



LEGISLATIVE ASSEMBLY OF NEW BRUNSWICK First Session, 60th Legislative Assembly

ORDER AND NOTICE PAPER – Sitting No. 9
Thursday, December 10, 2020

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

Resuming the adjourned debate on the motion for an Address in Reply to the Speech from the Throne.

Debate interrupted due to expiration of time.

Debate to resume on Thursday, December 10, 2020.

GOVERNMENT BILLS FOR SECOND READING

Adjourned Debates

Bill 21, An Act to Amend the Industrial Relations Act – Hon. Mr. Holder

STANDING COMMITTEE ON ECONOMIC POLICY

Bill 2, An Act to Amend the Climate Change Act – Hon. Mr. Crossman

Bill 3, An Act to Amend the Early Childhood Services Act – Hon. Mr. Cardy

Bill 4, An Act to Amend the Assessment Act – Hon. Mr. Steeves

Bill 5, An Act to Amend the Assessment Act – Hon. Ms. M. Wilson

Bill 6, Family Law Act – Hon. Mr. Flemming, Q.C.

Bill 7, An Act Respecting the Family Law Act – Hon. Mr. Flemming, Q.C.

Bill 8, An Act to Amend the Executive Council Act – Hon. Mr. Savoie

Bill 12, Construction Remedies Act – Hon. Mr. Flemming, Q.C.

Bill 13, An Act to Amend the Motor Vehicle Act – Hon. Mr. Flemming, Q.C.

Bill 14, An Act Respecting the Enduring Powers of Attorney Act and the Wills Act
– Hon. Mr. Flemming, Q.C.

Bill 15, An Act to Amend the Notaries Public Act – Hon. Mr. Flemming, Q.C.

Bill 19, An Act to Amend the Workers' Compensation Act – Hon. Mr. Holder

Bill 20, An Act to Amend the Workplace Health, Safety and Compensation Commission and
Workers' Compensation Appeals Tribunal Act – Hon. Mr. Holder

Bill 22, An Act to Amend the Liquor Control Act – Hon. Mr. Flemming, Q.C.

Bill 23, An Act to Amend the Municipal Elections Act – Hon. Mr. Allain

Bill 24, An Act to Amend the Electricity Act – Hon. Mr. Holland

STANDING COMMITTEE ON PRIVATE BILLS

Bill 25, An Act to Remove Certain Restrictive Covenants on Title to Certain Lands in The City of
Saint John vested in Plazacorp Property Holding Inc. – Mrs. Bockus

BILLS AWAITING ROYAL ASSENT

Bill 9, Gunshot and Stab Wound Mandatory Reporting Act – Hon. Mr. Flemming, Q.C.

Bill 10, An Act to Amend the Coroners Act – Hon. Mr. Flemming, Q.C.

Bill 11, An Act to Amend the Queen's Counsel and Precedence Act – Hon. Mr. Flemming, Q.C.

GOVERNMENT MOTIONS

Motion 21 by Hon. Mr. Savoie, seconded by Hon. Mr. Higgs to propose the following
resolution on Friday, December 11, 2020:

THAT, pursuant to Standing Rule 89, notwithstanding Standing Rule 104, the Legislative
Administration Committee be appointed for the duration of the 60th Legislative Assembly and
that the membership of the said Committee be as follows:

Hon. Mr. Oliver, Ms. S. Wilson, Ms. Anderson-Mason, Hon. Mr. Savoie, Hon. Ms. Green, Mr. Hogan, Mr. Turner, Mr. Melanson, Mr. G. Arseneault, Mr. Coon, Mr. K. Arseneau, Mr. Austin, and Ms. Conroy; and

THAT, pursuant to section 37 of the *Legislative Assembly Act*, the Legislative Assembly delegate to the Legislative Administration Committee its authority under the Act with respect to amounts, indemnities, allowances and salaries and with respect to the amendment of Schedule A.

Motion 22 by Hon. Mr. Steeves, seconded by Hon. Mr. Higgs to propose the following resolution on Tuesday, December 15, 2020:

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

Motion 24 by Hon. Mr. Savoie, seconded by Hon. Mr. Higgs to propose the following resolution on Tuesday, December 15, 2020:

THAT in addition to the existing sitting hours prescribed in Standing Rule 29(1) and by Special Order of the House adopted November 18, 2020, the House may sit on Tuesday, Wednesday and Thursday evenings from 7:00 p.m. to 10:00 p.m.

THAT this Special Order shall come into effect on Tuesday, December 15, 2020, and shall remain in effect until Thursday, December 31, 2020.

CONCLUDED

Motion 1 by Hon. Mr. Savoie. Carried November 18, 2020.

Motion 2 by Hon. Mr. Savoie. Carried November 18, 2020.

Motion 14 by Hon. Mr. Savoie. Carried November 18, 2020.

Motion 15 by Hon. Mr. Savoie. Carried November 20, 2020.

Motion 17 by Hon. Mr. Savoie. Carried November 20, 2020.

Motion 18 by Hon. Ms. Green. Carried November 24, 2020.

Motion 20 by Hon. Mr. Savoie. Carried December 8, 2020.

OPPOSITION MEMBERS' BUSINESS

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

OPPOSITION MEMBERS' MOTIONS

Debatable Motions

Motion 3 by Ms. Harris, seconded by Mr. Arseneault to propose the following resolution on Thursday, November 26, 2020:

WHEREAS the chiefs of the Wolastoqey and Mi'kmaq First Nations have written to the Premier asking for an inquiry into systemic racism in New Brunswick criminal justice and policing;

WHEREAS the information and recommendations from an inquiry should provide valuable insight into what measures can be adopted to best address the serious issue of racism in our criminal justice and policing systems;

WHEREAS the Premier of Nova Scotia has recently apologized for systemic racism in that province's justice system, that province has introduced significant reforms, and it has committed to additional reforms;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the government to appoint a commission of inquiry into systemic racism in New Brunswick criminal justice and policing under section 2 of the *Inquires Act*;

BE IT FURTHER RESOLVED THAT the Legislative Assembly urge the government to appoint Indigenous commissioners and use the terms of reference developed by Indigenous leaders in the constitution of this inquiry;

BE IT FURTHER RESOLVED THAT the Legislative Assembly urge the government to implement all of the recommendations of this Inquiry.

Motion 4 by Ms. Thériault, seconded by Mr. Guitard to propose the following resolution on Thursday, November 26, 2020:

WHEREAS Clinic 554 provides invaluable health services to a large patient group, including services for marginalized patients with addictions, LGBTQ2SI+ patients, patients with HIV, and persons with mental health needs, as well as abortion services;

WHEREAS the province of New Brunswick has an obligation to provide sufficient access to the services provided by Clinic 554, including reproductive health services such as abortion;

WHEREAS access to abortion services that are currently only provided through public hospitals in Moncton and Bathurst is insufficient to meet existing demand;

WHEREAS insufficient access to abortion services represents a danger to the health and safety of those requiring them;

WHEREAS patients who require access to abortion should not have to pay out of pocket when they are legally entitled to have any associated costs covered through our Medicare;

WHEREAS the Horizon Health Network passed a motion from its board indicating that Horizon's board will "advocate to the government of New Brunswick for payment to physicians to provide abortion services in a quality and safe environment outside of hospitals";

WHEREAS the federal government has indicated that refusal to fund abortion services provided by Clinic 554 is a violation of the *Canada Health Act*;

WHEREAS the Higgs government has refused to fund the services provided by Clinic 554;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the province to fund the services provided by Clinic 554;

BE IT FURTHER RESOLVED THAT the Legislative Assembly urge the provincial government to repeal paragraph (a.1) of Schedule 2 of regulation 84-20 of the *Medical Services Payment Act* that prevents the payment of abortions outside of a hospital setting.

OPPOSITION MEMBERS' PUBLIC BILLS FOR SECOND READING

Bill 16, An Act to Amend the Elections Act – Mr. Chiasson

Bill 17, An Act to Amend the Tobacco and Electronic Cigarette Sales Act – Mr. D'Amours

Bill 18, An Act to Amend The Residential Tenancies Act – Mr. Coon

OPPOSITION MEMBERS' MOTIONS

Debatable Motions

Motion 5 by Ms. Thériault, seconded by Mr. D'Amours to propose the following resolution on Thursday, November 26, 2020:

WHEREAS the various communities that make up New Brunswick are committed to the preservation and development of their respective cultural identities;

WHEREAS countries are becoming more and more economically integrated and it is all the more important that cultural communities be able to preserve their identity and a strong sense of belonging;

WHEREAS entrepreneurs in the book chain such as bookstores and publishers in New Brunswick play a fundamental role in the development of the book industry and literacy in New Brunswick;

WHEREAS the Canadian Free Trade Agreement adopted in 2017 includes Article 809, which constitutes a cultural exception that allows for the adoption and maintenance of programs and policies favouring the distribution and development of artistic expression or content;

WHEREAS all international trade agreements signed by Canada provide exceptions for cultural industries;

WHEREAS entrepreneurs in the book chain are suffering the financial consequences of the COVID-19 pandemic and no additional assistance is currently provided to them by the provincial government;

WHEREAS stakeholders in the cultural industry have been calling for the implementation of a book purchasing policy since the adoption of the New Brunswick Book Policy in 2009;

WHEREAS a book purchasing policy would make it possible to consolidate the local book chain and foster the development of reading of works produced in New Brunswick;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the government to develop and implement a book purchasing policy requiring institutional purchasers, including government departments and agencies, school districts, schools and agencies under their jurisdiction, and public libraries, to acquire books from New Brunswick independent bookstores and publishing houses.

Motion 6 by Ms. Thériault, seconded by Mr. Gauvin to propose the following resolution on Thursday, November 26, 2020:

WHEREAS the direct contribution of cultural industries to New Brunswick's GDP was \$550,379,000 in 2017;

WHEREAS the number of jobs related to culture in New Brunswick was 7,750 in 2017;

WHEREAS the typical artist had a median income of \$24,200 in 2016, an amount that is 38% less than the median income of the New Brunswick labour force, which is \$38,800;

WHEREAS there is no legislation on the status of the professional artist in New Brunswick and no body to assess and define the legal status of artists, resulting in a lack of recognition of status and the existence of glaring socio-economic inequalities for those in the profession;

WHEREAS most artists do not have access to employment insurance, health insurance, measures covering business risks and fluctuating income, workplace safety insurance or retirement on comparable terms as other professionals;

WHEREAS current programs covering benefits, employment insurance and pension plans are employee-based and do not take into account the realities of the artistic profession such as invisible work, which includes research and creation;

WHEREAS improving the socio-economic conditions of artists requires a link between the governments of New Brunswick and Canada, particularly with respect to: social benefits such as the pension plan; tax measures that take into account annual fluctuations in income, such as income averaging, exemptions on royalties and creation grants; measures related to remuneration and underemployment, such as a guaranteed annual income or employment insurance better adapted to self-employed workers and taking into account invisible work and the periodicity of earnings; measures providing for sick, parental or compassionate leave;

WHEREAS the Premier's Task Force on the Status of the Artist was established in July 2014 and is expected to report shortly;

BE IT RESOLVED THAT the Legislative Assembly urge government to commit to the adoption of a Status of the Artist Act that is not merely declaratory but that contains concrete measures to substantially improve the socio-economic status of professional artists;

BE IT FURTHER RESOLVED THAT the Legislative Assembly urge the government to establish, following the tabling of the report of the Premier's Task Force on the Status of the Artist, a Standing Committee on the Status of the Artist under the Office of the Premier to be responsible for the implementation of all of the report's recommendations, including those calling for a link between the provincial and federal governments;

BE IT FURTHER RESOLVED THAT the Legislative Assembly urge the government to put in place, following the tabling of the report of the Premier's Task Force on the Status of the Artist, a timeline for the implementation of the recommended government measures to cover all of the economic and social risks associated with the artistic profession, including those that call for a link between the provincial and federal governments.

Motion 7 by Mr. McKee, seconded by Mr. Landry to propose the following resolution on Thursday, November 26, 2020:

WHEREAS the Mental Health Court offers an alternative for offenders with mental health issues;

WHEREAS this program is widely praised by mental health advocates for its focus on community treatment as opposed to incarceration or other penalties;

WHEREAS the Mental Health Court program was developed based on best practices in other jurisdictions and informed by research;

WHEREAS the Gallant Government reinstated the Mental Health Court through the Provincial Court system in Saint John with plans to expand Mental Health Court services throughout the province;

WHEREAS there is a need to expand the Mental Health Court program to other regions of the province so that more offenders with mental health issues can avail themselves of this invaluable service for addressing their mental health needs;

WHEREAS other provinces including our neighbouring province of Nova Scotia have recognized the benefits of having a Mental Health Court and have made a commitment to expanding availability;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the government to expand the Mental Health Court program throughout the province and announce a specific time frame for doing so.

Motion 8 by Mr. Gauvin, seconded by Ms. Thériault to propose the following resolution on Thursday, November 26, 2020:

WHEREAS there is an alarming lack of affordable housing in many areas of the province and the situation is getting worse;

WHEREAS increased demand for rental units has resulted in significant increases to monthly rents for many people who cannot afford it;

WHEREAS there is insufficient subsidized housing to meet the demand;

WHEREAS chronic homelessness is a serious social problem that must be addressed;

WHEREAS, in 2018, the previous Liberal government signed a 10-year \$300-million cost-shared agreement with the federal government to tackle the issue of affordable housing;

WHEREAS this agreement provided for a pathway to protect, renew, and expand social and community housing;

WHEREAS municipalities like the City of Moncton have indicated that they are prepared to partner with the community and the province to make significant investments in social housing and support community housing initiatives like the Rising Tide project;

WHEREAS there have been two years of inaction by the Higgs government in addressing this serious issue that is a threat to the safety and security of many New Brunswickers who desperately need affordable housing;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the government of New Brunswick to provide its share of the funding under the federal-provincial housing agreement and make affordable housing a priority;

BE IT FURTHER RESOLVED THAT the Legislative Assembly urge the government of New Brunswick to partner with municipalities and community housing organizations to provide funding support for community housing initiatives.

Motion 9 by Ms. Landry, seconded by Mr. Legacy to propose the following resolution on Thursday, November 26, 2020:

WHEREAS, as a result of the Climate Change Fund, the province is receiving significant tax revenues of over \$128 million for the 2020-21 fiscal year, which includes \$83 million going into general revenues;

WHEREAS, unlike the federal government, the province of New Brunswick has decided not to rebate the monies received through the federal carbon pricing plan to consumers;

WHEREAS, although certain tax revenues are being used to offset increases in excise taxes on gasoline and natural gas, there are additional tax revenues that could be used for funding climate change measures such as energy efficiency initiatives;

WHEREAS energy efficiency programs help businesses and consumers reduce energy consumption costs, support local business suppliers, and create jobs;

WHEREAS energy efficiency programs contribute to fighting the impacts of climate change:

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the government to direct that all additional carbon pricing revenues beyond those used to offset fuel prices be used to create a comprehensive energy efficiency and retrofit program for businesses and residential property owners and any excess be directed to other climate change initiatives.

Motion 10 by Mr. LePage, seconded by Mr. McKee to propose the following resolution on Thursday, November 26, 2020:

WHEREAS we are fortunate that many New Brunswick businesses are able to stay open despite the COVID-19 pandemic, many of which are seeing their revenues reduced significantly and are struggling to survive;

WHEREAS the Government of New Brunswick has provided very little support for businesses, compared to other provinces;

WHEREAS generous business support programs provided by the federal government such as the wage subsidy program have helped many businesses survive that might otherwise have had to close or downsize significantly;

WHEREAS many New Brunswick businesses are worried about how they will survive when the federal subsidies are no longer available;

WHEREAS, unlike the federal business support programs and those of other provinces, the meagre business support programs provided by the Government of New Brunswick are non-forgivable loans that merely add to the debt of a business and put it at further risk;

WHEREAS the Government of New Brunswick has not even provided financial support to help businesses pay for the cost of personal protective equipment for their employees or to offset the costs they have incurred to modify their business premises to accommodate health and safety requirements imposed under the Emergency Order;

WHEREAS small and medium-sized businesses and the jobs they provide are crucial to our economy and are deserving of needed support;

BE IT THEREFORE RESOLVED THAT the Legislature urge the Government of New Brunswick to bring forward a more comprehensive program of financial support to help New Brunswick businesses survive the pandemic.

Motion 11 by Mr. LePage, seconded by Mr. Mallet to propose the following resolution on Thursday, November 26, 2020:

WHEREAS there are many areas within New Brunswick that do not have adequate access to high-speed Internet;

WHEREAS access to high-speed Internet is crucial for many businesses and the lack of high-speed Internet creates an economic disadvantage for them in communities where it is not available;

WHEREAS access to high-speed Internet is also vital for individuals and communities;

WHEREAS the previous Liberal government invested \$10 million in high-speed Internet and was committed to ensuring all areas of the province would have access to high-speed Internet;

WHEREAS, as a result of COVID-19, many students in our regular school program have had to access learning programs remotely, and there is a risk that, in the event of a further outbreak requiring the closure of schools, they and probably more students may have to do so again;

WHEREAS parents of students living in areas without access to high-speed Internet have expressed concern about the educational disadvantage faced by their children;

WHEREAS many post-secondary institutions have moved to an online platform to deliver their education and training programs and postsecondary students require access to high-speed Internet;

WHEREAS many New Brunswickers are now asked to work from home and thus need access to high-speed Internet;

WHEREAS many health services, including doctors' visits, are increasingly being delivered virtually as a result of the health and safety restrictions associated with the pandemic;

WHEREAS individuals, businesses, and communities in mostly rural areas of the province deserve access to high-speed Internet;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the government to make access to high-speed Internet for all areas of the province a top priority;

BE IT THEREFORE ALSO RESOLVED THAT the Legislative Assembly urge the government to invest in the necessary infrastructure to ensure access to high-speed Internet.

Motion 12 by Mr. LePage, seconded by Mr. K. Chiasson to propose the following resolution on Thursday, November 26, 2020:

WHEREAS as a result of the pandemic, there have been significant job losses including layoffs at WestJet, Mount Allison University, Air Canada, the Atlantic Lottery Corporation, and Caribou Mine;

WHEREAS many small businesses all over the province have also suffered as a result of the pandemic which caused reduced business revenues;

WHEREAS other provinces are announcing programs to spur economic recovery with strategic infrastructure investments;

WHEREAS the Higgs government has made very few infrastructure investments under the Canada-New Brunswick Infrastructure Agreement signed by the previous Liberal government;

WHEREAS unlike other premiers, Premier Higgs has indicated that he is not interested in the new federal-provincial infrastructure program that provides an even more generous cost-sharing structure for provinces;

WHEREAS there are many worthwhile and beneficial infrastructure projects that would create jobs and spur economic growth at a time when we should be focused on economic recovery;

WHEREAS there are many critical municipal infrastructure needs that could be addressed through the proposed federal-provincial infrastructure program;

WHEREAS, not only will strategic infrastructure investments create jobs and spur economic growth, these investments will help address serious issues like the challenge of climate change, and avoid future costs;

WHEREAS if New Brunswick does not make strategic infrastructure investments, economists predict that economic recovery will be slow and other provinces will recover at a much faster rate;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the Government of New Brunswick to recognize the importance of economic recovery and take advantage of the federal-provincial infrastructure program by making strategic infrastructure investments throughout the province a top priority.

Motion 13 by Mr. Bourque, seconded by Mr. LePage to propose the following resolution on Thursday, November 26, 2020:

WHEREAS the pandemic has created considerable challenges for the daycare sector;

WHEREAS, as a result of the pandemic, licenced daycares must implement health and safety measures that add additional expenses, including extra staffing;

WHEREAS as a result of this additional cost burden, many daycare operators are struggling to keep their businesses open;

WHEREAS having access to daycare services is critical for many parents, including healthcare workers;

WHEREAS the New Brunswick government has not stepped up to assist licenced daycares;

WHEREAS, without additional support, there is a risk that many licenced daycares may have to close;

BE IT RESOLVED THAT the Legislative Assembly urge the government to put a support program in place to support licenced daycares which includes financial support to New Brunswick daycare operators.

Motion 16 by Mr. Bourque, seconded by Mr. Landry to propose the following resolution on Thursday, November 26, 2020:

WHEREAS New Brunswick adopted the *Official Languages Act* in 1969, before Canada had even adopted an official languages act;

WHEREAS New Brunswick is the only officially bilingual province in Canada;

WHEREAS the House of Commons and the Senate of Canada both have standing committees on official languages;

WHEREAS the New Brunswick *Official Languages Act* contains a requirement that it be reviewed every 10 years;

WHEREAS the *Official Languages Act* is exceptional in that it prevails over all New Brunswick acts and regulations;

BE IT RESOLVED THAT the Legislative Assembly urge the government to establish a standing committee on official languages;

BE IT FURTHER RESOLVED THAT this committee enable its members, among other things, to play an active role in the review and the implementation of the *Official Languages Act* and *An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick*, in the 10-year review of the *Official Languages Act*, and in the review of reports from the Commissioner of Official Languages;

BE IT FURTHER RESOLVED THAT no party have a majority of members on this committee to ensure that no current or future government can make unilateral decisions regarding official languages.

Motion 19 by Mr. Coon, seconded by Ms. Mitton to propose the following resolution on Thursday, December 17, 2020:

WHEREAS the COVID-19 pandemic is creating a great deal of uncertainty for anyone who is forced to move out of their apartment, especially in orange zones;

WHEREAS Nova Scotia instituted a rent cap of 2% for existing tenants, retroactive to September 1, 2020, that will remain in place until February 2021 or the state of emergency is lifted, whichever comes first;

WHEREAS Nova Scotia has banned renovictions until February 2021 or when the state of emergency is lifted, whichever comes first;

WHEREAS renters in New Brunswick are facing similar problems to those in Nova Scotia due to a low vacancy rate;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the government to put a cap on rental increases;

BE IT FURTHER RESOLVED THAT the Legislative Assembly urge the government to ban lease terminations due to renovations, also known as renovictions, until February 2021, or when the state of emergency in New Brunswick is lifted, whichever comes first.

Motion 23 by Mr. Melanson, seconded by Mr. Arseneault to propose the following resolution on Thursday, December 17, 2020:

WHEREAS the Legislative Administration Committee (LAC) is responsible for the administration, operation, management, maintenance, and control of the Legislative Building, the Legislative Library, and other lands, buildings, and facilities connected with the Legislative Assembly;

WHEREAS the committee, chaired by the Speaker, is also responsible generally for all matters relating to the Legislative Assembly and to the Members of the Legislative Assembly;

WHEREAS the meetings of the Legislative Administration Committee are held in camera without access by media and the public;

WHEREAS there is need for greater openness and transparency with respect to the affairs of the Legislative Assembly and the deliberations of its elected members;

WHEREAS, although there are discussions on certain matters before LAC that require confidentiality, including human resource issues, much of the business of LAC could be discussed in an open forum;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the Speaker to work with the Clerk of the Legislative Assembly to bring forward a plan for greater openness and transparency by the Legislative Administration Committee.

PETITIONS

Petition 1: Mr. Arseneau, November 20, 2020.

Petition 2: Mr. Arseneau, November 20, 2020.

COMMITTEE REPORTS

Standing Committee on Economic Policy

First Report, December 8, 2020

Shayne Davies
Acting Clerk of the Legislative Assembly