the House next meets.

*(Amended: December 23, 2005.)*

**101(1)** All reports of Committees shall be in writing and signed by the Chair.

**101(2)** The report of a Committee is the report as determined by the Committee as a whole or a majority thereof, and no minority report may be presented or received. A Committee may, in its discretion, include any dissenting opinions in its report.

**102** Any Member of the House who is not a member of a Committee, may, unless the House or the Committee concerned otherwise orders, take part in the proceedings of the Committee, but may not vote nor move any motion, nor be part of a quorum.

**103(1)** A member of a Committee unable to be present at a meeting of that Committee may designate another Member to attend such meeting as a substitute.

**103(2)** The Chair of the Committee shall be notified of any change in the composition of the Committee and shall, as soon as possible after being notified make known to the Committee such change.

**103(3)** No more than three substitutions shall be permitted for the purpose of subrule (1) for each Member of a Committee unable to be present at a meeting of that Committee.

*(Amended: November 28, 2007.)*

**103(4)** Only one member designated as a substitute in accordance with subrules (1) and (2) shall be considered the official substitute for financial purposes.

*(Amended: November 28, 2007.)*

**104(1)** The membership of the Legislative Administration Committee shall be composed of

- (a) the Speaker of the House, as Chair;
- (b) two Deputy Speakers, one of whom will be Vice-Chair;
- (c) two persons from among the members of the Executive Council;
- (d) two members from the Government caucus nominated by that caucus;
- (e) two members from each recognized party, not already represented on the Committee, nominated by each respective caucus;
- (f) one member of each registered political party, not already represented on the Committee, nominated by each respective caucus.

*(Amended: February 18, 1992; November 27, 1996.)*

**104(2)** The Legislative Administration Committee is responsible

- (a) for the administration, operation, management, maintenance and control of the Legislative Buildings, the Legislative Library and such other lands, buildings and facilities connected with the Legislative Assembly;
- (b) for such duties and responsibilities that had been undertaken by the Standing Committee on Contingencies and Library; and
- (c) generally for all matters relating to the Legislative Assembly and to the Members of the Legislative Assembly.

#### **PART X**

##### **ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE**

**105(1)** The proceedings on the Orders of the Day for resuming debate on the motion for an Address in Reply to the Speech from the Throne and on any amendments proposed thereto shall not exceed six sitting days.

**105(2)** Any day or days to be appointed for the consideration of the said Order shall be announced from time to time by a Minister of the Crown and on any such day or days this Order shall have precedence over all other business except the ordinary daily routine of business and Private Members' Public Business.

**105(3)** On the sixth of the said days, at thirty minutes before the ordinary time of daily adjournment, unless the said debate be previously concluded, the Speaker shall interrupt the proceedings and forthwith put every question necessary to dispose of the main motion.

#### **PART XI**

##### **BUDGET DEBATE**

**106(1)** The budget shall not be presented until the debate on the motion for an Address in Reply to the Speech from the Throne is concluded.

106(2) When the Minister of Finance presents the budget, it shall be on the motion: "That this House approves in general the budgetary policy of the government".

106(3) The debate on that motion and any amendments thereto, shall not exceed six sitting days.

106(4) On the sixth of the said days, at thirty minutes before the ordinary time of daily adjournment, unless the said debate be previously concluded, the Speaker shall interrupt the proceedings and forthwith put every question necessary to dispose of the main motion.

#### **PART XII FINANCIAL BUSINESS**

107 It shall not be lawful for the Legislature to adopt or pass any vote, resolution, address or Bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that has not been first recommended to the House by Message of the Lieutenant-Governor in the session in which such vote, resolution, address or Bill is proposed. (*The Constitution Act, 1867, Sections 54 and 90.*)

108 On any day on which Estimates or Supplementary Estimates are transmitted to the House, such Estimates shall be deemed to be referred to the Committee of Supply.

109 On government motion, seconded by the Leader of the Opposition or Opposition House Leader, the House may refer any departmental estimates to the Standing Committee on Estimates which shall report those Estimates back to the House for concurrence therein.

109.1(1) In each session, not more than 80 hours shall be allocated for the consideration of the Estimates and the Supplementary Estimates. (*Amended: November 28, 2007.*)

109.1(2) For the purpose of subrule (1), "session" means the period of time between the opening of a session and its prorogation. (*Amended: November 28, 2007.*)

109.1(3) At the expiration of the time allocated for the consideration of the estimates in subrule (1), the Chair of the Committee of Supply or the Standing Committee on Estimates, as the case may be, shall interrupt the proceedings and forthwith put every question, if the debate has not concluded by this time. (*Amended: November 28, 2007.*)

#### **PART XIII PRIVATE BILLS**

110(1) The fee payable for a Private Bill shall be two hundred and fifty dollars. If the said Bill exceeds twenty-five typewritten pages an additional twenty-five dollars shall be due for each page or part of a page in excess of twenty-five. (*Amended: February 18, 1992.*)

110(2) When any rule is suspended to permit the introduction of a Private Bill, the fees payable by the petitioner shall be double the amount fixed in subrule (1).

**110(3)** Where a Bill incorporates a company or alters the charter of a company already incorporated, the following additional fees shall be paid:

(a) for the incorporation or alteration of the charter of a company, three times the fees which would apply for the incorporation or the alteration of the charter of a company under the *Business Corporations Act*;

(b) for the incorporation of a trust company, ten times the fees which would apply for the incorporation of a company under the *Business Corporations Act*.

**110(4)** The fees, or any portion thereof, paid with respect to any Bill shall not be remitted except by order of the House upon recommendation of the Committee to which such Bill has been referred.

**110(5)** The filing fees shall be submitted at the time of filing the Private Bill and shall be payable to the Minister of Finance of the Province of New Brunswick.

(Amended: February 18, 1992.)

**111** A person intending to apply for the enactment of a Private Bill shall publish a notice, in both official languages, stating clearly and distinctly the nature and objects of the proposed Bill, and the name and address of the applicant as follows:

(a) once in the *Royal Gazette* at least two weeks before filing the application;

(b) once a week for three successive weeks in a newspaper having a general circulation in the area where reside the parties or the majority of the parties, interested in, and affected by, the Bill.

**112(1)** An applicant shall provide the Clerk of the House with a draft of the Private Bill in both official languages.

**112(2)** Where the Private Bill would amend an Act that was enacted in only one official language, such Bill shall include for enactment, a draft of the entire Act in the other official language.

(Amended: March 22, 1989)

**112(3)** The Clerk of the House shall forward a copy of all draft Private Bills to the Deputy Minister of Justice.

(Amended: March 22, 1989)

**113** The Queen's Printer shall print all Private Bills. Every applicant for a Private Bill shall pay the cost of printing the Bill, including the cost of printing the Act in the annual statutes.

**114(1)** When the requirements for an application for a Private Bill have been met, the Clerk of the House shall so certify and the Member sponsoring the Bill may move that the Bill be read for the first time. A Minister of the Crown shall not sponsor a Private Bill.

**114(2)** Should the Clerk of the House not be able to issue a certificate, the applicant or any Member may request the Clerk of the House to

place the application before the Standing Committee on Procedure. The Clerk of the House shall at the earliest opportunity bring the application to the attention of the Committee. The Committee may waive any requirements of the Standing Rules, or may issue such other Order as it deems appropriate.

**115** When a Private Bill has received first reading it shall stand referred to the Standing Committee on Private Bills.

**116** Five calendar days notice of any meeting for the consideration of a Private Bill by the Standing Committee on Private Bills shall be posted by the Clerk of the House, and shall be published on the Order and Notice Paper.

**117** Any person whose interest or property may be affected by a Private Bill, may appear before the Committee considering the Bill to express consent or any objection, or may consent in writing.

**118** All Private Bills referred to Committee shall be reported to the House.

**119** Private Bills amended by a Committee may be reprinted before further consideration as the Clerk of the House may direct and the applicant shall pay the cost of reprinting the Bill.

**120** Private Bills shall be considered during times designated for Government Business at the calling of the Minister leading the House.

**121** Private Bills, after second reading, shall be ordered for third reading unless five Members signify that the Bill should be ordered for the Committee of the Whole House by standing in their places when the Speaker declared the motion for second reading to have been carried.

**122** The Clerk of the House shall forward to the applicant a certified copy of the Act when it has received Royal Assent.

**123(1)** No person shall act as a parliamentary agent before the House or its Committees without the express sanction and authority of the Speaker, and all such agents shall be personally responsible to the House and the Speaker for the observance of the rules and practices of the House and rules prescribed by the Speaker, and for the payment of all fees and charges.

**123(2)** A register of all parliamentary agents shall be maintained by the Clerk of the House.

**123(3)** No person shall be allowed to be registered as a parliamentary agent unless that person has paid a fee of \$10.00 annually and is actually employed in promoting some Private Bill pending during that year.

**123(4)** Any parliamentary agent who willfully acts in violation of the Standing Rules or practices of the House, or of any rules prescribed by the Speaker, or who otherwise misconducts proceedings before the House or its Committees shall be liable to an absolute or temporary prohibition to act as a parliamentary agent, as the Speaker may order.

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And your Committee asks leave to make a further report.

(Sgd. :) Hon. Kelly Lamrock, Vice-chair,  
MLA, Fredericton-Fort Nashwaak

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With leave of the House, Hon. Mr. Lamrock moved, seconded by Hon. Mr. Murphy: (Motion 68)

THAT the Legislative Assembly adopt the recommendations contained in the First Report of the Standing Committee on Procedure.

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

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Hon. Mr. Stiles laid upon the table of the House a document entitled *Biodiversity Strategy, Be Conservation-minded*.

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Following Oral Questions, Hon. Mr. Murphy rose on a point of order and submitted that Mr. Northrup had uttered a threat toward Hon. V. Boudreau and requested that the matter be referred to the Standing Committee on Privileges. Mr. Holder and Mr. Northrup spoke on the point of order.

Mr. Fraser, the Deputy Speaker, advised that before a matter can be considered as a question of privilege and referred to the Standing Committee on Privileges, the proper procedures outlined in the Standing Rules must be followed. Mr. Fraser advised that he would consider the matter as a point of order, review the *Hansard* and report back to the House.

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With leave of the House, Hon. Mr. Murphy moved, seconded by Mr. Holder: (Motion 69)

THAT the order referring Bill 60, *An Act to Amend the Family Services Act*, to the Committee of the Whole House be discharged and the Bill referred to the Standing Committee on Law Amendments.

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

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With leave of the House, Hon. Mr. Murphy moved, seconded by Mr. Holder: (Motion 70)

That the membership of the Standing Committee on Crown Corporations be amended by substituting the name of Mr. Paulin for Mr. Collins and the name of Mr. Volpé for Mr. Alward; and

That the membership of the Standing Committee on Public Accounts be amended by substituting the name of Mr. Paulin for Mr. Fraser and by adding the name of Mr. Jack Carr.

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

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On motion of Hon. Mr. Murphy, seconded by Mr. Holder:

That notwithstanding any previous decision of the House, when the Assembly adjourns at the end of this sitting day, it shall stand adjourned until 10 a.m. tomorrow.

Hon. Mr. Murphy, Government House Leader, announced that it was the intention of government that the House resolve itself into a Committee of the Whole to consider Bill 85; following which, with leave of the House, Bills 93, 85, 28, 45, 48, 57, 59 and 92 would be called for third reading.

The House resolved itself into a Committee of the Whole with Ms. Robichaud in the chair.

And after some time, Mr. Fraser, the Deputy Speaker resumed the chair and Ms. Robichaud, the Chair, after requesting that the Deputy Speaker revert to Presentations of Committee Reports, reported:

And that the Committee had directed that she report the following Bill as agreed to:

Bill 85, *An Act to Amend the Society for the Prevention of Cruelty to Animals Act.*

And the Committee asked leave to make a further report.

Pursuant to Standing Rule 78.1, the 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.

It was agreed by unanimous consent vary the Orders of the Day. It was further agreed by unanimous consent that Bills 93 and 85 be ordered for third reading forthwith.

The following Bill was read a third time and passed:

Bill 85, *An Act to Amend the Society for the Prevention of Cruelty to Animals Act.*

The Order being read for third reading of Bill 93, *An Act to Amend the Medical Services Payment Act*, the motion for third reading was carried on the following recorded division:

YEAS - 25

Hon. Ms. Schryer	Hon. Mr. Lamrock	Hon. Mr. Brewer
Hon. V. Boudreau	Hon. Mr. Arseneault	Hon. B. LeBlanc
Hon. S. Graham	Hon. Mr. Keir	Hon. Mr. Kenny
Hon. Mr. Murphy	Hon. Mr. Albert	Ms. MacAlpine-Stiles

Hon. Mr. Jamieson	Ms. Lavoie	Mr. Miles
Hon. Mr. Haché	Ms. Robichaud	Mr. A. LeBlanc
Hon. D. Landry	Hon. Mr. Ouellette	Mr. Collins
Mr. McGinley	Hon. Mr. Foran	Mr. Paulin
Hon. Mr. Stiles		

## NAYS - 14

Mr. Alward	Mr. MacDonald	Mr. Urquhart
Ms. Blaney	Mr. Holder	Mr. Jack Carr
Mr. Steeves	Mr. Jody Carr	Mr. Olscamp
Ms. Poirier	Mr. D. Graham	Mr. C. Landry
Mr. Huntjens	Mr. Williams	

Accordingly, Bill 93 was read a third time and passed:

Bill 93, *An Act to Amend the Medical Services Payment Act.*

The following Bills were read a third time:

Bill 28, *Limitation of Actions Act.*

Bill 45, *An Act to Amend the Real Property Tax Act.*

Bill 48, *An Act to Amend the Tobacco Sales Act.*

Bill 57, *An Act to Amend the Judicature Act.*

Bill 59, *Recording Evidence Act.*

Bill 92, *An Act to Amend the Gaming Control Act.*

Ordered that the said Bills do pass.

With leave of the House, the Honourable the Premier moved the following resolution, seconded by Mr. Alward: (Motion 71)

WHEREAS bullying can take many forms: physical, verbal, social and, more recently, cyber-bullying; and

WHEREAS initiatives that build up children's self esteem, skills and academic success help them to be less susceptible to bullying; and

WHEREAS student codes of conduct which promote and reward positive behaviour traits such as empathy and generosity can reduce the number of bullying incidents; and

WHEREAS research indicates that initiatives involving the broader community may enhance the effectiveness of whole school anti-bullying interventions;

BE IT RESOLVED that this Legislature condemn the act of bullying in whatever form it takes and recognize the responsibility of all leaders to continue to work toward effective policies which promote positive behaviour and promote effective anti-bullying awareness toward the goal of reducing incidents of bullying.

BE IT FURTHER RESOLVED that this Legislature designate December 17th of each calendar year to recognize and celebrate the efforts of caring students, educators and citizens to condemn and eliminate bullying. The Order being read for second reading of Bill 61, *An Act to Amend the Members' Conflict of Interest Act*, a debate arose thereon.

And the question being put a debate ensued.

And the debate being ended and the question being put, Motion 71 was carried.

Mr. Fraser, the Deputy Speaker reconfirmed that the House had agreed by unanimous consent earlier in the sitting to advance Bills 93 and 85 through several stages in one day.

Pursuant to Notice of Motion 67, Mr. Alward, on behalf of Mr. Fitch, moved, seconded by Mr. Alward:

WHEREAS over the last several months the New Brunswick economy has experienced a significant decline due to the global economic recession; and

WHEREAS the Auditor General has indicated in his last two annual reports that the Government of New Brunswick should provide a detailed strategy for debt and deficit reduction for the province; and

WHEREAS the Premier has indicated that revenues are decreasing in the province of New Brunswick; and

WHEREAS the recent financial updates from the Federal Government indicate that the economy has declined and the federal deficit has increased during the first fiscal quarter; therefore

BE IT RESOLVED that this Legislative Assembly urge the Government to provide a first quarter economic update that is completed by the Department of Finance or the Comptroller detailing the current financial position of the Province of New Brunswick including an update on revenue, the net debt and deficit by July 30th, 2009 or sooner.

And the question being put, a debate ensued.

And after some further time, Hon. V. Boudreau, seconded by Hon. Mr. Murphy, moved in amendment:

#### AMENDMENT

That Motion 67 be amended by:

In the first "whereas" clause, delete the words "New Brunswick" and replace with "North American", and

In the fourth “whereas” clause, replace “therefore” with “and”,  
and

Adding a fifth “whereas” clause

“WHEREAS the projections presented in the budget tabled in this House on March 17, 2009, are still considered to be reasonable; therefore”

In the resolution clause,

delete all words after “Government” and replace with “to continue to monitor the province’s economic and financial condition and, if warranted, provide an update in a timely manner.”

And after some time, Ms. Robichaud, the Deputy Speaker, took the chair as Acting Speaker.

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

Mr. Fraser, the Deputy Speaker, put the question on the proposed amendment and a debate ensued.

And the debate being ended and the question being put, the amendment was carried.

Mr. Deputy Speaker put the question on Motion 67 as amended as follows:

WHEREAS over the last several months the North American economy has experienced a significant decline due to the global economic recession; and

WHEREAS the Auditor General has indicated in his last two annual reports that the Government of New Brunswick should provide a detailed strategy for debt and deficit reduction for the province; and

WHEREAS the Premier has indicated that revenues are decreasing in the province of New Brunswick; and

WHEREAS the recent financial updates from the Federal Government indicate that the economy has declined and the federal deficit has increased during the first fiscal quarter; and

WHEREAS the projections presented in the budget tabled in this House on March 17, 2009, are still considered to be reasonable; therefore

BE IT RESOLVED that this Legislative Assembly urge the Government to continue to monitor the province’s economic and financial condition and, if warranted, provide an update in a timely manner.

And the question being put, Motion 67 as amended was carried.

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Mr. Fraser, the Deputy Speaker, rose to address the point of order raised by Hon. Mr. Murphy earlier in the day. The Deputy Speaker advised that he had reviewed the *Hansard* and the audio tapes of the proceedings and there was no record of the remarks having been made. Mr. Fraser advised the House that he considered the matter closed. He reminded Members that there remained only one day of session and urged all Members to treat one another with respect.

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