



LEGISLATIVE ASSEMBLY OF NEW BRUNSWICK

Fourth Session, 57th Legislative Assembly

ORDER AND NOTICE PAPER - Sitting No. 49
Tuesday, April 8, 2014

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 41, An Act to Amend the Motor Vehicle Act - Hon. Mr. Northrup
- Bill 42, An Act to Repeal the Higher Education Foundation Act - Hon. Mr. Jody Carr
- Bill 45, An Act to Amend the Fish and Wildlife Act - Hon. Mr. P. Robichaud
- Bill 47, An Act to Amend the New Brunswick Liquor Corporation Act - Hon. Mr. Higgs
- Bill 49, An Act to Amend the Securities Act - Hon. Mr. Lifford
- Bill 51, An Act Respecting Members' Pensions - Hon. Mr. Alward
- Bill 53, An Act to Amend the Support Enforcement Act - Hon. Mr. Lifford
- Bill 54, An Act to Amend the Court Security Act - Hon. Mr. Lifford
- Bill 55, An Act to Amend An Act Respecting Payday Loans - Hon. Mr. Lifford
- Bill 57, An Act to Amend the Financial Corporation Capital Tax Act
- Hon. Mr. Higgs
- Bill 58, International Interests in Mobile Equipment Act - Hon. Mr. Flemming, Q.C.
- Bill 59, An Act to Amend the Public Works Act - Hon. Mr. Williams
- Bill 60, An Act to Amend the Assessment Act - Hon. Ms. Stultz
- Bill 61, An Act to Amend the Education Act - Hon. Ms. Blais, Q.C.

COMMITTEE OF THE WHOLE

- Bill 2, Lobbyists' Registration Act - Hon. Mr. P. Robichaud
- Bill 5, An Act to Amend the Tobacco Tax Act - Hon. Mr. Higgs
- Bill 13, An Act to Amend the Political Process Financing Act - Mr. Gallant
- Bill 14, An Act to Amend the Legislative Assembly Act - Mr. Gallant
- Bill 15, An Act to Amend the Political Process Financing Act - Mr. Gallant
- Bill 16, An Act to Amend the Political Process Financing Act - Mr. Gallant
- Bill 19, An Act to Amend the Tobacco Tax Act - Mr. Arseneault
- Bill 29, An Act to Amend the Auditor General Act - Hon. Mr. P. Robichaud
- Bill 30, An Act to Amend the Tobacco Tax Act - Hon. Mr. Higgs
- Bill 31, An Act to Amend the Gasoline and Motive Fuel Tax Act - Hon. Mr. Higgs
- Bill 32, An Act to Amend the Revenue Administration Act - Hon. Mr. Higgs
- Bill 33, An Act to Amend the Real Property Tax Act - Hon. Mr. Higgs
- Bill 34, An Act to Amend the Medical Services Payment Act
- Hon. Mr. Flemming, Q.C.
- Bill 35, An Act to Amend the Mental Health Act - Hon. Mr. Flemming, Q.C.
- Bill 39, An Act to Amend the Small Business Investor Tax Credit Act - Hon. Mr. Fitch

GOVERNMENT PRIVATE MEMBERS' PUBLIC BILLS FOR SECOND READING

Bills Ordered for Second Reading

- Bill 56, Organ and Tissue Donation Strategy Act - Mr. McLean

PRIVATE BILLS REFERRED TO STANDING COMMITTEE ON PRIVATE BILLS

Bill 52, Chartered Professional Accountants Act - Mr. Tait

BILLS AWAITING ROYAL ASSENT

Bill 50, Legal Aid Act - Hon. Mr. Lifford

COMMITTEE OF SUPPLY

Main Estimates, 2014-2015
Supplementary Estimates 2012-2013, Volume 1

GOVERNMENT MOTIONS

CONCLUDED

Motion 1 by Hon. Mr. P. Robichaud. Carried November 6, 2013.
Motion 2 by Hon. Mr. P. Robichaud. Carried November 6, 2013.
Motion 22 by Hon. Mr. Higgs. Debated February 4, 6, 7, 11, 12, 18 and carried
February 18, 2014.
Motion 32 by Hon. Mr. P. Robichaud. Carried February 13, 2014.
Motion 42 by Hon. Mr. P. Robichaud. Carried March 14, 2014.
Motion 43 by Hon. Mr. P. Robichaud. Carried March 20, 2014.

GOVERNMENT PRIVATE MEMBERS' MOTIONS

CONCLUDED

Motion 17 by Mr. Tait. Debated and carried December 4, 2013.

OPPOSITION MEMBERS' BUSINESS

OPPOSITION MEMBERS' PUBLIC BILLS FOR SECOND READING

Bill 7, An Act to Amend the Environmental Trust Fund Act - Mr. Bernard LeBlanc
Bill 10, An Act to Amend the Environmental Trust Fund Act - Mr. Bernard LeBlanc
Bill 18, An Act to Amend the Smoke-free Places Act - Mr. Arseneault
Bill 48, An Act to Amend the Members' Conflict of Interest Act - Mr. Boudreau

OPPOSITION MEMBERS' MOTIONS

Debatable Motions

Motion 5 by Mr. Arseneault, seconded by Mr. Boudreau to propose the following resolution on Thursday, November 14, 2013:

WHEREAS 12 public consultations were held between September 16 and October 9, leading to a renewal of *Overcoming Poverty Together – The New Brunswick Poverty Reduction Plan*;

WHEREAS the province's Poverty Reduction Plan had the following objective: "By 2015, New Brunswick will have reduced income poverty by 25% and deep income poverty by 50%, and will have made significant progress in achieving sustained economic and social inclusion.";

WHEREAS the province's Poverty Reduction Plan had established specific priority actions, both immediate and over a five year period;

BE IT THEREFORE RESOLVED that the Legislative Assembly of New Brunswick urge the provincial government to table in the House within 30 days a detailed progress report on the province's Poverty Reduction Plan that demonstrates goals met and identifies remaining work and a timeline for achieving unmet goals.

[Debate interrupted due to expiration of time]

Motion 13 by Mr. Fraser, seconded by Mr. D. Landry to propose the following resolution on Thursday, November 28, 2013:

WHEREAS, in 2008, the then Department of Transportation—DOT—implemented a new Asset Management Business Framework to better manage the long-term investment requirements of the province's aging highway infrastructure; and

WHEREAS the Asset Management Business Framework—AMBF—was implemented to make the most efficient use of highway capital repair dollars and take the politics out of paving; and

WHEREAS the Auditor General observed that, in the first three years after adopting the Asset Management Business Framework with optimal funding in place, the department noted positive results; and

WHEREAS the Auditor General has noted that the asset management methodology is sound; and

WHEREAS the Auditor General has concluded that, although the department has the appropriate tools in place to identify and prioritize required highway maintenance projects, current funding levels do not allow for completion of an appropriate level of highway maintenance on a timely basis; and

WHEREAS the Auditor General has expressed concern that this will result in deferring required maintenance to future periods at a greater overall cost to the province; and

WHEREAS it is reported in the Auditor General's report that 40% of capital maintenance projects chosen for completion are not recommended through the asset management capital planning process, and it was suggested that some of these are chosen for political reasons;

BE IT THEREFORE RESOLVED that the Legislature urge the government to return to the principles of asset management that have been implemented since 2008 to restore optimum long-term value to New Brunswick highway capital repairs.

Motion 37 by Mr. Doucet, seconded by Mr. Kenny to propose the following resolution on Thursday, February 27, 2014:

WHEREAS the Harper government has announced the closure of eight regional Veterans Affairs offices across Canada including two offices in Atlantic Canada; and

WHEREAS the regional offices provide much needed support services to Canadian veterans across the country; and

WHEREAS veterans and many veteran support groups have expressed concern that the move to close these offices and deliver veteran support services on-line and through Service Canada outlets, will result in a significant reduction of service; and

WHEREAS a concern has been raised that the lack of a dedicated service for veterans will result in many veterans having to travel great distances to receive the services and support they require; and

WHEREAS our veterans who have served and sacrificed on behalf of our country deserve to be treated with dignity and respect, and many see this decision by the Harper government as a betrayal of trust;

BE IT THEREFORE RESOLVED that the Legislative Assembly of New Brunswick unanimously call upon the Harper government to reverse its decision to close the Veterans Affairs regional offices.

Motion 38 by Mr. Collins, seconded by Mr. Boudreau to propose the following resolution on Thursday, February 27, 2014:

WHEREAS on any given day, many animals are subjected to improper care and treatment which causes them to suffer;

WHEREAS a major issue of concern is the tethering of animals for extended periods or in severe weather conditions;

WHEREAS there is also a need to ensure animals have access to adequate food, water and shelter;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the provincial government to bring forward amendments to the *Society for the Prevention of Cruelty to Animals Act* or its regulations to strengthen our animal protection laws and ensure these concerns are addressed.

Motion 39 by Mr. Fraser, seconded by Mr. Kenny to propose the following resolution on Thursday, February 27, 2014:

WHEREAS CN Rail has announced it will abandon a 70 kilometer stretch of track between Miramichi and Bathurst; and

WHEREAS this rail line is used to provide passenger service by VIA Rail; and

WHEREAS if the line is abandoned, rail passenger service east of Quebec to the Maritimes will be in jeopardy and may cease to exist; and

WHEREAS this passenger service is an important transportation link as access to rail passenger service supports economic growth, particularly in rural areas of the province; and

WHEREAS this service connects communities and provides greater social and economic benefits for New Brunswickers; and

WHEREAS jurisdiction for inter-provincial transportation rests with the federal government; and

WHEREAS the federal government is abandoning its responsibility to ensure the people of New Brunswick have access to a crucial national transportation link;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the provincial government to call upon the Harper government to preserve passenger rail service in New Brunswick.

Motion 41 by Mr. Doucet, seconded by Mr. Melanson to propose the following resolution on Thursday, February 27, 2014:

WHEREAS the Premier had promised after the floods of 2010 a two-year project to develop a Comprehensive Emergency Measures plan “to build a robust emergency program for the region”; and

WHEREAS this plan has failed its objective; and

WHEREAS this plan was to provide training for responders and exercises to validate the emergency plans; and

WHEREAS this plan failed this objective; and

WHEREAS local citizens involved in the discussions were told at a planning meeting in August 2012, that this planning was no longer needed; and

WHEREAS southwestern New Brunswick was hit with a serious ice storm that left thousands of New Brunswick citizens without power in freezing weather for up to 13 days; and

WHEREAS representatives from the Emergency Measures Organization arrived on the scene well after the fact and certainly added to the confusion without communicating a plan with anyone; and

WHEREAS representatives of the Emergency Measures Organization left rural New Brunswick people to fend for themselves, telling people to call their local fire department; and

WHEREAS people in rural Charlotte County were given no directions from the Emergency Measures Organization on what to do or where to go; and

WHEREAS the Emergency Measures Organization and government did not provide communications updates nor advisories to the public until well after the event; and

WHEREAS the Emergency Measures Organization and government excuses as to why there was a breakdown in communications, demonstrate the Emergency Measures Organization failure since these were issues that their planning was supposed to address; and

WHEREAS the Emergency Measures Organization and the government would not allow localized states of emergency to be called when subsection 10(2) of the *Emergency Measures Act* clearly allows this community responsibility; and

WHEREAS the role of the Emergency Measures Organization in the emergency demonstrated that no “robust” plan appeared to be in place to deal with the emergency; and

WHEREAS the document provided to the Standing Committee on Public Accounts on request to the Department of Public Safety on October 29, 2013, and tabled on December 16, 2013, indicated in the Executive Summary that no “robust” plan was in place;

BE IT THEREFORE RESOLVED that the Legislative Assembly of New Brunswick ask the Auditor General to examine the Department of Public Safety and in particular the Emergency Measures Organization to determine if a comprehensive plan is in place for the next emergency and if staff are qualified and properly trained to protect the people of New Brunswick in this role and whether paying for these positions from the NB911 Service Fund is an appropriate use of the Fund; and

BE IT FURTHER RESOLVED that the Emergency Measures Organization be brought to the Standing Committee on Public Accounts within 120 days for detailed questioning by the Committee; and

BE IT FURTHER RESOLVED that the Emergency Measures Organization be scheduled to appear at the Standing Committee on Public Accounts every year thereafter.

Motion 44 by Mr. Bernard LeBlanc, seconded by Mr. Doucet to propose the following resolution on Thursday, March 27, 2014:

WHEREAS the government intends to implement new natural gas royalties effective April 1; and

WHEREAS the proposed royalties are much lower than were recommended in the LaPierre Report; and

WHEREAS the new natural gas royalties are poised to be the lowest in North America; and

WHEREAS the new royalties are structured to promote rapid, indiscriminate development of shale gas reserves without regard to any long term benefit from the resource; and

WHEREAS in this race for the bottom in resource value, the government is squandering the potential for any real wealth that might come to the province from these resources; and

WHEREAS these are non-renewable resources which, if squandered now, cannot be replaced; and

WHEREAS the government has not shared the advice papers on which these radically low royalty plans have been developed; and

WHEREAS this matter is vitally important to New Brunswick people and our future;

BE IT THEREFORE RESOLVED that the Legislative Assembly of New Brunswick urge the provincial government to delay the implementation of the new royalties to allow for the proposed natural gas royalty regulations to be referred to the Standing Committee on Law Amendments along with the relevant studies and recommendations supporting the royalty plan, and provide a reasonable opportunity for New Brunswick citizens to review this information, provide feedback and receive responses from officials of the Department of Energy and Mines in regards to the rationale for the implementation of this particular royalty scheme.

Motions for Returns

Motion 25 by Mr. Fraser, seconded by Mr. Arseneault to propose the following resolution on Thursday, February 13, 2014:

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, in relation to the negotiations of any agreements, letters of intent, evaluations, assessments, safety concerns, between CN Rail, Via, the Federal Government, the Premier's Office, the Department of Transportation and Infrastructure, any government, employee, MLAs, and other stakeholders regarding the rail infrastructure in the Province of New Brunswick.

Motion 27 by Mr. Fraser, seconded by Mr. Bernard LeBlanc to propose the following resolution on Thursday, February 20, 2014:

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 and documentation including all correspondence, however stored, electronically or otherwise, between MLAs, ministers, government employees, executive assistants, current and former employees of the Memramcook Institute, and any persons or corporations, companies or third parties with respect to personal service contracts, goods and service contracts, employment contracts in relation to the hiring of any employee (full-time, part-time, casual or contract), the provision of any goods or services by a contractor or company at the Memramcook Institute since the government assumed responsibility of the operation of that facility, including but not limited to any management, maintenance, cleaning and janitorial positions or services.

Motion 28 by Mr. Fraser, seconded by Mr. Arseneault to propose the following resolution on Thursday, February 20, 2014:

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 and documentation in relation to the community and stakeholder consultation process leading up to the finalization of the pending provincial forestry plan, including a list of public meetings, stakeholder meetings, and any other forms of consultation that may have been undertaken to gather input from stakeholders and the general public.

[Documents requested filed March 17, 2014]

Motion 29 by Mr. Fraser, seconded by Mr. Arseneault to propose the following resolution on Thursday, February 20, 2014:

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 and documentation between the Premier's Office, the federal government, the Department of Transportation and Infrastructure and any MLA, or minister including, but not limited to any requests, reports, proposals, agreements, assessments and evaluations in relation to capital improvements to Highway 11, including but not limited to those related to twinning, maintenance, and the expansion of Highway 11 between Moncton and Campbellton.

Motion 30 by Mr. Doucet, seconded by Mr. Boudreau to propose the following resolution on Thursday, February 20, 2014:

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, including mobile to mobile device communication, PINs, SMS text messages, between the Department of Energy, the Department of Finance and the Executive Council Office from November 15, 2010, to the present with respect to the Department of Energy - Saint John office, including but not limited to a detailed breakdown of all expenditures related to the office, any changes in staffing including the number of permanent, part-time and casual employees working out of the Saint John office and any changes to the organizational structure or mandate of the Saint John office.

[Documents requested filed March 20, 2014]

Motion 31 by Mr. Doucet, seconded by Mr. Boudreau to propose the following resolution on Thursday, February 20, 2014:

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, including mobile to mobile device communication, PINs, SMS text messages, between the Department of Energy, the Department of Finance, the Department of Transportation and Infrastructure, the Executive Council Office and all third parties from November 15, 2010, to the present with respect to renovations to the Department of Energy - Hugh John Flemming complex, including, but not limited to all tenders, RFPs, invitations to tender, contracts, agreements, project fees, estimates, and a detailed breakdown of all costs associated with renovations.

[Documents requested filed March 20, 2014]

Motion 33 by Mr. Fraser, seconded by Mr. Arseneault to propose the following resolution on Thursday, February 20, 2014:

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, information, notes, memos, correspondence, however stored, electronically or otherwise, between the Premier's Office, the Executive Council Office, the Department of Transportation and Infrastructure, the Department of Government Services, any other department, any employees of the provincial government and any person or outside firm with regard to the disposal of the government executive flight service plane and any associated assets and also anything related to the purchase of flight service for members of the Executive Council and / or employees of the provincial government between June 1st, 2013 and today's date.

Motion 34 by Mr. Arseneault, seconded by Mr. Fraser to propose the following resolution on Thursday, February 20, 2014:

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, in relation to the number of Code Whites reported in each of the past twelve months at the Saint John Regional Hospital, Chalmers Hospital, Moncton City Hospital and Dr. Georges L. Dumont Hospital.

[Documents requested filed March 20, 2014]

Motion 35 by Mr. Doucet, seconded by Mr. Boudreau to propose the following resolution on Thursday, February 27, 2014:

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, including mobile to mobile device communication, PINs, SMS text messages, between the Department of Public Safety, the Emergency Measures Organization, the Premier's Office, municipalities, first responders, volunteer fire departments, community service providers, relief agencies, local service districts, regional service commissions, NB Power, and other third parties from December 18, 2013, to January 16, 2014, inclusive, in relation to the emergency response to the ice storm in New Brunswick and related power outages

including but not limited to all memos, directives, inquiries, agreements, planning documentation, orders, requests, and information updates.

Motion 36 by Mr. Doucet, seconded by Mr. Arseneault to propose the following resolution on Thursday, February 27, 2014:

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, including mobile to mobile device communications, PINs, SMS text messages, between the Department of Public Safety, the Emergency Measures Organization, the Department of Environment and Local Government, municipalities, the Premier's Office, first responders, volunteer fire departments, community service providers, local service districts, regional service commissions, and other third parties in relation to the preparation of an emergency plan related to natural disasters and catastrophic weather events, including but not limited to flooding and ice storms, for Charlotte County since November 2010 to present, including but not limited to all memos, directives, inquiries, agreements, planning documentation, orders, requests, and information updates.

Motion 40 by Mr. Doucet, seconded by Mr. Boudreau to propose the following resolution on Thursday, February 27, 2014:

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, including mobile to mobile device communication, PINs, SMS text messages, between the Department of Public Safety, the NB 911 Bureau, the Emergency Measures Organization, the Department of Finance and other third parties in relation to the monies collected by all telecommunications providers as a 911 fee since November 2010 to present, including the total amount collected, and a detailed breakdown of how these funds were expended.

Motion 45 by Mr. Collins, seconded by Mr. Doucet to propose the following resolution on Thursday, April 3, 2014:

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 documentation, including correspondence, however stored, recorded or archived, in regards to the salary and expenses, including but not limited to office rental, travel, personnel, etc. of staff at Atlantic Education International (AEI) since April 1, 2010, as well as a list of all appointments and employees at AEI since April 1, 2010.

CONCLUDED

Motion 3 by Mr. Fraser. Debated and defeated November 14, 2013.

Motion 4 by Mr. Collins. Debated and defeated November 21, 2013.

Motion 8 by Mr. Doucet. Debated and defeated December 12, 2013.

Motion 10 by Mr. Melanson. Debated and defeated November 21, 2013.

Motion 12 by Mr. Albert. Debated and defeated December 5, 2013.

Motion 14 by Mr. Arseneault. Debated and carried as amended December 5, 2013.

Motion 15 by Mr. Collins. Debated and carried as amended March 20, 2014.

Motion 16 by Mr. Arseneault. Debated and carried as amended February 20, 2014.
Motion 21 by Mr. Melanson. Debated and defeated February 20, 2014.

WITHDRAWN

Motions 6, 7, 9, 11, 18, 19, 20, 23, 24 and 26 withdrawn March 19, 2014.

PETITIONS

Petition 1: Mr. Doucet, November 6, 2013.	(Response, December 11, 2013)
Petition 2: Mr. Gallant, November 14, 2013.	(Response, November 29, 2013)
Petition 3: Ms. Wilson, November 21, 2013.	(Response, December 5, 2013)
Petition 4: Mr. Savoie, November 29, 2013.	(Response, January 6, 2014)
Petition 5: Mr. Harrison, December 10, 2013.	
Petition 6: Mr. Albert, December 12, 2013.	(Response, January 17, 2014)
Petition 7: Mr. Bertrand LeBlanc, March 12, 2014.	(Response, March 25, 2014)
Petition 8: Mr. Collins, March 14, 2014.	
Petition 9: Mr. Gallant, March 19, 2014.	

COMMITTEE REPORTS

Standing Committee on Private Bills	First Report, December 12, 2013
	Second Report, March 25, 2014

REPORTS/DOCUMENTS

Filed in the Clerk's Office

Annual Report 2013, Worksafe NB	(Filed April 1, 2014)
Annual Report 2012-2013, Kings Landing Historical Settlement	(Filed April 4, 2014)
Report to the Legislative Administration Committee of the Legislative Assembly of New Brunswick, Internal Review of the Expenditures Charged to the Constituency Office of Mr. Greg Davis, Member for Campbellton-Restigouche Centre, April 4, 2014	(Filed April 4, 2014)

Donald J. Forestell
 Clerk of the Legislative Assembly