



LEGISLATIVE ASSEMBLY OF NEW BRUNSWICK

Third Session, 57th Legislative Assembly

ORDER AND NOTICE PAPER - Sitting No. 57
Friday, June 21, 2013

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

ORDERS OF THE DAY

GOVERNMENT BILLS AND ORDERS

GOVERNMENT BILLS FOR THIRD READING

Bill 37, New Brunswick Research and Innovation Council Act
- Hon. Mr. P. Robichaud

Bill 42, An Act Respecting Expenditure Restraint - Hon. Mr. P. Robichaud

COMMITTEE OF THE WHOLE

Bill 5, An Act to Amend the Motor Vehicle Act - Hon. Mr. Trevors

Bill 8, Lobbyists' Registration Act - Mr. Fraser

Bill 32, Competitive Appointments Act - Mr. Fraser

Bill 33, An Act to Amend the Tobacco Tax Act - Mr. Arseneault

Bill 36, An Act to Amend the Smoke-free Places Act - Mr. Arseneault

Bill 60, Accountability and Continuous Improvement Act - Hon. Mr. Alward

BILLS AWAITING ROYAL ASSENT

Bill 27, An Act to Amend the New Brunswick Liquor Corporation Act
- Hon. Mr. Higgs

Bill 29, An Act to Amend the Members' Conflict of Interest Act
- Hon. Mr. P. Robichaud

Bill 38, An Act to Amend the Law Reform Act - Hon. Ms. Blais, Q.C.

Bill 39, Electricity Act - Hon. Mr. Leonard

Bill 40, An Act to Amend the Ombudsman Act - Hon. Ms. Shephard

Bill 41, An Act to Amend the Surveys Act - Hon. Ms. Stultz

Bill 44, An Act to Amend the Public Works Act - Hon. Mr. Williams

Bill 45, An Act to Amend the Oil and Natural Gas Act - Hon. Mr. Leonard

Bill 46, An Act to Amend the Employment Standards Act - Hon. Mr. Soucy

Bill 47, An Act to Amend the Workers' Compensation Act - Hon. Mr. Soucy

Bill 48, An Act to Amend the Occupational Health and Safety Act - Hon. Mr. Soucy

Bill 49, An Act to Amend the Beaverbrook Art Gallery Act - Hon. Mr. Holder

Bill 50, An Act to Amend the New Brunswick Liquor Corporation Act - Hon. Mr. Higgs

Bill 51, An Act to Amend the New Brunswick Income Tax Act - Hon. Mr. Higgs

Bill 52, An Act to Amend the Tobacco Tax Act - Hon. Mr. Higgs

Bill 53, An Act to Amend the Municipalities Act - Hon. Mr. Fitch

Bill 54, Artificial Tanning Act - Hon. Mr. Flemming, Q.C.

Bill 55, An Act to Amend the Seafood Processing Act - Hon. Mr. Olscamp

Bill 56, Enforcement of Money Judgments Act - Hon. Ms. Blais, Q.C.

Bill 57, An Act to Amend the Vital Statistics Act - Hon. Ms. Stultz

Bill 58, An Act to Amend the Marriage Act - Hon. Ms. Stultz

Bill 59, An Act Respecting Unpaid Fines - Hon. Mr. Northrup

Bill 61, An Act Respecting a Public Intervener for the Energy Sector
- Hon. Mr. Leonard

Bill 62, An Act to Amend the Energy and Utilities Board Act - Hon. Mr. Leonard

Bill 63, Financial and Consumer Services Commission Act - Hon. Ms. Blais, Q.C.

Bill 64, An Act Respecting the Financial and Consumer Services Commission
- Hon. Ms. Blais, Q.C.

Bill 65, An Act Respecting the Enforcement of Money Judgments Act
 - Hon. Ms. Blais, Q.C.
 Bill 66, An Act to Amend the Off-Road Vehicle Act - Hon. Mr. Trevors
 Bill 67, An Act Respecting the Right to Information and Protection of Privacy Act
 - Hon. Ms. Stultz
 Bill 68, Marshland Infrastructure Maintenance Act - Hon. Mr. Olscamp
 Bill 69, Loan Act 2013 - Hon. Mr. Higgs
 Bill 71, An Act to Amend An Act to Incorporate the New Brunswick Chiropractors
 Association - Mr. Killen
 Bill 72, An Act Respecting Official Languages - Hon. Mr. Alward

COMMITTEE OF SUPPLY

Main Estimates, 2013-2014	(Adopted June 4, 2013)
Capital Estimates, 2013-2014	(Adopted June 4, 2013)
Supplementary Estimates, Volume I, 2011-2012	(Adopted December 12, 2012)

GOVERNMENT MOTIONS

Motion 53 by Hon. Mr. Soucy, seconded by Hon. Mr. P. Robichaud to propose the following resolution on Thursday, May 9, 2013:

WHEREAS Atlantic Premiers announced earlier this week, through the Atlantic Workforce Partnership (AWP), that they will harmonize apprenticeship programs across the region and deliver online training to small-and medium-sized businesses, which will make the region a national leader in the delivery of critical skills training; and,

WHEREAS the progress of the AWP is further evidence of the responsiveness of Atlantic provinces to their labour market needs and job training, an area of provincial responsibility; and

WHEREAS Atlantic Canadian governments will need to consider if the program meets the needs of the provincial economies and labour markets, and whether provinces will participate in the program or opt out with full compensation as in other areas of provincial jurisdiction; and

WHEREAS there are widespread concerns among small-and medium-sized businesses regarding the announced Canada Jobs Grant, in particular the proposal to redirect \$300 million of the \$500 million allocation from provincial programming supported by the Labour Market Agreements to the Canada Jobs Grant, thereby reducing the range of programming for skills and labour market development presently delivered by provinces;

THEREFORE BE IT RESOLVED that the recent unilateral decisions of the federal government regarding skills, training and employment supports, including changes to labour market agreements and the proposed Canada Jobs Grant, raise considerable concerns for the future economic growth and prosperity of Atlantic Canada.

CONCLUDED

Motion 4 by Hon. Mr. P. Robichaud. Carried November 28, 2012.

Motion 8 by Hon. Mr. Higgs. Debated and carried December 11, 2012.

Motion 13 by Hon. Mr. P. Robichaud. Carried December 6, 2012.

Motion 22 by Hon. Mr. Higgs. Debated March 26, 28, April 3, 4, 5, 9, and carried April 9, 2013.

Motion 25 by Hon. Mr. Alward. Debated and carried December 19, 2012.

Motion 26 by Hon. Mr. P. Robichaud. Carried December 20, 2012.

Motion 34 by Hon. Mr. Olscamp. Carried April 4, 2013.

Motion 39 by Hon. Mr. Lifford. Carried April 10, 2013.

Motion 40 by Hon. Mr. Lifford. Carried April 10, 2013.

Motion 42 by Hon. Mr. Williams. Debated and carried June 12, 2013.

Motion 46 by Hon. Ms. Blais, Q.C. Carried April 25, 2013.

Motion 50 by Hon. Mr. Soucy. Debated and carried May 9, 2013.

Motion 64 by Hon. Mr. P. Robichaud. Carried June 5, 2013.

Motion 70 by Hon. Mr. Alward. Carried June 14, 2013.

Motion 71 by Hon. Mr. Alward. Carried June 14, 2013.

Motion 72 by Hon. Mr. Alward. Carried June 14, 2013.

Motion 74 by Hon. Mr. Alward. Carried June 20, 2013.

GOVERNMENT PRIVATE MEMBERS' MOTIONS

Motion 36 by Mr. Killen, seconded by Mr. S. Robichaud to propose the following resolution on Thursday, April 11, 2013:

WHEREAS during the term of the former Liberal government seventy million dollars was given to the Atcon group of companies;

WHEREAS the vast majority of these funds have not been recovered and represent a loss to the taxpayers of New Brunswick;

WHEREAS the former Liberal Premier was present and chaired Cabinet meetings where decisions were made to grant financial assistance to the Atcon group of companies;

WHEREAS the former Liberal Premier's father was a director and received financial benefit from a company that was part of the Atcon group of companies when the Cabinet decided to grant financial assistance;

WHEREAS the Conflict of Interest Commissioner investigated the conduct of the former Liberal Premier;

WHEREAS the Conflict of Interest Commissioner found the former Liberal Premier had acted improperly by participating in these meetings of Cabinet and that the former Liberal Premier was in breach of the *Members' Conflict of Interest Act*;

WHEREAS the former Liberal Premier was also the Leader of the New Brunswick Liberal Association at the time that he was in conflict;

WHEREAS the former Liberal government agreed to pay the former Liberal Premier's legal fees associated with the Conflict of Interest Commissioner's investigation;

WHEREAS these fees are reported to be in excess of seventy thousand dollars;

WHEREAS the most recent return filed with the Supervisor of Political Financing indicates that the New Brunswick Liberal Association has in excess of one million dollars in cash;

BE IT RESOLVED THAT this Assembly call on the New Brunswick Liberal Association and its leader to do the honourable thing and reimburse the taxpayers of New Brunswick for the legal fees incurred by the former Liberal Premier while defending his improper actions.

CONCLUDED

Motion 65 by Mr. Riordon. Carried June 5, 2013.

Motion 68 by Mr. Riordon. Carried June 13, 2013.

Motion 69 by Mr. Jack Carr. Debated and carried June 14, 2013.

OPPOSITION MEMBERS' BUSINESS

OPPOSITION MEMBERS' PUBLIC BILLS FOR SECOND READING

Bill 14, Tanning Beds Act - Mr. Arseneault

Bill 30, An Act to Amend the Members' Conflict of Interest Act - Mr. Fraser

Bill 34, Family Physician Access Act - Mr. Arseneault

Adjourned Debates

Bill 7, An Act to Amend the Members' Conflict of Interest Act - Mr. Boudreau

OPPOSITION MEMBERS' MOTIONS

Debatable Motions

Motion 1 by Mr. Kenny, seconded by Mr. Haché to propose the following resolution on Thursday, December 6, 2012:

WHEREAS the impending closure of the Xstrata Mine in Bathurst will result in the loss of hundreds of jobs, both directly and indirectly;

WHEREAS the northern economy has suffered numerous blows in recent years with the decline of various industries, and the Xstrata closure will only exacerbate this economic downturn;

WHEREAS the knowledge base, expertise and human resources in the region would provide an excellent training ground for those interested in learning mining skills;

WHEREAS mining companies around the world are looking for thousands of workers skilled in mining trades;

WHEREAS a mining trades program and a mining centre of excellence, and resulting research opportunities, would provide important economic opportunities for northern New Brunswick;

WHEREAS the training facility and centre of excellence would help both northern New Brunswick and mining all across Canada;

BE IT THEREFORE RESOLVED that the Legislature urge the provincial government to engage the mining industry and the federal government in a partnership to establish a Mining Centre of Excellence and training centre in Bathurst following the mine's shutdown.

Amendment moved by Hon. Mr. Soucy, seconded by Hon. Mr. P. Robichaud that Motion 1 be amended as follows:

In the resolution clause, by deleting all the words following "urge the provincial government to" with "continue engaging the mining industry, the Mining Industry Human Resource Council, and the Federal Government in a dialogue concerning the possibility of establishing a Mining Centre of Excellence and college-

level training centre in conjunction with the Collège Communautaire du Nouveau-Brunswick – campus de Bathurst following the mine’s shutdown.”

[Debate interrupted due to expiration of time]

Motion 14 by Mr. Boudreau, seconded by Mr. Collins to propose the following resolution on Thursday, December 13, 2012:

WHEREAS the Alward government has not questioned the federal government on reductions to federal transfer payments to New Brunswick;

WHEREAS the Alward government has refused to take on the federal government for the \$1 billion in cost overruns caused by AECL, a federal crown corporation;

WHEREAS the Alward government has decided not to fight for the interests of New Brunswick by seeking compensation for the millions of dollars in additional costs the province will be burdened with in relation to the new federal omnibus crime bill;

WHEREAS the Alward government did not even seek adequate compensation from the federal government for the future upkeep and maintenance of the Harbour Bridge;

WHEREAS the Alward government has not voiced concern about federal job cuts in New Brunswick;

WHEREAS the Alward government has not spoken out against cuts by ACOA to the regional economic development agencies;

WHEREAS the Alward government was silent on cuts to the National Research Council in New Brunswick;

WHEREAS the Alward government has not stood up for New Brunswick in relation to the proposed EI eligibility changes which will have a devastating effect on our seasonal industries, our communities and our people;

WHEREAS the Alward government was not successful in convincing the federal government to keep Canadian Blood Services in New Brunswick;

WHEREAS the Alward government has been unable to persuade the federal government to partner with it on the twinning of Route 11;

WHEREAS the Alward government has not fought against cuts to rail service in New Brunswick;

BE IT THEREFORE RESOLVED that the Legislature urge the government and opposition to coordinate a strong position on behalf of the people of New Brunswick to stand up and speak out against the federal government on measures that have such negative economic and financial consequences for New Brunswick.

[Debate interrupted due to expiration of time]

Motion 15 by Mr. Fraser, seconded by Mr. Boudreau to propose the following resolution on Thursday, December 20, 2012:

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, and collaborated with the Leader of the Opposition in the development of 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 agreed-upon deadlines for the implementation of poverty reduction initiatives;

BE IT THEREFORE RESOLVED that the Legislature urge the government to collaborate with the Opposition in the implementation of the poverty reduction plan, and

BE IT FURTHER RESOLVED that the Legislature ask the government to provide a schedule for full implementation of the poverty reduction plan.

Motion 21 by Mr. Kenny, seconded by Mr. Fraser to propose the following resolution on Thursday, December 20, 2012:

WHEREAS public transportation is a vital component to economic growth, particularly in rural areas of the province;

WHEREAS VIA Rail is eliminating its ticket agents and decreasing its routes in northern New Brunswick;

WHEREAS CN Rail has recently threatened to abandon its Newcastle line in northern New Brunswick;

WHEREAS these services connected communities and brought social and economic opportunities to New Brunswickers;

WHEREAS jurisdiction for inter-provincial transportation rests with the federal government;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the provincial government to demand the federal government invest in infrastructure and provide the necessary funding to ensure these public transportation opportunities continue to exist, for the socio-economic well-being of our province.

Motion 32 by Mr. Arseneault, seconded by Mr. Boudreau to propose the following resolution on Thursday, April 11, 2013:

WHEREAS the Progressive Conservative Party promised to encourage an open dialogue with health care professionals in New Brunswick;

AND WHEREAS the Progressive Conservative Party promised to listen and act on the ideas of these professionals to improve the province's health care system;

AND WHEREAS the Progressive Conservative Party promised to ensure every New Brunswicker has access to a family doctor;

AND WHEREAS there are still more than 14,000 New Brunswickers without access to a family doctor, and many more New Brunswickers who do not have same day or next day access to their family doctors;

AND WHEREAS the Alward government has recently announced it is cutting back on physician recruitment and incentive programs;

AND WHEREAS the elimination of these recruitment and incentive programs will severely restrict the government's ability to recruit new physicians and other health care professionals;

BE IT THEREFORE RESOLVED that the Legislative Assembly call on the government of New Brunswick to commit to the continuation of all physician recruitment, retention and incentive programs that were in effect prior to the delivery of the 2013-2014 budget, and the enhancement of these programs.

Motion 37 by Mr. Arseneault, seconded by Mr. Collins to propose the following resolution on Thursday, April 18, 2013:

WHEREAS many New Brunswickers have to seek specialized medical treatment outside of the province each year because the prescribed treatment is not available in New Brunswick;

WHEREAS the cost of travelling out-of-province to access the treatment is not covered by Medicare;

WHEREAS travel expenses for medical treatments pose a crippling hardship to many families;

WHEREAS the charitable organization Hope Air provides airline tickets to those in financial need who need to leave the province for medical treatment;

BE IT THEREFORE RESOLVED that the Legislative Assembly call on the government of New Brunswick to collect all air miles earned on government air travel and donate those air miles to Hope Air to specifically help New Brunswickers in financial need access out-of-province medical treatment.

Motion 45 by Mr. Doucet, seconded by Mr. Bernard LeBlanc to propose the following resolution on Thursday, May 2, 2013:

WHEREAS the Anchorage Provincial Park is a vital component of the tourism industry upon which the Grand Manan economy is dependent;

WHEREAS the Anchorage Provincial Park has served as a key employer on Grand Manan for many years;

WHEREAS the Anchorage Provincial Park is the only provincial campground on the island;

WHEREAS Grand Manan is prominently featured on the front cover of the 2013 New Brunswick Tourism Guide;

WHEREAS the lack of camping facilities on the island will negatively affect the number of visitors to the island this tourist season;

BE IT THEREFORE RESOLVED that the Legislative Assembly call on the government of New Brunswick to immediately reinstate the employees at Anchorage Provincial Park and operate the facility this tourist season;

AND BE IT FURTHER RESOLVED that the Legislative Assembly urge the provincial government to meet with employees and key stakeholders on Grand Manan to determine alternate methods of generating increased revenue and alternate methods to reduce costs to ensure that this critical facility remains open in the future.

Amendment moved by Hon. Mr. Holder, seconded by Mr. Malloch that Motion 45 be amended by:

In the first whereas clause, by deleting the word "vital", the words "is dependent" and the word "upon" and by adding the words "is important to" before the words "the Grand Manan";

By replacing the fifth whereas clause with "WHEREAS the government of New Brunswick recognizes that provincial parks need to remain provincially owned and provincially protected;"

By replacing the first resolution clause with "BE IT THEREFORE RESOLVED that the Legislative Assembly call on the government of New Brunswick to work with the community to find solutions to create employment opportunities at the Anchorage Provincial Park and operate the facility this tourist season;"

By replacing the word "meet" with "continue meeting" in the last resolution clause.

[Debate interrupted due to expiration of time]

Motion 62 by Mr. Fraser, seconded by Mr. Albert to propose the following resolution on Thursday, June 6, 2013:

WHEREAS the Alward government is spending millions of dollars on external consultants to advise the government on how departments and Crown agencies can cut costs and become more efficient;

WHEREAS the majority of these consultants are not very familiar with the internal workings of the departments and Crown agencies, or the nature of the programs they administer;

WHEREAS as a result of this unfamiliarity, many of the recommendations made on cost cutting or efficiencies may not be realistic or achievable without significant consequences;

WHEREAS the New Brunswick public service has many valued employees with vast knowledge of how government can best deliver programs and services while achieving savings and efficiencies;

WHEREAS the Alward government has not sought the input of the public service, including front-line staff, on how government departments and Crown agencies can realize cost savings and efficiencies, prior to engaging these external consultants;

WHEREAS the Alward government has ignored the commitments contained in its own 2010 election platform to reduce the 'shadow bureaucracy' of hired consultants that perform similar services to regular public servants but at a higher cost and with less accountability, and to bring in new policies to govern the hiring of consultants that assure transparency and openness;

BE IT THEREFORE RESOLVED that the Legislature urge the provincial government to engage the public servants in the government departments and Crown agencies and solicit their advice on the best ways to save money and find efficiencies as opposed to hiring expensive external consultants.

[Debate interrupted due to expiration of time]

Motion 66 by Mr. Doucet, seconded by Mr. Kenny to propose the following resolution on Thursday, June 13, 2013:

WHEREAS Premier Alward's own press release on August 20, 2010, in speaking about Grand Manan ferry service, stated: "He also committed to retaining the current ferry operating schedule", and

WHEREAS the Alward government has proposed to ignore the Premier's commitment and intends to reduce the number of daily round trip ferry runs to Grand Manan;

WHEREAS this reduction in daily round trips will have a very negative impact on the island's entire economy: lobster export, aquaculture, shipping of a wide range of products from the sea, general trucking, along with reducing access for tourists;

WHEREAS this reduction would have a very negative impact on social contact with the rest of New Brunswick, including a devastating impact on recreation opportunities;

WHEREAS the proposed schedule will have a very negative impact on people travelling on medical appointments, especially those whose treatments leave them suffering extreme discomfort;

WHEREAS the proposed schedule can be demonstrated to project extreme congestion on some daily crossings;

WHEREAS the Grand Manan ferry service is the only ferry operation within the provincial government ferry service in which the Alward government sought savings;

BE IT THEREFORE RESOLVED that the Legislature urge the provincial government to honour the Premier's commitment and maintain the daily number of round trip ferry crossings at its current operating schedule, while seeking other options for savings without impacting levels of ferry service that are so important to the New Brunswick people who rely on ferries.

Motions for Returns

Motion 19 by Mr. Fraser, seconded by Mr. D. Landry to propose the following resolution on Thursday, December 20, 2012:

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 from any MLA, Minister or government department, regarding Chancery Place, since October 13, 2010.

Motion 38 by Mr. Arseneault, seconded by Mr. Kenny to propose the following resolution on Thursday, April 18, 2013:

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, however recorded, stored or archived, including but not limited to correspondence, regarding the American Iron & Metal Company Inc. and the former Abitibi Bowater site in Dalhousie.

Motion 44 by Mr. Arseneault, seconded by Mr. Fraser to propose the following resolution on Thursday, May 2, 2013:

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, regarding the potential privatization or outsourcing of non-clinical services, from the Department of Health and FacilicorpNB Ltd. since January 1, 2011.

[Documents requested filed June 14, 2013]

Motion 47 by Mr. Melanson, seconded by Mr. Arseneault to propose the following resolution on Thursday, May 2, 2013:

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, however recorded, stored or archived, from the Department of Post-Secondary Education, Training and Labour in regards to the 200 jobs created by the new One-Job Pledge Initiative, including but not limited to the names of the companies that have hired a student through this initiative and the sectors in which these jobs have been created since January 30, 2013.

[Documents requested filed June 17, 2013]

Motion 48 by Mr. Fraser, seconded by Mr. Doucet to propose the following resolution on Thursday, May 9, 2013:

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, regarding the \$10 million reduction in the Department of Transportation's winter maintenance budget for the 2013-2014 fiscal year.

Motion 49 by Mr. Fraser, seconded by Mr. Doucet to propose the following resolution on Thursday, May 9, 2013:

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, between government MLAs and each district government garage, the Minister of Transportation and Infrastructure, the Minister's executive staff and any supervisors or engineering staff at any district offices, since October 13, 2010.

Motion 51 by Mr. Fraser, seconded by Mr. Arseneault to propose the following resolution on Thursday, May 9, 2013:

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, regarding invitations to bid for asphalt and corresponding bids, within District 5 of the Department of Transportation, including any information regarding the investigations by the Office of the Ombudsman and the Auditor General, from January 1, 2012 to May 2, 2013.

[Documents requested filed May 31, 2013]

Motion 52 by Mr. Arseneault, seconded by Mr. Fraser to propose the following resolution on Thursday, May 9, 2013:

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 correspondence, however recorded, stored or archived, received by the Minister of Health regarding the cap to Medicare billings since January 1, 2013.

[Documents requested filed May 28, 2013]

Motion 55 by Mr. Fraser, seconded by Mr. Doucet to propose the following resolution on Thursday, May 9, 2013:

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, regarding all flights taken via any private charter service by members of Executive Council and their staff, including but not limited to executive assistants, special assistants, deputy ministers and assistant deputy ministers, since October 13, 2010.

[Documents requested filed May 31, 2013]

Motion 56 by Mr. Melanson, seconded by Mr. Albert to propose the following resolution on Thursday, May 9, 2013:

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, however recorded, stored or archived, from the Department of Finance in regards to the construction of any and all NB Liquor agency stores, including but not limited to the tendering process, the names of the companies involved, the bids, and the results, since October 13, 2010.

Motion 57 by Mr. Collins, seconded by Mr. Haché to propose the following resolution on Thursday, May 16, 2013:

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 related to discussions on the decision to require that Ashley Gallagher, a student at Oromocto High School, undertake the English Language Proficiency Exam, including correspondence, however recorded, stored or archived, by electronic means or otherwise, between the Department of Education and Early Childhood Development, the Minister of Education and Early Childhood Development, the Anglophone West School District, Oromocto High School, the Minister's Executive staff, the Minister's Constituency Assistant Jeff Carr, and other Constituency Office staff. The documentation requested is to include all correspondence, memos, e-mails related to the test, discussions on outcomes and results and the notification of the student, Ashley Gallagher and her family.

[Documents requested filed May 16, 2013]

Motion 59 by Mr. Arseneault, seconded by Mr. Kenny to propose the following resolution on Thursday, June 6, 2013:

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 list of all funding projects approved for the NB Multimedia Initiative, through the Regional Development Corporation and/or the Department of Tourism, Heritage and Culture, since March 31, 2011, including the names of those receiving funding, the amount of funding provided and a description of the projects.

Motion 67 by Mr. Melanson, seconded by Mr. Albert to propose the following resolution on Thursday, June 20, 2013:

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, since November 1, 2010, between the Department of Finance, the Department of Transportation and Infrastructure, and the New Brunswick Liquor Corporation regarding the awarding of any agency store licenses and/or franchises, including all documents regarding calls for tenders, calls, bids, contracts, evaluations, proposals, and requests for proposals, the criteria for awarding franchises, and any updates to the criteria or guidelines for awarding franchises for agency outlets.

Motion 73 by Mr. Fraser, seconded by Mr. D. Landry to propose the following resolution on Thursday, June 27, 2013:

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 list of all revenue and expenses for each department for the Land Management Fund since October 2010 to present.

CONCLUDED

Motion 2 by Mr. Collins. Debated and carried as amended December 6, 2012.

Motion 9 by Mr. Melanson. Debated and defeated December 13, 2012.

Motion 27 by Mr. Albert. Debated and carried as amended April 4, 2013.

Motion 28 by Mr. D. Landry. Debated and carried as amended May 30, 2013.

Motion 58 by Mr. Boudreau. Debated and carried as amended June 13, 2013.

Motion 60 by Mr. Boudreau. Debated and defeated June 13, 2013.

Motion 61 by Mr. Collins. Debated and carried June 6, 2013.

Motion 63 by Mr. Melanson. Debated and defeated June 20, 2013.

WITHDRAWN

Motions 3, 5, 6, 7, 10, 11, 12, 16, 17, 18, 20 and 23 withdrawn March 27, 2013.

Motions 24, 29, 30, 31, 33, 35, 41, 43 and 54 withdrawn May 22, 2013.

PETITIONS

Petition 1: Mr. Kenny, December 4, 2012.	(Withdrawn, December 5, 2012)
Petition 2: Hon. Mr. Trevors, December 11, 2012.	(Response, December 20, 2012)
Petition 3: Mr. Kenny, December 20, 2012.	(Response, January 22, 2013)
Petition 4: Mr. Killen, December 20, 2012.	(Response, February 20, 2013)
Petition 5: Mr. Fraser, March 27, 2013.	(Response, April 9, 2013)
Petition 6: Hon. Mr. Holder, April 5, 2013.	(Response, April 22, 2013)
Petition 7: Mr. Haché, April 10, 2013.	(Response, May 8, 2013)
Petition 8: Mr. Doucet, April 23, 2013.	(Response, May 7, 2013)
Petition 9: Mr. Doucet, April 23, 2013.	(Response, May 8, 2013)
Petition 10: Ms. Wilson, April 23, 2013.	(Response, May 8, 2013)
Petition 11: Mr. McLean, April 23, 2013.	(Response, May 8, 2013)
Petition 12: Mr. Doucet, April 24, 2013.	(Response, May 7, 2013)
Petition 13: Mr. Doucet, April 24, 2013.	(Response, May 8, 2013)
Petition 14: Mr. Doucet, April 24, 2013.	(Response, May 8, 2013)
Petition 15: Mr. Doucet, April 25, 2013.	(Response, May 8, 2013)
Petition 16: Mr. Doucet, April 25, 2013.	(Response, May 7, 2013)
Petition 17: Mr. McLean, April 25, 2013.	(Response, May 13, 2013)
Petition 18: Mr. Doucet, April 26, 2013.	(Response, May 10, 2013)
Petition 19: Mr. Doucet, April 26, 2013.	(Response, May 10, 2013)
Petition 20: Mr. Fraser, April 30, 2013.	(Response, May 15, 2013)
	(Response, June 11, 2013)
Petition 21: Mr. Doucet, April 30, 2013.	(Response, May 10, 2013)
Petition 22: Mr. Doucet, April 30, 2013.	(Response, May 10, 2013)
Petition 23: Mr. Parrott, April 30, 2013.	(Response, May 10, 2013)
Petition 24: Mr. Parrott, April 30, 2013.	(Response, May 10, 2013)
Petition 25: Mr. Doucet, May 1, 2013.	(Response, May 10, 2013)
Petition 26: Mr. Doucet, May 1, 2013.	(Response, May 10, 2013)
Petition 27: Hon. Mr. P. Robichaud, May 1, 2013.	(Response, May 29, 2013)

Petition 28: Mr. Doucet, May 2, 2013.	(Response, May 10, 2013)
Petition 29: Mr. Doucet, May 2, 2013.	(Response, May 10, 2013)
Petition 30: Mr. Arseneault, May 2, 2013.	(Response, June 14, 2013)
Petition 31: Mr. Doucet, May 3, 2013.	(Response, May 17, 2013)
Petition 32: Mr. Doucet, May 3, 2013.	(Response, May 10, 2013)
Petition 33: Mr. Doucet, May 7, 2013.	(Response, May 17, 2013)
Petition 34: Mr. Doucet, May 7, 2013.	(Response, May 22, 2013)
Petition 35: Mr. Doucet, May 8, 2013.	(Response, May 22, 2013)
Petition 36: Mr. Doucet, May 8, 2013.	(Response, May 22, 2013)
Petition 37: Mr. Doucet, May 9, 2013.	(Response, May 17, 2013)
Petition 38: Mr. Doucet, May 9, 2013.	(Response, May 22, 2013)
Petition 39: Mr. Doucet, May 10, 2013.	(Response, May 17, 2013)
Petition 40: Mr. Doucet, May 10, 2013.	(Response, May 22, 2013)
Petition 41: Mr. Haché, June 6, 2013.	(Response, June 20, 2013)
Petition 42: Mr. Fraser, June 13, 2013.	
Petition 43: Hon. Ms. Dubé, June 20, 2013.	
Petition 44: Hon. Mr. Soucy, June 20, 2013.	
Petition 45: Mr. Bonenfant, June 20, 2013.	
Petition 46: Ms. Coulombe, June 20, 2013.	
Petition 47: Mr. Doucet, June 20, 2013.	

COMMITTEE REPORTS

Select Committee on the Revision of the <i>Official Languages Act</i>	Interim Report, December 5, 2012
Standing Committee on Education	Final Report, June 14, 2013
Standing Committee on Estimates	First Report, May 9, 2013
	First Report, May 21, 2013
Standing Committee on Health Care	Second Report, June 4, 2013
	First Report, May 21, 2013
Standing Committee on Private Bills	Second Report, June 13, 2013
	First Report, December 13, 2012
	Second Report, June 13, 2013

DOCUMENTS/REPORTS

Filed in the Clerk's Office

Report of the Chief Electoral Officer on the by-election held in the electoral district of Kent,
April 15, 2013 (Filed June 20, 2013)

WRITTEN QUESTIONS (see Appendix "A")

Donald J. Forestell
Clerk of the Legislative Assembly

APPENDIX “A”

WRITTEN QUESTIONS

Question No. 1 by Mr. Arseneault

(Response, December 20, 2012)

Question No. 2 By Mr. Fraser

Directed to: Hon. Mr. Williams
Minister of Transportation and Infrastructure

Are there to be any cuts in staffing or services to the province's radio communications operations?

Question No. 3 by Mr. Fraser

(Response, June 19, 2013)

Question No. 4 By Mr. Fraser

Directed to: Hon. Mr. Williams
Minister of Transportation and Infrastructure

Has the Department of Transportation and Infrastructure conducted a review of the cost of asphalt work as performed by the Department versus as performed by private contractors?

Question No. 5 By Mr. Fraser

Directed to: Hon. Mr. Williams
Minister of Transportation and Infrastructure

How many jobs (full-time, part-time, seasonal, casual) are recommended to be eliminated as a result of the review conducted by PVA Consulting Group Inc.?

Question No. 6 By Mr. Fraser

Directed to: Hon. Mr. Williams
Minister of Transportation and Infrastructure

Has the Department of Transportation and Infrastructure been successful in its efforts to collect the \$3.1 million penalty from SNC-Lavalin for delays to the Princess Margaret Bridge refurbishment?

Question No. 7 By Mr. Doucet

Directed to: Hon. Mr. Leonard
Minister of Energy and Mines
Subject: Bill 39, *Electricity Act*

1. 29(1)(b) relates to transmission and distribution infrastructure along provincial and municipal rights-of-way; currently the practice is to keep poles at the edge of the right-of-way; that is not covered here. Is there a requirement for the poles to be along the edge of the right-of-way, or can they be placed wherever it is convenient to put a pole?
2. Currently, expropriation would be done by the Minister, who is more directly accountable to the people by virtue of having that responsibility; if a Minister wants to expropriate vast amounts of land to build a new hydro dam, for example, the Minister knows there are direct consequences in terms of public acceptance of the decision; no Minister wants to do something that upsets people; would that be correct?

3. Is NB Power primarily accountable to the EUB or primarily accountable to New Brunswickers?
4. Must both the Minister and NB Power abide by the rules of the *Expropriation Act*?
5. Section 30: Expropriation of land by NB Power is subject to *Expropriation Act*; to clarify, this would mean privately owned land?
6. Does Section 30 authorize NB Power to expropriate by the *Expropriation Act*?
7. Assuming NB Power is now authorized to expropriate by the *Expropriation Act*, for the purposes of that Act, would NB Power be an “expropriating authority”?
8. It seems that the rules are the same for Ministers of the Crown and expropriating authorities; is that correct?
9. Can you confirm that a Minister of the Crown is also an expropriating authority, as defined in the *Expropriation Act*?
10. Is it true that NB Power must go through the process of a hearing an objection, but a Minister can, if the public good warrants it, proceed with an expropriation without waiting for the hearing?
11. Section 10(2) of the *Expropriation Act* appears to allow cabinet to order an expropriation by NB Power to be pushed through just as easily as if it had been ordered by the Minister in the first place; is this correct?

10(2) The Lieutenant-Governor in Council may, where he considers it in the public interest to do so, file with the Officer an order that a proposed expropriation proceed without a hearing as provided for in subsection (1), and where such an order is made sections 8 and 9 and any other provisions of this Part regulating notice and hearing have no application unless it is otherwise stipulated in the order. (Section 10(2) of *Expropriation Act*)
12. It appears that an expropriation by NB Power could be ordered to proceed just as easily as an expropriation by the Minister of Transportation, for example; is this correct?
13. Are there any consequential amendments to be made in the *Expropriation Act* that will prevent cabinet from doing this for NB Power?
14. This makes it possible for NB Power to avoid a hearing of objection and if cabinet agrees, then there is no hearing of objection; is this correct?
15. Section 31 covers expropriation of property other than land. Can the Minister give examples of property other than land that NB Power would want to expropriate and why?
16. Can the Minister tell us if NB Power has rights to water over land which is privately owned?
17. These sections in Bill 39 appear to be more comprehensive than in the current *Electricity Act*; is the Minister anticipating any extensive non-land expropriation requirements in connection with a refurbishment of Mactaquac?
18. Is there any possibility that an expansion of the Mactaquac head pond might be under consideration?

31(4) Despite subsection (3) and subject to subsection (5), if the Chair or the President and Chief Executive Officer certifies on the notice signed under subsection (1) that the property is being taken as a result of an emergency, the property vests in the Corporation at the time of the certification.

19. Section 31(4) gives rights to NB Power to take properties in an emergency: “that the property is being taken as a result of an emergency, the property vests in the Corporation at the time of the certification.”
 - a. Who declares the emergency?
 - b. And what constitutes an emergency?
 - c. Where are the safeguards for the owners of the property?
 - d. What if the owner and NB Power disagree as to whether there is an emergency?
 - e. This gives sweeping powers to NB Power; this kind of power doesn’t exist in the Act now does it?
 - f. Why do you need such new powers?
20. Does Section 31(4) give NB Power the right to take someone’s bulldozer to deal with an emergency?
21. It is unclear just how sweeping these powers are; where are the limits?
22. Section 32: Immediate use: NB Power can use property immediately before agreement on compensation is reached. This is worrisome, especially for non-land expropriation. What if agreement is not readily reached?
23. Who arbitrates in the event that an agreement cannot be reached?
24. What incentive is there for NB Power to reach an agreement if they can use the property anyway without having arrived at an agreement?
25. Section 33 deals with compensation for expropriation; “due compensation” is to be paid, but “due compensation” set by whom?
26. For land, compensation would be dealt with under *Expropriation Act*, for non-land expropriation decision on fair compensation is not clear. To whom can the decision on compensation be appealed?
27. Is the only solution to go to court?
28. How can owners of non-land property be assured that their rights are protected?
29. Where is fair treatment of non-land expropriation covered?
30. Section 24: what is the purpose of this section?
31. If you are asking NB Power to adopt a policy, what do you want the policy to accomplish?
32. If you look at Section 15(1), we see that the NB Power Board of Directors must take into consideration government policy; so do they have to take government policy into consideration in adopting their own policy on staff requirements?
33. Can the Minister explain why this section has no policy goals?

34. Who is NB Power accountable to for this policy?
35. If the Legislation is asking for this policy in Section 24, does the Minister have to approve it?
36. What are you looking for in “staff requirements”?
37. Why do you want a policy on “staff requirements” when you have already mandated NB Power to find efficiencies in staffing?
38. NB Power is asked to establish a policy on “mode of appointment of its employees”; what are you looking for? (Section 24)
39. Must their policy on “mode of appointment” be approved by the Minister? (Section 24)
40. If NB Power is to operate at arm’s length and has stringent requirements for efficiency in its operation, wouldn’t that suggest that they would hire the most skilled persons who offer high productivity on the job? (Section 24)
41. If NB Power is to establish the policies under Section 24, are these policies to be public?
42. Can the Minister guarantee that the “mode of appointment” policy will require a politically neutral approach? (Section 24)
43. Can the minister agree that a policy that is public is more readily perceived as politically neutral?
44. Can the Minister provide additional information on Section 24 to ensure its purpose is well clarified?
45. Are you concerned that the elimination of Shared Services will result in less financial accountability and performance measurement?
46. Minister Leonard and Minister Higgs have both mentioned the importance of NB Power and government departments “running like businesses.” In fact Minister Higgs has been involved in establishing performance based management principles within government, and has the Corporate Services division under his area of responsibility. As Minister Higgs is aware, the Corporate Services division uses a “Shared Services” business model to deliver services to over 600 government department clients - and growing.
 - a. If Minister Higgs and Premier Alward believe that a high performing, cost efficient Shared model will best serve New Brunswick government departments, then why would they support the closure of the Shared Services center within NB Power?
 - b. One of the corner stones of the new *Electricity Act* is to “increase transparency” for New Brunswickers. If you are running a large utility that has decided to do away with Service Level Agreements (SLA’s) that provide monthly details on the cost of services provided to them, how does this support your “increased transparency” objective in the new *Electricity Act*?
47. Can you explain the rational of collapsing the NB Power Shared Services organization as it relates to transparency, efficiency, and stable electricity rates for New Brunswickers?

48. Would you agree that a Shared Services organization is established to achieve the following: Support new business process capabilities; Enhance focus on business unit operations vs. back standardization; Concentrate resources on core higher value activities; Increase service quality to organization customers and; provide a better response to organizational changes?
49. Are the above mentioned business performance goals what you expect from NB Power?
50. The Minister has been quoted as saying the following with regard to the *Electricity Act*: "There was overlap in the utility with the multiple companies and this will streamline things."
 - a. Can you please provide specific examples of what will be streamlined at NB Power, and what the associated benefits and savings will be to New Brunswickers?
51. According to Division B - Board of Directors, Officers, and Employees - the new act would require any vacancies on the NB Power Board of Directors or the job of president to be filled through recruitment using a merit-based approach rather than government appointments. How will the Board of Directors ensure and assess that the current President and CEO meets all of the necessary leadership skills and qualifications to continue to hold the office of president and CEO? That is, will there be on the job reviews, or does the system apply only to new hires?
52. Has the current NB Power Board provided the Lieutenant-Governor in Council with descriptions of the recruitment, assessment, and selection process used to recruit an NB Power President and CEO?
53. Can you confirm when the above information (on recruitment, assessment, and selection process) will be made public to New Brunswickers?
54. Section 100: Does NB Power currently have an integrated resource plan?
55. Does this plan primarily deal with how much power they expect to require and where they expect to get it from?
56. Are there cost implications to this plan?
57. Will the contents of this plan have an impact on power rates?
58. Will the first impacts of this plan be seen in the power rates planned to take effect on April 1, 2015?
59. With regard to an Integrated Resource Plan, can you tell us what responsibilities NB Power will take on, as well as Efficiency NB?
60. Do you believe there is an opportunity to reduce costs by duplication of work and employees at NB Power and Efficiency NB?
61. In part 6 of the *Electricity Act*, the Minister outlines goals of the Integrated Resource Plan that focus on reliable power rates, self-sufficiency, and cost-effectiveness. In the Electricity Services section, it stipulates the following: "103(3): "Nothing prevents the Corporation from making an application to the Board at any time for the approval of interim rates."

- a. How does this provision leave New Brunswickers with any confidence that they will have low, stable energy rates?
- 62. Does the strategic, financial and capital investment plan (section 101) contain any cost implications of the integrated resource plan?
- 63. Will the financial plan need to bring in sufficient revenue to both meet expenses and make the necessary payment to reduce long term debt?
- 64. Will this financial plan be required to show what payments are to be made to deal with the costs of the deferral account?
- 65. Section 107(1) stipulates that if the total projected capital cost to the Corporation of a capital project is more than \$50 million, the corporation shall not incur in relation to the capital project, capital expenditures in excess of an amount equal to 10% of the total projected capital cost of the project, before the capital project has been approved by the board.
 - a. Can you explain whether or not the 'unapproved capital expenditures' are a loophole for the utility to make investments of up to \$5 million without approval or oversight? If not, why is it there?
- 66. Why was the amount set at \$50 million?
- 67. What happens if the Board turns down the approval and significant money has been invested?
- 68. What governance and/or oversight exist today within NB Power to ensure the consistency in the evaluation and prioritization of capital projects?
- 69. Section 3: Currently, only the Nuclear Corp is an agent of the Crown; in Bill 39, the entire NB Power will be an agent of the Crown; what are the reasons for this change?
- 70. Are there implications to the above change?
- 71. Section 3(6): what are the implications of stating that *Business Corporations Act* does not apply to the Corporation?
- 72. Section 7: how many jobs will be made redundant by amalgamating the various parts of NB Power?
- 73. Will most of the redundant jobs be at head office in Fredericton?
- 74. Section 14 states: "Any Acts or provisions of Acts that are prescribed by the regulations do not apply to the amalgamation under subsection 3(1) or to the continuation of the employment of employees under subsection 7(1)." Could the Minister please explain what Acts are considered in this?
 - a. This needs explanation, especially in view of employees' expectation of full protection of continuation of employment; could the Minister please explain?
 - b. Can the Minister provide assurance to employees that they have nothing to fear from this section?

75. Section 68: Does 68(a)(ii) refer to the intention of reducing the long term debt of NB Power from approximately \$5 billion to approximately \$4 billion?
76. Is NB Power currently making payments to reduce the long term debt, as directed in 68(a)(ii)?
77. Will these payments toward long term debt be required when NB Power files its plans for rates to go into effect on April 1, 2015?
78. Section 92: termination of service; if you don't pay your bill in a month: Is the "winter no-disconnect policy" still in effect?
79. Is there any reason why it is not stated in this section?
80. Will the "winter no-disconnect policy" continue to be in effect when the new *Electricity Act* is proclaimed?

Question No. 8 By Mr. Arseneault

Directed to: Hon. Mr. Trevors
Minister of Public Safety

Does subsection 235(1) of the *Motor Vehicle Act* address the issue of exhaust systems on licensed vehicles on New Brunswick highways including motorcycles with after-market exhaust systems?

Question No. 9 By Mr. Kenny

Directed to: Hon. Mr. Flemming, Q.C.
Minister of Health

What is the amount the provincial government will save by centralizing laundry services in Campbellton?

What is the upfront cost to redirect all laundry services to Campbellton from all other hospitals and other health facilities?

How many total jobs will be eliminated in Bathurst?

How many total jobs will be eliminated in facilities and can you be specific in which areas?

How many jobs are needed to run the central laundry services in Campbellton?

Does new equipment need to be purchased in Campbellton (please specify)?

How many pounds per day of laundry is being cleaned in Bathurst and all other facilities?

What is the cost to run the transportation of the laundry between facilities?

What measures will be in place to guarantee there will be no cross contamination between soiled laundry and clean laundry?

Can you provide the member of Bathurst the business plan and report proving the savings and how it will be accomplished?

Question No. 10

By Mr. Kenny

Directed to: Hon. Ms. Blais, Q.C.

Minister of Justice and Attorney General

Does the provincial government regulate the “Life Income Fund” policies which affect many retired people in this province?

Is it fact that a LIF is completely locked in until a person reaches “90”?

Will you allow seniors 60 years or older to be able to take 100% of the locked funds in their LIF and transfer this money into RRSPs?

Will your government change the regulation to allow New Brunswick residents to access their LIF fund regulations?