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No. 33

Friday, February 13, 1998.

8.30 o'clock a.m.

Prayers.

Mr. Speaker invited additional comments from the Government and Opposition House Leaders on the Question of Privilege raised by Mr. Mockler during yesterday's sitting. Hon. Mr. Tyler and Mr. Sherwood then spoke on the question of privilege. Hon. Mrs. Kingston rose and apologized to the House for remarks made at Thursday's sitting which were the basis of the question of privilege raised by Mr. Mockler. Mr. Speaker advised that he would review the matter and report to the House before the conclusion of the day's sitting.

Standing Committee on the Ombudsman

Mrs. Jarrett presented the First Report of the Standing Committee on the Ombudsman which was read and is as follows:

February 12, 1998.

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

Mr. Speaker:

Your Standing Committee on the Ombudsman begs leave to submit this, their First Report.

The Committee was appointed at the commencement of the First Session of the Fifty-third Legislative Assembly, on resolution of the House adopted February 7, 1996.

The Committee is mandated to meet annually, or as required, to review the Annual Report of the Ombudsman and to consider other matters relating to the Office of the Ombudsman as they may arise.

Accordingly, the Committee met on November 20, 1996, and June 17 and October 23, 1997 in the Legislative Council Chamber.

On November 20, 1996 the Committee met with Ombudsman Ellen King. Also appearing were Claire Pitre, legal counsel for the Office of the Ombudsman and Frank MacKinley, Executive Director of Civil Service Investigations and Appeals. The Committee reviewed the 1994 Annual Report of the Office of the Ombudsman and was briefed by officials on the activities of the Office for the year in question.

The Committee met again on June 17, 1997 to examine the 1995 Annual Report of the Office of the Ombudsman and to pose questions to the Ombudsman and her officials. Pursuant to a previous recommendation, the Ombudsman submitted to the Committee a written policy with respect to the procedures to be followed by the Office when receiving complaints of physical or sexual abuse. The procedures are intended to ensure that complaints of abuse are reported to the authority in government responsible for the care of the individual or the authority responsible for investigating complaints of abuse.

The Committee met in a working session on October 23, 1997 to review the information received.

Resources

The Office of the Ombudsman is responsible for investigating complaints of an administrative nature under the *Ombudsman Act*. Any person can make a complaint to the Office of the Ombudsman concerning provincial government departments, commissions and bureaus, crown corporations, hospital corporations and municipalities. In addition, with the amalgamation of the Civil Service

Commission and the Office of the Ombudsman and changes to the *Civil Service Act*, the Ombudsman is now responsible to hear appeals and investigate complaints regarding the selections for appointment to the Civil Service. The Ombudsman also receives applications to review ministerial refusals to release information under the *Right to Information Act* and investigates complaints under the *Official Languages Act*.

New Brunswick's *Personal Privacy Code* was adopted by the Government in 1994. The Office of the Ombudsman was assigned the role of investigating complaints from citizens and dealing with requests for information in relation to privacy matters. In addition, the Government has indicated that it will introduce a new Privacy Act to ensure the protection and confidentiality of personal information in the possession of government. In a discussion paper released in July, 1996, the Government recommended that the Ombudsman be given the responsibilities for the system of supervision, review and appeal under the proposed Act.

The increased responsibilities being placed on the Ombudsman has resulted in a higher demand for services and assistance and an increase in the number of investigations being carried out by the Office. The Ombudsman has strived to ensure that all inquiries and complaints within the jurisdiction of the Office are dealt with in the appropriate manner. However, in her appearances before the Committee, the Ombudsman has expressed concern regarding the need for sufficient staffing and resources.

It is important that the Office of the Ombudsman continue to provide a high level of service to the citizens of the province in an efficient, effective and timely manner.

Recommendation:

Your Committee therefore recommends that a review of staffing and resources be conducted within the Office of the Ombudsman.

And your Committee begs leave to make a further report.

Respectfully submitted,

(Sgd.) Laureen Jarrett, M.L.A.
Chairperson.

Ordered that the report be received, that leave be granted, and the Committee continued.

With leave of the House, Mrs. Jarrett moved the following resolution, seconded by Mr. Olmstead:
(Motion 92)

THAT the recommendation contained in the First Report of the Standing Committee on the Ombudsman be concurred in by the House.

Bills Introduced

The following Bills were introduced and read the first time:

By Hon. Mr. Lockyer,

Bill 55, *Protection of Personal Information Act*.

By Hon. Mr. King,

Bill 56, *Public Health Act*.

Bill 57, *An Act Respecting the Public Health Act*.

By Mr. H. Doyle on behalf of Hon. Mr. Lee,

Bill 58, *An Act to Amend the Motor Vehicle Act*.

Ordered that the said Bills be read the second time at the next sitting.

Notices of Motions

Mr. Sherwood gave Notice of Motion 93 that on Tuesday, February 17, 1998, he would move the following resolution, seconded by Mr. D. Graham:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House a list of all lands expropriated and/or purchased by the Department of Transportation since March 31, 1996, broken down by county. This should include the details of the former land owner, locations, date and purchase price.

Mr. Sherwood gave Notice of Motion 94 that on Tuesday, February 17, 1998, he would move the following resolution, seconded by Mr. Volpé:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House a copy of all studies, reports, memos, cost analysis reports, and any other documents pertaining to the proposed 4-lane highway between Letang Inlet and Lepreau.

Mr. Sherwood gave Notice of Motion 95 that on Tuesday, February 17, 1998, he would move the following resolution, seconded by Mr. Mesheau:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House a list of all lands expropriated and/or purchased by the Department of Transportation for the proposed 4-lane highway between Letang Inlet and Lepreau. This should include the details of the former land owner, location, date and purchase price.

Mr. Sherwood gave Notice of Motion 96 that on Tuesday, February 17, 1998, he would move the following resolution, seconded by Mr. D. Graham:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House a copy of all environmental studies pertaining to the proposed 4-lane highway between Letang Inlet and Lepreau.

Government Motions re Business of House

Hon. Mr. Tyler announced that it was the intention of government that the House resolve itself into a Committee of Supply to consider the estimates of the Department of the Solicitor General.

Third Reading

The following Bills were read the third time:

Bill 9, *An Act to Amend the Labour Market Research Act.*
Bill 20, *An Act to Amend the Boiler and Pressure Vessel Act.*
Bill 21, *An Act to Amend the Workers' Compensation Act.*

Ordered that the said Bills do pass.

Second Reading

The following Bills were read the second time and ordered referred to the Committee of the Whole House:

Bill 51, *An Act to Amend the Income Tax Act.*
Bill 52, *An Act to Amend the Tobacco Tax Act.*
Bill 53, *Loan Act 1998.*
Bill 54, *An Act to Amend the Income Tax Act.*

Committee of Supply

The House, according to Order, resolved itself into a Committee of Supply with Mr. O'Donnell in the chair.

And after some time, Mr. Speaker resumed the chair and Mr. O'Donnell, the Chairman, after requesting that Mr. Speaker revert to Presentations of Committee Reports, reported that the Committee had made some progress in the consideration of the matters referred to them, had passed several items, and asked leave to sit again.

Pursuant to Standing Rule 78.1, Mr. Speaker then 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.

The following are the items reported:

MAIN ESTIMATES - ORDINARY ACCOUNT
1998 - 1999

DEPARTMENT OF THE SOLICITOR GENERAL

Resolved, That there be granted to Her Majesty a sum not exceeding \$69,516,200 to defray the expenses of the Ordinary Account program allocations of the Department of the Solicitor General for the fiscal year ending the 31st day of March, 1999.

GENERAL GOVERNMENT

Voted, Supply in the following amounts to defray the expenses of the following programs:

32 19 New Brunswick Police Commission 196,900

WORKING CAPITAL - MAXIMUM BALANCES
1998-1999 Voted

PETTY CASH

Solicitor General 15,000

The said items were concurred in by the House.

Bills Introduced

At the request of Hon. Mr. Tyler and with leave of the House, Mr. Speaker reverted to the order of Introduction of Bills.

The following Bill was introduced and read a first time:

By Hon. Mr. Lockyer,

Bill 59, *An Act to Amend the Provincial Court Act.*

Ordered that the said Bill be read the second time at the next sitting.

Mr. Speaker advised the House that he was not prepared at this time to give his ruling on the Point of Privilege raised by Mr. Mockler as he had earlier indicated, but that he would do so at the earliest opportunity.

And then, 12.34 o'clock p.m., the House adjourned.