

Daily sitting 11

Tuesday, December 6, 2016

*1 o'clock p.m.*

Prayers.

Mr. Northrup rose on a question of privilege concerning a response by the Minister of Families and Children during Oral Questions on November 10, 2016, in which he stated the Privacy Commissioner had “no concerns” regarding a possible privacy breach in the Department of Social Development. Pursuant to Standing Rule 9(2), Mr. Northrup gave notice of his intention to move the following motion, seconded by Mr. Steeves:

WHEREAS the Member for Fredericton North gave inaccurate information to this Assembly on November 10 when he said the Privacy Commissioner had “no concerns” about a massive privacy breach in his department; and

WHEREAS correspondence since received from the Privacy Commissioner clearly states that the matter is in fact still under investigation, and should remain confidential until it is concluded, and that the Minister’s statement to the Assembly was ill-advised;

BE IT THEREFORE RESOLVED THAT this matter be referred to the Standing Committee on Procedure, Privileges and Legislative Officers.

Mr. Speaker advised that in accordance with the Standing Rules, he would consider the matter in two hours’ time.

Mr. Macdonald welcomed to the House Mr. Erin O’Toole, Member of Parliament for Durham, Ontario.

Mr. Coon, Member for Fredericton South, laid upon the table of the House a petition urging the Legislature to support a ban on the spraying of glyphosate on Crown forest land. (Petition 3)

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

December 6, 2016

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 first report.

Your Committee met on November 22, 23, 24, and 25, 2016, and had under consideration:

Bill 2, *An Act to Repeal An Act to Comply with the Request of The City of Saint John on Taxation of the LNG Terminal*;

Bill 3, *An Act Respecting Government Reorganization*;

Bill 4, *An Act to Amend the Adult Education and Training Act*;

Bill 5, *An Act Respecting Cost of Credit Disclosure and Payday Loans*;

Bill 8, *An Act to Amend the Legal Aid Act*;

Bill 9, *An Act to Amend the New Brunswick Income Tax Act*;

Bill 11, *An Act to Amend the Clean Environment Act*;

Bill 15, *An Act to Amend the Workplace Health, Safety and Compensation Commission and Workers' Compensation Appeals Tribunal Act*;

and have agreed to the same.

Your Committee also had under consideration:

Bill 12, *An Act Respecting Agreements with the Canada Revenue Agency*;

Bill 13, *Advance Health Care Directives Act*;

and have agreed to the same with certain amendments.

Your Committee also had under consideration:

Bill 6, *An Act to Amend the Gas Distribution Act, 1999*;

Bill 14, *An Act to Amend the Coroners Act*;

and have made certain progress therein.

And your Committee begs leave to make a further report.

(Sgd. :) Gilles LePage, 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.

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The following Bills were introduced and read a first time:

By Hon. Ms. Rogers,  
Bill 21, *An Act to Amend the Tobacco Tax Act.*  
Bill 22, *An Act to Amend the Revenue Administration Act.*

By Hon. Mr. Doucet,  
Bill 23, *An Act to Amend the Inshore Fisheries Representation Act.*

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The Honourable the Premier gave Notice of Motion 11 that on Friday, December 9, 2016, he would move the following resolution, seconded by Mr. Higgs:

WHEREAS a major west-east crude oil pipeline would enable access to substantially more Canadian crude oil in Atlantic Canada, ensuring security of supply;

WHEREAS the City of Saint John has an ice-free deep water port facility, capable and experienced in managing the world's largest crude carrying vessels;

WHEREAS the construction of a crude oil pipeline to New Brunswick is in the national interest, as the ability to export crude from the east coast means that western Canadian producers will become less reliant on US markets, giving our producers access to global markets;

WHEREAS New Brunswick is the location of Canada's largest oil refinery;

WHEREAS New Brunswick has recent experience in working effectively with regulators and communities on energy pipeline projects;

WHEREAS a major crude pipeline project would result in significant direct and indirect employment opportunities, both during the construction phase and in the long term, providing ongoing economic benefits for the whole province, our region, and the entire country;

WHEREAS Canadian crude oil supplied by pipeline to our refinery would decrease production costs and make the refined petroleum more competitive;

BE IT RESOLVED THAT the Legislative Assembly of New Brunswick recommit its support for the construction of the Energy East pipeline to bring western crude oil to Saint John.

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Hon. Mr. Doucet gave notice that on Wednesday, December 7, 2016, Bills 21, 22, and 23 would be called for second reading.

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Hon. Mr. Doucet, Government House Leader, announced that it was the intention of government that Bills 18, 19 and 17 be called for second reading.

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The Order being read for second reading of Bill 18, *An Act to Amend the Smoke-free Places Act*, a debate arose thereon.

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

And the debate being ended, and the question being put that Bill 18 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 18, *An Act to Amend the Smoke-free Places Act*, was read a second time and ordered referred to the Standing Committee on Economic Policy, as designated by the Government House Leader.

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The Order being read for second reading of Bill 19, *An Act Respecting Nurse Practitioners*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 19 be now read a second time, it was resolved in the affirmative.

Accordingly, Bill 19, *An Act Respecting Nurse Practitioners*, was read a second time and ordered referred to the Standing Committee on Economic Policy, as designated by the Government House Leader.

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Debate resumed on the adjourned debate on the motion that Bill 17, *An Act to Amend the Judicature Act*, be now read a second time.

And after some time, Mr. Speaker resumed the chair.

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Mr. Speaker advised the House that the two hours' notice required by Standing Rule 9(2) had elapsed and recognized Mr. Northrup to state his question of privilege.

Mr. Northrup submitted that Hon. Mr. Horsman, when stating that the Privacy Commissioner had no concerns, was providing inaccurate information, was prejudging the investigation, and was

releasing confidential information. Hon. Mr. Horsman advised the House that he unintentionally misspoke and should have stated that the Privacy Commissioner was pleased the department brought the matter to her attention.

Having heard the arguments, Mr. Speaker took the matter under advisement.

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Debate resumed on Bill 17.

And after some time, Mr. Albert resumed the chair.

And after some further time, Mr. Speaker resumed the chair.

And after some time, Hon. Mr. Doucet moved the adjournment of the debate.

And the question being put, it was resolved in the affirmative.

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Mr. Speaker delivered the following ruling with respect to the question of privilege:

#### STATEMENT BY SPEAKER

Honourable Members,

I am now prepared to rule on the question of privilege raised by the Member for Sussex-Fundy-St. Martins.

In stating his question of privilege, the Member referred to a response during Oral Questions on November 10 by the Minister of Families and Children. The Minister indicated that the Privacy Commissioner was informed of a possible privacy breach in the Department of Social Development and that, to quote the Minister, “she had no concerns”.

The Member for Sussex-Fundy-St. Martins then referred to a letter he received on November 17 from the Privacy Commissioner, which indicated that the matter was still under investigation and that the Minister’s comments that the Privacy Commissioner was not concerned were, to quote the Commissioner, “ill-advised”.

The Member submits that based on the Privacy Commissioner’s letter, the Minister provided the House with inaccurate

information, prejudged the investigation, and therefore the matter should be referred to the Standing Committee on Procedure, Privileges and Legislative Officers.

In response to the question of privilege, the Minister clarified his remarks by stating he was referring to the notification process undertaken by the Department following the breach, when he stated the Commissioner had no concerns, not to the privacy breach itself and pending investigation.

I have reviewed the Hansard, the letter in question, and the submissions of the Member for Sussex-Fundy-St. Martin and the Minister of Families and Children.

Given that all Honourable Members are to be taken at their word, I accept the Minister's clarification of his remarks, that he was referring to the process undertaken by the Department following the breach and not to the privacy breach itself and pending investigation.

Therefore, I find that a *prima facie* case of a breach of privilege has not been established. Although the matter was, in my opinion, raised at the earliest opportunity, I will not permit the proposed motion to go forward at this time.

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And then, 4.48 p.m., the House adjourned.

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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:

**Annual Reports**

2015-2016 Aboriginal Affairs Secretariat	November 15, 2016
2015-2016 Office of the Attorney General	November 22, 2016
2015-2016 Department of Finance	November 23, 2016
2012-2013 Office of the Ombudsman	November 29, 2016
Report of the Auditor General of New Brunswick, Volume III, Performance Audit, 2016	November 29, 2016
Report of the Auditor General of New Brunswick, Volume IV, Financial Audit, 2016	November 29, 2016
2015-2016 Department of Tourism, Heritage and Culture	November 30, 2016
2013-2014 Office of the Access to Information and Privacy Commissioner	November 30, 2016

2015-2016 Department of Education and Early Childhood Development	December 1, 2016
2015-2016 Opportunities NB	December 1, 2016
2013-2014 New Brunswick Lotteries and Gaming Corporation	December 1, 2016
2015-2016 Department of Environment and Local Government	December 2, 2016
2015-2016 Department of Social Development	December 2, 2016
2015-2016 Department of Transportation and Infrastructure	December 2, 2016
 <b>Petitions</b>	
Response to Petition 1	November 29, 2016