

The House met at 12:00 Noon.

Prayers.

TABLING REPORTS, REGULATIONS AND OTHER PAPERS

Pursuant to the order, the Hon. Mr. Clarke, Minister of Energy, tabled the Final Report of the Electricity Marketplace Governance Committee.

PRESENTING AND READING PETITIONS

Pursuant to the order, Mr. M. MacDonald, Cape Breton South, tabled a petition dealing with comfort allowances at Harbour Stone House.

GOVERNMENT NOTICES OF MOTION

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

Res. No. 563 - Hon. Mr. Clarke, Minister of Energy - recognizing the efforts of the Electricity Marketplace Governance Committee.

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

Res. No. 564 - Hon. Mr. Morse, Minister of Community Services - recognizing the generosity of Walmart Canada and their support of the Red Cross in Nova Scotia.

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

Res. No. 565 - Hon. Mr. Morash, Minister of Environment and Labour - congratulations to schools participating in Nova Scotia Recycled Day.

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

Res. No. 566 - Hon. Mr. Fage, Minister of Economic

Development - recognition of National Small Business Week and operators.

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

Res. No. 567 - Hon. Ms. Bolivar-Getson, Minister of Human Resources - applauding the Halifax Cornwallis Progress Club and winners of Women of Excellence Awards.

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

Res. No. 568 - Hon. Mr. Muir, Minister of Education (on behalf of Hon. Mr. Baker, Minister of Justice) - congratulations to those responsible for a new web site respecting the courts.

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

Res. No. 569 - Hon. Mr. D'Entremont, Minister of Agriculture and Fisheries - congratulations to recipients of awards at the Nova Scotia Agricultural College.

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 notices were introduced by the following Members' read a first and ordered to be read a second time on a future day:

No. 25. An Act to Encourage Public Participation and Dissuade Persons From Bringing or Maintaining Legal Proceedings or Claims for an Improper Purpose and to Preserve Access to the Courts

(Mr. Epstein, Halifax Chebucto)

No. 26. An Act to Provide For the Protection of Health

**(Hon. Mr. D'Entremont - Minister of Agriculture
And Marketing)**

**No. 27. An Act to Amend Chapter 18 of the Acts of 1998, The
Municipal Government Act**

(Mr. Dexter - Leader of the Opposition)

NOTICES OF MOTION

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

Res. No. 570 - Mr. Deveau, Cole Harbour-Eastern Passage (on behalf of Mr. Dexter, Leader of the Opposition) - honoring those who have served in wars.

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

Res. No. 571 - Mr. MacKinnon, Cape Breton West - the Premier's road to Damascus will be rough.

Res. No. 572 - Mr. Langille, Colchester North - calling for the wearing a poppy as a sign of deep respect for those who lost their lives.

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

Res. No. 573 - Mr. MacDonell, Hants East - congratulations to the Members of the South Maitland Historical Association for the realization of their hard work.

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

Res. No. 574 - Mr. Glavine, Kings West - congratulations to Dr. Jim Gunn 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.

Res. No. 575 - Mr. Parent, Kings North - recognizing the service

of the late Don Newcombe.

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

Res. No. 576 - Ms. Raymond, Halifax Atlantic - congratulations to the Nova Scotia Lighthouse Preservation Society for its work.

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

Res. No. 577 - Mr. Sampson, Victoria-The-Lakes , (on behalf of Mr. H. David Wilson, Glace Bay) - the Minister of Health must apologize to the residents of the South West District Health Authority.

Res. No. 578 - Hon. Ms. Bolivar-Getson, Minister of Human Resources - recognition of the Lunenburg Queens County Chapter of MADD.

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

Res. No. 579 - Mr. Gosse, Cape Breton Nova - congratulations to Right Honourable Vincent Massey IODE for their dedication and hard work.

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

Res. No. 580 - Mr. McNeil, Annapolis - congratulations to inductees into the Nova Scotia Sports Hall of Fame.

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

Res. No. 581 - Hon. Mr. Muir, Minister of Education - congratulations to Charlie A'Court on his awards.

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

Res. No. 582 - Mr. Estabrooks, Timberlea Prospect - the

Minister of Transportation and Public Works must list priorities for road improvements in Timberlea Prospect.

Res. No. 583 - Mr. McNeil, Annapolis - congratulations to and recognizing the importance of the Digby Federation of Agriculture.

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

Res. No. 584 - Mr. Gosse, Cape Breton Nova - congratulations to the Cape Breton Selects Soccer Team on their efforts.

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

Res. No. 585 - Mr. MacKinnon, Cape Breton West - congratulations to Frank Chipman for opposing the tax cut.

Res. No. 586 - Mr. Estabrooks, Timberlea Prospect - the Minister of Transportation and Public Works must list the priorities for road improvements in Timberlea Prospect.

Res. No. 587 - Mr. Parent, Kings North - congratulations to Dr. Jim Gunn on winning the EXL Award..

Res. No. 588 - Hon. Ms. Bolivar-Getson, Minister of Human Resources - congratulations to the Bridgewater Fireman's Band on the release of their Christmas CD.

Res. No. 589 - Hon. Ms. Bolivar-Getson, Minister of Human Resources - recognizing th dedication of Joan and Hub MacDonald.

Res. No. 590 - Hon. Ms. Bolivar-Getson, Minister of Human Resources - acknowledging the lifelong contributions made by Frances Mills-Clements.

Res. No. 591 - Hon. Ms. Bolivar-Getson, Minister of Human Resources - recognizing the teachers and staff at Parkview Education Centre and Bridgewater High School.

Res. No. 592 - Mr. Taylor, Colchester Musquodoboit Valley - best wishes to Mike Woodworth on his PhD.

Res. No. 593 - Hon. Mr. Clarke, Minister of Energy -

congratulations to the YMCA Entrepreneur Centre in Glace Bay.

Res. No. 594 - Hon. Mr. Barnet, Minister of Service Nova Scotia and Municipal Relations - congratulations to Nova Scotian Griot Award winners.

Res. No. 595 - Hon. the Speaker - recognizing the volunteers involved with the new Community Centre in Springhill.

Res. No. 596 - Hon. the Speaker - congratulations to Lyle Patriquin on winning the Springhill Centennial Club Championship.

SPEAKER'S RULING

Hon. the Speaker made the following ruling regarding a Point of Order made on a previous day by Mr. M. MacDonald, Cape Breton South:

A matter arose for my consideration on Wednesday, October 22nd, 2003 following a question posed by the Honourable Member for Digby-Annapolis during Question Period. A question was placed to the Honourable Premier as to what he would do to ensure that persons named in a lawsuit brought by Global Quarry Products would have the right to free speech. The Chair ruled the question out of order and following Question Period submissions were made by several members following a Point of Order raised by the Honourable Member for Cape Breton South on this very same matter. I undertook to get back to the House following some research on my part.

The principle involved in all of this is known as the sub judice convention. There is no express rule of our House dealing with this situation. The fact that it is a convention indicates that it is based on usage. The convention is discussed in Beauchesne and in Marleau. While it is clear that it applies in criminal cases, there is some question as to whether discussion of civil matters before the Courts is to be prohibited in the House. It is abundantly clear that the convention where it does apply is for the protection of the parties to a lawsuit or case and to ensure that the interest of justice and fair play are protected.

In this particular situation, there is an originating notice and statement of claim issued out of the Supreme Court at Truro by a partnership known as Global Quarry Products against two

individuals and a newspaper publisher. The action in essence is one of defamation and the Plaintiff relies on the Defamation Act of Nova Scotia. I might also point out that the Chief Law Officer of Nova Scotia, the Honourable Minister of Justice, advised the House that defamation actions in Nova Scotia are jury trials.

Marleau and Beauchesne reference the Report of the Special Committee on the Rights and Immunities of Members dated April 29th, 1977; this being a special committee of the federal House of Commons which looked in depth at the sub judice convention. To briefly summarize the Report in relation to civil matters I think it is fair to say that the Speaker should intervene only in exceptional cases and in doubtful cases, should rule in favour of debate and against the convention. The Special Committee did quote former U.K. Speaker Selwyn Lloyd who gave the opinion that only certain types of civil cases such as an action for defamation of character should be subject to the convention which applies in criminal cases. The Special Committee in the very last sentence of its report concluded "In the view of your Committee prejudice is most likely to occur in respect of criminal cases and civil cases of defamation where juries are involved".

In the view of the Chair, based on the facts as I have been able to determine them, including the fact that this is a civil matter of defamation where a jury will be involved, I must advise the Members that questions or discussion dealing with this particular case are sub-judice and that my decision of October 22, 2003 therefore shall stand. I thank the Members for their submissions.

CWH ON BILLS

On motion, the House resolved itself into a Committee of the Whole House on Bills.

Mr. Speaker left the Chair.

The Chairman took the chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee had met and considered the following Bill and recommended the same to the favourable consideration of the House, with certain amendments:

No. 1. Automobile Insurance Reform Act

And also the following Bill, without amendment:

No. 6. Public Service Superannuation Act

The following Bills were ordered to be read a third time on a future day.

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 Friday, October 24th at 9:00 A.M.