

Daily sitting 35

Thursday, May 3, 2012

2.30 o'clock p.m.

Prayers.

The following Bills were introduced and read a first time:

By Hon. Mr. Jody Carr,

Bill 33, *An Act to Amend the Education Act.*

By Hon. Ms. Coulombe,

Bill 34, *An Act to Amend the Human Rights Act.*

Mr. Arseneault gave Notice of Motion 56 that on Thursday, May 10, 2012, he would move the following resolution, seconded by Mr. Fraser:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all documentation, including but not limited to correspondence, however recorded, stored or archived, from the Department of Health related to the allowable Medicare billing rates for New Brunswick family physicians who treat Canadian non-residents of New Brunswick and the allowable Medicare billing rates for Canadian family physicians outside of New Brunswick who treat New Brunswick residents.

Mr. Melanson gave Notice of Motion 57 that on Thursday, May 10, 2012, he would move the following resolution, seconded by Mr. Arseneault:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House a detailed list of the 500 jobs that have been created by Invest NB according to what Minister Paul Robichaud said during question period on May 2, 2012, including the type of job, the economic sector, the average salary, the level and type of investment by Invest NB, and the location of the head office of the business.

Hon. Mr. Williams, Acting Government House Leader, announced that following Opposition Members' Business, it was the intention of government that the House resolve itself into a Committee of Supply to consider the estimates of the Department of Finance; and the Management Board.

Hon. Mr. Williams gave notice that on Friday, May 4, 2012, Bill 33 would be called for second reading.

Pursuant to Notice of Motion 48, Mr. Doucet moved, seconded by Mr. Albert:

WHEREAS there is growing concern by the residents of Moncton and surrounding areas with respect to the secrecy of the process used to select the site for the new Moncton High School;

AND WHEREAS the Minister of Education has inexplicably refused to provide the public with the information on which he based his decision to choose the Royal Oaks site, as has the Minister of Transportation and Infrastructure;

AND WHEREAS the Minister of Education has even refused to provide information on what other possible sites were under consideration, as has the Minister of Transportation and Infrastructure;

AND WHEREAS there are legitimate questions on costs, safety, transportation and many other issues that deserve answers;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the Department of Education, the Department of Transportation and Infrastructure and the Premier's Office to disclose all the relevant, detailed information on the site selection process, including all reports, studies, assessments, recommendations and opinions, and provide the public with the opportunity to review this documentation and ask questions at an open public forum.

And the question being put, a debate ensued.

And after some time, Hon. Mr. Jody Carr, seconded by Hon. Mr. Williams, moved in amendment:

AMENDMENT

That Motion 48 be amended by:

Adding the following clauses before the first WHEREAS clause:

WHEREAS there has long been concern in the Moncton area about the health and safety of the existing Moncton High School facility;

AND WHEREAS the current government inherited a situation that saw the students, teachers and staff of Moncton High School relocated due to the lack of action on the health and safety issues relating to the school;

AND WHEREAS the Minister of Education and Early Childhood Development and the Minister of Transportation and Infrastructure provided the people of Moncton with clear and decisive action to deal with the issues related to the selection of a site for a new Moncton High School;

In the first WHEREAS clause, adding the word “AND” at the beginning of the clause and replacing the words “there is growing concern by the” with “some” and replacing the words “with respect to the secrecy of the process used to select” with “have expressed concerns with”.

Deleting the second and third WHEREAS clauses.

Deleting the word “many” from the fourth WHEREAS clause.

Adding the following clauses before the resolution clause:

AND WHEREAS this administration, unlike the previous administration, believes that municipalities should not be burdened with the full costs associated with supporting municipal infrastructure for schools;

AND WHEREAS the Government is bound to protect the privacy of individuals under the provisions of the *Right to Information and Protection of Privacy Act*;

In the resolution clause, by adding the words “and Early Childhood Development” following the word “Education”, by adding the words “not already disclosed” following the words “relevant, detailed information”, and by replacing all the words following “and opinions,” with “as permitted by law; and continue to provide the public with the opportunity to review this documentation and ask questions”;

Adding the following clause after the resolution clause:

BE IT FURTHER RESOLVED that the Legislative Assembly urge the Department of Education and Early Childhood Development, the Department of Transportation and Infrastructure and the Premier’s Office to openly discuss the challenges with Moncton High School and the solutions they have put in place to build a new regional high school.

Mr. Collins rose on a point of order and submitted that the proposed amendment was not within the spirit of the original motion. Hon. Mr. Jody Carr spoke on the point of order.

At 4.46 o'clock p.m., Mr. Speaker declared a recess and left the chair.

5.11 o'clock p.m.

Mr. Speaker resumed the chair and delivered the following ruling:

STATEMENT BY SPEAKER

Honourable Members:

I have had the opportunity to consider the proposed amendment. *Beauchesne's Parliamentary Rules and Form*, 6th Edition, states at paragraph 567:

The object of an amendment may be either to modify a question in such a way as to increase its acceptability or to present to the House a different proposition as an alternative to the original question.

In reviewing the proposed amendment, I find that although several clauses would be added to the motion, the essential elements of the original motion would be retained: namely, that all relevant detailed information be disclosed and that the public be provided the opportunity to review the documentation and ask questions.

In my opinion, the proposed amendment would not amount to a direct negative of the original motion.

Accordingly, I find the amendment to be in order.

Mr. Speaker put the question on the proposed amendment and a debate ensued.

And the debate being ended, and the question being put, the amendment was adopted.

Mr. Speaker put the question on Motion 48 as amended as follows:

WHEREAS there has long been concern in the Moncton area about the health and safety of the existing Moncton High School facility;

AND WHEREAS the current government inherited a situation that saw the students, teachers and staff of Moncton High School relocated due to the lack of action on the health and safety issues relating to the school;

AND WHEREAS the Minister of Education and Early Childhood Development and the Minister of Transportation and Infrastructure provided the people of Moncton with clear and decisive action to deal with the issues related to the selection of a site for a new Moncton High School;

AND WHEREAS some residents of Moncton and surrounding areas have expressed concerns with the site for the new Moncton High School;

AND WHEREAS there are legitimate questions on costs, safety, transportation and other issues that deserve answers;

AND WHEREAS this administration, unlike the previous administration, believes that municipalities should not be burdened with the full costs associated with supporting municipal infrastructure for schools;

AND WHEREAS the Government is bound to protect the privacy of individuals under the provisions of the *Right to Information and Protection of Privacy Act*;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the Department of Education and Early Childhood Development, the Department of Transportation and Infrastructure and the Premier's Office to disclose all the relevant, detailed information not already disclosed on the site selection process, including all reports, studies, assessments, recommendations and opinions, as permitted by law; and continue to provide the public with the opportunity to review this documentation and ask questions.

BE IT FURTHER RESOLVED that the Legislative Assembly urge the Department of Education and Early Childhood Development, the Department of Transportation and Infrastructure and the Premier's Office to openly discuss the challenges with Moncton High School and the solutions they have put in place to build a new regional high school.

And the question being put, Motion 48 as amended was resolved in the affirmative.

Debate resumed on the adjourned debate on the motion that Bill 29, *Energy Drink Sales Act*, be now read a second time.

And the debate being ended, and the question being put that Bill 29 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 29, *Energy Drink Sales Act*, was read a second time and ordered referred to the Committee of the Whole House.

Pursuant to Notice of Motion 45, Mr. Albert moved, seconded by Mr. Doucet:

WHEREAS the federal government's discussion paper titled *The Future of Canada's Commercial Fisheries* fails to adequately support the owner-operator system upon which the future of the commercial fishery depends;

WHEREAS commercial fishermen in New Brunswick are concerned that the federal government may abandon the owner-operator system, handing the management of the sector over to large corporations;

BE IT THEREFORE RESOLVED that the Legislative Assembly of New Brunswick urge the provincial government to confirm its support for the owner-operator system and urge the federal government to formally support the owner-operator system.

And the question being put, a debate ensued.

And after some time, Mr. Speaker interrupted proceedings and announced that the time allotted for consideration of Opposition Members' Business had expired.

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

At 7.30 o'clock p.m., Mr. C. Landry left the chair to resume again at 8.30 o'clock p.m.

8.30 o'clock p.m.

The Committee resumed.

And after some time, Mr. Speaker resumed the chair and Mr. C. Landry, the Chair, after requesting that Mr. Speaker revert to Presentations of Committee Reports, reported that the Committee had had under consideration the matters referred to them, had made some progress therein, and asked leave to sit again.

Pursuant to Standing Rule 78.2, Mr. 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.

And then, 10 o'clock p.m., the House adjourned.