

The House met at 12:00 Noon.

Prayers.

SPEAKER'S RULING

“On Tuesday, the Honourable Member for Richmond rose on a point of privilege. He stated that the Minister of Communities, Culture and Heritage had participated in a meeting that day of the Law Amendments Committee, and alleged that this was a breach of Rule 60(5A). He asked that I rule that this alleged breach of the rules was a breach of his privileges as a member.

The question of whether a breach of the rules or usages of the House in committees can be a breach of privilege has been dealt with a number of times in recent years, so I am not going to use up the valuable time of the House in revisiting the issue.

This is an issue that has arisen in the House in the past and which has been dealt with consistently by my predecessors in this Chair. I refer the Honourable Members to the rulings by Speaker Mitchell on March 23, 1972, and by Speaker Russell on December 11, 1979, and again on June 12, 1991. In each of these 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.

I will draw the House's attention to a thorough ruling by a previous Speaker, dated May 3, 2010, which I'm attaching to my ruling. In short, that ruling makes it clear that the members cannot dress up alleged breaches of the rules in committees as points of privilege to be dealt with by the Speaker. There have been a number of attempts in the last several years to have alleged breaches of the rules or usages of the House in committees dealt with as breaches of privilege and this cannot continue.

I do not propose to quote at any length from the previous ruling, but I want to remind members of the fundamental point made by the authorities the previous Speaker relied upon. He quoted one of the leading authorities on issues of privilege in Canadian parliamentary context, *Parliamentary Privilege in Canada*, by Joseph Maingot, which deals with this issue quite clearly. Maingot states at Page 223 of his second edition that a breach of the rules or a failure to follow an established practice 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.’

In raising breaches of the rules or practices in the Law Amendments Committee as alleged breaches of privilege, the member for Richmond has, on more than one occasion, referred to a ruling of former Speaker Scott made on June 21, 2001, with respect to an incident in that same committee. The Honourable Member has held this ruling up as a precedent that the Speaker can deal with breaches of the rules or practices of a committee as breaches of members' privilege. The authorities are clear that simple failures to follow rules or procedures in committees are not matters to be brought to the Speaker.

Only in the most extreme and exceptional cases of a breach of privilege will a Speaker become involved in anything occurring in a committee without a report coming from that committee. This is dealt with in detail in the ruling I have referred to. If members review that ruling, they will see the passage the Speaker quoted from O'Brien and Bosc. It does not say that Speakers will never be able to deal with questions of privilege raised by individual members. It provided, ‘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.’

Clearly there could be exceptional and extreme circumstances that could warrant consideration of a point of privilege arising from a committee raised by an individual member. The previous Speaker mentioned in delivering that ruling that he attached the passage from an appendix in MacMinn's *Parliamentary Practice in British Columbia*, which examined a number of Speakers' Rulings on this question. Members will see in that text that the authorities have distinguished in particular the breach of the privilege of freedom of speech by a member from breaches of order, which would not support a finding of a question of privilege. This is an extremely important distinction.

I have reviewed the Hansard of what took place on the date in question, which gave rise to Speaker Scott's ruling. First, it was clear that what occurred on the day was exceptional in the history of this place. According to the allegations made by various members who rose on points of privilege that day, committee members were not permitted to move amendments or were not permitted to speak or were summarily cut off in the middle of speaking by the chairman. In fact, the point of privilege raised by the member for Richmond was framed in the context of a breach of his privilege of freedom of speech, and he quoted Beauchesne in that regard in

support of his point of privilege. A breach of a member's privilege of freedom of speech is recognized by the authorities to be quite different than a question of order and an allegation of a breach of freedom of speech was before Speaker Scott on that day.

Second - and this goes to the point made in the previous ruling on May 3, 2010, about following proper procedures, it is clear that the meeting of the Law Amendments Committee in 2001 was ended suddenly and summarily - so suddenly that some members were unsure about what had actually happened. On that day there was no opportunity for the committee members to appeal any ruling of the chairman to the committee or to make a motion that the committee report to the House. It was therefore not possible to follow the established procedure for an appeal of a ruling.

A third point of interest is, there was no argument raised by the government members refuting anything said by any of the several Opposition members or explaining an alternative view of what had transpired. Accordingly, the Speaker was faced with an undisputed allegation by the Honourable Member that the member's privilege of freedom of speech had been breached. This position was supported by various allegations raised by other members and various points of order raised that day.

All of that being said, I have to say that the ruling by Speaker Scott did not set out reasons for the finding of a *prima facie* cause of breach of privilege, only that it was supported by the facts.

I can only say that upon reviewing Hansard, it seems clear that the exceptional and extreme situation that arose in 2001 could fall into the category of one of those extreme cases contemplated by the authorities, and that the outcome of that exceptional and extreme case does not provide the basis for the Speaker to regularly entertain points about breaches of the rules in a committee as points of privilege.

The basis for the point of privilege by the member for Richmond is an alleged breach of Rule 60(5A). That is a point of order, not a point of privilege and it should be dealt with in the committee. In fact, I understand that the member for Richmond made a motion at the meeting of the Law Amendments Committee to that effect, that the Minister of Communities, Culture and Heritage should not sit on the committee. I also understand that the committee voted against that motion.

In these circumstances, the rules provide that what a member should have done, rather than raising the issue as an alleged point of

privilege, was appeal the decision of the committee to the House. Rule 61(2) provides for an appeal of a decision of a committee to the House. This would be done by the member by proper Notice of Motion, to be dealt with by the House. The House could then determine if the rules were, in fact, broken.

Our rules provide a procedure that could have been followed by the member to bring the matter before the House, without resorting to the very serious allegations of a breach of privilege.

In conclusion, I want to say two things. The first is that the alleged breach of the rules in the Law Amendments Committee raised by the member for Richmond is not a breach of privilege. It is a point of order that can be dealt with in that committee.

The second is that the ruling by former Speaker Scott on June 21, 2001 is not a precedent that the Speaker can entertain breaches of rules in a committee as points in privilege by individual members. It is only an example of the rare and extreme circumstances of a breach of privilege of a member's freedom of speech in a committee having given rise to the extremely unusual finding by the Speaker of a prima facie case of breach of privilege in a committee."

PRESENTING AND READING PETITIONS

L. Glavine, Kings West, tabled a petition calling on the Nova Scotia House of Assembly to use its powers over the Board of Commissioners of Public Utilities to deny any General Rate Application presented by Nova Scotia Power Incorporate requesting a rate increase in 2013, 2014 and 2015.

A. MacLeod, Cape Breton West, tabled a petition urging the repaving of Lewis Cove Road.

L. Glavine, Kings West, tabled a petition urging leaders to give private end of life rooms to residents.

GOVERNMENT NOTICES OF MOTION

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

Res. No. 1846 – Hon. D. Wilson, Minister of Health and Wellness – applauding Carrie Fraser for being recognized by the Canadian Institute of Public Health Inspectors in her dedication to improving the health and

wellness of Nova Scotians and wish her all the best in the future.

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

Res. No. 1847 – Hon. R. Landry, Minister of Justice – recognizing the heroic efforts of our fallen officers recognized at the Annual Law Enforcement Memorial Service for officers who have died in the line of duty.

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

Res. No. 1848 – Hon. J. MacDonell, Minister of Service Nova Scotia and Municipal Relations – congratulating the new council and people of Bridgetown for shaping a better future for their community.

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

Res. No. 1849 – Hon. D. Wilson, Minister of Health and Wellness – congratulating Dr. Jane Brooks of Middleton on being named Nova Scotia Family Physician of the Year.

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. 124. An Act to Develop a Multi-Year Funding Framework

(K. Regan – Bedford-Birch Cove)

No. 125. An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act, to Preserve the Key Tag Service of the War Amps

(Hon. J. MacDonell – Minister of Service Nova Scotia and Municipal Relations)

NOTICES OF MOTION

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

Res. No. 1850 – Hon. M. Samson, Richmond – calling on the MLA for Antigonish to stand up for his constituents in Havre Boucher and demand apology from Minister of Justice and Attorney General.

Res. No. 1851 – C. Porter, Hants West – acknowledging the great ambassador Garth Vaughan was to Windsor and area and offer our sincere sympathies to his family at this difficult time.

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

Res. No. 1852 – Hon. L. Preyra, Halifax Citadel-Sable Island – recognizing the Atlantic Jewish Council for raising our consciousness of the horrors of the Holocaust.

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

Res. No. 1853 – L. Zann, Truro-Bible Hill – recognizing that if given a chance, the Leader of the Opposition would kill more jobs than he would ever create.

Res. No. 1854 – C. MacKinnon, Pictou East – explaining to the Leader of the Opposition that thousands of good jobs and clean, stable energy are better than an increase in power rates.

Res. No. 1855 – J. Morton, Kings North – recognizing the Leader of the Opposition is more interested in personal gain than doing what is best for Nova Scotians.

Res. No. 1856 – P. Birdsall, Lunenburg – encouraging the companies that are employing Nova Scotians to continue to do so despite the opposition from the Leader of the Opposition Party.

Res. No. 1857 – J. Boudreau, Guysborough-Sheet Harbour – encouraging the Leader of the Opposition to work on gaining more experience before he comments on government decisions.

PUBLIC BILLS

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

No. 97. Fairer Power Rates Act

The debate resumed with A. MacLeod, Hon. M. Samson and Hon. C. Parker 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.

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

No. 102. Education Act

A debate ensued during which the following took part: Hon. K. Casey, E. Orrell, L. Zann, Hon. J. Baillie 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.

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

No. 105. Agriculture and Marketing Act

A debate ensued during which the following took part: L. Glavine, C. Porter 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.

Hon. J. MacDonell, Minister of Service Nova Scotia and Municipal Relations, moved second reading of the following bill:

No. 107. Debt Collection and Management Reform (2012) Act

A debate ensued during which the following took part: K. Regan, A. MacMaster 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.

Hon. J. MacDonell, Minister of Agriculture, moved second reading

of the following bill:

No. 109. Bee Industry Act

A debate ensued during which the following took part: L. Glavine, C. Porter 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.

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

No. 111. Fur Industry Act

A debate ensued during which the following took part: L. Glavine, C. Porter 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.

ADJOURNMENT

Mr. Speaker adjourned the House to meet Friday, November 9th at 9:00 A.M.

MOTIONS UNDER RULE 5(5)

Mr. Speaker interrupted the business having received notices of motion under Rule 5(5). The topic of late debate as submitted by K. Regan, Bedford-Birch Cove:

“Therefore be it resolved that the Premier’s outsourcing of jobs from the SAP Division of Finance is a bad deal for Nova Scotians.”

A debate ensued during which the following took part: G. MacLellan, C. MacKinnon and C. Porter.

NOTICES OF MOTION UNDER RULE 32

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

Res. No. 1858 – Hon. J. Baillie, Cumberland South – congratulating Benjamin Heating on being in business for 40 years.

Res. No. 1859 – Hon. J. Baillie, Cumberland South – congratulating

Justine Brown on being named Springhill High's Junior Girls Athlete of the Month.

Res. No. 1860 – K. Bain, Victoria-The Lakes – congratulating the successful candidates to serve on Victoria County Council and thank those who serve the residents of the county.

Res. No. 1861 – K. Bain, Victoria-The Lakes – congratulating Warden Bruce Morrison and Deputy Warden Fraser Patterson on their appointments and wish them all the best.

Res. No. 1862 – Hon. K. Casey, Colchester North – congratulating Beth Murray for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1863 - Hon. K. Casey, Colchester North – congratulating Hannah Lynds for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1864 - Hon. K. Casey, Colchester North – congratulating Hannah Porter for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1865 - Hon. K. Casey, Colchester North – congratulating Kara Lynn MacDonald for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1866 - Hon. K. Casey, Colchester North – congratulating Madelyn Phillips for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1867 - Hon. K. Casey, Colchester North – congratulating Mallory Putnam for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1868 - Hon. K. Casey, Colchester North – congratulating Sydney Miller for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1869 - Hon. K. Casey, Colchester North – congratulating Alicia Tompkins for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1870 - Hon. K. Casey, Colchester North – congratulating

assistant coach Amanda Dale for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1871 - Hon. K. Casey, Colchester North – congratulating Bailey Faulkner for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1872 - Hon. K. Casey, Colchester North – congratulating Beth Murray for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1873 - Hon. K. Casey, Colchester North – congratulating Charles Bowers, assistant coach, for his valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1874 – Hon. K. Casey, Colchester North – congratulating Chloe Bowers for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1875 - Hon. K. Casey, Colchester North – congratulating coach Dale Miller for his valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1876 - Hon. K. Casey, Colchester North – congratulating Emma Toole for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1877 - Hon. K. Casey, Colchester North – congratulating Haleigh Daigle for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1878 - Hon. K. Casey, Colchester North – congratulating Hannah Lynds for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1879 - Hon. K. Casey, Colchester North – congratulating Haylee Porter for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1880 - Hon. K. Casey, Colchester North – congratulating manager John Daigle for his valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1881 - Hon. K. Casey, Colchester North – congratulating

Kara Lynn MacDonald for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1882 - Hon. K. Casey, Colchester North – congratulating Kathleen Hearn for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1883 - Hon. K. Casey, Colchester North – congratulating Lyndsay Burgess for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1884 - Hon. K. Casey, Colchester North – congratulating Madelyn Quinn for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1885 - Hon. K. Casey, Colchester North – congratulating Madison Murphy for her valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1886 - Hon. K. Casey, Colchester North – congratulating assistant coach Tony Faulkner for his valuable contributions to the Female Peewee AA Colchester Cyclones hockey team.

Res. No. 1887 – A. MacMaster, Inverness – acknowledging the talent of Michelle Deveau and congratulating her on her well-deserved award.

Res. No. 1888 – A. MacMaster, Inverness – expressing our appreciation to Nicole LeBlanc for her dedication and positive influence she demonstrates each day as a teacher.

Res. No. 1889 – A. MacLeod, Cape Breton West – congratulating Mira Seniors and Pensioners Club on their 40th anniversary and recognizing their members for their hard work.

Res. No. 1890 – A. MacLeod, Cape Breton West – congratulating Leroy Peach on his induction into the Tourism Industry Hall of Fame and thank him for his tireless work for his community.

Res. No. 1891 – A. MacLeod, Cape Breton West – saluting the members of the Royal Canadian Legion Branch 005 for all they do to ensure our fallen heroes are never forgotten.

Res. No. 1892 – A. MacLeod, Cape Breton West – saluting the

members of the Royal Canadian Legion Branch 55 for all they do to ensure our fallen heroes are never forgotten.

Res. No. 1893 – A. MacLeod, Cape Breton West – saluting the members of the Royal Canadian Legion Branch 151 for all they do to ensure our fallen heroes are never forgotten.

Res. No. 1894 – A. MacLeod, Cape Breton West – saluting the members of the Royal Canadian Legion Branch 62 for all they do to ensure our fallen heroes are never forgotten.

Res. No. 1895 – E. Orrell, Cape Breton North - saluting the members of the Royal Canadian Legion Branch 08 for all they do to ensure our fallen heroes are never forgotten.

Res. No. 1896 – E. Orrell, Cape Breton North - saluting the members of the Royal Canadian Legion Branch 19 for all they do to ensure our fallen heroes are never forgotten.

Res. No. 1897 – E. Orrell, Cape Breton North - saluting the members of the Royal Canadian Legion Branch 83 for all they do to ensure our fallen heroes are never forgotten.

Res. No. 1898 – C. Porter, Hants West - saluting the members of the Royal Canadian Legion Branch 009 for all they do to ensure our fallen heroes are never forgotten.

Res. No. 1899 – Hon. C. d'Entremont, Argyle - saluting the members of the Royal Canadian Legion Branch 66 for all they do to ensure our fallen heroes will never be forgotten.

Res. No. 1900 – Hon. C. d'Entremont, Argyle - saluting the members of the Royal Canadian Legion Branch 155 for all they do to ensure our fallen heroes will never be forgotten.

Res. No. 1901 – K. Bain, Victoria-The Lakes - saluting the members of the Royal Canadian Legion Branch 53 for all they do to ensure our fallen heroes will never be forgotten.

Res. No. 1902 – K. Bain, Victoria-The Lakes - saluting the members of the Royal Canadian Legion Branch 105 for all they do to ensure our fallen heroes will never be forgotten.

Res. No. 1903 – K. Bain, Victoria-The Lakes - saluting the

members of the Royal Canadian Legion Branch 124 for all they do to ensure our fallen heroes will never be forgotten.

Res. No. 1904 – A. MacMaster, Inverness - saluting the members of the Royal Canadian Legion Branch 132 for all they do to ensure our fallen heroes will never be forgotten.

Res. No. 1905 – A. MacMaster, Inverness - saluting the members of the Royal Canadian Legion Branch 43 for all they do to ensure our fallen heroes will never be forgotten.

Res. No. 1906 – A. MacMaster, Inverness - saluting the members of the Royal Canadian Legion Branch 53 for all they do to ensure our fallen heroes will never be forgotten.

Res. No. 1907 – E. Orrell, Cape Breton North – saluting the members of the Army, Navy and Air Force veterans in Canada for all they do to ensure our fallen heroes will never be forgotten.