



## **LEGISLATIVE ASSEMBLY OF NEW BRUNSWICK**

### **Second Session, 57<sup>th</sup> Legislative Assembly**

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**ORDER AND NOTICE PAPER - Sitting No. 13**  
**Wednesday, December 14, 2011**

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### **ROUTINE PROCEEDINGS**

Prayers  
Condolences and Messages of Sympathy (*Prior Notice to Speaker*)  
Introduction of Guests  
Messages of Congratulation and Recognition (10 minutes)  
Presentations of Petitions  
Answers to Petitions and Written Questions  
Presentations of Committee Reports  
Tabling of Documents  
Statements by Ministers  
Statements by Members (10 minutes)  
Oral Questions (30 minutes)  
Introduction of Bills  
Notices of Motions  
Notice of Opposition Members' Business  
Government Motions for the Ordering of the Business of the House  
Orders of the Day

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### **ORDERS OF THE DAY**

#### **GOVERNMENT BILLS AND ORDERS**

## **COMMITTEE OF THE WHOLE**

- Bill 8, An Act to Amend the Proceedings Against the Crown Act  
- Hon. Ms. Blais, Q.C.
- Bill 9, An Act to Amend the Electoral Boundaries and Representation Act  
- Hon. Mr. P. Robichaud
- Bill 10, An Act to Amend the Tobacco Tax Act - Mr. Fraser
- Bill 11, An Act to Amend the Medical Services Payment Act - Hon. Ms. Dubé
- Bill 13, An Act Respecting the Recovery of Debts Owed to the Crown  
- Hon. Mr. Higgs
- Bill 15, An Act to Repeal the Habeas Corpus Act - Hon. Ms. Blais, Q.C.
- Bill 16, An Act to Amend the Management of Seized and Forfeited Property Act  
- Hon. Ms. Blais, Q.C.
- Bill 17, An Act Respecting Regional Health Authorities - Hon. Ms. Dubé
- Bill 18, An Act to Amend the Gas Distribution Act, 1999 - Hon. Mr. Leonard
- Bill 19, An Act to Amend the Real Property Tax Act - Hon. Mr. Higgs

## **BILLS AWAITING ROYAL ASSENT**

- Bill 2, An Act to Amend the Securities Act - Hon. Ms. Blais, Q.C.
- Bill 3, An Act to Amend the New Brunswick Building Code Act - Hon. Mr. Trevors
- Bill 4, An Act to Amend the Municipal Assistance Act - Hon. Mr. Fitch
- Bill 5, An Act to Amend the Municipalities Act - Hon. Mr. Fitch
- Bill 6, An Act to Amend the Electricity Act - Hon. Mr. Leonard
- Bill 7, An Act to Amend the Employment Standards Act - Hon. Ms. Coulombe

## **COMMITTEE OF SUPPLY**

- Capital Estimates, 2012-2013  
Supplementary Estimates, 2010-2011, Volume II

## GOVERNMENT MOTIONS

### *Debatable Motions*

**Motion 15 by Hon. Mr. Higgs**, seconded by Hon. Mr. Alward to propose the following resolution on Wednesday, December 7, 2011:

WHEREAS the Government of New Brunswick entered into the original Comprehensive Integrated Tax Coordination Agreement with the Government of Canada to harmonize the Federal Goods and Service Tax and provincial sales tax on October 18, 1996; and

WHEREAS the provincial *Harmonized Sales Tax Act* came into force on April 1, 1997; and

WHEREAS the provinces of Ontario and British Columbia have subsequently entered into their own agreements with the Government of Canada using an updated agreement template, which has now also been adopted by the provinces of Nova Scotia and Newfoundland and Labrador; and

WHEREAS the original Comprehensive Integrated Tax Coordination Agreement required amendment in order to function properly and to give New Brunswick the same benefits as other harmonized jurisdictions; and

WHEREAS a copy of this amended agreement has been tabled in this House and subsection 2(3) of the *Harmonized Sales Tax Act* requires the Minister of Finance to introduce for consideration of the Legislative Assembly a resolution respecting the change or agreement under subsection 2(2);

BE IT RESOLVED that the Legislative Assembly ratify and confirm the succeeding Comprehensive Integrated Tax Coordination Agreement entered into between the Province of New Brunswick and the Government of Canada.

## CONCLUDED

**Motion 1 by Hon. Mr. Northrup.** Debated and carried December 6, 2011.

**Motion 4 by Hon. Mr. P. Robichaud.** Carried November 24, 2011.

**Motion 19 by Hon. Mr. Higgs.** Debated and carried December 13, 2011.

## OPPOSITION MEMBERS' BUSINESS

### OPPOSITION MEMBERS' PUBLIC BILLS FOR SECOND READING

Bill 12, An Act to Amend the Members' Conflict of Interest Act - Mr. Boudreau

Bill 14, An Act to Amend the Assessment Act - Mr. Bertrand LeBlanc

## OPPOSITION MEMBERS' MOTIONS

### *Debatable Motions*

**Motion 2 by Mr. Bernard LeBlanc**, seconded by Mr. Kenny to propose the following resolution on Thursday, December 1, 2011:

WHEREAS the Alward government proposed changes to the Prescription Drug Program that doubled the co-pay amount payable by seniors from \$250 to \$500;

WHEREAS seniors feel this increase breaks the Premier's campaign promise to "provide a better deal for seniors";

WHEREAS this sudden increase creates considerable financial hardship for low-income seniors;

WHEREAS the extra cost may prevent seniors from getting the medications they need;

WHEREAS the loss of medications could be harmful to the fragile health of seniors;

WHEREAS the New Brunswick Pharmacists' Association, the Canadian Life and Health Insurance Association, and others have suggested ways to find additional savings within the Prescription Drug Program, which would avoid the need for drastic fee increases;

BE IT THEREFORE RESOLVED that the Legislative Assembly of New Brunswick urge the government to reverse the sudden fee increase, keep the Premier's campaign promise to "provide a better deal for seniors", and explore alternate savings through the Prescription Drug Program.

**Motion 5 by Mr. Collins**, seconded by Mr. Albert to propose the following resolution on Thursday, December 1, 2011:

WHEREAS the Alward government is proposing a two-tiered minimum wage for the province of New Brunswick, wherein servers and wait staff would earn a lower minimum wage than other workers;

WHEREAS a two-tiered minimum wage is a direct attack on the most vulnerable wage earners;

WHEREAS tipping is designed to reward excellent service, not supplement wages;

WHEREAS the scheduled increase to the minimum wage that was supposed to have taken place in September as mandated by the Poverty Reduction Plan has not yet been implemented;

WHEREAS the Poverty Reduction Plan did not suggest a two-tiered minimum wage;

WHEREAS the Alward government's public consultation on a two-tiered minimum wage consists of an online survey which contains questions which have been criticized as being designed to tip the balance of the results in favour of a two-tiered minimum wage;

BE IT THEREFORE RESOLVED that the Legislative Assembly call on the government of New Brunswick to respect the spirit and intent of the Poverty Reduction Plan, reject a two-tiered minimum wage and immediately implement the recommendation of the Poverty Reduction Plan to raise the minimum wage to \$10.

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

**Motion 6 by Mr. Bernard LeBlanc**, seconded by Mr. Boudreau to propose the following resolution on Thursday, December 1, 2011:

WHEREAS the previous Liberal government undertook an unprecedented public engagement in 2009 with the business sector, the non-profit sector, and citizens living in poverty, which resulted in a bipartisan poverty reduction plan;

WHEREAS the Premier, then the Leader of the Opposition, participated fully in the engagement process and the announcement of the poverty reduction plan;

WHEREAS the Premier, then the Leader of the Opposition, stated that he was “proud” to have participated in the process and committed his party to implementing the recommendations of the poverty reduction task force;

WHEREAS the Premier, then the Leader of the Opposition, stated in an opinion column published in various provincial newspapers in November 2009 that we have to do more;

WHEREAS, since forming the government, the Alward Conservatives have ignored or postponed several important deadlines for the implementation of poverty reduction initiatives;

WHEREAS there is considerable disparity between what Premier Alward said while he was in the opposition and what he has done since forming the government;

BE IT THEREFORE RESOLVED that the Legislature urge the government to honour the commitments made by the Premier when, as Leader of the Opposition, he expressed his support for the poverty reduction plan.

**Motion 20 by Mr. Fraser**, seconded by Mr. Bernard LeBlanc to propose the following resolution on Thursday, December 15, 2011:

WHEREAS during the last election campaign, the current Premier and the Health Minister promised New Brunswickers the implementation of a catastrophic drug program within the first year of their mandate;

WHEREAS lack of a catastrophic drug program continues to cause extreme economic hardship for many New Brunswickers;

WHEREAS New Brunswickers have approached the provincial government for assistance with drug costs and have been refused or ignored;

WHEREAS New Brunswick remains one of only two Canadian provinces and territories without such coverage;

WHEREAS this government continues to refuse to be up-front about the actual implementation date for such a program;

WHEREAS the current government promised to consult key stakeholders in the development of a catastrophic drug program and has yet to do so;

WHEREAS this government’s target date for implementation continues to change, going from “within the first year” to “before 2014” to “early in the mandate”;

BE IT THEREFORE RESOLVED that the Legislature urge the Premier to immediately engage stakeholders in the development of a catastrophic drug program and inform New Brunswickers of the specific target date for implementation of this program.

**Motion 21 by Mr. Collins**, seconded by Mr. Fraser to propose the following resolution on Thursday, December 15, 2011:

WHEREAS the serious illness of a child often puts parents and/or guardians under extreme emotional stress and economic hardship;

WHEREAS the current rules surrounding Employment Insurance do not allow for parents to receive benefits while tending to a seriously ill child;

WHEREAS the current rules surrounding Employment Insurance allow for workers to receive benefits while tending to a seriously ill parent;

WHEREAS the parents and/or guardians of seriously ill children do not have any job security when they take time off to tend to their children;

WHEREAS parents and/or guardians can lose their jobs while tending to a seriously ill child;

WHEREAS this represents an inequity in the workforce;

WHEREAS there are currently two Private Members' Bills before the House of Commons to address this issue;

BE IT THEREFORE RESOLVED that the Legislature urge the Government of New Brunswick to urge the federal government to support the passing of Bill C-323 and Bill C-542, to allow the parents of seriously ill children to take sick leave and maintain job security when taking time off to tend to a seriously ill child.

**Motion 22 by Mr. Collins**, seconded by Mr. Fraser to propose the following resolution on Thursday, December 15, 2011:

WHEREAS there is no children's hospital in New Brunswick;

WHEREAS the serious illness of a child may therefore require parents and/or guardians to seek treatment out of province;

WHEREAS out of province travel, accommodations and other expenses often have to be paid out of pocket by parents and/or guardians;

WHEREAS there currently does not exist any policy, plan or fund to assist the parents and/or guardians of children with serious illness with these expenses;

WHEREAS this often creates financial hardship for the families of seriously ill children;

BE IT THEREFORE RESOLVED that the Legislature urge the Government of New Brunswick to implement and disburse a fund to provide financial assistance for out-of-province expense costs for the parents and/or guardians of seriously ill children who have to travel out of province for treatment.

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

**Motion 8 by Mr. Kenny**, seconded by Mr. Haché to propose the following resolution on Thursday, December 1, 2011:

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 correspondence, however recorded, stored or archived, by electronic means or otherwise, between NB Power, the Department of Energy, and any third party in relation to all expenses and costs included in the Deferral account associated with the refurbishment of

the Point Lepreau generating station since March 28, 2008, including an itemized list of these costs and expenses.

**Motion 9 by Mr. Doucet**, seconded by Mr. Albert to propose the following resolution on Thursday, December 1, 2011:

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 since October 13, 2010, including correspondence, however recorded, stored or archived, by electronic means or otherwise, including, but not limited to, all proposals, contracts, engagement letters and records of meetings between the Department of Transportation and all consultants, corporations, individuals with respect to the conduct of any reviews, assessments or evaluations on the operations of the Department of Transportation.

**Motion 10 by Mr. Kenny**, seconded by Mr. Haché to propose the following resolution on Thursday, December 1, 2011:

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 since October 13, 2010, including correspondence, however recorded, stored or archived, by electronic means or otherwise, between the Department of Energy, the Premier's Office, The Executive Council Office, NB Power and any other individuals, or corporations with respect to the engagement of the consulting firm Alexander Proudfoot by NB Power including, but not limited to all correspondence, memos, contracts, directives, and proposals.

**Motion 11 by Mr. Arseneault**, seconded by Mr. Haché to propose the following resolution on Thursday, December 1, 2011:

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 correspondence, however recorded or stored, by electronic means or otherwise, between the Office of the Premier, Executive Council Office, Communications New Brunswick, Department of Environment, Office of the Auditor-General and the Greater Moncton Sewerage Commission related to the release of the 2011 Auditor-General's report of wastewater commissions.

**[Documents requested filed December 8, 2011]**

**Motion 12 by Mr. Arseneault**, seconded by Mr. Bernard LeBlanc to propose the following resolution on Thursday, December 8, 2011:

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 correspondence, however recorded, stored or archived, by electronic means or otherwise, between the province of New Brunswick, the Dalhousie Nursing Home or any other corporations or third parties it may have solicited information or advice, regarding the construction of the new nursing home in Dalhousie, including all engineering reports and architectural plans, budgets, and all correspondence since September 27, 2010.

**Motion 13 by Mr. Arseneault**, seconded by Mr. Collins to propose the following resolution on Thursday, December 8, 2011:

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 correspondence, however recorded, stored or archived, by electronic means or otherwise, from any department related to the federal crime legislation, Bill C-10, including but not limited to any records of meetings with the federal government and stakeholders, presentations, position papers, correspondence or plans given or received by the provincial government, and any information related to the financial impact of Bill C-10 on the province of New Brunswick.

**Motion 14 by Mr. Bernard LeBlanc**, seconded by Mr. Kenny to propose the following resolution on Thursday, December 8, 2011:

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 correspondence, however recorded, archived or stored, related to the number of seniors waiting in hospital for nursing home spaces, including a breakdown of the numbers by location and month since October 2010.

**Motion 16 by Mr. Fraser**, seconded by Mr. Boudreau to propose the following resolution on Thursday, December 15, 2011:

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 correspondence, however recorded, stored or archived, by electronic means or otherwise, between the Department of Health, the Premier's Office, Horizon Health Network, Vitalité Health Network and any other government department or agency regarding any and all directions from the Department of Health and/or Premier's Office to the health networks on cuts to meet the budget reductions mandated by the Alward government, including any feedback from the health networks.

**Motion 17 by Mr. Albert**, seconded by Mr. D. Landry to propose the following resolution on Thursday, December 15, 2011:

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 correspondence, however recorded, stored or archived, by electronic means or otherwise, regarding all seafood processing licences issued by the Department of Fisheries since September 1, 2010.

**Motion 18 by Mr. Doucet**, seconded by Mr. Boudreau to propose the following resolution on Thursday, December 15, 2011:

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 correspondence, however recorded, stored or archived, by electronic means or otherwise, regarding any tenders issued or contracts awarded for any maintenance, snow removal and/or improvement of the Coal Creek Road in Queens County since September 27, 2010.



**Motion 23 by Mr. Boudreau**, seconded by Mr. D. Landry to propose the following resolution on Thursday, December 22, 2011:

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 correspondence, however recorded, stored or archived, by electronic means or otherwise, provided by shale gas exploration companies regarding the lists of all chemicals used by all shale gas exploration companies working in New Brunswick to the Department of Natural Resources, Department of Environment and Department of Health, since October 13, 2010.

**Motion 24 by Mr. Fraser**, seconded by Mr. Bernard LeBlanc to propose the following resolution on Thursday, December 22, 2011:

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 correspondence, however recorded, stored or archived, by electronic means or otherwise, between the province of New Brunswick, Department of Public Safety, Department of Social Development, the Premier's Office and any other government department or agency, the Mount Saint Joseph Nursing Home or any other corporations or third parties it may have solicited or received information, concerns or advice, regarding all aspects of the infrastructure, facilities, evacuation plans, and safety of the residents and staff at Mount Saint Joseph Nursing Home in Miramichi, including, but not limited to all engineering reports and architectural plans, budgets, and all correspondence since October 13, 2010.

## CONCLUDED

**Motion 7 by Mr. Melanson.** Debated and carried as amended December 1, 2011.

## PETITIONS

Petition 1: Mr. Fraser, November 24, 2011.	
Petition 2: Mr. Bertrand LeBlanc, November 24, 2011.	
Petition 3: Mr. Fraser, November 24, 2011.	(Response, December 8, 2011)
Petition 4: Mr. Bertrand LeBlanc, November 24, 2011.	(Response, December 13, 2011)
Petition 5: Mr. Fraser, November 24, 2011.	(Response, December 13, 2011)
Petition 6: Mr. Albert, November 24, 2011.	(Response, December 13, 2011)
Petition 7: Mr. Melanson, November 24, 2011.	(Response, December 13, 2011)
Petition 8: Mr. Fraser, November 29, 2011.	
Petition 9: Mr. MacDonald, November 29, 2011.	(Response, December 13, 2011)
Petition 10: Mr. Bertrand LeBlanc, November 29, 2011.	
Petition 11: Mr. Boudreau, November 29, 2011.	(Response, December 13, 2011)
Petition 12: Mr. Arseneault, November 29, 2011.	(Response, December 13, 2011)
Petition 13: Mr. Kenny, November 29, 2011.	(Response, December 13, 2011)
Petition 14: Mr. Collins, November 29, 2011.	(Response, December 13, 2011)

Petition 15: Mr. Doucet, November 29, 2011. (Response, December 13, 2011)  
 Petition 16: Mr. Melanson, November 29, 2011. (Response, December 13, 2011)  
 Petition 17: Mr. Haché, November 29, 2011. (Response, December 13, 2011)  
 Petition 18: Mr. Albert, November 29, 2011. (Response, December 13, 2011)  
 Petition 19: Mr. D. Landry, November 29, 2011. (Response, December 13, 2011)  
 Petition 20: Mr. Bernard LeBlanc, November 29, 2011. (Response, December 13, 2011)  
 Petition 21: Mr. Fraser, November 29, 2011. (Response, December 13, 2011)  
 Petition 22: Mr. Bertrand LeBlanc, November 29, 2011. (Response, December 13, 2011)  
 Petition 23: Mr. Fraser, November 30, 2011.  
 Petition 24: Mr. Bertrand LeBlanc, November 30, 2011.  
 Petition 25: Mr. Arseneault, November 30, 2011.  
 Petition 26: Mr. Haché, November 30, 2011.  
 Petition 27: Mr. Bernard LeBlanc, November 30, 2011.  
 Petition 28: Mr. Collins, November 30, 2011.  
 Petition 29: Mr. Kenny, November 30, 2011.  
 Petition 30: Mr. Albert, November 30, 2011.  
 Petition 31: Mr. Doucet, November 30, 2011.  
 Petition 32: Mr. D. Landry, November 30, 2011.  
 Petition 33: Mr. Melanson, November 30, 2011.  
 Petition 34: Mr. Fraser, November 30, 2011.  
 Petition 35: Mr. Bertrand LeBlanc, November 30, 2011.  
 Petition 36: Mr. Fraser, November 30, 2011.  
 Petition 37: Mr. Melanson, November 30, 2011.  
 Petition 38: Mr. Boudreau, November 30, 2011.  
 Petition 39: Mr. Melanson, November 30, 2011.  
 Petition 40: Mr. Boudreau, December 6, 2011.  
 Petition 41: Mr. Riordon, December 6, 2011.  
 Petition 42: Mr. Fraser, December 6, 2011.  
 Petition 43: Mr. Savoie, December 6, 2011.  
 Petition 44: Mr. Bertrand LeBlanc, December 6, 2011.  
 Petition 45: Mr. Fraser, December 8, 2011.  
 Petition 46: Mr. Jack Carr, December 8, 2011.  
 Petition 47: Mr. Bertrand LeBlanc, December 8, 2011.  
 Petition 48: Mr. Fraser, December 9, 2011.  
 Petition 49: Mr. Bertrand LeBlanc, December 9, 2011.  
 Petition 50: Mr. Fraser, December 13, 2011.

## COMMITTEE REPORTS

Standing Committee on Health Care

First Report, November 30, 2011

## **REPORTS/DOCUMENTS**

### ***Tabled in the House***

Capital Estimates, 2012-2013

(Transmitted by Message of His Honour the Lieutenant-Governor Graydon Nicholas  
December 13, 2011)

### ***Filed in the Clerk's Office***

Annual Report 2010-2011, Department of Social Development

(Filed December 13, 2011)

Annual Report, 31 March 2011, Provincial Holdings Ltd.

(Filed December 13, 2011)

## **COMMITTEE MEETINGS**

The Legislative Administration Committee will meet on Wednesday, December 14, 2011,  
at 12:30 p.m. in the Speaker's Conference Room.

Loredana Catalli Sonier, Q.C.  
Clerk of the Legislative Assembly