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# **Journals**

(Unrevised)

Legislative Assembly

Province of New Brunswick

Hon. Graydon Nicholas  
Lieutenant-Governor

Speaker: Hon. Roy Boudreau

**Thursday, January 21, 2010**

**Fourth Session of the 56th Legislative Assembly  
Fredericton, New Brunswick**

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Thursday, January 21, 2010.

*1 o'clock p.m.*

Prayers.

Mr. Steeves, Member for Albert, laid upon the table of the House a petition on behalf of residents of Riverview, Lower Coverdale, Moncton, Saint-Paul, Petitcodiac, Hillsborough and surrounding areas urging the government to preserve Lake Petitcodiac and put in place a new fishway instead of removing the causeway. (Petition 137)

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Mr. Betts, Member for Moncton Crescent, laid upon the table of the House a petition on behalf of the Lake Petitcodiac Preservation Association, INC. urging the government to discontinue the project to replace the Moncton to Riverview causeway with a bridge in order to prevent the sacrifice of the freshwater ecosystem extending upstream. (Petition 138)

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Mr. Fitch, Member for Riverview, laid upon the table of the House a petition on behalf of individuals representing Riverview Town Council and other organizations urging the government to suspend the opening of the Petitcodiac River causeway until such time as pollution issues are addressed and the option of updating the fishway is investigated. (Petition 139)

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Mr. D. Graham, Member for Carleton, laid upon the table of the House a petition on behalf of residents of Eel River Bar, Dalhousie, New Mills, Charlo, Eel River Crossing and surrounding areas who oppose the sale of NB Power to Hydro-Québec. (Petition 140)

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Ms. Dubé, Member for Edmundston—Saint-Basile, laid upon the table of the House a petition on behalf of residents of Dalhousie and surrounding areas who oppose the sale of NB Power to Hydro-Québec. (Petition 141)

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Mr. Williams, Member for Kent South, laid upon the table of the House a petition on behalf of residents of Dalhousie and surrounding areas who oppose the sale of NB Power to Hydro-Québec. (Petition 142)

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Mr. Huntjens, Member for Charlotte-Campobello, laid upon the table of the House a petition on behalf of residents of Grand Manan, Woodwards Cove, White Head and surrounding areas who oppose the sale of NB Power to Hydro-Québec. (Petition 143)

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Mr. Holder, Member for Saint John Portland, laid upon the table of the House a petition on behalf of residents of Woodstock, Newbridge, Jacksonville and surrounding areas who oppose the sale of NB Power to Hydro-Québec. (Petition 144)

Mr. C. Landry, Member for Tracadie-Sheila, laid upon the table of the House a petition on behalf of residents of Saint-Arthur, Val d'Amour, Charlo, Lorne, Petit-Rocher, Dundee, Tide Head, Belledune, Dalhousie and surrounding areas who oppose the sale of NB Power to Hydro-Québec. (Petition 145)

It was agreed by unanimous consent that the House adjourn at 5 o'clock p.m.

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Pursuant to Notice of Motion 30, Mr. Alward, seconded by Mr. Robichaud, moved the following resolution:

WHEREAS there are a significant number of legal issues and questions surrounding the Government's proposed sale of NB Power to Hydro-Québec;

BE IT RESOLVED that this Legislative Assembly urge the government to immediately present an address to His Honour the Lieutenant-Governor, praying that he forthwith cause to be referred to the Court of Appeal of New Brunswick the following questions for hearing and consideration:

1. Did the Premier of the Province of New Brunswick have any legal authority to sign the October 29, 2009 Memorandum of Understanding (MOU) with the Province of Québec, without an Order-in-Council or authorization from the Legislature?
2. Does Her Majesty in Right of the Province of New Brunswick have any legal authority to enter into any agreements to sell all or part of the assets of Generation Corporation, Nuclear Corporation or any other subsidiary of New Brunswick Power Holding Corporation, without prior authorization by the Lieutenant-Governor in Council?
3. Does Her Majesty in Right of the Province of New Brunswick have any legal authority to sell or dispose of its voting shares in the New Brunswick Power Holding Corporation?
4. If the legislative amendments to the *Electricity Act* of New Brunswick sought in the October 29, 2009 MOU were enacted, would such amendments amount to an abdication or delegation of New Brunswick's legislative powers in matters of electricity and energy as expressed in Section 92 of the *British North America Act* to another provincial legislature?

5. Can a provincial legislature abdicate or delegate its Section 92 legislative powers to another provincial legislature?

And the question being put, a debate ensued.

Due to the unavoidable absence of Mr. Speaker, Mr. Fraser, the Deputy Speaker, took the chair as Acting Speaker.

And after some time, Ms. Robichaud, the Deputy Speaker, took the chair as Acting Speaker.

And after some further time, Mr. Fraser resumed the chair as Acting Speaker.

And the debate being ended and the question being put, the motion was defeated.

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Pursuant to Notice of Motion 29, Mr. Fitch, seconded by Mr. Alward, moved the following resolution:

WHEREAS the province has indicated through the current 2010-2011 budget that the projected date in which the province will return to a balanced budget has been pushed back until the 2014-2015 fiscal year; and

WHEREAS the current budget projects that revenue for the province will increase by 10.7% from the current fiscal year until the 2014-2015 fiscal year; and

WHEREAS expenditures are slated to increase by only 1% over the same period;

BE IT RESOLVED that this Legislative Assembly urge the government to provide to this House detailed financial forecasts and analysis from the Department of Finance or any outside source that supports the projections and ability of government to keep spending far below historic levels of inflation from the current year until the projected 2015 return to a balanced budget.

And the question being put, a debate ensued.

And after some time, Ms. Robichaud resumed the chair as Acting Speaker.

And after some further time, Mr. Speaker resumed the chair.

And the debate continuing, after some further time, Mr. Speaker interrupted proceedings and advised that the hour of daily adjournment had arrived.

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And then, 5 o'clock p.m., the House adjourned.