

Daily sitting 11

Thursday, December 18, 2014

1 o'clock p.m.

Prayers.

Mr. Harvey welcomed to the House Mr. Fred Harvey, former Liberal MLA for Carleton North (1987-1993).

Mr. Wetmore, Member for Gagetown-Petitcodiac, laid upon the table of the House a petition on behalf of residents of Coles Island urging the District Education Council to not close the Coles Island School. (Petition 10)

Following Oral Questions, Mr. Speaker requested that Mr. Fitch withdraw the term "lied" in relation to the Premier, which he did.

The following Bills were introduced and read a first time:

By Hon. Mr. Arseneault,

Bill 9, *An Act to Amend the Oil and Natural Gas Act.*

By Mr. Coon,

Bill 10, *An Act to Amend the Elections Act.*

Hon. Mr. Fraser gave notice that on Friday, December 19, 2014, Bill 9 would be called for second reading.

It was agreed by unanimous consent that on Friday, December 19, 2014, following routine proceedings, the House would resolve itself into a Committee of the Whole for 90 minutes to take into consideration Bills 2, 3 and 5; following which the House would resolve itself into a Committee of Supply to open the estimates of the Department of Education and Early Childhood Development; the Department of Health; and the Department of Transportation and Infrastructure, in that order. For each department the estimates would be opened with the speech by the Minister and then set aside. Following which, the House would consider Motion 11, following which the House would proceed with the passage of Bills 2, 3 and 5 at all remaining stages and Royal Assent.

On motion of Hon. Mr. Fraser, seconded by Ms. Dubé:

RESOLVED, that when the Assembly adjourns at the end of this sitting day, it stand adjourned until Friday, December 19, 2014, at 9 a.m.

Debate resumed on Motion 3, moved by Mr. Wetmore, seconded by Ms. Shephard, as follows:

WHEREAS it was revealed on or before September 3, 2014, that criminal charges had been laid against the Member for Carleton-Victoria, who was then the Liberal candidate in that riding in the September 22, 2014, general election;

WHEREAS the Liberal Party and its candidates made comments that referred to the laying of the criminal charges as “suspicious” and “very troubling” and that questioned the timing of the release of the news;

WHEREAS those comments also called into question whether the Member for Carleton and the Member for Rothesay, who were then candidates in those ridings in the September 22, 2014, general election, in their then capacities as Premier and Attorney General, respectively, were involved inappropriately in the process to determine whether criminal charges should be laid against the Member for Carleton-Victoria;

WHEREAS the criminal charges against the Member for Carleton-Victoria were dropped on or about September 12, 2014;

WHEREAS the Premier, who was then running for the office he now holds, then called for an independent review of the processes to determine whether to lay and to withdraw the criminal charges against the Member for Carleton-Victoria;

WHEREAS the Liberal Party also set out a series of questions with respect to the processes to determine whether to lay and to withdraw the criminal charges against the Member for Carleton-Victoria;

WHEREAS those questions remain unanswered;

WHEREAS those unanswered questions bring into question the integrity of the administration of justice in the Province of New Brunswick;

AND WHEREAS it is in the public interest to have those unanswered questions answered;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to appoint a commission under the *Inquiries Act* to investigate whether there was any political or other interference

whatsoever in the processes to determine whether to lay and to withdraw the criminal charges against the Member for Carleton-Victoria.

And the debate being ended, and the question being put, Motion 3 was resolved in the negative on the following recorded division:

YEAS - 21

Mr. Holder	Ms. Shephard	Mr. Alward
Mr. Jody Carr	Mr. Coon	Mr. Wetmore
Mr. Fitch	Ms. Lynch	Mr. Crossman
Ms. Dubé	Mr. Macdonald	Mr. Keirstead
Mr. MacDonald	Mr. Stewart	Mr. Jeff Carr
Mr. Northrup	Mr. Savoie	Mr. Oliver
Mr. Higgs	Ms. Wilson	Mr. Urquhart

NAYS - 24

Hon. Mr. Boudreau	Hon. Mr. Landry	Ms. LeBlanc
Hon. Mr. Melanson	Hon. Ms. Rogers	Mr. Bernard LeBlanc
Hon. Mr. Gallant	Hon. Mr. Fraser	Mr. Bourque
Mr. Albert	Hon. Ms. Landry	Mr. Guitard
Hon. Mr. Horsman	Hon. Mr. Kenny	Mr. Roussel
Hon. Mr. Arseneault	Hon. Mr. Rousselle	Mr. Ames
Hon. Mr. Doucet	Mr. Bertrand LeBlanc	Ms. Harris
Hon. Mr. Doherty	Mr. Chiasson	Mr. LePage

Pursuant to Notice of Motion 10, Ms. Shephard moved, seconded by Mr. Jody Carr:

BE IT RESOLVED THAT the Legislative Assembly urge the government to cause any changes to abortion services that it has adopted or intends to adopt to be the subject of a debate in the House, and to delay implementation of those changes until that debate has occurred.

And the question being put, a debate ensued.

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

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

And after some time, Hon. Mr. Fraser, seconded by Hon. Ms. Rogers, moved in amendment:

AMENDMENT

That Motion 10 be amended:

In the resolution clause after the word “House” delete “and to delay implementation of those changes until that debate has occurred” and add the words “part of which is currently underway”.

Insert a new resolution clause at the end as follows:

BE IT FURTHER RESOLVED THAT the Speaker determine whether there is unanimous consent to dedicate the entire question periods remaining in the calendar year to the topic of reproductive health.

Ms. Dubé rose on a point of order and submitted that the amendment was not in order as it exceeded the scope of the original motion and introduced foreign elements.

At 4.34 p.m., Mr. Speaker declared a recess and left the chair.

4.58 p.m.

Mr. Speaker resumed the chair and delivered the following ruling:

STATEMENT BY SPEAKER

Honourable Members,

I have reviewed the proposed amendment. The original motion as proposed by the Member for Saint John Lancaster urges the government to cause any changes to abortion services that it has adopted or intends to adopt to be the subject of a debate in the House, and to delay implementation of those changes until the debate has occurred.

The proposed amendment does change some elements of the original motion. However, the amendment would retain an essential element of the main motion, namely that the Legislative Assembly urge the government to cause any changes to abortion services to be the subject of a debate in the House.

Beauchesne's Parliamentary Rules and Forms 6th Edition states at paragraph 567: *The object of an amendment may be to either modify a question in such a way as to increase its acceptability or to present to the House a different proposition as an alternative to the original question.*

Although the proposed amendment does not retain all of the elements of the original motion, I find that it retains a sufficient portion so as not to amount to a direct negative of the original question. The proposed amendment is clearly relevant to the original motion and seeks to modify the question in such a way as to make it more acceptable to the House.

The proposed amendment, if agreed to, would also expand on the original proposal by causing the Speaker to ascertain whether there is the unanimous consent of the House to devote the remaining question periods in this calendar year to the topic of reproductive rights.

In my opinion this does not introduce a foreign element to the motion but simply expands on the original proposal.

I should emphasize, Honourable Members, that even if the amendment was adopted and the motion was carried as amended, before future question periods were to proceed as proposed, the Speaker would first have to determine whether there was indeed the unanimous consent of the House to proceed in this manner and devote the remaining question periods to the topic of reproductive rights.

Accordingly I find the amendment to be in order.

Mr. 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 adopted.

Mr. Speaker put the question on Motion 10 as amended as follows:

BE IT RESOLVED THAT the Legislative Assembly urge the government to cause any changes to abortion services that it has adopted or intends to adopt to be the subject of a debate in the House, part of which is currently underway.

BE IT FURTHER RESOLVED THAT the Speaker determine whether there is unanimous consent to dedicate the entire question periods remaining in the calendar year to the topic of reproductive health.

And the question being put, Motion 10 as amended was resolved in the affirmative.

Pursuant to Notice of Motion 9, Mr. Stewart moved, seconded by Mr. Alward:

WHEREAS the Energy East crude oil pipeline project will enable access to substantially more Canadian crude oil in Atlantic Canada, ensuring security of supply;

WHEREAS the City of Saint John has an ice-free deep water port facility, capable and experienced in managing the World's largest crude carrying vessels;

WHEREAS the construction of the Energy East crude oil pipeline project is in the national interest, as the ability to export crude from the east coast means that western Canadian producers will become less reliant on US markets, giving our producers access to global markets;

WHEREAS New Brunswick is the location of Canada's largest oil refinery;

WHEREAS New Brunswick has recent experience in working effectively with regulators and communities on energy pipeline projects;

WHEREAS the Energy East crude oil pipeline project will result in significant direct and indirect employment opportunities, both during the construction phase and in the long term, providing ongoing economic benefits for the whole province, our region, and the entire country;

WHEREAS Canadian crude oil supplied by pipeline to our refinery would decrease production costs and make the refined petroleum more competitive;

WHEREAS TransCanada Corporation has filed a formal project application for the Energy East crude oil pipeline project with the National Energy Board of Canada;

WHEREAS the Provinces of Ontario and Quebec should not create unnecessary barriers to the Energy East crude oil pipeline project by imposing additional processes and conditions that are not within their constitutional authority;

BE IT THEREFORE RESOLVED that the Legislative Assembly of New Brunswick re-affirms its unanimous support for the construction of the Energy East crude oil pipeline project to bring western crude oil to Saint John;

BE IT FURTHER RESOLVED that the Legislative Assembly of New Brunswick calls on Ontario and Quebec to recognize the National Energy Board as the appropriate body to review the Energy East crude oil pipeline project.

And the question being put, a debate ensued.

Mr. Speaker interrupted the proceedings and requested that Mr. Stewart withdraw the term “hypocritical”, which he did.

And after some time, Mr. Speaker interrupted proceedings and announced that the hour of daily adjournment had arrived.

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

The following documents, having been deposited with the Clerk of the House, were deemed laid upon the table of the House pursuant to Standing Rule 39:

Annual Report 2013-2014 Department of Natural Resources	December 17, 2014
Annual Report 2013-2014 Maritime Provinces Higher Education Commission	December 17, 2014