

The House met at 2:00 P.M.

Prayers.

SPEAKER'S RULING

Yesterday, the honourable member for Waverley–Fall River–Beaver Bank asked a question to the honourable Minister of Transportation and Infrastructure Renewal during Question Period. Following Question Period, the honourable House Leader for the New Democratic Party rose on a point of order, and it was his position that the tradition of the House was that Question Period was reserved for Opposition Parties and any independent members.

The point of order was supported by the honourable House Leader of the Official Opposition, who added that he believed this issue should be part of a general review by the Committee on Assembly Matters.

In considering this matter, I looked first at our rules. Rule 31 does not limit the putting of questions to ministers only to members of Opposition Parties. Other provisions in our rules that are limited to Opposition business, clearly state such a limited application.

The leading authority on parliamentary procedure in the House of Commons, *O'Brien and Bosc*, makes it clear that while Question Period is designed primarily to allow the Opposition members to hold the government to account; it is still possible for members from the caucus of the Government Party to also ask questions.

It says at page 492: “Any Member can ask a question, although the time is set aside almost exclusively for the opposition parties to confront the government and hold it accountable for its actions, and to highlight the perceived inadequacies of the government.”

Note that the quotation says that the time is set aside almost exclusively for the opposition” – it does not say “exclusively”.

This left me wondering how this issue is dealt with in the other jurisdictions, provinces and territories. The Chief Clerk has researched this and has advised me that in all the other provinces and territories in Canada that have Party politics in their government systems, the right of “backbench”, non-Cabinet members of the government caucus to ask some questions to ministers is recognized to some degree.

While there is some variation in how this is carried out across jurisdictions, the general principles are that a limited amount of time is set aside for questions from government backbenchers, usually later in the Question Period, after ample time has been given to the Official Opposition, other Parties and other independent members. In some provinces, a “turn” for a government backbench question is reserved late in the Question Period rotation for the day; in other jurisdictions, the right to ask questions is acknowledged, but rarely taken advantage of.

The honourable Government House Leader has advised me and the other House Leaders that it is his intent to have only the tenth and twentieth questions in each Question Period asked by non-Cabinet members of his Party’s caucus, and that in each case only one question will be asked - there would be no supplementary questions.

Given these intended parameters, and the principles of parliamentary procedure I have mentioned previously, I am satisfied that permitting such limited use of the time of Question Period is reasonable so long as the primary use of the time by the Opposition is respected - by this, I mean that both the question and answer should be concise.

It is my hope that the questions will be about matters of genuine interest to the particular members posing them. I believe it would be unfortunate if the questions were simply easy “plants”, designed to allow ministers opportunities to make statements that they are already free to make under the order of business, Statements by Ministers. This has been a concern in other jurisdictions.

I believe this ruling is consistent with a recent significant ruling by Speaker Scheer in our House of Commons. On April 23rd of this year, Speaker Scheer addressed the question of the individual rights of members to freedom of speech, against the backdrop of the conventions of Party control and use of lists submitted by Party Whips that dictated the order of members being given the floor to speak. No matter what, it is always up to the Speaker to decide who is recognized to speak, and I will safeguard the interests of all members on both sides of this House.

In conclusion, while I thank both the House Leaders of the NDP and the Official Opposition for raising this point of order, it should come as no surprise, given what I have just said, that I must find to the contrary, and advise the House that I will permit the limited use of questions by government backbenchers in the manner proposed by the honourable Government House Leader.

If problems arise, I can always revisit the question of this new practice. Also, it is open to the House to come to a more formal recognition of the rights of members to pose questions, in any revision to our rules. Thank you all for your attention.

GOVERNMENT NOTICES OF MOTION

Pursuant to the order, the following notice was passed in at the Clerk's table:

Res. No. 124 - Hon. S. McNeil, Premier - extending our deepest condolences to the family, community and friends on the passing of Chief Reg Maloney.

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. 12. An Act to Amend Chapter 7 of the Acts of 1996, the Occupational Health and Safety Act

(Hon. K. Regan - Minister of Labour and Advanced Education)

No. 13. An Act to Amend Chapter 65 of the Acts of 1978, an Act Respecting the Ladies of the Sacred Heart at Halifax

(J. Stroink - Halifax Chebucto)

NOTICES OF MOTION

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

Res. No. 125 - Hon. S. McNeil, Annapolis - congratulating the Bridgetown Regional High School Senior Boys Trojan soccer team for their successful season.

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

notice was waived and the motion carried nem con.

Res. No. 126 - A. Rowe, Dartmouth South - congratulating Gloria Fisher of Fisher's Stationery on her retirement at the age of 92 after 54 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. 127 - B. Maguire, Halifax Atlantic - congratulating Michele Raymond on her dedication and long service to the government and wishing her well in her future endeavours.

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

Res. No. 128 - B. Jessome, Hammonds Plains-Lucasville - congratulating Marilyn Cummings on the opening of her new business.

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

Res. No. 129 - Hon. L. Metlege Diab, Halifax Armdale - congratulating the Springvale Elementary School on their Remembrance Day memorial performance.

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

Res. No. 130 - Hon. M. MacDonald, Acting Leader of the New Democratic Party - congratulating the Halifax North End Business Association and the Hydrostone District Business Association on their Christmas parade.

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

Res. No. 131 - L. Hines, Guysborough-Eastern Shore-Tracadie - extending condolences to Lori Ann Lowe's family on her passing and honour her 27 years as a caregiver to over 60 children.

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

Res. No. 132 - G. Gosse, Sydney-Whitney Pier - congratulating Mona Baryluk, Chair of Cancer Nova Scotia's Advisory Board of Directors and wishing her all the best.

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

Res. No. 133 - Hon. S. Belliveau, Queens-Shelburne - recognizing Michelle Branchaud on receiving the 2012 High Five Champion Award.

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

Res. No. 134 - Hon. D. Peterson-Rafuse, Chester-St. Margaret's - remembering Hugh Conrad, who helped make the Hooked Rug Museum of Nova Scotia a reality.

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

Res. No. 135 - L. Zann, Truro-Bible Hill-Millbrook-Salmon River - congratulating Detective Constable Karen Harling and the Truro Police Service upon winning the Blue Line Image Award.

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

Res. No. 136 - G. Gosse, Sydney-Whitney Pier - acknowledging Don and Ron DeLeskie in their efforts to have the Sydney Tar Ponds and the Coke Ovens sites cleaned up.

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

Res. No. 137 - Hon. S. Belliveau, Queens-Shelburne - congratulating Meggie Woolvett Lemaire on receiving a certificate of commendation from the Governor General of Canada for her act of great merit.

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

Res. No. 138 - Hon. D. Peterson-Rafuse, Chester-St. Margaret's

- congratulating Acadia Centre for social and business entrepreneurship on 25 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. 139 - L. Zann, Truro-Bible Hill-Millbrook-Salmon River – congratulating Chad Norman on the publication of his 15th collection of poetry.

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

OPPOSITION MEMBERS' BUSINESS

Hon. C. d'Entremont, House Leader for the Official Opposition, called the following bill:

No. 8. Nova Scotia Jobs Fund Transfer Act

A debate ensued during which the following took part: K. MacFarlane, Hon. M. Samson, Hon. D. Peterson-Rafuse and Hon. J. Baillie. The debate was deemed to be adjourned.

Hon. C. d'Entremont, House Leader for the Official Opposition, called the following bill:

No. 6. Elections Act

A debate ensued during which the following took part: J. Lohr, Hon. D. Whalen, G. Gosse and Hon. J. Baillie. The debate was deemed to be adjourned.

ADJOURNMENT

The House adjourned to meet Thursday, December 5th at 2:00 P.M.

MOTIONS UNDER RULE 5(5)

The Speaker interrupted the business having received notices of motion under Rule 5(5). The topic of late debate as submitted by P. Arab, Fairview-Clayton Park:

“Therefore be it resolved that this House of Assembly take the time to mark December 6, 2013, as the International Day for the Elimination of Violence Against Women.”

A debate ensued during which the following took part: P. Arab, L. Harrison and L. Zann.

NOTICES OF MOTION UNDER RULE 32

The following notice was passed in at the Clerk's table:

Res. No. 140 - A. MacMaster, Inverness - sending condolences to the family and friends of Chief Reg Maloney and remembering and honouring him for his service to his community.