



LEGISLATIVE ASSEMBLY OF NEW BRUNSWICK

First Session, 57th Legislative Assembly

ORDER AND NOTICE PAPER - Sitting No. 38
Tuesday, May 3, 2011

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 to be Ordered for Second Reading

Bill 16, An Act to Amend An Act to Amend the Pension Benefits Act
- Hon. Ms. Blais, Q.C.

Bill 17, An Act to Amend the Police Act - Hon. Mr. Trevors

Bill 18, An Act to Amend the Scalpers Act - Hon. Mr. Northrup

Bill 19, An Act to Amend the Forest Products Act - Hon. Mr. Northrup

Bill 20, An Act to Amend the Crown Lands and Forests Act - Hon. Mr. Northrup

Bill 21, An Act to Amend the Fish and Wildlife Act - Hon. Mr. Northrup

Bill 22, An Act to Amend the Public Interest Disclosure Act - Hon. Mr. Higgs

Bill 23, An Act Respecting Provincial Court Judges' Pensions - Hon. Ms. Blais, Q.C.

Bill 25, An Act to Amend the Land Titles Act - Hon. Mr. Fitch

COMMITTEE OF THE WHOLE

Bill 6, An Act to Amend the Assessment Act - Hon. Mr. Fitch

Bill 24, An Act to Amend An Act to Amend the Motor Vehicle Act - Hon. Mr. Trevors

PRIVATE BILLS REFERRED TO THE STANDING COMMITTEE ON PRIVATE BILLS

Bill 15, An Act to Amend An Act Respecting Building Officials and the New Brunswick
Building Officials Association - Ms. Wilson

COMMITTEE OF SUPPLY

Capital Estimates 2011-2012

Main Estimates 2011-2012

Supplementary Estimates 2009-2010 Volume II (Adopted December 15, 2010)

Supplementary Estimates 2010-2011 Volume I (Adopted December 15, 2010)

GOVERNMENT MOTIONS

CONCLUDED

Motion 9 by Hon. Mr. P. Robichaud. Carried November 30, 2010.

Motion 14 by Hon. Mr. Higgs. Debated and carried December 14, 2010.

Motion 17 by Hon. Mr. Alward. Carried December 14, 2010.

Motion 18 by Hon. Mr. Higgs. Debated March 22, 24, 29, April 5, 6, 8
and carried April 8, 2011.

Motion 19 by Hon. Mr. P. Robichaud. Carried December 15, 2010.
Motion 20 by Hon. Mr. P. Robichaud. Carried December 15, 2010.
Motion 27 by Hon. Mr. Williams. Carried March 23, 2011.
Motion 28 by Hon. Mr. Williams. Carried March 23, 2011.
Motion 43 by Hon. Mr. P. Robichaud. Debated and carried April 26, 2011.

OPPOSITION MEMBERS' BUSINESS

OPPOSITION MEMBERS' MOTIONS

Debatable Motions

Motion 5 by Mr. Haché, seconded by Mr. Collins to propose the following resolution on Thursday, December 2, 2010:

WHEREAS the new Progressive Conservative government campaigned on a promise to be open and transparent;

WHEREAS the Progressive Conservative Party's campaign platform vowed "responsible management of our public finances";

WHEREAS the Premier publicly stated that his party's campaign platform was his contract with the people of New Brunswick;

WHEREAS the government of New Brunswick has appointed several high-profile Progressive Conservative Party members to high-paying positions with provincial boards, corporations, agencies, and commissions since October 12, 2010;

BE IT RESOLVED that this Legislative Assembly call upon the government to fully disclose the recruitment and hiring process used to appoint members of provincial boards, corporations, agencies, and commissions since October 12, 2010.

Amendment moved by Mr. McLean, seconded by Hon. Mr. Williams that Motion 5 be amended as follows:

In the fourth WHEREAS clause, by replacing the words "high-profile Progressive Conservative Party members to high-paying positions with" with "highly qualified New Brunswickers to".

[Debate interrupted due to expiration of time.]

Motion 10 by Mr. Kenny, seconded by Mr. Arseneault to propose the following resolution on Thursday, December 9, 2010:

WHEREAS the Point Lepreau refurbishment project is three years behind schedule and \$1 billion over budget;

WHEREAS the refurbishment contract was signed by the former Progressive Conservative government in 2006;

WHEREAS the delays in the refurbishment project require the province of New Brunswick to purchase electricity from other jurisdictions at a cost of approximately \$1 million a day;

WHEREAS the Minister of Energy has stated in this House that his government will accept nothing less than full compensation from the government of Canada for the cost of replacement electricity;

WHEREAS the Prime Minister of Canada has stated publicly that the federal government will only honour its contractual obligations in the refurbishment project;

BE IT THEREFORE RESOLVED that the Legislative Assembly call on the government of New Brunswick to demand from the federal government full compensation of the cost of replacement power resulting from the delay in the refurbishment project at Point Lepreau, for the good of all New Brunswickers.

Amendment moved by Hon. Mr. Leonard, seconded by Hon. Mr. P. Robichaud that Motion 10 be amended as follows:

In the first whereas clause insert the words “projected to be” before the words “\$1 billion over budget”;

By replacing the second whereas clause with: “WHEREAS these delays took place under the former Liberal government’s watch;”

In the third whereas clause, by deleting the words “purchase electricity from other jurisdictions at a cost” and replacing them with “incur overall project overrun costs”;

In the fourth whereas clause by replacing the words “cost of replacement electricity” with “project cost overruns”;

By deleting the fifth whereas clause;

By replacing the words “of the cost of replacement power” with “for the project cost overruns” in the resolution clause.

[Debate interrupted due to expiration of time.]

Motion 21 by Mr. Collins, seconded by Mr. Kenny to propose the following resolution on Thursday, December 23, 2010:

WHEREAS according to the Maritime Provinces Higher Education Commission, the average undergraduate arts tuition cost in New Brunswick has been frozen at \$5,423 for the last four academic years, 2007-08, 2008-09, 2009-10, 2010-11, and

WHEREAS affordable tuition is very important to allow students access to post-secondary education in New Brunswick, and

WHEREAS it is widely acknowledged that an educated work force is vital to the future of New Brunswick;

BE IT RESOLVED that the Legislature urge the government to ensure that a public university education in New Brunswick will continue to be affordable and accessible.

[Debate interrupted due to expiration of time.]

Motion 22 by Mr. Collins, seconded by Mr. Albert to propose the following resolution on Thursday, December 23, 2010:

WHEREAS post secondary education is crucial to the future prosperity of New Brunswick;

AND WHEREAS the previous Liberal government made record investments in our universities and community colleges including funding for both infrastructure and programs;

AND WHEREAS the previous Liberal government brought forward one of the most comprehensive programs in the country to address access to post secondary education and student debt;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to continue to demonstrate its commitment to post secondary education to ensure continued access to post secondary education remains a priority.

Motion 38 by Mr. Collins, seconded by Mr. Doucet to propose the following resolution on Thursday, April 14, 2011:

WHEREAS the province's consumer advocate for insurance is warning of an impending crisis in home insurance rates;

WHEREAS home insurance rates are rising at an alarming rate;

WHEREAS damage from climate related events such as flooding are now the number one source of insurance claims;

WHEREAS many of those whose homes suffer damage from climate-related events have not been successful in receiving payment from insurance companies;

WHEREAS the Minister of Justice and Consumer Affairs has informed the House she will be conducting a consultation with insurance companies;

BE IT THEREFORE RESOLVED that the Legislature urge the Minister of Justice and Consumer Affairs to include ALL stakeholders, particularly consumers, in any consultation on insurance.

Amendment moved by Hon. Ms. Blais, Q.C., seconded by Hon. Mr. P. Robichaud that Motion 38 be amended as follows:

In the first whereas clause, replacing all the words following "consumer advocate for insurance" with "has indicated that home insurance continued to show some signs for concern over the past few years";

By deleting the second whereas clause.

[Debate interrupted due to expiration of time.]

Motion 40 by Mr. Boudreau, seconded by Mr. Doucet to propose the following resolution on Thursday, April 14, 2011:

WHEREAS the Agreement of March 25, signed with the federal government regarding the Saint John Harbour Bridge, clearly states in Section 1.2 that "this Agreement does not deal with certain commitments made by Canada and the Province with regard to the forgiveness by Canada of the debt owing to Canada by the SJHBA or its successors or assigns"; and

WHEREAS this section makes it very clear that forgiveness by Canada of the Bridge debt is not part of this Agreement; and

WHEREAS Section 1.2 of the Agreement also states "No prior document, negotiation, provision, undertaking or agreement in relation to the subject of the Agreement has legal effect, unless incorporated by reference into this Agreement"; and

WHEREAS this section makes it clear that any previous discussions or tentative agreements on matters relating to the Saint John Harbour Bridge now have no legal effect unless specifically stated within the Agreement of March 25;

BE IT RESOLVED THAT the Legislature ask the Government to admit that there is no agreement with the Government of Canada to forgive the debt of the Saint John Harbour Bridge Authority; and

BE IT FURTHER RESOLVED THAT the Legislature ask the Government to admit that when the Government of New Brunswick took over the Saint John Harbour Bridge, it also took on the debt owed by the Bridge to the Government of Canada.

Motion 44 by Mr. Fraser, seconded by Mr. Boudreau to propose the following resolution on Thursday, April 21, 2011:

WHEREAS during the last election, on a campaign stop in Campbellton, the Premier and the Health Minister promised New Brunswickers the implementation of a catastrophic drug program “within the first year of our mandate,” and the Premier also stated, and I quote, “My word is my contract”;

WHEREAS the cost of catastrophic drugs causes extreme economic hardship to many New Brunswick families;

WHEREAS one-third of New Brunswickers do not currently have access to any type of drug coverage;

WHEREAS New Brunswick remains only one of two Canadian provinces and territories without such coverage;

WHEREAS this government refuses to be up front about the actual implementation date for such a plan;

WHEREAS this government’s target date for implementation continues to change going from “within the first year” to “before 2014” to “early in the mandate”;

BE IT THEREFORE RESOLVED that the Legislature urge the Premier to immediately involve all stakeholders in the process to honour his original campaign commitment of implementing a catastrophic drug plan by September 2011.

Motions for Returns

Motion 23 by Mr. Fraser, seconded by Mr. Albert to propose the following resolution on Thursday, March 31, 2011:

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 the names, job titles, job descriptions and remuneration of all persons hired by all departments, Crown Corporations, boards, commissions and agencies, including but not limited to Executive Assistants, Special Assistants and Policy Advisors, by the Province on a contract, term, casual, part-time or full-time basis since October 12th, 2010.

Motion 24 by Mr. Melanson, seconded by Mr. Fraser to propose the following resolution on Thursday, March 31, 2011:

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 destination, duration of stay, unscheduled stops, and occupants—however recorded, stored, or archived, by electronic means or otherwise, related to the operation and usage

since October 12, 2010, of the airplane leased by the province and any other airplane leased by the province of New Brunswick since October 12, 2010.

Motion 25 by Mr. Doucet, seconded by Mr. Bertrand LeBlanc to propose the following resolution on Thursday, March 31, 2011:

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 related to ad campaigns launched in and out of New Brunswick by the current Progressive Conservative government since October 12th, 2010, including ads on consultation, including mandates, terms of reference, budgets, lists of firms, principals of firms, contracts awarded to firms, personnel, salaries, ad transcripts, tender processes, lists of tenders and proposals, and a copy of the contracts.

[Documents requested filed April 21, 2011]

Motion 26 by Mr. Albert, seconded by Mr. D. Landry to propose the following resolution on Thursday, March 31, 2011:

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 the names, job titles, job descriptions, and remuneration of all persons in contract, term, casual, part-time, or full-time positions who have been transferred by the province to another department, including Crown corporations, boards, agencies, and commissions, since October 12, 2010.

Motion 30 by Mr. Kenny, seconded by Mr. Collins to propose the following resolution on Thursday, March 31, 2011:

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, between federal and provincial government departments, agencies and/or persons regarding the Point Lepreau refurbishment.

[Documents requested filed April 21, 2011]

Motion 31 by Mr. Fraser, seconded by Mr. Albert to propose the following resolution on Thursday, April 7, 2011:

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 in any form between all employees and elected officials of District 16 School Board, District 16 District Education Council, MLAs, Executive Assistants to the MLAs, the Department of Education, the Department of Supply and Services and the Premier's office since November 1, 2010 that would relate in any way to St. Andrews Elementary School in Miramichi, in relation to any issue that could affect the health and safety of the children, employees or the general public. This information would include, but is not limited to, any notifications, recommendations, cost estimates on repairs, and all other materials related to the issue of mould in St. Andrews

Elementary School and in relation to any other issues that could have a similar effect on the people who use that facility.

[Documents requested filed April 29, 2011]

Motion 32 by Mr. Arseneault, seconded by Mr. Kenny to propose the following resolution on Thursday, April 7, 2011:

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, between provincial government departments, Executive Council office, the Premier's Office, agencies and/or persons and NB Power regarding the Dalhousie generation plant, since September 27, 2010.

Motion 33 by Mr. Boudreau, seconded by Mr. Melanson to propose the following resolution on Thursday, April 7, 2011:

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, between provincial government departments, Executive Council office, the Premier's Office, agencies and/or persons and any organizations or individuals taking part in the pre-budget consultation process regarding the elimination of funding for the New Brunswick Advisory Council on the Status of Women.

[Documents requested filed April 7, 2011]

Motion 34 by Mr. Haché, seconded by Mr. Melanson to propose the following resolution on Thursday, April 7, 2011:

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, between provincial government departments, the Executive Council Office, the Office of the Premier, agencies, persons, organizations, or individuals who took part in the pre-budget consultation process regarding the elimination of the New Brunswick film tax credit.

[Documents requested filed April 7, 2011]

Motion 36 by Mr. Doucet, seconded by Mr. Boudreau to propose the following resolution on Thursday, April 7, 2011:

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, between provincial government departments, Executive Council office, the Premier's Office, agencies and/or persons and any federal government departments, Executive Council Office, Prime Minister's Office, Regional Minister's Office, the office of Member of Parliament Rodney Weston, agencies and/or persons regarding the Saint John Harbour Bridge.

[Documents requested filed April 21, 2011]

Motion 39 by Mr. Collins, seconded by Mr. Albert to propose the following resolution on Thursday, April 14, 2011:

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, between the Office of the Premier, the Department of Justice and Consumer Affairs, the Office of the Attorney-General, the President of the New Brunswick Insurance Board, and the Chairperson of the Legislative Assembly's Crown Corporations Committee, and pertaining to a report commissioned by the New Brunswick Insurance Board on profitability within the insurance industry in New Brunswick.

[Documents requested filed April 28, 2011]

Motion 41 by Mr. Collins, seconded by Mr. Bernard LeBlanc to propose the following resolution on Thursday, April 21, 2011:

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 actuarial reports on home insurance, including the Oliver Wyman Reports, completed for the province of New Brunswick between October 30, 2006 and today.

[Documents requested filed April 21, 2011]

Motion 42 by Mr. Collins, seconded by Mr. Bernard LeBlanc to propose the following resolution on Thursday, April 21, 2011:

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 actuarial reports on car insurance, including the Oliver Wyman Reports, completed for the province of New Brunswick between October 30, 2006 and today.

[Documents requested filed April 21, 2011]

Motion 46 by Mr. Fraser, seconded by Mr. Melanson to propose the following resolution on Thursday, April 21, 2011:

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, between the Department of Health and any other government department, agency, board, committee or Crown Corporation involved in the processing, renewing and issuing of Medicare cards in New Brunswick; as well as all documentation, including correspondence, however recorded, stored or archived, by electronic means or otherwise, regarding the number of people in New Brunswick who have been affected by late renewal of Medicare cards.

Motion 47 by Mr. Boudreau, seconded by Mr. Melanson to propose the following resolution on Thursday, May 5, 2011:

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, between the New Brunswick Advisory Council on the Status of Women and the Province of New Brunswick, since April 1, 2010.

Motion 48 by Mr. Fraser, seconded by Mr. Arseneault to propose the following resolution on Thursday, May 5, 2011:

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, from the Department of Health and Wellness, the Department of Supply and Services, the Premier's Office, any MLA / Minister or employee of the Provincial Government regarding the leased premises for the Horizon Health Network, formerly known as Regional Health Authority B, including but not limited to anything related to the tender that was issued in mid 2010 for the same headquarters including any correspondence and amount of monies spent as a result of the legal action currently being taken against the Provincial government since January 1, 2010.

Motion 49 by Mr. Arseneault, seconded by Mr. Doucet to propose the following resolution on Thursday, May 5, 2011:

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, between the Department of Public Safety, the New Brunswick Emergency Measures Organization, and the member for Grand Falls-Drummond-Saint-Andre, regarding the issue of soil erosion in the riding of Grand Falls-Drummond-Saint Andre, since January 1, 2010.

Motion 50 by Mr. Arseneault, seconded by Mr. Fraser to propose the following resolution on Thursday, May 5, 2011:

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, regarding the proposed reopening of Grand Lake Park since October 12, 2010.

Motion 51 by Mr. Arseneault, seconded by Mr. Fraser to propose the following resolution on Thursday, May 5, 2011:

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, regarding the decision to introduce wild turkeys to New Brunswick since September 30, 2006.

CONCLUDED

Motion 3 by Mr. Kenny. Debated and carried as amended December 2, 2010.

Motion 4 by Mr. D. Landry. Debated and carried as amended December 9, 2010.

Motion 11 by Mr. Melanson. Debated and carried as amended December 9, 2010.

Motion 15 by Mr. Collins. Debated and carried as amended December 16, 2010.

Motion 16 by Mr. Albert. Debated and defeated March 31, 2011.

Motion 29 by Mr. Boudreau. Debated and defeated March 31, 2011.

Motion 35 by Mr. Haché. Debated and carried as amended April 7, 2011.

Motion 37 by Mr. Kenny. Debated and carried as amended April 14, 2011.
Motion 45 by Mr. Bernard LeBlanc. Debated and carried as amended
 April 28, 2011.

WITHDRAWN AS DOCUMENTS TABLED

Motions 1, 2, 6, 7, 8, 12 and 13 withdrawn March 29, 2011.

PETITIONS

Petition 1: Hon. Mrs. Stultz, November 26, 2010.	(Response, December 22, 2010)
Petition 2: Hon. Mr. Fitch, December 9, 2010.	(Response, January 17, 2011)
Petition 3: Mr. Fraser, March 25, 2011.	(Response, April 7, 2011)
Petition 4: Ms. Wilson, March 25, 2011.	(Response, April 14, 2011)
Petition 5: Mr. McLean, March 25, 2011.	(Response, April 21, 2011)
Petition 6: Mr. Fraser, March 29, 2011.	(Response, April 14, 2011)
Petition 7: Mr. D. Landry, March 29, 2011.	(Response, April 19, 2011)
Petition 8: Mr. Malloch, March 30, 2011.	(Response, April 13, 2011)
Petition 9: Mr. Fraser, March 31, 2011.	(Response, April 14, 2011)
Petition 10: Mr. Lifford, April 1, 2011.	(Response, April 18, 2011)
Petition 11: Mr. Boudreau, April 7, 2011.	
Petition 12: Mr. Fraser, April 12, 2011.	(Response, April 28, 2011)
Petition 13: Mr. Fraser, April 13, 2011.	(Response, April 28, 2011)
Petition 14: Mr. McLean, April 13, 2011.	
Petition 15: Mr. Melanson, April 14, 2011.	
Petition 16: Mr. Fraser, April 14, 2011.	(Response, April 28, 2011)
Petition 17: Mr. Fraser, April 15, 2011.	(Response, April 28, 2011)
Petition 18: Mr. Fraser, April 26, 2011.	
Petition 19: Ms. Wilson, April 26, 2011.	
Petition 20: Mr. Doucet, April 26, 2011.	
Petition 21: Mr. Fraser, April 27, 2011.	
Petition 22: Mr. Arseneault, April 27, 2011.	
Petition 23: Mr. Albert, April 27, 2011.	
Petition 24: Mr. Fraser, April 28, 2011.	
Petition 25: Mr. Malloch, April 28, 2011.	
Petition 26: Mr. Arseneault, April 28, 2011.	
Petition 27: Mr. Fraser, April 29, 2011.	
Petition 28: Mr. Arseneault, April 29, 2011.	

COMMITTEE REPORTS

Select Committee on Point Lepreau,	First Report, December 17, 2010.
Standing Committee on Crown Corporations,	First Report, December 17, 2010.
Standing Committee on Estimates,	First Report, December 17, 2010.
Standing Committee on Law Amendments,	First Report, December 17, 2010.
Standing Committee on Legislative Officers,	First Report, December 17, 2010.
Standing Committee on Private Bills,	First Report, December 17, 2010.
Standing Committee on Privileges,	First Report, December 17, 2010.
Standing Committee on Procedure,	First Report, December 17, 2010.
Standing Committee on Public Accounts,	First Report, December 17, 2010.

Loredana Catalli Sonier, Q.C.
Clerk of the Legislative Assembly