



## LEGISLATIVE ASSEMBLY OF NEW BRUNSWICK Third Session, 59<sup>th</sup> Legislative Assembly

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ORDER AND NOTICE PAPER – Sitting No. 9  
Tuesday, December 10, 2019

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### 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

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### ORDERS OF THE DAY

#### GOVERNMENT BILLS AND ORDERS

**Motion 19 by Hon. Mr. Steeves**, seconded by Hon. Mr. Higgs to propose the following resolution on Tuesday, December 10, 2019:

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

## GOVERNMENT BILLS FOR SECOND READING

### *Bills Ordered for Second Reading*

- Bill 2, An Act to Amend the Greater Saint John Regional Facilities Commission Act – Hon. Mr. Carr  
 Bill 3, An Act to Amend the Days of Rest Act – Hon. Mr. Carr  
 Bill 8, An Act to Amend the Gaming Control Act – Hon. Mr. Steeves  
 Bill 10, An Act to Amend the New Brunswick Liquor Corporation Act – Hon. Mr. Steeves  
 Bill 11, An Act Respecting Proof of Immunization – Hon. Mr. Cardy  
 Bill 13, An Act to Amend the Industrial Relations Act – Hon. Mr. Holder  
 Bill 14, An Act to Amend the Safer Communities and Neighbourhoods Act – Hon. Mr. Urquhart  
 Bill 15, An Act Respecting the Enhancement of Off-Road Vehicle Safety – Hon. Mr. Urquhart  
 Bill 16, An Act to Amend the Motor Vehicle Act – Hon. Mr. Urquhart  
 Bill 17, An Act to Amend the Essential Services in Nursing Homes Act – Hon. Ms. Shephard  
 Bill 18, An Act to Amend the Climate Change Act – Hon. Mr. Carr  
 Bill 19, An Act to Amend the Fish and Wildlife Act – Hon. Mr. Holland  
 Bill 20, An Act to Amend The Residential Tenancies Act – Hon. Ms. S. Wilson  
 Bill 26, An Act to Amend the Occupational Health and Safety Act – Hon. Mr. Holder  
 Bill 27, An Act to Amend the Workers' Compensation Act – Hon. Mr. Holder  
 Bill 28, Aquaculture Act – Hon. Mr. Wetmore  
 Bill 29, An Act to Amend the Seafood Processing Act – Hon. Mr. Wetmore

## STANDING COMMITTEE ON ECONOMIC POLICY

- Bill 4, An Act to Amend the Provincial Offences Procedure Act – Hon. Ms. Anderson-Mason, Q.C.  
 Bill 5, An Act to Amend the Executive Council Act – Hon. Mr. Steeves  
 Bill 6, Enduring Powers of Attorney Act – Hon. Ms. Anderson-Mason, Q.C.  
 Bill 9, An Act to Amend the Securities Act – Hon. Mr. Steeves  
 Bill 12, An Act Respecting the Management of Prescriptions and Recovery Authority  
 – Hon. Mr. Flemming, Q.C.  
 Bill 21, An Act to Amend the Insurance Act – Hon. Mr. Steeves  
 Bill 22, Unclaimed Property Act – Hon. Mr. Steeves  
 Bill 23, An Act to Amend the Property Act – Hon. Ms. Anderson-Mason, Q.C.

## GOVERNMENT MOTIONS

### CONCLUDED

- Motion 1 by Mr. Savoie.** Carried November 20, 2019.  
**Motion 7 by Mr. Savoie.** Carried November 22, 2019.  
**Motion 8 by Mr. Savoie.** Carried November 22, 2019.  
**Motion 21 by Mr. Savoie.** Carried November 28, 2019.

## OPPOSITION MEMBERS' BUSINESS

### OPPOSITION MEMBERS' PUBLIC BILLS FOR SECOND READING

Bill 7, An Act to Amend the Crown Lands and Forests Act – Mr. Coon

Bill 24, An Act to Amend the Prescription Drug Payment Act – Mr. D'Amours

Bill 25, An Act to Amend the Prescription and Catastrophic Drug Insurance Act – Mr. D'Amours

### OPPOSITION MEMBERS' MOTIONS

#### *Debatable Motions*

**Motion 2 by Mr. LePage**, seconded by Ms. Harris to propose the following resolution on Thursday, November 28, 2019:

WHEREAS nursing home residents are among our most vulnerable citizens;

WHEREAS the shortage of nursing home workers is negatively impacting the quality of life and quality of care for nursing home residents;

WHEREAS the ongoing labour dispute is negatively impacting the recruitment and retention of nursing home workers;

WHEREAS two levels of court have ruled against the government and found nursing home workers have the right to strike despite the *Essential Services in Nursing Homes Act*;

WHEREAS further appeals are unlikely to succeed and certain to cost taxpayers significant sums of money;

WHEREAS the court has given the government the opportunity to amend the *Essential Services in Nursing Homes Act* before January 2020, when a stay on the right to strike will expire;

WHEREAS, despite the Premier's threats, no election outcome can overturn the court's ruling that nursing home workers have a right to strike;

WHEREAS a strike by nursing home workers would negatively impact nursing home residents and their families;

WHEREAS, this past session, the Legislative Assembly passed a motion in support of unaltered binding arbitration;

BE IT THEREFORE RESOLVED THAT this House urge the government to bring forward amendments to the *Essential Services in Nursing Homes Act* to provide for meaningful binding arbitration to resolve this labour dispute in lieu of strike action.

**Motion 3 by Ms. Rogers**, seconded by Mr. McKee to propose the following resolution on Thursday, November 28, 2019:

WHEREAS the herbicide glyphosate is used by the forest industry, NB Power, and the agricultural sector for vegetation control;

WHEREAS despite findings by Health Canada and New Brunswick's Chief Medical Officer indicating that glyphosate does not pose a cancer risk to humans at current exposure rates, concerns about the spraying of glyphosate remain;

WHEREAS, prior to taking any decision related to changes to the application of glyphosate in New Brunswick, it is important to hear from stakeholders including the forest and agricultural sectors, subject matter experts, and the general public;

BE IT THEREFORE RESOLVED THAT this House urge the government to refer the issue of glyphosate spraying to a legislative committee in order to hold public hearings, engage stakeholders, invite submissions, and make recommendations to government within six months.

**Motion 4 by Mr. D'Amours**, seconded by Ms. LeBlanc to propose the following resolution on Thursday, November 28, 2019:

WHEREAS nurse practitioners (NPs) are registered nurses with advanced education and training that prepare them for a broad scope of practice and maximum functionality within the health care system;

WHEREAS there are more than 7,400 licensed NPs in Canada, and over 130 in New Brunswick providing primary, acute and specialty care to patients of all ages and walks of life;

WHEREAS NPs diagnose, treat and prescribe medications and other treatments to patients through a caring, patient-centered, holistic model of care;

WHEREAS New Brunswick citizens have great trust in the high-quality care NPs provide, with over 3 million nationwide receiving care from a NP;

WHEREAS decades of research demonstrate the high quality of care provided by NPs;

WHEREAS New Brunswick continues to work towards ensuring that all NPs are practicing at full scope and barriers to NP care delivery are addressed and removed;

WHEREAS better utilization of NPs will continue to evolve through modernization of legislation and improved system policies that aim to create a more accessible, efficient, cost-effective and higher-quality health care system;

WHEREAS governmental and policy entities recognize the benefits of having NPs practicing at maximum scope within the health care system and vote to support changes to legislation that allow NPs to practice to their full capacity;

WHEREAS New Brunswick is proud to recognize and honour the service of NPs in our province;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the government to declare the week of November 8 to 14, 2020 and, thereafter, every second week of November as National Nurse Practitioner Week in the province of New Brunswick in recognition of the numerous contributions that NPs have made over the past half century and will continue to make to the health and well-being of Canadians.

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

**Motion 5 by Mr. C. Chiasson**, seconded by Mr. D'Amours to propose the following resolution on Thursday, November 28, 2019:

WHEREAS the 10-year education plans were developed with stakeholders from across the province including two representatives of the Progressive Conservative Party;

WHEREAS the 10-year education plans are only in their fourth year of implementation;

WHEREAS the current government promised to continue the implementation of the 10-year education plans and bring stability to the education system;

WHEREAS the current government's green paper on education proposes radical and untested reforms which would completely destabilize the education system;

BE IT THEREFORE RESOLVED THAT this House urge the government to abandon the green paper on education and instead focus on improving the education system by continuing to implement the 10-year education plans.

**Motion 6 by Mr. McKee**, seconded by Mr. LeBlanc to propose the following resolution on Thursday, November 28, 2019:

WHEREAS the Progressive Conservative Party received only 31.89% of the vote in the 2018 election;

WHEREAS the current government relies on the support of the People's Alliance, which received only 12.58% of the vote in the 2018 election;

WHEREAS 54.68% of New Brunswickers voted for parties in the 2018 election that do not support the current government;

WHEREAS 68.11% of New Brunswick voted against the platform of the Progressive Conservative Party in the 2018 election;

WHEREAS the current government lacks the moral authority to implement major reforms that were not debated in the last provincial election;

WHEREAS the current government recognized its lack of moral authority when it promised in its first throne speech to "invite all party leaders to offer input into legislation and regulations", "share the ability to make decisions", and "build broad coalitions in this house";

BE IT THEREFORE RESOLVED THAT this House urge the government to refer to legislative committees any major reforms for study and recommendations by all parties and feedback from the general public and outside experts.

**Motion 13 by Mr. Austin**, seconded by Mr. DeSaulniers to propose the following resolution on Thursday, November 28, 2019:

WHEREAS the former government deemed that taxes charged on the sale of used vehicles would be based on their *Blue Book* value;

WHEREAS prior to this the used vehicle sale tax was determined through a written appraisal from a motor vehicle dealership or from an individual seller;

WHEREAS this has placed an increased financial burden on residents in the Province of New Brunswick;

WHEREAS many New Brunswickers rely on used vehicles for their mode of transportation;

WHEREAS the cost of new motor vehicles is often out of reach for everyday New Brunswickers

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the government to revert to the former method of sale taxation on used vehicles.

**Motion 14 by Ms. Conroy**, seconded by Mr. Austin to propose the following resolution on Thursday, November 28, 2019:

WHEREAS New Brunswick needs to change the organ donor program to an automatic organ donation system, with the option given to opt out of the program;

WHEREAS Canada has very low organ donation rates as there are only 20.9 donors per one million people compared to Spain that has 43.4 donors per one million and the United States which has 31 donors per one million people;

WHEREAS in 2015, of the approximately 267,000 deaths occurring in Canada, only approximately 150,000 or 56% happened in a hospital; and of the 150,000 deaths that happened in a hospital, only about 5,000 or 3% fulfilled the criteria to be a potential organ donor; and of these 5,000 potential organ donors, only about 650 or 13% went on to be actual organ donors; and those 650 donors resulted in about 1,995 transplants;

WHEREAS the lives of eight people can be saved by one organ donor;

WHEREAS one tissue donor could benefit up to 75 individuals;

WHEREAS introducing the automatic organ donation program will reduce the waiting list making sure all potential organ donors become an actual organ donor;

WHEREAS it is important and urgent to pass the automatic organ donation program;

WHEREAS 20 people die each day waiting for a transplant in the US and, in Canada one death every 1.25 days results from waiting for a transplant;

WHEREAS New Brunswick healthcare will save tens of millions of dollars a year with the automatic organ and tissue donation program;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the Government of New Brunswick to begin the process of changing the current organ donation program to an automatic organ donation system saving many lives and money in New Brunswick.

**Motion 15 by Mr. DeSaulniers**, seconded by Mr. Austin to propose the following resolution on Thursday, November 28, 2019:

WHEREAS Hailie and Trent Michaud died in a motor vehicle accident in 2013 from injuries sustained while they were in properly installed car seats which met provincial regulations;

WHEREAS current regulations dictate rear-facing car seats are required for all children up to age 1 and 10 kg;

WHEREAS raising the minimum age requirement for rear-facing car seats to 2 years and 10 kg will provide greater safety protection;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the government to increase child age requirements in provincial car seat regulations.

**Motion 16 by Mr. Arseneault**, seconded by Mr. Melanson to propose the following resolution on Thursday, December 5, 2019:

WHEREAS it is in the interest of the general public that the Legislative Assembly of New Brunswick sit for a reasonable period of time in order to fully address the business of the province and provide opportunity for debate of bills and motions;

WHEREAS it is in the interest of improved democracy that the opposition have sufficient time and opportunity to raise and debate concerns expressed by interested stakeholders and members of the general public;

BE IT RESOLVED THAT the Legislative Assembly urge the government to ensure that, for the duration of the 59<sup>th</sup> Legislative Assembly, except when prorogued or otherwise ordered by resolution of the House, within the confines of Standing Rules 29(1) and 32, the House will sit from the second Tuesday in January to the final Friday in February, from the third Tuesday in March to the second Friday in June, and from the first Tuesday in November to the second Friday in December.

**Motion 17 by Mr. Harvey**, seconded by Mr. LePage to propose the following resolution on Thursday, December 5, 2019:

WHEREAS the government has made a series of cuts to services like tourism, road maintenance and tuition assistance without any evidence-based rationale for these cuts;

WHEREAS these sorts of cuts will have a negative impact on the government's bottom line because of reduced economic activity, increased long-term costs, and outmigration caused by these cuts;

WHEREAS the previous government's Strategic Program Review made evidence-based budget reductions that succeeded in attaining a surplus in the 2017–2018 and 2018–2019 fiscal years without the negative impacts likely to result from the current government's cuts;

WHEREAS the Premier indicated he was undertaking a review of government services, yet has failed to table a report of the results of that review;

BE IT THEREFORE RESOLVED THAT this House urge the government to reverse cuts that harm the provincial economy, allow assets to deteriorate and shrink the provincial work force, and instead focus on the continued implementation of the Strategic Program Review.

**Motion 18 by Mr. Austin**, seconded by Ms. Conroy to propose the following resolution on Thursday, December 5, 2019:

WHEREAS New Brunswick is facing rising healthcare costs, poor outcomes, long wait times for medical services, and inappropriate healthcare delivery, due to an overloaded system and aging population;

WHEREAS there is an urgent need to act proactively to reduce healthcare wait times;

WHEREAS a variety of healthcare associations, including chiropractors and optometrists, have indicated a willingness to take an expanded role to ease the back log and to improve wait times;

WHEREAS these organizations have stated that billing for these services will remain with third party insurance companies and/or direct patient billing;

WHEREAS this will not place an added financial burden on the provincial Medicare system;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the Government of New Brunswick to take immediate action to reduce healthcare wait times by increasing the role of chiropractors and optometrists in our healthcare system;

BE IT FURTHER RESOLVED THAT the Legislative Assembly urge the Government of New Brunswick to develop standards which would allow these healthcare providers an increased role within the provincial healthcare system.

**Motion 20 by Mr. McKee**, seconded by Mr. K. Chiasson to propose the following resolution on Thursday, December 12, 2019:

WHEREAS Proudly New Brunswick operating as New Brunswick Proud undertook questionable activities to influence the outcome of the 2018 provincial election including spam-like text messages and robocalls;

WHEREAS New Brunswick Proud undertook similar questionable activities to influence the outcome of the 2019 federal election in New Brunswick including the infamous “Hi, I’m Pam” text message campaign;

WHEREAS documents filed by Elections New Brunswick show that the organization is funded by conservative oriented organizations outside the province;

WHEREAS a New Brunswick Progressive Conservative riding association president said under oath in a court proceeding that he worked for New Brunswick Proud;

WHEREAS according to a media story of September 24, 2019, the Facebook page of this employee listed him as the recruiting director for the New Brunswick Young Progressive Conservatives and his social media feeds included photos with prominent New Brunswick Progressive Conservatives including the Premier;

WHEREAS the same media story referenced that “in 2018, Aaron Sophocleous of Moncton, who had campaigned for the Progressive Conservatives in the provincial election, was also listed as a director of Proudly NB in federal incorporation documents”;

WHEREAS according to information filed with Elections New Brunswick by NB Proud, two large donations to NB Proud through Saint John Law firms, one in care of Nic Ouellette, former Executive Assistant to Premier Higgs and the other from Lawson Creamer, a law firm in which former PC leadership candidate Mel Norton is a partner;

WHEREAS these affiliations represent troubling links between New Brunswick Proud and the Progressive Conservative Party despite denials by the Premier that the New Brunswick Progressive Party has ties to the organization;

WHEREAS in the interests of protecting democracy, there is a need to control third party advertising funded by outside interests that attempts to influence provincial election outcomes;

WHEREAS the Premier has publicly admitted that third party advertising rules should be tightened up stating “I think we’re seeing third parties become more active for their own vested interests and that is not a democratic help at all.”;

BE IT THEREFORE RESOLVED THAT this House urge the government to have Bill 40 from the second session of this Assembly reviewed by the Office of the Attorney General, improved if necessary, and re-introduced as priority government legislation.

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

**Motion 9 by Mr. Arseneault**, seconded by Ms. LeBlanc to propose the following resolution on Thursday, November 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 copies of the daily schedule of Premier Blaine Higgs for each day since November 8, 2018.

**Motion 10 by Mr. Arseneault**, seconded by Ms. LeBlanc to propose the following resolution on Thursday, November 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 all email correspondence between Premier Blaine Higgs and any member of the premier’s office staff, the executive council office staff, Robert Youden, John Mallory, Yennah Hurley, and/or John Logan since November 8, 2018.

**Motion 11 by Mr. D’Amours**, seconded by Mr. Chiasson to propose the following resolution on Thursday, November 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 all correspondence, documentation, briefing notes, etc., in whatever form, produced in support of the development of the nursing recruitment strategy.

### **CONCLUDED**

**Motion 12 by Ms. LeBlanc.** Debated and carried as amended November 28, 2019.

### **PETITIONS**

Petition 1: Ms. Landry, November 20, 2019.	(Response, December 6, 2019)
Petition 2: Mr. Harvey, November 20, 2019.	(Response, December 5, 2019)
Petition 3: Ms. Thériault, November 20, 2019.	(Response, December 6, 2019)
Petition 4: Mr. Coon, November 20, 2019.	(Response, December 6, 2019)
Petition 5: Hon. Mr. Cardy, November 22, 2019.	(Response, December 5, 2019)
Petition 6: Mr. Coon, November 22, 2019.	(Response, December 6, 2019)
Petition 7: Hon. Mr. Urquhart, November 27, 2019.	



**COMMITTEE REPORTS**

Standing Committee on Law Amendments

First Report, November 20, 2019  
 Second Report, November 20, 2019

**REPORTS/DOCUMENTS*****Filed in the Clerk's Office***

Report on Performance 2018-2019, Auditor General of New Brunswick  
 (Filed November 29, 2019)

Annual Report 2018-2019, Department of Transportation and Infrastructure  
 (Filed December 3, 2019)

Report of the Auditor General of New Brunswick, Volume II, Performance Audit, 2019  
 (Filed December 3, 2019)

Report of the Auditor General of New Brunswick, Volume III, Financial Audit, 2019  
 (Filed December 3, 2019)

Annual Report 2018-2019, Service New Brunswick  
 (Filed December 4, 2019)

Pursuant to the *Private Occupational Training Act*, the audited financial statements of the  
 Training Completions Fund for the 2018-2019 fiscal year  
 (Filed December 5, 2019)

Air Quality Monitoring Results, 2017, Department of Environment and Local Government  
 (Filed December 6, 2019)

Annual Report 2018-2019, Department of Aboriginal Affairs  
 (Filed December 6, 2019)

Annual Report 2018-2019, Labour and Employment Board  
 (Filed December 6, 2019)

Donald J. Forestell  
 Clerk of the Legislative Assembly