



## LEGISLATIVE ASSEMBLY OF NEW BRUNSWICK Third Session, 57<sup>th</sup> Legislative Assembly

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ORDER AND NOTICE PAPER - Sitting No. 29  
Friday, April 26, 2013

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### 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

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### ORDERS OF THE DAY

#### GOVERNMENT BILLS AND ORDERS

## GOVERNMENT BILLS FOR SECOND READING

### *Bills Ordered for Second Reading*

- Bill 27, An Act to Amend the New Brunswick Liquor Corporation Act  
- Hon. Mr. Higgs
- Bill 28, An Act Respecting Officers of the Legislative Assembly  
- Hon. Mr. P. Robichaud
- Bill 37, New Brunswick Research and Innovation Council Act  
- Hon. Mr. P. Robichaud

### *Bills to be Ordered for Second Reading*

- Bill 38, An Act to Amend the Law Reform Act - Hon. Ms. Blais, Q.C.

## COMMITTEE OF THE WHOLE

- Bill 5, An Act to Amend the Motor Vehicle Act - Hon. Mr. Trevors
- Bill 29, An Act to Amend the Members' Conflict of Interest Act  
- Hon. Mr. P. Robichaud
- Bill 33, An Act to Amend the Tobacco Tax Act - Mr. Arseneault
- Bill 36, An Act to Amend the Smoke-free Places Act - Mr. Arseneault

## COMMITTEE OF SUPPLY

- Main Estimates, 2013-2014
- Capital Estimates, 2013-2014
- Supplementary Estimates, Volume I, 2011-2012 (Adopted December 12, 2012)

## GOVERNMENT MOTIONS

**Motion 42 by Hon. Mr. Williams**, seconded by Hon. Mr. Flemming to propose the following resolution on Wednesday, April 17, 2013:

WHEREAS the former Liberal government granted seventy million dollars of financial assistance to the Atcon group of companies in 2008 and 2009;

WHEREAS immediately prior to approving fifty million dollars in assistance in March of 2009, Business New Brunswick had flagged that Atcon was showing signs of insolvency;

WHEREAS immediately prior to the former Liberal government approving fifty million dollars in assistance in March of 2009, Business New Brunswick had recommended that further assistance not be given to Atcon and assessed the risk as "high";

WHEREAS immediately prior to the former Liberal government approving fifty million dollars in assistance in March of 2009, New Brunswick Industrial Development Board, a body composed of senior civil servants, concurred with the recommendation against providing further financial assistance to the Atcon group of companies;

WHEREAS despite the clear signs that Atcon was in serious financial difficulty and against the recommendations of government officials, the then Minister of Business New Brunswick offered fifty million dollars in further assistance on March 27, 2009;

WHEREAS Atcon is now insolvent and out of business;

WHEREAS the vast majority of the funds advanced by the Government of New Brunswick have not been recovered and represent a loss to the taxpayers of New Brunswick;

WHEREAS the Conflict of Interest Commissioner has recommended that this House consider requesting the Auditor General to conduct an audit of the financial assistance given by the Province of New Brunswick to Robert Tozer and his Atcon group of companies;

BE IT THEREFORE RESOLVED that this Assembly request the Auditor General of New Brunswick to conduct an audit of all the financial assistance given by the Province of New Brunswick to Robert Tozer and the Atcon group of companies, including recommendations on how to improve the performance of the Department of Economic Development, formerly known as Business New Brunswick.

BE IT FURTHER RESOLVED that this Assembly recommend that all the evidence and information in the Conflict of Interest Commissioner's inquiry into allegations by Mr. Claude Williams, MLA for Kent South of violations of the *Members' Conflict of Interest Act* with respect to the above matter, be preserved and made available to the Auditor General of New Brunswick to assist her in the audit and recommendations.

## CONCLUDED

**Motion 4 by Hon. Mr. P. Robichaud.** Carried November 28, 2012.

**Motion 8 by Hon. Mr. Higgs.** Debated and carried December 11, 2012.

**Motion 13 by Hon. Mr. P. Robichaud.** Carried December 6, 2012.

**Motion 22 by Hon. Mr. Higgs.** Debated March 26, 28, April 3, 4, 5, 9, and carried April 9, 2013.

**Motion 25 by Hon. Mr. Alward.** Debated and carried December 19, 2012.

**Motion 26 by Hon. Mr. P. Robichaud.** Carried December 20, 2012.

**Motion 34 by Hon. Mr. Olscamp.** Carried April 4, 2013.

**Motion 39 by Hon. Mr. Lifford.** Carried April 10, 2013.

**Motion 40 by Hon. Mr. Lifford.** Carried April 10, 2013.

**Motion 46 by Hon. Ms. Blais, Q.C.** Carried April 25, 2013.

## GOVERNMENT PRIVATE MEMBERS' MOTIONS

**Motion 36 by Mr. Killen**, seconded by Mr. S. Robichaud to propose the following resolution on Thursday, April 11, 2013:

WHEREAS during the term of the former Liberal government seventy million dollars was given to the Atcon group of companies;

WHEREAS the vast majority of these funds have not been recovered and represent a loss to the taxpayers of New Brunswick;

WHEREAS the former Liberal Premier was present and chaired Cabinet meetings where decisions were made to grant financial assistance to the Atcon group of companies;

WHEREAS the former Liberal Premier's father was a director and received financial benefit from a company that was part of the Atcon group of companies when the Cabinet decided to grant financial assistance;

WHEREAS the Conflict of Interest Commissioner investigated the conduct of the former Liberal Premier;

WHEREAS the Conflict of Interest Commissioner found the former Liberal Premier had acted improperly by participating in these meetings of Cabinet and that the former Liberal Premier was in breach of the *Members' Conflict of Interest Act*;

WHEREAS the former Liberal Premier was also the Leader of the New Brunswick Liberal Association at the time that he was in conflict;

WHEREAS the former Liberal government agreed to pay the former Liberal Premier's legal fees associated with the Conflict of Interest Commissioner's investigation;

WHEREAS these fees are reported to be in excess of seventy thousand dollars;

WHEREAS the most recent return filed with the Supervisor of Political Financing indicates that the New Brunswick Liberal Association has in excess of one million dollars in cash;

BE IT RESOLVED THAT this Assembly call on the New Brunswick Liberal Association and its leader to do the honourable thing and reimburse the taxpayers of New Brunswick for the legal fees incurred by the former Liberal Premier while defending his improper actions.

## **OPPOSITION MEMBERS' BUSINESS**

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

Bill 7, An Act to Amend the Members' Conflict of Interest Act - Mr. Boudreau

Bill 8, Lobbyists' Registration Act - Mr. Fraser

Bill 14, Tanning Beds Act - Mr. Arseneault

Bill 30, An Act to Amend the Members' Conflict of Interest Act - Mr. Fraser

Bill 31, Pension Qualification Act - Mr. Fraser

Bill 32, Competitive Appointments Act - Mr. Fraser

Bill 34, Family Physician Access Act - Mr. Arseneault

### **OPPOSITION MEMBERS' MOTIONS**

#### ***Debatable Motions***

**Motion 1 by Mr. Kenny**, seconded by Mr. Haché to propose the following resolution on Thursday, December 6, 2012:

WHEREAS the impending closure of the Xstrata Mine in Bathurst will result in the loss of hundreds of jobs, both directly and indirectly;

WHEREAS the northern economy has suffered numerous blows in recent years with the decline of various industries, and the Xstrata closure will only exacerbate this economic downturn;

WHEREAS the knowledge base, expertise and human resources in the region would provide an excellent training ground for those interested in learning mining skills;

WHEREAS mining companies around the world are looking for thousands of workers skilled in mining trades;

WHEREAS a mining trades program and a mining centre of excellence, and resulting research opportunities, would provide important economic opportunities for northern New Brunswick;

WHEREAS the training facility and centre of excellence would help both northern New Brunswick and mining all across Canada;

BE IT THEREFORE RESOLVED that the Legislature urge the provincial government to engage the mining industry and the federal government in a partnership to establish a Mining Centre of Excellence and training centre in Bathurst following the mine's shutdown.

**Amendment moved by Hon. Mr. Soucy, seconded by Hon. Mr. P. Robichaud that Motion 1 be amended as follows:**

**In the resolution clause, by deleting all the words following "urge the provincial government to" with "continue engaging the mining industry, the Mining Industry Human Resource Council, and the Federal Government in a dialogue concerning the possibility of establishing a Mining Centre of Excellence and college-level training centre in conjunction with the Collège Communautaire du Nouveau-Brunswick – campus de Bathurst following the mine's shutdown."**

*[Debate interrupted due to expiration of time]*

**Motion 14 by Mr. Boudreau**, seconded by Mr. Collins to propose the following resolution on Thursday, December 13, 2012:

WHEREAS the Alward government has not questioned the federal government on reductions to federal transfer payments to New Brunswick;

WHEREAS the Alward government has refused to take on the federal government for the \$1 billion in cost overruns caused by AECL, a federal crown corporation;

WHEREAS the Alward government has decided not to fight for the interests of New Brunswick by seeking compensation for the millions of dollars in additional costs the province will be burdened with in relation to the new federal omnibus crime bill;

WHEREAS the Alward government did not even seek adequate compensation from the federal government for the future upkeep and maintenance of the Harbour Bridge;

WHEREAS the Alward government has not voiced concern about federal job cuts in New Brunswick;

WHEREAS the Alward government has not spoken out against cuts by ACOA to the regional economic development agencies;

WHEREAS the Alward government was silent on cuts to the National Research Council in New Brunswick;

WHEREAS the Alward government has not stood up for New Brunswick in relation to the proposed EI eligibility changes which will have a devastating effect on our seasonal industries, our communities and our people;

WHEREAS the Alward government was not successful in convincing the federal government to keep Canadian Blood Services in New Brunswick;

WHEREAS the Alward government has been unable to persuade the federal government to partner with it on the twinning of Route 11;

WHEREAS the Alward government has not fought against cuts to rail service in New Brunswick;

BE IT THEREFORE RESOLVED that the Legislature urge the government and opposition to coordinate a strong position on behalf of the people of New Brunswick to stand up and speak out against the federal government on measures that have such negative economic and financial consequences for New Brunswick.

*[Debate interrupted due to expiration of time]*

**Motion 15 by Mr. Fraser**, seconded by Mr. Boudreau to propose the following resolution on Thursday, December 20, 2012:

WHEREAS the previous Liberal government undertook an unprecedented public engagement in 2009 with the business sector, the non-profit sector, and citizens living in poverty, and collaborated with the Leader of the Opposition in the development of a bipartisan poverty reduction plan;

WHEREAS the Premier, then the Leader of the Opposition, participated fully in the engagement process and the announcement of the poverty reduction plan;

WHEREAS the Premier, then the Leader of the Opposition, stated that he was “proud” to have participated in the process and committed his party to implementing the recommendations of the poverty reduction task force;

WHEREAS the Premier, then the Leader of the Opposition, stated in an opinion column published in various provincial newspapers in November 2009 that we have to do more;

WHEREAS, since forming the government, the Alward Conservatives have ignored or postponed several important agreed-upon deadlines for the implementation of poverty reduction initiatives;

BE IT THEREFORE RESOLVED that the Legislature urge the government to collaborate with the Opposition in the implementation of the poverty reduction plan, and

BE IT FURTHER RESOLVED that the Legislature ask the government to provide a schedule for full implementation of the poverty reduction plan.

**Motion 21 by Mr. Kenny**, seconded by Mr. Fraser to propose the following resolution on Thursday, December 20, 2012:

WHEREAS public transportation is a vital component to economic growth, particularly in rural areas of the province;

WHEREAS VIA Rail is eliminating its ticket agents and decreasing its routes in northern New Brunswick;

WHEREAS CN Rail has recently threatened to abandon its Newcastle line in northern New Brunswick;

WHEREAS these services connected communities and brought social and economic opportunities to New Brunswickers;

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

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the provincial government to demand the federal government invest in infrastructure and provide the necessary funding to ensure these public transportation opportunities continue to exist, for the socio-economic well-being of our province.

**Motion 28 by Mr. D. Landry**, seconded by Mr. Melanson to propose the following resolution on Thursday, April 4, 2013:

WHEREAS the federal government has replaced the employment insurance boards of referees with the Social Security Tribunal;

WHEREAS employment insurance claimants who wish to appeal employment insurance rulings must appeal to this tribunal;

WHEREAS there were 300 employment insurance boards of referees members across the country, 15 of whom were in New Brunswick and were local residents with knowledge of local labour and business;

WHEREAS there are only 74 Social Security Tribunal members, who are not necessarily located in New Brunswick and only half of whom will deal with employment insurance appeals;

WHEREAS these changes will significantly disadvantage workers and limit their opportunities for access to appeal;

WHEREAS additional paperwork and red tape required by the Social Security Tribunal will make it more burdensome for workers to make an appeal;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the provincial government to ask the federal government to reinstate the employment insurance boards of referees.

**Amendment moved by Hon. Mr. Soucy, seconded by Hon. Ms. Dubé that Motion 28 be amended as follow:**

**By replacing the word "will" with "may" in the fifth and sixth WHEREAS clauses.**

**In the resolution clause, by deleting "the provincial government to ask".**

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

**Motion 32 by Mr. Arseneault**, seconded by Mr. Boudreau to propose the following resolution on Thursday, April 11, 2013:

WHEREAS the Progressive Conservative Party promised to encourage an open dialogue with health care professionals in New Brunswick;

AND WHEREAS the Progressive Conservative Party promised to listen and act on the ideas of these professionals to improve the province's health care system;

AND WHEREAS the Progressive Conservative Party promised to ensure every New Brunswicker has access to a family doctor;

AND WHEREAS there are still more than 14,000 New Brunswickers without access to a family doctor, and many more New Brunswickers who do not have same day or next day access to their family doctors;

AND WHEREAS the Alward government has recently announced it is cutting back on physician recruitment and incentive programs;

AND WHEREAS the elimination of these recruitment and incentive programs will severely restrict the government's ability to recruit new physicians and other health care professionals;

BE IT THEREFORE RESOLVED that the Legislative Assembly call on the government of New Brunswick to commit to the continuation of all physician recruitment, retention and incentive programs that were in effect prior to the delivery of the 2013-2014 budget, and the enhancement of these programs.

**Motion 37 by Mr. Arseneault**, seconded by Mr. Collins to propose the following resolution on Thursday, April 18, 2013:

WHEREAS many New Brunswickers have to seek specialized medical treatment outside of the province each year because the prescribed treatment is not available in New Brunswick;

WHEREAS the cost of travelling out-of-province to access the treatment is not covered by Medicare;

WHEREAS travel expenses for medical treatments pose a crippling hardship to many families;

WHEREAS the charitable organization Hope Air provides airline tickets to those in financial need who need to leave the province for medical treatment;

BE IT THEREFORE RESOLVED that the Legislative Assembly call on the government of New Brunswick to collect all air miles earned on government air travel and donate those air miles to Hope Air to specifically help New Brunswickers in financial need access out-of-province medical treatment.

**Motion 45 by Mr. Doucet**, seconded by Mr. Bernard LeBlanc to propose the following resolution on Thursday, May 2, 2013:

WHEREAS the Anchorage Provincial Park is a vital component of the tourism industry upon which the Grand Manan economy is dependent;

WHEREAS the Anchorage Provincial Park has served as a key employer on Grand Manan for many years;

WHEREAS the Anchorage Provincial Park is the only provincial campground on the island;

WHEREAS Grand Manan is prominently featured on the front cover of the 2013 New Brunswick Tourism Guide;

WHEREAS the lack of camping facilities on the island will negatively affect the number of visitors to the island this tourist season;

BE IT THEREFORE RESOLVED that the Legislative Assembly call on the government of New Brunswick to immediately reinstate the employees at Anchorage Provincial Park and operate the facility this tourist season;

AND BE IT FURTHER RESOLVED that the Legislative Assembly urge the provincial government to meet with employees and key stakeholders on Grand Manan to determine alternate methods of generating increased revenue and alternate methods to reduce costs to ensure that this critical facility remains open in the future.

### ***Motions for Returns***

**Motion 19 by Mr. Fraser**, seconded by Mr. D. Landry to propose the following resolution on Thursday, December 20, 2012:

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 but not limited to correspondence from any MLA, Minister or government department, regarding Chancery Place, since October 13, 2010.

**Motion 24 by Mr. Fraser**, seconded by Mr. Bernard LeBlanc to propose the following resolution on Thursday, December 27, 2012:

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 but not limited to correspondence, regarding any and all tenders called by the New Brunswick Housing Corporation, including a description of the work, the name of the successful bidder, and the dollar amount of the contract, including receipts for materials used and services rendered, since October 13, 2010.

**[Documents requested filed April 15, 2013]**



**Motion 29 by Mr. Arseneault**, seconded by Mr. Fraser to propose the following resolution on Thursday, April 4, 2013:

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 but not limited to correspondence, regarding the report from the Office of Health Renewal to the Department of Health.

**[Documents requested filed April 12, 2013]**

**Motion 30 by Mr. Arseneault**, seconded by Mr. Fraser to propose the following resolution on Thursday, April 4, 2013:

THAT an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House a list of the 700 positions being eliminated by Vitalité Health Network and Horizon Health Network.

**[Documents requested filed April 12, 2013]**

**Motion 31 by Mr. Arseneault**, seconded by Mr. Fraser to propose the following resolution on Thursday, April 11, 2013:

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 but not limited to correspondence, however recorded, stored or archived, from the Department of Health, Vitalité Health Network and the Horizon Health Network concerning emergency rooms in New Brunswick health facilities, since April 1, 2012.

**[Documents requested filed April 12, 2013]**

**Motion 33 by Mr. Arseneault**, seconded by Mr. Bertrand LeBlanc to propose the following resolution on Thursday, April 11, 2013:

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 but not limited to correspondence, however recorded, stored, or archived, by electronic means or otherwise, from the Department of Health and the Vitalité Health Network regarding the Hôpital Stella-Maris-de-Kent, since April 1, 2012.

**[Documents requested filed April 12, 2013]**

**Motion 35 by Mr. Arseneault**, seconded by Mr. Fraser to propose the following resolution on Thursday, April 11, 2013:

THAT an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all correspondence, however recorded, stored or archived, regarding private cemeteries in the province of New Brunswick since April 1, 2012.

**Motion 38 by Mr. Arseneault**, seconded by Mr. Kenny to propose the following resolution on Thursday, April 18, 2013:

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, however recorded, stored or archived, including but not limited to correspondence, regarding the American Iron & Metal Company Inc. and the former Abitibi Bowater site in Dalhousie.

**Motion 41 by Mr. Arseneault**, seconded by Mr. Kenny to propose the following resolution on Thursday, April 18, 2013:

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, however recorded, stored or archived, including but not limited to correspondence, regarding PCI Chemicals Canada (Olin) and its property in Dalhousie.

**Motion 43 by Mr. Arseneault**, seconded by Mr. Fraser to propose the following resolution on Thursday, April 18, 2013:

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, however recorded, stored or archived, collected by the auditors hired by the Department of Health to scrutinize Medicare payments to New Brunswick's doctors.

**Motion 44 by Mr. Arseneault**, seconded by Mr. Fraser to propose the following resolution on Thursday, May 2, 2013:

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 but not limited to correspondence, however recorded, stored or archived, regarding the potential privatization or outsourcing of non-clinical services, from the Department of Health and FacilicorpNB Ltd. since January 1, 2011.

## CONCLUDED

**Motion 2 by Mr. Collins.** Debated and carried as amended December 6, 2012.

**Motion 9 by Mr. Melanson.** Debated and defeated December 13, 2012.

**Motion 27 by Mr. Albert.** Debated and carried as amended April 4, 2013.

## WITHDRAWN

Motions 3, 5, 6, 7, 10, 11, 12, 16, 17, 18, 20 and 23 withdrawn March 27, 2013.

## PETITIONS

Petition 1: Mr. Kenny, December 4, 2012.	(Withdrawn, December 5, 2012)
Petition 2: Hon. Mr. Trevors, December 11, 2012.	(Response, December 20, 2012)
Petition 3: Mr. Kenny, December 20, 2012.	(Response, January 22, 2013)
Petition 4: Mr. Killen, December 20, 2012.	(Response, February 20, 2013)
Petition 5: Mr. Fraser, March 27, 2013.	(Response, April 9, 2013)
Petition 6: Hon. Mr. Holder, April 5, 2013.	(Response, April 22, 2013)
Petition 7: Mr. Haché, April 10, 2013.	
Petition 8: Mr. Doucet, April 23, 2013.	
Petition 9: Mr. Doucet, April 23, 2013.	
Petition 10: Ms. Wilson, April 23, 2013.	
Petition 11: Mr. McLean, April 23, 2013.	

Petition 12: Mr. Doucet, April 24, 2013.  
Petition 13: Mr. Doucet, April 24, 2013.  
Petition 14: Mr. Doucet, April 24, 2013.  
Petition 15: Mr. Doucet, April 25, 2013.  
Petition 16: Mr. Doucet, April 25, 2013.  
Petition 17: Mr. McLean, April 25, 2013.

## **COMMITTEE REPORTS**

Select Committee on the Revision  
of the *Official Languages Act*  
Standing Committee on Private Bills

Interim Report, December 5, 2012

First Report, December 13, 2012

## **REPORTS/DOCUMENTS**

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

Electoral Boundaries and Representation Commission, Final Report  
(Filed April 25, 2013)

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

Donald J. Forestell  
Clerk of the Legislative Assembly

**APPENDIX "A"**

**WRITTEN QUESTIONS**

**Question No. 1 by Mr. Arseneault**

**(Response, December 20, 2012)**