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Journals
(Unrevised)

Legislative Assembly

Province of New Brunswick

Hon. Graydon Nicholas
Lieutenant-Governor

Speaker: Hon. Dale Graham

Wednesday, June 8, 2011

First Session of the 57th Legislative Assembly
Fredericton, New Brunswick

Wednesday, June 8, 2011.

10 o'clock a.m.

Prayers.

Mr. Arseneault, Member for Dalhousie-Restigouche East, laid upon the table of the House a petition urging the government to reverse the decision to eliminate the Film Tax Credit. (Petition 110)

Mr. Lifford, Member for Fredericton-Nashwaaksis, laid upon the table of the House a petition urging the government to establish Estey's Bridge as a local service district. (Petition 111)

Mr. Haché, Member for Nigadoo-Chaleur, laid upon the table of the House a petition urging the government to implement a food solidarity program of \$50 per month for all households on social assistance; and to raise the basic social assistance rates to match the average of those in place in Atlantic Canada. (Petition 112)

Mr. Soucy, Member for Grand Falls—Drummond—Saint-André, laid upon the table of the House a petition urging the government to implement a food solidarity program of \$50 per month for all households on social assistance; and to raise the basic social assistance rates to match the average of those in place in Atlantic Canada. (Petition 113)

Mr. Boudreau, Member for Shediac—Cap-Pelé, laid upon the table of the House a petition urging the government to implement a food solidarity program of \$50 per month for all households on social assistance; and to raise the basic social assistance rates to match the average of those in place in Atlantic Canada. (Petition 114)

Mr. Riordon, Member for Nepisiguit, laid upon the table of the House a petition on behalf of residents of Pokeshaw in opposition to an amalgamation with Grande-Anse or any other village. (Petition 115)

Mr. Riordon, Member for Nepisiguit, laid upon the table of the House a petition on behalf of residents of North Tetagouche urging the government to repair and improve the security of the road in their community. (Petition 116)

Mr. Fraser, Member for Miramichi-Bay du Vin, laid upon the table of the House a petition urging the government to implement a food solidarity program of \$50 per month for all households on social assistance; and to raise the basic social assistance rates to match the average of those in place in Atlantic Canada. (Petition 117)

Mr. Bernard LeBlanc, Member for Memramcook-Lakeville-Dieppe, laid upon the table of the House a petition urging the government to implement a food solidarity program of \$50 per month for all households on social assistance; and to raise the basic social assistance rates to match the average of those in place in Atlantic Canada. (Petition 118)

Mr. Collins, Member for Moncton East, laid upon the table of the House a petition urging the government to implement a food solidarity program of \$50 per month for all households on social assistance; and to raise the basic social assistance rates to match the average of those in place in Atlantic Canada. (Petition 119)

Mr. Kenny, Member for Bathurst, laid upon the table of the House a petition urging the government to implement a food solidarity program of \$50 per month for all households on social assistance; and to raise the basic social assistance rates to match the average of those in place in Atlantic Canada. (Petition 120)

Mr. Albert, Member for Caraquet, laid upon the table of the House a petition urging the government to implement a food solidarity program of \$50 per month for all households on social assistance; and to raise the basic social assistance rates to match the average of those in place in Atlantic Canada. (Petition 121)

Mr. Doucet, Member for Charlotte-The Isles, laid upon the table of the House a petition urging the government to implement a food solidarity program of \$50 per month for all households on social assistance; and to raise the basic social assistance rates to match the average of those in place in Atlantic Canada. (Petition 122)

Mr. Bertrand LeBlanc, Member for Rogersville-Kouchibouguac, laid upon the table of the House a petition urging the government to implement a food solidarity program of \$50 per month for all households on social assistance; and to raise the basic social assistance rates to match the average of those in place in Atlantic Canada. (Petition 123)

Mr. Melanson, Member for Dieppe Centre-Lewisville, laid upon the table of the House a petition urging the government to implement a food solidarity program of \$50 per month for all households on social assistance; and to raise the basic social assistance rates to match the average of those in place in Atlantic Canada. (Petition 124)

Mr. Jack Carr, from the Standing Committee on Crown Corporations, presented the Second Report of the Committee for the session, which was read and is as follows:

June 8, 2011.

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

Mr. Speaker:

I have the honour to present herewith the Second Report of the Standing Committee on Crown Corporations.

The report outlines the activities of the Committee during the First Session of the Fifty-seventh Legislative Assembly.

On behalf of the Committee, I would like to thank the officials of the various Crown corporations and agencies that appeared thus far, and to acknowledge their cooperation in providing follow-up information.

I would also like to thank the Auditor General and her staff for their valuable input.

And your Committee begs leave to make a further report.

(Sgd. :) Jack Carr, MLA.
Chair.

Ordered that the report be received, that leave be granted and the Committee continued.

The full report of the Committee as presented is as follows:

June 8, 2011.

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

Mr. Speaker:

Your Standing Committee on Crown Corporations begs leave to submit this, their Second Report.

On February 1, 2011, the Committee met in a joint session with the Standing Committee on Public Accounts to receive and review the *2010 Report of the Auditor General of New Brunswick Volumes 1 and 2*. The Auditor General outlined the contents and findings of the Report and briefed Members on the nature of the work undertaken by the Office during the year. Following the joint session, the Committee met to review the activities of the Research and Productivity Council for the fiscal years 2008-2009 and 2009-2010.

On February 2, 2011, the Committee met in the Legislative Council Chamber to review the activities and financial statements of the New Brunswick Insurance Board for the years 2008 and 2009.

On February 3, 2011, the Committee held an *in camera* orientation session with staff of the Office of the Auditor General. The Auditor General, Kim MacPherson, and senior staff briefed Members on various topics related to the Committee's mandate, including: the essential role of the Crown Corporations Committee; attributes of an effective Crown Corporations Committee; the role of the Office of the Auditor General; and Crown agency governance. Following the *in camera* session, the Committee met with officials of WorkSafe NB to review the activities of the organization for the years 2008 and 2009.

The Committee met in the Legislative Council Chamber on February 4, 8, 9, 10, 11, 22, 23, 24, 25 and March 1 and 2, 2011, to review the activities and financial statements of various Crown corporations and agencies for the fiscal years 2008-2009 and 2009-2010. Officials of the following organizations appeared before the Committee:

- New Brunswick Securities Commission
- New Brunswick Health Council
- FacilicorpNB
- Ambulance New Brunswick
- Service New Brunswick
- Horizon Health Network
- Vitalité Health Network
- New Brunswick Liquor Corporation
- Recycle NB (2008 & 2009)
- Regional Development Corporation
- New Brunswick Energy and Utilities Board
- Atlantic Lottery Corporation
- New Brunswick Investment Management Corporation
- NB Power
- New Brunswick System Operator

On March 1, 2011, during the meeting with officials of NB Power, the Committee passed the following motion, moved by Mr. Wetmore:

That the Standing Committee on Crown Corporations recommend that the government require NB Power to disclose detailed and itemized financial information to this Committee related to the sale of NB Power to Hydro-Quebec including but not limited to: the detailed cost of legal advice including the names of lawyers and law firms used; the cost of public relations advice and the names of firms used; the costs of wages both regular and overtime paid to employees as a result of the deal; the costs of all expert advice and opinions; the costs of all travel

related to the sale; and costs related to the cancelling of the deal including legal fees and penalties paid to Hydro Quebec if they exist.

Your Committee wishes to thank the officials of the various Crown corporations and agencies who appeared before the Committee. Your Committee also wishes to thank the Auditor General and her staff for their input.

And your Committee begs leave to make a further report.

(Sgd. :) Jack Carr, MLA.
Chair.

Mr. Doucet, from the Standing Committee on Public Accounts, presented the Second Report of the Committee for the session, which was read and is as follows:

June 8, 2011.

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

Mr. Speaker:

I have the honour to present herewith the Second Report of the Standing Committee on Public Accounts.

The report outlines the meetings held during January, February and March of this year to review the activities of the various government departments for the fiscal years 2008-2009 and 2009-2010.

On behalf of the Committee, I would like to thank the Deputy Ministers and senior departmental officials who appeared before the Committee.

I would also like to thank the Auditor General for the input provided by that office.

And your Committee begs leave to make a further report.

(Sgd. :) Rick Doucet, MLA.
Chair.

Ordered that the report be received, that leave be granted and the Committee continued.

The full Report of the Committee as presented is as follows:

June 8, 2011.

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

Mr. Speaker:

Your Standing Committee on Public Accounts begs leave to submit this, their Second Report.

The report outlines the activities of the Committee during the First Session of the Fifty-seventh Legislative Assembly.

On January 18, 2011, the Committee held an *in camera* orientation session with staff of the Office of the Auditor General. The Auditor General, Kim MacPherson, and senior staff briefed Members on various topics related to the Committee's mandate, including: the essential role of the Public Accounts Committee; attributes of effective Public Accounts Committees; the role of the Office of the Auditor General; and approaching accountability through questioning.

The Committee met in the Legislative Council Chamber on January 18, 19, 20, 21, 25 and 26, 2011, to review the activities and financial statements of various government departments for the fiscal years 2008-2009 and 2009-2010. Officials of the following departments appeared before the Committee:

- Department of Finance
- Department of Post-Secondary Education, Training and Labour
- Department of Local Government
- Department of Transportation
- Department of Supply and Services
- Department of Education

On January 27, 2011, the Committee met with officials of the Office of the Auditor General to review the *2009 Report of the Auditor General of New Brunswick*. The Auditor General, outlined the contents and recommendations contained in the report and answered questions posed by Committee members.

The Committee met in the Legislative Council Chamber on January 27 and 28, 2011, to review the activities and financial statements of various government departments for the fiscal years 2008-2009 and 2009-2010. Officials of the following departments appeared before the Committee:

- Department of Intergovernmental Affairs
- Department of Natural Resources

On February 1, 2011, the Committee met in a joint session with the Standing Committee on Crown Corporations to receive and review the *2010 Report of the Auditor General of New Brunswick Volumes*

1 and 2. The Auditor General outlined the contents and findings of the Report and briefed Members on the nature of the work undertaken by the Office during the year.

The Committee met in the Legislative Council Chamber on February 15, 16, 17, 18 and March 3 and 4, 2011, to review the activities and financial statements of various government departments for the fiscal years 2008-2009 and 2009-2010. Officials of the following departments and offices of government appeared before the Committee:

- Department of Social Development
- Department of Health
- Department of Environment
- Office of Human Resources
- Department of Tourism and Parks
- Department of Wellness, Culture and Sport
- Department of Justice and Consumer Affairs
- Office of the Attorney General
- Department of Transportation
- Department of Business New Brunswick

On March 4, 2011, during the meeting with officials of Business New Brunswick, the Committee passed the following motion, moved by Mr. Jack Carr:

That the Standing Committee on Public Accounts request that Business New Brunswick (BNB) disclose and provide to this Committee all the evaluation, advice and recommendations BNB staff gave to the government of the day, in the years in question, about the decision to provide loan guarantees to ATCON.

In a letter dated April 11, 2011, Mr. Bill Levesque, Deputy Minister of the Department of Business New Brunswick, provided the following response:

Please be advised that the documents in response to the above noted motion cannot be released as such information is subject to Cabinet privilege. Furthermore, such information would be exempted from disclosure under the provisions of the Right to Information and Protection of Privacy Act. In particular discussion papers, policy analyses, advice and briefing materials are precluded from disclosure under paragraph 17(1)(b) of the Right to Information and Protection of Privacy Act. Additionally, information may not be disclosed under the authority of paragraph 26(1)(a) where the disclosure could reveal advice, opinions, proposals or recommendations developed by a government department. Paragraphs 17(1)(b) and 26(1)(a) read as follows:

17(1) The head of a public body shall refuse to disclose to an applicant information that would reveal the substance of deliberations of the Executive Council, including but not limited to,

[...]

(b) discussion papers, policy analyses, proposals, memorandums, advice or similar briefing material submitted or prepared for submission to the Executive Council,

“26(1) The head of a public body may refuse to disclose information to an applicant if disclosure could reasonably be expected to reveal

(a) advice, opinions, proposals or recommendations developed by or for the public body or a Minister of the Crown,”

Your Committee wishes to thank the many officials who appeared before the Committee.

Your Committee also wishes to thank the Auditor General and her staff for their input.

And your Committee begs leave to make a further report.

(Sgd.:) Rick Doucet, MLA.
Chair.

Mr. Albert gave Notice of Motion 94 that on Thursday, June 16, 2011, he would move the following resolution, seconded by Mr. D. Landry:

THAT an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House a list of all programs, staff, and services cut by each school district to achieve its budgetary reduction targets, including but not limited to any staff dismissed or whose work hours have been reduced; a list of all positions and programs reduced in scope or eliminated; all reductions of expenditures for equipment and supplies, and a complete list of all other measures undertaken to achieve the budget reduction targets in this fiscal year.

Pursuant to Standing Rule 44(4), Mr. Fraser, Opposition House Leader, gave notice that on Thursday, June 9, 2011, Opposition Members' Business would be considered in the following order: Motion 90, 92 and 91.

It was agreed by unanimous consent to dispense with notice and permit Motion 92 to be moved on Thursday, June 9, 2011.

With leave of the House, Hon. P. Robichaud, seconded by Mr. Boudreau, moved: (Motion 95)

WHEREAS New Brunswick took on a leadership role within Confederation by becoming the only officially bilingual province in Canada;

WHEREAS official bilingualism has had a profound and positive influence on New Brunswick's development and has guided our province's cultural, social and political growth;

WHEREAS the government remains committed to official bilingualism and the development of the two official linguistic communities of New Brunswick, as well as to the principles and objectives of the *Official Languages Act*;

WHEREAS the government wants to provide an opportunity for all New Brunswickers to give their views and provide comments during the revision process of the *Official Languages Act*;

BE IT THEREFORE RESOLVED that this House appoint a Select Committee on the Revision of the *Official Languages Act*, to oversee the examination of and consultation on the Act, to review legal decisions, recommendations of the Office of the Commissioner of Official Languages as well as suggestions and recommendations from civil society and New Brunswickers, and to file with the Legislative Assembly an interim report and a final report with recommendations.

In addition to the powers traditionally conferred upon the said committee by the Standing Rules, the Committee shall have the following additional powers:

- to meet during sittings of the House and during the recess after prorogation until the next following session;
- to adjourn from place to place as may be convenient;
- to conduct consultations as it sees fit;
- to retain such personnel as may be required to assist the committee;

BE IT FURTHER RESOLVED that, during a period when the Legislative Assembly is adjourned or prorogued, the Committee may release a report by depositing a copy with the Clerk of the Legislative Assembly, and upon the resumption of the sittings of the House, the Chair shall present the report to the Legislative Assembly;

BE IT FURTHER RESOLVED that the said Committee be comprised of Hon. Ms. Blais, Hon. Ms. Blaney, Mr. Riordon, Ms. Lynch, Mr. McLean, Mr. Bonenfant, Mr. Davis, Mr. C. Landry, Mr. Albert, Mr. Collins, and Mr. Haché.

And the question being put, the motion was carried.

Hon. P. Robichaud, Government House Leader, announced that following third reading, it was the intention of government that

Bills 47, 48, 49 and 50 be called for second reading; following which, the House would resolve itself into a Committee of the Whole to consider Bills 38, 39, 51, 52, 53, 54, 45, 33, 34, 42 and 6.

The following Bills were read a third time:

Bill 36, *Invest New Brunswick Act*.

Bill 37, *An Act to Amend the Municipal Elections Act*.

Bill 40, *An Act to Amend the Family Services Act*.

Bill 41, *An Act to Amend the Essential Services in Nursing Homes Act*.

Ordered that the said Bills do pass.

The Order being read for second reading of Bill 47, *An Act to Amend the Legislative Assembly Act*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 47 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 47, *An Act to Amend the Legislative Assembly Act*, was read a second time and ordered referred to the Committee of the Whole House.

The Order being read for second reading of Bill 48, *An Act Respecting Members' Pensions*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 48 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 48, *An Act Respecting Members' Pensions*, was read a second time and ordered referred to the Committee of the Whole House.

The Order being read for second reading of Bill 49, *An Act Respecting Expenditure Restraint*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 49 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 49, *An Act Respecting Expenditure Restraint*, was read a second time and ordered referred to the Committee of the Whole House.

The Order being read for second reading of Bill 50, *An Act Respecting Vital Statistics*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 50 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 50, *An Act Respecting Vital Statistics*, was read a second time and ordered referred to the Committee of the Whole House.

The House resolved itself into a Committee of the Whole with Mr. C. Landry in the chair.

At 12.30 o'clock p.m. Mr. C. Landry left the chair to resume again at 2 o'clock p.m.

2.06 o'clock p.m.

The Committee resumed.

At 5.10 o'clock p.m. Mr. C. Landry declared a recess and left the chair.

5.19 o'clock p.m.

The Committee resumed.

And after some time, Mr. Fitch rose on a point of order and submitted that Mr. Fraser was not addressing his remarks through the Chair.

The chair ruled the point well taken and advised the Member to address his remarks accordingly.

And after some time, due to the unavoidable absence of Mr. Speaker, Mr. Urquhart, the Deputy Speaker, took the chair as Acting Speaker, and Mr. C. Landry, the Chair, after requesting that Mr. Deputy Speaker revert to Presentations of Committee Reports, reported:

That the Committee had directed that he report the following Bills as agreed to:

Bill 38, *An Act Respecting Midwives*.

Bill 39, *An Act to Amend the Prescription Drug Payment Act*.

Bill 51, *An Act to Amend the Tobacco Tax Act*.

Bill 52, *An Act to Amend the Gasoline and Motive Fuel Tax Act*.

Bill 53, *An Act to Amend the New Brunswick Income Tax Act*.

Bill 54, *Loan Act 2011*.

That the Committee had directed that he report progress on the following Bill:

Bill 45, *An Act to Amend the Regional Health Authorities Act*.

And the Committee asked leave to make a further report.

Pursuant to Standing Rule 78.1, Mr. Deputy 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.

And then, 6 o'clock p.m., the House adjourned