

Judge doubts N.B.'s funding data claim

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The province's claim that it doesn't have detailed information about how much public funding is given to universities in New Brunswick is difficult to believe, Justice Darrell J Stephenson said in Fredericton court Monday.

Stephenson made the comments while hearing arguments in a fight between St. Thomas University and the province, which began when STU refused to sign a funding deal with the province earlier this year, claiming it wasn't getting enough public cash in comparison to the other universities - the University of New Brunswick, Université de Moncton and Mount Allison University.

Those universities, meanwhile, did sign funding deals, leaving STU as the lone holdout without a funding agreement.

The battle between STU and the province escalated when STU filed a right to information request seeking detailed information from the province about how much public funding those other institutions are getting. STU was dissatisfied with the information it received, which led to the legal fight that continued in court Monday.

Stephenson said he found it difficult to believe the Department of Post Secondary Education, Training and Labour could only provide a list of invoices about provincial funds allocated to the UNB, Université de Moncton and Mount Allison University since the beginning of the 2013- 2014 school year.

"Think about your own household; you get a bill from somebody, you might go online and you might pay it online or you might pay a cheque, but there's an in and an out ...It's just accounting 101," Stephenson said.

Part of an affidavit submitted by STU, contained in a pre-hearing briefing, said the university received "an itemized list described as an invoice list" from the Department of Post-Secondary Education, Training and Labour, in response to its right to information request.

"There is no indication as to whether these are invoices received by the Department of Post-Secondary Education, Training and Labour to be paid, whether the invoices were in fact paid, what amounts of the invoices were paid nor what the purpose of each invoice was," says the affidavit.

Michael Hynes, the lawyer representing the Department of Post Secondary Education, Training and Labour and the Treasury Board, said more information about funding for the three other universities couldn't be found.

"Obviously the evidence is they've searched and this is what they found. Obviously the information came from somewhere such as receipts. Whether those receipts are currently in the possession of the Department [of Post-Secondary Education, Training and Labour], the evidence is either no, or if they are, no one could find them," Hynes said.

“That’s very difficult ... to accept - extremely difficult to comprehend,” responded Stephenson. “It may be a real hassle to start digging through files, and yes, some dialogue may be helpful but it’s very difficult for me to comprehend that this could possibly be the case.”

Before adjourning, Stephenson directed that the Department of Post-Secondary Education, Training and Labour provide further disclosure over why all they could provide was a list of invoices.

Stephenson also recommended the parties meet outside of court to try to resolve the matter before their next appearance, scheduled for Nov. 1.

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