



LEGISLATIVE ASSEMBLY OF NEW BRUNSWICK
Third Session, 58th Legislative Assembly

ORDER AND NOTICE PAPER – Sitting No. 13
Thursday, December 8, 2016

ROUTINE PROCEEDINGS

Prayers
Introduction of Guests
Statements by Members
Oral Questions (30 minutes)
Tabling of Documents
Statements by Ministers
Presentations of Petitions
Answers to Petitions and Written Questions
Presentations of Committee Reports
Introduction of Bills
Notices of Motions
Notice of Opposition Members' Business
Government Motions for the Ordering of the Business of the House
Deferred Recorded Divisions
Orders of the Day

ORDERS OF THE DAY

GOVERNMENT BILLS AND ORDERS

GOVERNMENT BILLS FOR SECOND READING

Bills Ordered for Second Reading

Bill 24, Integrity Commissioner Act - Hon. Mr. Boudreau

Bill 25, An Act to Amend the Child and Youth Advocate Act - Hon. Mr. Boudreau

Adjourned Debates

Bill 17, An Act to Amend the Judicature Act - Hon. Mr. Landry

STANDING COMMITTEE ON ECONOMIC POLICY

Bill 6, An Act to Amend the Gas Distribution Act, 1999 - Hon. Mr. Doucet

Bill 14, An Act to Amend the Coroners Act - Hon. Mr. Landry

Bill 18, An Act to Amend the Smoke-free Places Act - Hon. Mr. Boudreau

Bill 19, An Act Respecting Nurse Practitioners - Hon. Mr. Boudreau

Bill 21, An Act to Amend the Tobacco Tax Act - Hon. Ms. Rogers

Bill 22, An Act to Amend the Revenue Administration Act - Hon. Ms. Rogers

Bill 23, An Act to Amend the Inshore Fisheries Representation Act - Hon. Mr. Doucet

STANDING COMMITTEE ON LAW AMENDMENTS

Bill 16, An Act to Amend the Crown Construction Contracts Act - Hon. Mr. Fraser

BILLS AWAITING ROYAL ASSENT

Bill 2, An Act to Repeal An Act to Comply with the Request of The City of Saint John on Taxation of the LNG Terminal - Hon. Dr. Doherty

Bill 3, An Act Respecting Government Reorganization - Hon. Mr. Doucet

Bill 4, An Act to Amend the Adult Education and Training Act - Hon. Mr. Arseneault

Bill 5, An Act Respecting Cost of Credit Disclosure and Payday Loans
- Hon. Ms. Rogers

Bill 8, An Act to Amend the Legal Aid Act - Hon. Mr. Landry

Bill 9, An Act to Amend the New Brunswick Income Tax Act - Hon. Ms. Rogers

Bill 11, An Act to Amend the Clean Environment Act - Hon. Mr. Rousselle, Q.C.

Bill 12, An Act Respecting Agreements with the Canada Revenue Agency - Hon. Mr. Horsman

Bill 13, Advance Health Care Directives Act - Hon. Mr. Boudreau

Bill 15, An Act to Amend the Workplace Health, Safety and Compensation Commission and Workers' Compensation Appeals Tribunal Act - Hon. Mr. Arseneault

GOVERNMENT MOTIONS

Motion 10 by Hon. Mr. Doucet, seconded by Hon. Mr. Boudreau to propose the following resolution on Wednesday, December 7, 2016:

THAT unless otherwise provided by Standing Rule or Special Order of the House, the Legislative Assembly adopt the following sessional calendar upon resumption of the Third Session of the Fifty-Eighth Legislature on December 6, 2016:

Tuesday, December 6 to Friday, December 9, 2016, inclusive;
 Tuesday, December 13 to Friday, December 16, 2016, inclusive;
 Tuesday, January 31 to Friday, February 3, 2017, inclusive;
 Tuesday, February 7 to Friday, February 10, 2017, inclusive;
 Tuesday, March 14 to Friday, March 17, 2017, inclusive;
 Tuesday, March 21 to Friday, March 24, 2017, inclusive;
 Tuesday, March 28 to Friday, March 31, 2017, inclusive;
 Tuesday, April 25 to Friday, April 28, 2017, inclusive; and
 Tuesday, May 2 to Friday, May 5, 2017, inclusive;

THAT during certain weeks in which the Assembly is adjourned, the following dates are available to the standing committees to meet to consider bills, estimates and the public accounts of various government departments and Crown corporations;

Tuesday, January 17 to Friday, January 20, 2017, inclusive;
 Tuesday, February 14 to Friday, February 17, 2017, inclusive;
 Tuesday, February 21 to Friday, February 24, 2017, inclusive;
 Tuesday, February 28 to Friday, March 3, 2017, inclusive;
 Tuesday, April 11 to Thursday, April 13, 2017, inclusive;
 Tuesday, April 18 to Friday, April 21, 2017, inclusive;
 Tuesday, June 6 to Friday June 9, 2017, inclusive;
 Tuesday, June 13 to Friday June 16, 2017, inclusive;
 Tuesday, September 26 to Friday, September 29, 2017, inclusive;
 Tuesday, October 3 to Friday October 6, 2017, inclusive; and
 Tuesday, October 10 to Friday, October 13, 2017, inclusive,

THAT notwithstanding the above dates available to committees, that the chairs of standing and select committees may continue to call meetings with appropriate notice on dates of their choosing;

THAT when the Assembly adjourns on Friday May 5, 2017, it stand adjourned until Wednesday, November 1, 2017;

PROVIDED ALWAYS THAT if it appears to the satisfaction of Mr. Speaker, after consultation with the Government, that the public interest requires that the House should meet at an earlier time during any period of adjournment, Mr. Speaker may give notice that he is so satisfied and in such notice shall state a time at which the House shall meet, and thereupon the House shall meet at the time so stated and shall transact its business as if it had been duly adjourned to that time, and

THAT in the event of Mr. Speaker being unable to act owing to illness or other cause, either of the Deputy Speakers shall act in his stead for the purpose of this order.

Motion 11 by Hon. Mr. Gallant, seconded by Mr. Higgs to propose the following resolution on Friday, December 9, 2016:

WHEREAS a major west-east crude oil pipeline would enable access to substantially more Canadian crude oil in Atlantic Canada, ensuring security of supply;

WHEREAS the City of Saint John has an ice-free deep water port facility, capable and experienced in managing the world's largest crude carrying vessels;

WHEREAS the construction of a crude oil pipeline to New Brunswick is in the national interest, as the ability to export crude from the east coast means that western Canadian producers will become less reliant on US markets, giving our producers access to global markets;

WHEREAS New Brunswick is the location of Canada's largest oil refinery;

WHEREAS New Brunswick has recent experience in working effectively with regulators and communities on energy pipeline projects;

WHEREAS a major crude pipeline project would result in significant direct and indirect employment opportunities, both during the construction phase and in the long term, providing ongoing economic benefits for the whole province, our region, and the entire country;

WHEREAS Canadian crude oil supplied by pipeline to our refinery would decrease production costs and make the refined petroleum more competitive;

BE IT RESOLVED that the Legislative Assembly of New Brunswick recommit its support for the construction of the Energy East pipeline to bring western crude oil to Saint John.

CONCLUDED

Motion 12 by Hon. Mr. Gallant. Debated and carried December 7, 2016.

Motion 13 by Hon. Mr. Gallant. Debated and carried December 7, 2016.

Motion 14 by Hon. Mr. Gallant. Debated and carried December 7, 2016.

GOVERNMENT PRIVATE MEMBERS' MOTIONS

Motion 15 by Mr. Bernard LeBlanc, seconded by Mr. Bourque to propose the following resolution on Tuesday, December 13, 2016:

WHEREAS the following public Acts of the Legislature, or provisions of public Acts of the Legislature, were listed in the 2016 Annual Report, *Statute Repeal Act*, tabled in the Legislative Assembly on August 30, 2016, as public Acts or provisions of public Acts that are to come into force by proclamation, that were assented to nine years or more before December 31, 2015, and that have not come into force on or before that date:

Pension Benefits Act, S.N.B. 1987, c.P-5.1, section 2;

Agricultural Land Protection and Development Act, S.N.B. 1996, c.A-5.11, paragraph 8(c) and sections 10, 21 and 22;

An Act to Amend the Judicature Act, S.N.B. 2001, c.29, sections 1 and 5 and paragraph 2(b);

WHEREAS, as a result of being listed in the Annual Report, these public Acts of the Legislature, or provisions of public Acts of the Legislature, will be repealed on December 31, 2016, pursuant to section 2 of the *Statute Repeal Act*, unless the Legislative Assembly adopts a resolution that these Acts or provisions not be repealed;

BE IT THEREFORE RESOLVED that these public Acts of the Legislature, or provisions of public Acts of the Legislature, listed in this resolution, not be repealed.

OPPOSITION MEMBERS' BUSINESS

[Order in accordance with notice provided pursuant to Standing Rule 44(4)]

OPPOSITION MEMBERS' MOTIONS

Debatable Motions

Motion 9 by Mr. Keirstead, seconded by Mr. Jody Carr to propose the following resolution on Thursday, December 8, 2016:

WHEREAS the Select Committee on Climate Change worked diligently to consult with New Brunswickers, stakeholder groups, and experts, on developing a plan to address climate change; and

WHEREAS the Committee made a recommendation to "Develop a made-in-New Brunswick carbon pricing mechanism, as opposed to having one imposed on New Brunswickers by the federal government"; and

WHEREAS the Committee recommended this mechanism be conditional upon:

- a. Directing all revenue from carbon pricing to a dedicated climate change fund, not general revenue;
- b. Undertaking a detailed analysis of the social, financial, economic, and environmental impacts of the various carbon pricing mechanisms and revenue investment options.
- c. Protecting low-income New Brunswickers;
- d. Including all economic sectors;
- e. Considering the approach taken by neighboring jurisdictions;
- f. Developing the mechanism with the engagement of all concerned interests; and
- g. Ensuring the carbon-pricing mechanism is outlined in legislation and receives public consultation through a committee of the Legislative Assembly.

BE IT THEREFORE RESOLVED THAT this Assembly urges the government to meet all of the conditions recommended by the Committee before imposing a new carbon tax or carbon pricing mechanism on the already over-burdened taxpayers of New Brunswick.

Motion 4 by Mr. Stewart, seconded by Mr. Fairgrieve to propose the following resolution on Thursday, November 10, 2016:

WHEREAS the Auditor General is responsible for leading and directing independent audits and advising on how well the provincial government is managing its responsibilities and resources;

WHEREAS the Auditor General conducts financial audits of government services and programs to support the amounts and disclosures in the financial statements submitted to government and the public;

WHEREAS the Auditor General conducts performance audits of government services and programs, providing a systematic and objective assessment of how well government is managing its activities, responsibilities and resources;

WHEREAS the Auditor General conducts special examination of our Crown Corporations, providing assurance that their assets are safeguarded, their resources are managed economically and efficiently and their operations are carried out effectively;

WHEREAS government spent considerable time and effort on a Strategic Program Review, but refused more resources to the Auditor General, even though it is this office that performs financial, performance and special reviews of government services, and provides recommendations to government to improve these practices;

BE IT THEREFORE RESOLVED THAT this Assembly urges the current government to start supporting the Auditor General's office, and allowing additional performance audits and special investigations to be conducted, so that we can reach the goal of a balanced budget and better taxpayer protection.

[Debate interrupted due to expiration of time]

OPPOSITION MEMBERS' PUBLIC BILLS FOR SECOND READING

Bill 26, An Act to Amend the Lobbyists' Registration Act - Mr. Fitch

Bill 7, Green Jobs Act - Mr. Coon

Bill 10, An Act to Amend the Education Act - Mr. Coon

Bill 20, An Act to Amend the Political Process Financing Act - Mr. Coon

Bill 27, An Act to Amend the Motor Vehicle Act - Mr. Jody Carr

OPPOSITION MEMBERS' MOTIONS

Debatable Motions

Motion 3 by Mr. Savoie, seconded by Mr. K. MacDonald to propose the following resolution on Thursday, November 10, 2016:

WHEREAS the softwood lumber agreement between Canada and the United States of America has expired and the two countries are in the midst of negotiations for a new agreement;

WHEREAS 83 percent of New Brunswick's land base is forested and about half of that is Crown forest;

WHEREAS the forest industry in New Brunswick employs over 22,000 people;

WHEREAS the forest industry in New Brunswick contributes over \$1.45 billion to the economy annually;

WHEREAS New Brunswickers have a vested interest in the negotiations of a new softwood lumber agreement;

WHEREAS impositions of tariffs and trade caps with the United States could pose a significant risk to New Brunswick's economy;

BE IT THEREFORE RESOLVED THAT this Assembly urges the current government to meet with the federal government to continue to promote New Brunswick interests with regard to the negotiations of a new softwood lumber agreement.

Motion 6 by Mr. Coon, seconded by Mr. Keirstead to propose the following resolution on Thursday, November 17, 2016:

WHEREAS the government tables each year its Main Estimates and its public accounts of government expenses and revenues;

WHEREAS revenues foregone through tax expenditures including tax credits and tax exemptions are not currently included in the expenses of the government's Main Estimates;

WHEREAS international organizations including the International Monetary Fund and the Organization for Economic Cooperation and Development promote public sector accounting standards that require governments to report tax expenditures;

WHEREAS other jurisdictions within Canada, including British Columbia and the Government of Canada report tax expenditures annually;

WHEREAS it is the responsibility of government to be accountable to the people it represents;

BE IT RESOLVED THAT the Legislative Assembly urge the government to include in its main estimates the total revenue foregone as a result of tax expenditures each fiscal year, beginning with 2017-2018.

Motion 7 by Mr. Coon, seconded by Mr. Bertrand LeBlanc to propose the following resolution on Thursday, November 24, 2016:

WHEREAS all Members of the Legislative Assembly are elected representatives of the people of New Brunswick;

WHEREAS it is important that the role and responsibilities of MLAs be well understood by the public;

WHEREAS it would be helpful for Members of the Legislative Assembly to have guidelines to aid them in the conduct of their duties;

WHEREAS the effectiveness of MLAs, and their accountability to the people of New Brunswick, may be improved if the Legislative Assembly establishes a formal statement of the key roles and responsibilities of MLAs;

WHEREAS the Legislative Administration Committee recommended the adoption of a statement on the Roles and Responsibilities of an MLA and a Code of Conduct for MLAs in its report to the Legislative Assembly tabled April 3, 2003;

BE IT THEREFORE RESOLVED THAT the Standing Committee on Procedure, Privileges and Legislative Officers take into consideration the adoption of a statement on the Roles and Responsibilities of an MLA and a Code of Conduct for MLAs.

Motion 8 by Mr. Higgs, seconded by Mr. Crossman to propose the following resolution on Thursday, December 8, 2016:

WHEREAS the recent assessment results indicate that the majority of Grade 12 students, who started in the Grade 1 Immersion program, have utterly failed to meet expected outcomes; and

WHEREAS those assessment results indicate that not even 42% of those tested met or exceeded the Advanced Proficiency level, when the provincial target was 85%; and

WHEREAS those assessment results indicate that a large percentage of the students who started the Grade 1 Immersion program either dropped out of the program or no longer met the program definition by the time they reached Grade 12; and

WHEREAS a number of those Grade 12 students who dropped out of the program or failed to meet the definition under Policy 309 took the assessment test anyway – but that these results are not publicly reported; and

WHEREAS the Gallant government made a political promise during the last election campaign to reinstate the Grade 1 French Immersion despite these completely dismal assessment results and without having any evidence concerning the new Grade 3 Program;

BE IT THEREFORE RESOLVED THAT this Assembly urges the government to put a moratorium on reinstating the Grade 1 French Immersion program; and

BE IT FURTHER RESOLVED THAT this Assembly urge the government to release their transition plan to reinstate Grade 1 French Immersion program so that parents, teachers, administrators, and students can judge whether the plan addresses the serious failings of the original Grade 1 program.

CONCLUDED

Motion 1 by Mr. Higgs. Debated and carried as amended November 10, 2016.

Motion 2 by Mr. Savoie. Debated and defeated November 17, 2016.

Motion 5 by Mr. Urquhart. Debated and defeated November 17, 2016.

PETITIONS

Petition 1: Mr. Crossman, November 3, 2016.

(Response, November 29, 2016)

Petition 2: Mr. Crossman, November 3, 2016.

Petition 3: Mr. Coon, December 6, 2016.

COMMITTEE REPORTS

Standing Committee on Economic Policy

First Report, December 6, 2016

COMMITTEE MEETINGS

The Standing Committee on Economic Policy will meet on Thursday, December 8, 2016, from 1 p.m. until 2:30 p.m. and from 7 p.m. until 10 p.m. in the Chamber of the Legislative Assembly.

The Standing Committee on Law Amendments will meet on Monday, December 12, at 1 p.m. and Tuesday, December 13, 2016, from 9 a.m. until 12 p.m. in the Legislative Council Chamber of the Legislative Assembly Building.

The Legislative Administration Committee will meet on Wednesday, December 14, 2016, at 12 noon in Room 47-48 of the Legislative Assembly Building.

REPORTS/DOCUMENTS

Tabled in the House

Transitioning to a Low-Carbon Economy, New Brunswick's Climate Change Action Plan

(Tabled by Hon. Mr. Rousselle, Q.C., December 7, 2016)

Filed in the Clerk's Office

Annual Report 2015-2016, Department of Natural Resources

(Filed December 7, 2016)

Annual Report 2015-2016, Department of Health

(Filed December 7, 2016)

Donald J. Forestell
Clerk of the Legislative Assembly