

STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE
Wednesday, May 1, 2019

MINUTE NO. 39
7:00 p.m. — Legislative Chamber

1. **Present:** Fred Bradshaw in the chair and members David Buckingham,* David Forbes,* Ken Francis, Hugh Nerlien, Eric Olauson, Nicole Sarauer,* and Trent Wotherspoon.*

Substituting Members

David Buckingham for Laura Ross
David Forbes for Buckley Belanger (7:00 p.m. – 8:03 p.m.)
Nicole Sarauer for Buckley Belanger (9:22 p.m. – 10:16 p.m.)
Trent Wotherspoon for Buckley Belanger (8:03 p.m. – 9:14 p.m.)

2. The committee considered Bill No. 133, *The Legislative Assembly (Election Dates) Amendment Act, 2018/Loi modificative de 2018 sur l'Assemblée législative (dates d'élection)*.

The Minister of Justice and the following officials appeared before the committee and answered questions:

Witnesses

Hon. Don Morgan, Minister
Darcy McGovern, Director, Legislative Services

3. The questions being put on clauses 1 to 3, they were agreed to.
4. It was moved by Mr. Nerlien:

That the committee report Bill No. 133, *The Legislative Assembly (Election Dates) Amendment Act, 2018/Loi modificative de 2018 sur l'Assemblée législative (dates d'élection)* without amendment.

The question being put, it was agreed to.

5. The committee considered Bill No. 152, *The Builders' Lien (Prompt Payment) Amendment Act, 2018*.

The Minister of Justice and the following officials appeared before the committee and answered questions:

Witnesses

Hon. Don Morgan, Minister
Darcy McGovern, Director, Legislative Services
Maria Markatos, Senior Crown Counsel, Legislative Services

6. The questions being put on clauses 1 to 6, they were agreed to.
7. During consideration of clause 7, it was moved by Mr. Olauson:

Amend Clause 7 of the printed Bill:

(a) in section 21.13, as being enacted by that Clause, by adding the following subsection after subsection (2):

“(3) In setting the fees mentioned in clause (2)(a), the Authority may, subject to the regulations, specify the amounts or the method for determining the amounts”;

(b) in section 21.3, as being enacted by that Clause:

(i) in the portion of subsection (1) preceding clause (a) by striking out “A party” and substituting “Subject to subsection (2), a party”; and

(ii) by adding the following subsection after subsection (1):

“(2) The Lieutenant Governor in Council may prescribe a form for the purposes of the notice of adjudication mentioned in subsection (1) and, in that case, the prescribed form must be used”;

(c) in subsection 21.31(3), as being enacted by that Clause, by adding the following clause after clause (a):

“(b) the reference in clause 21.41(1)(b) to the other party shall be read as a reference to every other party to a consolidated adjudication”;

(d) in section 21.32, as being enacted by that Clause, by adding the following subsection after subsection (4):

“(5) If the parties to an adjudication do not agree on an adjudicator, the party who gave the notice of adjudication shall request that the Authority appoint an adjudicator”;

(e) by striking out section 21.41, as being enacted by that Clause, and substituting the following:

“Documents for adjudication

21.41(1) No later than five days after an adjudicator agrees or is appointed to conduct the adjudication, the party who gave the notice of adjudication shall give:

(a) to the adjudicator a copy of the notice, together with:

(i) a copy of the contract or subcontract; and

(ii) any documents the party intends to rely on during the adjudication; and

(b) to the other party the documents mentioned in subclause (a)(ii).

(2) A party who receives a notice of adjudication may, in accordance with the regulations, respond in writing”; and

(f) in section 21.52, as being enacted by that Clause:

(i) in subsection (1):

(A) in the portion preceding clause (a) by striking out “decision” and substituting “determination”; and

(B) in clause (d) by striking out “order” and substituting “determination”; and

(ii) in subsection (2) by striking out “the adjudicators” and substituting “an adjudicator”.

The question being put on the amendment, it was agreed to.

The question being put on clause 7 as amended, it was agreed to.

8. The questions being put on clauses 8 to 14, they were agreed to.

9. It was moved by Mr. Francis:

That the committee report Bill No. 152, *The Builders’ Lien (Prompt Payment) Amendment Act, 2018* with amendment.

The question being put, it was agreed to.

10. The committee recessed from 9:14 p.m. until 9:22 p.m.

11. The committee considered Bill No. 141, *The Interpersonal Violence Disclosure Protocol (Clare’s Law) Act*.

The Minister of Justice and the following officials appeared before the committee and answered questions:

Witnesses

Hon. Don Morgan, Minister

Darcy McGovern, Director, Legislative Services

Danielle Schindelka, Crown Counsel, Legislative Services

12. The questions being put on clauses 1 to 10, they were agreed to.

13. It was moved by Mr. Nerlien:

That the committee report Bill No. 141, *The Interpersonal Violence Disclosure Protocol (Clare’s Law) Act* without amendment.

The question being put, it was agreed to.

14. The committee considered Bill No. 168, *The Justices of the Peace Amendment Act, 2019/Loi modificative de 2019 sur les juges de paix*.

The Minister of Justice and the following officials appeared before the committee and answered questions:

Witnesses

Hon. Don Morgan, Minister
Jan Turner, Assistant Deputy Minister
Jane Chapco, Senior Crown Counsel, Legislative Services

15. The questions being put on clauses 1 to 10, they were agreed to.

16. It was moved by Mr. Olauson:

That the committee report Bill No. 168, *The Justices of the Peace Amendment Act, 2019/Loi modificative de 2019 sur les juges de paix* without amendment.

The question being put, it was agreed to.

17. It was moved by Mr. Buckingham:

That this committee do now adjourn.

The question being put, it was agreed to.

18. The committee adjourned at 10:16 p.m. until Tuesday, May 7, 2019 at 4:30 p.m.

Stacey Ursulescu
Committee Clerk

Fred Bradshaw
Chair