

Daily sitting 16

Friday, November 17, 2017

9 o'clock a.m.

Prayers.

Mr. Speaker welcomed to the House Members of the National Assembly of Quebec representing the New Brunswick – Quebec Parliamentary Association: Mr. Marc Bourcier, Saint-Jérôme; Mr. Guy Bourgeois, Abitibi-Est; Ms. Sylvie D'Amours, Mirabel; and Mr. Daniel Cloutier, Chief of Protocol.

Mr. Holder, from the Standing Committee on Public Accounts, presented the First Report of the Committee for the session which was read and is as follows:

November 17, 2017

To The Honourable
The Legislative Assembly of
The Province of New Brunswick

Mr. Speaker:

I have the pleasure to present herewith the First Report of the Standing Committee on Public Accounts.

The report outlines the activities of the Committee during the Second and Third Sessions of the Fifty-eighth Legislative Assembly.

In addition, the report contains recommendations regarding the annual report policy of government.

And your Committee begs leave to make a further report.

(Sgd.:) Trevor Holder, M.L.A.
Chair

The full report of the Committee as presented follows:

Mr. Speaker:

Your Standing Committee on Public Accounts begs leave to submit this, their First Report.

The report outlines the activities of the Committee during the Second and Third Sessions of the Fifty-eighth Legislative Assembly.

The Committee notes that Mr. Holder, Chair; Mr. Chiasson, Vice-Chair; and Mr. Coon, Leader of the Third Party; worked collaboratively to establish an agenda for meetings of the Committee.

- December 15, 2015

The Standing Committees on Public Accounts and Crown Corporations held a joint session to receive and review the *Report of the Auditor General of New Brunswick 2015, Volume III - Financial Audit and Volume IV - Performance Audit*. Volume III focused on matters arising from the annual financial audit of the provincial government and Crown agencies including observations on pension plans, administration of school raised funds, and the financial audit of the New Brunswick Lotteries and Gaming Corporation. Volume IV presented performance reports completed during 2015 including Public Debt, Centennial Building, and follow up on Recommendations from Prior Years' Performance Audit Chapters.

- June 15, 2016

The Standing Committees on Public Accounts and Crown Corporations held a joint session to receive and review the *Report of the Auditor General of New Brunswick 2016, Volume I - Performance Audit*. The volume presented performance reports completed during 2016 including Nursing Homes, Public Trustee Services, and Agricultural Fair Associations.

- September 14, 2016

The office of the Auditor General coordinated a workshop session for the Committee with the CCAF-FCVI Inc. (renamed the Canadian Audit & Accountability Foundation in 2017) entitled *Fundamentals of Effective Oversight*. The CAAF provides parliamentary oversight work based on a program of research, identification of good practices, and professional development workshops and tools designed to help oversight committees increase their effectiveness.

- The Committee held three meetings in October 2016. The following departments appeared and answered questions:

- October 4, 2016

Department of Post-Secondary Education, Training and Labour

Appearing: Jean-Marc Dupuis, Deputy Minister

Years under review: 2012-2013, 2013-2014, 2014-2015

- October 5, 2016

Department of Health

Appearing: Tom Maston, Deputy Minister

Years under review: 2012-2013, 2013-2014, 2014-2015

October 7, 2016

Department of Tourism, Heritage and Culture

Appearing: Kelly Cain, Deputy Minister

Years under review: 2012-2013, 2013-2014, 2014-2015

• October 26, 2016

The Standing Committees on Public Accounts and Crown Corporations held a joint session to receive and review the *Report of the Auditor General of New Brunswick 2016, Volume II - Joint Audit of Atlantic Lottery Corporation*. The volume presented the results of a joint audit of the Atlantic Lottery Corporation completed by the four Atlantic Canada Auditors General.

• November 29, 2016

The Standing Committees on Public Accounts and Crown Corporations held a joint session to receive and review the *Report of the Auditor General of New Brunswick 2016, Volume III - Performance Audit and Volume IV - Financial Audit*. Volume III presented the performance report completed during 2016 on Meat Safety in the Food Premises program in the Department of Health, and follow up on recommendations from prior years' Performance Audit Chapters. Volume IV focused on matters arising from the annual financial audit of the provincial government and Crown agencies including observations on pension plans, nursing homes, and the financial condition of the Province.

- The Committee held four meetings in November and December 2016. The following departments appeared and answered questions:

November 29, 2016

Aboriginal Affairs Secretariat

Appearing: Patrick Francis, Deputy Minister

Years under review: 2012-2013, 2013-2014, 2014-2015

November 30, 2016

Department of Finance

Appearing: Nicole Picot, Deputy Minister

Years under review: 2012-2013, 2013-2014, 2014-2015

December 1, 2016

Department of Social Development

Appearing: Craig Dalton, Deputy Minister

Years under review: 2012-2013, 2013-2014, 2014-2015

The following motion, moved by Ms. Shephard, was adopted during the course of the meeting:

THAT the Chair of the Standing Committee on Public Accounts write a letter to the Chair of the Standing Committee on Crown Corporations, asking the Chair that Service New Brunswick appear before the Crown Corporations committee forthwith to answer questions regarding the contract awarded to the Canadian Red Cross, October 2014, pertaining to the management of services provided under the Convalescent Rehabilitation Services Program.

December 2, 2016

Department of Justice and Public Safety

Appearing: Johanne C. Bray, Q.C., Deputy Minister

Years under review: Justice 2012-2013, 2013-2014, 2014-2015; Public Safety 2012-2013, 2013-2014, 2014-2015

Office of the Attorney General

Appearing: Lee Bell-Smith, Deputy Minister

Years under review: 2012-2013, 2013-2014, 2014-2015

• June 20, 2017

The Standing Committees on Public Accounts and Crown Corporations held a joint session to receive and review the *Report of the Auditor General of New Brunswick 2017, Volume I - Performance Audit*. The volume presented the performance reports completed during 2017 including Advisory Services Contract in the Department of Social Development and Climate Change in the Department of Environment and Local Government and NB Power.

The Standing Committee on Public Accounts met following the adjournment of the joint session.

The following motion, moved by Mr. Jeff Carr, was adopted during the course of the meeting:

THAT this Committee endorses all of the Auditor General's recommendations related to the Report of the Auditor General of New Brunswick, Volume I – Performance Audit.

The following motion, moved by Mr. Coon, was adopted as amended during the course of the meeting:

THAT the Department of Social Development be considered a priority when departments are called to appear before the Standing Committee on Public Accounts, to account for the decisions made regarding the awarding of advisory contracts in 2013.

- The Committee held nine meetings in September and October 2017. The following departments appeared and answered questions:

September 26, 2017

Department of Post-Secondary Education, Training and Labour

Appearing: Jean-Marc Dupuis, Deputy Minister

Years under review: 2015-2016

Department of Environment and Local Government

Appearing: Kelli Simmonds, Deputy Minister

Years under review: 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016

September 27, 2017

Department of Environment and Local Government

(continued from September 26, 2017)

Appearing: Kelli Simmonds, Deputy Minister

Years under review: 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016

Department of Justice and Public Safety

Appearing: Michael Comeau, Deputy Minister

Years under review: Justice, 2015-2016; Public Safety, 2015-2016

September 28, 2017

Office of the Attorney General

Appearing: Lee Bell-Smith, Deputy Minister

Years under review: 2015-2016

Department of Education and Early Childhood Development

Appearing: Gérald Richard, Deputy Minister; John McLaughlin, Deputy Minister

Years under review: 2014-2015, 2015-2016

September 29, 2017

Department of Transportation and Infrastructure

Appearing: Kelly Cain, Deputy Minister

Years under review: 2014-2015, 2015-2016

October 3, 2017

The Standing Committees on Public Accounts and Crown Corporations held a joint session to receive and review the *Report of the Auditor General of New Brunswick 2017, Volume II - Performance Audit*. The volume presented a special examination which detailed findings and work performed to address remaining unanswered questions from the 2015 *Report Financial Assistance to Atcon Holdings Inc. and Industry*.

October 10, 2017*Department of Energy and Resource Development*

Appearing: Jean Finn, Deputy Minister

Years under review: Natural Resources, 2014-2015, 2015-2016;
Energy and Mines, 2014-2015, 2015-2016

Department of Agriculture, Aquaculture and Fisheries

Appearing: Jean Finn, Deputy Minister

Years under review: 2014-2015, 2015-2016

Aboriginal Affairs Secretariat

Appearing: Bill Levesque, Deputy Minister

Years under review: 2015-2016

October 11, 2017*Department of Tourism, Heritage and Culture*

Appearing: Françoise Roy, Deputy Minister

Years under review: 2015-2016

Department of Finance

Appearing: Nicole Picot, Deputy Minister

Years under review: 2015-2016

Treasury Board

Appearing: Gordon Gilman, Deputy Minister

Years under review: Human Resources, 2014-2015, 2015-2016

Department of Social Development

Appearing: Eric Beaulieu, Deputy Minister

Years under review: 2015-2016

October 12, 2017*Department of Social Development*

(continued from October 11, 2017)

Appearing: Eric Beaulieu, Deputy Minister

Years under review: 2015-2016

October 13, 2017*Department of Health*

Appearing: Tom Maston, Deputy Minister

Years under review: 2015-2016

- Committee Proceedings

Historically, the Committee has reviewed as many individual departments and entities as practical during a given year. The Committee notes that it discussed changing the current practice to use its time more effectively. Specifically, departments should expect to appear before the Committee as many times as necessary in a given year, while other departments may only need review every other year.

- Annual Report Policy

The Committee noted a trend in the annual reports of many government departments. Members observed a reduction in the volume of detailed information that was previously included.

Section 5.1 of the annual report policy of government (AD-1605) states the following regarding the content of annual reports:

a. To the degree possible, departments and agencies should give a clear account of goals, objectives and performance indicators. The report should show the extent to which a program continues to be relevant, how well the organization performed in achieving its plans and how well a program was accepted by its client groups. [...]

b. Actual and budget financial information in summary form and a narrative explaining major variances as well as other aspects of financial performance are to be included in all annual reports.

The Committee therefore recommends to the House that annual reports should include the necessary detailed information to fully comply with the annual report policy of government.

The Committee further noted that reports prepared by the Office of the Auditor General play an important role in parliamentary oversight, specifically during deliberations of the Public Accounts Committee.

The Committee therefore recommends to the House that the government review the annual report policy and consider requiring annual reports to contain departmental responses on the implementation of Auditor General Recommendations, using consistent formatting to address the status of implementation of individual recommendations with clear reasoning.

And your Committee begs leave to make a further report.

Ordered that the report be received, and leave granted.

Mr. Speaker delivered the following ruling with respect to Notice of Motion 15:

STATEMENT BY SPEAKER

Honourable Members,

On Tuesday last, a point of order was raised by the Opposition House Leader with respect to Notice of Motion 15, which stands on the Order and Notice Paper in the name of the Member for Shediac-Beaubassin-Cap-Pelé. The Opposition House Leader submitted that the motion was out of order and that it amounted to a personal attack on a Member of the House. I have had the opportunity to review and consider the said motion, which requests the Leader of the Opposition to answer questions related to his position on Canaport LNG property taxes.

Honourable Members, as noted on page 4 of *House of Commons Procedure and Practices*, 2nd edition, “Canada’s parliamentary system derives from the British, or ‘Westminster’, tradition”. An essential feature of this system is that “The Prime Minister and Cabinet are responsible to, or must answer to, the House of Commons as a body for their actions”. Similarly, in provincial parliaments, the Premier and Cabinet are responsible to, and must answer to, the Legislative Assembly. The same does not apply to private Members. “Private Members” are generally defined as Members of the House who are not part of the ministry.

The essence of the motion before us is that the Legislature urge a private Member to answer certain questions and, in particular, to state his beliefs on a certain matter and to explain his role in a matter in which he was previously involved as a private citizen.

Honourable Members, this is not the first time we have seen motions of this type. Similar motions were proposed in the past, including:

Motion 36, notice given on April 5, 2013, urging the Liberal Association and the then Leader of the Opposition to reimburse taxpayers for legal fees incurred by the former Premier.

Motion 61, notice given on May 13, 2014, urging the then Leader of the Opposition to table a detailed résumé and details of his two businesses and law firm.

However, none of these previous motions were actually moved or debated, and the Speaker of the day was not called upon to rule on their admissibility.

If a motion of this type were permitted to go forward and if it were to pass, it would carry the weight of the House urging an individual private Member to answer questions, table documents, or provide details or clarifications on past statements or business affairs. I do not find such motions to be in keeping with the parliamentary practice of our system of parliamentary government as I described it earlier.

I note that the proposed motion is similar in form to a written question. Under our rules, such questions can be directed only to Ministers of the Crown, which the Leader of the Opposition is not.

Further, the debate on such a motion would ultimately centre on an individual private Member, thus, personalizing the debate and likely causing disorder in the House.

By allowing the motion to proceed, I would essentially be opening the door in the future to similar motions regarding other private Members. I would remind Members that it is my role to protect Members.

Accordingly, for the various reasons noted, I am ruling the motion out of order.

Mr. MacDonald gave Notice of Motion 23 that on Thursday, December 7, 2017, he would move the following resolution, seconded by Ms. Shephard:

WHEREAS firefighters provide a valuable service to the population of New Brunswick;

WHEREAS the Province of New Brunswick has acknowledged that heart conditions and certain cancers can be linked to the act of firefighting, by becoming the seventh province in Canada to enact presumptive legislation for professional firefighters in 2009;

WHEREAS we now have some 500 female firefighters in Canada;

WHEREAS the Province of Manitoba was the first province to enact presumptive legislation for professional firefighters and has now elected to grow its presumptive cancer coverage to include breast cancer;

WHEREAS the inclusion of breast cancer in presumptive legislation for professional firefighters has been supported by the New Brunswick Association of Fire Chiefs;

BE IT THEREFORE RESOLVED THAT this Legislative Assembly follow Manitoba's lead and include breast cancer in the existing presumptive legislation coverages for professional firefighters in our province.

Mr. Boudreau gave Notice of Motion 24 that on Thursday, December 7, 2017, he would move the following resolution, seconded by Mr. Doherty:

WHEREAS the 25 year Canaport LNG property tax break that slashed millions of dollars from property taxes was passed by the Conservative Government in 2005;

WHEREAS a full page advertisement placed in the Telegraph Journal on March 19, 2005 by Irving Oil entitled “To Everyone in Saint John” contains an open letter to the citizens of Saint John in an attempt to explain why the LNG Property Tax deal is such a good deal for the City;

BE IT THEREFORE RESOLVED THAT the Legislature urge the Opposition to answer the following questions:

- 1) Do they still believe the Canaport LNG tax deal was a good deal for the people of Saint John;
- 2) Do they believe the Canaport LNG tax deal was rushed and the process should have provided for consultation with and input from the citizens of Saint John;
- 3) Can the Official Opposition explain what role they had in urging the people of Saint John to accept the Canaport LNG tax deal.

Mr. Holder rose on a point of order and submitted that Notice of Motion 24 was not in order based on the Speaker’s earlier ruling that day. Mr. Speaker took the matter under advisement.

On motion of Hon. Mr. Doucet, seconded by the Honourable the Premier:

RESOLVED, that when the Assembly adjourns at the end of this sitting day, it stand adjourned until Tuesday, December 5, 2017.

Hon. Mr. Doucet, Government House Leader, deferred third reading of certain bills to a later date and announced that it was the intention of government that Bills 24, 25, 26 and 27 be called for second reading.

The Order being read for second reading of Bill 24, *An Act to Amend the Provincial Offences Procedure Act*, a debate arose thereon.

And after some time, due to the unavoidable absence of Mr. Speaker, Mr. Bernard LeBlanc, the Deputy Speaker, took the chair as Acting Speaker.

And the debate being ended, and the question being put that Bill 24 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 24, *An Act to Amend the Provincial Offences Procedure Act*, was read a second time and ordered referred to the Standing Committee on Economic Policy, as designated by the Government House Leader.

The Order being read for second reading of Bill 25, *An Act to Amend The Residential Tenancies Act*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 25 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 25, *An Act to Amend The Residential Tenancies Act*, was read a second time and ordered referred to the Standing Committee on Economic Policy, as designated by the Government House Leader.

The Order being read for second reading of Bill 26, *An Act Respecting the Land Titles Act and the Registry Act*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 26 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 26, *An Act Respecting the Land Titles Act and the Registry Act*, was read a second time and ordered referred to the Standing Committee on Economic Policy, as designated by the Government House Leader.

The Order being read for second reading of Bill 27, *An Act to Amend the Financial Administration Act*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 27 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 27, *An Act to Amend the Financial Administration Act*, was read a second time and ordered referred to the Standing Committee on Economic Policy, as designated by the Government House Leader.

And then, 10.45 a.m., the House adjourned.