

7/19/2019

May 12

May 12, 2005 HOUSE OF ASSEMBLY PROCEEDINGS Vol. XLV No. 25FIRST
Reading

The House met at 1:30 p.m

MR. SPEAKER (Hodder): Order, please!

Admit strangers.

This afternoon the Speaker would like to make several rulings. The Speaker wishes to rule on a point of privilege raised by the Leader of the Opposition on Thursday, April 21, relative to comments made by the Premier in the House of Assembly on Wednesday, April 20. At that time, the Premier was commenting on security arrangements in and around the Confederation Building Complex.

To constitute a breach of parliamentary privilege, there must be some improper obstruction to a member in the performance of his or her parliamentary work. Maingot, Second Edition, page 14, states, "To constitute 'privilege' generally there must be some improper obstruction to the Member in performing his parliamentary work in either a direct or constructive way, as opposed to mere expression of public opinion or of criticisms of the activities of the Members...".

Again, to quote Speaker Lucien Lamoureux, in the Canadian House of Commons in 1971, he said, "...parliamentary privilege does not go much beyond the right of free speech in the House of Commons and the right of a member to discharge his duties in the House as a member of the House of Commons..." - Debates.

The Speaker rules that the Leader of the Opposition did not establish a prima facie case of breach of parliamentary privilege. While the Leader of the Opposition may disagree with the comments of the Premier, there is nothing in the records of Hansard on this issue that obstructs the Leader of the Opposition in the performance of his parliamentary work, including his right to free speech.

The Speaker also wishes to rule on a point of order raised on Wednesday afternoon, May 11, by the Leader of the Opposition relative to his disagreement with comments made by the Minister of Fisheries and Aquaculture during Question Period.

The point of order was raised on a timely basis; however, points of order must deal with matters concerning breaches of Standing Orders, a breach of the rules of relevance or repetition, unparliamentary language, lack of a quorum, or some other matter relating to the interpretation of the rules of procedure. In this instance there was disagreement between the Leader of the Opposition and the Minister of Fisheries and Aquaculture, and disagreement is a matter of debate rather than interpretation of the procedure rules. The Chair rules there is no point of order.

Before the Chair proceeds to another decision, he would like to comment on a ruling made yesterday on a point of order raised by the Member for Twillingate & Fogo. The member rose on a point of order and the Speaker ruled there was no point of order. The member then stood on a point of privilege on the same matter and the Chair ruled that the matter raised was a disagreement between two hon. members and did not constitute a prima facie case of breach of privilege.

For the general guidance of all members, the Chair would like to further clarify that, when a ruling is made on a point of order, members should not raise the same matter as a point of privilege, and vice versa. To quote Marleau and Montpetit, page 543, it states it this way, "A Member may not rise on a point of order to discuss a matter which the Speaker has already ruled was not a question of privilege or to raise a matter as a question of privilege after the Speaker has ruled that it was not a point of order."

I just mention that for members' clarification, and no reflection at all on the comments made yesterday, or decisions of yesterday at all, but so that members could have that commentary for their general reference.

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Leave has been withdrawn.

The hon. the Government House Leader.

MR. E. BYRNE: Thank you, Mr. Speaker.

We do not mind providing common courtesies to each other but, before I move to Orders of the Day - I understand this is an emotional issue, it is a petition - I say to the Member for Twillingate & Fogo, let's try to abide by those common courtesies. When taking a couple of feet, let's not go for the mile.

Mr. Speaker, Orders of the Day.

SOME HON. MEMBERS: Oh, oh!

Orders of the Day

MR. SPEAKER: Order, please!

MR. E. BYRNE: Thank you, Mr. Speaker.

Mr. Speaker, I want to go through a number of motions that -

MR. REID: You are talking (inaudible).

MR. E. BYRNE: I am just talking between ourselves, in terms of the petitions, I say to the Member for Twillingate & Fogo.

MR. REID: You are talking into a camera. That is not (inaudible).

MR. E. BYRNE: Pardon me?

MR. REID: You are talking into a camera. That is not (inaudible) -

MR. E. BYRNE: I will give you time to talk about it if you want.

MR. SPEAKER: The hon. the Government House Leader.

MR. E. BYRNE: Mr. Speaker, what I would like to suggest is, I have a number of motions to put forward, or to call, that would give first readings, which would allow us the opportunity to distribute about fourteen bills. Would it be, I think, most appropriate if I just referenced the motion and bill numbers all at one time and then you can call them individually after? Would that be acceptable?

MR. SPEAKER: If that is acceptable to the House, then I do gather that there is consent.

MR. E. BYRNE: Thank you, Mr. Speaker.

Motion 1, Mr. Speaker, the hon. the Minister of Finance and President of Treasury Board -

AN HON. MEMBER: (Inaudible).

MR. E. BYRNE: Pardon me?

AN HON. MEMBER: (Inaudible).

MR. E. BYRNE: Sorry about that.

Mr. Speaker, Motion 2, under my own name, the hon. the Government House Leader, to ask leave to introduce a bill entitled, An Act Respecting The Management Of Government Information For The Province. (Bill 16)

Motion 3, the hon. the Minister of Health and Community Services to ask leave to introduce a bill entitled, An Act Respecting The Practice Of Medicine In The Province. (Bill 21)

Motion 4, the hon. the Minister of Natural Resources, myself, to ask leave to introduce a bill entitled, An Act To Amend The Natural Products Marketing Act And The Farm Practices Protection Act. (Bill 22)

Motion 5, in the name of the hon. the Minister of Fisheries and Aquaculture, to ask leave to introduce a bill entitled, An Act To Amend The Aquaculture Act. (Bill 19)

Motion 6, under the name of the hon. the Minister of Finance and President of Treasury Board, to ask leave to introduce a bill entitled, An Act To Revise The Law Respecting The Guarantee Of Loans To Local Authorities. (Bill 23)

Motion 7, in the name of the hon. the Minister of Finance and President of Treasury Board, to ask leave to introduce a bill entitled, An Act To Revise The Law About Pensions For The Members Of The House Of Assembly. (Bill 24)

Motion 8, the hon. the Minister of Government Services to ask leave to introduce a bill entitled, An Act To Amend The Automobile Insurance Act. (Bill 26)

Motion 9, the hon. the Minister of Government Services to ask leave to introduce a bill entitled, An Act To Amend The Insurance Companies Act. (Bill 27)

Motion 10, in the name of the hon. the Minister of Transportation and Works, and Minister Responsible for Aboriginal Affairs, to ask leave to introduce a bill entitled, An Act To Amend The Labrador Inuit Land Claims Agreement Act. (Bill 28)

Motion 11, in the name of the hon. the Minister of Municipal and Provincial Affairs, to ask leave to introduce a bill entitled, An Act To Amend The Municipalities Act, 1999 And The Municipal Elections Act. (Bill 29)

Motion 12, the hon. the Minister of Justice and Attorney General to ask leave to introduce a bill entitled, An Act To Amend The Law Society Act, 1999. (Bill 30)

Motion 13, in the name of myself, the Minister of Natural Resources, to ask leave to introduce a bill entitled, An Act To Amend The Canada-Newfoundland And Labrador Atlantic Accord Implementation Newfoundland And Labrador Act. (Bill 31)

Motion 14, again in my name as the Minister Responsible for Natural Resources, to ask leave to introduce a bill entitled, An Act To Amend The Forestry Act. (Bill 32)

That is it, Mr. Speaker.

MR. SPEAKER: It is moved and seconded that the following ministers shall have leave to introduce bills entitled as follows:

Bill 16, in the name of the hon. the Government House Leader, An Act Respecting The Management Of Government Information For The Province.

Bill 21, in the name of the Minister of Health and Community Services, An Act Respecting The Practice Of Medicine In The Province.

Bill 22, in the name of the Minister of Natural Resources, An Act To Amend The Natural Products Marketing Act And The Farm Practices Protection Act.

Bill 19, in the name of the Minister of Fisheries and Aquaculture, An Act To Amend The Aquaculture Act.

Bill 23, in the name of the Minister of Finance and President of Treasury Board, An Act To Revise The Law Respecting The Guarantee Of Loans To Local Authorities.

Bill 24, in the name of the Minister of Finance and President of Treasury Board, An Act To Revise The Law About Pensions For Members Of The House Of Assembly.

Bill 26, in the name of the Minister of Government Services, An Act To Amend The Automobile Insurance Act.

Bill 27, in the name of the Minister of Government Services, An Act To Amend The Insurance Companies Act.

Bill 28, in the name of the Minister of Transportation and Works, and Minister Responsible for Aboriginal Affairs, An Act To Amend The Labrador Inuit Land Claims Agreement Act.

Bill 29, in the name of the Minister of Municipal and Provincial Affairs, An Act To Amend The Municipalities Act, 1999 and the Municipal Elections Act.

Bill 30, in the name of the hon. Minister of Justice and Attorney General, An Act To Amend The Law Society Act, 1999.

Bill 31, in the name of the Minister of Natural Resources, An Act To Amend the Canada-Newfoundland And Labrador Atlantic Accord Implementation Newfoundland And Labrador Act (Bill 31)

Bill 32, in the name of the Minister of Natural Resources, An Act To Amend The Forestry Act.

Is it the pleasure of the House that these hon. ministers shall have leave to introduce these named bills?

All those in favour, 'Aye'.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: All those against, 'nay'.

Carried.

Motion, the hon. the Government House Leader to introduce a bill, "An Act Respecting The Management of Government Information For The Province," carried. (Bill 16)

Motion, the hon. the Minister of Health and Community Services to introduce a bill, "An Act Respecting The Practice of Medicine In The Province," carried. (Bill 21)

Motion, the hon. the Minister of Natural Resources to introduce a bill, "An Act To Amend The Natural Products Marketing Act And The Farm Practices Protection Act," carried. (Bill 22)

Motion, the hon. the Minister of Fisheries and Aquaculture to introduce a bill, "An Act To Amend The Aquaculture Act," carried. (Bill 19)

Motion, the hon. the Minister of Finance and President of Treasury Board to introduce a bill, "An Act To Revise The Law Respecting The Guarantee Of Loans To Local Authorities," carried. (Bill 23)

Motion, the hon. the Minister of Government Services to introduce a bill, "An Act To Amend The Automobile Insurance Act," carried. (Bill 26)

Motion, the hon. the Minister of Government Services to introduce a bill, "An Act To Amend The Insurance Companies Act," carried. (Bill 27)