

LEGISLATIVE ASSEMBLY OF NEW BRUNSWICK Fourth Session, 56th Legislative Assembly

ORDER AND NOTICE PAPER - Sitting No. 26 Wednesday, January 20, 2010

ROUTINE PROCEEDINGS

Prayers

Condolences and Messages of Sympathy (*Prior Notice to Speaker*) Introduction of Guests Messages of Congratulation and Recognition (10 minutes) Presentations of Petitions Answers to Petitions and Written Questions Presentations of Committee Reports Tabling of Documents Statements by Ministers Statements by Members (10 minutes) Oral Questions (30 minutes) Introduction of Bills Notices of Motions Notice of Opposition Members' Business Government Motions for the Ordering of the Business of the House Orders of the Day

ORDERS OF THE DAY

GOVERNMENT BILLS AND ORDERS

GOVERNMENT BILLS FOR SECOND READING

Bills Ordered for Second Reading

Bill 26, An Act to Amend the Medical Services Payment Act - Hon. Mrs. Schryer

COMMITTEE OF THE WHOLE

- Bill 7, Heritage Conservation Act Hon. Mr. Albert
- Bill 12, New Brunswick Internal Services Agency Act Hon. Mr. Doherty
- Bill 16, An Act to Amend the Elections Act Hon. Mr. Murphy, Q.C.
- Bill 19, An Act to Amend the Political Process Financing Act - Hon. Mr. Murphy, Q.C.
- Bill 22, An Act to Amend the Family Services Act Hon. Mr. Murphy, Q.C.
- Bill 25, An Act to Amend the Motor Vehicle Act Mr. Alward

PRIVATE BILLS STANDING REFERRED TO STANDING COMMITTEE ON PRIVATE BILLS

Bill 27, An Act Respecting the College of Physiotherapists of New Brunswick - Mr. MacIntyre

BILLS AWAITING ROYAL ASSENT

Bill 17, An Act to Amend the Metallic Minerals Tax Act - Hon. Mr. Byrne, Q.C. Bill 18, An Act to Amend the Real Property Tax Act - Hon. Mr. Byrne, Q.C.

COMMITTEE OF SUPPLY

Main Estimates 2010-2011 Supplementary Estimates Volume II 2008-2009 Supplementary Estimates Volume I 2009-2010

GOVERNMENT MOTIONS

CONCLUDED

Motion 4 by Hon. Mr. Murphy, Q.C. Carried November 20, 2009. Motion 9 by Hon. Mr. Byrne, Q.C. Debated December 1,3,4,8,9 and 11; carried December 11, 2009.

GOVERNMENT PRIVATE MEMBERS' MOTIONS

CONCLUDED

Motion 17 by Mr. Paulin. Debated and carried December 15, 2009.

OPPOSITION MEMBERS' BUSINESS

OPPOSITION MEMBERS' PUBLIC BILLS FOR SECOND READING

Adjourned Debates

Resuming the adjourned debate on the motion that Bill 24, *An Act to Amend the Human Rights Act* [Mr. Alward] be now read a second time.

OPPOSITION MEMBERS' MOTIONS

Debatable Motions

Motion 29 by Mr. Fitch, seconded by Mr. Alward to propose the following resolution on Thursday, January 21, 2010:

WHEREAS the province has indicated through the current 2010-2011 budget that the projected date in which the province will return to a balanced budget has been pushed back until the 2014-2015 fiscal year; and

WHEREAS the current budget projects that revenue for the province will increase by 10.7% from the current fiscal year until the 2014-2015 fiscal year; and

WHEREAS expenditures are slated to increase by only 1% over the same period;

BE IT RESOLVED that this Legislative Assembly urge the government to provide to this House detailed financial forecasts and analysis from the Department of Finance or any outside source that supports the projections and ability of government to keep spending far below historic levels of inflation from the current year until the projected 2015 return to a balanced budget.

Motion 30 by Mr. Alward, seconded by Mr. Robichaud to propose the following resolution on Thursday, January 21, 2010:

WHEREAS there are a significant number of legal issues and questions surrounding the Government's proposed sale of NB Power to Hydro-Quebec;

BE IT RESOLVED that this Legislative Assembly urge the government to immediately present an address to His Honour the Lieutenant-Governor, praying that he forthwith cause to be referred to the Court of Appeal of New Brunswick the following questions for hearing and consideration:

1. Did the Premier of the Province of New Brunswick have any legal authority to sign the October 29, 2009 Memorandum of Understanding (MOU) with the Province of Quebec, without an Order-in-Council or authorization from the Legislature?

2. Does Her Majesty in Right of the Province of New Brunswick have any legal authority to enter into any Agreements to sell all or part of the assets of Generation Corporation, Nuclear Corporation or any other subsidiary of New Brunswick Power Holding Corporation, without prior authorization by the Lieutenant-Governor-in-Council?

3. Does Her Majesty in Right of the Province of New Brunswick have any legal authority to sell or dispose of its voting shares in the New Brunswick Power Holding Corporation?

4. If the legislative amendments to the *Electricity Act* of New Brunswick sought in the October 29, 2009 MOU were enacted, would such amendments amount to an abdication or delegation of New Brunswick's legislative powers in matters of electricity and energy as expressed in Section 92 of the *British North America Act* to another provincial legislature?

5. Can a provincial legislature abdicate or delegate its Section 92 legislative powers to another provincial legislature?

Motions for Returns

Motion 1 by Mr. Alward, seconded by Mr. Fitch to propose the following resolution on Thursday, November 26, 2009:

THAT an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House copies of all correspondence however recorded or stored between the Office of the Premier, Premier Shawn Graham, and the Minister of Energy since October 3, 2006 related to any business dealings with the Province of Quebec and Hydro-Quebec.

Motion 2 by Mr. Robichaud, seconded by Mr. Alward to propose the following resolution on Thursday, November 26, 2009:

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 between Premier Shawn Graham, the Office of the Premier of New Brunswick, Mr. Doug Tyler, the Office of the Minister of Energy, Minister Jack Keir and the Office of the Premier of Quebec and Premier Jean Charest, since January 1, 2009.

Motion 3 by Mr. Volpé, seconded by Mr. Robichaud to propose the following resolution on Thursday, November 26, 2009:

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 between Premier Shawn Graham, the Office of the Premier of New Brunswick, the Office of the Minister of Energy, Minister Jack Keir, and NB Power, since October 3, 2006. **Motion 5 by Mr. Fitch,** seconded by Mr. Robichaud to propose the following resolution on Thursday, November 26, 2009:

THAT an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House copies of all studies, reports, memorandum, or correspondence within the possession of government, including any Crown Corporation of New Brunswick related to the valuation of NB Power and any or all of its assets since October 3, 2006.

Motion 7 by Mr. Fitch, seconded by Mr. Alward to propose the following resolution on Thursday, December 3, 2009:

THAT an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House copies of all correspondence however recorded or stored between the Office of the Premier, Premier Shawn Graham, the Minister of Energy, Mr. Doug Tyler and the President and Chief Executive Officer of NB Power since January 1, 2009 related to any business dealings with the Province of Quebec and Hydro-Quebec.

Motion 8 by Mr. Robichaud, seconded by Mr. Alward to propose the following resolution on Thursday, December 3, 2009:

THAT an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House copies of all correspondence however recorded or stored between the Office of the Premier, Premier Shawn Graham, the Minister of Energy, Mr. Doug Tyler and any member of the Board of Directors of NB Power since January 1, 2009 related to any business dealings with the Province of Quebec and Hydro-Quebec.

Motion 10 by Mr. D. Graham, seconded by Mr. Fitch to propose the following resolution on Thursday, December 3, 2009:

THAT an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House detailed expense reports for the Premier, each Minister, Deputy Minister, Assistant Deputy Minister, Executive Assistant and Special Assistant since January 1, 2009.

[Documents requested filed December 18, 2009]

Motion 11 by Mr. Williams, seconded by Mr. Robichaud to propose the following resolution on Thursday, December 3, 2009:

THAT an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House detailed information, including flight records, final destinations, duration of stay, unscheduled stops, and a list of occupants on each flight, however recorded, stored or archived, by electronic means or otherwise, related to the operation and usage of any provincially leased or owned airplane since April 1, 2009.

[Documents requested filed December 11, 2009]

Motion 12 by Mr. Robichaud, seconded by Mr. Alward to propose the following resolution on Thursday, December 3, 2009:

THAT an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House copies of all studies, reports, memorandum, correspondence, financial analysis or professional recommendations within the possession of government, including any Crown Corporations of New Brunswick that will be supplied to the Premier's Advisory Panel on the Proposed New Brunswick / Québec Electricity Transaction.

[Documents requested filed December 3, 2009]

Motion 13 by Mr. Fitch, seconded by Mr. Alward to propose the following resolution on Thursday, December 10, 2009:

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 information in the possession of government however recorded or stored related to any government contract or spending by any Department, Agency or Crown Corporation related to advertising the sale of NB Power to Hydro-Quebec by mail, print, internet, radio or television including contracts that require future advertising since October 1st, 2009.

Motion 14 by Mr. Robichaud, seconded by Mr. Alward to propose the following resolution on Thursday, December 10, 2009:

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 information in the possession of government however recorded or stored related to a report submitted to the government by Bill Marshall and Bill Thompson including a copy of the report.

[Documents requested filed December 14, 2009]

Motion 18 by Mr. Fitch, seconded by Mr. Steeves to propose the following resolution on Thursday, December 17, 2009:

THAT an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House any and all information in the possession of the government including targets, benchmarks, forecasts, time-lines or any other information, however recorded or stored related to the Government's self-sufficiency initiatives and the current progress of the Government toward eliminating federal transfer payments by the year 2026.

[Documents requested filed December 17, 2009]

Motion 19 by Mr. Fitch, seconded by Mr. Steeves to propose the following resolution on Thursday, December 17, 2009:

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 documentation, including correspondence, however recorded, stored or archived, by electronic means or otherwise, related to the current costs to date and projected future costs regarding the restoration of the Petitcodiac River.

Motion 20 by Mr. Volpé, seconded by Mr. Northrup to propose the following resolution on Thursday, December 17, 2009:

THAT an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House a copy of the Memorandum of Understanding signed between the Province and the State of Maine on February 9, 2007, all copies of correspondence between the State of Maine and New Brunswick regarding the current Memorandum of Understanding between the Province of New Brunswick and the Province of Quebec including but not limited to background materials, studies, reports and briefing materials.

[Documents requested filed December 17, 2009]

Motion 21 by Mr. Robichaud, seconded by Mr. Volpé to propose the following resolution on Thursday, December 24, 2009:

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, memorandums, contracts and personal service contracts between the Government of New Brunswick, Premier Shawn Graham, the Office of the Premier, the Office of the Minister of Energy, Minister Jack Keir, Mr. Doug Tyler and Mr. Eugene (Gene) Meehan and or NERA Economic Consulting since January 1, 2009.

Motion 23 by Mrs. Poirier, seconded by Mrs. Dubé to propose the following resolution on Thursday, December 24, 2009:

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 information in government possession, however recorded or stored, concerning the management agreements and construction contracts for the two schools being built in partnership with the private sector in Moncton and Rexton.

Motion 24 by Mr. Williams, seconded by Mr. Robichaud to propose the following resolution on Thursday, December 24, 2009:

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 information, in any format, in the possession of the Government related to any equipment hired, rented or leased by the Department of Transportation by district and Department of Transportation garage or depot whether tendered or untendered, lists of the names of contractors or individuals, the amount and value of each contract and a description of the services delivered since November 1, 2008.

Motion 25 by Mr. Williams, seconded by Mr. Fitch to propose the following resolution on Thursday, December 24, 2009:

THAT an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House copies of all contracts or personal service contracts within the possession of any government department, agency or Crown Corporation related to work of any kind, proposed or completed between the Government of New Brunswick and Nu Focus Strategic Group, including any final reports of work completed. **Motion 26 by Mr. Williams**, seconded by Mr. Fitch to propose the following resolution on Thursday, December 24, 2009:

THAT an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House a copy of the Canada – New Brunswick Affordable Housing Program Agreement, a list of all approved projects, the location of each of those projects, the names of all individuals, companies, or organizations that have been awarded successful contracts, the amount of those contracts and the number of units to be built for each contract.

Motion 27 by Mr. Holder, seconded by Mr. Jody Carr to propose the following resolution on Thursday, December 24, 2009:

THAT an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House a list of all guests, dates and duration of stay to Larry's Gulch Lodge since October 3, 2006.

[Documents requested filed January 15, 2010]

Motion 28 by Mr. Fitch, seconded by Mr. Robichaud to propose the following resolution on Thursday, January 21, 2010:

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 information in the possession of government however recorded or stored related to any government contract or spending between any Department, Agency or Crown Corporation and the firms of Hill & Knowlton, Colour and Bristol Group Inc. related to the sale of NB Power to Hydro-Quebec since October 1st, 2009.

Motion 31 by Mr. Williams, seconded by Mrs. Blaney to propose the following resolution on Thursday, January 28, 2010:

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 information in government possession, however recorded or stored, concerning New Brunswick Health Council expenditures that are considered business expenses, consulting fees, freelance research, and promotional material and that are included in accounts for the current fiscal year beginning April 1, 2009.

CONCLUDED

Motion 6 by Mr. Alward. Debated and defeated November 26, 2009.
Motion 15 by Mr. Alward. Debated and defeated December 10, 2009.
Motion 16 by Mrs. Dubé. Debated and carried December 8, 2009.
Motion 22 by Mr. Fitch. Debated and defeated January 14, 2010.

PETITIONS

Petition 1 : Mr. McGinley, Q.C., November 18, 2009. Petition 2 : Mr. D. Graham, November 18, 2009. Petition 3 : Mr. Urguhart, November 20, 2009. Petition 4 : Mr. Northrup, November 20, 2009. Petition 5 : Mr. Huntjens, November 20, 2009. Petition 6: Mr. Paulin, November 24, 2009. Petition 7: Mr. Urguhart, November 24, 2009. Petition 8: Mr. D. Graham, November 24, 2009. Petition 9: Mr. Harrison, November 24, 2009. Petition 10: Mr. Kennedv. November 25, 2009. Petition 11: Mr. Alward, November 25, 2009. Petition 12: Mr. D. Graham, November 25, 2009. Petition 13: Mr. Olscamp, November 25, 2009. Petition 14: Mr. Steeves, November 25, 2009. Petition 15: Mr. Betts, November 25, 2009. Petition 16: Mr. Williams, November 25, 2009. Petition 17: Mrs. Poirier, November 25, 2009. Petition 18: Mr. Northrup, November 25, 2009. Petition 19: Mr. Holder, November 26, 2009. Petition 20: Mr. D. Graham. November 26, 2009. Petition 21: Mr. C. LeBlanc, November 26, 2009. Petition 22: Mr. Urguhart, November 26, 2009. Petition 23: Mrs. Blaney, November 26, 2009. Petition 24: Mr. Jack Carr, November 26, 2009. Petition 25: Mr. Williams, November 26, 2009. Petition 26: Mrs. Dubé, November 26, 2009. Petition 27: Mr. Steeves, December 2, 2009. Petition 28: Mr. D. Graham, December 2, 2009. Petition 29: Mrs. Poirier, December 2, 2009. Petition 30: Mr. C. LeBlanc, December 2, 2009. Petition 31: Mr. Holder, December 2, 2009. Petition 32: Mr. Fitch, December 2, 2009. Petition 33: Mr. Williams, December 2, 2009. Petition 34: Mr. C. Landry, December 2, 2009. Petition 35: Mr. Northrup, December 2, 2009. Petition 36: Mr. Huntjens, December 4, 2009. Petition 37: Mr. Robichaud, December 4, 2009. Petition 38: Mrs. Blaney, December 4, 2009. Petition 39: Mr. D. Graham, December 4, 2009. Petition 40: Mr. Holder, December 4, 2009. Petition 41: Mr. Williams, December 4. 2009. Petition 42: Hon. Mrs. Schryer, December 8, 2009. Petition 43: Mrs. Dubé, December 8, 2009.

(Response, December 14, 2009) (Response, December 1, 2009) (Response, December 2, 2009) (Response, December 7, 2009) (Response, November 26, 2009) (Response, December 11, 2009) (Response, December 4, 2009) (Response, December 4, 2009) (Response, December 4, 2009) (Response, January 5, 2010) (Response, December 3, 2009) (Response, December 9, 2009) (Response, December 4, 2009) (Response, December 8, 2009) (Response, December 8, 2009) (Response, December 11, 2009) (Response, December 9, 2009) (Response, December 8, 2009) (Response, December 15, 2009) (Response, December 11, 2009) (Response, December 15, 2009) (Response, December 14, 2009) (Response, December 11, 2009) (Response, December 14, 2009) (Response, December 14, 2009) (Response, January 4, 2010) (Response, December 17, 2009) (Response, December 17, 2009) (Response, December 17, 2009) (Response, December 17, 2009) (Response, December 11, 2009) (Response, January 5, 2010) (Response, December 21, 2009) Petition 44: Mr. Volpé, December 8, 2009. Petition 45: Mrs. Poirier, December 8, 2009. Petition 46: Mr. C. Landry, December 8, 2009. Petition 47: Mr. Northrup, December 8, 2009. Petition 48: Mr. Williams, December 8, 2009. Petition 49: Mr. D. Graham, December 8, 2009. Petition 50: Mr. C. LeBlanc, December 8, 2009. Petition 51: Mr. Olscamp, December 8, 2009. Petition 52: Hon. Mr. Arseneault, December 9, 2009. (Response, January 4, 2010) Petition 53: Hon. Mr. Arseneault, December 9, 2009. (Response, January 4, 2010) Petition 54: Mr. Fitch, December 9, 2009. Petition 55: Mrs. Dubé, December 9, 2009. Petition 56: Mr. Urguhart, December 9, 2009. Petition 57: Mrs. Poirier, December 9, 2009. Petition 58: Mr. Urguhart, December 10, 2009. Petition 59: Mr. Steeves, December 10, 2009. Petition 60: Mr. Williams. December 10, 2009. Petition 61: Mr. Holder, December 10, 2009. Petition 62: Mr. C. LeBlanc, December 10, 2009. Petition 63: Mr. Jody Carr, December 10, 2009. Petition 64: Mr. Jack Carr, December 10, 2009. Petition 65: Mr. Fitch, December 10, 2009. Petition 66: Mr. C. Landry, December 10, 2009. Petition 67: Mr. Olscamp, December 10, 2009. Petition 68: Mrs. Blaney, December 10, 2009. Petition 69: Mr. Alward, December 10, 2009. Petition 70: Mr. Urguhart, December 15, 2009. Petition 71: Mrs. Poirier, December 15, 2009. Petition 72: Mr. C. Landry, December 15, 2009. Petition 73: Mr. D. Graham. December 15, 2009. Petition 74: Mr. Northrup, December 15, 2009. Petition 75: Mr. Urguhart, December 16, 2009. Petition 76: Mr. C. Landry, December 16, 2009. Petition 77: Mr. D. Graham, December 16, 2009. Petition 78: Mr. Holder, December 16, 2009. Petition 79: Mr. Northrup, December 16, 2009. Petition 80: Mr. Fitch, December 17, 2009. Petition 81: Mr. D. Graham, December 17, 2009. Petition 82: Mrs. Blaney, December 17, 2009. Petition 83: Mr. Steeves, December 17, 2009. Petition 84: Mr. Harrison, December 17, 2009. Petition 85: Mr. Olscamp, December 17, 2009. Petition 86: Mrs. Poirier, December 17, 2009. Petition 87: Mr. Williams, December 17, 2009. Petition 88: Mr. Jack Carr, December 18, 2009. Petition 89: Mr. Williams, December 18, 2009.

(Response, December 21, 2009) (Response, January 4, 2010)

(Response, January 4, 2010)

(Response, December 17, 2009) (Response, December 17, 2009) (Response, December 17, 2009) (Response, January 4, 2010) (Response, December 22, 2009) (Response, January 4, 2010) (Response, December 23, 2009) (Response, December 23, 2009) Petition 90: Mr. Northrup, December 18, 2009. Petition 91: Mr. Betts, January 12, 2010. Petition 92: Mr. Alward, January 12, 2010. Petition 93: Mr. Fitch, January 12, 2010. Petition 94: Mr. Jody Carr, January 12, 2010. Petition 95: Mr. Williams, January 12, 2010. Petition 96: Mr. Urguhart, January 12, 2010. Petition 97: Mrs. Poirier, January 12, 2010. Petition 98: Mr. C. Landry, January 12, 2010. Petition 99: Mr. D. Graham, January 12, 2010. Petition 100: Mr. Jack Carr, January 12, 2010. Petition 101: Mr. Steeves, January 12, 2010. Petition 102: Mr. Olscamp, January 12, 2010. Petition 103: Mrs. Blaney, January 13, 2010. Petition 104: Mr. C. LeBlanc, January 13, 2010. Petition 105: Mrs. Dubé, January 13, 2010. Petition 106: Mr. D. Graham, January 13, 2010. Petition 107: Mr. Olscamp, January 13, 2010. Petition 108: Mrs. Poirier, January 13, 2010. Petition 109: Mrs. Blaney, January 14, 2010. Petition 110: Ms. Dubé, January 14, 2010. Petition 111: Mr. C. LeBlanc, January 14, 2010. Petition 112: Mr. Jody Carr, January 14, 2010. Petition 113: Mr. Steeves, January 14, 2010. Petition 114: Mr. Holder, January 14, 2010. Petition 115: Mr. Olscamp, January 14, 2010. Petition 116: Mr. Fitch, January 14, 2010. Petition 117: Mr. Jack Carr, January 14, 2010. Petition 118: Mr. Urguhart, January 14, 2010. Petition 119: Mr. C. Landry, January 14, 2010. Petition 120: Mr. Williams, January 15, 2010. Petition 121: Mr. Betts, January 15, 2010. Petition 122: Mr. D. Graham, January 15, 2010. Petition 123: Mrs. Poirier, January 15, 2010. Petition 124: Mr. Alward, January 19, 2010. Petition 125: Mrs. Poirier, January 19, 2010. Petition 126: Mr. Olscamp, January 19, 2010. Petition 127: Mr. MacDonald, January 19, 2010. Petition 128: Mr. C. Landry, January 19, 2010. Petition 129: Mr. Holder, January 19, 2010. Petition 130: Mr. Betts, January 19, 2010. Petition 131: Mr. Steeves, January 19, 2010. Petition 132: Ms. Dubé, January 19, 2010. Petition 133: Mr. Fitch, January 19, 2010.

(Response, December 23, 2009)

REPORTS / DOCUMENTS

Filed in the Clerk's Office

Report of the Auditor General of New Brunswick - Volume 1 - 2009 (Filed January 19, 2010)

> Loredana Catalli Sonier Clerk of the Legislative Assembly