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Daily Sitting 12

Friday, December 17, 1999.

10 o'clock a.m.

Prayers.

Ms. Crossman, from the Select Committee on Education, presented the First Report of the Committee, which was read and is as follows:

December 17, 1999.

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

Mr. Speaker:

Your Select Committee on Education begs leave to submit this, their First Report.

Pursuant to Standing Rule 99, the Clerk convened a meeting of the Select Committee on Education on Thursday, September 16, 1999, in the Legislative Council Chamber and presided over the election of a Chairperson and Vice-chairperson.

On motion of Mr. Malley, Ms. Crossman was elected Chair of the Committee. On motion of Ms. Fowlie, Mr. LeBlanc was elected Vice-chair.

The Committee considered its terms of reference and held a general discussion on the issues and priorities surrounding the education system in New Brunswick.

The Committee will meet early in the new year to discuss the proposed new structure of the education system and how to proceed with the public hearings for said changes.

And your Committee begs leave to make a further report.

(Sgd. :) Pat Crossman, M.L.A.
Chairperson.

Ordered that the Report be received and the Committee continued.

Mr. MacKenzie, from the Select Committee to Review Appointments by the Lieutenant-Governor in Council, presented the First Report of the Committee, which was read and is as follows:

December 17, 1999.

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

Mr. Speaker:

Enclosed herewith is the First Report of the Select Committee to Review Appointments by the Lieutenant-Governor in Council which covers the work of the Committee from the date of its appointment on July 6, 1999, to December 17, 1999.

At this time I wish to express the sincere concern of the Committee Members regarding the leak of a name that had been placed in nomination before the Committee.

An article in *The Daily Gleaner* of December 15, 1999, on page 3 and another in *The Saint John Times Globe* on the front page on December 16, 1999, refers to a nominee whose name was considered in an in-camera meeting of the Select Committee to Review Appointments by the Lieutenant-Governor in Council.

Your Committee is deeply concerned with such an unauthorized release of information. The Committee regrets this breach of confidentiality respecting a nominee who is an outstanding New Brunswicker.

A Committee of the House enjoys the right to have its deliberations protected by privilege. This is to ensure that matters can be freely debated and explored and that nominees are free to present themselves through the Office of the Executive Council without the glare of publicity. The confidentiality of the proceedings serves to protect the privacy of those individuals whose names are submitted.

Furthermore, the information in the articles in question was inaccurate and misleading.

And your Committee begs leave to make a further report.

(Sgd. :) Eric MacKenzie, M.L.A.
Chairman.

Ordered that the Report be received and the Committee continued.

The full report of the Committee as presented is as follows:

December 17, 1999.

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

Mr. Speaker:

Your Select Committee to Review Appointments by the Lieutenant-Governor in Council begs leave to submit this, their First Report.

Your Committee was appointed by resolution of the House and mandated to review and make recommendations to the Lieutenant-Governor in Council on the capability of nominees for appointment to key positions on selected agencies, boards and commissions. The full text of the resolution is appended hereto as Schedule A.

Pursuant to Standing Rule 99, the Clerk convened a meeting of the Committee on August 31, 1999, in the Legislative Council Chamber and presided over the election of a Chair and Vice-chair. On motion of Mr. Steeves, Mr. MacKenzie was elected Chair of the Committee. On motion of Mr. C. Thériault, Ms. Weir was elected Vice-chair.

The Committee reviewed the terms of reference, the general role, and the mandate of the Committee. The type of appointments to be reviewed, the procedure to be followed in reviewing nominees, and the manner of making recommendations to government were also reviewed.

On motion, it was resolved:

THAT the Select Committee recommends that no appointments be made by Cabinet to certain agencies, boards, and commissions, namely the Workplace Health, Safety and Compensation Commission, the Public Utilities Board, and the New Brunswick Power Corporation until the recommended nominees are reviewed by the Select Committee on Government Appointments.

The Committee agreed that, as a general rule, witnesses would not appear before the Committee. The Office of the Executive Council would provide the relevant information concerning each candidate to be considered.

The Committee met again in the Legislative Council Chamber on September 28, 1999. Hon. Brad Green, Q.C., Minister of Justice, Attorney General and Government House Leader, briefed the Committee on the process to be followed by government in appointing individuals to provincial agencies, boards or commissions and the perceived role of the Select Committee in this process.

The Committee agreed on a procedure to be followed when reviewing nominees for appointment to provincial agencies, boards or commissions:

- The function of the Committee is to highly recommend, recommend or not recommend the name or names of individuals whose names have been submitted for appointment to agencies, boards or commissions. It is not within the scope of the Committee's mandate to consider or recommend alternative names for appointments.
- Recommendations of the Committee are not binding on the Executive Council; however, the Executive Council will respect the decision of the Committee not to recommend a nominee.
- A Committee shall give reasons for not recommending a nominee.
- The agenda for meetings and the list of nominees and relevant supporting documentation should be provided to all Committee members at least one week in advance of a scheduled meeting.

• Reappointments to agencies, boards and commissions which normally come to the select committee will be reviewed by the Committee, if they have not been processed in the aforesaid manner.

• The Committee shall make recommendations with respect to every name submitted by the Lieutenant-Governor in Council on the agenda on the day of the Committee meeting unless a majority of members agree to defer a recommendation to the next meeting (provided that consideration of the intended appointee has not previously been deferred).

• The Committee will attempt to make recommendations by consensus. If a consensus can not be reached, the Committee will proceed to a majority vote by method of a secret ballot.

• The Committee shall review the name or names submitted for approval in light of the qualifications of the individual. When two or more individuals are equally qualified for an appointment, then where relevant, affirmative action concerns and regional representativeness of the agency, board or commission may be considered.

• The meetings of the Committee will be open to the public until such time as the names of the nominees are presented for discussion by the Committee.

• In addition to a resumé, the Committee should obtain a letter from each nominee highlighting why the nominee wishes to serve on the particular agency, board, or commission, the relevant skills or abilities the nominee possesses, and relevant personal or work experience that makes the nominee a good candidate for the position.

The Committee met *in-camera* on October 7, 1999, to review the resumé's and other supporting documentation of potential nominees to the Public Utilities Board and to make recommendations with respect to the names submitted. Of ten nominees submitted for the Committee's consideration, six were recommended for appointment to the Board.

At a meeting held November 9, 1999, the Committee approved a standard form to be submitted by the Office of the Executive Council with respect to each nominee whose name is to be considered.

It was agreed that recommendations of the Committee as to a particular nominee for a specified position on a specific agency, board, or commission once made, would not be revisited by the Committee.

The Chairman delivered a ruling on the interpretation of the Committee's terms of reference respecting confidentiality. For the reasons stated therein, and in accordance with the Committee's terms of reference, all discussions concerning individual nominees will be held *in-camera*.

The Committee considered its previous decision that as a general rule, nominees to be recommended for appointment would not be interviewed. The Committee agreed that in keeping with this decision, the interviewing of potential nominees remained an option for the Committee.

The Committee then resolved into an *in-camera* session to review the resumes and supporting documentation of potential nominees to the Public Utilities Board and to the position of Chairperson of the Workplace Health, Safety and Compensation Commission, and to make recommendations with respect to the names submitted. Of six nominees submitted for the Committee's consideration, one was recommended for appointment as Chair of the Workplace Health, Safety and Compensation Commission, and two were recommended for appointment to the Public Utilities Board.

And your Committee begs leave to make a further report.

Eric MacKenzie, M.L.A.
Chairman.

Hon. Mr. Green presented the First Report of the Standing Committee on Law Amendments which was read and is as follows:

December 17, 1999.

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

Mr. Speaker:

Your Committee on Law Amendments begs leave to submit this, their First Report.

Your Committee met on Friday, December 17, 1999, in the Legislative Council Chamber.

On motion of Ms. Fowlie, Hon. Mr. Green was elected Chairman of the Committee. On motion of Mr. McGraw, Mr. MacDonald was elected Vice-Chairman.

And your Committee begs leave to make a further report.

(Sgd.:) Hon. Bradley Green, Q.C.
Chairman.

Ordered that the Report be received and the Committee continued.

Hon. Mr. Green presented the First Report of the Standing Committee on Privileges which was read and is as follows:

December 17, 1999.

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

Mr. Speaker:

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

Your Committee met on Friday, December 17, 1999, in the Legislative Council Chamber.

On motion of Mr. Kinney, Hon. Mr. Green was elected Chairman of the Committee. On motion of Mr. Savoie, Hon. E. Robichaud was elected Vice-Chairman.

And your Committee begs leave to make a further report.

(Sgd.:) Hon. Bradley Green, Q.C.
Chairman.

Ordered that the Report be received and the Committee continued.

At the conclusion of the Oral Question Period, the Leader of the Opposition requested the unanimous consent of the House to extend the time allotted for Oral Questions, which was denied.

Hon. Mr. Mockler requested leave of the House to revert to Statements by Ministers, which was denied.

The following Bill was introduced and read the first time:

By Hon. Mr. Betts,

Bill 18, *An Act Respecting the Canada Customs and Revenue Agency*.

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

Hon. Mr. Green advised that following consideration of Government Motion 42, it was the intention of government that the House resolve itself into a Committee of the Whole to consider legislation, in particular, Bills 14, 15 and 12.

Pursuant to Notice of Motion 42, Hon. Mr. Lord moved, seconded by Mr. C. Thériault:

WHEREAS the Legislative Assembly of New Brunswick enacted the *Members' Conflict of Interest Act* to maintain acceptable standards of conduct for elected officials in order to ensure that their private interests do not come into conflict with the performance of their public duties; and

WHEREAS section 22(1) of that Act provides that a Conflict of Interest Commissioner be appointed by the Lieutenant-Governor in Council on recommendation of the Assembly; and

WHEREAS Justice Stuart G. Stratton has had a distinguished career as a Justice and Chief Justice of the Court of Appeal and has carried out his duties with a very high degree of integrity and competence;

BE IT THEREFORE RESOLVED that the Legislative Assembly recommend to the Lieutenant-Governor in Council that Justice Stuart G. Stratton be appointed Conflict of Interest Commissioner for a term of five years.

And the question being put, a debate ensued.

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

The House resolved itself into a Committee of the Whole with Mr. Ashfield in the chair.

And after some time, Mr. Speaker resumed the chair and Mr. Ashfield, the Chairman, after requesting Mr. Speaker revert to the Order of Presentations of Committee Reports, reported:

That the Committee had directed him to report the following Bills as agreed to:

Bill 12, *An Act to Proclaim Holocaust Memorial Day Yom haShoah in New Brunswick.*

Bill 14, *An Act to Amend the Teachers' Pension Act.*

Bill 15, *An Act to Amend the Teachers' Pension Act.*

And the Committee asked leave to make a further report.

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.

At the request of Hon. Mr. Green, it was agreed by unanimous consent that Bills 12, 14, and 15 be read a third time forthwith.

Accordingly, the following Bills were read a third time:

Bill 12, *An Act to Proclaim Holocaust Memorial Day Yom haShoah in New Brunswick.*

Bill 14, *An Act to Amend the Teachers' Pension Act.*

Bill 15, *An Act to Amend the Teachers' Pension Act.*

Ordered that the said Bills do pass.

At the request of Hon. Mr. Green, Mr. Speaker reverted to Government Motions for the Ordering of the Business of the House. Hon. Mr. Green advised that it was the intention of the government to recess until 12.35 o'clock p.m. at which time Royal Assent would take place.

Mr. Speaker declared a recess at 12.11 o'clock p.m.

1.05 o'clock p.m.

Mr. Speaker resumed the chair.

Her Honour, the Lieutenant-Governor, was announced, and having been bidden to enter, took her seat in the chair upon the Throne.

Mr. Speaker addressed Her Honour as follows:

May It Please Your Honour:

The Legislative Assembly of the Province of New Brunswick has passed several Bills at the present sittings of the Legislature to which, in the name and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

The Clerk Assistant then read the titles of the Bills as follows:

Bill 12, *An Act to Proclaim Holocaust Memorial Day Yom haShoah in New Brunswick.*

Bill 14, *An Act to Amend the Teachers' Pension Act.*

Bill 15, *An Act to Amend the Teachers' Pension Act.*

Her Honour signified Her Assent as follows:

It is the Queen's wish. La reine le veut.

To these Bills, Her Honour's assent was announced by the Clerk of the Legislative Assembly in the following words:

In Her Majesty's name, Her Honour the Lieutenant-Governor assents to these Bills, enacting the same and ordering them to be enrolled.

Her Honour was pleased to deliver the following speech:

In the spirit of Christmas, if I may, Mr. Speaker, Mr. Premier, Mr. Leader, Madam Leader, and Members of the Legislative Assembly, I want to wish you a wonderful Christmas and a wonderful holiday.

I would like to wish you a Merry Christmas.

I know that you have worked hard. I have watched a little bit, not as much as I would have liked to, but I want to thank each and every one of you for your dedication to the Legislative Assembly of New Brunswick.

I wish to thank each and every one of you for your devotion to this Legislative Assembly

Please have a wonderful holiday, a much-deserved holiday, with your family, your friends, and the citizens of your community. We will all be coming back to a new century, where the people of New Brunswick, especially the children of New Brunswick, the youth, expect great things of us. It will be an exciting journey that we will have. In the meantime, rest well, enjoy life, especially your families, and God bless each of you.

May God bless you.

Thank you very much.

Her Honour then retired and Mr. Speaker resumed the chair.

Mr. Speaker, at the request of Hon. Mr. Green, reverted to the Order of Government Motions for the Ordering of the Business of the House,

On motion of Hon. Mr. Green, seconded by Hon. Mr. Lord:

RESOLVED, that when the Assembly adjourns at the end of this sitting day, it stand adjourned until Tuesday, February 8, 2000, provided always that if it appears to the satisfaction of Mr. Speaker, after consultation with the Government, that the public interest requires that the House should meet at an earlier time during the adjournment, Mr. Speaker may give notice that he is so satisfied and in such notice shall state a time at which the House shall meet, and thereupon the House shall meet at the time so stated and shall transact its business as if it has been duly adjourned to that time, and

THAT in the event of Mr. Speaker being unable to act owing to illness or other cause, either of the Deputy Speakers shall act in his stead for the purpose of this order.

Mr. Speaker addressed the House.

And then, 1.30 o'clock 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:

Documents requested in Notices of Motions 26 and 27 - December 15, 1999