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No. 35

Thursday, February 20, 1997.

8.30 o'clock a.m.

Prayers.

Documents Tabled

Hon. Mrs. Barry laid upon the Table of the House a document entitled Workplace Harassment Policy Regulation 86-49 and Workplace Harassment Guide for Municipal Employees

Message

Hon. Mr. McKenna delivered to Mr. Speaker a Message from Her Honour the Lieutenant-Governor and the said Message was read by Mr. Speaker, all the Members standing, and is as follows:

Fredericton, N.B.

February 20, 1997.

Mr. Speaker and Members of the Legislative Assembly:

I thank you for your Address and beg to assure you that I entertain the fullest confidence that in all your deliberations you will be guided by a most earnest desire to promote the happiness and prosperity of the people of this province.

(Sgd.) Margaret Norrie McCain,

Lieutenant-Governor.

Bills Introduced

The following Bills were introduced and read a first time:

By Hon. Mrs. Breault:

Bill 88, *New Brunswick Public Libraries Foundation Act.*

Bill 89, *An Act to Amend the Libraries Act.*

Ordered that the said Bills be read a second time at the next sitting.

Government Motions re Business of House

Hon. Mr. Frenette announced that the House would proceed with regular business and that following Private Members' Motions, the House resolve itself into a Committee of the Whole to consider legislation.

Third Reading

The following Bills were read a third time.

Bill 72, *An Act to Amend the Residential Property Tax Relief Act.*

Bill 73, *An Act to Amend the Municipalities Act*.

Ordered that the said Bills do pass.

Second Reading

The following Bills were read the second time and ordered referred to the Committee of the Whole House:

Bill 84, *An Act to Amend the Insurance Act*.

Bill 85, *An Act to Amend the Municipalities Act*.

Bill 86, *An Act to Amend the Community Planning Act*.

The Order being read for second reading of Bill 87, *An Act to Amend the Hospital Act*, a debate arose thereon.

And after some time, the debate was, on motion of Hon. Mr. Frenette, adjourned over.

Private Members' Motions

Motion 50 by Mr. D. Graham was, by leave of the House, withdrawn.

Motion 51 by Mr. Robichaud was, by leave of the House, withdrawn.

Motion 100 by Mr. Sherwood was, by leave of the House, withdrawn.

Motion 101 by Ms. Weir was, by leave of the House, stood over to Tuesday, March 4, 1997.

Pursuant to Notice of Motion 102, Hon. Mr. Valcourt moved, seconded by Mr. Robichaud:

WHEREAS the government has never considered the contribution of the cultural sector to be a fundamental mainstay of development of our heritage and economy;

BE IT THEREFORE RESOLVED that the Legislative Assembly request the government to make a priority of cultural development as a mainstay of our economic and social development on a par with the service and natural resources sectors.

And the question being put, a debate ensued.

And after some time, Hon. Mrs. Breault, seconded by Hon. Mrs. Mersereau, moved in amendment:

AMENDMENT

That Motion 102 be amended:

1. In the first paragraph, by deleting the words "has never considered" and inserting "considers", then deleting the word "mainstay of" and inserting "necessity for the".

2. In the second paragraph, by deleting the words "to make a priority of" and inserting "continue to support", by deleting the words "a mainstay" and inserting "an important element," by deleting the words "on a par with the service and natural resources sector" and inserting "and a vital part of New Brunswick's quality of life".

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

Hon. Mr. Valcourt interrupted proceedings and gave notice to the House, pursuant to Standing Rule 9(2) of his intention to raise a Question of Privilege.

Debate continued on the amendment.

And after some time, Mr. Mockler rose on a Point of Order, his point of order being that Hon. Mr. B. Thériault should table a copy of the letter to which he referred in debate.

Mr. Speaker ruled that there are certain practices followed with regard to Ministers tabling documents referred to and it is customary that Ministers table documents referred to in Ministerial Statements. However the practice is more flexible in debate where Members have often quoted from documents, but very few have been tabled.

Mr. Speaker ruled that it was unnecessary for the Minister to table the documents.

And after some time, Mr. Speaker interrupted proceedings and announced that the time allotted for Private Members' Motions had expired.

Committee of the Whole

The House resolved itself into a Committee of the Whole with Mr. O'Donnell in the Chair.

At 11.46 o'clock the Chairman declared a recess.

11.57 o'clock a.m.

The Committee resumed.

And after some time, the Chairman declared it to be 12.30 o'clock p.m. and left the Chair, to resume again at 2 o'clock p.m.

2 o'clock p.m.

Mr. Speaker resumed the chair and Mr. O'Donnell, the Chairman, after requesting Mr. Speaker revert to the Order of Presentations of Committee Reports, reported:

That the Committee had directed him to report progress on the following Bill:

Bill 44, *Harmonized Sales Tax Act*.

And the Committee asked leave to make a further report.

Pursuant to Standing Rule 78.1, Mr. Speaker then 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.

Hon. Mr. Valcourt rose on a Question of Privilege for which he had given two hours notice pursuant to Standing Rule 4(2). In stating his question of privilege, Hon. Mr. Valcourt noted that Bill 76, *An Act to Amend the Income Tax Act*, was before the Committee of the Whole and the said Bill referred to the *Income Tax Act* of Canada. Therefore, for Members to be able to discharge their duties as Members, they must be able to access the said legislation, citing a passage from paragraph 25 of *Beauchesne's Parliamentary Rules and Forms, 6th Edition*. However, the Legislative Assembly Library was unable to provide a copy of the *Income Tax Act*.

Hon. Mr. Valcourt then moved, seconded by Mr. Robichaud:

BE IT RESOLVED THAT the Standing Committee on Privileges determine whether or not Members' privileges are violated because the Legislative Assembly is not able to provide them with the necessary tools to discharge their responsibilities to consider proposed legislation.

Namely in the case of Bill 76, *An Act to Amend the Income Tax Act*, which incorporates by reference sections of the *Canada Income Tax Act* which *Act* cannot be provided by the Legislative Assembly to Members because of insufficient resources.

Hon. Mr. Frenette also spoke on the Question of Privilege indicating that the matter as raised attempted to broaden the definition of privilege. The Hon. Government House Leader added that all federal Acts should be available in the Legislative Library and if they are not, that shall be looked into.

Mr. Speaker indicated that the matter as raised pertained to the fact that the Legislative Library was unable to provide the Leader of the Opposition with a consolidated version of the federal *Income Tax Act* which is referred to in a Bill currently before the Committee of the Whole House.

In making his decision, Mr. Speaker indicated that he had taken the following into consideration: that Members cannot expect the House to provide them with all information they require and that Members have other avenues to access information.

And further, Mr. Speaker stated that the legislation in question was available in the Legislative Library but not in a consolidated format as the Hon. Leader had requested. Mr. Speaker noted that the Library

had ordered a consolidated version of the legislation for the use of all Members and Mr. Speaker further indicated that there had been no intent on the part of the Legislative Assembly to deprive the Members of information. Mr. Speaker ruled that a *prima facie* case of case of privilege had not been established.

Committee of the Whole

The House resolved itself into a Committee of the Whole with Mr. MacDonald in the Chair.

And after some time, Mr. O'Donnell took the Chair.

During consideration of Bill 44, *Harmonized Sales Tax Act*, Ms. Weir moved the following amendment:

AMENDMENT [section 1]

In section 1, by adding the following definition to the definition section:

"admission fee" means fee of more than two dollars that is charged to the public for admission or for attendance at or participation in any amusement, recreation, performance, or other event in a place of admission.

Mr. Chairman put the question and a debate ensued.

And a debate arising, after some time, the question having been put, the amendment was negatived on the following recorded division:

YEAS - 6

Mr. Sherwood	Hon. Mr. Valcourt	Mr. Volpé
Mr. Robichaud	Ms. Weir	Mr. D. Graham

NAYS - 30

Hon. Mr. Duffie	Mr. Doucet	Mr. Olmstead
Hon. Mr. Blanchard	Hon. Mr. Richard	Mr. Flynn
Hon. Mr. Frenette	Mr. Allaby	Mr. DeGrâce
Hon. Mrs. Barry	Mr. Steeves	Mr. MacDonald
Hon. Mr. Blaney	Mr. Wilson	Mr. Byrne
Mr. McKay	Mr. LeBlanc	Mr. Doyle
Hon. Mr. Tyler	Mr. Jamieson	Mr. D. Landry
Hon. Mr. Smith	Mr. Johnson	Mr. Armstrong
Mrs. Jarrett	Ms. de Ste. Croix	Mr. Devereux
Mr. McAdam	Mr. Kavanaugh	Mrs. Kingston

After some further time spent in consideration of Bill 44, *Harmonized Sales Tax Act*, Ms. Weir moved the following amendment:

AMENDMENT [section 1]

Section 1 is amended by adding the following definition to the definition section:

"participatory recreation" means swimming, golfing, skiing, bowling, horseback riding, handball, racquet ball, squash, or recreation normally associated with a sports or fitness facility.

And a debate arising, after some time, the question having been put, the amendment was negatived on the following recorded division:

YEAS - 5

Mr. Sherwood	Ms. Weir	Mr. D. Graham
Mr. Robichaud	Mr. Volpé	

NAYS - 28

Hon. Mr. Duffie	Hon. Mr. Richard	Mr. Olmstead
Hon. Mr. Blanchard	Mr. Allaby	Mr. Flynn

Hon. Mr. Frenette	Mr. Steeves	Mr. MacDonald
Hon. Mrs. Barry	Mr. Wilson	Mr. Byrne
Hon. Mr. Blaney	Mr. LeBlanc	Mr. Doyle
Mr. McKay	Mr. Jamieson	Mr. D. Landry
Hon. Mr. Tyler	Mr. Johnson	Mr. Armstrong
Hon. Mr. Smith	Ms. de Ste. Croix	Mr. Devereux
Mrs. Jarrett	Mr. Kavanaugh	Mrs. Kingston
Mr. McAdam		

After some further time spent in consideration of Bill 44, *Harmonized Sales Tax Act*, Ms. Weir moved the following amendment:

AMENDMENT [section 50]

Section 50 is amended by adding the following:

50(8)(a) Notwithstanding subsections (1) and (2) and section 55, no tax shall be imposed under this Act if the admission fee is paid with respect to an amateur performance.

And a debate arising, after some time, the question having been put, the amendment was negatived on the following recorded division:

YEAS - 5

Mr. Sherwood	Ms. Weir	Mr. D. Graham
Mr. Robichaud	Mr. Volpé	

NAYS - 25

Hon. Mr. Duffie	Mr. Allaby	Mr. MacDonald
Hon. Mr. Blanchard	Mr. Steeves	Mr. Byrne
Hon. Mr. Frenette	Mr. Wilson	Mr. MacLeod
Hon. Mr. Blaney	Mr. LeBlanc	Mr. Doyle
Hon. Mr. Tyler	Mr. Jamieson	Mr. D. Landry
Hon. Mr. Smith	Ms. de Ste. Croix	Mr. Armstrong
Mrs. Jarrett	Mr. Kavanaugh	Mr. Devereux
Mr. McAdam	Mr. Olmstead	Mrs. Kingston
Hon. Mr. Richard		

After some further time spent in consideration of Bill 44, *Harmonized Sales Tax Act*, Ms. Weir moved the following amendment:

AMENDMENT [section 50]

Section 50 is amended by adding the following:

50(8)(c) Notwithstanding subsections (1) and (2) and section 55, no tax shall be imposed under this Act if the admission fee is paid with respect to a performance sponsored by a community-based organization affiliated with the New Brunswick Arts Council Inc. or le Conseil de Promotion et de Diffusion de la Culture.

Mr. Chairman put the question and a debate ensued.

And after some time, Mr. Chairman declared it to be 6 o'clock and left the Chair, to resume again at 7 o'clock p.m.

7 o'clock p.m.

The Committee resumed.

And the debate continuing, after some time, the question having been put, the amendment was negatived on the following recorded division:

YEAS - 4

Mr. Sherwood Mr. Volpé Mr. D. Graham
Ms. Weir

NAYS - 25

Hon. Mr. Duffie	Mr. Steeves	Mr. MacDonald
Hon. Mr. Blanchard	Mr. Wilson	Mr. Byrne
Hon. Mr. Frenette	Mr. LeBlanc	Mr. MacLeod
Hon. Mr. Tyler	Mr. Jamieson	Mr. Doyle
Hon. Mrs. Mersereau	Mr. A. Landry	Mr. D. Landry
Hon. Mr. Smith	Mr. Johnson	Mr. Armstrong
Mrs. Jarrett	Mr. Kavanaugh	Mr. Devereux
Mr. McAdam	Mr. DeGrâce	Mrs. Kingston
Mr. Allaby		

At the request of Hon. Mr. Frenette, the Chairman reverted to the Order of Introduction of Guests and Hon. Mr. Frenette welcomed to the House William Malenfant, Liberal Member of the Legislative Assembly from 1974 to 1982.

And after some further time spent in consideration of Bill 44, *Harmonized Sales Tax Act*, Ms. Weir moved the following amendment:

AMENDMENT [section 50]

Section 50 is amended by adding the following:

50(8) Notwithstanding subsections (1) and (2) and section 55, no tax shall be imposed under this Act if the admission fee is paid with respect to a theatrical or musical performance by a professional performing arts company if the professional performing arts company is based in New Brunswick.

And a debate arising, after some time, the question having been put, the amendment was negatived on the following recorded division:

YEAS - 5

Mr. Sherwood	Ms. Weir	Mr. D. Graham
Mr. Robichaud	Mr. Volpé	

NAYS - 27

Hon. Mr. Blanchard	Hon. Mr. Richard	Mr. DeGrâce
Hon. Mr. Frenette	Hon. Mrs. Day	Mr. MacDonald
Hon. Mr. King	Mr. Allaby	Mr. Byrne
Hon. Mr. Tyler	Mr. Steeves	Mr. MacLeod
Hon. Mrs. Mersereau	Mr. Wilson	Mr. Doyle
Hon. Mr. Smith	Mr. Jamieson	Mr. D. Landry
Mrs. Jarrett	Mr. A. Landry	Mr. Armstrong
Mr. McAdam	Mr. Johnson	Mr. Devereux
Hon. Mr. MacIntyre	Mr. Kavanaugh	Mrs. Kingston

And after some further time spent in consideration of Bill 44, *Harmonized Sales Tax Act*, Ms. Weir moved the following amendment:

AMENDMENT [section 50]

Section 50 is amended by adding the following:

50(8) Notwithstanding subsections (1) and (2) and section 55, no tax shall be imposed under this Act with respect to an admission to a museum or historical site, wildlife park, zoo, provincial park or national park.

And a debate arising, after some time, the question having been put, the amendment was negatived on the following recorded division:

Mr. Sherwood	Mr. Mockler	Mr. Volpé
Mr. Robichaud	Ms. Weir	Mr. D. Graham

NAYS - 24

Hon. Mr. Blanchard	Hon. Mr. Richard	Mr. DeGrâce
Hon. Mr. Frenette	Mr. Allaby	Mr. MacDonald
Hon. Mr. King	Mr. Steeves	Mr. Byrne
Hon. Mrs. Mersereau	Mr. Wilson	Mr. MacLeod
Hon. Mr. Lockyer	Mr. Jamieson	Mr. Doyle
Hon. Mr. Smith	Mr. A. Landry	Mr. D. Landry
Mr. McAdam	Mr. Johnson	Mr. Devereux
Hon. Mr. MacIntyre	Mr. Kavanaugh	Mrs. Kingston

And after some further time spent in consideration of Bill 44, *Harmonized Sales Tax Act*, Ms. Weir moved the following amendment:

AMENDMENT [section 50]

Section 50 is amended by adding the following:

50(8) Notwithstanding subsections (1) and (2) and section 55, no tax shall be imposed under this Act with respect to an admission to a bona fide agricultural fair, a bona fide fisheries festival or a community festival.

And a debate arising, after some time, the question having been put, the amendment was negatived on the following recorded division:

YEAS - 6

Mr. Sherwood	Mr. Mockler	Mr. Volpé
Mr. Robichaud	Ms. Weir	Mr. D. Graham

NAYS - 24

Hon. Mr. Blanchard	Mr. McAdam	Mr. Kavanaugh
Hon. Mr. Frenette	Hon. Mr. MacIntyre	Mr. MacDonald
Hon. Mr. King	Mr. Allaby	Mr. Byrne
Hon. Mr. Tyler	Mr. Steeves	Mr. MacLeod
Hon. Mrs. Mersereau	Mr. Wilson	Mr. Doyle
Hon. Mr. Lockyer	Mr. Jamieson	Mr. D. Landry
Hon. Mr. Smith	Mr. A. Landry	Mr. Devereux
Hon. Mrs. Trenholme	Mr. Johnson	Mrs. Kingston

And after some further time spent in consideration of Bill 44, *Harmonized Sales Tax Act*, Ms. Weir moved the following amendment:

AMENDMENT [section 50]

Section 50 is amended by adding the following:

50(8) No tax is payable under this Act with respect to an admission fee for a dance conducted by a municipality, the provincial or federal government, a community organization or an educational institution.

And a debate arising, after some time, the question having been put, the amendment was negatived on the following recorded division:

YEAS - 5

Mr. Sherwood	Ms. Weir	Mr. D. Graham
Mr. Robichaud	Mr. Volpé	

Hon. Mr. Duffie	Mr. McAdam	Mr. Kavanaugh
Hon. Mr. Blanchard	Hon. Mr. MacIntyre	Mr. MacDonald
Hon. Mr. Frenette	Mr. Allaby	Mr. Byrne
Hon. Mr. King	Mr. Steeves	Mr. MacLeod
Hon. Mr. Tyler	Mr. Wilson	Mr. Doyle
Hon. Mrs. Mersereau	Mr. Jamieson	Mr. D. Landry
Hon. Mr. Lockyer	Mr. A. Landry	Mr. Devereux
Hon. Mr. Smith	Mr. Johnson	Mrs. Kingston
Hon. Mrs. Trenholme		

And after some further time spent in consideration of Bill 44, *Harmonized Sales Tax Act*, Ms. Weir moved the following amendment:

AMENDMENT [section 50]

Section 50 is amended by adding the following:

50(8) Notwithstanding subsections (1) and (2) and section 55, no tax shall be imposed if the admission fee is paid with respect to a participatory recreation.

And a debate arising, after some time, the question having been put, the amendment was negatived on the following recorded division:

YEAS - 5

Mr. Sherwood	Ms. Weir	Mr. D. Graham
Mr. Robichaud	Mr. Volpé	

NAYS - 22

Hon. Mr. Blanchard	Mr. McAdam	Mr. Kavanaugh
Hon. Mr. Frenette	Hon. Mr. MacIntyre	Mr. O'Donnell
Hon. Mr. King	Mr. Allaby	Mr. Byrne
Mr. McKay	Mr. Steeves	Mr. MacLeod
Hon. Mr. Tyler	Mr. Wilson	Mr. Doyle
Hon. Mr. Lockyer	Mr. Jamieson	Mr. D. Landry
Hon. Mr. Smith	Mr. A. Landry	Mrs. Kingston
Hon. Mrs. Trenholme		

And after some further time spent in Committee of the Whole, Mr. Speaker resumed the chair and Mr. MacDonald, the Chairman, after requesting Mr. Speaker revert to the Order of Presentations of Committee Reports, reported:

That the Committee had directed him to report progress on the following Bill:

Bill 44, *Harmonized Sales Tax Act*.

And the Committee asked leave to make a further report.

Pursuant to Standing Rule 78.1, Mr. Speaker then 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.

Committee of Supply

The House, according to Order, resolved itself into a Committee of Supply with Mr. O'Donnell in the Chair.

And after some time spent in Committee of Supply, Mr. Speaker resumed the Chair and Mr. O'Donnell, the Chairman, after requesting that Mr. Speaker revert to Presentations of Committee Reports,

reported that the Committee had made some progress in the consideration of the matters referred to them, had passed several items and asked leave to sit again.

Pursuant to Standing Rule 78.1, Mr. Speaker put the question on the motion deemed to be before the House, that the report be concurred in, and it was resolved in the affirmative.

The following are the items reported:

SUPPLEMENTARY ESTIMATES 1996 - 1997

ORDINARY ACCOUNT

Voted, Supply in the following amounts to defray the expenses of the following programs:

DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM

17 02 Industrial Development and Tourism Programs 2,191,700

17 04 Information Highway 0

DEPARTMENT OF FINANCE

25 01 Financial and Human Resource Management (3,694,400)

GENERAL GOVERNMENT

32 23 Services New Brunswick 3,694,400

HUMAN RESOURCES DEVELOPMENT - NB

76 02 Income Security 0

LEGISLATIVE ASSEMBLY

52 01 Members' Allowances and Committees 238,900

DEPARTMENT OF NATURAL RESOURCES AND ENERGY

60 01 Timber Management 1,500,000

60 05 Corporate Services (48,100)

60 06 Natural Resources Development Projects (14,100)

60 08 Parks Management (2,129,500)

60 23 Supplementary Silviculture 2,500,000

SUPPLEMENTARY CAPITAL ESTIMATES 1997 - 1998

ORDINARY ACCOUNT

Voted, Supply in the following amounts to defray the expenses of the following programs:

DEPARTMENT OF ADVANCED EDUCATION AND LABOUR

62 01 Corporate Services 394,400

62 04 Student Assistance 25,542,400

62 15 Employment Development 43,303,600

HUMAN RESOURCES DEVELOPMENT - NB

76 02 Income Security 5,571,600

The said items were concurred in by the House.

And then, 10.00 o'clock p.m., the House adjourned.