
Friday, March 14, 2003.

10 o'clock a.m.

Prayers.

Mr. Speaker welcomed to the Legislative Assembly four students from Great Britain on an exchange program with the University of New Brunswick.

Mr. LeBlanc, from the Select Committee on Education, presented the First Report of the Committee which was read and is as follows:

March 14, 2003.

To the Honourable
The Legislative Assembly of
The Province of New Brunswick

Mr. Speaker:

I have the pleasure to present herewith the First Report of the Select Committee on Education for the Session.

The Report is the result of your Committee's deliberations on a Bill entitled "*An Act to Amend the Education Act*" (Bill 57), which was introduced in the Legislative Assembly during the previous session of the Legislature and referred to your Committee for its consideration.

The Report outlines your Committee's recommendation with respect to the issue of prohibiting smoking and the use of other tobacco products on school grounds in the Province of New Brunswick.

On behalf of the Committee, I wish to thank the many presenters who appeared at the public hearing and those individuals and groups who submitted written briefs.

In addition, I would like to express my sincere appreciation to the members of the Committee for their contribution in carrying out our mandate.

Respectfully submitted,

(Sgd. :) Cy LeBlanc, M.L.A.
Vice-Chairman.

Ordered that the Report be received and the Committee continued.

The full report of the Committee as presented follows:

To The Honourable
The Legislative Assembly of
The Province of New Brunswick

Mr. Speaker:

Your Select Committee on Education begs leave to submit this their First Report of the Session.

On May 30, 2002, during the Fourth Session of the Fifty-fourth Legislature, Bill 57, *An Act to Amend the Education Act*, was introduced in the Legislative Assembly. The purpose of the legislation was to prohibit the smoking of tobacco on all school grounds in New Brunswick.

On June 6, 2002, by Resolution of the House, consideration of Bill 57 was referred to the Select Committee on Education. This resolution is the order of reference and forms the basis of the Select Committee on Education's First Report to the Fifth Session of the Fifty-fourth Legislature.

On September 20, 2002, your Committee met and determined that members of the public should be invited to provide input and advice to the Committee with respect to whether smoking tobacco should be prohibited on all school grounds. A public hearing was held on November 14, 2002. A total of 60 written submissions were received by your Committee, representing high school principals and student councils, District Education Councils, Parent Advisory Committees, Parent School Support Committees, health associations, government departments, and other concerned individuals and organizations. A list of participants in the public consultation process is attached to this Report as Appendix "A".

Your Committee expresses appreciation to the presenters who appeared at the public hearing and to those individuals and organizations who submitted written briefs.

EXECUTIVE SUMMARY

Based on the input and advice received from the public consultation process, your Committee believes that tobacco use must be eliminated from all school grounds. However, your Committee does not recommend the enactment of legislation, such as Bill 57, that would prohibit the use of tobacco on school grounds prior to each school being given the opportunity to develop a comprehensive cessation plan that outlines the necessary steps to be taken in order to achieve the total and successful elimination of tobacco use on all school grounds.

Therefore, your Committee recommends that the government consider the advisability of mandating District Education Councils, in consultation with school staffs, administrations, parents and student councils, to submit to the Minister of Education by no later than June 30, 2003, a smoking cessation plan which will lead to the total elimination of smoking and the use of other tobacco products on all school grounds for all persons.

SUMMARY OF FINDINGS AND RECOMMENDATION

Bill 57, *An Act to Amend the Education Act*, proposed that the *Education Act* be amended by inserting a provision which stated “[s]moking on school grounds is prohibited”. This amendment would impose an immediate ban on smoking tobacco on all school grounds leased to or owned by the Minister of Education.

Your Committee has considered the amendment contained in Bill 57. Your Committee has also considered the written submissions received and the presentations made at the public hearing on the issue. Your Committee’s Report addresses the following topics: Health Effects of Tobacco Use; Tobacco Use on School Grounds; and Strategies to Eliminate Tobacco Use on School Grounds. Your Committee’s recommendation is founded on the principle that smoking and the use of tobacco products must be eliminated on all school grounds in the province.

As an aside, your Committee wishes to note that Bill 57 has since died on the Order and Notice Paper as the Fourth Session of the Fifty-fourth Legislature came to an end when the Legislative Assembly was prorogued on November 19, 2002. Nonetheless, the mandate of your Committee to review the issue of prohibiting smoking on school grounds remains in effect. Your Committee is pleased to offer its recommendation.

Health Effects of Tobacco Use

Your Committee received a number of submissions detailing the health effects of tobacco use. Respondents submitted that tobacco use, particularly smoking, is a major cause of heart disease, stroke, respiratory disease, various forms of cancer, including the vast majority of lung cancer diagnoses, and other serious health problems. These health conditions, which account for the majority of all deaths in the province, led many respondents to indicate that tobacco use is one of the most preventable causes of ill health and premature death.

Respondents expressed a concern with second hand smoke and its detrimental effect on the health of those exposed. Not only are

individuals who choose to smoke tobacco products and participate in an unhealthy activity being diagnosed with serious health conditions, but the health of those unwilling participants subjected to the second hand smoke is also at risk.

Respondents submitted that the use of tobacco often leads to addiction, which can be extremely difficult to overcome for most individuals. Tobacco itself has been classified a drug by the Federal Food and Drug Administration.

Respondents also indicated that tobacco use represents a serious monetary cost to our province. Tobacco related diseases financially burden our society and our health care system. Respondents submitted that millions of dollars are spent each year on treating diseases caused by tobacco use. Further millions are spent on lost productivity caused by poor health and addiction costs. Respondents suggested that the revenue received by the province on the sale of tobacco products could never cover the costs associated with tobacco use.

While the detection and treatment of the health conditions caused by tobacco use have made strong advances in recent years, many respondents felt that prevention is an essential component to battle against the serious health and monetary repercussions of tobacco use. Education and the promotion of healthy lifestyles and habits were seen as ways to prevent the use of tobacco.

Tobacco Use on School Grounds

Despite society's attempt to increase the public's awareness of the serious health problems associated with the use of tobacco, respondents provided evidence that young people continue to smoke and use other tobacco related products. The Canadian Tobacco Use Monitoring Survey indicated that in 2001, 24.6% of New Brunswick teens aged 15 - 19 were smokers. This number is down from the 27% reported in 1999, however, the number of young people smoking tobacco is far too high given the serious health risks.

Further evidence suggested that almost all persons who have ever smoked tobacco had their first cigarette some time during their teenage years. While this is troubling evidence, it also presents an opportunity. Respondents were of the opinion that if young people can be discouraged from experimenting with the use of tobacco, this could lead to a reduction in the total number of persons using tobacco in our society.

Respondents noted that the use of tobacco on school premises was recently reviewed by the provincial government. In 1998 the

Department of Education adopted the Health and Safety policy 702, Tobacco Free Schools. The policy prohibits the use of tobacco during and outside

school hours, inside all school buildings and outdoors on school grounds. The only exception is to permit schools which house high school students to designate outdoor smoking areas. In 2001 the Department of Education modified its policy and required District Education Councils to ensure every school, which continues to have a designated outdoor smoking area, develops a plan to phase-out all tobacco consumption.

As a result of the implementation of policy 702, all schools now prohibit the use of tobacco inside their buildings. As well, all elementary and middle schools prohibit the use of tobacco on their school grounds. Of the 342 schools in the province, 271 completely prohibit the use of tobacco. Of the remaining 71 schools housing high school students, 25 do not have a designated outdoor smoking area and, in effect, completely prohibit the use of tobacco. This leaves 46 schools, housing high school grades, with a designated outdoor smoking area. Of these 46 schools, 23 have begun a program to phase-out the use of tobacco on school grounds, leaving 23 schools with no phase-out plan to date.

Respondents supported the notion that schools can play a key role in preventing young people from experimenting with tobacco products as the education system is the ideal forum to combat the harmful effects of tobacco use. Schools are where young people spend the majority of their time, learn to socialize, form their identities and receive their behavioral guidelines. Schools have a responsibility to make sure all students enjoy the healthiest learning environment possible. Respondents felt that schools should lead by example and must be proactive in promoting responsible life choices and habits that will serve their students throughout their lives.

Respondents agreed that schools need to send a clear and consistent message on the use of tobacco.

However, some respondents expressed the view that young people are not receiving this clear and consistent message. While the federal *Tobacco Act* and the provincial *Tobacco Sales Act* both prohibit the furnishing of tobacco to young people, there are no corresponding restrictions on the possession or use of tobacco by this same age group. Respondents also felt that schools are not providing a consistent message to their students by prohibiting the use of tobacco on all school grounds, except for those schools housing high school

students. Respondents questioned a policy that provides for a place where young people may engage in an activity with a product that, by law, they should not even be able to supply themselves with.

Strategies to Eliminate Tobacco Use on School Grounds

Respondents indicated their strong support for the elimination of tobacco use on all school grounds in the province. Many respondents, however, were of the opinion that an immediate ban on smoking tobacco on school grounds, as set out in Bill 57, would not be the best solution as behavioral changes require time and preparation.

Respondents submitted that outright banning would not solve the problem of tobacco use amongst students, it would simply move the problem to other areas of the community. Respondents expressed their concerns about the formation of new and informal smoking sections off school grounds and the potential nuisance and damage caused to neighbouring homes and businesses. Student safety was also a concern for those schools situated in high traffic, urban areas of the province. As well, the negative health effects associated with an immediate ban on tobacco use that could arise, without the necessary programs in place for students addicted to tobacco, were noted by respondents.

Respondents indicated that an immediate ban on smoking tobacco on school grounds would not provide an opportunity for schools to identify and address the potential effects of such an action. As well, it was expressed that a ban assumes that every school has the same issues to address and requires the same amount of time to inform and prepare their students, staff, and community. Respondents suggested that different schools and communities may require different solutions to the problems associated with the elimination of tobacco use on school grounds. Each school and their respective community must work together to mitigate all potential obstacles.

Respondents suggested that a phase-in approach would be the most productive way to combat tobacco use on school grounds.

Respondents expressed the view that the elimination of tobacco use on school grounds must be implemented gradually and can only be achieved once all of the necessary steps have been taken to develop a comprehensive cessation plan. These steps, it was submitted, include obtaining a commitment from school staff and administration, raising awareness of the health problems associated with tobacco use and the benefits of being tobacco-free, recruiting staff, students, parents, and community members to become involved, forming support groups such as peer-led groups and addiction counseling, evaluating

each particular school with respect to their individual circumstances and hurdles to overcome, setting goals that can be met in a reasonable amount of time, and implementing a comprehensive plan once all the participants are involved and the issues are addressed.

Respondents suggested that the elimination of tobacco use on school grounds be phased-in under the supervision of District Education Councils. It was felt that this would permit the required flexibility needed by some schools and communities to address their specific circumstances. This would also facilitate schools forming relationships with one another to share ideas on how best to eliminate tobacco use by their students.

Finally, respondents expressed the desire that everyone involved work together to help the young people of New Brunswick choose a tobacco-free future. It was submitted that the effective elimination of tobacco use on school grounds will result from education, planning and cooperation, not immediate prohibition.

Your Committee therefore recommends that the Legislative Assembly urge the government to consider the advisability of mandating District Education Councils, in consultation with school staffs, administrations, parents and student councils, to submit to the Minister of Education by no later than June 30, 2003, a smoking cessation plan which will lead to the total elimination of smoking and the use of other tobacco products on all school grounds for all persons.

CONCLUSION

Your Committee gave serious consideration to the advice and input provided through the public consultation process. Your Committee believes that legislation, similar to Bill 57, prohibiting the use of tobacco on school grounds will not lead to the elimination of tobacco use by students without a comprehensive cessation plan in place.

Your Committee believes the recommendation contained in this Report is the appropriate next step that will lead to the successful elimination of tobacco use on all school grounds in the province.

During Statements by Members, Hon. Mr. Green rose on a Point of Order claiming that it was unparliamentary for a Member who didn't have the floor to use unparliamentary language in the Chamber.

Mr. Richard also spoke on the point of Order stating that it was also unparliamentary for Government Members to send notes to Members of the Opposition calling them liars.

Mr. Speaker ruled the original point of order well taken and cautioned Members to respect the rules and traditions of the House.

Prior to the commencement of Question Period, Mr. Speaker made the following statement:

STATEMENT BY SPEAKER

Before we proceed to Question Period, I want to clarify the practice with respect to answers given by Ministers to questions taken as notice or as clarifications from a previous Question Period. These answers to a previous question will be deemed to be an extension at Question Period which I normally recognize after the 30 minutes. I had been treating them the same way as a response to a ministerial statement.

Once a Minister provides an answer to a question he or she has taken as notice on a previous sitting day, the Member who posed the original question will be given an opportunity to pose one supplementary question to the Minister. The Minister will in turn, have an opportunity to answer the supplementary question. There will be no further responses.

At the conclusion of Question Period, Mr. Shawn Graham, Leader of the Opposition, rose on a Point of Order noting that Standing Rule 49(c) very clearly states that a member shall not impute false or unavowed motives to another member. Continuing, Mr. Graham stated that the member for Shediac—Cap Pelé had raised a very serious issue on behalf of a constituent whom he was elected to represent and further stated that the Premier's comments were above and beyond what constitutes fair debate in this Chamber by imputing false claim in the member's sincerity in bringing this issue forward in this Chamber. After hearing the comments of the Premier, Mr. Speaker ruled that the Premier's comments were in order as they did not breach the Standing Rules.

Mr. Shawn Graham gave Notice of Motion 97 that on Thursday, March 20, 2003, he would move the following resolution, seconded by Mr. Richard:

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 correspondence, memos, E-mails, letters and any other documents concerning silviculture funding from April 1, 2002 to March 14, 2003.

Mr. Shawn Graham gave Notice of Motion 98 that on Thursday, March 20, 2003, he would move the following resolution, seconded by Mr. Haché:

WHEREAS all parties have expressed concern about incidences of moose-vehicle collisions;

WHEREAS the provincial government has initiated some preventative measures on Route 7;

WHEREAS the provincial government must reach an agreement with CFB Gagetown in order to construct fencing on a portion of Route 7 from Geary to Grand Bay/Westfield;

WHEREAS on October 9, 2002 Capt. Laura Oberwarth, a public affairs officer stationed at the base, said the matter should be resolved "within a couple of weeks;"

WHEREAS no progress has been announced to this point;

BE IT THEREFORE RESOLVED that this Legislature urge the Provincial government to more aggressively pursue an agreement with the federal government on constructing fencing along Route 7 where it runs through CFB Gagetown.

Mr. Haché gave Notice of Motion 99 that on Thursday, March 20, 2003, he would move the following resolution, seconded by Mr. Richard:

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 correspondence, memos, contracts of any kind between the Department of Training and Employment Development and/or any other department or agencies and Jocelyne Landry and/or Formation Papyrus Training from July, 1999 to March 13, 2003.

Hon. Mr. Green announced that following second reading, it was the intention of the government to consider Motion 96 following which the House shall resolve itself into a Committee of the Whole to consider Bills 37 and 39 followed by the consideration of the estimates of the Department of Agriculture, Fisheries and Aquaculture in the Committee of Supply.

Pursuant to Notice of Motion 96, Hon. Mr. Green moved the following resolution, seconded by Hon. Paul Robichaud:

That, notwithstanding Standing Rule 29(1), following the adoption of this motion the time for the daily meeting and sitting of the Assembly shall be as follows:

Tuesday	1.00 p.m. - 6.00 p.m. 7.00 p.m. - 11.00 p.m.
Wednesday	9.00 a.m. - 12.30 p.m. 2.00 p.m. - 6.00 p.m. 7.00 p.m. - 11.00 p.m.
Thursday	1.00 p.m. - 6.00 p.m. 7.00 p.m. - 11.00 p.m.
Friday	9.00 a.m. - 12.30 p.m. 2.00 p.m. - 6.00 p.m.

That this Special Order shall supersede any previous decision or special order of the House and shall remain in effect until such time as the House has concluded its consideration of the estimates in the Committee of Supply.

And the question being put, a debate ensued.

And after some time, Hon. Mr. Green rose on a Point of Order, stating that the remarks of Mr. Richard, the Member for Shédiac—Cap Pelé did not relate to the subject matter of the motion before the House.

Mr. Richard spoke on the Point of Order claiming his remarks were relevant to the debate.

Mr. Speaker ruled the point of order well taken and asked the Member for Shédiac—Cap Pelé to confine his remarks to the subject matter of the motion.

And the debate being ended and the question being put, Motion 96 was carried.

The House resolved itself into a Committee of the Whole House with Mr. Stiles in the chair as Acting Chairman.

And after some time, Mr. Speaker resumed the chair and Mr. Stiles, the Acting Chairman, after requesting Mr. Speaker revert to the Order of Presentations of Committee Reports, reported that the Committee had directed him to report the following Bills as agreed to:

Bill 37, *An Act to Amend the Members' Conflict Act.*

Bill 39, *An Act to Amend the Small Claims Act.*

And the Committee asked leave to make a further report.

Pursuant to Standing Rule 78.1, the Speaker put the question on the motion deemed to be before the House, that the report be concurred in, and it was resolved in the affirmative.

The House according to Order, resolved itself into a Committee of Supply with Mr. Stiles in the chair.

And after some time, Mr. Ashfiled, the Chairman, took the chair and after requesting that Mr. Speaker to revert to the Presentations of Committee Reports, reported that the Committee had made some progress in the consideration of the matters referred to them, had passed several items and asked leave to sit again.

Pursuant to Standing Rule 78.1, Mr. Speaker then put the question on the motion deemed to be before the House, that the report be concurred in, and it was resolved in the affirmative.

The following are the items reported:

MAIN ESTIMATES 2003-2004
ORDINARY ACCOUNT

DEPARTMENT OF AGRICULTURE, FISHERIES AND
AQUACULTURE

Resolved, That there be granted to Her Majesty a sum not exceeding \$28, 618, 000 to defray the expenses of the Ordinary Account program allocations of the Department of Agriculture, Fisheries and Aquaculture for the fiscal year ending the 31st of March, 2004:

Management Services	4,216,000
Agriculture Development and Innovation	19, 312, 000
Fisheries, Aquaculture and Policy	5,125,000
Less amounts authorized by law	35,000
Voted	28, 618,000

CAPITAL ACCOUNT

DEPARTMENT OF AGRICULTURE, FISHERIES AND
AQUACULTURE

Resolved, That there be granted to Her Majesty a sum not exceeding \$300, 000 to defray the expenses of the Capital Account program allocations of the Department of Agriculture, Fisheries and Aquaculture for the fiscal year ending the 31st of March, 2004:

Capital Improvements	300,000
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LOANS AND ADVANCES

DEPARTMENT OF AGRICULTURE,
FISHERIES AND AQUACULTURE

Voted, Supply in the following amount to defray the expenses of the following program for the fiscal year ending the 31st day of March, 2004:

New Brunswick Crop Insurance Commission 1,600,000

WORKING CAPITAL - MAXIMUM BALANCES
2003-2004

WORKING CAPITAL ADVANCES

Agriculture, Fisheries and Aquaculture 1,100,00

PETTY CASH ADVANCES

Agriculture, Fisheries and Aquaculture 25,000

INVENTORIES

Agriculture, Fisheries and Aquaculture 1,000,000

The said items were concurred in by the House.

And then, 1.35 o'clock p.m., the House adjourned.

The following document having been deposited with the Clerk of the House, was deemed laid before the table of the House pursuant to Standing Rule 39:

Annual Report, Vital Statistics

March 13, 2003