

Tuesday, April 26, 2005.

*1 o'clock p.m.*

Prayers.

Mr. Speaker drew the attention of Members to the return of the magnificent chandeliers after a two-year restoration project:

STATEMENT BY SPEAKER

Honourable Members,

As Members of the Legislative Assembly, we are privileged to work in one of the oldest and most beautiful Legislative Buildings in Canada.

Built in the 1880s, this building continues today as a functioning working historic site that we, as elected representatives, hold in trust for the people of New Brunswick. Restoration of the building has been ongoing during the past 25 years.

Today, I am delighted to draw your attention to the return of our magnificent chandeliers after a two-year restoration project. These wonderful old converted gas fixtures are original to the building and have been providing illumination to the proceedings in this Chamber for over 125 years. Manufactured by Mitchell & Vance Company of New York, they are made of red brass and adorned with lead crystal prisms and shades.

Both fixtures have been structurally improved, repaired, restored and cleaned. Much effort has gone into rehabilitation of the brass framework and decorative metals and replacement of a number of crystal prisms of the South Chandelier which was extensively damaged in 2002.

Every effort was made by the restoration contractor to preserve existing elements of the fixtures. The only primary elements that have been replaced are the main structural stems which support all components of the fixtures and the main lighting hubs which are more in keeping with the original character of the original gas lighting rings.

The raising and lowering equipment now includes two main support cables, one of which extends to the bottom of the fixtures and is fully enclosed within the structural support stem. Each chandelier is supported by three independent structural systems, greatly increasing the level of safety.

An added feature will allow staff to dim the chandelier lighting when the Legislature is not in session to recreate the lighting levels and ambiance that existed when these fixtures were illuminated by gas.

The chandelier restoration project which was overseen by a team of dedicated professionals has ensured that these rare treasures are protected and safe for generations to come. Later this summer, the remainder of the crystal prisms will be added to complete the work on both fixtures.

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The Honourable the Premier recognized Cardinal Joseph Ratzinger of Germany, now Pope Benedict XVI, who was recently elected the new pope.

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Mr. Carr from the Standing Committee on Law Amendments presented the Second Report of the Committee, which was read and is as follows:

April 26, 2005.

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

Mr. Speaker:

I have the pleasure to present herewith the Second Report of the Standing Committee on Law Amendments for the session.

The Report is the result of your Committee's deliberations on Bill 2, *Volunteer Protection Act*, and Bill 5, *An Act to Amend the Workers' Compensation Act*, which were introduced in the Legislative Assembly during the previous session of the Legislature and referred to your Committee for its consideration.

I would like to thank the members of the Committee for their contribution in carrying out our mandate.

And your Committee begs leave to make a further report.

Respectfully submitted,

(Sgd. :) Jody Carr, M.L.A.  
Chairman

Ordered that the report be received.

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

April 26, 2005.

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

Mr. Speaker:

Your Standing Committee on Law Amendments begs leave to submit this their Second Report of the session.

On July 30, 2003, during the First Session of the Fifty-fifth Legislature, Bill 2, *Volunteer Protection Act*, was introduced in the Legislative Assembly by Mr. S. Graham, Leader of the Opposition and Member for Kent. The proposed legislation is intended to encourage volunteerism by protecting volunteers from liability for damages caused when acting within the scope of their responsibilities. On August 1, 2003, by Resolution of the House, consideration of Bill 2 was referred to the Standing Committee on Law Amendments.

On August 5, 2003, during the First Session of the Fifty-fifth Legislature, Bill 5, *An Act to Amend the Workers' Compensation Act*, was introduced in the Legislative Assembly by Mr. S. Graham, Leader of the Opposition and Member for Kent. The proposed legislation attempts to accomplish two main objectives: firstly, to extend loss of earnings benefits to volunteer firefighters who are unemployed; secondly, to legislate the presumption that certain types of cancers are occupational diseases, the dominant cause of which is the employment as a firefighter. On August 7, 2003, by Resolution of the House, consideration of Bill 5 was referred to the Standing Committee on Law Amendments.

On January 29, 2004, your Committee met with officials from the Department of Justice to discuss the merits of Bill 2 and officials from the Department of Training and Employment Development to discuss the merits of Bill 5. On September 17, 2004, your Committee held further deliberations on both Bills. On October 7 and November 30, 2004, your Committee held further deliberations on Bill 5, which included meeting with representatives from the Workplace Health, Safety, and Compensation Commission (WHSCC); the New Brunswick Association of Fire Chiefs; and the Atlantic Provinces Professional Fire Fighters Association.

Your Committee wishes to note that both Bill 2 and Bill 5 have since died on the Order and Notice Paper as the First Session of the Fifty-fifth Legislature came to an end when the Legislative Assembly was prorogued on December 2, 2004. Nonetheless, the mandate of your Committee to review the subject matter of the Bills remains in effect. Your Committee is pleased to offer its recommendations.

#### **SUMMARY OF FINDINGS AND RECOMMENDATIONS**

##### **Bill 2, *Volunteer Protection Act***

The objective of Bill 2, *Volunteer Protection Act*, is to protect volunteers

from being personally liable for damages caused by them, if the damages were incurred while the volunteer was performing his or her duties, and the volunteer's actions were not caused by such factors as criminal misconduct or gross negligence. Generally, the Bill attempts to provide legal protection to people who give their time and efforts, free of charge, to worthwhile causes and organizations.

Your Committee is in agreement that the intent of the Bill is admirable and the contributions of volunteers should be applauded and protected. Your Committee supports initiatives designed to encourage volunteerism and agrees in principle that the Legislative Assembly should seek to remove obstacles that may discourage New Brunswickers from volunteering. However, your Committee does not recommend the enactment of Bill 2. Your Committee is in agreement that Bill 2, in its current form, does not adequately accomplish its objectives and requires revision.

**Your Committee therefore recommends that Bill 2, *Volunteer Protection Act*, not be proceeded with.**

***Bill 5, An Act to Amend the Workers' Compensation Act***

The first objective of Bill 5 is to create loss of earnings benefits for all volunteer firefighters, whether they are employed in another profession or not. To accomplish this objective, the Province, who is deemed by the Bill to be the employer of all volunteer firefighters, shall select an amount to represent the average earnings of volunteer firefighters. Once the average earnings are determined, if a volunteer firefighter suffers an injury arising out of his or her employment as a firefighter, the volunteer is entitled to compensation based on the amount selected as the average earnings.

Currently, if a volunteer firefighter is injured in the course of volunteering as a firefighter, the volunteer is entitled to compensation based on the amount he or she receives at their regular employment. If the volunteer is unemployed, the compensation would not include loss of earnings benefits, as the volunteer would generally only be entitled to medical and rehabilitation benefits. Therefore, if Bill 5 is enacted, all volunteers, whether employed or unemployed, would be entitled to loss of earnings benefits. However, volunteers who have a salary at their regular employment which is higher than the amount selected by the Province as the average earnings of volunteer firefighters, may, in certain circumstances, receive inadequate compensation.

The second objective of Bill 5 is to create a presumptive provision stating that if full-time firefighters are diagnosed with certain types of cancers, it will be deemed to be an occupational disease, the domi-

nant cause of which is the employment as a firefighter. The presumption only applies to a worker who has been a full-time firefighter for a minimum period of time prescribed by regulation and has been regularly exposed to the hazards of a fire scene. As for volunteer firefighters, the Bill requires the WHSCC to conduct research and prepare a report to determine if the cancers listed in the Bill can be characterized as occupational diseases for volunteer or part-time firefighters.

Your Committee is in agreement that firefighters, whether they be full-time, part-time or volunteer, provide an invaluable service to the Province of New Brunswick. These individuals risk their lives in the face of danger to protect all New Brunswickers, and if an injury or illness arises in the course of their contribution, all the necessary steps should be taken to ensure that these individuals are adequately compensated for their efforts. As such, your Committee, given the evidence presented, supports in principle the presumptive provision related to certain types of cancers for full-time firefighters, and is also of the opinion that further research should be conducted with respect to its application to volunteer firefighters. However, your Committee does not recommend Bill 5, in its current form, as it does not adequately accomplish its objectives, particularly those related to the loss of earnings provisions, and requires revision.

**Your Committee therefore recommends that Bill 5, *An Act to Amend the Workers' Compensation Act*, not be proceeded with.**

Ordered that the Report be received and leave be granted and the Committee continued.

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The following Bill was introduced and read a first time:

By Mr. MacIntyre,

Bill 38, *An Act Respecting the Regional Health Authorities Act*.

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

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Mr. Speaker cautioned Members to be careful in their choice of words and to avoid any use of words which might be deemed unparliamentary.

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Mr. Albert gave Notice of Motion 70 that on Tuesday, May 3, 2005, he would move the following resolution, seconded by Ms. Robichaud:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the

House all information concerning the signing on January 24, 2001, of the three-year Agreement on Official Languages in Education and the amounts of investments by the government of Canada provided for in the agreement as well as the amounts promised by the government of New Brunswick, including all correspondence, memos, e-mails, faxes, agreements, contracts, and information about the amounts of money invested in order to support minority language education and second language education at the primary, high school, college, and university levels, and a breakdown of these amounts.

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Mr. Albert gave Notice of Motion 71 that on Tuesday, May 3, 2005, he would move the following resolution, seconded by Mr. Landry:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all documents, correspondence, memos, e-mails, and faxes about labour mobility between the province of Quebec and New Brunswick, including the number of meetings held between May 1, 2003, and April 26, 2005.

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Mr. Arseneault gave Notice of Motion 72 that on Tuesday, May 3, 2005, he would move the following resolution, seconded by Mr. Paulin:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all statistical information gathered by the Department of Tourism and Parks from the NB Tourism and Parks Communications Centre (1-800-565-0123) as well as all statistical information gathered by the Department of Tourism and Parks on the NB Tourism Website ([www.tourismnewbrunswick.ca](http://www.tourismnewbrunswick.ca) and [eauchaude.ca](http://eauchaude.ca)) on a monthly basis since January 2004.

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Hon. Mr. Green, Government House Leader, announced that following the two hours reserved for Private Members' Motions, it was the intention of the government that the House resolve itself into a Committee of Supply to take into consideration the estimates of the Department of Supply and Services.

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Pursuant to Notice of Motion 67, Mr. Foran, seconded by Mr. Murphy, moved the following resolution:

WHEREAS a dispute remains over the pension funds for former members of the Moncton Police Force:

BE IT THEREFORE RESOLVED that this Legislature urge the government to undertake an audit in order to determine the explicit or implicit agreement in place at the time of the transfer or at any time since regarding the calculation of pension amounts.

And the question being put, a debate ensued.

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

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

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

And the debate being ended and the question being put, Motion 67 was carried in the affirmative.

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The House, according to Order, resolved itself into a Committee of Supply with Mr. C. LeBlanc in the chair.

And after some time, Mr. Speaker resumed the chair and Mr. C. LeBlanc, the Chairman, after requesting that Mr. Speaker revert to Presentations of Committee Reports, reported that the Committee had had under consideration the matters referred to them, had made some progress therein 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.

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And then, 6 o'clock 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:

Public Accounts for the fiscal year ended	
31 March 2004 - Volume 4	April 19, 2005
Documents requested in Notice of Motion 55	April 15, 2005
Documents requested in Notice of Motion 57	April 18, 2005