

March 29, 2017

[Original]

### Right to Information

**Mr. Higgs:** Yesterday, the Tourism Minister contradicted himself a couple of times on the floor of the Legislature. The first example is that the minister advised the House that he wrote to the privacy commissioner “not to start an investigation but to seek her opinion on whether or not this was a real risk”. The minister’s letter explicitly said that he was seeking permission to block the request, citing section 15 of the *Right to Information and Protection of Privacy Act*, which allows a department to disregard a request it considers frivolous or vexatious. Would the minister like to rise today to clarify his remarks? Thank you.

[Translation]

**Hon. Mr. Rousselle:** You know, the concern in this case was never about releasing the emails about water quality at Parlee Beach. They had already been released in response to a previous request. So, this had already been done.

The source of concern was a request to obtain all emails without specifying a precise topic. So, we needed clarification on the scope of the request. Of course, you will understand that clarification of specific details will mean better answers can be provided to questions, including ones from the media. This way, the department also saves time and money and can do the most work possible for New Brunswickers.

[Original]

(Interjections.)

**Mr. Speaker:** Order, order.

[Translation]

**Hon. Mr. Rousselle:** Once again, the Leader of the Opposition seems to want to dwell on details instead of demonstrating his interest in the well-being of everyone.

[Original]

**Mr. Higgs:** In the Tourism Minister’s letter, he said: “We do believe that fishing for information is not a legitimate exercise of the right of access”. As we know, the Tourism Minister did not respond to a scrum request and sent out the Environment Minister instead, who said: “There’s nothing wrong, I guess, with journalists’ fishing expeditions.”



There is a difference of opinion. Mind you, now we see that the Tourism Minister is not allowed to speak, and we have the Minister of Environment talking on all issues, it seems. Has the Tourism Minister—if he is allowed to speak—been advised to have a change of heart on journalists' so-called fishing for information? Would he be allowed to stand and clarify this in the House today?

**Hon. Mr. Rousselle:** As I said, our concern was never about releasing the emails, as these emails that relate to Parlee Beach water quality have previously been made public.

*[Translation]*

I think I am being clear. We felt we needed to ask for clarification, just to make sure we could fully answer right-to-information requests.

I have said this, and I have been repeating it since last week and even the week before—I would even say since the session began—we are asked so many questions. The strength of our government is transparency. Today, people do in fact know that there were signage problems at Parlee Beach. People do in fact know that, in this province, we are transparent and we provide information. I would have liked the previous government, in which the Leader of the Opposition was minister, to have done as much.

*[Original]*

## Property Tax

**Mr. Higgs:** On and on we go. Unless there is a change, Friday will be the last day for New Brunswickers to appeal their property tax assessments. So far, the Premier has refused to extend the deadline. He has refused, despite overwhelming public backlash against the huge increases imposed this year. Yesterday, we learned that, even if people appeal and a provincial assessor lowers their assessment, there is a bureaucrat who can decide that people still must have a higher assessment and pay more, just on his or her say-so. Can the Minister of Service New Brunswick tell the House whether he has looked into the situation that I brought to the government's attention yesterday? Would he be allowed to speak on this issue? Thank you very much.

*[Translation]*

**Hon. Mr. Rousselle:** I would really like the Leader of the Opposition to familiarize himself with what he is talking about. To start with, it is not possible to appeal at this time, since we are in the review process. What the Leader of the Opposition is talking about when he says a decision was appealed, is not possible, because the appeals tribunal that we have in this case will not get involved before April 1.



I would really like someone to explain to the Leader of the Opposition or to make him understand that, at this time, a review can be requested. Then, a person who is not satisfied with a review can appear before the appropriate appeals tribunal. Once again, I am very surprised by the remarks from the Leader of the Opposition.

As a matter of fact, I would be very interested in knowing more about a certain topic. For two weeks, the Leader of the Opposition has been recklessly asking everyone to appeal their assessments. What he probably means is to request a review. So, I would like to know whether he plans to present an appeal for his various properties or whether he has already done so.

[*Original*]

**Mr. Higgs:** Representing the people of this province is hardly reckless. It is the proper thing to do, and it is what we are elected to do. Fair taxes are part of our institution. Fair distribution of those taxes to receive better services in this province is what we are required to do. There is a big missing link with this government.

I think that there is a real opportunity to recognize the many emails that we are getting and to recognize the serious situation of this province. I know that not everyone received a tax increase. We are well aware of that. How much additional property tax revenue did the government calculate that it would bring in this year, based on the original assessments that were sent out to New Brunswickers? Was it millions of dollars, tens of millions of dollars, or hundreds of millions of dollars? How much did we plan on? Every appeal that is legitimately put in place or legitimately dealt with, I am sure, affects the tax revenue, but it is the right thing to do. I would like to know the numbers. Thank you very much.

[*Translation*]

**Hon. Mr. Rousselle:** Once again, the member has trouble understanding that it is reckless for a Leader of the Opposition and former Minister of Finance to tell everyone to appeal assessments. The responsible thing to do is for people who believe that their property was incorrectly assessed and that an error was made to then, indeed, request a review. It is reckless to tell everyone to appeal.

So, I will repeat my question one more time: Since he addressed his message to everyone else, did the Leader of the Opposition himself present an appeal? I would be very interested in knowing.

Also, I note that one of the properties the Leader of the Opposition owns, according to Service New Brunswick public Web sites, was purchased in 2011 for \$141 000; it is assessed at \$51 500. So, for the good of the province, did he present an appeal to make sure its assessment was increased?



[Original]

**Mr. Higgs:** Maybe I missed the memo, but there must have been a Cabinet shuffle or a reduction in Cabinet. We seem to have only one or two members who speak on behalf of the office.

(Interjections.)

**Mr. Speaker:** Order.

**Mr. Higgs:** The government Web site promotes lots of deadlines. Why is the Premier stubbornly refusing to promote the assessment appeal deadline—one that is so critical to individual property owners? Is he that dedicated to fighting against New Brunswickers who feel the government has treated them unfairly?

I have noticed that, anytime the Premier is questioned on anything, his automatic response is to attack, insult, and then deflect. The trained ministers seem to be, very appropriately, in the same fashion. While the Premier is behaving in an immature fashion and the ministers are trying to collect the real issues, New Brunswickers are the ones who continue to suffer.

Will the Premier agree to get a public notice out there that he is refusing to extend the Friday deadline for property tax appeal assessments? He is not recognizing the real issues that real New Brunswickers are facing, and he is certainly not interested in reducing his revenue stream based on the tax reduction.

**Mr. Speaker:** Time.

**Hon. Mr. Gallant:** It is incredibly disappointing to see what we are seeing from the opposition today. The Leader of the Opposition professed for years, even when he was Minister of Finance, that things had to be done differently. He is throwing out words that are completely insulting. He and his caucus are talking about my family. They are talking about my family dog. They are trying to give the impression that I do not understand what it is like to go through challenges as a family because I do not have kids of my own at the moment. Is that what they are insinuating on the other side?

I can tell you that, when my parents had a tough time and my father lost his job at a grocery store...

(Interjections.)

**Mr. Speaker:** Order.

**Hon. Mr. Gallant:** While my mother was working at a Burger King in Moncton, we had to move in with my grandparents because we had tough financial times. I remember that vividly, and I



know that New Brunswickers have those similar challenges. We have to work together to create jobs and help families in this province, not throw insults as the opposition does.

**Mr. Higgs:** Once again, a deflection. I must say that improvements are being made in the tone—quiet, calculated. I guess he must have taken the course this week. Stay calm. Stay cool. Let the Minister of Environment and other ministers jump up and rave and go.

The issue is a real one. These people who are being hit with property tax assessments are really concerned about whether they are going to be able to stay in their houses, whether they are not going to be able to stay in their houses, or about what has already changed. They have a real issue.

I know one New Brunswicker who supports the Premier on tax assessments. Obviously, that is the Health Minister. He owes the Premier that much after all the Premier has done for him. Of course, the Health Minister cannot talk about the big drop in taxes on his proposed campground, and he cannot talk about Parlee Beach either. His recusal came at a very convenient time—with the support of the Premier, I might add.

### Parlee Beach Provincial Park

I have a Parlee Beach question that I will ask the Premier, since I have been unsuccessful so far in getting any answers from other ministers. Was the contract for the work at Parlee Beach by Jacques Paynter a sole-source contract?

**Hon. Mr. Gallant:** I have two things to say. I would ask the Leader of the Opposition to apologize for bringing up my family and bringing up my family dog in the Legislature.

(Interjections.)

**Mr. Speaker:** Order.

**Hon. Mr. Gallant:** He then had the audacity to make those types of accusations and insults, right after they did something that I think is, unfortunately, quite immature.

Second, I asked the Leader of the Opposition to answer the question of the Minister of Environment and Local Government. He got up and said that every single New Brunswicker should appeal their property assessment. Did he do it? Did he do it after he saw that one of his properties, in its assessment, went down quite substantially? He said that thousands of property owners, or hundreds of thousands—or I think he said 170 000 properties—should all appeal their property assessments. Did he do it, or did he feel that the fact that his property went down was okay? Did he not appeal, even though he asked all New Brunswickers to do that so that they could clog the system of government?



**Mr. B. Macdonald:** My question is for the Premier. In 2010, when the Minister of Health said that he would recuse himself from matters that pertained to his campground, why did he continue to hold responsibility for public health at Parlee Beach? Why was he in charge of public health at Parlee Beach for the past 29 months, until the Premier decided to take him off that file?

[*Translation*]

**Hon. Mr. Gallant:** As we have noted several times, here in the House, as members and, of course, as Cabinet ministers, we work closely with the Conflict of Interest Commissioner. As elected representatives, we have the responsibility to disclose anything that could create a conflict of interest situation for us. Actually, this is what the Minister of Health did with regard to the Parlee Beach water quality file.

The minister received advice several times from the Conflict of Interest Commissioners—I am using the plural since three different people have held this position over the last few years—according to whom he did not have a conflict of interest. However, lately, since a change occurred, and a committee established to review the issue could make a recommendation to stop development in the Parlee Beach area, the minister went back to see the commissioner. The commissioner advised the minister to recuse himself from the file. As a government, we acted accordingly.

[*Original*]

**Mr. B. Macdonald:** The difference here is that it is not the Conflict of Interest Commissioner who names Members of the Legislative Assembly to Cabinet. It is the Premier's job. There is not much that the Premier can control personally, but the one thing that the Premier controls personally is whom he puts in Cabinet. Yet, this Premier, knowing the obvious and perceived conflict that the member for Shediac—Beaubassin—Cap-Pelé is in, decided to put this member in Cabinet. Knowing that there was a conflict—or certainly, at a minimum, knowing that there was a perception of a conflict—why did this Premier decide to put this member as the minister in charge of health at Parlee Beach?

**Hon. Mr. Gallant:** I would like to correct the member opposite. There is no conflict. He can keep repeating that he thinks there is a conflict, but there is not. The commissioner has given advice to the Minister of Health throughout this process, including just a few weeks ago, that he is not in conflict. However, the latest recommendation, suggestion, and advice from the commissioner was that the Minister of Health could be in a perception of conflict and, therefore, should, in fact, recuse himself. Based on that advice, that is exactly what we have done as a government.

I want to reiterate that, throughout the process, the minister was given the advice that he was not in conflict by the commissioners of conflict of interest. I say “commissioners”, plural, because there have been three that have been in the job—the past, the interim, and the



current. Every single one of them has still given the advice to the Minister of Health that he is not in conflict but that he should recuse himself because of the potential of a conflict. Thank you.

**Mr. B. Macdonald:** Clearly, there is a difference between a perceived conflict and a real conflict. However, in the mandate letter that this minister received and that was issued by the Premier himself, it says clearly that they want to avoid the perception of conflict. Really, that distinction kind of fades away. This government has said that it has set a high bar and it wants to avoid the perception of conflict. Certainly, now there is the perception of conflict.

The Premier has said on numerous occasions that the Conflict of Interest Commissioner has told the member that there is no conflict. Will the Premier produce for us evidence from the Conflict of Interest Commissioner that says clearly that there is no conflict and that there has been no conflict? The correspondence that I have seen does not indicate that.

[*Translation*]

**Hon. Mr. Gallant:** Once again, I want to say that, as a government, we certainly put transparency and accountability at the forefront. It is important, as a government, to make sure these values are always part of what we do.

That is why the Minister of Health did in fact speak with the Conflict of Interest Commissioners several times to disclose everything happening with his personal files. Throughout the process, the commissioners told the Minister of Health he did not have a conflict of interest.

Lately, there have been developments, and the committee established to review the file could recommend that development stop in the Parlee Beach area for a specific period. So, the Minister of Health, once again, sought advice from the commissioner, who told him that there could indeed be a perception of conflict. Therefore, the commissioner advised the minister to recuse himself from the file. That is what the Minister of Health did.

[*Original*]

## Protection of Personal Information

**Mrs. Shephard:** On July 9, 2016, just minutes after the Legislature adjourned for the summer, a story appeared on the *Telegraph-Journal* Web site announcing a massive privacy breach affecting nearly 600 people. A briefcase filled with keys, names of people, and phone numbers had been stolen. This impacted people living in housing units in Fredericton and up the valley to Woodstock. At the time, the current Minister of Families and Children told the media that his government would be working to prevent similar situations from happening in the future. Unfortunately, now nine months later, we have a similar situation in Saint John.



Can the Minister of Families and Children explain what happened this time and when he first learned of the issue?

**Hon. Mr. Horsman:** I appreciate the question from the member opposite. First of all, I want to tell you that the Department of Social Development and NB Housing take the safety and security of public housing residents extremely seriously. When I became aware of the situation just last week, I instructed the Deputy Minister of Social Development to make sure that an investigation is done as to why and how this occurred. We want to make sure that the people living in the NB Housing units are safe. We have contacted the police to make sure that there is extra security around those locations. We have also gone out to the people living in those houses to ensure that they are safe, and they felt so.

We continued to change the locks immediately—the day after. We were just made aware of it on March 22—just last week. We immediately contacted the police. We contacted the people living in those residences, and we immediately started to change those locks. We will continue to do so. Our priority is the safety of the people of New Brunswick.

**Mrs. Shephard:** According to media reports, the keys went missing on February 13, and the loss was reported to police on March 22. Can the minister explain why it took more than a month for this incident to work its way to the police department?

**Hon. Mr. Horsman:** Again, as I stated, we only found out—myself—on March 22. We are investigating. I have instructed my deputy minister to investigate as to why it took so long for this to come to our attention.

Again, we acted immediately. We have contacted the police, and we have hired security to make sure that the people are safe. We have gone out to the people living in those units and explained the situation. From what I have read in the media, if you want to believe what the media states, they are okay with that. However, they are concerned about why it took so long. That is why I have instructed my deputy minister to investigate why it did happen. We will continue to make the safety of the people living in NB Housing a priority, and that is why we are continuing to change the locks. There will be a cost at some point, but the safety of the people of New Brunswick is our priority.

**Mrs. Shephard:** Can the minister advise the House whether, since the July 2016 incident, there were actually any changes in procedure as a result of the first privacy breach incident? What were those changes?

**Hon. Mr. Horsman:** At this time, I cannot give the member opposite the answer she is referring to, but I certainly will get back to her on that, on the changes.

We want to make sure that the people living in NB Housing units are safe. That is our number one priority. With regard to the keys that were lost this time, there was no personal information. The keys were unidentifiable. There is no way of looking at the keys and knowing



what they are for. We want to make sure that the people of New Brunswick are safe. That is why we have contacted the police. We have hired security to make sure that they do rounds in the respective areas. We will continue to work hard for the people of New Brunswick. Again, once I found out, we contacted the people we needed to contact. We will make sure that an investigation is done as to why so that it will not happen again.

## Recycling

**Mr. Oliver:** Tomorrow, the government's electronic recycling program gets under way. Many New Brunswickers received a notice in their flyer bags announcing the date and advising which products are included. However, when one visits the Recycle NB site and clicks on the links "Where to Recycle" and "Electronics", we see a note: "Coming soon". Well, let's hope it is really soon.

To my question: Will the minister advise the House as to how many New Brunswick retailers will be impacted by this program, since they are the ones who have been tasked with collecting the hidden fees? How many retailers are there, and have they been briefed on what they have to do to track these fees?

[*Translation*]

**Hon. Mr. Rousselle:** I would like to thank the member opposite for his question. In fact, it gives us the opportunity to remind people that we have established an electronics waste program.

As you know, this is a program that will help protect the environment; this is one of our initiatives of which we are very proud. If the member opposite wants to know the exact figures and everything that was done, I would be pleased to provide all this information for him. You can imagine all the work this program represents, but we are proud to say that it has finally been established. Yes, we are handling things, and this is what our government is doing with all files.

[*Original*]

**Mr. Oliver:** Does the minister know what the fees will be for each electronic item? I understand that there will be a breakdown by item. Since the program is starting tomorrow, it would be nice to have it out as soon as possible. I understand, for instance, that the fee for a cell phone will be different from the fee for a home theatre system. Can the minister give us a breakdown or a chart that shows what the varying fees will be, just for a comparison?

[*Translation*]

**Hon. Mr. Rousselle:** It goes without saying that I will be more than happy to provide this chart for the member opposite, so we will be pleased to send him all the information he is requesting. That being said, I want to repeat that my department worked very hard to establish



this program, which adds to what is already being done in terms of recycling. You know, in December, our government introduced a climate change action program, and this will ensure that we work for the future of this province and of the world in which we live.

So, this program absolutely follows that logic, to make sure a good electronic product recycling system exists. I am certainly not going to start talking about exact rates for each product, but, as I said, I will be pleased to provide the chart for the member opposite and the other opposition members.

[Original]

**Mr. Oliver:** I thank the minister for those comments. Can the minister also tell us whether the government intends to charge HST on these hidden fees? Will this recycling program be just another way for the government to dig deeper and deeper into the pockets of New Brunswickers? I look forward to that response.

[Translation]

**Hon. Mr. Rousselle:** I am shocked by what the member opposite is insinuating. I was so pleased to see he was interested in a good program established to protect the environment. However, he is questioning it for all sorts of reasons. Our government is taking action to protect the environment. We are the ones who are taking action to reduce the deficit, to leave our children and future generations with a good place to live.

This government is the one that has seen economic growth three years in a row, unlike the previous government, which saw an economic downturn and posted deficits of some \$600 million.

So, I repeat: The goal of this program is to have a positive impact on the environment, and we will continue to work hard on it.

[Original]

## Property Tax

**Mr. Higgs:** In talking about real questions that we get from real constituents, I brought this up yesterday. This information was sent to us by an individual from a family in Gagetown, who talked about their appeal assessment having been overruled by the executive director's decision. This is real information, and it is from real people who are really, really concerned.

However, in terms of the assessment, is this the sort of treatment that all people who appeal their assessments can expect—that, once it is done by people on the ground, they make the ruling, and then the executive director changes the decision? Can all 2 400 that the government has admitted miscalculating expect the same thing? Also, for the other thousands upon



thousands whose bills increased by over 10%, will the assessment team visit and lower their assessments, only to have this director overrule and hike the assessments anyway?

While we await the results of a right-to-information request, would the Minister of Service New Brunswick like to inform the House of any directive given by the executive branch of government for an overall average increase in assessments this year? Thank you.

**Hon. Mr. Rousselle:** The former Minister of Finance knows very well that this work of evaluation, of assessment, is done independently by the staff. He should know that. Having said that, I want to repeat this. Yes, there were miscalculations this year, but they are one third of what they used to be under the member opposite's mandate.

Having said that, as I mentioned before, I am still waiting for answers. The member purchased, as an example, a property in 2011 for \$141 000. It is now assessed for tax purposes at \$51 500. I was wondering, and I am still wondering, whether he plans to appeal this assessment for the best interests of this province.

**Mr. Higgs:** The information that I speak of is real. It is right here, and I have permission to share it. If the minister, whatever minister stands up at the time, would like to review this, I would be pleased to have that happen.

(Interjections.)

**Mr. Speaker:** Order.

**Mr. Higgs:** This is a real situation. The Minister of Environment says that anyone can appeal and that I know the process. However, I was not really familiar with the fact that, regardless of the on-site inspection, the executive director could say: No, I do not think that can go down that far; I cannot help what the assessment tells me; I am going to change that.

Therein lies the concern. I think that, in that sense, we are asking how that can be a real possibility. Is the plan to hike revenue from property tax by an average of 5%, 10%, or even more? I asked a question earlier about how much the government is expecting. When we witness the increases to campgrounds and apartment buildings alone, it is not hard to see that the government is bringing in more property tax money. I have asked the minister several times, so he should have the answer by now. Based on the original assessments that were sent out...

**Mr. Speaker:** Time, member.

**Hon. Mr. Rousselle:** I will repeat it. As I have mentioned many times, right now, there is a review process. If the people that the Leader of the Opposition is talking about want to appeal the review, they should do so. It is their right.



Having said that, I am so surprised to hear the Leader of the Opposition, the former Finance Minister, talk about increases. The worst increases in property assessments were done under his watch. We are talking about increases of more than 10% in 8% of the properties one year and in 7% of the properties another year. We recognized it, and we said it very clearly. We are transparent. For us, 5% of the properties had an increase of 10% or more. We recognized the fact. When will the member opposite do the same thing?

**Mr. Higgs:** There you have it—shout, deflect, and do not answer. I mean, this answer would be pretty simple. This answer could be that you have so much money booked. As a past Minister of Finance, I can appreciate that you have so much money booked for revenue. All these tax increases that are coming through and the property tax assessments that are being raised were part of your revenue plan. You would just spend it anyway, so it just means less money to spend or to throw out the door and hope for the best.

I will ask the question one more time. The question is simple. How much additional property tax revenue is this government planning on bringing in this year as a result of the current budget? Now, I am not sure whether the Minister of Environment, the Minister of Finance, the President of Treasury Board, or the Minister of Service New Brunswick will answer that. I am not sure who will answer. Maybe it will be the Premier himself. All I want to know is how much was planned and what impact this will have if we do it right and calculate fair values for the citizens of the province. Thank you.

[*Translation*]

**Hon. Mr. Gallant:** Obviously, the Leader of the Opposition simply asked everybody to appeal assessments to try to prove a point. It is reckless of him to act this way to score political points.

[*Original*]

The member is not even putting his money where his mouth is by appealing his own assessment. He bought property for over \$100 000, and it is now assessed for much less than that. He should appeal, and maybe he will have to pay more property tax to make sure that the system is fair.

Again, I think that, about five times, the Leader of the Opposition and, about five more times, the opposition members mentioned who was getting up to answer which questions. Why is it that the Environment and Local Government questions that came from the opposition were asked by the member for Kings Centre, who is the WorkSafeNB Critic? Where is the member for Albert? Why were the questions about tourism being asked by the member for Riverview yesterday? He is the Finance Critic. Where is the member for Portland-Simonds? There is some doublespeak coming from the opposition yet again.

**Mr. Speaker:** Time. The time for question period has expired.

