



## **LEGISLATIVE ASSEMBLY OF NEW BRUNSWICK**

### **Second Session, 60<sup>th</sup> Legislative Assembly**

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**ORDER AND NOTICE PAPER – Sitting No. 19**  
**Thursday, December 8, 2022**

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#### **ROUTINE PROCEEDINGS**

Prayers  
Introduction of Guests  
Statements of Condolence and Congratulation  
Statements by Members  
Oral Questions (30 minutes)  
Tabling of Documents  
Statements by Ministers  
Presentations of Petitions  
Answers to Petitions and Written Questions  
Presentations of Committee Reports  
Introduction of Bills  
Notices of Motions  
Notice of Opposition Members' Business  
Government Motions for the Ordering of the Business of the House  
Deferred Recorded Divisions  
Orders of the Day

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#### **ORDERS OF THE DAY**

## **GOVERNMENT BILLS AND ORDERS**

### **GOVERNMENT BILLS FOR THIRD READING**

***[Deferred until Thursday, December 15, 2022]***

Bill 10, An Act to Amend the New Brunswick Income Tax Act – Hon. Mr. Steeves

Bill 11, An Act Respecting the Health and Safety of Fishers – Hon. Mr. Holder

Bill 13, An Act to Amend the Salvage Dealers Licensing Act – Hon. Mr. Austin

Bill 15, An Act Respecting Petroleum Products Pricing – Hon. Mr. Holland

Bill 19, Fiduciaries Access to Digital Assets Act – Hon. Mr. Flemming, K.C.

Bill 21, An Act to Amend the New Brunswick Health Council Act – Hon. Mr. Fitch

### ***Adjourned Debates***

Bill 3, An Act Respecting Surgical Facilities – Hon. Mr. Fitch

### **STANDING COMMITTEE ON ECONOMIC POLICY**

Bill 16, An Act Respecting Local Governance Reform, 2022, no. 2 – Hon. Mr. Allain

Bill 18, An Act to Amend the New Brunswick Museum Act – Hon. Ms. Scott-Wallace

Bill 22, An Act to Amend the Family Services Act – Hon. Ms. Shephard

Bill 23, An Act to Amend the Public Service Labour Relations Act – Hon. Mr. Holder

Bill 25, An Act Respecting Residential Tenancies – Hon. Ms. Green

### **STANDING COMMITTEE ON LAW AMENDMENTS**

Bill 24, An Act to Amend the Business Corporations Act – Hon. Ms. Green

### **COMMITTEE OF SUPPLY**

Capital Estimates, 2023-2024

### **BILLS AWAITING ROYAL ASSENT**

Bill 2, An Act to Amend the Real Property Tax Act – Hon. Mr. Steeves

Bill 4, An Act to Amend the Public Works Act – Hon. Mr. Carr

Bill 5, Missing Persons Act – Hon. Mr. Austin

Bill 6, An Act Respecting the Enduring Powers of Attorney Act and the Wills Act  
– Hon. Mr. Flemming, K.C.

Bill 7, Private Woodlot Sustainability Act – Hon. Mr. Holland

Bill 8, An Act to Amend the Elections Act – Mr. McKee

Bill 9, An Act to Amend the Real Property Tax Act – Hon. Mr. Steeves

Bill 12, An Act to Amend the Employment Standards Act – Hon. Mr. Holder

Bill 14, An Act Respecting the Assessment Act – Hon. Ms. Green

Bill 17, Disclosure to Protect Against Intimate Partner Violence Act – Hon. Mr. Austin

Bill 20, Supported Decision-Making and Representation Act – Hon. Mr. Flemming, K.C.

## GOVERNMENT MOTIONS

### CONCLUDED

**Motion 5 by Hon. Mr. G. Savoie.** Carried October 28, 2022.

**Motion 15 by Hon. Mr. Steeves.** Debated and carried December 6, 2022.

## GOVERNMENT PRIVATE MEMBERS' MOTIONS

**Motion 18 by Mr. Ames,** seconded by Ms. Bockus to propose the following resolution on Friday, December 9, 2022:

THAT, notwithstanding the Standing Rules of the Legislative Assembly, following the adoption of this motion, there shall be 12 hours allocated for the proceedings at all stages of the passage of Bills 16, 18, 22, 23, 24 and 25 which shall include the hours spent considering said Bills from December 6, 2022, and onward, and at the expiration of the said 12 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 12 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.

## OPPOSITION MEMBERS' BUSINESS

*[Order in accordance with notice provided pursuant to Standing Rule 44(4)]*

## OPPOSITION MEMBERS' MOTIONS

### *Debatable Motions*

**Motion 3 by Ms. Landry,** seconded by Mr. Bourque to propose the following resolution on Thursday, November 3, 2022:

WHEREAS, as a result of educational disruptions caused by COVID-19 over the past two years, many parents are concerned that their children have fallen behind with respect to their education and learning;

WHEREAS the last two years have been stressful for teachers and students alike;

WHEREAS there is uncertainty as to whether there may be new instructional disruptions if there are further significant outbreaks of COVID-19 in the future;

WHEREAS there is a need to ensure that New Brunswick schoolchildren do not fall behind educationally as a result of learning disruptions;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to assess the educational impact of learning disruption, bring forward a comprehensive and detailed plan to address educational "catch-up", and provide sufficient resources to implement it;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the government to develop a plan to address any future disruptions in learning so that students are not educationally disadvantaged should this occur again.

***[Debate interrupted due to expiration of time.]***

**Motion 12 by Ms. Thériault**, seconded by Mr. Gauvin to propose the following resolution on Thursday, November 24, 2022:

WHEREAS the commissioners appointed to undertake a review of the *Official Languages Act* submitted their report to the Premier on December 21, 2021;

WHEREAS, despite calls by the Official Opposition in April 2021 and the Commissioner of Official Languages in June 2021 for the Premier to respond to the report, the Premier failed to do so;

WHEREAS, by November 15, 2022, almost a year after the report was filed, the Premier had not responded to it;

WHEREAS it was recently revealed that the Premier had secretly appointed the former leader of the anti-bilingual People's Alliance party to an internal committee tasked with looking at revisions to the *Official Languages Act*;

WHEREAS the opinions and biases of the former People's Alliance leader are well known, in that he has called for the elimination of the position of Commissioner of Official Languages, has called for the merging of the two health authorities, has suggested that language proficiency requirements in the civil service be downgraded, has called for the elimination of the French immersion program, and has voiced numerous other opinions that are contrary to the spirit and intent of the *Official Languages Act*;

WHEREAS the Premier has also voiced his support for policies that would undermine the nature of bilingualism and erode the protections presently provided for under the *Official Languages Act*;

WHEREAS there is a growing concern that the Premier and his government may soon take actions that threaten the protection of minority language rights and hurt our status as Canada's only officially bilingual province;

WHEREAS there is widespread condemnation of the Premier's actions in appointing the Member for Fredericton-Grand Lake to the internal government committee deciding on whether there should be changes to the *Official Languages Act*, announcing plans to eliminate the French immersion program without data to support his decision, and mulling over other changes to official languages that would be a step backwards for the province;

WHEREAS Members of the Legislative Assembly should be provided with an opportunity to discuss the importance of the *Official Languages Act* and the dangers of taking actions to undermine it and the implementation of policies that would do likewise;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to immediately provide a response to the Report on the Review of the *Official Languages Act*;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the government not to propose any changes that would diminish the rights and protections afforded to New Brunswickers under the *Official Languages Act*.

## **OPPOSITION MEMBERS' PUBLIC BILLS FOR SECOND READING**

Bill 27, An Act to Amend the Employment Standards Act – Mr. Coon

Bill 26, An Act to Amend the Industrial Relations Act – Mr. Arseneau

## OPPOSITION MEMBERS' MOTIONS

### *Debatable Motions*

**Motion 4 by Mr. Coon**, seconded by Ms. Mitton to propose the following resolution on Thursday, November 3, 2022:

THAT the Legislative Assembly recognizes that fracking and burning natural gas releases gases into the air, mainly carbon dioxide and methane, which exacerbates the climate crisis.

**Motion 6 by Mr. K. Chiasson**, seconded by Mr. LePage to propose the following resolution on Thursday, November 10, 2022:

WHEREAS the government cancelled the Free Tuition Program and the Tuition Relief for the Middle Class program that provided many students with the opportunity to enroll in a post-secondary institution;

WHEREAS the province decided to cancel the NB-EI Connect Program that helped students pay for their food and lodging as they pursued their studies;

WHEREAS the program brought forward by the government for interest relief on the provincial portion of student loans does not support access to post-secondary education;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to bring forward a comprehensive assistance program to support access to post-secondary education.

**Motion 9 by Mr. Coon**, seconded by Ms. Mitton to propose the following resolution on Thursday, November 24, 2022:

WHEREAS many New Brunswickers are struggling with an escalating affordability crisis that has seen skyrocketing prices for essentials including housing, groceries, heating oil and gasoline;

WHEREAS, in the first nine months of 2022, Imperial Oil, CNR, Cenovus and Suncor posted combined profits of almost \$30 billion, triple their profits for the same period in 2021;

WHEREAS, according to Bloomberg, Irving Oil CEO Arthur Irving's net worth has increased by \$1.16 billion in 2022;

WHEREAS, while oil and gas companies are exponentially increasing their profits, the public is paying the price to fill their gas and oil heating tanks;

WHEREAS, in response to this crisis, other countries, including the European Union and the United Kingdom, have pursued levying taxes on windfall profits, while the United States is considering levying taxes on windfall profits;

WHEREAS, in September, UN Secretary General António Guterres called on world leaders to tax fossil fuel companies that are "feasting on hundreds of billions of dollars in subsidies and windfall profits while household budgets shrink and our planet burns";

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the Premier to call for the Prime Minister to initiate a windfall oil profit tax in Canada, with the revenues returned to Canadians who need the help the most.

**Motion 10 by Ms. Thériault**, seconded by Mr. Mallet to propose the following resolution on Thursday, November 24, 2022:

WHEREAS New Brunswick does not have a fixed legislative calendar of sitting days;

WHEREAS there are many advantages to the public and elected members associated with having a fixed legislative calendar including those related to predictability, logistical planning and making the Legislature more family-friendly;

BE IT THEREFORE RESOLVED that the Legislative Assembly direct the Standing Committee on Procedure, Privileges and Legislative Officers to examine the options for a fixed legislative calendar and return to the Legislative Assembly within two months with recommendations.

**Motion 11 by Mr. McKee**, seconded by Mr. Bourque to propose the following resolution on Thursday, November 24, 2022:

WHEREAS many New Brunswickers throughout the province are worried about the difficulty they and their family members are having in obtaining crucial health services in a timely manner;

WHEREAS it is widely acknowledged that a severe shortage of health care professionals and health support workers has left our New Brunswick health care system in crisis;

WHEREAS this challenge must be recognized as a top priority that we must tackle without delay;

WHEREAS many frontline health care workers and professional health organizations have offered their insights and advice on how these challenges in our health care system can best be addressed;

WHEREAS it is in everyone's interest to heed this advice and move forward with a comprehensive health action plan;

WHEREAS Liberal Leader Susan Holt has outlined a plan to improve health care delivery and tackle our health care crisis;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to take the following actions:

1. address the challenges that have led to emergency room service reductions and closures through the establishment of multidisciplinary care centres staffed by a mixed team of health professionals; provide additional funding for after hours community care and for training and hiring of allied health workers;
2. treat health care workers with respect, provide competitive wages, create incentives for retaining and attracting health care professionals and ensure a positive working environment that recognizes work-life balance;
3. develop an aggressive, focussed recruitment strategy that targets new graduates and promises them permanent, full-time jobs; provide targeted tuition relief and educational incentives for new entrants into programs that provide training to address health labour shortages;
4. collaborate with post-secondary training institutions and professional associations to provide enhanced training opportunities and effective recruitment programs;
5. work in tandem with communities on health care recruitment strategies and programs;
6. create a results-oriented office of health staff recruitment with laser focus, targeted objectives, and accountability.

**Amendment moved by Hon. Mr. Fitch, seconded by Hon. Mr. Crossman:**

**THAT Motion 11 be amended in the resolution clause by striking out “urge the government to take” and substituting “acknowledge the government and Regional Health Authorities for taking”.**

*[Debate interrupted due to expiration of time.]*

**Motion 13 by Mr. LePage**, seconded by Mr. C. Chiasson to propose the following resolution on Thursday, November 24, 2022:

WHEREAS New Brunswick adopted the *Official Languages Act* in 1969, even before Canada had adopted an official languages act;

WHEREAS New Brunswick is the only officially bilingual province in Canada;

WHEREAS the House of Commons and the Senate of Canada both have standing committees on official languages;

WHEREAS the New Brunswick *Official Languages Act* contains a requirement that it be reviewed every 10 years;

WHEREAS the government has received the Report of the 2021 Review of the *Official Language Act* of New Brunswick;

WHEREAS the Official Opposition accepts all recommendations included in the commissioners' report;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to establish a department of official languages.

**Motion 14 by Mr. C. Chiasson**, seconded by Mr. LeBlanc to propose the following resolution on Thursday, November 24, 2022:

WHEREAS every Member of the Legislative Assembly should have the opportunity to participate fully in the business of the Legislative Assembly;

WHEREAS parliamentary bodies including the New Brunswick Legislature adapted to the reality of COVID-19 and modified the rules for participation by elected members in the affairs of parliaments and legislative assemblies and adopted technologies that provided for virtual participation;

WHEREAS, once the emergency order was lifted, the New Brunswick Legislative Assembly removed the option for members to participate in the business of the Legislative Assembly using virtual technology;

WHEREAS there are many compelling reasons to permit participation through the use of remote technology in certain circumstances, including the risks associated with travelling long distances in inclement weather, illness, and the difficulty faced by mothers with newborns and primary caregivers with children who require child care that may not be available outside the home;

WHEREAS women are underrepresented in politics and the lack of options for participating in the Legislative Assembly including virtual participation can be a barrier to participation and discourage women from offering as candidates for the Legislative Assembly, which is not considered a "family friendly" institution;

BE IT THEREFORE RESOLVED that the Legislative Assembly direct the Standing Committee on Procedure, Privileges and Legislative Officers to look at modifications to the Standing Rules that would permit participation in the Legislative Assembly through the use of virtual technology and report back to the Legislative Assembly within two months with recommendations for changes.

**Motion 17 by Mr. Arseneau**, seconded by Mr. Coon to propose the following resolution on Thursday, December 1, 2022:

WHEREAS the non-profit organization Canadians for Tax Fairness found that, as Canadians struggled under rising costs of living, 123 of Canada's largest corporations avoided paying \$30 billion in taxes in 2021;

WHEREAS, in 2016, Statistics Canada's inter-corporate ownership database reported that the New Brunswick Irving companies were owned under eight offshore holding companies based in Bermuda, a known tax haven with a 0% corporate income tax rate;

WHEREAS the Paradise Papers, leaked documents reviewed by CBC News and Radio-Canada, revealed that the Irving family created at least five previously unknown offshore holding companies that have never appeared in the federal database of Statistics Canada and that have

allowed them to move millions of dollars in profits out of Canada and into the tax haven of Bermuda for over four decades;

WHEREAS the Irving family continues to avoid paying taxes in New Brunswick while, at the same time, their companies collect numerous subsidies and grants from both the provincial and federal governments annually;

WHEREAS the government of New Brunswick loses millions in tax revenue when companies employ this practice of offshore tax avoidance and tax evasion;

WHEREAS, in April 2019, the Minister of Finance and Treasury Board responded in the Legislative Assembly that he did not know how much tax revenue is being lost from the Irvings' tax havens in Bermuda, nor could he provide a list of businesses who partake in any tax havens;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to ban financial assistance to any companies that are known to use tax havens as a means of avoiding paying New Brunswick or Canadian income taxes;

BE IT FURTHER RESOLVED that the Legislative Assembly appoint a new standing committee with the mandate to call for persons, papers, and documents to investigate companies that are avoiding or evading paying taxes in New Brunswick.

**Motion 19 by Mr. McKee**, seconded by Mr. Legacy to propose the following resolution on Thursday, December 15, 2022:

WHEREAS, as of the end of November 2021, there have been 609 deaths in New Brunswick from COVID-19, with additional deaths being reported each week;

WHEREAS, in addition to COVID-19, Respiratory Syncytial Virus infections in New Brunswick are up 800% over the previous year;

WHEREAS, unlike in some other provinces, RSV infections are not monitored or communicated to the public as a reportable disease under the *Public Health Act*;

WHEREAS it is in the best interests of the public to provide up-to-date information and public advice on viral infections and the best means to prevent widespread infection;

WHEREAS there do not appear to be established criteria that would dictate when tracking and reporting of viruses and other illnesses should occur;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to amend the *Public Health Act* and regulations to include RSV as a notifiable disease;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the government to ensure that the office of Public Health provides regular public updates, advice, and recommendations to keep New Brunswickers safe, and releases a comprehensive public health strategy to prevent and reduce an escalation of viral infections;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the government to ensure that the office of Public Health adopts specific policies and protocols to determine when a virus or other serious illnesses should be tracked, reported, and communicated to the public.

**Motion 20 by Mr. Bourque**, seconded by Mr. LeBlanc to propose the following resolution on Thursday, December 15, 2022:

WHEREAS, according to Statistics Canada, in 2021, New Brunswick rent increases were the highest in Canada;

WHEREAS 36% of New Brunswickers are currently living in unaffordable housing;

WHEREAS, in 2021, the vacancy rate for housing dropped from 3.1% to 1.7%;

WHEREAS the government refused to renew the rent cap, which will likely result in many significant rent increases and an increase in the number of New Brunswickers who don't have access to affordable housing;

WHEREAS more than 8,100 households are on a waiting list for public housing;



WHEREAS the lack of affordable housing is an immediate crisis that must be addressed with a sense of urgency;

WHEREAS there are many not-for-profit organizations, municipalities, and co-operatives that are interested in entering into partnerships with government to help address the housing crisis;

WHEREAS concerned community leaders like Marcel LeBrun are doing their part through innovative solutions like the 12Neighbours project of tiny housing;

WHEREAS other jurisdictions have looked to innovative solutions like design innovations, increased building productivity, modular construction, and community land trusts;

WHEREAS there are many other innovative housing solutions that should be considered to encourage and support the development of affordable housing, including enhanced and targeted tax incentives, removing regulatory barriers, and reducing red tape around permitting and approvals;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to immediately develop an affordable housing strategy that will look at innovative housing solutions, community partnerships, incentives, and other creative ideas to help address the significant challenge of a lack of affordable housing.

**Motion 21 by Mr. LePage**, seconded by Mr. Legacy to propose the following resolution on Thursday, December 15, 2022:

WHEREAS, in the Report of the Auditor General of New Brunswick, Volume 2, Performance Audit 2022, there were significant concerns identified with respect to the oversight and management of the Environmental Trust Fund;

WHEREAS, as a result of those concerns, the Auditor General made several recommendations to the Department of Environment and Local Government related to clarifying roles and responsibilities, the need for improved planning, project and performance evaluation, evidence-based decision-making, and reporting;

WHEREAS these recommendations were aimed at improving the management, accountability, and transparency of the department in relation to the Environmental Trust Fund;

WHEREAS, in its response to the Auditor General's recommendations, the Department of Environment and Local Government indicated it would only "consider" implementing the recommendations relating to summarizing and reporting of all projects funded through the Environmental Trust Fund and expanding reporting to include geographical information on the supported projects;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to ensure that all the recommendations of the Auditor General related to the Environmental Trust Fund are implemented.

**Motion 22 by Mr. K. Chiasson**, seconded by Mr. C. Chiasson to propose the following resolution on Thursday, December 15, 2022:

WHEREAS governments across the globe are dealing with the reality of climate change and the need to look at transformative change to address its environmental, economic, and social impact;

WHEREAS the development of a clear energy policy is crucial for looking at key issues like energy development, energy conservation, and the need to reduce greenhouse gas emissions;

WHEREAS the New Brunswick government is making erratic decisions related to energy development without the benefit of a comprehensive energy plan that should serve as a guide for policy decision-making that looks to a sustainable future;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to immediately develop a strategic energy policy that looks at green energy, renewables, greenhouse gas reductions, climate change mitigation, and energy efficiency;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the government to put all major energy development decisions related to fossil fuels on hold until the policy is developed and they can be properly evaluated in the context of the policy.

## CONCLUDED

**Motion 1 by Ms. Landry.** Debated and defeated November 3, 2022.

**Motion 2 by Mr. Bourque.** Debated and defeated November 24, 2022.

**Motion 7 by Mr. Legacy.** Debated and defeated November 17, 2022.

**Motion 8 by Mr. Coon.** Withdrawn November 17, 2022.

**Motion 16 by Mr. Coon.** Withdrawn November 24, 2022.

## PETITIONS

Petition 1: Mr. LeBlanc, October 28, 2022.	(Response, November 16, 2022)
Petition 2: Mr. Coon, November 1, 2022.	(Response, December 7, 2022)
Petition 3: Mr. Arseneau, November 2, 2022.	(Response, December 7, 2022)
Petition 4: Mr. Arseneault, November 3, 2022.	
Petition 5: Ms. Mitton, November 3, 2022.	(Response, December 7, 2022)
Petition 6: Mr. LePage, November 3, 2022.	
Petition 7: Ms. Mitton, November 15, 2022.	(Response, December 7, 2022)
Petition 8: Mr. Arseneau, November 15, 2022.	(Response, December 5, 2022)
Petition 9: Mr. Coon, November 16, 2022.	(Response, December 7, 2022)

## COMMITTEE REPORTS

Standing Committee on Economic Policy	First Report, November 15, 2022
	Second Report, November 23, 2022
	Third Report, November 24, 2022
	Fourth Report, December 6, 2022

## **REPORTS/DOCUMENTS**

### ***Filed in the Clerk's Office***

Annual Report 2021-2022, Department of Aboriginal Affairs  
(Filed December 7, 2022)

Annual Report 2021-2022, Department of Tourism, Heritage and Culture  
(Filed December 7, 2022)

Annual Report 2019-2020, New Brunswick Arts Board  
(Filed December 7, 2022)

Annual Report 2020-2021, New Brunswick Arts Board  
(Filed December 7, 2022)

## **WRITTEN QUESTIONS (see Appendix A)**

Shayne Davies  
Clerk of the Legislative Assembly

**APPENDIX A**

**WRITTEN QUESTIONS**

**Question No. 1 by Ms. Mitton**

**(Response, December 5, 2022)**