



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

**ORDER AND NOTICE PAPER – Sitting No. 21
Tuesday, December 12, 2017**

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 SECOND READING

Bills Ordered for Second Reading

Bill 34, Healthy Aging and Long-Term Care Act – Hon. Ms. Harris

STANDING COMMITTEE ON ECONOMIC POLICY

Bill 2, An Act to Amend the Public Health Act – Hon. Mr. Bourque

Bill 4, An Act to Amend the Industrial Relations Act – Hon. Mr. LePage

Bill 5, An Act Respecting Extra-Mural Services – Hon. Mr. Bourque

Bill 11, Transparency in Election Commitments Act – Hon. Ms. Harris

Bill 12, An Act to Amend the Legislative Assembly Act – Hon. Ms. Harris

Bill 16, Cannabis Control Act – Hon. Mr. Bourque

Bill 17, Cannabis Management Corporation Act – Hon. Ms. Rogers

Bill 18, Cannabis Education and Awareness Fund Act – Hon. Ms. Rogers

Bill 20, An Act to Amend the New Brunswick Liquor Corporation Act – Hon. Ms. Rogers

Bill 27, An Act to Amend the Financial Administration Act – Hon. Mr. Gallant

Bill 29, An Act to Amend the Assessment Act – Hon. Mr. Rousselle, Q.C.

Bill 30, An Act to Amend the Insurance Act – Hon. Ms. Rogers

Bill 31, An Act to Amend the Premier's Council on the Status of Disabled Persons Act
– Hon. Mr. Gallant

Bill 32, An Act Respecting Government Reorganization – Hon. Ms. Harris

Bill 33, An Act to Amend the Early Childhood Services Act – Hon. Mr. Kenny

BILLS AWAITING ROYAL ASSENT

Bill 3, An Act to Amend the Public Service Labour Relations Act – Hon. Mr. LePage

Bill 6, An Act to Amend the Motor Vehicle Act – Hon. Mr. Fraser

Bill 7, An Act to Amend the Pension Benefits Act – Hon. Ms. Rogers

Bill 8, An Act Respecting the Financial and Consumer Services Tribunal – Hon. Ms. Rogers

Bill 9, An Act Respecting Canadian Geodetic Vertical Datum – Hon. Mr. Rousselle, Q.C.

Bill 13, An Act to Repeal the Declaration of Trust of Court House, 1826 – Hon. Mr. Fraser

Bill 14, Exotic Animals Act – Hon. Mr. Doucet

Bill 15, An Act Respecting Intimate Partner Violence – Hon. Mr. Gallant

Bill 19, An Act to Amend the Motor Vehicle Act – Hon. Mr. Landry

Bill 21, An Act Respecting Agricultural Associations – Hon. Mr. Harvey

Bill 22, The Pooled Registered Pension Plans Act – Hon. Ms. Rogers

Bill 23, An Act to Amend the New Brunswick Income Tax Act – Hon. Ms. Rogers

Bill 24, An Act to Amend the Provincial Offences Procedure Act – Hon. Mr. Landry

Bill 25, An Act to Amend The Residential Tenancies Act – Hon. Mr. Rousselle, Q.C.

Bill 26, An Act Respecting the Land Titles Act and the Registry Act – Hon. Mr. Rousselle, Q.C.

COMMITTEE OF SUPPLY

Capital Estimates, 2018-2019

GOVERNMENT MOTIONS

Motion 8 by Hon. Mr. Doucet, seconded by Hon. Mr. Fraser to propose the following resolution on Tuesday, October 31, 2017:

THAT unless otherwise provided by Standing Rule or Special Order of the House, the Legislative Assembly adopt the following sessional calendar for the Fourth Session of the Fifty-Eighth Legislature:

Tuesday, October 24 to Friday, October 27, 2017, inclusive;
 Tuesday, October 31 to Friday, November 3, 2017, inclusive;
 Tuesday, November 7 to Friday, November 10, 2017, inclusive;
 Tuesday, November 14 to Friday, November 17, 2017, inclusive;
 Tuesday, December 5 to Friday, December 8, 2017, inclusive;
 Tuesday, December 12 to Friday, December 15, 2017, inclusive;
 Tuesday, December 19 to Friday, December 22, 2017, inclusive;
 Tuesday, January 30 to Friday, February 2, 2018, inclusive;
 Tuesday, February 6 to Friday, February 9, 2018, inclusive;
 Tuesday, March 13 to Friday, March 16, 2018, inclusive;
 Tuesday, March 20 to Friday, March 23, 2018, inclusive;
 Tuesday, March 27 to Thursday, March 29, 2018, inclusive;

THAT during certain weeks in which the Assembly is adjourned, the following dates are available for committees to meet:

Tuesday, November 21 to Friday, November 24, 2017, inclusive;
 Tuesday, November 28 to Friday, December 1, 2017, inclusive;
 Tuesday, January 9 to Friday, January 12, 2018, inclusive;
 Tuesday, January 16 to Friday, January 19, 2018, inclusive;
 Tuesday, January 23 to Friday, January 26, 2018, inclusive;
 Tuesday, February 13 to Friday, February 16, 2018, inclusive;
 Tuesday, February 20 to Friday, February 23, 2018, inclusive;
 Tuesday, February 27 to Friday, March 2, 2018, inclusive;

THAT notwithstanding the above dates available to committees, the chairs of committees may continue to call meetings with appropriate notice on dates of their choosing;

THAT when the Assembly adjourns on Thursday, March 29, 2018, it stand adjourned until Tuesday, November 6, 2018;

PROVIDED ALWAYS THAT if it appears to the satisfaction of Mr. Speaker, after consultation with the Government, that the public interest requires that the House should meet at an earlier time during any period of adjournment, Mr. Speaker may give notice that he is so satisfied and in such notice shall state a time at which the House shall meet, and thereupon the House shall meet at the time so stated and shall transact its business as if it had been duly adjourned to that time, and

THAT in the event of Mr. Speaker being unable to act owing to illness or other cause, either of the Deputy Speakers shall act in his stead for the purpose of this order.

CONCLUDED

Motion 7 by Hon. Mr. Doucet. Carried October 25, 2017.

Motion 9 by Hon. Mr. Doucet. Carried October 25, 2017.

Motion 13 by Hon. Ms. Rogers. Debated and carried November 8, 2017.

Motion 14 by Hon. Mr. Bourque. Carried November 2, 2017.

Motion 19 by Hon. Mr. Doucet. Carried November 15, 2017.

GOVERNMENT PRIVATE MEMBERS' MOTIONS

Motion 24 by Mr. Boudreau, seconded by Dr. Doherty to propose the following resolution on Thursday, December 7, 2017:

WHEREAS the 25 year Canaport LNG property tax break that slashed millions of dollars from property taxes was passed by the Conservative Government in 2005;

WHEREAS a full page advertisement placed in the Telegraph Journal on March 19, 2005 by Irving Oil entitled "To Everyone in Saint John" contains an open letter to the citizens of Saint John in an attempt to explain why the LNG Property Tax deal is such a good deal for the City;

BE IT THEREFORE RESOLVED THAT the Legislature urge the Opposition to answer the following questions:

1) Do they still believe the Canaport LNG tax deal was a good deal for the people of Saint John;

2) Do they believe the Canaport LNG tax deal was rushed and the process should have provided for consultation with and input from the citizens of Saint John;

3) Can the Official Opposition explain what role they had in urging the people of Saint John to accept the Canaport LNG tax deal.

OPPOSITION MEMBERS' BUSINESS

OPPOSITION MEMBERS' PUBLIC BILLS FOR SECOND READING

Bill 10, An Act to Amend the Assessment Act – Mr. Coon

Bill 28, Green Energy Security Act – Mr. Coon

OPPOSITION MEMBERS' MOTIONS

Debatable Motions

Motion 3 by Mr. Northrup, seconded by Mr. Jeff Carr to propose the following resolution on Thursday, November 2, 2017:

WHEREAS the tourism sector in New Brunswick is an important part of our fabric;

WHEREAS hundreds of thousands of tourists visit our province each year;

WHEREAS camping enthusiasts make up a significant portion of the tourists each year;

WHEREAS some of those camping enthusiasts like to travel with multiple vehicles and trailers in order to have the vastest experience to explore all the beautiful parts of our province;

WHEREAS other provinces in Canada allow for the towing combination of more than two vehicles on their highways and roads;

WHEREAS New Brunswick does not currently allow a combination of more than two vehicles, which creates a barrier to interprovincial travel;

BE IT THEREFORE RESOLVED THAT this Assembly urges the government to change acts and regulations to allow combinations of two or more vehicles, for recreational purposes, on main highways; and

BE IT FURTHER RESOLVED THAT this Assembly urges the government to maintain a length limit as well as other safety precautions, to account for the safety of all those travelling on the roads.

Motion 5 by Mr. Wetmore, seconded by Mr. Oliver to propose the following resolution on Thursday, November 2, 2017:

WHEREAS the New Brunswick Association of Optometrists has stated that research shows eighty percent of a child's learning is visual;

WHEREAS the New Brunswick Association of Optometrists has also stated that studies show only fourteen percent of Canadian children entering the primary school system receive professional eye care;

WHEREAS the Canadian Association of Optometrists state that studies show the earlier a vision problem is diagnosed and treated, the less negative impact it will have on a child's development;

WHEREAS the Canadian Association of Optometrists also state that an important component of early detection and treatment of eye and vision problems is for all children to receive a professional vision examination before entering school;

WHEREAS the province of New Brunswick's program, "Healthy Smiles, Clear Vision" already offers a vision program to children of low income families;

BE IT THEREFORE RESOLVED THAT this Assembly urges the current government to offer free professional eye exams for all children before they become of school age, and that it become mandatory to be tested before entering elementary school.

Motion 10 by Mr. Coon, seconded by Mr. Holder to propose the following resolution on Thursday, November 2, 2017:

WHEREAS the Legislature is accountable to the people of New Brunswick;

WHEREAS it is important for a legislative committee to have the power to question witnesses and obtain expert advice;

WHEREAS the Canadian Audit and Accountability Foundation recommended that Public Accounts Committees should have the power to subpoena witnesses if they refuse to appear, and call for the production of documents;

WHEREAS the Nova Scotia Public Accounts Committee has the power to send for persons, papers and records, and to examine witnesses under oath;

WHEREAS the standing committees of the Parliament of Canada have the power to send for persons, papers and records;

WHEREAS the House can authorize a committee to call for persons, papers and records;

BE IT THEREFORE RESOLVED THAT the Public Accounts Committee, Crown Corporations Committee, Economic Policy Committee and Social Policy Committee be authorized by the Legislative Assembly to call for persons, papers and documents.

Motion 11 by Mr. Coon, seconded by Mr. Holder to propose the following resolution on Thursday, November 2, 2017:

WHEREAS Legislative Officers should be accountable to the Legislative Assembly and the people of New Brunswick;

WHEREAS a 2011 Legislative Assembly report recommended that Legislative Officers appear annually before committee to answer questions about their annual reports;

WHEREAS the Standing Rules of the New Brunswick Legislature state that reports to the House of Legislative Officers stand permanently referred to the Standing Committee on Procedure, Privileges and Legislative Officers;

WHEREAS the Standing Committee on Procedure, Privileges and Legislative Officers provides a forum through which the Legislative Officers are accountable to the Legislative Assembly;

WHEREAS in 2017 only one Legislative Officer has reported to the Committee;

BE IT THEREFORE RESOLVED THAT Legislative Officers, except for the Auditor General who already appears before the Standing Committee on Public Accounts, be required by the Legislative Assembly to appear annually before the Standing Committee on Procedure, Privileges and Legislative Officers to answer questions on their annual reports and any other reports filed with the Legislature.

Motion 12 by Mr. Coon, seconded by Mr. K. MacDonald to propose the following resolution on Thursday, November 9, 2017:

WHEREAS alcohol is the leading cause of injury and death in Canada;

WHEREAS a 2012 Statistics Canada survey found that 20% of New Brunswickers were heavy drinkers;

WHEREAS excessive drinking bears numerous known health risks including cancer and cardiovascular disease;

WHEREAS the availability and visibility of alcohol has increased with the increase in agency stores and the introduction of wine in grocery stores;

WHEREAS increased availability and visibility of alcohol result in greater consumption rates;

WHEREAS NB Liquor is neither tracking the effects of nor implementing public awareness campaigns along with this increased availability;

WHEREAS New Brunswick's tobacco control strategy has reduced smoking prevalence and lung cancer mortality;

WHEREAS a comprehensive strategy aimed at reducing alcohol consumption can help to reduce alcohol harm;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the Office of the Chief Medical Officer of Health to develop a comprehensive strategy to reduce alcohol consumption and alcohol related injuries and deaths in the province.

Motion 20 by Mr. Steeves, seconded by Ms. Shephard to propose the following resolution on Thursday, December 7, 2017:

WHEREAS New Brunswick had 11,000 documented cases of dementia in 2011;

WHEREAS that number is expected to rise to 23,000 by 2031;

WHEREAS New Brunswick has the largest number of seniors in relation to New Brunswick's total population;

WHEREAS the Aging Strategy released in January of 2017 stated that there was a need for a dementia strategy in New Brunswick;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the government to release the Dementia Strategy to ensure access to quality care and support so that New Brunswickers with dementia can have the best quality of life possible.

Amendment moved by Hon. Mr. Bourque, seconded by Mr. Albert that Motion 20 be amended as follows:

THAT the resolution clause be amended by deleting the word “release” and replacing it with “continue to develop”.

[Debate interrupted due to expiration of time.]

Motion 21 by Mr. K. MacDonald, seconded by Ms. Shephard to propose the following resolution on Thursday, December 7, 2017:

WHEREAS the Local Service Districts of Douglas and Estey’s Bridge have been struggling with the development and proposed development of rock quarries within their respective areas;

WHEREAS the development of gravel pits and quarries has been a long-standing issue of contention with residents within all municipalities of New Brunswick, including cities;

WHEREAS the issues of quarry proximity to residential areas and the current excavation protocols for the quarry planning approval are deemed insufficient by many communities in New Brunswick;

WHEREAS many regional service commissions, at present, do not have the regulations to evaluate gravel pits and rock quarries differently in terms of impact and optimal distance from residential areas, given the site-specific characteristics of proposed resource extraction sizes;

WHEREAS the environmental footprints of a gravel pit and rock quarry differ greatly, given that gravel pits require only mechanical intervention for extraction of resources and quarries require the use of both machinery and blasting;

BE IT THEREFORE RESOLVED THAT this Assembly urge the Department of Environment and Local Government to revisit its regulations and legislation pertaining to rock quarries with the intent to recognize the different environmental footprint that exists between gravel pit and rock quarry developments, and develop an assessment tool that better addresses the various factors that are impacted, namely: waterways, run-off, noise, air quality, sight distance from provincial roads, and continued quality-of-life for existing area residents;

BE IT FURTHER RESOLVED THAT this Assembly urge the government to review its allowable quarry proximity to existing residential area regulation with the intent of increasing the catchment area with which the Department of Environment and Local Government, regional service commissions and quarry developers are required to consult and that the minimum proximity to quarry regulation and/or legislation has its minimum distances expanded.

Motion 22 by Mr. K. MacDonald, seconded by Ms. Shephard to propose the following resolution on Thursday, December 7, 2017:

WHEREAS successive governments have stressed the importance of New Brunswickers to have access to quality child care in all regions of our province;

WHEREAS access to child care allows both single parent and two parent families to pursue the career goals to which they aspire;

WHEREAS the economic realities of our modern society often require that both parents must work to sustain the household;

WHEREAS the population size of daycares is on the rise, requiring that the daycares often physically be located closer to larger often more urban centers to maximize their customer potential;

WHEREAS access to daycare services is equally important in urban and rural New Brunswick, but rural communities often lack the required population base to make a daycare financially viable;

WHEREAS the Department of Education and Early Childhood Development already has a transportation system that covers the entire province on a daily basis, both morning and returning in the afternoon, however, they are not allowed to travel outside of their respective school catchment areas;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the government to grant an exemption, in elementary school catchment areas where no daycare infrastructure exists, of up to 10 kilometers per day round trip to allow bussing of students; both for morning pickup and after school drop-off to daycare facilities outside the established school boundaries of the respective elementary school.

Motion 23 by Mr. K. MacDonald, seconded by Ms. Shephard to propose the following resolution on Thursday, December 7, 2017:

WHEREAS firefighters provide a valuable service to the population of New Brunswick;

WHEREAS the Province of New Brunswick has acknowledged that heart conditions and certain cancers can be linked to the act of firefighting, by becoming the seventh province in Canada to enact presumptive legislation for professional firefighters in 2009;

WHEREAS we now have some 500 female firefighters in Canada;

WHEREAS the Province of Manitoba was the first province to enact presumptive legislation for professional firefighters and has now elected to grow its presumptive cancer coverage to include breast cancer;

WHEREAS the inclusion of breast cancer in presumptive legislation for professional firefighters has been supported by the New Brunswick Association of Fire Chiefs;

BE IT THEREFORE RESOLVED THAT this Legislative Assembly follow Manitoba's lead and include breast cancer in the existing presumptive legislation coverages for professional firefighters in our province.

Motion 25 by Mr. Higgs, seconded by Mr. Holder to propose the following resolution on Thursday, December 14, 2017:

WHEREAS in November 2017, the Auditor General presented the Report of the Auditor General of New Brunswick, Volume III, 2017, containing chapter 2 entitled "Service New Brunswick Residential Property Assessment – Special Examination" to a joint meeting of the Standing Committee on Public Accounts and the Standing Committee on Crown Corporations;

WHEREAS the report concluded that multiple failures caused the 2017 property assessment errors, including poor communication, inadequate tools, lack of collaboration, and that corporate governance and leadership failed to acknowledge the high risk nature of "fast-tracking" key components of the Modernization Program within Service New Brunswick;

WHEREAS the report further concluded the communications that led to "fast-tracking" key components of the Modernization Program involved the following persons:

The Premier's Chief of Staff, Jordan O'Brien;

Service New Brunswick's former Chief Executive Officer, Gordon Gillman;

Service New Brunswick's Vice President, Alan Roy;

Service New Brunswick's Executive Director, Charles Boulay; and

Service New Brunswick's Director of Modernization, René Landry;

WHEREAS section 4 of the *Legislative Assembly Act* states "A committee of the Legislative Assembly appointed for the purpose of making an investigation or inquiry in relation to any public office or public work, whether wholly or partly under provincial control or in which the Province is interested as proprietor or stockholder or to which provincial aid is or may have

been given during the conduct of the work in respect of which the aid is given and authorized under this Act, shall have full power to send for persons, papers and records, and to examine witnesses on oath”;

BE IT THEREFORE RESOLVED THAT the Standing Committee on Crown Corporations be directed to meet within two weeks after the adoption of this motion to consider chapter 2 of the report entitled “Service New Brunswick Residential Property Assessment – Special Examination” and to invite the above named individuals to appear before it;

BE IT FURTHER RESOLVED THAT if any of the individuals decline the invitation to appear, the committee be directed to report back to the Legislative Assembly to request that the committee be specially delegated the power to send for persons, papers and records, and to examine witnesses on oath as provided for in section 4 of the *Legislative Assembly Act*.

Motion for Returns

Motion 16 by Mr. Flemming, Q.C., seconded by Mr. Savoie to propose the following resolution on Thursday, November 16, 2017:

THAT an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House any letter written to the Member for Campbellton-Dalhousie regarding his recusal or removal from, and the reassignment of his duties as Minister of Post-Secondary Education, Training and Labour in whole or in part, including copies of the letters sent electronically or otherwise to Judy Wagner, Jean-Marc Dupuis and the Minister of Transportation and Infrastructure, including the dates the letters were written, sent and received by the parties involved.

[Documents requested filed December 1, 2017]

CONCLUDED

Motion 1 by Mr. Wetmore. Debated and carried as amended November 2, 2017.

Motion 2 by Mr. K. MacDonald. Debated and carried as amended November 9, 2017.

Motion 4 by Mr. Urquhart. Debated and carried November 9, 2017.

Motion 6 by Mr. Jeff Carr. Debated and carried as amended November 16, 2017.

Motion 17 by Mr. Steeves. Debated and carried as amended November 16, 2017.

Motion 18 by Mr. Jeff Carr. Debated and carried as amended December 7, 2017.

PETITIONS

Petition 1: Mr. Oliver, October 27, 2017.	(Response, November 10, 2017)
Petition 2: Mr. Holder, October 27, 2017.	(Response, November 10, 2017)
Petition 3: Ms. Shephard, October 27, 2017.	(Response, November 10, 2017)
Petition 4: Mr. Fairgrieve, October 31, 2017.	(Response, November 15, 2017)
Petition 5: Ms. Shephard, November 1, 2017.	(Response, November 10, 2017)
Petition 6: Mr. Coon, November 2, 2017.	
Petition 7: Ms. Shephard, November 7, 2017.	(Response, November 21, 2017)
Petition 8: Mr. Coon, November 7, 2017.	

COMMITTEE REPORTS

Standing Committee on Economic Policy

First Report, November 10, 2017
Second Report, November 15, 2017
Third Report, December 5, 2017
Fourth Report, December 7, 2017

Standing Committee on Law Amendments

First Report, December 5, 2017

Standing Committee on Procedure, Privileges
and Legislative Officers

First Report, December 5, 2017

Standing Committee on Public Accounts

First Report, November 17, 2017

WRITTEN QUESTIONS (see Appendix A)

Donald J. Forestell
Clerk of the Legislative Assembly

APPENDIX A**WRITTEN QUESTIONS****Question No. 1 by Mr. Higgs**

Directed to: Hon. Mr. Gallant
Premier of New Brunswick

Will the Premier share with the House the expected impact of the carbon tax on New Brunswickers and the economy?

Question No. 2 by Mr. Higgs

Directed to: Hon. Mr. Gallant
Premier of New Brunswick

Will the Premier share with the House the economic impact studies on cannabis for New Brunswick?

Question No. 3 by Mr. Higgs

Directed to: Hon. Mr. Gallant
Premier of New Brunswick

Which other provinces have invested in cannabis producers in Canada, and how much have they invested?

Question No. 4 by Mr. Higgs

Directed to: Hon. Mr. Gallant
Premier of New Brunswick

Does the Premier know why Dr. Cleary was fired and will he share all available information with the Legislature, does he agree with her dismissal?

Question No. 5 by Mr. Higgs

Directed to: Hon. Mr. Gallant
Premier of New Brunswick

Will the Premier confirm the Statistics Canada figures that indicate no job growth and a shrinking labour force since he has taken office?

Question No. 6 by Mr. Higgs

Directed to: Hon. Mr. Gallant
Premier of New Brunswick

It was learned at Crown Corporations Committee that WorksafeNB was urged to hurry their announcement regarding the premium hike and to make the announcement before the studies were completed. Did the instructions to fast track the announcement regarding premium hikes come from the Premier's Office?

Question No. 7 by Mr. Higgs

Directed to: Hon. Mr. Gallant
Premier of New Brunswick

Has any taxpayer money been given to Sears, whether from ONB, or from any other department, from any program from the Government of the Province of New Brunswick?