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Journals

(Unrevised)

Legislative Assembly

Province of New Brunswick

Hon. Herménégilde Chiasson
Lieutenant-Governor

Speaker: Hon. Michael Malley

Wednesday, June 21, 2006

Third Session of the 55th Legislative Assembly
Fredericton, New Brunswick

Wednesday, June 21, 2006.

10 o'clock a.m.

Prayers.

Mr. Allaby from the Standing Committee on Public Accounts presented the First Report of the Committee which was read and is as follows:

June 21, 2006.

To The Honourable
The Legislative Assembly of
The Province of New Brunswick

Mr. Speaker:

Your Standing Committee on Public Accounts begs leave to submit this, their First Report.

The report outlines the activities of the Committee during the Second Session of the Fifty-fifth Legislative Assembly and during the Third Session to date.

Your Committee wishes to thank the many government officials who appeared during the public sessions and wishes to acknowledge their cooperation in providing follow-up information.

And your Committee begs leave to make a further report.

Eric Allaby, Chairman.
MLA for Fundy Isles.

Ordered that the report be received, that leave be granted, and the Committee continued.

The full report of the Committee as presented is as follows:

June 21, 2006.

To The Honourable
The Legislative Assembly of
The Province of New Brunswick

Mr. Speaker:

Your Standing Committee on Public Accounts begs leave to submit this, their First Report.

The report outlines the activities of the Committee during the Second Session of the Fifty-fifth Legislative Assembly and during the Third Session to date.

Review of 2003-2004 Fiscal Year

The Committee commenced its review of the 2003-2004 fiscal year on February 3, 2005. The Committee met with the Auditor General, Daryl Wilson, to review the *Report of the Auditor General of New Brunswick, 2004, Volumes 1 and 2*. The Committee also met with officials of the Office of the Comptroller. The Comptroller, Michael Ferguson, answered questions with respect to the Public Accounts and Financial Statements of the Province for the fiscal year ended the 31st day of March 2004.

The Committee met in the Legislative Assembly Chamber on February 8, 9, 10, 11, 15, 16, 17, 18, 23, 24 and 25, 2005 to review the activities and financial statements of the various government departments for the year ending March 31, 2004. Officials of the following departments and offices of government appeared before the Committee:

February 8, 2005**Department of Finance (including Service of the Public Debt)**

- John Mallory, Deputy Minister

Office of Human Resources

- Laura Freeman, Deputy Minister

February 9, 2005**Department of Business New Brunswick**

- Maurice J. Bernier, Deputy Minister

Department of Agriculture, Fisheries and Aquaculture

- Byron James, Deputy Minister

February 10, 2005**Department of Public Safety**

- Louise Lemon, Deputy Minister

Department of Natural Resources

- W. David Ferguson, Deputy Minister

February 11, 2005**Department of Tourism and Parks**

- Brian Alexander, Deputy Minister

February 15, 2005**Department of Health and Wellness**

- Nora Kelly, Deputy Minister

February 16, 2005**Department of Justice**

- Yassin Choukri, Deputy Minister

Department of Transportation

- David Johnstone, Deputy Minister

February 17, 2005**Department of Training and Employment Development**

- Rachel Bard, Deputy Minister

Department of Supply and Services

- G. Stephenson Wheatley, Deputy Minister

February 18, 2005**Department of Education**

- Roger Doucet, Deputy Minister

- John Kershaw, Deputy Minister

February 23, 2005**Department of Energy**

- Bill Thompson, Deputy Minister

Maritime Provinces Higher Education Committee

- Mireille Duguay, Chief Executive Officer

February 24, 2005**Department of Education (continued from February 18, 2005)**

- Roger Doucet, Deputy Minister

- John Kershaw, Deputy Minister

Department of Intergovernmental and International Relations

- Jim McKay, Deputy Minister

February 25, 2005**Department of Family and Community Services**

- Don Ferguson, Deputy Minister

On August 10, 2005, the Committee met in a joint session with the Standing Committee on Crown Corporations to receive and review the *Report of the Auditor General of New Brunswick Volume I, 2005*. The Auditor General, Daryl Wilson, briefed Members on the nature of the work undertaken during the year and on the contents and findings of the Report.

On behalf of all Members, the Committee Chairs thanked the Auditor General, Mr. Wilson, for his many years of dedicated service to the Legislative Assembly and the Province of New Brunswick.

The Committee met on September 20, 21 and 22, 2005, to continue its consideration of departmental reports for the year ending March 31, 2004. Officials of the following departments and offices of government appeared before the Committee:

September 20, 2005**Office of the Premier (including Communications New Brunswick)**

- Rodney Weston, Chief of Staff

Legislative Assembly of New Brunswick

- Loredana Catalli Sonier, Clerk of the Legislative Assembly

September 21, 2005**Labour and Employment Board**

- George Filliter, Chairperson

Aboriginal Affairs Secretariat

- Patrick Francis, Deputy Minister

Culture and Sport Secretariat

- Sylvie Levesque-Finn, Executive Director

New Brunswick Advisory Council on Seniors

- Sister Anne Robichaud, Chairperson

September 22, 2005**New Brunswick Advisory Council on the Status of Women**

- Rosella Melanson, Executive Director

Premier's Council on the Status of Disabled Persons

- Randy Dickinson, Executive Director

Meeting with CCAF

On November 22, 2005, in a joint meeting with the Standing Committee on Crown Corporations, the Committee met with representatives from CCAF-FCVI Inc., a foundation specializing in public sector governance, management and accountability. Topics of discussion included exercising leadership; relationships between legislators, legislative auditors, and senior government managers; achieving and demonstrating results; best practices in a jurisdiction; and committee self assessment.

On January 10, 2006, the Committee met in a joint session with the Standing Committee on Crown Corporations to receive and review the *Report of the Auditor General of New Brunswick Volume 2, 2005*. The Auditor General, Michael Ferguson, briefed Members on the nature of the work undertaken during the year and on the contents and findings of the Report.

Election of Chair

On February 7, 2006, the Committee was informed of the resignation of Mr. Branch as Chair of the Committee.

On motion of Mr. Murphy, seconded by Mr. C. LeBlanc, Mr. Allaby was elected Chair of the Committee.

Review of 2004-2005 Fiscal Year

The Committee met on February 7, 8, 9, 10, 15, 21, 22, 23 and March 15, 16, 17, 22, 23 and 24, 2006 to review the activities and financial statements of the various government departments for the year ending March 31, 2005. Officials of the following departments and offices appeared before the Committee:

February 7, 2006**Office of the Auditor General**

- Michael Ferguson, Auditor General

Office of the Comptroller

- Stephen Thompson, Comptroller

Department of Supply and Services

- G. Stephenson Wheatley, Deputy Minister

February 8, 2006**Department of Natural Resources**

- W. David Ferguson, Deputy Minister

Department of Agriculture, Fisheries and Aquaculture

- Byron James, Deputy Minister

February 9, 2006**Department of Health and Wellness**

- Nora Kelly, Deputy Minister

February 10, 2006**Department of Tourism and Parks**

- Brian Alexander, Deputy Minister

Department of Intergovernmental and International Relations

- Jim McKay, Deputy Minister

February 15, 2006**Department of Training and Employment Development**

- Rachel Bard, Deputy Minister

February 21, 2006**Department Education**

- Roger Doucet, Deputy Minister

- John Kershaw, Deputy Minister

February 22, 2006**Department of Business New Brunswick**

- Eloi Duguay, Deputy Minister

Office of Human Resources

- Laura Freeman, Deputy Minister

February 23, 2006**Department of Energy**

- Bill Thompson, Deputy Minister

March 15, 2006**Department of Justice**

- Yassin Choukri, Deputy Minister

Department of Family and Community Services

- Don Ferguson, Deputy Minister

March 16, 2006**Department of Transportation**

- David Johnstone, Deputy Minister

Department of Public Safety

- Louise Lemon, Deputy Minister

March 17, 2006**Department of Environment and Local Government (2003-04 & 2004-05)**

- Hermel Vienneau, Deputy Minister

March 22, 2006**Executive Council Office (2003-04 & 2004-05)**

- Maurice Bernier, Clerk of the
Executive Council and Secretary to Cabinet

Maritime Provinces Higher Education Commission

- Léandre Desjardins, Chief Executive Officer

New Brunswick Advisory Council on Youth (2003-04 & 2004-05)

- Melissa Cameron, Chairperson

March 23, 2006**Labour and Employment Board**

- George Filliter, Chairperson

Aboriginal Affairs Secretariat

- Patrick Francis, Deputy Minister

Department of Justice (continued from March 15, 2006)

- Yassin Choukri, Deputy Minister

New Brunswick Advisory Council on Seniors

- Sister Anne Robichaud, Chairperson

March 24, 2006**Department of Family and****Community Services (continued from March 15, 2006)**

- Don Ferguson, Deputy Minister

New Brunswick Advisory Council on the Status of Women

- Ginette Petitpas-Taylor, Chairperson

Your Committee wishes to thank the many government officials who appeared during the public sessions and wishes to acknowledge their cooperation in providing follow-up information.

And your Committee begs leave to make a further report.

Eric Allaby, Chairman.
MLA for Fundy Isles

Mr. Ouellette gave Notice of Motion 104 that on Tuesday, June 27, 2006, he would move the following resolution, seconded by Mr. Allaby:

That an address be presented to His Honour the Lieutenant-Governor praying that he cause to be laid upon the table of the House all correspondence, including minutes of meetings, letters, e-mails, memoranda, briefing notes, handwritten notes, reports, analysis and research from the Departments of Local Government and Finance pertaining to the procedure in which the federal/provincial gas tax rebate will be distributed to unincorporated areas in the province of New Brunswick, including a complete list of any and all projects that have received funding to date.

Mr. R. Boudreau gave Notice of Motion 105 that on Tuesday, June 27, 2006, he would move the following resolution, seconded by Mr. Paulin:

That an address be presented to His Honour the Lieutenant-Governor praying that he cause to be laid upon the table of the House all correspondence, including e-mails, memoranda, briefing notes, reports, analysis, financial statements and general operating costs, pertaining to the Jardin botanique du N.-B. of Saint-Jacques, New Brunswick.

Hon. Mr. Harrison, Government House Leader, announced that it was the intention of government that following third reading, the House would resolve itself into a Committee of the Whole to take into consideration several Bills, followed by third reading of those several Bills.

The following Bills were read a third time:

Bill 2, *Fiscal Responsibility and Balanced Budget Act.*

Bill 4, *Tuition Tax Cash Back Credit Act.*

Bill 5, *Tobacco Damages and Health Care Costs Recovery Act.*

Bill 10, *An Act to Amend the Crown Lands and Forests Act.*

Bill 11, *An Act to Amend the Crown Lands and Forests Act.*

Bill 15, *An Act to Amend the Clean Environment Act*.
Bill 17, *An Act to Amend the Land Titles Act*.
Bill 22, *An Act to Amend the Kings Landing Corporation Act*.
Bill 43, *An Act to Amend the Time Definition Act*.
Bill 53, *An Act to Amend the Child and Youth Advocate Act*.
Bill 73, *Seafood Processing Act*.

Ordered that the said Bills do pass.

The House resolved itself into a Committee of the Whole with Mr. C. LeBlanc in the chair.

At 12.30 o'clock p.m., the Chairman left the chair to resume again at 2 o'clock p.m.

2 o'clock p.m.

The Committee resumed with Mr. C. LeBlanc in the chair.

And after some time, during consideration of Bill 82, *Petroleum Products Pricing Act*, Mr. Allaby moved in amendment:

AMENDMENT

Amend said Bill as follows:

by adding the following after section 14:

14.1(1) The Board shall, on a monthly basis, file with the Legislative Assembly, a detailed comparison of the New Brunswick average regulated retail price, not including transportation costs, and the Canadian average non-regulated retail price, not including transportation costs, as prescribed by regulation.

14.1(2) The Board shall, on a bi-monthly basis, file with the Legislative Assembly, a detailed comparison of the New Brunswick average regulated wholesale margin and the Canadian average non-regulated wholesale margin as prescribed by regulation.

14.1(3) The Lieutenant-Governor in Council may make regulations

(a) prescribing the methodology in calculating the New Brunswick average regulated retail price, not including transportation costs, and the Canadian average non-regulated retail price, not including transportation costs, under subsection (1); and

(b) prescribing the methodology in calculating the New Brunswick average regulated wholesale margin and the Canadian average non-regulated wholesale margin under subsection (2).

And the question being put, a debate ensued.

And the debate being ended and the question being put, the Committee divided as follows:

YEAS - 26

Mr. McGinley	Mr. Albert	Mr. Foran
Mr. Jamieson	Mr. Ouellette	Mr. Kennedy
Mr. MacIntyre	Ms. C. Robichaud	Mr. A. LeBlanc
Mr. Allaby	Mr. Lamrock	Mr. Paulin
Mr. S. Graham	Mr. Targett	Mr. Doucet
Mr. Armstrong	Mr. Burke	Mr. R. Boudreau
Mr. Landry	Mr. Murphy	Mr. Brewer
Mr. Branch	Mr. Kenny	Mr. V. Bourdreau
Mr. Doherty	Mr. Arseneault	

NAYS - 26

Hon. Ms. MacAlpine-Stiles	Hon. Ms. Fowlie	Hon. Mr. Fitch
Hon. Ms. Poirier	Hon. Mr. Steeves	Mr. Huntjens
Hon. Ms. Dubé	Hon. Mr. Williams	Mr. Stiles
Hon. Mr. Volpé	Hon. Mr. Ashfield	Mr. Sherwood
Hon. Mr. Lord	Hon. Mr. MacDonald	Mr. Mesheau
Hon. Mr. Harrison	Hon. Mr. Carr	Ms. Blaney
Hon. Mr. Green	Hon. P. Robichaud	Mr. E. Robichaud
Hon. D. Graham	Hon. Mr. Alward	Mr. Betts
Hon. Mr. Mockler	Hon. Mr. Holder	

There being an equality of votes upon a division in the Committee, pursuant to Standing Rule 81, Mr. C. LeBlanc, the Chairman, cast his deciding vote in the negative and the amendment was defeated.

And after some time, Mr. Speaker resumed the chair and Mr. C. LeBlanc, the Chairman, after requesting that Mr. Speaker revert to Presentations of Committee Reports, reported:

That the Committee had directed him to report the following Bills as agreed to:

Bill 18, *An Act to Amend An Act to Amend the Motor Vehicle Act.*

Bill 20, *An Act to Amend the Provincial Loans Act.*

Bill 51, *An Act to Amend the Human Tissue Gift Act.*

Bill 54, *An Act to Amend the Motor Vehicle Act.*

Bill 74, *An Act to Amend the Emergency 911 Act.*

And that the Committee had directed him to report the following Bills agreed to as amended:

Bill 71, *Agricultural Producers Registration and Farm Organizations Funding Act.*

Bill 82, *Petroleum Products Pricing Act*.

And the Committee asked leave to make a further report.

Pursuant to Standing Rule 78.1, Mr. Speaker then put the question on the motion deemed to be before the House, that the report be concurred in, and it resolved in the affirmative.

With leave of the House to dispense with notice, Hon. Mr. Harrison moved, seconded by Hon. P. Robichaud: (Motion 106)

THAT, notwithstanding the Special Order of the House adopted June 2, 2006, when the Assembly adjourns at the end of this sitting day, it shall stand adjourned until Thursday, June 22, 2006, at 9 o'clock a.m., at which time the House shall continue to meet to transact its business until 4 p.m.

When the Assembly adjourns on June 22, 2006, it shall stand adjourned until Wednesday, October 18, 2006.

And the question being put, it was resolved in the affirmative.

With leave of the House to dispense with notice, Hon. Mr. Harrison moved, seconded by Hon. P. Robichaud: (Motion 107)

THAT Standing Rule 104(1) be suspended for the balance of the Fifty-fifth Legislature and that the membership of the Legislative Administration Committee be amended by substituting the name of Hon. Mr. Malley for Hon. Mr. Green and the name of Mr. E. Robichaud for Mr. Stiles and by deleting the name of Hon. Mr. Williams.

And the question being put, it was resolved in the affirmative.

With leave of the House to dispense with notice, Hon. Mr. Harrison moved, seconded by Hon. P. Robichaud: (Motion 108)

That the membership of the standing committees of the House established pursuant to Standing Rule 89 be amended by deleting the current membership and substituting the following:

The Crown Corporations Committee be composed of Mr. Stiles, Ms. Blaney, Mr. Sherwood, Mr. Betts, Mr. C. LeBlanc, Mr. Huntjens, Mr. Arseneault, Mr. V. Boudreau, Mr. Jamieson, and Mr. MacIntyre.

The Education Committee be composed of Mr. Betts, Ms. Blaney, Mr. Sherwood, Mr. Stiles, Mr. E. Robichaud, Ms. C. Robichaud, Mr. R. Boudreau, Mr. Brewer, and Mr. Paulin.

The Estimates Committee be composed of Mr. Sherwood, Mr. Betts, Ms. Blaney, Mr. Huntjens, Mr. C. LeBlanc, Mr. Stiles, Mr. Albert, Mr. V. Boudreau, Mr. A. LeBlanc, and Mr. McGinley.

The Health Care Committee be composed of Mr. Sherwood, Mr. Stiles, Mr. C. LeBlanc, Mr. Huntjens, Mr. E. Robichaud, Mr. Haché, Mr. Albert, Mr. V. Boudreau, and Mr. Kennedy.

The Law Amendments Committee be composed of Hon. Mr. Green, Mr. Betts, Mr. Stiles, Mr. Sherwood, Ms. Blaney, Mr. R. Boudreau, Mr. Burke, and Mr. McGinley.

The Legislative Officers Committee be composed of Mr. Betts, Mr. Stiles, Ms. Blaney, Mr. Huntjens, Mr. E. Robichaud, Mr. Brewer, Mr. Kenny, and Ms. C. Robichaud.

The Private Bills Committee be composed of Mr. Sherwood, Mr. Betts, Mr. Huntjens, Ms. Blaney, Mr. C. LeBlanc, Mr. Armstrong, Mr. Doucet, and Mr. Kennedy.

The Privileges Committee be composed of Hon. Mr. Harrison, Hon. P. Robichaud, Mr. E. Robichaud, Mr. Huntjens, Mr. Stiles, Mr. Allaby, Mr. Haché, and Mr. Landry.

The Procedure Committee be composed of Hon. Mr. Harrison, Hon. P. Robichaud, Mr. E. Robichaud, Mr. Huntjens, Ms. Blaney, Mr. Allaby, Mr. V. Boudreau, and Mr. Lamrock.

The Public Accounts Committee be composed of Mr. Sherwood, Mr. Stiles, Mr. C. LeBlanc, Mr. Betts, Mr. E. Robichaud, Mr. Allaby, Mr. Doucet, Mr. Foran, and Mr. Murphy.

And the question being put, it was resolved in the affirmative.

With leave of the House to dispense with notice, Hon. Mr. Harrison moved, seconded by Hon. P. Robichaud: (Motion 109)

WHEREAS literacy is fundamental to the socio-economic development of all people in New Brunswick, enabling them to participate and enjoy the cultural, democratic, economic and social fabric of our province; and

WHEREAS all members of this Assembly are committed to life-long learning and to the promotion and support of literacy, so that all may be able to access and enjoy the benefits of literacy, and have demonstrated this commitment by forging an agreement that creates a Select Committee on Literacy; and

WHEREAS a bi-partisan effort to continue to improve New Brunswick's literacy rates will benefit all New Brunswickers.

BE IT THEREFORE RESOLVED THAT this House appoint a Select Committee on Literacy, which will be charged with studying and conducting consultations to develop recommendations for a long-term plan to improve literacy rates in all regions of New Brunswick. The Select Committee on Literacy will also be responsible for hearing from the members of the general public, interest groups, and others, any such information which they may so wish to present. The Committee may set appropriate rules for the receiving of said submissions. In addition to the powers traditionally conferred upon the said Committee by the Standing Rules, the Committee shall have the following additional powers:

- to sit during sittings of the House and during the recess after prorogation until the next following Session; and
- to adjourn from place to place as may be convenient; and
- to retain such personnel as required to assist the Committee;

BE IT FURTHER RESOLVED THAT during a period when the Legislative Assembly is adjourned or prorogued, the Committee may release a report by depositing a copy with the Clerk of the Legislative Assembly, and upon the resumption of the sittings of the House, the Chairperson shall present the report to the Legislative Assembly;

BE IT FURTHER RESOLVED THAT the said Committee be composed of Mr. Huntjens, Mr. E. Robichaud, Ms. Blaney, Mr. Sherwood, Mr. C. LeBlanc, Mr. Lamrock, Mr. Arseneault, Mr. Doherty, and Mr. Ouellette.

And the question being put, it was resolved in the affirmative.

It was agreed by unanimous consent that Bills 18, 20, 51, 54, 71, 74, and 82 be read a third time forthwith.

The following Bills were read a third time and passed.

Bill 18, *An Act to Amend An Act to Amend the Motor Vehicle Act.*

Bill 20, *An Act to Amend the Provincial Loans Act.*

Bill 51, *An Act to Amend the Human Tissue Gift Act.*

Bill 54, *An Act to Amend the Motor Vehicle Act.*

Bill 71, *Agricultural Producers Registration and Farm Organizations Funding Act.*

Bill 74, *An Act to Amend the Emergency 911 Act.*

And the Order being read for third reading of Bill 82, *Petroleum Products Pricing Act*, and a recorded vote having been requested on the motion for third reading, it was resolved in the affirmative on the following recorded division:

YEAS - 26

Hon. Ms. MacAlpine-Stiles	Hon. Ms. Fowlie	Mr. Huntjens
Hon. Ms. Poirier	Hon. Mr. Steeves	Mr. Stiles
Hon. Ms. Dubé	Hon. Mr. Williams	Mr. Sherwood
Hon. Mr. Volpé	Hon. Mr. Ashfield	Mr. Mesheau
Hon. Mr. Lord	Hon. Mr. Carr	Ms. Blaney
Hon. Mr. Harrison	Hon. P. Robichaud	Mr. E. Robichaud
Hon. Mr. Green	Hon. Mr. Alward	Mr. C. LeBlanc
Hon. D. Graham	Hon. Mr. Holder	Mr. Betts
Hon. Mr. Mockler	Hon. Mr. Fitch	

NAYS - 21

Mr. McGinley	Mr. Branch	Mr. Burke
Mr. Jamieson	Mr. Doherty	Mr. Murphy
Mr. MacIntyre	Mr. Albert	Mr. Kenny
Mr. Allaby	Mr. Ouellette	Mr. Arseneault
Mr. S. Graham	Ms. C. Robichaud	Mr. Paulin
Mr. Armstrong	Mr. Lamrock	Mr. Brewer
Mr. Landry	Mr. Targett	Mr. V. Boudreau

Accordingly, Bill 82, *Petroleum Products Pricing Act*, was read a third time and passed.

And then, 6.20 o'clock p.m., the House adjourned.

The following documents, having been deposited with the Clerk of the House were deemed laid upon the table of the House pursuant to Standing Rule 39:

Documents requested in Notices of Motions 89 and 94	June 19, 2006
Documents requested in Notice of Motion 95	June 16, 2006