



LEGISLATIVE ASSEMBLY OF NEW BRUNSWICK Second Session, 59th Legislative Assembly

ORDER AND NOTICE PAPER – Sitting No. 17
Tuesday, March 26, 2019

ROUTINE PROCEEDINGS

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

ORDERS OF THE DAY

GOVERNMENT BILLS AND ORDERS

Motion 23 by Hon. Mr. Steeves, seconded by Hon. Mr. Higgs to propose the following resolution on Tuesday, March 19, 2019:

THAT this House approves in general the budgetary policy of the government.

Debate interrupted due to expiration of time.

Debate to resume on Tuesday, March 26, 2019.

GOVERNMENT BILLS FOR SECOND READING

Bills Ordered for Second Reading

Bill 13, An Act to Amend the Local Governance Act – Hon. Mr. Carr

Bill 14, An Act to Amend the Motor Vehicle Act – Hon. Mr. Urquhart

Bill 15, An Act to Amend the Proceedings Against the Crown Act – Hon. Mr. Thompson, P.C.

Bill 16, An Act to Amend the Judicature Act – Hon. Mr. Thompson, P.C.

COMMITTEE OF THE WHOLE

Bill 11, An Act to Amend the Petroleum Products Pricing Act – Hon. Mr. Holland

Bill 12, An Act Respecting the Surcharge Payable under the Victims Services Act – Hon. Mr. Urquhart

STANDING COMMITTEE ON ECONOMIC POLICY

Bill 8, Fiscal Transparency and Accountability Act – Hon. Mr. Steeves

BILLS AWAITING ROYAL ASSENT

Bill 6, An Act to Amend the Climate Change Act – Hon. Mr. Carr

Bill 7, An Act to Amend the Executive Council Act – Hon. Mr. Higgs

COMMITTEE OF SUPPLY

Capital Estimates, 2019-2020

GOVERNMENT MOTIONS

Motion 34 by Mr. Savoie, seconded by Hon. Mr. Holder to propose the following resolution on Tuesday, March 26, 2019:

THAT in addition to the existing sitting hours prescribed in Standing Rule 29(1) and by Special Orders of the House adopted November 21, 2018, and March 20, 2019, the House may sit on Thursday evenings from 7:00 p.m. to 10:00 p.m.

THAT this Special Order shall come into effect on Thursday, March 28, 2019, and shall remain in effect during the remainder of the Second Session of the 59th Legislative Assembly.

CONCLUDED

Motion 1 by Mr. Savoie. Carried November 21, 2018.

Motion 15 by Mr. Savoie. Carried November 27, 2018.

Motion 16 by Hon. Mr. Steeves. Debated and carried December 11, 2018.

Motion 18 by Mr. Savoie. Debated and carried December 14, 2018.

Motion 21 by Mr. Savoie. Carried December 11, 2018.

Motion 22 by Mr. Savoie. Carried December 11, 2018.

Motion 30 by Mr. Savoie. Carried March 20, 2019.

Motion 33 by Mr. Savoie. Carried March 20, 2019.

OPPOSITION MEMBERS' BUSINESS

OPPOSITION MEMBERS' PUBLIC BILLS FOR SECOND READING

Bill 5, An Act to Amend the Employment Standards Act – Mr. LePage

Bill 10, An Act to Amend The Residential Tenancies Act – Mr. Coon

Adjourned Debates

Bill 3, An Act to Amend the Oil and Natural Gas Act – Mr. Gallant, Q.C.

OPPOSITION MEMBERS' MOTIONS

Debatable Motions

Motion 2 by Mr. Coon, seconded by Mr. Arseneau to propose the following resolution on Thursday, November 29, 2018:

WHEREAS the World Health Organization deemed glyphosate “probably carcinogenic to humans” in 2015;

WHEREAS there is increasing scientific evidence of the risk glyphosate poses to the health of our forest ecosystems and wildlife;

WHEREAS I and the member for Restigouche West tabled one of the largest petitions in the history of the Legislative Assembly with over 34,000 signatures asking for the spraying to end;

WHEREAS \$2.5 million tax dollars were used to pay for spraying glyphosate on Crown lands in 2017;

WHEREAS Agent Orange was approved by the provincial government to spray over forest plantations and under power lines right up until it was banned by the federal government, and replaced with glyphosate;

WHEREAS Québec has banned the use of glyphosate for forestry operations;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the Government of New Brunswick to ban the spraying of glyphosate and other herbicides over our forests and under our powerlines.

Motion 3 by Ms. Mitton, seconded by Mr. Coon to propose the following resolution on Thursday, November 29, 2018:

WHEREAS there was no evaluation of Medavie’s previous contract to provide ambulance services;

WHEREAS there were 7,500 instances of ambulances being pulled off the road in 2017, a 55% increase over 2016;

WHEREAS there have been three deaths in northern New Brunswick, including two in Saint-Quentin, since August 2016 when ambulances have taken more than 20 minutes to arrive on scene;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the Government of New Brunswick to transfer the management of Ambulance New Brunswick to Horizon and Vitalité health authorities;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the Government to immediately ensure that the number of ambulances per community is based on a community needs assessment;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the Government to immediately ensure that the deployment of ambulances be community-based not provincial in terms of territorial coverage.

Motion 4 by Mr. Arseneau, seconded by Ms. Mitton to propose the following resolution on Thursday, November 29, 2018:

WHEREAS the 2018 New Brunswick General Election produced a minority government where the proportion of Members elected to the Legislative Assembly does not reflect the proportion of votes received by each party in the election;

WHEREAS Fair Vote Canada found that Legislatures using proportional representation are more stable, as there is no incentive for calling a quick election in order to gain a majority government;

WHEREAS the New Brunswick Commission on Legislative Democracy, established in 2003 by PC Premier Bernard Lord, designed and recommended a Mixed-Member Proportional Representation system for New Brunswick;

WHEREAS the 2017 Commission on Electoral Reform recommended that the government consider some form of proportional representation;

WHEREAS a recent poll determined that more than half of New Brunswickers say that the number of votes is more important than the number of seats in determining who will govern New Brunswick;

WHEREAS over ninety countries currently use proportional representation, including 85% of countries in the Organization for Economic Co-operation and Development;

WHEREAS when more than 2 parties are present, the current First Past the Post electoral system can lead to unrepresentative outcomes;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the Government of New Brunswick to ask a Committee of the Legislature to: review the recommendation of the 2003 Commission on Legislative Democracy to establish a system of Mixed-Member Proportional Representation; invite the public to appear before the Committee to provide their views on Mixed-Member Proportional Representation; and recommend a public process to determine whether to implement Mixed-Member Proportional Representation that will be completed before the next election.

Motion 5 by Ms. Landry, seconded by Mr. Harvey to propose the following resolution on Thursday, November 29, 2018:

WHEREAS the federal and provincial governments signed the Canada-New Brunswick Early Learning and Child Care Agreement on August 30, 2017, allowing New Brunswick access to \$30 million in federal funding to make child care more affordable;

WHEREAS affordable child care solves many challenges such as retaining and repatriating young professionals, growing the population through affordability of starting and growing families, growing the labour force by making it possible for both parents to work, and breaking the cycle of poverty by allowing people to leave income assistance for work without facing massive child care bills;

WHEREAS through that Canada-New Brunswick Agreement, New Brunswick has created programs that assist child care operators through one-time quality improvement grants, annual quality grants, increased wages for early childhood educators, and infant operator grants;

WHEREAS through that Canada-New Brunswick Agreement, New Brunswickers now benefit from free child care and subsidized child care in large regions of the province;

WHEREAS the planned completion of the rollout of this program has been budgeted and planned for the northeast of the province in January 2019 and the capital region in February 2019, fulfilling the commitment to parents to have the program available provincewide by March 2019;

WHEREAS families in the regions of the province expecting these important services should not have their access to these important programs delayed;

BE IT THEREFORE RESOLVED that this House urge the government to continue the implementation of these child care programs on the planned schedule.

Motion 6 by Mr. Arseneault, seconded by Mr. Melanson to propose the following resolution on Thursday, November 29, 2018:

WHEREAS the now-Premier said on May 29, 2012, when commenting on the New Brunswick Tuition Rebate program, that “we do not know whether the program actually brings people back into the province or encourages them to return.”;

WHEREAS the evidence showed that New Brunswick Tuition Rebate was not effective in its policy goal of keeping more young people in New Brunswick through the reports of the Maritime Provinces Higher Education Commission which showed that retention rates of graduates did not improve over the course of the programs existence;

WHEREAS the Free Tuition program and the Tuition Relief for the Middle Class program helped 7,744 students alone in the most recent academic year;

WHEREAS both the Free Tuition program and the Tuition Relief for the Middle Class program have become leaders in the standard of excellence for post-secondary funding as outlined in the Higher Education Strategy Associates Targeted Free Tuition: A Global Analysis;

BE IT THEREFORE RESOLVED that this House urge the government to maintain the Free Tuition and Tuition Relief for the Middle Class programs.

[Debate interrupted due to expiration of time.]

Motion 8 by Mr. C. Chiasson, seconded by Ms. Thériault to propose the following resolution on Thursday, November 29, 2018:

WHEREAS the now-Premier said on December 10, 2015, “I do not deny that we have too many hospitals. I realize we can be much better if we consolidate”;

WHEREAS the now-health minister said on December 12, 2012, “We have to look at the critical mass. We have to look at the needs. There is not a Costco in Perth-Andover either, because there would not be enough critical mass to sustain the place. Those are the things we have to look at. There is enough critical mass to provide a hospital. It will be a hospital. (...) Maybe that is the wrong word, but is there enough business to sustain the operation? If not, we cannot pay people \$400 000 to sit around when there is only enough work for one day a week. If you do not understand that, I cannot explain it any better. It is pretty basic arithmetic where I come from”;

WHEREAS the Premier said on November 21, 2018, “We will look at all aspects of what we are planning, what has been planned, what is working, and what is not working, because we must”;

WHEREAS rural hospitals provide important access to health care;

BE IT THEREFORE RESOLVED that this House urge the government to maintain the existing level of services in all of New Brunswick’s regional and rural hospitals.

Motion 9 by Mr. LePage, seconded by Ms. Harris to propose the following resolution on Thursday, November 29, 2018:

WHEREAS hours of care for nursing home residents is as high as 3.8 hours in Alberta and 3.25 hours in Nova Scotia, but is only 3.1 hours in New Brunswick;

WHEREAS a pilot project completed in 2010 and 2011 showed evidence that there would be benefits from increased hours of care;

WHEREAS there is currently a shortage of nursing home professionals which would make an immediate increase to the hours of care impractical to implement;

BE IT THEREFORE RESOLVED that this House urge the government to immediately develop and launch, in partnership with stakeholders, a recruitment and retention strategy for nursing home workers, including nurses, licensed practical nurses and resident attendants;

BE IT FURTHER RESOLVED that this House urge the government to increase the level of care to 3.5 hours per nursing home resident as soon as practicable.

Motion 10 by Ms. Harris, seconded by Mr. LeBlanc to propose the following resolution on Thursday, November 29, 2018:

WHEREAS New Brunswick students carry an average student debt of \$35,200 and are charged prime +2.5% on the provincial portion of their loans;

WHEREAS all other Atlantic provinces have eliminated interest on provincial student loans;

WHEREAS the previous government budgeted for the elimination of interest on provincial student loans;

BE IT THEREFORE RESOLVED that this House urge the government to implement the planned elimination of interest on provincial student loans.

Motion 19 by Mr. Coon, seconded by Mr. Arseneau to propose the following resolution on Thursday, December 20, 2018:

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 20 by Mr. Austin, seconded by Ms. Conroy to propose the following resolution on Thursday, December 20, 2018:

WHEREAS the New Brunswick Nurses Union and the Nurses Association of New Brunswick have stated there is an urgent need for more nurses in the province;

WHEREAS the obstetrics unit at the Chaleur Regional Hospital for a while had to close due to a lack of nursing staff;

WHEREAS the Nurses Union and Nurses Association have stated there is a dangerous situation of nurses sometimes working up to 48-hour shifts;

WHEREAS according to the University of New Brunswick its nursing program is filled to capacity with 12 times the number of applicants as there are seats available;

WHEREAS the university says should there be more funding provided for infrastructure and instructors more nursing students could be taught to help fill the province's critical nursing shortage;

WHEREAS New Brunswick nurses are leaving the province to work in Nova Scotia where nursing salaries are up to five percent higher;

WHEREAS nurses in the province cannot find full-time or part-time employment even though there is a nursing shortage;

WHEREAS there is expected to be a wave of nurses leaving the healthcare profession with retirement over the next decade;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the Government of New Brunswick to immediately address the critical nursing shortage that exists in New Brunswick, by taking the necessary steps to recruit and retain nursing professionals in the province, which is having a severely negative impact on the health and well-being of its citizens.

Motion 25 by Ms. Mitton, seconded by Mr. Arseneau to propose the following resolution on Thursday, March 21, 2019:

WHEREAS the practice of conversion therapy attempts to change one's sexual orientation;

WHEREAS the Canadian Psychology Association affirms "[s]cientific research does not support the efficacy of conversion or reparative therapy";

WHEREAS the Canadian Paediatric Association states "[c]onversion or reparative therapy, where attempts are made to turn gay males or lesbians into heterosexuals, is clearly unethical and should not be provided by physicians, nor should physicians refer patients for such therapy";

WHEREAS it is widely accepted that conversion therapy has had damaging impacts on members of the LGBTQ+ community and youth;

WHEREAS jurisdictions across the country and continent have taken action to prohibit the provision of conversion therapy and referral to conversion therapy services;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to prohibit the provision of conversion therapy in New Brunswick;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the government to prohibit referrals to conversion therapy services in New Brunswick or in an out-of-province jurisdiction;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the government to prohibit the use of public funds to provide access to or otherwise support conversion therapy services in New Brunswick or in an out-of-province jurisdiction.

Motion 26 by Mr. Arseneau, seconded by Mr. Melanson to propose the following resolution on Thursday, March 21, 2019:

THAT the Legislative Assembly express its solidarity with and support for the Franco-Ontarian community and the MPP for Glengarry–Prescott–Russell, Amanda Simard, in their fight for the survival of French-language institutions, including the eventual establishment of the Université de l'Ontario français;

THAT it condemn this latest violation of the rights of a Francophone minority community in Canada;

THAT it recognize that the survival of the French language remains precarious within our country and requires constant vigilance;

AND THAT the Franco-Ontarian flag be raised in front of the Legislature.

Motion 31 by Mr. Lowe, seconded by Mr. McKee to propose the following resolution on Thursday, March 28, 2019:

WHEREAS heavy industry benefits from a number of tax exemptions in New Brunswick;

WHEREAS public institutions such as hospitals have much higher assessments than many significant industrial properties;

WHEREAS the City of Saint John commissioned reports entitled “Municipal Property Tax Issues in The City of Saint John” and “City of Saint John Fair Taxation Report” that raise concerns with these exemptions;

WHEREAS Bill 10 was introduced in the fourth session of the 58th Legislature and Bill 9 in the current session of the 59th Legislature to address these issues;

BE IT RESOLVED THAT this House direct the Standing Committee on Law Amendments to undertake a study, including hearing from experts and stakeholders, and report back to the House with recommendations on whether to reduce or eliminate any property assessment or property taxation exemptions or benefits that apply to heavy industry;

BE IT FURTHER RESOLVED THAT this House direct the Standing Committee on Law Amendments to report back to the House with its recommendations within 120 calendar days of the adoption of this motion;

BE IT FURTHER RESOLVED THAT the Committee may, during a period when the Legislative Assembly is adjourned or prorogued, 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.

Motion 32 by Mr. Melanson, seconded by Mr. Landry to propose the following resolution on Thursday, March 28, 2019:

WHEREAS the government cancelled a number of ongoing projects in the 2019-2020 capital budget;

WHEREAS the wind-up costs and loss of federal contributions for some of these projects may have considerable financial implications for the province;

WHEREAS additional cost implications associated with the cancellation of projects that are underway include potential breach of contract costs, remediation and lost opportunities to realize additional savings to government;

BE IT THEREFORE RESOLVED THAT pursuant to subsection 12(1) of the *Auditor General Act*, this Assembly request that the Auditor General audit and report on the financial implications of all projects cancelled in the 2019-2020 capital budget.

Motion 36 by Mr. Landry, seconded by Mr. Lowe to propose the following resolution on Thursday, March 28, 2019:

WHEREAS the provincial government has stopped negotiating with CUPE on behalf of nursing home workers;

WHEREAS nursing home workers provide invaluable service in providing care for some of our most vulnerable citizens;

WHEREAS nursing home workers deserve fair wages, and to have issues of recruitment and retention and staffing addressed;

WHEREAS the Liberal Opposition publicly announced that it was in support of binding arbitration as a means of resolving the labour dispute;

WHEREAS the Green Party and the People's Alliance subsequently announced their support as well for binding arbitration;

BE IT THEREFORE RESOLVED that this House urge the government to work with the New Brunswick Association of Nursing Homes and provide the Association the assurances necessary for them to agree to enter into binding arbitration to resolve this dispute and enter into a collective agreement.

Motions for Returns

Motion 11 by Mr. Melanson, seconded by Mr. Arseneault to propose the following resolution on Thursday, December 6, 2018:

THAT an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House a list of annualized and capital costs required as a result of the Executive Council appointed on November 9, 2018, including but not limited to the net increase of salary, benefit, office, and administrative support costs of ministers, deputy ministers, executive assistants, regional assistants, departmental assistants, executive secretaries, and any other personnel appointed under section 18 of the *Civil Service Act*, the acquisition of government vehicles for new ministers and deputy ministers, and the cost of outfitting or upgrading offices for ministers, deputy ministers, and their staff.

Motion 12 by Mr. Arseneault, seconded by Mr. Melanson to propose the following resolution on Thursday, December 6, 2018:

THAT an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House a list of current deputy ministers and their assignments.

[Documents requested filed December 6, 2018]

Motion 13 by Mr. Arseneault, seconded by Mr. Melanson to propose the following resolution on Thursday, December 6, 2018:

THAT an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House a list of any custom or commissioned art work ordered, including any estimates quoted to departments or agencies, since November 9, 2018, to furnish the offices of departments and Part I agencies.

[Documents requested filed December 6, 2018]

Motion 14 by Mr. C. Chiasson, seconded by Mr. LePage to propose the following resolution on Thursday, December 6, 2018:

THAT an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House a list of all designated early learning centres; the planned regional roll-out of the new early learning program; and any and all correspondence, emails, memoranda, or other documents produced since November 9, 2018 concerning the roll-out.

[Documents requested filed December 7, 2018]

Motion 17 by Mr. C. Chiasson, seconded by Ms. LeBlanc to propose the following resolution on Thursday, December 20, 2018:

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 estimates prepared since January 1, 2016, of potential cost impacts to Irving Oil Limited of a provincial or federal carbon pricing regime, including but not limited to: the federal backstop; the British Columbia, Alberta, Ontario and Quebec carbon pricing models; and any hypothetical New Brunswick carbon pricing models be they based on a carbon tax, a cap-and-trade system, or a hybrid system.

Motion 24 by Mr. Arseneault, seconded by Mr. Melanson to propose the following resolution on Thursday, December 20, 2018:

THAT an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House a list of the three main projects for each of the seven school districts for consideration in the 2019-2020 capital estimates, with the scoring for each project established by the quadruple bottom line methodology used by the department, with an indication of whether each project was approved and the reasons for its approval or rejection.

[Documents requested filed January 10, 2019]

Motion 27 by Mr. Arseneault, seconded by Mr. Melanson to propose the following resolution on Thursday, December 20, 2018:

THAT an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House a cost estimate of any penalties anticipated as a result of decisions to date or in the future to cancel, revoke or delay any procurement projects by the Department of Transportation and Infrastructure and/or Service New Brunswick since November 9, 2018.

Motion 28 by Mr. Arseneault, seconded by Mr. Melanson to propose the following resolution on Thursday, December 20, 2018:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House a list of all contracts for professional services, consulting, or similar services awarded since November 9, 2018, by applying an exemption under the *Procurement Act*.

[Documents requested filed February 5, 2019]

Motion 29 by Mr. Arseneault, seconded by Mr. Melanson to propose the following resolution on Thursday, December 20, 2018:

THAT an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House a list of all contracts, tenders and other procurement instruments that have been cancelled, revoked or delayed by the Department of Transportation and Infrastructure and/or Service New Brunswick since November 9, 2018, as well as any such procurement instruments that are planned on to be cancelled, revoked or delayed as a result of the capital budget tabled on December 11, 2018.

[Documents requested filed February 5, 2019]

Motion 35 by Mr. C. Chiasson, seconded by Ms. Thériault to propose the following resolution on Thursday, March 28, 2019:

THAT an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House a copy of all documents sent to departments by the Treasury Board indicating the adjustments made to their 2018-19 base budgets as a result of the 2019-20 budget process.

CONCLUDED

Motion 7 by Mr. D'Amours. Debated and carried as amended November 29, 2018.

PETITIONS

Petition 1: Mr. Northrup, November 23, 2018.	(Response, December 7, 2018)
Petition 2: Mr. DeSaulniers, November 27, 2018.	(Response, December 11, 2018)
Petition 3: Mr. Coon, December 13, 2018.	(Response, January 14, 2019)
Petition 4: Mr. Coon, March 20, 2019.	

COMMITTEE REPORTS

Standing Committee on Economic Policy	First Report, December 11, 2018 Second Report, March 20, 2019
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Donald J. Forestell
Clerk of the Legislative Assembly