

The House met at 2:00 p.m.

Prayers.

### **SPEAKER'S RULING**

Mr. Speaker made the following Ruling raised by the Member for Richmond on April 17th.

“On Thursday, April 17<sup>th</sup>, the Member for Richmond rose on a Point of Privilege. The Member complained that during debate in the Sub-committee on Supply concerning the Estimates of the Minister of Justice and Attorney General, the Minister of Justice had refused to answer a question and had asserted “Ministerial Privilege.” While the authorities do not contain anything under that specific heading, the Rules, Usages and Precedents governing this House are clear that a Minister is not bound to answer every question put to that Minister.

Previous Speakers have ruled on this point and the authorities support that principle. On November 12, 1974, the then Speaker the Honourable Vincent MacLean had this to say:

‘A minister may decline to answer a question without stating the reason for his refusal and insistence of a member is out of order. No debate is permissible. A minister may refuse to answer on the ground of public interest and that refusal of a minister to answer on this ground cannot be raised as a matter of privilege. A member can ask a question but he cannot insist upon an answer.’

This is set out in Beauchesne.

He also went on to say:

‘The practice is again confirmed in Philip Lundy’s book On The Speaker, when he states, “Any Minister has the right to answer or not to answer if he thinks proper, and if he pleases to enter into a justification of his conduct and give reason before he gives his

answers to the question.'

Marleau also points out that a Minister's refusal to answer a question may not be questioned or treated as the subject of a point of order or point of privilege. Rule 1 of our Rules provides that proceedings in all committees are conducted under the same rules as the House. This includes the Sub-committee on Supply. Accordingly, I find that there is not a *prima facie* case of a matter of privilege.

The Member also asked me to rule whether the Minister's knowledge of certain matters constituted a breach of the Code of Ministerial Conduct or a breach of the Freedom of Information and Protection of Privacy Act.

The Member would know that any questions regarding the Ministerial Code of Conduct are to be raised with the Conflict of Interest Commissioner under the procedures set out in the Members and Public Employees Disclosure Act and not with the Speaker.

Similarly, it is not the role of the Speaker to make legal findings on whether provincial statutes have been breached, so I will not be considering either of these points."

#### **TABLING REPORTS, REGULATIONS AND OTHER PAPERS**

Pursuant to the order, the Hon. Ms. Purves, Minister of Health, tabled the following report:

Annual Report of the Psychiatric Facilities Review Board for April 1, 2001-March 31, 2002.

#### **STATEMENTS BY MINISTERS**

Pursuant to the order, the Hon. Ms. Purves, Minister of Health rose to advise the House about the latest developments in the work to control the spread of SARS.

Comments were made by Ms. M. MacDonald and Mr. Smith.

**GOVERNMENT NOTICES OF MOTION**

Pursuant to the order, the following notices were passed in at the Clerk's table:

Res. No. 784 - Hon. Mr. LeBlanc, Minister of Finance - the NDP and Liberals must admit cutting income taxes is a sound decision.

Res. No. 785 - Hon. Mr. R. MacDonald, Minister of Tourism and Culture - recognition of Nova Scotian volunteers.

With the unanimous consent of the House, the usual two days' notice was waived and the motion carried nem con.

Res. No. 786 - Hon. Mr. MacIsaac, Minister of Education - recognizing the contribution of Nova Scotian authors.

With the unanimous consent of the House, the usual two days' notice was waived and the motion carried nem con.

Res. No. 787 - Hon. Mr. Clarke, Minister of Economic Development - congratulations to businessmen obtaining entrepreneur awards.

With the unanimous consent of the House, the usual two days' notice was waived and the motion carried nem con.

Res. No. 788 - Hon. Mr. Baker, Minister of Transportation and Public Works - best wishes to Donald Marshall Jr. for a complete recovery.

With the unanimous consent of the House, the usual two days' notice was waived and the motion carried nem con.

Res. No. 789 - Hon. Ms. Purves, Minister of Health - congratulations to Dr. Ivar Mendes and his team on receipt of an award.

With the unanimous consent of the House, the usual two

days' notice was waived and the motion carried nem con.

### **INTRODUCTION OF BILLS**

The following bill was introduced by the following Member,  
read a first and ordered to be read a second time on a future day:

**No. 40. An Act to Amend Chapter 141 of the Acts of  
1918,**

**An Act to Amend and Consolidate the Acts  
Respecting the Sisters of Saint Martha**

**(Hon. Mr. MacIsaac - Antigonish)**

### **NOTICES OF MOTION**

Pursuant to the order, the following notices were passed in at  
the Clerk's table:

Res. No. 790 - Mr. MacKinnon, Cape Breton West - Peter  
O'Brien must use the disclaimer that this is a paid political  
announcement.

Res. No. 791 - Mr. Dexter, Leader of the Opposition -  
remembrance of the late Jack Donahoe.

With the unanimous consent of the House, the usual two  
days' notice was waived and the motion carried nem con.

Res. No. 792 - Mr. Taylor, Colchester-Musquodoboit Valley  
- congratulations to the Daily News on its format change.

With the unanimous consent of the House, the usual two  
days' notice was waived and the motion carried nem con.

Res. No. 793 - Mr. MacKinnon, Cape Breton West - urging  
Peter O'Brien to register as a lobbyist.

Res. No. 794 - Mr. MacDonell, Hants East - congratulations  
to John Boyd on receipt of a sportsmanship award.

With the unanimous consent of the House, the usual two days' notice was waived and the motion carried nem con.

Res. No. 795 - Mr. Hendsbee, Preston - the NDP acknowledges that the government's lower tax plan is more in keeping with the government in Manitoba.

Res. No. 796 - Mr. M. MacDonald, Cape Breton South - the government could have done more re auto insurance earlier.

Res. No. 797 - Mr. Robert Chisholm, Halifax Atlantic - congratulations to the Black Cultural Centre and Dalhousie Student Union for presenting the Freetong Players.

With the unanimous consent of the House, the usual two days' notice was waived and the motion carried nem con.

Res. No. 798 - Mr. Carey, Kings West - unless we lower taxes new jobs and investment will go elsewhere.

Res. No. 799 - Mr. MacEwan, Cape Breton Nova - the Tories are pushing their campaign promises over the \$1 billion dollar mark.

Res. No. 800 - Mr. Estabrooks, Timberlea-Prospect - congratulations to Randy Arsenault and members of the St. Margaret's Bay Minor Basketball Association on receipt of Volunteer Awards.

With the unanimous consent of the House, the usual two days' notice was waived and the motion carried nem con.

Res. No. 801 - Mr. Barnet, Sackville-Beaver Bank - the NDP and Liberals must recognize cutting taxes stimulates growth.

Res. No. 802 - Mr. MacDonell, Hants East - congratulations to the congregation of Lantz United Church on their 42<sup>nd</sup> anniversary.

With the unanimous consent of the House, the usual two

days' notice was waived and the motion carried nem con.

Res. No. 803 - Mr. Ron Chisholm, Guysborough-Port Hawkesbury - the NDP and Liberals should congratulate the government of Manitoba.

Res. No. 804 - Mr. Samson, Richmond - Nova Scotians will not forget the Premier has broken his promise re borrowing of monies.

Res. No. 805 - Hon. Mr. Fage, Minister of Energy - the NDP should meet with Liberals and tell them they were wrong to oppose lower taxes.

Res. No. 806 - Mr. Hendsbee, Preston - congratulations to the Lake Echo and Area Volunteer Fire Department on its 30<sup>th</sup> anniversary.

With the unanimous consent of the House, the usual two days' notice was waived and the motion carried nem con.

Res. No. 807 - Mr. Chataway, Chester-St. Margaret's - encouraging Candice Bergen to return to Chester for her enjoyment.

With the unanimous consent of the House, the usual two days' notice was waived and the motion carried nem con.

Res. No. 808 - Mr. Dooks, Eastern Shore - congratulations to those organizing a dinner theatre at Musquodoboit Harbour.

With the unanimous consent of the House, the usual two days' notice was waived and the motion carried nem con.

Res. No. 809 - Hon. Mr. Muir, Minister of Justice - congratulations to Truro Kwik Kopy Bantam Triple A Bearcats on their hockey success.

With the unanimous consent of the House, the usual two days' notice was waived and the motion carried nem con.

Res. No. 810 - Hon. Mr. R. MacDonald, Minister of Tourism and Culture - commending the Margaree Anglers Association for its sponsorship of the Margaree Salmon Museum.

With the unanimous consent of the House, the usual two days' notice was waived and the motion carried nem con.

Res. No. 811 - Hon. Mr. Baker, Minister of Transportation and Public Works - best wishes to Brittany Sutherland, Crystal Lausanne and Johnnie Cruickshank on an upcoming competition.

With the unanimous consent of the House, the usual two days' notice was waived and the motion carried nem con.

Res. No. 812 - Mr. Chipman, Annapolis - congratulations to the Bridgetown junior badminton club on their success.

Hon. 813 - Hon. Mr. LeBlanc, Minister of Finance - congratulations to April Hubbard on receipt of a volunteer award.

Res. No. 814 - Hon. Mr. LeBlanc, Minister of Finance - congratulations to Edward LeBlanc on receipt of a volunteer award.

Res. No. 815 - Hon. Mr. Christie, Minister of Service Nova Scotia and Municipal Relations - congratulations to Ian Robinson on receipt of a volunteer award.

Res. No. 816 - Mr. Morash, Queens - congratulations to Joshua Uhlman on receipt of an Entrepreneur Scholarship.

Res. No. 817 - Mr. Morash, Queens - congratulations to Justin Croft on receipt of an Entrepreneur Scholarship.

Res. No. 818 - Hon. Mr. Morse, Minister of Community Services - commending the New Minas Village Commission, the New Minas Business District and Village citizens and volunteers for making New Minas prosperous.

Res. No. 819 - Hon. Mr. Balser, Minister of Agriculture and Fisheries - congratulations to the participants in the opening of the

Bear River Old Town Library.

Res. No. 820 - Hon. Mr. Balser, Minister of Agriculture and Fisheries - commending the crew of the Joseph Casey and others for transport of medical material.

Res. No. 821 - Hon. Mr. Balser, Minister of Agriculture and Fisheries - congratulations to the Black Loyalist Society and organizers of the exhibit "Canadian Blacks in the Military".

Res. No. 822 - Hon. Mr. Balser, Minister of Agriculture and Fisheries - applauding Wendy Kenney for her contribution to Wigs for Kids.

Res. No. 823 - Hon. Mr. Balser, Minister of Agriculture and Fisheries - best wishes to Viola Evangeline Ganon on her 100<sup>th</sup> birthday.

Res. No. 824 - Hon. Mr. Balser, Minister of Agriculture and Fisheries - congratulations to those involved with a Yarmouth Consolidated Memorial High School Regional Science Fair.

Res. No. 825 - Hon. Mr. Balser, Minister of Agriculture and Fisheries - congratulations to students competing in the upcoming Canada Wide Science Fair.

#### **OPPOSITION MEMBERS' BUSINESS**

Pursuant to the order, Mr. Wilson, Glace Bay, moved the following Resolution:

Res. No. 382 - Educ.: Loan Remission Prog. - Premier Confirm

A debate ensued during which the following took part: Hon. Mr. MacIsaac, Messrs. Estabrooks and Mr. MacKinnon. The debate was deemed to be adjourned.

Pursuant to the order, Mr. Samson, Richmond, moved the following Resolution:



Res. No. 429 - Fin.: Prem - Borrowing Inconsistency

A debate ensued during which the following took part: Messrs. Barnett, Epstein and Mr. M. MacDonald. The debate was deemed to be adjourned.

**MOTIONS UNDER RULE 5(5)**

Mr. Speaker interrupted the business having received notices of motion under Rule 5(5).

Mr. Speaker adjourned the House to meet Thursday, April 24<sup>th</sup> at 12:00 noon.