

The House met at 4:00 P.M.

Prayers.

#### **SPEAKER'S RULING**

“It is my understanding that the practice of deferring matters upon which there have been presentations has been observed, when requested by committee members, over the last number of years in the Law Amendments Committee. However, while I understand the position taken by the two honourable members respecting this practice, I reviewed the relevant authorities and have concluded that the failure by the current Law Amendments Committee to observe the practice does not constitute a matter of privilege.

One of the leading authorities on the issue of privilege in the Canadian parliamentary context is *Parliamentary Privilege in Canada* by Joseph Maingot. Maingot deals with this issue quite clearly. He says at Page 223 of his second edition that a breach of the Rules or a failure to follow an established practice - which is what I understand to be alleged here - would invoke a ‘point of order’ rather than a ‘question of privilege.’

He goes on to state that, *‘Allegations of fact amounting to allegations that proper procedures were not followed are by their very nature matters of order, and even if valid will not receive priority in debate as would a prima facie case of privilege.’*

As your Speaker, I am called upon from time to time to decide whether I am satisfied that a prima facie case exists, that there has been a breach of the privileges of this House. In addressing this question I must always give consideration to the significant weight of rulings of previous Speakers both in this House and in other Westminster-based Legislatures. I believe that the authorities are clear that for me to rule that there is a prima facie case that there has been a breach of privilege of the House on a procedural issue in a committee, I must first be charged with a report to that effect from that committee.

I am concerned that members are not following the appropriate procedures to bring questions of order or privilege arising in committees before the House. It is important that committee members understand and follow the proper procedures in those committees to deal with problems before those problems can be reported to the House for its consideration.

It is a fundamental proposition that problems arising in a committee of the House should be dealt within that committee, and only after the proper procedures have been followed in the committee should a matter come here to this House. This is set out clearly in O'Brien and Bosc, which is the new version of the book *House of Commons Practice and Procedure* that members will have known as Marleau. The authority states the following:

‘Since the House has not given its committees the power to punish any misconduct, breach of privilege, or contempt directly, committees cannot decide such matters; they can only report them to the House. Only the House can decide if an offense has been committed. Speakers have consistently ruled that, except in the most extreme situations, they will only hear questions of privilege arising from committee proceedings upon presentation of a report from the committee which deals directly with the matter and not as a question of privilege raised by an individual member.’

On this point, the authors quote Speaker Milliken and he said this: ‘In the absence of a report from the committee on such an issue, it is virtually impossible for the Chair to make any judgement as to the *prima facie* occurrence of a breach of privilege with regard to such charges.’

I am concerned that issues of order and privilege that are alleged to have occurred in committees are not first being dealt with appropriately through appeals of rulings within those committees before being brought to the House through reports by the committees. That is what should occur before points of order or privilege arising in any committee are brought here. Generally speaking, a matter alleged to have arisen in a committee, but not reported by the committee, may not be brought to the attention of the House as a question of privilege.

The issue is also canvassed in *Beauchesne*, which states at Page 222:

‘The Speaker has ruled on many occasions that it is not competent for the Speaker to exercise procedural control over the committees. Committees are and must remain masters of their own procedure. On one occasion, after a grievance was raised in the House concerning procedure in a committee, the Speaker undertook to write to all committee chairmen pointing out that when a grievance is not resolved satisfactorily in committee it often results in the time of the House being taken when the grievance is raised in the guise of a question of privilege.’

This is an issue that has arisen in this House in the past, and which has been dealt with consistently by my predecessors in this Chair, and I refer honourable members to rulings by Speaker Mitchell on March 23, 1972, by Speaker Russell on December 11, 1979, and again on June 12, 1991. In each of those rulings, those Speakers held that the points of privilege raised should have come to the House as reports, and that they were not properly raised by the individual members.

So I urge all members to familiarize themselves with the appropriate proceedings to deal with disputes in committees, and to follow the required appeals of rulings with which they disagree, rather than bring committee procedural matters to the House. It is important that procedural matters arising in committees be dealt with in those committees, and not brought to the House. These procedures are set out in O'Brien and Bosc, again, at Pages 150 to 153.

Finally, for the benefit of members, the issue of whether matters arising in a committee constitute a question of privilege or order is dealt with in a very useful passage in an appendix in MacMinn's *Parliamentary Practice in British Columbia*, which examines a number of Speaker's Rulings on this question, and I have attached a photocopy of that passage to this ruling, which I'm making available through the Clerk to all members.

So based on all the above authorities that I referenced, I rule that a prima facie case of privilege has not been shown. Thank you for your attention."

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

Hon. R. Landry, Minister of Justice, tabled Amendments to the Civil Procedure Rules.

#### **GOVERNMENT NOTICES OF MOTION**

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

Res. No. 972 - Hon. R. Landry, Minister of Justice - recognizing May as Police Month 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. 973 - Hon. M. More, Minister of Education - recognizing the Autism Management Advisory Team on their work.

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

Res. No. 974 - Hon. Maureen MacDonald, Minister of Health - recognizing Mental Health Week.

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

Res. No. 975 - Hon. M. More, Minister of Education - recognizing Northern American Occupational Health and Safety Week.

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

**No. 57. An Act to Amend Chapter 217 of the Revised Statutes, 1989, the Income Tax Act**

**(H. Theriault - Digby Annapolis)**

**No. 58. An Act to Amend Chapter 352 of the Revised Statutes, 1989, the Powers of Attorney Act**

**(Hon. R. Landry - Minister of Justice)**

**No. 59. An Act to Amend Chapter 380 of the Revised Statutes, 1989, the Public Utilities Act**

**(A. Younger - Dartmouth East)**

**No. 60. An Act Respecting the Review of the Green Energy Equipment Tax Credit in Manitoba for Implementation in Nova Scotia**

**(A. Younger - Dartmouth East)**

**NOTICES OF MOTION**

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

Res. No. 976 - Hon. S. McNeil, Leader of the Official Opposition - remembering the Battle of the Atlantic.

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

Res. No. 977 - Hon. K. Casey, Leader of the Progressive Conservative Party - recognizing National Mental Health Awareness Week.

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

Res. No. 978 - Hon. J. MacDonell, Minister of Agriculture - recognizing Wayne Miller on his Shining Star Award.

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

Res. No. 979 - A. Younger, Dartmouth East - recognizing the efforts of elementary school choirs supporting Free the Children.

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

Res. No. 980 - Hon. C. Clarke, Cape Breton North, on behalf of Hon. M. Scott, Cumberland South - asking the NDP Government to consider funding insulin pumps for children.

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

Res. No. 981 - L. Zann, Truro-Bible Hill - recognizing Millbrook First Nation and Chief Lawrence Paul on their new partnership with CoRDA.

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

Res. No. 982 - D. Whalen, Halifax Clayton Park - recognizing National Mental Health Awareness Week.

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

Res. No. 983 - K. Bain, Victoria-The Lakes - recognizing North American National Health and Safety Week and appreciating the many Nova Scotians playing a role.

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

Res. No. 984 - V. Conrad, Queens - recognizing Kimberly Sinclair of Spincount who have garnered nominations for Promoter of the Year and Industry Professional of the Year at the Music Nova Scotia Festival and Conference.

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

Res. No. 985 - Hon. W. Gaudet, Clare - recognizing Louis Deveau and Acadian Seaplants for receiving the Lieutenant Governor's Persons with Disabilities Employer Partnership Award.

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

Res. No. 986 - Hon. C. Clarke, Cape Breton North - remembering the sinking of the rail carrier Patrick Morris and those who lost their lives on the 40<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. 987 - B. Skabar, Cumberland North - recognizing PolyCello on being named winner of the 2009 Family Enterprise of the Year Award for Nova Scotia.

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

Res. No. 988 - H. Theriault, Digby-Annapolis - recognizing the

importance of Emergency Preparedness Week.

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

Res. No. 989 - A. MacMaster, Inverness - recognizing Caroline Gould on being named Elder of the Year by the We'koqma'q Mi'kmaw School.

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

Res. No. 990 - J. Morton, Kings North - recognizing John Eisses on being presented with the Nova Scotia Institute of Agrologists Outstanding Farmer Award.

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

Res. No. 991 - Hon. K. Colwell, Preston - recognizing Marko Simmonds on recording live at Government House.

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

Res. No. 992 - Hon. K. Casey, Leader of the Progressive Conservative Party - recognizing the Annapolis Valley Lake & Ridge Runners on being named Canada's Snowmobile Club of the Year.

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

Res. No. 993 - P. Birdsall, Lunenburg - commending the Mahone Bay Area Seniors Project on developing the Seniors Helping Seniors program.

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

Res. No. 994 - K. Regan, Bedford-Birch Cove - congratulating Annette Verschuren on her upcoming induction to the Junior Achievement 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. 995 - K. Bain, Victoria-The Lakes - congratulating organizers of the annual Gail (Bonnar) Finney and Kevin Carey Memorial Cancer Shoot and for raising \$1,300.

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

Res. No. 996 - K. Regan, Bedford-Birch Cove - congratulating the staff of the National Eating Disorder Information Centre on their campaign.

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

Res. No. 997 - A. MacMaster, Inverness - recognizing Maurice Bourgeois, Robert Poirier, Gerald Leblanc and Andre Bourgeois for over 20 years of service with the Cheticamp Volunteer Fire Department.

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

Res. No. 998 - A. Younger, Dartmouth East - recognizing the Girl Guides on its 100<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. 999 - Hon. W. Gaudet, Clare - recognizing Louis and Aline Comeau and staff of the Le Restaurant Cape View on celebrating 50 years of service.

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

Res. No. 1000 - Hon. K. Colwell, Preston - recognizing Unni Simensen of Scanway Catering for her business acumen and work ethic.

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



**PUBLIC BILLS**

Hon. J. MacDonell, Minister of Agriculture, moved second reading of the following bill:

**No. 53. Fur Industry Act**

A debate ensued during which the following took part: L. Glavine, C. Porter, Hon. W. Gaudet, H. Theriault and Hon. J. MacDonell in Reply. The question being put by Mr. Speaker, the bill was forthwith read a second time and ordered referred to the Committee on Law Amendments.

**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 bills and recommended the same to the favourable consideration of the House, each without amendment:

**No. 10. Cape Breton Island Marketing Levy Act**

**No. 13. Motor Vehicle Act**

**No. 16. Summary Proceedings Act**

**No. 18. Vital Statistics Act**

**No. 19. Motor Vehicle Act**

**No. 23. Sea, Army, Air and Navy League Cadets Day Act**

**No. 29. Municipal Government Act**

**No. 36. Engineering Profession Act**

**No. 41. Volunteer Fire Services Act**

The foregoing bills were ordered to be read a third time on a future day.

**ADDRESS IN REPLY**

On motion, the adjourned debate on the Address in Reply was then resumed. The debate continued with M. Raymond, Halifax Atlantic, who adjourned the debate.

With the consent of the House, the bills passed in the Committee of the Whole House on Bills were put on the Order Paper for third reading today.

**PUBLIC BILLS**

Hon. P. Paris, Minister of Tourism, Culture and Heritage, moved third reading of the following bill:

**No. 10. Cape Breton Island Marketing Levy Act**

A debate ensued during which the following took part: Hon. Manning MacDonald, A. MacMaster, Hon. C. Clarke and Hon. P. Paris in Reply. The question being put by Mr. Speaker, the bill was forthwith read a third time. Ordered that the bill do pass and the title be as read by the Clerk. Ordered that the bill be engrossed.

Hon. R. Jennex, Minister of Service Nova Scotia and Municipal Relations, moved third reading of the following bill:

**No. 13. Motor Vehicle Act**

There being no debate, the question was put by Mr. Speaker and the bill was forthwith read a third time. Ordered that the bill do pass and the title be as read by the Clerk. Ordered that the bill be engrossed.

Hon. F. Corbett, Government House Leader, moved third reading of the following bill:

**No. 16. Summary Proceedings Act**

There being no debate, the question was put by Mr. Speaker and

the bill was forthwith read a third time. Ordered that the bill do pass and the title be as read by the Clerk. Ordered that the bill be engrossed.

Hon. R. Jennex, Minister of Service Nova Scotia and Municipal Relations, moved third reading of the following bill:

**No. 18. Vital Statistics Act**

There being no debate, the question was put by Mr. Speaker and the bill was forthwith read a third time. Ordered that the bill do pass and the title be as read by the Clerk. Ordered that the bill be engrossed.

Hon. B. Estabrooks, Minister of Transportation and Infrastructure Renewal, moved third reading of the following bill:

**No. 19. Motor Vehicle Act**

There being no debate, the question was put by Mr. Speaker and the bill was forthwith read a third time. Ordered that the bill do pass and the title be as read by the Clerk. Ordered that the bill be engrossed.

Hon. F. Corbett, Government House Leader, moved third reading of the following bill:

**No. 23. Sea, Army, Air and Navy League Cadets Day Act**

There being no debate, the question was put by Mr. Speaker and the bill was forthwith read a third time. Ordered that the bill do pass and the title be as read by the Clerk. Ordered that the bill be engrossed.

Hon. R. Jennex, Minister of Service Nova Scotia and Municipal Relations, moved third reading of the following bill:

**No. 29. Municipal Government Act**

There being no debate, the question was put by Mr. Speaker and the bill was forthwith read a third time. Ordered that the bill do pass and the title be as read by the Clerk. Ordered that the bill be engrossed.

Hon. F. Corbett, Government House Leader, moved third reading of the following bill:

**No. 36. Engineering Profession Act**

There being no debate, the question was put by Mr. Speaker and the bill was forthwith read a third time. Ordered that the bill do pass and the title be as read by the Clerk. Ordered that the bill be engrossed.

Hon. M. More, Minister of Volunteerism, moved third reading of the following bill:

**No. 41. Volunteer Fire Services Act**

There being no debate, the question was put by Mr. Speaker and the bill was forthwith read a third time. Ordered that the bill do pass and the title be as read by the Clerk. Ordered that the bill be engrossed.

**ADJOURNMENT**

Mr. Speaker adjourned the House to meet Tuesday, May 4<sup>th</sup> at 12:00 Noon.

**NOTICES OF MOTION UNDER RULE 32**

The following notices were passed in at the Clerk's table:

Res. No. 1001 - Hon. C. Clarke, Cape Breton North - encouraging the Premier and Minister of Energy to support programs such as the Energy Efficient Furnace Initiative.

Res. No. 1002 - C. Porter, Hants West - congratulating Emily Rafuse on being crowned Princess Windsor for the 78<sup>th</sup> Apple Blossom Festival.

Res. No. 1003 - C. Porter, Hants West - congratulating Jeff and Donna Dunfield on being chosen for Volunteer Business of the Year.