

Daily sitting 46

Thursday, April 30, 2015

10 o'clock a.m.

Prayers.

Mr. Jeff Carr, Member for New Maryland-Sunbury, laid upon the table of the House a petition urging the Legislative Assembly to reinstate the New Brunswick Tuition Rebate Program. (Petition 83)

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Mr. Coon, Member for Fredericton South, laid upon the table of the House a petition urging the Legislative Assembly to modernize forest legislation, return supply to woodlot owners, abandon the 2014 forest plan, and support Bill 13. (Petition 84)

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The following Bills were introduced and read a first time:

By Hon. Ms. Landry,

Bill 25, *An Act to Amend the Apprenticeship and Occupational Certification Act.*

By Hon. Mr. Fraser,

Bill 26, *An Act Respecting Leadership Contestants and Nomination Contestants.*

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On motion of Mr. Albert, seconded by Hon. Mr. Landry:

RESOLVED, that pursuant to Standing Rule 109, the following estimates be referred to the Standing Committee on Estimates and Fiscal Policy:

Department of Government Services;  
Aboriginal Affairs Secretariat.

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Mr. Albert gave notice that on Friday, May 1, 2015, Bills 25 and 26 would be called for second reading.

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Mr. Albert, Government House Leader, announced that it was the intention of government that Bills 18, 19, 20, 21 and 22 be called for second reading; following which the House would resolve itself into a Committee of Supply to consider the estimates of the Department of Finance; following which Opposition Members' Business would be considered.

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The following Private Bill was read a second time:

Bill 18, *Engineering and Geoscience Professions Act*.

Pursuant to Standing Rule 121, Mr. Speaker ordered Private Bill 18 for third reading forthwith.

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The following Private Bill was read a third time:

Bill 18, *Engineering and Geoscience Professions Act*.

Ordered that the said Bill does pass.

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The Order being read for second reading of Bill 19, *An Act to Repeal the Farm Improvement Assistance Loans Act*, a debate arose thereon.

At 12 o'clock p.m., Mr. Speaker left the chair to resume again at 1 o'clock p.m.

*1 o'clock p.m.*

Mr. Speaker resumed the chair.

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

And after some further time, Madam Deputy Speaker interrupted proceedings and announced that the time designated for Opposition Members' Business had arrived.

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Debate resumed on the adjourned debate on the motion that Bill 11, *Local Food Security Act*, be now read a second time.

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

And the debate being ended, and the question being put that Bill 11 be now read a second time, it was resolved in the negative on the following recorded division:

YEAS - 18

Mr. Holder

Ms. Shephard

Mr. Crossman

Mr. Fitch

Mr. Coon

Mr. Keirstead

Ms. Dubé

Ms. Lynch

Mr. Steeves

Mr. MacDonald

Mr. Macdonald

Mr. Jeff Carr

Mr. Northrup

Mr. Stewart

Mr. Oliver

Mr. Higgs

Mr. Wetmore

Mr. Urquhart

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 NAYS - 24

Hon. Mr. Boudreau	Hon. Mr. Landry	Mr. Bernard LeBlanc
Hon. Mr. Melanson	Hon. Mr. Fraser	Mr. Bourque
Hon. Mr. Gallant	Hon. Ms. Landry	Mr. Harvey
Mr. Albert	Hon. Mr. Kenny	Mr. Guitard
Hon. Mr. Horsman	Hon. Mr. Rousselle	Mr. Roussel
Hon. Mr. Arseneault	Mr. Bertrand LeBlanc	Mr. Ames
Hon. Mr. Doucet	Mr. Chiasson	Ms. Harris
Hon. Mr. Doherty	Ms. LeBlanc	Mr. LePage

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During the recorded division, a disruption occurred in the gallery and Mr. Speaker declared a brief recess to have the guests in the gallery removed.

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Following the recorded division, Mr. Albert rose on a point of order and submitted that during the recess, Members of the Opposition and staff of the Leader of the Third Party took photos and videos of the disruption in the gallery. Mr. Speaker requested that any photos or videos taken by Members and staff during the recess be immediately erased, as the taking of photos and videos during the proceedings of the House or a recess is strictly prohibited.

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Pursuant to Notice of Motion 33, Ms. Shephard moved, seconded by Mr. Jeff Carr:

WHEREAS construction projects can be complex and may take many months to complete;

WHEREAS the legislative and regulatory framework governing the construction industry should encourage timely payment for services and materials, and ensure payment risk is distributed fairly;

WHEREAS, to that end, the *Mechanics' Lien Act* and the *Crown Construction Contracts Act* establish systems of liens, holdback rights, trust provisions, bonds, security and other related matters to provide financial protection to those who supply services or materials to a construction project;

WHEREAS there has been no recent review of the *Mechanics' Lien Act* or the *Crown Construction Contracts Act* to ensure they are effective and remain relevant to current industry practices and standards;

WHEREAS other provinces have started to conduct reviews of the legislative and regulatory framework governing the construction industries within their jurisdictions, including Ontario;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly urge the government to appoint an independent expert to review the *Mechanics' Lien Act* and the *Crown Construction Contracts Act* in order to examine and identify payment and related issues within the construction sector;

BE IT FURTHER RESOLVED THAT the independent expert review should involve extensive consultation with the construction industry, and that the independent expert should report to the government and the Legislative Assembly the results of the consultation process and the independent expert's advice and recommendations for changes;

BE IT FURTHER RESOLVED THAT the independent expert review and government's response thereto should be published within one year and any recommendations to which government agrees should be implemented within a further six months.

And the question being put, a debate ensued.

And after some time, Ms. Harris resumed the chair.

And after some further time, Mr. Bernard LeBlanc took the chair.

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

And the debate being ended, and the question being put, Motion 33 was resolved in the negative.

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Debate resumed on the amendment to Motion 27, moved by Hon. Mr. Horsman, seconded by Hon. Mr. Arseneault, as follows:

#### AMENDMENT

That Motion 27 be amended:

After the seventh "Whereas" clause, add:

"WHEREAS enacting helmet legislation requires hiring enforcement officers to patrol hills where skiing takes place, checking for helmet use and checking helmet standards and investigating reports of

persons seen not wearing helmets while skiing, leading to prosecutions and fines for infractions committed by skiers and ski hills operators;

WHEREAS operators of ski hills may now establish policies to make mandatory the wearing of helmets when skiing or snowboarding on their ski slopes as a condition for use of their ski slopes;"

And, delete the resolution clause and replace it with:

"BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to encourage ski hill operators to make mandatory the wearing of helmets when skiing or snowboarding as a condition for use of their ski slopes."

And the debate being ended, and the question being put, the amendment was adopted.

Mr. Speaker put the question on Motion 27 as amended as follows:

WHEREAS New Brunswickers enjoy outdoor activities such as skiing and snowboarding to stay active over the winter months;

WHEREAS skiing and snowboarding are activities that should be enjoyed safely;

WHEREAS head injuries are the leading cause of death among skiers and snowboarders of all ages;

WHEREAS helmet use reduces the risk that people who ski or snowboard will suffer a traumatic brain injury, and can save the lives of participants;

WHEREAS there have been numerous traumatic brain injuries attributed to people skiing or snowboarding without a helmet in New Brunswick;

WHEREAS members of the public have advocated for New Brunswick to make helmets mandatory for all people who ski or snowboard;

WHEREAS it is in the public interest to make mandatory the wearing of helmets when skiing or snowboarding;

WHEREAS enacting helmet legislation requires hiring enforcement officers to patrol hills where skiing takes place, checking for helmet use and checking helmet standards and investigating reports of persons seen not wearing helmets while skiing, leading to prosecutions and fines for infractions committed by skiers and ski hills operators;

WHEREAS operators of ski hills may now establish policies to make mandatory the wearing of helmets when skiing or snowboarding on their ski slopes as a condition for use of their ski slopes;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to encourage ski hill operators to make mandatory the wearing of helmets when skiing or snowboarding as a condition for use of their ski slopes.

And the question being put, Motion 27 as amended was resolved in the affirmative.

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And then, 6.06 p.m., the House adjourned.

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

Response to Petition 64

April 29, 2015