

Daily sitting 17

Tuesday, December 5, 2017

1 o'clock p.m.

Prayers.

At 1.14 p.m., Mr. Speaker declared a recess and left the chair due to technical difficulties with the sound and interpretation system.

1.21 p.m.

Mr. Speaker resumed the chair.

Following Oral Questions, Mr. Speaker reminded Members to refrain from questioning the honesty of their fellow Members.

Hon. Mr. Rousselle, from the Standing Committee on Law Amendments, presented the First Report of the Committee for the session which was read and is as follows:

December 5, 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 Law Amendments for the session.

The report is the result of your Committee's deliberations on Bill 4, *An Act to Amend the Industrial Relations Act*, the subject matter of which was referred to your Committee for consideration.

On behalf of the Committee, I wish to thank those individuals and organizations who appeared before the Committee. In addition, I would like to express my appreciation to the members of the Committee for their contribution in carrying out our mandate.

Your Committee begs leave to make a further report.

Respectfully submitted,

(Sgd.:) Hon. Serge Rousselle, Q.C., M.L.A.  
Chair

The full report of the Committee as presented follows:

Mr. Speaker,

Your Standing Committee on Law Amendments begs leave to submit their First Report of the session.

On October 25, 2017, Bill 4, *An Act to Amend the Industrial Relations Act*, was introduced in the Legislative Assembly. The purpose of the proposed legislation is to introduce amendments to the Act to include first contract arbitration as an accessible remedy for workers and employers when bargaining has reached an impasse. First contract arbitration is an alternative to the disruption associated with work stoppages and is intended to assist the parties with the settlement of a first collective agreement.

On November 7, 2017, consideration of the subject matter of Bill 4 was referred by resolution of the House to the Standing Committee on Law Amendments.

On November 14, 2017, your Committee met and determined that certain organizations should be invited to provide input to the Committee with respect to the issues raised by Bill 4. On November 21, 2017, your Committee met with representatives from the Department of Post-Secondary Education, Training and Labour; CUPE NB; Unifor; the New Brunswick Federation of Labour; the New Brunswick Nurses' Union and the Canadian Federation of Independent Business. In addition, Restaurants Canada; the Retail Council of Canada; the Atlantic Provinces Trucking Association; J.D. Irving, Limited; the Saint John Construction Association Inc.; the Electrical Contractors Association of New Brunswick and the Fredericton Chamber of Commerce submitted written briefs.

The Committee met again on November 28, 2017, to consider the input received and to formulate a recommendation to the House.

#### **RECOMMENDATION**

Your Committee recommends Bill 4, *An Act to Amend the Industrial Relations Act*, as presented in the House.

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Pursuant to Standing Rule 78.1, Mr. Speaker put the question on the motion deemed to be before the House, that the report be concurred in, and it was resolved in the affirmative.

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Mr. Chiasson, from the Standing Committee on Economic Policy, presented the Third Report of the Committee for the session which was read and is as follows:

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December 5, 2017

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

Mr. Speaker:

Your Standing Committee on Economic Policy begs leave to submit this, their third report.

Your Committee met on November 15, 16, 17, 22, 24, 28, 29, 30 and December 1 and had under consideration:

Bill 7, *An Act to Amend the Pension Benefits Act*;  
Bill 8, *An Act Respecting the Financial and Consumer Services Tribunal*;  
Bill 9, *An Act Respecting Canadian Geodetic Vertical Datum*;  
Bill 15, *An Act Respecting Intimate Partner Violence*;  
Bill 21, *An Act Respecting Agricultural Associations*;  
Bill 22, *The Pooled Registered Pension Plans Act*;  
Bill 23, *An Act to Amend the New Brunswick Income Tax Act*;  
Bill 25, *An Act to Amend The Residential Tenancies Act*;  
Bill 26, *An Act Respecting the Land Titles Act and the Registry Act*;

and have agreed to the same.

Your Committee also had under consideration:

Bill 24, *An Act to Amend the Provincial Offences Procedure Act*;

and have agreed to the same with certain amendments.

Your Committee also had under consideration:

Bill 5, *An Act Respecting Extra-Mural Services*;  
Bill 12, *An Act to Amend the Legislative Assembly Act*;  
Bill 17, *Cannabis Management Corporation Act*;  
Bill 19, *An Act to Amend the Motor Vehicle Act*;  
Bill 27, *An Act to Amend the Financial Administration Act*;

and have made certain progress therein.

And your Committee begs leave to make a further report.

(Sgd.): Chuck Chiasson, M.L.A.  
Chair

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Pursuant to Standing Rule 78.1, Mr. Speaker put the question on the motion deemed to be before the House, that the report be concurred in, and it was resolved in the affirmative.

Mr. Albert, from the Standing Committee on Procedure, Privileges and Legislative Officers, presented the First Report of the Committee for the session which was read and is as follows:

December 5, 2017

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

Mr. Speaker:

I am pleased to present the First Report of the Standing Committee on Procedure, Privileges and Legislative Officers.

The report recommends the adoption of a Statement on Roles and Responsibilities and Code of Conduct for Members of the Legislative Assembly of New Brunswick.

I wish to thank the members of the Committee for their contribution in carrying out our mandate.

And your Committee asks leave to make a further report.

Respectfully submitted,

(Sgd. :) Hédard Albert, M.L.A.  
Chair

The full report of the Committee as presented follows:

Mr. Speaker:

Your Standing Committee on Procedure, Privileges and Legislative Officers begs leave to submit this, their First Report of the session.

On March 16, 2017, the Legislative Assembly of New Brunswick adopted the following resolution:

*WHEREAS all Members of the Legislative Assembly are elected representatives of the people of New Brunswick;*

*WHEREAS it is important that the role and responsibilities of MLAs be well understood by the public;*

*WHEREAS it would be helpful for Members of the Legislative Assembly to have guidelines to aid them in the conduct of their duties;*

*WHEREAS the effectiveness of MLAs, and their accountability to the people of New Brunswick, may be improved if the Legislative Assembly establishes a formal statement of the key roles and responsibilities of MLAs;*

*WHEREAS the Legislative Administration Committee recommended the adoption of a Statement on the Roles and Responsibilities of an MLA and a Code of Conduct for MLAs in its report to the Legislative Assembly tabled April 3, 2003;*

*BE IT THEREFORE RESOLVED THAT the Standing Committee on Procedure, Privileges and Legislative Officers take into consideration the adoption of a Statement on the Roles and Responsibilities of an MLA and a Code of Conduct for MLAs.*

The above resolution is the order of reference and forms the basis of the Committee's First Report. On December 5, 2017, your Committee met to consider the adoption of a statement on the roles and responsibilities of Members and a code of conduct for Members. Specifically, your Committee considered the statement and code recommended in the Legislative Administration Committee report referenced in the resolution.

Your Committee is in agreement that the adoption of a statement on the roles and responsibilities of Members and a code of conduct for Members is a positive initiative. The purposes of the statement and code will be to guide Members on the standards of conduct expected of them in the discharge of their parliamentary and public duties and to provide New Brunswickers with a standard against which they can assess the performance of their elected representatives. A statement and code will serve as a constant reminder of what the public trust requires in terms of Members' obligations to colleagues, to constituents, and to all New Brunswickers.

The statement and code will be enforceable by the Assembly using the traditional methods within existing parliamentary practice. Enforcement by the Assembly under its existing powers represents a practical and reasonable mechanism for dealing with any alleged infringements.

The statement and code will have a visible public profile, through its publication as an appendix to the Standing Rules and its posting on the Legislative Assembly's website. It will also be provided to Members during their orientation.

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**RECOMMENDATIONS**

Your Committee therefore recommends the adoption of the following:

1. That the Standing Rules of the Legislative Assembly be amended by adding after Standing Rule 123 the following:

**PART XIV  
STATEMENT ON ROLES AND RESPONSIBILITIES  
AND  
CODE OF CONDUCT**

124(1) The Legislative Assembly shall, on the recommendation of the Standing Committee on Procedure, Privileges and Legislative Officers, establish a Statement on Roles and Responsibilities and Code of Conduct for Members, hereinafter referred to as the "Code".

124(2) The Code shall be printed as an appendix to the Standing Rules of the Legislative Assembly and in the Legislative Assembly of New Brunswick Members' Orientation Manual.

2. That the following Statement on Roles and Responsibilities and Code of Conduct for Members be added as an appendix to the Standing Rules of the Legislative Assembly:

**STATEMENT ON ROLES AND RESPONSIBILITIES AND CODE OF  
CONDUCT FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY OF  
NEW BRUNSWICK**

**THE KEY ROLE AND DUTIES OF AN MLA**

As Members directly elected by the People of New Brunswick to represent them in the Legislative Assembly, we acknowledge and accept the responsibility thereby entrusted to us to serve the people of the Province honestly and conscientiously to the best of our abilities.

In furtherance of this commitment, the Members of the Legislative Assembly of New Brunswick further acknowledge that in carrying out their legislative duties, Members have the following responsibilities:

1. to first and foremost represent conscientiously the interests of the constituents of his or her electoral district;
2. to be accessible to the constituents of his or her electoral district and to assist his or her constituents regardless of their political affiliation;

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3. to perform the duties of a legislator in the Assembly, by attending and participating in the proceedings of the Legislative Assembly;
  4. to work for the advancement of the people and the Province of New Brunswick;
  5. to uphold the principles of democratic governance;
  6. to represent faithfully and loyally the Province of New Brunswick in all venues, be they local, provincial, national or international.

#### **CODE OF CONDUCT**

1. The key principle of this Code is to maintain and promote public confidence and trust in the integrity of Members of the Legislative Assembly of New Brunswick as well as the respect and confidence that citizens place in the New Brunswick Legislature as an institution.
2. A further purpose of this Code is to provide guidance to the Members of the Legislative Assembly as to the standard of conduct expected of them in the discharge of their obligations to their constituents, the Legislative Assembly and the public at large.
3. This Code applies to Members in all aspects of their public life.

#### **Public Duty**

4. By virtue of their oath or affirmation of allegiance, Members have a duty to be loyal to the people of New Brunswick and to perform the duties of Members honestly and justly in conformity with the laws of the Province of New Brunswick and the rules of the Legislative Assembly.

#### **Duty as a Representative**

5. Members have a duty to be accessible to the people of the areas for which they have been elected to serve and to represent their interests conscientiously.
6. In representing people's interest, Members have a duty to respect individual privacy, unless there are overwhelming reasons in the wider public interest for disclosure to be made to a relevant authority, for example where a Member is made aware of criminal activity.

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**General Principles of Personal Conduct**

## 7. Selflessness

Members should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

## 8. Integrity and Honesty

- a) Members should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.
- b) Members have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

## 9. Accountability and Openness

- a) Members are accountable for their decisions and actions to the public. They have a duty to consider issues on their merits, taking account of the views of others.
- b) Members should be as open as possible about their decisions and actions that they take and give reasons for their decisions and restrict information only when the wider public interest clearly demands.

## 10. Respect and Courtesy

In respect of the responsibilities outlined in this Code, the conduct of Members shall demonstrate respect and courtesy

- a) in all communications with constituents, regardless of political affiliation;
- b) in all interventions in the Legislative Assembly and towards its Members and Officers;
- c) by showing compassion and fairness toward all who seek their assistance;
- d) for the cultural diversity of the Province of New Brunswick.

## 11. Leadership

Members have a duty to promote and support these principles by leadership and example.



**Generally**

12. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
13. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Legislature and never undertake any action which would bring the Legislative Assembly or its Members generally into disrepute.
14. The provisions of this Code shall be taken into account by the Legislative Assembly in any proceeding relating to the conduct of an MLA.
15. This Code of conduct is not designed to be exhaustive and there will be occasions when Members will find it necessary to adopt more stringent norms of conduct in order to protect the public interest and to enhance public confidence and trust.

Ordered that the report be received, and leave granted.

The following Bill was introduced and read a first time:

By Hon. Mr. Rousselle, Q.C.,  
*Bill 29, An Act to Amend the Assessment Act.*

Mr. Higgs gave Notice of Motion 25 that on Thursday, December 14, 2017, he would move the following resolution, seconded by Mr. Holder:

WHEREAS in November 2017, the Auditor General presented the Report of the Auditor General of New Brunswick, Volume III, 2017, containing chapter 2 entitled "Service New Brunswick Residential Property Assessment – Special Examination" to a joint meeting of the Standing Committee on Public Accounts and the Standing Committee on Crown Corporations;

WHEREAS the report concluded that multiple failures caused the 2017 property assessment errors, including poor communication, inadequate tools, lack of collaboration, and that corporate governance and leadership failed to acknowledge the high risk nature of "fast-tracking" key components of the Modernization Program within Service New Brunswick;

WHEREAS the report further concluded the communications that led to “fast-tracking” key components of the Modernization Program involved the following persons:

The Premier’s Chief of Staff, Jordan O’Brien;  
Service New Brunswick’s former Chief Executive Officer,  
Gordon Gillman;  
Service New Brunswick’s Vice President, Alan Roy;  
Service New Brunswick’s Executive Director, Charles Boulay; and  
Service New Brunswick’s Director of Modernization, René Landry;

WHEREAS section 4 of the *Legislative Assembly Act* states “A committee of the Legislative Assembly appointed for the purpose of making an investigation or inquiry in relation to any public office or public work, whether wholly or partly under provincial control or in which the Province is interested as proprietor or stockholder or to which provincial aid is or may have been given during the conduct of the work in respect of which the aid is given and authorized under this Act, shall have full power to send for persons, papers and records, and to examine witnesses on oath”;

BE IT THEREFORE RESOLVED THAT the Standing Committee on Crown Corporations be directed to meet within two weeks after the adoption of this motion to consider chapter 2 of the report entitled “Service New Brunswick Residential Property Assessment – Special Examination” and to invite the above named individuals to appear before it;

BE IT FURTHER RESOLVED THAT if any of the individuals decline the invitation to appear, the committee be directed to report back to the Legislative Assembly to request that the committee be specially delegated the power to send for persons, papers and records, and to examine witnesses on oath as provided for in section 4 of the *Legislative Assembly Act*.

Hon. Mr. Doucet gave notice that on Wednesday, December 6, 2017, Bill 29 would be called for second reading.

Hon. Mr. Doucet, Government House Leader, announced that it was the intention of government that Bills be called for third reading.

The following Bills were read a third time:

Bill 3, *An Act to Amend the Public Service Labour Relations Act*.  
Bill 6, *An Act to Amend the Motor Vehicle Act*.

Bill 13, *An Act to Repeal the Declaration of Trust of Court House, 1826.*

Bill 14, *Exotic Animals Act.*

Ordered that the said Bills do pass.

And then, 2.47 p.m., the House adjourned.

The following documents, having been deposited with the Clerk of the House, were deemed laid upon the table of the House pursuant to Standing Rule 39:

Response to Petition 7	November 21, 2017
Annual Report 2016-2017 Office of the Public Intervener, A Unit of the Office of the Attorney General	November 22, 2017
Report of the Auditor General of New Brunswick, Volume III, Special Examination, 2017	November 23, 2017
Report of the Auditor General of New Brunswick, Volume IV, Financial Audit, 2017	November 23, 2017
Report of the Auditor General of New Brunswick, Volume V, Performance Audit, 2017	November 23, 2017
Annual Report 2016-2017 Department of Tourism, Heritage and Culture	November 27, 2017
Annual Report 2016-2017 Labour and Employment Board	November 29, 2017
Annual Report 2016-2017 Department of Social Development	November 30, 2017
Annual Report 2016-2017 Department of Finance	December 1, 2017
Documents requested in Notice of Motion 16	December 1, 2017
Response to Petition 8	December 1, 2017