
Daily sitting 57

Thursday, December 9, 2021

10 o'clock a.m.

Prayers.

Hon. Mr. Crossman, Member for Hampton, laid upon the table of the House a petition urging government to introduce stunting legislation and stricter penalties for driving violations. (Petition 34)

Ms. Mitton, Member for Memramcook-Tantramar, laid upon the table of the House a petition urging government to restore emergency room services and acute care beds in the Sackville Memorial Hospital. (Petition 35)

Mr. Turner, from the Standing Committee on Economic Policy, presented the Seventeenth Report of the Committee for the session which was read and is as follows:

December 9, 2021

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

Mr. Speaker:

Your Standing Committee on Economic Policy begs leave to submit this, their seventeenth report.

Your Committee met on December 8, and had under consideration:

Bill 68, *An Act to Amend the Construction Remedies Act*;
Bill 80, *An Act to Amend the Nursing Homes Act*;

and have agreed to the same.

And your Committee begs leave to make a further report.

(Sgd. :) Greg Turner, M.L.A.
Chair

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

Hon. Mr. Savoie, Government House Leader, deferred third reading of certain bills to a later date and announced that it was the intention of government that the House resolve itself into a Committee of Supply to consider the estimates of the Department

of Transportation and Infrastructure; following which the House would take into consideration Motion 89; following which Opposition Members' Business would be considered.

The House, according to Order, resolved itself into a Committee of Supply with Ms. S. Wilson in the chair.

Mr. Arseneau rose on a point of order and submitted that the opposition parties should receive a copy of the Minister's remarks. Madam Chair ruled the point well taken.

And after some time, Mr. Speaker resumed the chair and Ms. S. Wilson, the Chair, after requesting that Mr. Speaker revert to Presentations of Committee Reports, reported that the Committee had had under consideration the matters referred to them, had made some progress therein, and asked leave to sit again.

Pursuant to Standing Rule 78.2, Mr. Speaker put the question on the motion deemed to be before the House, that the report be concurred in, and it was resolved in the affirmative.

Mr. Arseneault rose on a point of order and submitted that Motion 89 was out of order as it was not introduced by a Minister and was retroactive in nature. Mr. Arseneau and Hon. Mr. Savoie spoke on the point of order. Mr. Speaker took the matter under advisement and declared a recess.

At 11.37 a.m. the House recessed. At 11.57 a.m. the House resumed.

Mr. Speaker delivered the following ruling:

STATEMENT BY SPEAKER

Honourable Members,

I will now rule on the point of order raised by the Opposition House Leader with respect to Motion 89.

Motion 89 can be characterized as a "time allocation motion". The use of time allocation motions has been an accepted practice in this House for some time and such motions have been utilized in numerous other jurisdictions as well. A number of Canadian jurisdictions have specific rules that define the use of such motions. New Brunswick, however, does not. Therefore, we must rely on the practices that have been established in our House.

Generally, time allocation motions have been used to facilitate the efficient and effective use of the time of the House and its committees. A time allocation motion allows for a specific length of time to be set aside for the consideration of one or more stages of a bill or bills. It is different than a motion of closure, as it invokes the concept of time management, as opposed to a motion of closure, which often takes effect immediately, without allowing for any further consideration.

Time allocation motions have been used in this House with some degree of regularity since 2008. In total, 10 time allocation motions have been adopted by this House since that time. Specifically:

April 22, 2008; June 17, 2008; April 14, 2010; December 4, 2013; December 19, 2014; February 20, 2015; March 26, 2015; July 7, 2016; December 15, 2016; December 20, 2017.

The wording of the motion currently before the House is very similar, if not identical, to many of these previous motions adopted by the House.

With respect to the arguments that the motion should be ruled out of order because it was moved by a Private Member or it is retroactive in nature or it applies to different stages, as I stated earlier, our Standing Rules do not address time allocation motions, so I must rely on previous practices and rulings.

This very matter has been ruled on twice by previous Speakers. Speaker Graham allowed a similar motion to proceed in 2013. As did Speaker Collins during his tenure.

Although this motion is only being moved today, Members were given notice of same on Friday last. Hence, the determination of how to best utilize the time spent considering the Bills listed since Friday was a decision for Members to make, knowing that the time allocation motion was pending.

So, in keeping with past practices and rulings, I find Motion 89 to be in order and will allow it to proceed.

At 12 p.m., the House recessed. At 1 p.m., the House resumed.

Pursuant to Notice of Motion 89, Mr. Hogan moved, seconded by Mr. Turner:

THAT, notwithstanding the Standing Rules of the Legislative Assembly, following the adoption of this motion, there shall be 56 hours allocated for the proceedings at all stages of the passage of Bills 66, 67, 68, 70, 77, 80, 82, 83 and 84, which shall include the hours spent considering said Bills from November 3, 2021, and onward, and at the expiration of the said 56 hours, unless sooner concluded, the Speaker, or the Chair of the Standing Committee on Economic Policy, as the case may be, shall interrupt the proceedings and put every question necessary to dispose of the order for second reading of the said Bills; the order for consideration of the said Bills in committee and report of the Bills to the House; and the order for third reading and passage of the said Bills; and where necessary, the said Bills shall be allowed to advance more than one stage in one day;

THAT, notwithstanding the expiry of the said 56 hours, there shall be, if necessary, 20 minutes allocated at committee stage for the consideration of any of the said Bills, if requested by the Government House Leader.

And the question being put, a debate ensued.

And after some time, Ms. Anderson-Mason, the Deputy Speaker, took the chair as Acting Speaker.

And after some further time, Mr. Melanson, seconded by Ms. Landry, moved in amendment:

AMENDMENT

That Motion 89 be amended by adding the following after "Government House Leader.":

"WHEREAS during the initial community consultations on local government reform, the Minister of Local Government did not indicate that the government would be moving forward with forced amalgamations;

WHEREAS the proposed legislation removes the right of citizens to hold a plebiscite on amalgamations;

WHEREAS community leaders and community members could provide invaluable input into the discussion on amalgamations and related matters;

WHEREAS it is crucial to the success of any reform of this nature that the communities are actively engaged in the discussions about their futures;

THAT following the passing of Bill 82, within 45 days, the Minister of Local Government will schedule a series of public consultations in each of the 12 Regional Service Districts to discuss the legislation, the proposed amalgamations, and other relevant issues.”

Hon. Mr. Savoie rose on a point of order and submitted that the amendment was out of order as it was beyond the scope of the original motion. Madam Deputy Speaker ruled the point well taken and advised the House that the amendment was out of order.

And after some time, Mr. Coon, seconded by Mr. Arseneau, moved in amendment:

AMENDMENT

That Motion 89 be amended as follows:

In the first resolution clause, by striking out “56 hours” and substituting “75 hours”;

In the second resolution clause, by striking out “56 hours” and substituting “75 hours”.

Madam Deputy Speaker put the question on the proposed amendment and a debate ensued.

Hon. Mr. Savoie rose on a point of order and submitted that the amendment was out of order as it negated the intent of the original motion by altering the government’s agenda. Madam Deputy Speaker ruled the point not well taken and announced that the time designated for Opposition Members’ Business had arrived.

Pursuant to Notice of Motion 86, Mr. Melanson moved, seconded by Mr. D’Amours:

WHEREAS the COVID-19 pandemic caught the world by surprise and many governments at all levels had to put immediate measures in place to protect their citizens and attempt to avoid widespread transmission of the virus;

WHEREAS the impact of the pandemic has been a significant threat to human health and public safety;

WHEREAS very few governments had developed comprehensive pandemic response plans prior to the COVID-19 pandemic and New Brunswick was no exception;

WHEREAS there were several outbreaks in New Brunswick resulting in severe illness and loss of life;

WHEREAS there is developing consensus that an effective pandemic response plan with proper protocols and training would be invaluable in the efforts to keep people safe and reduce the likelihood of widespread virus transmission;

WHEREAS there are many lessons that can be learned from dealing with the pandemic that will be beneficial in helping to better manage the COVID-19 health crisis and respond to future pandemic crises in the event they occur;

WHEREAS there is a need to conduct a thorough review of the province's pandemic response which would provide information on what worked well, as well as where improvements could be made;

WHEREAS such a review might also be of great assistance in the development of an updated pandemic response plan and in looking at best practices for pandemic protocols, communication, and decision-making;

WHEREAS a review might also provide an opportunity to hear from subject matter experts, front-line workers, businesses, and families who have been impacted by the COVID-19 pandemic and might provide invaluable insight;

WHEREAS the review should be independent in order to ensure that it is truly objective and transparent;

BE IT RESOLVED that the Legislative Assembly urge the government to conduct an independent comprehensive review of the New Brunswick pandemic response which will provide recommendations for consideration by government.

And the question being put, a debate ensued.

And after some time, Mr. Speaker resumed the chair.

And the debate being ended, and the question being put, Motion 86 was resolved in the negative on the following recorded division:

YEAS - 20

Mr. Arseneault	Mr. Austin	Ms. Mitton
Ms. Thériault	Mr. LeBlanc	Ms. Conroy
Mr. Melanson	Mr. K. Chiasson	Mr. Legacy
Mr. McKee	Mr. C. Chiasson	Mr. Gauvin
Ms. Landry	Mr. Bourque	Mr. Landry
Mr. Guitard	Mr. LePage	Mr. Arseneau
Mr. Coon	Mr. D'Amours	

NAYS - 23

Hon. Mr. Holder	Hon. Ms. Green	Ms. Bockus
Hon. Mr. Savoie	Hon. Ms. Dunn	Mr. Cullins
Hon. Mr. Steeves	Hon. Mr. Cardy	Ms. Anderson-Mason
Hon. Mr. Flemming	Hon. Ms. Scott-Wallace	Mr. Hogan
Hon. Mr. Fitch	Hon. Mr. Allain	Mr. Ames
Hon. Ms. M. Wilson	Hon. Ms. Johnson	Mr. Carr
Hon. Mr. Crossman	Mr. Wetmore	Mr. Turner
Hon. Mr. Holland	Ms. S. Wilson	

Mr. Arseneault rose on a point of order and submitted that due to the rising number of COVID-19 cases, the Speaker should unilaterally implement virtual hybrid sittings of the House for the following week. Mr. Speaker ruled the point not well taken as the House had adopted a process for the implementation of virtual hybrid sittings.

Pursuant to Notice of Motion 90, Mr. McKee moved, seconded by Mr. Arseneault:

WHEREAS, in the March 2021 budget, the Higgs government projected a deficit of \$245 million for the fiscal quarter ending June 30, 2021;

WHEREAS, although the first quarter fiscal update numbers for June 30 are known to the government in July and are usually released in July or August, the government announced without explanation that they would not be available until September 2, 2021;

WHEREAS the government subsequently delayed the announcement of the first-quarter fiscal update even further, until October 13, 2021, when the second fiscal quarter was over;

WHEREAS this additional delay was also without explanation and makes a mockery of openness and transparency;

WHEREAS the fiscal update showed that, instead of a deficit of \$245 million, the province actually recorded a surplus of \$160 million;

WHEREAS such a significant gap clearly shows that the government doctored the March 2021 budget;

WHEREAS it soon became painfully obvious that the government surplus was based on the fact that it had pocketed \$300 million provided by the federal government that was intended to be used to help New Brunswickers get through the pandemic and that the government had spent \$300 million dollars less than it had budgeted;

WHEREAS, since the government made a decision to significantly reduce provincial spending and knew that its own-source revenues had increased significantly, it would have known that it would have a surplus, yet intentionally forecast the \$245 million deficit;

WHEREAS it appears that revenue information has been deliberately omitted from the fiscal forecasts;

WHEREAS, in macabre irony, it was the Premier who brought in the *Fiscal Transparency and Accountability Act* in 2014 when he was Finance Minister, and yet he has completely abandoned the principles that he espoused when the legislation was introduced;

WHEREAS, in a democratic society, the public should expect that its government will provide timely fiscal updates that are as accurate as possible using all the financial means available to it;

WHEREAS government has been secretive and omitted information crucial to budget forecast for political reasons;

WHEREAS, in order to ascertain what information was available to government when it made its fiscal forecasts, senior officials with the Executive Council Office and the Department of Finance and Treasury Board should appear before the Standing Committee on Public Accounts to provide complete disclosure;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to support a call by the Chair of the Standing Committee on Public Accounts to request that senior officials from the Executive Council Office and the Department of Finance and

Treasury Board appear before the Standing Committee on Public Accounts to provide committee members and other MLAs the opportunity to obtain the information available at the time fiscal forecasts were made and to explain the inability to deliver more accurate fiscal forecasts;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the government to request that the Auditor General conduct an investigation into this serious issue.

And the question being put, a debate ensued.

And after some time, Mr. Speaker interrupted proceedings and announced that the hour of daily adjournment had arrived.

And then, 6 p.m., the House adjourned.

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

Annual Report 2020-2021

Department of Tourism, Heritage and Culture December 8, 2021