

The House met at 7:00 P.M.

Prayers.

SPEAKER'S RULING

“On Wednesday, November 3, the Member for Richmond rose on a point of privilege. He tabled a document entitled, *Review of Proposed Construction of One or More New Correctional Facilities* dated October 30, 2009, which he said contradicts certain statements made in the House by both the Premier and the Minister of Justice.

The Honourable Member for Richmond alleged that both the Minister of Justice and the Premier had misled the House.

In response, the Honourable Government House Leader stated that the position taken by government was that there was no business case ever devised by the former government to build the jail facilities in question.

Before ruling on this I would like to suggest to all Members that in future if they are making a point of order or a point of privilege with respect to something said in the House, it would be very helpful to the process and to the Chair if they could be specific about the dates or individual questions or answers they are referring to. Some matters certainly come up more than once some over many weeks or even months, and simply invite the Chair to “review Hansard” can be quite onerous. So it would certainly be helpful to myself and to our Acting Chief Clerk in trying to determine exactly what particular statements and questions may be.

I have had the Acting Chief Clerk go through Hansard for this Sitting and extract the text of questions on the matter of construction of correctional facilities. The result is eleven pages of questions and answers and after reviewing all of them, the Chair can only conclude that two different opinions emerge about the nature of the document in question.

The Opposition says the document is proof of a business case, but the government says that it is a document it instructed to be prepared as a review by the Department of Justice to try and get clarity as to what previous governments did with regard to the issue.

Certainly there is clearly a disagreement between Members over facts with respect to the meaning of the document.

Members will know that such disagreements over facts are often raised as points of order or privilege with respect to what has transpired here in Question Period. This is so commonplace that it is recognized and addressed in the Parliamentary authorities. *O'Brien and Bosc* states:

‘In most instances, when a point of order or a question of privilege has been raised in regard to a response to an oral question, the Speaker has ruled that the matter is a disagreement among Members over the facts surrounding the issue. As such, these matters are more a question of debate and do not constitute a breach of the rules or of privilege.’ [p.510]

So my ruling is that there is no point of privilege in this matter.”

SPEAKER’S RULING

“On Wednesday, November 3, the Member for Richmond rose on a point of privilege. He complained that he had asked the Honourable Minister of Justice to table in the House the business case the Minister relied upon in making his decision to build one jail, rather than two. He advised that the government had, in his words, “leaked” two documents respecting jail site review and construction matters.

It was his position that documents requested by the Opposition to be tabled, should be tabled in the House and not first provided to the media. He asked me to make a determination of whether the Minister of Justice's actions and that of the government constituted a *prima facie* breach of privilege of the members of this House.

In response, the Honourable Government House Leader asserted that it is up to the government as to what it would table.

This is not the first time that such a matter has been raised in this House as a matter of privilege. The authorities are clear that a Minister or government is not bound to make information sought by the Opposition available first to Members of the House before anybody else. *Beauchesne* cites a ruling by the Speaker of the House of Commons in that regard:

‘The question has often been raised whether parliamentary privilege imposes on ministers an obligation to deliver ministerial statements and to make announcements and communications to the public through the House of Commons or to make announcements or statements in the House rather than outside the chamber. The question has been asked whether Hon. Members are entitled, as part of their parliamentary privilege

to receive such information ahead of the general public. I can find no precedent to justify this suggestion.’ (6th ed. P. 13)

I refer Honourable Members to an earlier Speaker’s Ruling in this House that confirms that the fact that Members of the opposition have requested certain information does not give rise to a breach of privilege if that information is provided.

Former Speaker Donahoe ruled on such a situation in 1982. The Member for Cape Breton Nova at that time claimed that the Premier, knowing that Members of the House anxiously sought information on a matter had scornfully by-passed them and instead communicated the information to the media and that this constituted a breach of the privileges of the Members. After reviewing the authorities, the Speaker ruled that there was no *prima facie* breach of privilege in the communication with the media rather than in the House, and that was on May 4, 1982.

After having reviewed the matter and the authorities, I do not find there to have been a *prima facie* case of a breach of privilege.”

SPEAKER’S RULING

“A point of privilege was raised by the honourable Opposition House Leader with respect to my ruling that a question to a Minister with respect to a personnel matter falling under the jurisdiction of the Speaker was out of order.

It is out of order for a Member to ask a Minister a question about the Speaker or about a matter falling under the administration of the Speaker. Members should not question the Ministry on any activities of the Speaker. The purpose of Question Period is to facilitate the questioning of the executive branch. The Speaker is not part of the Ministry. *Beauchesne* states: ‘A question may not... reflect on the character or conduct of the Speaker or other occupants of the Chair...’ That’s from page 122.

The issue is dealt with specifically in *An Introduction to the Procedure of the House of Commons* by Campion, which states:

‘A Question should be directed to a Minister officially responsible for the subject-matter with which it deals.

Without detracting from the generality of this rule, the following types of Questions are out of order on this ground... Questions... dealing

with matters within the jurisdiction of the Speaker. (Questions on such matters should be addressed to the Speaker by private notice.)’

I am open to private notice on that. This has been confirmed to be the practice in Nova Scotia under a Speaker’s Ruling on April 22, 1980, in which the Speaker advised the House that matters coming under the administration of the Speaker should not be addressed to Ministers during Question Period, but ‘...that the question should be addressed to the Speaker outside of this House, to get an answer.’

In that case, a question was being asked about the Chief Electoral Officer who, like the Chief Clerk, falls under the administration of the Speaker. Speaker Donahoe stated that if there is a question relating to any function that comes under the jurisdiction of the Speaker, it is customary to raise it outside the House.

I’m ruling that there is no point of privilege. Questions respecting matters falling under the administration of the Speaker are not to be raised as questions to Ministers in this House.”

SPEAKER’S RULING

“On Thursday, November 4, the Member for Argyle rose on a point of order.

The Member stated that in a response to the member for Digby-Annapolis, the Minister of Fisheries and Aquaculture referenced a moratorium on aquaculture by the previous government. He stated that there was no such moratorium on aquaculture, and that he wanted the Minister to provide this House with documentation to prove there was a moratorium, or at least apologize that he may have gotten his facts wrong.

He stated that his point of order was that he would like the Minister of Fisheries and Aquaculture to provide the House with more detail on the so-called moratorium or apologize for getting it wrong.

At that time I ruled that the matter was not a point of order but certainly a difference of opinion between the two members.

The Member for Argyle rose again on a point of order stating that the matter was not a difference of opinion. He advised that the Minister had referenced a document stating that there was a moratorium on aquaculture, and that he wanted the Minister to provide the document.

At that point, even though I had ruled on the matter, I agreed to take the second point of order under advisement and review the matter.

I have reviewed Hansard of the question and answer complained of by the Member and found no reference by the Honourable Minister of Fisheries and Aquaculture to any document. He did indicate that there had been some sort of moratorium. The Member for Argyle says there was no moratorium. This is clearly a disagreement over facts between two Members and not a point of order.

Members will know that such disagreements over facts are often raised as points of order or privilege with respect to what has transpired during Question Period. This is so commonplace that it is recognized and addressed in the Parliamentary authorities. *O'Brien and Bosc* states:

‘In most instances, when a point of order or a question of privilege has been raised in regard to a response to an oral question, the Speaker has ruled that the matter is a disagreement among Members over the facts surrounding the issue. As such, these matters are more a question of debate and do not constitute a breach of the rules or of privilege.’ [p.510]

My ruling, honourable Members, is that there is no point of order in this matter. So those are the points of order, at least for this time. We’ll go on to the daily routine.”

PRESENTING AND READING PETITIONS

G. Ramey, Lunenburg West, tabled a petition requesting repairs using the resources available to redo the road from the intersection of Conquerall Road with Route 331 to where it meets Highway 103.

STATEMENTS BY MINISTERS

Hon. R. Jennex, Minister of Emergency Management, rose to announce the Nova Scotia Ground Search and Rescue Association and the Emergency Management Office have obtained \$1.3 million from the National Search and Rescue Secretariat New Initiative Fund for updated, standardized, hand-held, radio equipment for the volunteers.

Comments were made by H. Theriault and K. Bain.

Hon. D. Dexter, Premier, rose to announce an update on a weather-related disaster in southwestern Nova Scotia and a state of emergency was

declared. Hon. D. Dexter is travelling to the area on Wednesday, November 10, 2010.

Comments were made by Hon. S. McNeil and Hon. C. d'Entremont.

GOVERNMENT NOTICES OF MOTION

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

Res. No. 1961 - Hon. D. Dexter, Premier - urging the House of Assembly and Nova Scotians to express respect and gratitude for sacrifices by veterans on Remembrance Day.

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

Res. No. 1962 - Hon. D. Peterson-Rafuse, Minister of Seniors - recognizing National Seniors Safety Week.

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

Res. No. 1963 - Hon. D. Dexter, Premier - congratulating Wes Rawling on taking the initiative to complete his education and achieving such outstanding results.

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

Res. No. 1964 - Hon. Maureen MacDonald, Minister of Health Promotion and Protection - recognizing Osteoporosis Month and commending the organizers for their support.

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

Res. No. 1965 - Hon. J. MacDonell, Minister of Agriculture - congratulating Withrow's Farm Market and staff on 25 years of fresh local produce.

With the unanimous consent of the House, the usual two days'

notice was waived and the motion carried nem con.

Res. No. 1966 - Hon. Maureen MacDonald, Minister of Health Promotion and Protection, on behalf of Hon. P. Paris, Minister of African Nova Scotian Affairs - congratulating Burnley “Rocky” Jones on his Order of Nova Scotia award.

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

Res. No. 1967 - Hon. J. MacDonell, Minister of Agriculture - celebrating the hard work of our local producers by joining Richard Melvin and Beth Densmore for a locally-farmed breakfast.

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

Res. No. 1968 - Hon. Maureen MacDonald, Minister of Health Promotion and Protection - acknowledging Lung Cancer Awareness Month.

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

Res. No. 1969 - Hon. Maureen MacDonald, Minister of Health, on behalf of Hon. P. Paris, Minister of African Nova Scotian Affairs - congratulating Clara Halfpenny on her first place award in the Mathieu Da Costa Challenge.

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. 86. An Act to Amend Chapter 9 of the Acts of 1998, the Cemeteries Protection Act

(Hon. C. Clarke - Cape Breton North)

No. 87. An Act to Amend Chapter 2 of the Acts of 2003 (Second Session), the Court Jurisdiction and

Proceedings Transfer Act

(Hon. R. Landry - Minister of Justice)

No. 88. An Act to Amend Chapter 450 of the Revised Statutes, 1989, the Summary Proceedings Act

(Hon. R. Landry - Minister of Justice)

NOTICES OF MOTION

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

Res. No. 1970 - K. Bain, Victoria-The Lakes - recognizing the Cabot Trail as one of the best famous road in the world to ride as selected by Harley Owner Group magazine.

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

Res. No. 1971 - M. Whynott, Hammonds Plains-Upper Sackville - congratulating Carrie Warner-Smith and Terri Boutilier of the Willow Creek Children's Centre on their opening.

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

Res. No. 1972 - D. Whalen, Halifax Clayton Park - congratulating Dr. Ramona Lumpkin on her recent appointment to Mount Saint Vincent University.

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

Res. No. 1973 - Hon. K. Casey, Colchester North - congratulating Eric and Priscilla Jennings on being the recipient of the 1st Steve Francis Memorial Award for Business 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. 1974 - Hon. D. Peterson-Rafuse, Chester-St. Margaret's -

congratulating the community of Chester Basin and New Ross in their dedication in bringing history alive.

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

Res. No. 1975 - Hon. W. Gaudet, Clare - thanking the volunteers from Clare in making the Women's Auxiliary of the Yarmouth Regional Hospital Hullabaloo a successful fundraiser.

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

Res. No. 1976 - Hon. C. Clarke, Cape Breton North - congratulating Dr. Ron D. Stewart on his well-deserved honour from Cape Breton University.

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

Res. No. 1977 - Hon. B. Estabrooks, Timberlea-Prospect - congratulating and thanking to Paul Boutilier for his commitment to local Scouts and the community.

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

Res. No. 1978 - A. Younger, Dartmouth East - congratulating Josh MacDonald on being selected one of 10 screenwriters selected to participate in the éQuinoxe Germany Screenwriters Workshop

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

Res. No. 1979 - Hon. C. d'Entremont, Argyle - congratulating Staff Sergeant Frank Landry on his 15 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. 1980 - Hon. R. Jennex, Kings South - commending 89.3 K-Rock Radio staff and volunteers for their contributions to the Valley community.

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

Res. No. 1981 - K. Regan, Bedford-Birch Cove - congratulating the staff and board of Alice Housing on their awards at the Donner Canadian Foundation Award.

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

Res. No. 1982 - A. MacLeod, Cape Breton West - congratulating Katheryn Gordon on her Photographer of the Year award.

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

Res. No. 1983 - L. Zann, Truro-Bible Hill - congratulating Hubtown Theatre of Truro on their 30th anniversary.

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

Res. No. 1984 - Hon. K. Colwell, Preston - recognizing David McIntyre, Austin Estabrooks and Laurie Taylor known as "Foxwood" performing for seniors and charity groups for free.

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

Res. No. 1985 - A. MacMaster, Inverness - recognizing Port Hawkesbury Lions Club for 50 years of community service.

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

Res. No. 1986 - V. Conrad, Queens - recognizing the Astor Theatre for their contributions for over 100 years.

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

Res. No. 1987 - H. Theriault, Digby-Annapolis - congratulating Digby Regional High School Envirothon team for their second place finish.

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

Res. No. 1988 - K. Bain, Victoria-The Lakes - applauding the nursing facility, administration and students of Cape Breton University's Bachelor of Science in Nursing Program.

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

Res. No. 1989 - B. Kent, Cole Harbour-Eastern Passage - congratulating Florence "Granny" Crosby on her 2010 Wall of Recognition Award.

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

Res. No. 1990 - D. Whalen, Halifax Clayton Park - congratulating Vanessa MacLellan on her Young Woman of Distinction Award.

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

Res. No. 1991 - Hon. K. Casey, Colchester North - congratulating James Chipman on being recipient of the Minister of Veterans Affairs Commendation Award.

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

Res. No. 1992 - L. Preyra, Halifax Citadel-Sable Island - congratulating author Jody Warner and illustrator Richard Rudnicki of *"Viola Desmond won't be Budged"*.

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

Res. No. 1993 - L. Glavine, Kings West - congratulating Velma Kinsman on her Kingston 2010 Volunteer of the Year award.

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

Res. No. 1994 - Hon. C. d'Entremont, Argyle - congratulating Lorraine Scot Bain on her book "*Rolling Through Life*".

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

Res. No. 1995 - M. Smith, Antigonish - congratulating Chelsey Gotell on her gold, silver and bronze medals in swimming competitions.

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

Res. No. 1996 - Hon. W. Gaudet, Clare - congratulating Chantal Surette on her gold medal at the Canada-Wide Science Fair.

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

Res. No. 1997- C. Porter, Hants West, on behalf of A. MacLeod, Cape Breton West - commending Tracey Stewart upon administering CPR on a man at a motel pool.

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

Res. No. 1998 - G. Ramey, Lunenburg West - acknowledging the selflessness and courage of William Roy Ramey and the other war veterans past and present and never forget them.

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

Res. No. 1999 - K. Regan, Bedford-Birch Cove - best wishes to the Bedford Lions Club on their \$100,000 donation to the Cobequid Centre.

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

Res. No. 2000 - A. MacMaster, Inverness - congratulating Kelly and Patrick Austin on the 2010 Self Employment Benefit Program Entrepreneur award.

With the unanimous consent of the House, the usual two days'

notice was waived and the motion carried nem con.

Res. No. 2001 - J. Morton, Kings North - congratulating Wayne Baltzer for his genealogical creativity in his work with the Kings Historical Society.

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

Res. No. 2002 - P. Birdsall, Lunenburg - recognizing the important work of the organizers and participants of the Cycle for Art event.

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

Res. No. 2003 - G. Burrill, Colchester-Musquodoboit Valley - congratulating Don Kennedy on his ongoing contributions to the co-operative movement of our province.

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

Res. No. 2004 - Hon. R. Jennex, Kings South - congratulating the organizers of the Kings County Walk the World for Schizophrenia on their fundraising.

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

PUBLIC BILLS

On motion, the adjourned debate on second reading of the following bill was then resumed:

No. 82. Offshore Licencing Policy Act

A debate ensued during which the following took part: Hon. M. Samson, C. MacKinnon and Hon. B. Estabrooks in Reply. The question being put by Mr. Speaker, the bill was forthwith read a second time and ordered that the bill be referred to the Committee on Law Amendments.

Hon. R. Landry, Minister of Justice, moved second reading of the following bill:

No. 85. Police Act

A debate ensued during which the following took part: Hon. M. Samson, who adjourned the debate.

Hon. F. Corbett, Government House Leader, announces there is an all-Party agreement to have Opposition Day on Tuesday instead of Wednesday.

ADJOURNMENT

Mr. Speaker adjourned the House to meet Tuesday, November 9th at 2:00 P.M.

NOTICES OF MOTION UNDER RULE 32

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

Res. No. 2005 - B. Kent, Cole Harbour-Eastern Passage - congratulating Sean Francois on being a finalist at the Gillette Search for Canada's Next Sportscaster.

Res. No. 2006 - G. Burrill, Colchester-Musquodoboit Valley - congratulating Margie Ripley-MacIntyre and students at the Cobequid Consolidated Elementary School on their valuable work.

Res. No. 2007 - P. Birdsall, Lunenburg - recognizing November as Diabetes Awareness Month and Camp Lion Maxwell supporting youth living with type 1 diabetes.

Res. No. 2008 - A. Younger, Dartmouth East - congratulating Dartmouth Community Concert Association on their 53rd anniversary.

Res. No. 2009 - M. Whynott, Hammonds Plains-Upper Sackville - congratulating Fultz Corner Restoration Society on their successful Sackville Heritage Dinner.

Res. No. 2010 - V. Conrad, Queens - recognizing Dr. John C. Wickwire Academy and the importance physical exercise students receive on a developed school playground.

Res. No. 2011 - C. Porter, Hants West - recognizing the volunteer work that goes into a tournament such as 2010 Softball Canada Canadian

Junior Men's Fastpitch Nationals.

Res. No. 2012 - C. Porter, Hants West - recognizing and applauding various participants at the 2010 Hants West Relay for Life.

Res. No. 2013 - C. Porter, Hants West - congratulating Lynda Tabbiner on her 35 years of service with the Nova Scotia Public Service.

Res. No. 2014 - L. Glavine, Kings West - commending Janet and Harold Hamm on their Remembrance Day presentation.