

Daily sitting 20

Tuesday, March 23, 2021

1 o'clock p.m.

Prayers.

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

STATEMENT BY SPEAKER

Honourable Members,

I am now prepared to rule on the question of privilege raised by the Member for Kent North.

In stating his question of privilege, the Member referred to a report that was distributed to members of the Legislative Administration Committee in only one language, at an *in camera* meeting, which the Member submitted was an obstruction of his ability to perform his duties as a member of the Committee.

The Member further submitted that the said obstruction was a breach of his privileges as a Member and gave notice of his intention to move a motion calling upon the House to refer the matter to the Standing Committee on Procedure, Privileges and Legislative Officers.

Members, Standing Rule 9(3) is quite clear when it comes to questions of privilege. It states that the Speaker shall not accept such a motion unless satisfied that there is a *prima facie* case (meaning on first impression or at first glance) that a breach of privilege has been committed and that the matter is being raised at the earliest opportunity.

If the Speaker is convinced these two conditions are satisfied, the Member who has raised the question will be permitted to immediately move his motion, which will take precedence over all other business before the House. The Speaker's ruling does not extend to deciding whether a breach of privilege has in fact been committed. This is a matter which can only be decided by the House itself.

Given that the Committee meeting in question took place on February 18, 2021, and the Member raised the matter on the first day, March 17, not including budget day, that the House has sat since that date, I am satisfied the matter has been raised at the earliest opportunity.

As has been submitted, on the day in question, the Office of the Clerk provided Committee members with a 38-page draft report, technical in nature, prepared by a private sector entity. The draft report was only submitted by the private sector entity in one language, however, included with the report was a summary of its contents, in both official languages, prepared and professionally translated by the Office of the Clerk. The Office also scheduled a briefing on the report for Committee members in both official languages.

When the report was up for consideration, the Member for Kent North raised his objection to the report only being in one language. As Chair of the Committee, I immediately set aside that item for consideration until all Members had the draft report in both official languages. No further discussions took place on the report.

Following the meeting, the Clerk apologized to the Member for Kent North for this oversight, assured him it would not be repeated, and discussed with the Member how we can move forward with the resources at our disposal. The Member was clear with his justified position that all documentation must be translated and, to that end, I am pleased to announce that we recently hired two new junior translators. But more needs to be done, and I commit to you that more will be done.

The draft report in question has now been translated and was provided to all Committee members on March 9, 2021.

I certainly understand the Member's frustration for not initially receiving the draft report in his language of choice, and I echo the Clerk's apology and commitment to ensure that, going forward, Members of the Legislative Administration Committee are provided with any and all documentation, in their official language of choice, before it is taken into consideration by the Committee.

In the year 2000, the practice at the House of Commons, with all of their resources, was to let a committee decide whether to accept and distribute documents from the public in only one language, pending translation, or wait for translation to be completed before the distribution of the documents. As the Member for Kent North submitted, the practice now at the House of Commons, in the year 2021, is to never distribute any document from the public in one language.

This is the bar that we must meet, as the Legislative Assembly of the only bilingual province in Canada. I understand patience in this matter is not an option. Members have rights that must be respected, and I assure you today that they will be respected.

There is no doubt in the statement that Members are entitled to receive documents in the official language of their choice. At the same time, members of the public have the right to communicate with a parliamentary committee in their language of choice. Balancing these rights may be difficult, and will require additional resources, but it is necessary and must be done to ensure we respect our language obligations, and more importantly, that we respect each other and all New Brunswickers.

Now, with respect to the question of privilege and whether there is a *prima facie* case that a breach of privilege has been committed, I have reviewed the relevant authorities and a previous ruling by a well-respected Speaker of this House. During the first session of the 52nd Legislature, Madam Speaker Dysart found that a *prima facie* case did exist when a Member was denied the translation of briefs presented to a Select Committee. The argument by the Member at that time was similar to what has been argued in this matter. The lack of translation impaired the Member's ability to fulfil her role on the Select Committee.

However, there is one difference, which I find significant. In the matter before us today, the Member for Kent North was not denied the translation of the draft report. Instead, consideration of the report was immediately set aside until it could be translated, which has now taken place and the translated report has been provided to all Committee members.

For that reason, I find the Member has not established that the matter in question could be found to constitute obstruction from performing his duties as a Member and, accordingly, I must find that a *prima facie* matter of privilege has not been established.

My ruling today should not be taken, in any way, as diminishing the importance of the rights of Members to use their official language of choice. As I stated previously, the Speaker's ruling on a question of privilege is limited to deciding whether the particular incident raised by the Member warrants priority consideration over all other matters that are before the House.

I want to thank the Member for Kent North for raising this important matter. He is a strong advocate for language rights and a valued Member of this Assembly. Going forward, I wish to reiterate, once again, that I will ensure that Members of the Legislative Administration Committee receive all documentation in their language of choice. And I advise other committees of this House to do the same. Thank you.

Mr. Ames, Member for Carleton-York, laid upon the table of the House a petition urging government to upgrade the Campbell Settlement and Stairs Hill Roads. (Petition 6)

Mr. McKee gave Notice of Motion 62 that on Thursday, April 1, 2021, he would move the following resolution, seconded by Mr. LePage:

THAT an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House all information including documentation, notes, memos, minutes, records, correspondence, however stored, electronically or otherwise, including but not limited to e-mails, mobile to mobile device communication, and SMS text messages between members of the Executive Council, the Premier's Office, the Department of Finance and Treasury Board, the Department of Health, the Department of Justice and Public Safety, Cannabis New Brunswick, the Cannabis Management Corporation, Alcool NB Liquor, their staff, employees, agents, and contractors, and all third parties, related to discussions and meetings regarding the issuance of a request for proposals issued for a single private entity to operate, distribute, and sell recreational cannabis in New Brunswick, and the subsequent evaluation of and negotiations with the eight proponents, including the terms and conditions of the final negotiations with the sole remaining proponent.

Hon. Mr. Savoie, Government House Leader, announced that it was the intention of government that Bills 32, 45, 38, 40, 33, 34, 36, 37, 41, 42, 43, 44 and 35 be called for second reading until 4 p.m.; at which time the House would resume the adjourned debate on the Budget.

Debate resumed on the adjourned debate on the motion that Bill 32, *An Act to Amend the Gasoline and Motive Fuel Tax Act*, be now read a second time.

And after some time, Hon. Mr. Savoie moved the adjournment of the debate.

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

The Order being read for second reading of Bill 45, *An Act Respecting Municipal General Elections in 2021*, a debate arose thereon.

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

Accordingly, Bill 45, *An Act Respecting Municipal General Elections in 2021*, was read a second time and ordered referred to the Standing Committee on Economic Policy, as designated by the Government House Leader.

The Order of the Day for resuming the adjourned debate on the motion (Motion 28),

That this House approves in general the budgetary policy of the government, having been read,

The debate was resumed.

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

And then, 6 p.m., the House adjourned.

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

Annual Report 2019-2020

Department of Finance and Treasury Board March 18, 2021