

**LEGISLATIVE ASSEMBLY  
PROVINCE OF NEW BRUNSWICK**

First Session, 55th Legislative Assembly  
Friday, August 8, 2003.

**ROUTINE PROCEEDINGS**

Prayers  
Introduction of Guests and Congratulatory Messages  
Presentations of Petitions  
Answers to Petitions and Written Questions  
Presentations of Committee Reports  
Tabling of Documents  
Statements by Ministers  
Statements by Members  
Oral Questions  
Introduction of Bills  
Notices of Motions  
Government Motions for the Ordering of the Business of the House  
Orders of the Day

**ORDER AND NOTICE PAPER  
ORDERS OF THE DAY**

**THIRD READING**

Bill 1, An Act to Amend the Insurance Act - Hon. Mr. Green, Q.C.

**GOVERNMENT BILLS AND ORDERS**

**ADJOURNED DEBATES**

Resuming the adjourned debate on the motion that Bill 3, *Construction Labour Mobility Act* - [Mr. S. Graham] be now read a second time.

**Debate adjourned by Hon. Mr. Mockler.**

Resuming the adjourned debate on the motion that Bill 4, *An Act to Amend the Electricity Act* - [Mr. S. Graham] be now read a second time.

**Debate adjourned by Hon. Mr. Fitch.**

Resuming the adjourned debate on the motion that Bill 6, *An Act to Amend the Public Utilities Act* - [Mr. S. Graham] be now read a second time.

**Debate adjourned by Hon. Mr. Green, Q.C.**

Resuming the adjourned debate on the motion that Bill 7, *An Act to Amend the Insurance Act* - [Mr. S. Graham] be now read a second time.

**Debate adjourned by Hon. Mr. Green, Q.C.**

## **BILLS STANDING REFERRED TO THE STANDING COMMITTEE ON LAW AMENDMENTS**

Bill 2, Volunteer Protection Act - Mr. S. Graham - (*Referred August 1, 2003*)

Bill 5, An Act to Amend the Workers' Compensation Act - Mr. S. Graham (*Referred August 7, 2003*)

## **NOTICES OF MOTIONS**

### **GOVERNMENT MOTIONS**

#### **CONCLUDED:**

**Motion 22 by Hon. Mr. Green.** Carried July 30, 2003.

**Motion 23 by Hon. Mr. Green.** Carried July 30, 2003.

**Motion 24 by Hon. Mr. Green.** Carried July 30, 2003.

**Motion 25 by Hon. Mr. Green.** Carried July 30, 2003.

**Motion 30 by Hon. Mr. Lord.** Carried August 5, 2003.

### **PRIVATE MEMBERS' MOTIONS**

**Motion 1 by Mr. S. Graham**, seconded by Mr. Richard to propose the following resolution on Tuesday, August 5, 2003:

WHEREAS the 2003-2004 provincial budget called for a small surplus of \$7 million;

WHEREAS the provincial Minister of Finance has asked that departments cut \$49

million out of their budgets;

WHEREAS the provincial government has already depleted the Fiscal Stabilization Fund;

AND WHEREAS the Premier made numerous significant financial commitments in recent months;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the Minister of Finance to bring forward a revised economic outlook for New Brunswick and an updated budget forecast within two weeks for the 2003-2004 fiscal year.

***Debate interrupted by expiration of time.***

***Debate to resume on Tuesday, August 12, 2003.***

**Motion 2 by Mr. S. Graham**, seconded by Mr. Burke to propose the following resolution on Tuesday, August 5, 2003:

WHEREAS sky-rocketing insurance rates are a serious concern for many New Brunswickers;

WHEREAS achieving long-term rate relief may entail fundamental changes to the insurance system in New Brunswick;

WHEREAS concerns regarding insurance rates have now gone beyond automobile insurance and into the areas of property and public liability insurance;

BE IT THEREFORE RESOLVED that this Legislature urge the government to immediately establish a Commission on Insurance to study the automobile insurance system in New Brunswick, including the feasibility of a public insurance system that would report to the Legislative Assembly within 60 days;

BE IT FURTHER RESOLVED that this Commission on Insurance be mandated to review other options to improve the protection of New Brunswick consumers in the area of vehicle, property and public liability insurance.

**Motion 3 by Mr. S. Graham**, seconded by Mr. MacIntyre to propose the following resolution on Tuesday, August 5, 2003:

WHEREAS the annual budget of the Department of Health comprises the largest percentage of the New Brunswick provincial budget;

WHEREAS the report of the Health Services Review Committee highlighted the need for greater accountability in the health care system;

WHEREAS the report of the Premier's Health Quality Council reinforced the need for greater accountability in the health care system;

AND WHEREAS the final report of the Romanow Commission on the Future of Health Care in Canada recommends the establishment of accountability as the sixth principle of the *Canada Health Act*;

BE IT THEREFORE RESOLVED that the Legislative Assembly endorse the addition of "Accountability" as the sixth principle of the *Canada Health Act*;

AND BE IT FURTHER RESOLVED that the Legislative Assembly urge the government to encourage other governments to support the addition of this sixth principle.

**Motion 4 by Mr. S. Graham**, seconded by Mr. Murphy to propose the following resolution on Tuesday, August 5, 2003:

WHEREAS under the current system of assessment for nursing home care all that the family has earned and saved over the years will be assessed and used to keep the resident in the nursing home;

WHEREAS the remaining spouse will be left with nothing but the family house and a bare, poverty level pension;

WHEREAS this is a serious worry for many New Brunswickers;

BE IT THEREFORE RESOLVED that this legislature urge the government to change the policy from an asset-based test to an income-based test when determining support for nursing home care.

BE IT FURTHER RESOLVED that this legislature urge the government to review the exemptions allowable to the home-based spouse so as not to force liquidation of assets.

**Motion 5 by Mr. S. Graham**, seconded by Mr. MacIntyre to propose the following resolution on Tuesday, August 5, 2003:

WHEREAS the ceiling levels for transfers for coverage of the cost of prescription drugs from the provincial Prescription Drug Program for seniors to the Blue Cross plan for seniors were established in 1992 to be \$17 198 for a single senior and \$26 955 for married seniors and have remained at that level;

AND WHEREAS inflation over the years reduces the purchasing power of seniors' earnings;

AND WHEREAS the government has recognized this in its provincial income tax legislation with a provision to prevent "bracket creep";

BE IT THEREFORE RESOLVED that the Legislative Assembly ask the government to examine the feasibility of making an adjustment to this ceiling in the coming year to reflect the above index of inflation in the intervening years;

BE IT FURTHER RESOLVED that the Legislative Assembly ask the government to consider adopting a policy that would automatically adjust the ceilings for the provincial Prescription Drug Program based on an appropriate index of inflation to prevent bracket creep from imposing hardship on seniors.

**Motion 6 by Mr. S. Graham**, seconded by Mr. Branch to propose the following resolution on Tuesday, August 5, 2003:

WHEREAS northeastern New Brunswick has an economic development deficit compared to the rest of the province;

WHEREAS the unemployment rate, especially the seasonal unemployment rate, is very high in the northeastern part of the province;

WHEREAS the northeastern part of the province is experiencing an exodus of young people from the area, who leave to attend university or to pursue better job opportunities;

WHEREAS the region is affected by the imminent closure of the Noranda mine;

WHEREAS improved road infrastructure is vital to the economy of northeastern New

Brunswick;

WHEREAS the enhancement of the capability of the Port of Belledune in its role as the cornerstone of northeastern economic development is widely acknowledged;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to pursue the establishment of a northeastern New Brunswick economic development strategy, in cooperation with the government of Canada, to develop the region's economy.

**Motion 7 by Mr. S. Graham**, seconded by Mrs. Robichaud to propose the following resolution on Tuesday, August 5, 2003:

WHEREAS the testing of New Brunswick students in both the francophone and anglophone systems over many years has consistently shown evidence that there is room for improvement;

WHEREAS research demonstrates that improved student-teacher ratios in the early years have a beneficial effect on academic performance;

BE IT RESOLVED that the Legislative Assembly urge the Minister of Education to improve ratios in kindergarten to grade three by reducing average class size by one student per year over four years;

BE IT FURTHER RESOLVED that the Legislature urge the Minister of Education to improve the student/teacher ratio of resource teachers to students in each school district.

**Motion 8 by Mr. S. Graham**, seconded by Mr. Murphy to propose the following resolution on Tuesday, August 5, 2003:

WHEREAS one in 500 children is affected by autism;

WHEREAS in the case of *Auton v. British Columbia*, the BC Court of Appeal ruled that British Columbia's failure to provide effective treatment for a child with autism was a violation of that child's rights under the *Canadian Charter of Rights and Freedoms*;

WHEREAS the Government of New Brunswick is in possession of the report *A Framework for an Integrated Service Delivery System for Persons with Autism in New Brunswick* from the Interdepartmental Committee on Services to Persons with Autism which was completed in November 2001;

AND WHEREAS the window of maximum recovery closes each day on New Brunswick children who go without treatment;

BE IT THEREFORE RESOLVED that this Legislature urge the government to implement the recommendations of *A Framework for an Integrated Service Delivery System for Persons with Autism in New Brunswick* forthwith and immediately.

**Motion 9 by Mr. S. Graham**, seconded by Mrs. Robichaud to propose the following resolution on Tuesday, August 5, 2003:

WHEREAS women's average hourly wage is 79 % of men's in New Brunswick;

WHEREAS the Advisory Council on the Status of Women states that approximately half the wage gap is "caused by the age-old tradition of paying 'women's' jobs less than jobs

usually held by men”;

WHEREAS the New Brunswick government must show leadership in the area of pay equity;

WHEREAS there are still parts of the public service which are not covered by the *Pay Equity Act* and which include New Brunswick government employees;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the New Brunswick government to amend the *Pay Equity Act* so that it applies to all parts of the public service;

AND BE IT FURTHER RESOLVED that the Legislative Assembly urge the New Brunswick government to actively pursue an objective of ensuring that the *Pay Equity Act* applies to the private sector.

**Motion 10 by Mr. S. Graham**, seconded by Mr. Richard to propose the following resolution on Tuesday, August 5, 2003:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House the first quarter report on the Budget for 2003-2004 prepared by the Department of Finance.

**[Response filed August 6, 2003]**

**Motion 11 by Mr. S. Graham**, seconded by Mr. Burke to propose the following resolution on Tuesday, August 5, 2003:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House all resource materials, notes and printouts and any and all materials used in the compilation of the actuarial report prepared by Claudette Cantin and Jacqueline Friedland.

**Motion 12 by Mr. S. Graham**, seconded by Mr. Burke to propose the following resolution on Tuesday, August 5, 2003:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House the number of policy holders leaving the Facilities Association since the revision of the automobile insurance underwriting guidelines (Reg. 2003-15) that came into effect on May 1st, 2003.

**Motion 13 by Mr. Carr**, seconded by Mr. Sherwood to propose the following resolution on Tuesday, August 5, 2003:

WHEREAS in its election platform entitled “Reaching Higher. Going Further,”, the government committed that New Brunswick will have even more funding directed to health and senior care; and

WHEREAS in “Reaching Higher. Going Further,” the government committed that New

Brunswick will have more doctors and nurses than ever before; and

WHEREAS in "Reaching Higher. Going Further," the government committed that New Brunswick will have shorter wait times for key services;

BE IT THEREFORE RESOLVED that the Legislative Assembly encourage the government of New Brunswick to continue to deliver better health care to the people of New Brunswick.

**Motion 14 by Mr. Allaby**, seconded by Mr. Doucet to propose the following resolution on Tuesday, August 5, 2003:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House the county project allocations to each Transportation District for the current fiscal year.

**Motion 15 by Mr. Williams**, seconded by Mr. Betts to propose the following resolution on Tuesday, August 5, 2003:

WHEREAS Canadian premiers and territorial leaders recently unanimously reiterated their call for the federal government to increase its efforts to become a more meaningful partner in the renewal of health care in Canada;

WHEREAS recent polls confirm that Canadians are concerned about current levels of federal health care funding and are worried about the effect of its inadequacy on services now and in the future;

WHEREAS the funding arrangements announced by the Prime Minister on February 5 did not adequately address Canadians' need for a sustainable health care funding partnership, as called for by the federal Commission on the Future of Health Care in Canada;

WHEREAS the federal government remains in a strong fiscal position and clearly has the capacity to honour its commitment to Canadians now.

BE IT THEREFORE RESOLVED that the Legislative Assembly show its support for better health care in New Brunswick by asking the federal government to increase funding by \$2 billion in 2003-04, by \$3 billion in 2004-05, and by 1% per year after that, until the federal share reaches 25% of provincial/territorial health and social expenditures.

**Motion 16 by Mr. Paulin**, seconded by Mr. Boudreau to propose the following resolution on Tuesday, August 5, 2003:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House all capital projects and county projects completed and in progress by the Department of Transportation for regions covered by Madawaska, Restigouche and Gloucester Counties, also known as District 1 and 6, since June 21, 1999 including those capital projects and county projects that the Department of Transportation plans to begin in 2003-2004.

**Motion 17 by Mr. Paulin**, seconded by Mr. Boudreau to propose the following

resolution on Tuesday, August 5, 2003:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House the operating plans and operating budgets of the parks administered by the Department of Tourism and Parks and the Department of Natural Resources since June 21, 1999.

**Motion 18 by Mr. Stiles**, seconded by Mr. MacDonald to propose the following resolution on Tuesday, August 5, 2003:

WHEREAS in its election platform entitled "Reaching Higher. Going Further." the government committed that New Brunswick will have the lowest personal income taxes in eastern Canada, and

WHEREAS in "Reaching Higher. Going Further." the government committed that New Brunswick will have the lowest small business taxes in all of Canada; and

WHEREAS in "Reaching Higher. Going Further." the government committed that New Brunswick will have the highest tax free threshold for low-income earners in all of Canada;

BE IT FURTHER RESOLVED that the Legislative Assembly encourage the government of New Brunswick to continue to deliver lower taxes in a prudent and reasonable manner for the people of New Brunswick.

**Motion 19 by Mr. Targett**, seconded by Mr. Lamrock to propose the following resolution on Tuesday, August 5, 2003:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House all documents, correspondence, e-mails, reports in regard to the land expropriated for the new four-lane highway from Longs Creek to Pokiok including names of property owners, area of lands purchased and amounts paid.

**Motion 20 by Mr. Holder**, seconded by Mr. C. LeBlanc to propose the following resolution on Tuesday, August 5, 2003:

WHEREAS in its election platform entitled "Reaching Higher. Going Further." the government committed that New Brunswick will have even more funding directed to education, universities, and students; and

WHEREAS in "Reaching Higher. Going Further." the government committed that New Brunswick children will all be able to read by the end of Grade 2; and

WHEREAS in "Reaching Higher. Going Further." the government committed that New Brunswick will have more teachers and resources in the classroom;

BE IT THEREFORE RESOLVED that the Legislative Assembly encourage the government of New Brunswick to continue to deliver quality education to the people of New Brunswick.

**Motion 21 by Mr. Murphy**, seconded by Mr. Richard to propose the following



resolution on Tuesday, August 5, 2003:

WHEREAS in March 2002, Waleed Arif, a young autistic man, was placed in Centracare;

WHEREAS the decision to place Mr. Arif in Centracare went against the recommendations of his own doctor, psychologist and psychiatrist;

WHEREAS staff at Centracare have questioned the appropriateness of this placement;

WHEREAS Mr. Arif's condition has visibly deteriorated since his placement in Centracare;

BE IT THEREFORE RESOLVED that this Legislature urge the government to remove Waleed Arif from Centracare and provide treatment that is appropriate for his condition.

**Motion 26 by Mr. Boudreau**, seconded by Mrs. Robichaud to propose the following resolution on Thursday, August 7, 2003:

WHEREAS students are bullied in their schools;

WHEREAS this bullying exists at all academic levels in schools in the province of New Brunswick;

WHEREAS being bullied greatly affects one's self-esteem;

WHEREAS students need to learn how to cope with this problem;

BE IT THEREFORE RESOLVED that the Legislative Assembly strongly urge the government to direct the Department of Education to hold seminars on how to deal with bullies in every school in the province every school year.

**Motion 27 by Mr. Targett**, seconded by Mr. Foran to propose the following resolution on Thursday, August 7, 2003:

WHEREAS the government outlined a number of commitments to New Brunswickers in the last election campaign;

WHEREAS cuts are now pending to government departments;

WHEREAS the people of New Brunswick have charged the government with the responsibility of carrying out their commitments;

BE IT THEREFORE RESOLVED that this Legislature urge the government to present to this House a comprehensive plan and time line for the implementation of these commitments.

**Motion 28 by Mr. Doucet**, seconded by Mr. S. Graham to propose the following resolution on Tuesday, August 12, 2003:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House all correspondence, memos, e-mails and/or reports regarding a proposed project for power generation in the area of Belledune.

**Motion 29 by Mr. Branch**, seconded by Mr. S. Graham to propose the following

resolution on Tuesday, August 12, 2003:

WHEREAS our people of rural New Brunswick voiced rejection of the Government's plan for another level of government with a hidden agenda of an extra tax burden which our people of rural New Brunswick cannot afford;

WHEREAS this government has clearly stated its intention to have the provincially provided services of Transportation and Policing paid for in unincorporated New Brunswick entirely out of rural property taxes and,

WHEREAS the tax base of unincorporated New Brunswick cannot cover these costs without a major property tax rate increase and,

WHEREAS the people of rural New Brunswick already pay toward transportation costs through gasoline tax which this government has stated is directed entirely into the budget of the Department of Transportation,

BE IT THEREFORE RESOLVED that the Legislature urge the government to abandon its plan to increase the base rate for rural property taxes to cover the entire cost of Transportation and Policing in unincorporated New Brunswick and abandon its plan to create rural municipal government with another layer of property tax.

## **CONCLUDED:**

Motion 31 by Mr. S. Graham. Defeated August 7, 2003.

## **PETITIONS**

Petition No. 1 by Mr. S. Graham presented July 30, 2003.

Petition No. 2 by Mr. Allaby presented July 30, 2003.

Petition No. 3 by Mr. Doucet presented July 30, 2003.

Petition No. 4 by Mr. Murphy presented July 30, 2003.

Petition No. 5 by Mr. S. Graham presented August 1, 2003.

Petition No. 6 by Mr. Branch presented August 5, 2003.

Petition No. 7 by Mr. Branch presented August 5, 2003.

Petition No. 8 by Mr. Branch presented August 5, 2003.

Petition No. 9 by Mr. Jamieson presented August 7, 2003.

## **WRITTEN QUESTIONS**

### **Question No. 1**

By Mr. Ronald Ouellette

Directed to: Hon. Mr. Huntjens

Minister of Family and Community Services

August 15 is the date set for removing residents from the Foyer Morel et Lisa Leclerc in Grand

Falls. This move will certainly be hard for some of the residents.

Has the department approached residents' families to ensure that the removal of residents from the Foyer Morel goes smoothly?

Have residents found another home that is prepared to accommodate them as of August 15, and are these new homes in a suitable location for these people?

Loredana Catalli Sonier  
Clerk of the Legislative Assembly