



LEGISLATIVE ASSEMBLY OF NEW BRUNSWICK
Second Session, 58th Legislative Assembly

ORDER AND NOTICE PAPER - Sitting No. 31
Thursday, May 19, 2016

ROUTINE PROCEEDINGS

Prayers
Introduction of Guests
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

ORDERS OF THE DAY

GOVERNMENT BILLS AND ORDERS

GOVERNMENT BILLS FOR THIRD READING

Adjourned Debates

Bill 21, An Act to Amend the Judicature Act - Hon. Mr. Horsman

GOVERNMENT BILLS FOR SECOND READING

Bills Ordered for Second Reading

Bill 32, An Act to Amend the New Brunswick Income Tax Act - Hon. Mr. Melanson

Bill 40, Loan Act 2016 - Hon. Mr. Melanson

Bill 41, New Brunswick Women's Council Act - Hon. Mr. Gallant

Bill 42, An Act to Amend the New Brunswick Arts Board Act - Hon. Mr. Fraser

Bill 43, An Act to Amend the Post-Secondary Student Financial Assistance Act
- Hon. Ms. Landry

Bill 44, An Act to Amend the Legal Aid Act - Hon. Mr. Horsman

Bill 45, An Act Respecting the Enforcement of Financial and Consumer Services Legislation
- Hon. Mr. Horsman

Private Bills Ordered for Second Reading

Bill 17, An Act to Incorporate the Filles de Jésus Moncton - Mr. Bernard LeBlanc

Bill 38, Vestcor Act - Mr. Bourque

Adjourned Debates

Bill 24, An Act to Implement Strategic Program Review Initiatives - Hon. Mr. Boudreau

Bill 31, An Act to Amend the Harmonized Sales Tax Act - Hon. Mr. Melanson

COMMITTEE OF THE WHOLE

Bill 10, An Act to Amend the Education Act - Mr. Coon

STANDING COMMITTEE ON ECONOMIC POLICY

Bill 12, An Act to Amend the Crown Construction Contracts Act - Hon. Mr. Melanson

STANDING COMMITTEE ON LAW AMENDMENTS

Bill 5, Green Jobs Act - Mr. Coon

Bill 26, Inquiries Act - Hon. Mr. Rousselle, Q.C.

Bill 27, An Act Respecting the Inquiries Act - Hon. Mr. Rousselle, Q.C.

BILLS AWAITING ROYAL ASSENT

Bill 15, Regulatory Accountability and Reporting Act - Hon. Mr. Gallant
 Bill 18, An Act Respecting Fiscal Measures - Hon. Mr. Melanson
 Bill 19, An Act to Amend the Pension Benefits Act - Hon. Mr. Horsman
 Bill 20, An Act to Amend the Statute Revision Act - Hon. Mr. Rousselle, Q.C.
 Bill 22, Seafood Industry Improvement Fund Act - Hon. Mr. Doucet
 Bill 23, An Act to Amend the Tobacco Tax Act - Hon. Mr. Melanson
 Bill 25, Volunteer Emergency Aid Act - Hon. Mr. Boudreau
 Bill 28, An Act to Amend the Securities Act - Hon. Mr. Horsman
 Bill 29, An Act to Amend the Commissioners for Taking Affidavits Act - Hon. Mr. Horsman
 Bill 30, An Act to Amend the Employment Standards Act - Hon. Ms. Landry
 Bill 35, Health Quality and Patient Safety Act - Hon. Mr. Boudreau
 Bill 36, An Act to Amend the Provincial Court Act - Hon. Mr. Horsman
 Bill 37, An Act to Amend the Off-Road Vehicle Act - Hon. Mr. Horsman
 Bill 39, An Act to Amend the Workers' Compensation Act - Hon. Ms. Landry
 Bill 46, Supplementary Appropriations Act 2014-2015 (1) - Hon. Mr. Melanson
 Bill 47, Appropriations Act 2016-2017 - Hon. Mr. Melanson

GOVERNMENT MOTIONS

CONCLUDED

Motion 5 by Hon. Mr. Fraser. Carried December 2, 2015.
Motion 8 by Hon. Mr. Melanson. Debated and carried December 17, 2015.
Motion 9 by Hon. Mr. Melanson. Debated February 2, 4, 5, 9, 10, 11, 12
 and carried February 12, 2016.
Motion 19 by Hon. Mr. Kenny. Carried April 8, 2016.
Motion 22 by Mr. Albert. Carried May 17, 2016.

GOVERNMENT PRIVATE MEMBERS' MOTIONS

CONCLUDED

Motion 7 by Mr. Bernard LeBlanc. Debated and carried December 15, 2015.

OPPOSITION MEMBERS' BUSINESS

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

OPPOSITION MEMBERS' MOTIONS

Debatable Motions

Motion 13 by Mr. Holder, seconded by Mr. Wetmore to propose the following resolution on Thursday, February 11, 2016:
 WHEREAS New Brunswick universities are the envy of the world;

WHEREAS the government did not campaign upon any of the proposed changes that are mentioned in the Choices document such as deciding who is allowed to graduate from which programs, interfering in the funding formula, and changing governance models;

WHEREAS the government has failed to act on many of their platform commitments, such as providing universities with a four-year funding forecast;

WHEREAS universities need the support and confidence of government in order to thrive and grow in the increasingly competitive environment for student enrolment, instead of holding secretive, invitation-only meetings;

BE IT THEREFORE RESOLVED THAT the Assembly encourage the government to start supporting our independent universities, their excellent boards of governors, their competent administrators, and most of all, our students; and

BE IT FURTHER RESOLVED THAT the Assembly urge the government to conduct an open and transparent consultation process, similar to the Poverty Reduction Strategy of 2009, to look at the future of our universities.

Motion 12 by Ms. Shephard, seconded by Mr. Steeves to propose the following resolution on Thursday, February 11, 2016:

WHEREAS children deserve the opportunity to grow in a loving, supportive, and stable household;

WHEREAS the current framework for protecting children favors parental privileges over the mental and physical safety of the child;

WHEREAS legislation approved by this Assembly five years ago would have the effect of helping to correct this imbalance with new kinship provisions, but has not been fully proclaimed into law;

WHEREAS there are also other measures that could be undertaken which would put the needs of children first, while supporting the decision-making authority of our dedicated social workers;

BE IT RESOLVED THAT this Assembly urges the current government to proclaim into law all sections of *An Act to Amend the Family Services Act* of March 2010.

BE IT FURTHER RESOLVED THAT the Assembly urge the government to review the framework for child protection in order to ensure the needs of children are placed in priority over parental privileges.

OPPOSITION MEMBERS' PUBLIC BILLS FOR SECOND READING

Bill 9, An Act Respecting the Right to Work - Ms. Lynch
 Bill 13, An Act to Amend the Procurement Act - Mr. Coon
 Bill 14, Public Participation Act - Mr. Coon

OPPOSITION MEMBERS' MOTIONS

Debatable Motions

Motion 6 by Mr. Stewart, seconded by Ms. Lynch to propose the following resolution on Thursday, December 10, 2015:

WHEREAS New Brunswick is Canada's only officially bilingual province;

WHEREAS access to second language training is limited or non-existent in many communities across the province, which impedes mutual understanding and access to opportunities;

WHEREAS access to French immersion education programming is limited or non-existent in many schools across the province;

WHEREAS the government's ability to continue to provide a high quality of services to citizens in both official languages may be affected by a lack of investment in second language training and education;

WHEREAS there are best practices in other jurisdictions, as well as new technology, which could be explored to address the gap in investment in second language training and education;

BE IT THEREFORE RESOLVED THAT this Assembly urges the government to examine the issue of second language education and training, and report back to this Assembly with a plan to enhance opportunities for New Brunswickers to improve their skills in communicating in both official languages.

Amendment moved by Hon. Mr. Arseneault, seconded by Mr. Ames that Motion 6 be amended as follows:

That the second Whereas clause be deleted and substituted with the following:

WHEREAS access to second language training should be supported and promoted as it provides many benefits including the fostering of mutual understanding between linguistic communities and access to enhanced opportunities;

That the third Whereas clause be amended as follows:

By deleting the words "is limited or non-existent in many schools across the province" and substituting the following:

"will be enhanced with the introduction of first year early immersion and is supported through pre-intensive, intensive and post-intensive and various language and cultural programs for students".

That the fourth Whereas clause be amended as follows:

By deleting the words "government's ability to continue" and substituting the words "government is committed" and deleting the words "may be affected by a lack of" and substituting the words "through ongoing" and by adding "s" to the word "investment".

That the fifth Whereas clause be amended as follows:

By deleting the words "could be explored to address the gap in" and substituting the words "will continue to be explored to enhance the".

That the resolution clause be amended as follows:

By deleting the words "examine the issue of" and substituting the word "promote" and deleting the words "report back to this Assembly with a plan" and substituting the word "continue".

[Debate interrupted due to expiration of time.]

Motion 14 by Mr. Jeff Carr, seconded by Mr. Northrup to propose the following resolution on Thursday, February 11, 2016:

WHEREAS the government has repeatedly said their priority was job creation, stimulating the economy and making New Brunswick a better place to raise a family, and has failed on all three points;

WHEREAS the government promised not to raise fees or taxes for small business in their 2014 election platform;

WHEREAS changes to New Brunswick Regulation 2015-62 under the *Harmonized Sales Tax Act* caused appraisers and New Brunswick small businesses to lose income;

WHEREAS the government has provided no evidence to prove that these changes are necessary or that they will improve services for New Brunswickers;

WHEREAS the red book value of cars does not take into consideration the harsh weather and road conditions of New Brunswick, nor if the vehicle was involved in a collision or accident in placing a dollar value on vehicles;

BE IT THEREFOR RESOLVED THAT the Assembly urge the government to reverse the changes to New Brunswick Regulation 2015-62, and allow New Brunswick's qualified appraisers and car dealerships to get back to work.

Motion 15 by Mr. Coon, seconded by Mr. Bertrand LeBlanc to propose the following resolution on Thursday, February 11, 2016:

WHEREAS all Members of the Legislative Assembly are elected representatives of the people of New Brunswick;

WHEREAS it is important that the role and responsibilities of MLAs be well understood by the public;

WHEREAS it would be helpful for Members of the Legislative Assembly to have guidelines to aid them in the conduct of their duties;

WHEREAS the effectiveness of MLAs, and their accountability to the people of New Brunswick, may be improved if the Legislative Assembly establishes a formal statement of the key roles and responsibilities of MLAs;

WHEREAS the Legislative Administration Committee recommended the adoption of a statement on the Roles and Responsibilities of an MLA and a Code of Conduct for MLAs in its report to the Legislative Assembly tabled April 3, 2003;

BE IT THEREFORE RESOLVED that the Standing Committee on Procedure, Privileges and Legislative Officers take into consideration the adoption of a statement on the Roles and Responsibilities of an MLA and a Code of Conduct for MLAs.

Motion 16 by Mr. Fitch, seconded by Mr. Stewart to propose the following resolution on Thursday, February 18, 2016:

WHEREAS New Brunswick is going through a period of economic uncertainty, low wage growth, and high unemployment;

WHEREAS a number of important projects relating to natural resource development have been stalled, delayed, or cancelled over the last 16 months;

WHEREAS it is essential to send a clear message that New Brunswick supports safe and sustainable natural resource projects;

BE IT RESOLVED THAT this Assembly:

(a) recognize the importance of the energy sector to the Canadian economy and support its development in an environmentally sustainable way;

- (b) agree that pipelines are the safest way to transport oil;
- (c) acknowledge the desire of the majority of New Brunswickers for the Energy East pipeline to proceed as soon as possible; and
- (d) ask the Prime Minister of Canada to publicly express his support for the project and guarantee he and his cabinet will approve the project if it receives approval from the National Energy Board.

Motion 18 by Mr. Fitch, seconded by Ms. Dubé to propose the following resolution on Thursday, April 14, 2016:

WHEREAS many New Brunswickers have to seek medical treatment outside of the province each year because specific services may not be 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 hardship to many families;

WHEREAS there are charitable organizations, such as Hope Air, which provide travel support to those in need of medical treatment;

WHEREAS Members of the government previously sought to institute a new policy that would see travel points gained on government air travel, such as flights to Switzerland, become the property of the Crown;

BE IT THEREFORE RESOLVED that the Legislative Assembly urges the government of New Brunswick to collect all air travel points gained on government air travel and donate those points to organizations who can help New Brunswickers in financial need access out-of-province medical treatment.

Motion 20 by Mr. Fitch, seconded by Mr. Holder to propose the following resolution on Thursday, May 26, 2016:

WHEREAS improving access to post-secondary education is good for individual students, for the economy and creating jobs, and for the overall betterment of our society;

WHEREAS the surprise announcement of a new funding program for post-secondary institutions has left New Brunswickers bewildered and confused, with many unanswered questions;

WHEREAS the potential negative impact of the proposed changes are enormous, especially clawing back important financial support programs that were benefiting thousands of students, graduates and their families;

WHEREAS the timing of the proposed changes, coming a few months before the start of the next school year, will leave many students and families scrambling to reassess their post-secondary dreams;

WHEREAS the Gallant Government has made the ability to attend private and extra-provincial institutions virtually impossible for low-income students - not only cutting off their freedom to choose but also the ability to enrol in study programs not offered in New Brunswick public institutions;

WHEREAS none of the proposed changes are the result of widespread consultation with the public, professors, students, or their families, nor has any evidence been produced to prove that the benefits will outweigh the heavy costs of eliminating existing programming and limiting access to a small number of schools;

WHEREAS the chaotic changes proposed by the government fail to address other outstanding issues such as teaching quality, matching training to the workforce, infrastructure deficits, financial accessibility for the middle class, or student retention;

BE IT THEREFORE RESOLVED that this Assembly urges the Gallant Government to post-pone the proposed student financial program changes for one year;

BE IT FURTHER RESOLVED that the government give strong consideration to including private entities, such as Crandall University and Oulton's College, on the list of eligible institutions;

BE IT FURTHER RESOLVED that the government give strong consideration to creating a sliding scale for student eligibility instead of a hard cut-off point where the applicant receives all benefits or none.

Motion 21 by Mr. Steeves, seconded by Mr. Oliver to propose the following resolution on Thursday, May 26, 2016:

WHEREAS there are limited opportunities for interaction among those adults with Autism Spectrum Disorder (ASD), and in particular for the severely autistic;

WHEREAS that adults with disabilities may have access to "at home" care but only depending on the family income levels and the health and longevity of the parents;

WHEREAS most often care services come from agencies who hire workers at a minimal wage, often without a significant level of training;

WHEREAS formal intensive interventions such as Applied Behavioural Analysis are only available to children 5 years of age and under, and are available in a less intensive manner to school aged children (to a maximum age of 21);

WHEREAS access to public services, even if it were for five hours a day during the week, would be welcomed by those families who have no limited access to options in their own home;

BE IT THEREFORE RESOLVED that this Assembly urges the government to considering opening up the current Centres for Autism to be used as a service delivery point, depending on their capacity, to provide programming for adults with Autism Spectrum Disorder issues.

Motions for Returns

Motion 23 by Mr. Coon, seconded by Mr. Keirstead to propose the following resolution on Thursday, May 26, 2016:

THAT an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House all briefing memos or studies documenting concerns regarding the enforceability of the water classification regulation (2002-13) under the *Clean Water Act* from when it received Royal Assent in 2002.

CONCLUDED

Motion 1 by Mr. Steeves. Debated and defeated December 10, 2015.

Motion 2 by Mr. Higgs. Debated and defeated December 17, 2015.

Motion 3 by Mr. Urquhart. Debated and defeated December 17, 2015.

Motion 4 by Ms. Dubé. Debated and defeated February 11, 2016.

Motion 10 by Mr. Fitch. Debated and defeated February 11, 2016.

Motion 11 by Ms. Dubé. Debated and defeated March 31, 2016.

Motion 17 by Mr. Urquhart. Debated and carried as amended April 7, 2016.

PETITIONS

Petition 1: Mr. Wetmore, December 8, 2015.	(Response, January 6, 2016)
Petition 2: Hon. Mr. Horsman, December 9, 2015.	(Response, January 4, 2016)
Petition 3: Ms. Shephard, December 10, 2015.	(Response, December 17, 2015)
Petition 4: Ms. Shephard, December 15, 2015.	(Response, January 6, 2016)
Petition 5: Mr. Coon, December 15, 2015.	(Response, January 14, 2016)
Petition 6: Ms. Shephard, December 16, 2015.	(Response, January 6, 2016)
Petition 7: Ms. Shephard, December 17, 2015.	(Response, January 6, 2016)
Petition 8: Mr. Coon, December 17, 2015.	(Response, January 27, 2016)
Petition 9: Mr. Albert, February 3, 2016.	
Petition 10: Mr. Harvey, February 3, 2016.	(Response, February 23, 2016)
Petition 11: Mr. Bernard LeBlanc, February 5, 2016.	(Response, March 31, 2016)
Petition 12: Mr. Northrup, February 5, 2016.	(Response, April 6, 2016)
Petition 13: Mr. Bertrand LeBlanc, February 9, 2016.	(Response, February 23, 2016)
Petition 14: Mr. Coon, February 10, 2016.	(Response, May 18, 2016)
Petition 15: Mr. Ames, March 29, 2016.	(Response, May 4, 2016)
Petition 16: Mr. Wetmore, March 29, 2016.	
Petition 17: Mr. Keirstead, March 29, 2016.	(Response, April 12, 2016)
Petition 18: Mr. Chiasson, March 30, 2016.	
Petition 19: Mr. Wetmore, March 30, 2016.	
Petition 20: Mr. Wetmore, March 31, 2016.	
Petition 21: Mr. Stewart, March 31, 2016.	(Response, April 15, 2016)
Petition 22: Mr. Bourque, April 1, 2016.	
Petition 23: Mr. Wetmore, April 1, 2016.	
Petition 24: Mr. Coon, April 1, 2016.	(Response, May 2, 2016)
Petition 25: Mr. Albert, April 1, 2016.	
Petition 26: Mr. Keirstead, April 1, 2016.	(Response, April 12, 2016)
Petition 27: Mr. Wetmore, April 5, 2016.	
Petition 28: Mr. Keirstead, April 5, 2016.	(Response, April 15, 2016)
Petition 29: Mr. Wetmore, April 6, 2016.	
Petition 30: Mr. Keirstead, April 6, 2016.	(Response, April 15, 2016)
Petition 31: Mr. Holder, April 7, 2016.	
Petition 32: Mr. Keirstead, April 7, 2016.	(Response, April 15, 2016)
Petition 33: Mr. Wetmore, April 8, 2016.	
Petition 34: Mr. Keirstead, April 8, 2016.	(Response, April 20, 2016)
Petition 35: Mr. Crossman, May 17, 2016.	
Petition 36: Mr. Coon, May 17, 2016.	
Petition 37: Mr. Wetmore, May 17, 2016.	
Petition 38: Mr. Roussel, May 18, 2016.	

COMMITTEE REPORTS

Standing Committee on Economic Policy

First Report, December 16, 2015

Second Report, February 9, 2016

Third Report, April 6, 2016

Fourth Report, May 17, 2016

Standing Committee on Estimates and Fiscal Policy

First Report, May 17, 2016

Standing Committee on Private Bills

First Report, May 17, 2016

Donald J. Forestell
Clerk of the Legislative Assembly