

# PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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Matters of Privilege and Recognition of  
Guests

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Thank you, Madam Speaker.

Welcome, everyone, in our gallery today, and in particular two first-time visitors to the Legislature, Ron Johnson and Basil Kerwin, who haven't been here before but maybe will turn out to be return visitors, perhaps follow the example of Eddie Lund, who's been here before. Welcome.

I want to welcome Betty Aubin and Brenda McAlduff, and Allan Malone is here, and everyone who's watching on the Internet or from home on EastLink, and of course you, Madam Speaker, and our colleagues here in the House.

I want to congratulate Jane Ledwell on the launch of her book, *Bird Calls: the Island Responds*, which will see its launch this evening at Upstreet brewery, and it's a work that weaves together the travel prose of Isabella Lucy Bird from the 1850s with Jane Ledwell's contemporary poetry.

Congratulate all who worked together to track down and return home Ghostman who was missing for 11 days. I suppose it's appropriate, as we get to this stage in our session, that we're welcoming the ghosts in the recognition of course, a special shout-out to Hannah Hughes for the great story that that has at Christmas time.

And finally – and with, I'm sure, the feeling of everyone in the House – to recognize all throughout the Island who are involved in food banks, turkey drives, fundraisers, toy collections, and other initiatives to make the most and to support everyone that we possibly can at this time of giving.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Leader of the Opposition.

**Leader of the Opposition:** Thank you, Madam Speaker.

Pleasure to rise today, welcome (Indistinct) the gallery, and also in Borden-Kinkora and everybody watching on EastLink, and also to the media when they come here, and also our Charlottetown police department member that was here at – he's a great friend, that's for sure.

One thing I want to talk about was I mistakenly forgot somebody on the weekend, and I meant to do it, but I want to give birthday wishes out to a really good friend of mine, Phyllis Green. She lives in Central Bedeque. She's been a great supporter of mine. We have great chats for her and her husband Sydney with I, and I want to wish her all the best as she moves forward. She had some medical complications and they're now under control, so all the best to Phyllis.

I want to also recognize the village of Kinkora. They had a tree-lighting ceremony last weekend, and last night I was on the way home, I dropped one of the Pages off, and they placed a beautiful tree inside a gazebo that they recently put there. The snow was falling and the gazebo was all lit up and the tree was in the centre. It was nice to see, so thank you.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Souris-Elmira.

**Mr. LaVie:** Thank you, Madam Speaker.

As the old saying goes, never talk about anybody unless you walked in their shoes. Yesterday in Question Period I spoke about the most vulnerable people on Prince Edward Island, and in the motion last night I spoke about the most vulnerable people in Prince Edward Island.

I did walk in the shoes of the most vulnerable people on Prince Edward Island, and after Question Period and the motion, I received (Indistinct) of phone calls, not only from my district but from communities across Prince Edward Island. I even got a message as far as from Florida thanking me for speaking up for the most vulnerable people on Prince Edward Island.

This is just a reminder of why I got into politics. It's to speak up for the people that haven't got a voice. That's exactly what I said I would do, be a voice for those people. I thanked the press yesterday morning for bringing up our issues, and I want to thank them again this morning for bringing up the issue and getting that issue out there, and letting people know that we are speaking up for the most vulnerable people on Prince Edward Island.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Alberton-Roseville.

**Mr. Murphy:** Thank you, Madam Speaker.

A pleasure to rise and welcome all the folks in the public gallery, especially Brenda McAlduff. I'd also like to say hello to all of the good people out in Alberton-Roseville, of course, as well as right across the province.

While I'm on my feet I would like to wish my condolences to the Matthews family up in my district there on the passing of their loved one.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Minister of Transportation, Infrastructure and Energy.

**Ms. Biggar:** Thank you, Madam Speaker.

Welcome to everyone here and to those watching from the District of Tyne Valley-Linkletter and across Prince Edward Island.

I want to send a shout-out today to the staff at the government garage in Summerside and to thank them for the wonderful invitation to join them today at lunchtime for their annual Christmas dinner. They always put on a great spread and it's great to converse. And thank all the snow plow drivers and all of those who work out on the roads for us.

I also want to send out kudos to the third floor Jones' staff in my department who are collecting for Toys for Tots. They have a beautiful collection that they will be

donating and I want to recognize all of the great work. I know right across the public service we do a lot of things for families across PEI, but I especially am impressed with the amount of toys that have been collected by the third floor Jones' staff of Transportation, Infrastructure and Energy staff. Kudos to them and thank you, and I encourage everyone to do what they can to assist those who are in more need than perhaps some others at this time of year.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Madam Speaker.

It's a pleasure to get up today and welcome everybody who may be watching from District 18 Rustico-Emerald, and of course everybody here in the gallery today.

I just wanted to recognize all of those children who are involved with Christmas concerts this time of year. I know my children Alex and Annika are doing their Christmas concert today at Gulf Shore Consolidated School (Indistinct) dry run in the morning, and then this afternoon one presentation and then they are actually on the stage right now, and then this evening they will be doing another one. They are really looking forward to it. If you want to really bring that joy of Christmas back into your heart, I recommend you go see an elementary school Christmas concert.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

#### Statements by Members

**Speaker:** The hon. Member from Summerside-Wilmot.

#### **Innovative Learning**

**Mr. Palmer:** Thank you, Madam Speaker.

I would like to share how one teacher's innovative teaching skills are creating excitement for students in the classroom in Summerside.

Will MacDonald, a teacher at Summerside Intermediate School, has brought innovative technology to his grade 9 classroom. He has taken the idea of being interactive one step further.

About five years ago while attending a conference in California he found out about a small box called the Smart Response system. He saw how it could be used in the classroom and ended up purchasing several of the small gadgets for his own students.

The small handheld box is slightly bigger than a calculator and connects to the program on Mr. MacDonald's laptop. Each of the students signs in with a password which allows them to remain anonymous when answering questions in class.

Mr. MacDonald feels that students are less likely to attempt to answer questions if they feel their answers are going to be wrong. With the new technology, everyone attempts to answer all questions and no one is singled out as being the one who gave an incorrect answer to the question.

**Mr. Aylward:** We should get one of those for in here.

**Mr. Palmer:** This process of answering questions permits the teacher to assess how well the group is retaining and understanding the class material. It also serves as a learning tool to check homework, conduct tests, and engage exactly the level of understanding of the curriculum being taught.

Madam Speaker, I want to commend Will MacDonald in showing such creativity and innovation in his classroom.

His students are lucky to have such an engaged teacher.

Thank you.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Alberton-Roseville.

**Audrey Callaghan**

**Mr. Murphy:** Madam Speaker, I'd like to acknowledge a great volunteer in the Alberton-Roseville district.

Audrey Callaghan has lived all of her married life in the community of Miminegash where she and her husband, Walter, raised their six children on a mixed farm. Audrey has been a very active volunteer for as long as I have known her. It goes without saying the dedication and contribution that she has given to the growth and well-being of the West Prince area.

Audrey is currently the chairperson of the community of Miminegash and, I must say, definitely not a quiet one.

She is also a member of the quilters' club in Miminegash and has been an active member for over 50 years of the Catholic Church in Palmer Road.

Curling is definitely a passion of Audrey's. She has been with the Western Community Curling Club in Alberton for a number of years. Most of those years she has sat on the board with other outstanding volunteers. Together they have brought the curling community alive and thriving. Audrey often puts the credit in the hands of others and acknowledges that it is teamwork that is successful. This is true, but I know first-hand the above and beyond effort that Audrey puts into it.

If that wasn't enough, she also has a keen interest in politics, especially Liberal politics. Audrey is current serving on the executive of the Alberton-Roseville Liberal association in the role of VP and acting president. She is always at the table as a persistent and strong voice for the district.

Madam Speaker, and members, please join me in acknowledging Audrey Callaghan, a strong voice for our community whose volunteer work is greatly appreciated by many.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Georgetown-St. Peters.

**The Beard Gives Back**

**Mr. Myers:** Thank you, Madam Speaker.

A campaign launched by Al Douglas called The Beard Gives Back is fundraising money for the food bank.

Al's Go Fund Me campaign has proven to be a success that keeps on growing. Within six days he had raised over \$10,000 and has now set a new goal of \$15,000.

Al promised to shave his beard off once \$5,000 was raised at a special event on December 28<sup>th</sup> at the PEI Brewing Company. Al has had his beard for more than two years now so I'm sure people won't recognize him once it's gone. The person with the highest donation will get the honours of shaving the beard. Al's campaign has been boosted by the response he has gotten so far by the community and by the people.

Many great prizes have been donated, and for every \$25 donation a ballot with your name on it will be entered for the drawing for one of these excellent prizes.

If Al raises \$15,000 he has made a new commitment to wax his whole body. All funds raised will go to the food bank and as Al put it: Being hungry sucks this time of the year and it's tough on everyone. I appreciate any donations that come in through, it means a lot.

I was pleased to make a donation to Al's campaign, and I hope everyone here and those watching can do the same as well. Every little bit makes a big difference to those who need it.

I want to thank Al for taking up this challenge and sacrificing his beard for such a good cause. Islanders have always proven to be one of the most generous and they have shown it again this year.

Thank you.

**Some Hon. Members:** Hear, hear!

Responses to Questions Taken as Notice

#### Questions by Members

**Speaker:** The hon. Leader of the Opposition.

#### **Police review ideal**

**Leader of the Opposition:** Thank you, Madam Speaker.

Yesterday the Premier released the police review report, something I've advocated for. In comments after the release of the review the Premier said: There is a need to move forward and build, working with the existing police services to build a new ideal.

Question to the Premier and the Attorney General: Can you elaborate on what you mean when you say a new ideal?

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Thank you, Madam Speaker, and I thank the Leader of the Opposition for the question, and for his interest and advocacy on this subject, including participation in the technical briefing yesterday.

When the review was started back in February – for the first time in 40 years an Island-wide review – the words cohesive, integrated, and efficient were used. The consultants who worked on this and conducted many interviews came back to report that while we have a small province, small population, and effective and appreciated police services, the system is currently disjointed.

Let me say more jointed, and I'm prepared to expand on that, Madam Speaker.

**Speaker:** The hon. Leader of the Opposition.

#### **Premier's vision of policing**

**Leader of the Opposition:** Thank you, Madam Speaker.

The Premier's vagueness can mean a lot of things. We've learned this during the session.

Question to the Premier: Can you explain to the House what your vision of policing in PEI should look like?

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Madam Speaker, let me begin by saying that it's building on our strengths.

In an extensive survey with Prince Edward Islanders the consultants found that 82% of respondents strongly agreed that they feel safe in their communities during the day, 61% at night. I think we could improve on that. They also found that 75% believe that police in PEI do a good job and an additional 22% would rate them as doing an average job. In our business, I think if we got up into the range of 97% we'd be pretty pleased.

In particular, we outlined, and on the response to the consultant's recommendation, that there would be a number of initiatives that the police would take, including standards and joint teams, and that there will be an implementation committee among the agencies to work on that, Madam Speaker.

**Speaker:** The hon. Leader of the Opposition.

### Police review concerns

**Leader of the Opposition:** Thank you, Madam Speaker.

One of the review's recommendations was for a stronger communication between the police services in the province. Yet some of the early feedback I've heard from police forces is a concern against the report and that it does not give the true picture of policing in the province.

Question to the Premier and the Attorney General: Will you commit today to address the concerns against this report and to ensure a true picture is outlined to Islanders of Prince Edward Island in regards to policing?

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Madam Speaker, I took part in the session yesterday, and the consultants and provincial officials met this morning with one of the main policing services in the province and are meeting this afternoon with another of the main policing services in the province.

It's exactly in that spirit that all parties involved are working together and intend to work together, notably through the implementation committee, to ensure that we build on our strengths. That it's not a matter of finding fault with anything that's been done in the past, but that we work together to have effective, efficient, and integrated policing services including for the safety of the officers.

Thank you, Madam Speaker.

**Speaker:** The hon. Member from Stratford-Kinlock.

### Securities commission and egaming briefing

**Mr. Aylward:** Thank you very much, Madam Speaker.

One of the most secretive elements of this government's egaming scandal has been the shenanigans around the PEI securities commission.

Question to the Premier who is also the minister responsible for the securities commission: Premier, when were you first briefed on the activities of the securities commission investigation into your government's secret egaming business partner?

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Madam Speaker, I would not, in the normal course, as minister be briefed on an investigation by the securities commission, but I became aware as was made evident in comments I made earlier in this session, in the late summer of 2015 of the interactions between the securities commission and the Auditor General.

Thank you, Madam Speaker.

**Speaker:** The hon. Member from Stratford-Kinlock.

**Mr. Aylward:** Thank you, Madam Speaker.

The Premier says in around the summertime.

I guess my question to the Premier would be – the *Globe and Mail* published a national

exposé on your government's egaming scandal. Are you telling us here today that you had no briefing in or around that time?

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Madam Speaker, I remind the hon. member that I was not the minister of justice at the time to which he is referring, although I did read the *Globe and Mail*, the issue to which he refers.

I was aware, as Premier, that there was a serious misrepresentation in the headline in that piece which used the reference 001 as if that was the first time this province had ever dealt with securities matters. We've been doing that for decades and doing it very responsibly. I'm proud of the work that our superintendent of securities and the team did on that particular matter, and do on an everyday basis.

Thank you, Madam Speaker.

**Speaker:** The hon. Member from Stratford-Kinlock.

#### **Securities commission case number**

**Mr. Aylward:** Thank you, Madam Speaker.

I'm glad the Premier remembers that, at the very least, he was Premier when this exposé hit the national news.

In the fall of 2012, the securities commission conducted an investigation into this government's secret egaming business partner.

Question again to the Premier: How many cases did the security commission investigate and hold hearings on before the infamous hearing detailed in the *Globe and Mail*?

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Madam Speaker, that's precisely the point that I was making in my reference to 001.

The securities commission was reconstituted and reformed. I wasn't either the Premier or the minister of justice at the time. In its new format this was the first case which is why

the *Globe and Mail* took the liberty of referring to it as 001.

But I'll say as a citizen of Prince Edward Island we should all object to that misrepresentation of the work of our public service, or the business that's done here in our province.

Thank you, Madam Speaker.

**Speaker:** The hon. Member from Stratford-Kinlock.

#### **Securities commission investigative hearing**

**Mr. Aylward:** Thank you, Madam Speaker.

Again, I find it ironic that this Premier didn't receive, at the very least, a briefing as Robert Ghiz was sneaking out the front door, as you were walking in the front door.

It's worth noting that this hearing into government's egaming partner was the first time that the securities commission ever held a tribunal in a case.

Again, question to the Premier: Don't you find it curious that the only time the securities commission ever held an investigative hearing that it was into your secret egaming business partner?

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Madam Speaker, I would say, given all of the adjectives that were associated with the question, I find it totally upstanding and correct that the superintendent of securities and the securities commission acted as they did in this matter, and indeed, their work led to the imposition of sanctions, Madam Speaker.

Thank you.

**Speaker:** The hon. Member from Stratford-Kinlock.

#### **Securities commission and investor**

**Mr. Aylward:** Thank you very much, Madam Speaker.

At the heart of the securities commission investigation was a complaint that your

government's secret egaming business partner had swindled a local retired investor who was terminally ill. The problem was, though, that this terminally ill investor didn't exist. She was made up.

Again, question to the Premier: Why would your government's security commission launch an investigation because of a false complaint on behalf of a fictional terminally ill investor?

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Madam Speaker, the securities commission – and I remind the House that these questions are being asked regarding a timeframe before I was in office or a member of this House – but the securities commission operates with a necessary degree of independence that attaches to investigative bodies and, in turn, to regulatory bodies.

From what I know of the file, and it's mainly what other citizens would know, and what I've come to know through the work of the Auditor General, the work of the securities commission in this matter was totally correct and timely, and led to results and to the imposition of sanctions.

Thank you, Madam Speaker.

**Speaker:** The hon. Member from Stratford-Kinlock.

### **Securities commission and sealed records**

**Mr. Aylward:** Thank you, Madam Speaker.

Obviously the Premier believes that the media person that wrote this story in the *Globe and Mail*, is not telling the truth, that this complainant was fabricated. Perhaps you should take that up directly with the *Globe and Mail* outside the rail and see if they want to deal with that directly with you in the courts.

Bogus complaints from phantom investors – that seems like a flimsy pretense to haul your government's secret egaming business partner into a securities commission tribunal.

Again, question to the Premier: Are the records of this securities commission's investigation sealed?

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Madam Speaker, on the point that the hon. member raised about the *Globe and Mail*, that report appeared on Saturday, and on the following Wednesday this matter was turned over to the Auditor General.

On the question of the records of investigations and how those are maintained by the securities commission, to my knowledge they are indeed safely kept.

Thank you, Madam Speaker.

**Speaker:** The hon. Member from Stratford-Kinlock.

### **Securities commission records and Auditor General**

**Mr. Aylward:** Thank you very much, Madam Speaker.

Again, question to the Premier: Were the records of your government securities commission investigation into your government's secret egaming business partner provided to the Auditor General?

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Madam Speaker, I'm aware that following late September 2015 the Auditor General spent I'll say a considerable amount of time, I don't know precisely how much, with the superintendent of securities and with access to the information to which she desired to have access.

From reading the Auditor General's report it's my assumption, my conclusion, that she was given access to documents and otherwise to officials as she wished to complete her investigation.

Thank you, Madam Speaker.

**Speaker:** The hon. Member from Stratford-Kinlock.

### Securities commission and sealed records (further)

**Mr. Aylward:** Thank you very much, Madam Speaker.

The Premier says that it's his assumption, his conclusion. Well, Mr. Premier, we all know what they say about assuming things. I'll leave that at there.

This investigation came at a cost to taxpayers. The records of this investigation should be made public.

Question again to the Premier: Will you unseal these records and publicly release them?

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Madam Speaker, there is a reason why the superintendent of securities and, in turn, the commission has the independence that it does in the conduct of an investigation, in the conduct of hearings, and in the regulation of the sector, but in particular dealing with particular cases.

It's not my role as the minister that reports to this House on the work of the securities commission to start throwing their records about.

Thank you, Madam Speaker.

**Speaker:** The hon. Member from Morell-Mermaid.

### Electoral system referendum

**Mr. MacEwen:** Thank you, Madam Speaker.

Rather than allow his caucus a free vote on the plebiscite results, the Premier said that they spent around 12 hours discussing the issue in private.

Premier, is this where the idea for a referendum came from?

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Madam Speaker, I think the hon. member's on the low side in terms of the number of hours that we spent

discussing this, but we did so in the spirit of free exchange and open exchange, and it's something I'd commend –

**Mr. Myers:** That's not what I heard. It's not what your members are saying.

**Premier MacLauchlan:** – to other caucuses in this House –

**Mr. Myers:** Not what your caucus says.

**Premier MacLauchlan:** – and we reached a consensus –

**Mr. Myers:** (Indistinct) head down.

**Premier MacLauchlan:** – and indeed we did resolve that the best way forward for the people of this province was for there to be the referendum.

Thank you, Madam Speaker.

**Speaker:** The hon. Member from Morell-Mermaid.

**Mr. MacEwen:** Thank you, Madam Speaker.

See, this is one of the major reasons why Islanders are so concerned over what a potential referendum question will look like. At the end of the day it's going to be the Liberal caucus that decides what the question and what the options are going to be.

Premier, do you think it's right that you and your caucus get to choose what the second option will be on the referendum question?

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Madam Speaker, the question that is being referred to by the hon. member is fully in the public domain.

It's well known to Prince Edward Islanders, it's well known to those who voted in the plebiscite and those that didn't vote in the plebiscite. It's known to the 27 members of this House. You can read it in the public media and in the social media.

I would encourage all 27 members of this House to look forward to the forthcoming period to engage with Islanders and to put

forward proposals, and to listen and learn. It's through that process, and ultimately through the approval of this House, that we will determine that second option.

Thank you, Madam Speaker.

**Speaker:** The hon. Member from Morell-Mermaid.

**Mr. MacEwen:** Thank you, Madam Speaker.

The Premier likes to say that it'll be this Legislature that will choose the options on the referendum question, but he's playing with words here. He wouldn't allow a free vote of his 18 Liberal MLAs on the plebiscite motion put forward, he got together with the 18 Liberal MLAs to decide that a referendum was needed, and now he's going to use the 18 Liberal MLAs to decide what the second option will be.

Premier, do you think it's fair to pretend that the opposition or Islanders will have a say in what this referendum question will look like when really, in the end, it's just going to be what your caucus decides?

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Madam Speaker, I would say it's fair and accurate, and I would say aspirational, and I feel badly that any member of this House would say that they don't expect to play a part in that process with your constituents, with Islanders, with people that have taken a sincere interest in this and will continue to.

As I have said on other occasions, the level of engagement by Prince Edward Islanders on this issue is, today, higher than it was any time up to and including the night of the vote. I strongly urge everyone in this House to encourage Islanders to take a serious interest in this so we'll get the best possible result –

**Mr. Trivers:** (Indistinct) 37,000 Islanders (Indistinct).

**Mr. Myers:** You said that on the plebiscite.

**Premier MacLauchlan:** The best possible result from the referendum.

Thank you, Madam Speaker.

**Speaker:** The hon. Member from Morell-Mermaid.

**Mr. MacEwen:** Thank you, Madam Speaker.

But Premier, how can you say that? How can you say that it'll be decided by everyone when you've already showed that the vote was whipped and you decided internally, behind closed doors, to have this referendum?

Premier, how can Islanders trust it won't be just another Liberal caucus decision on the second option?

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Madam Speaker, I must say to the member opposite, how can you say that your role as a member of the Legislature doesn't amount to anything?

**Mr. LaVie:** He asks the questions, not you.

**Premier MacLauchlan:** Get out there and do the work. Talk to your constituents. Talk with Islanders.

**Some Hon. Members:** (Indistinct)!

**Premier MacLauchlan:** Learn, listen, read. There's a lot of work that we have to do on this, and there's a lot of good research and study and listening and discernment, and I encourage everybody in this House to get to work.

Thank you, Madam Speaker.

**Speaker:** The hon. Member from Morell-Mermaid.

**Mr. MacEwen:** Thank you, Madam Speaker.

You can see why the Premier's actions on democratic renewal over the past month have left many Islanders perplexed and frustrated. Here we have a group of 18 MLAs, many of whom might not even be running in the next election, deciding options for a referendum to be held on an election three years away using, perhaps, entirely different districts to decide on a

voting system that may not even come into effect for another eight years. My son in grade 4 is going to have his license by the time this all plays out.

Premier, how does this timetable make any sense?

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Maybe the hon. member's son could give him a lesson in mathematics. I don't know how he ever got to eight years on the timetable that he's talking about.

But in any event, Madam Speaker, the timetable that I think every one of us and all Islanders should have in mind is the next 12 months, to have a rich, discerning, informed, and engaged discussion about what that referendum can do, and I'd say in particular, to those who served on the special committee, to look for a chance to give Islanders an opportunity to express a clear choice.

Thank you, Madam Speaker.

**Some Hon. Members:** (Indistinct).

**Speaker:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you very much, Madam Speaker.

I will resist the temptation to follow up on that series of questions, but –

**Some Hon. Members:** Hear, hear!

### **Provincial beach water quality**

**Dr. Bevan-Baker:** There have been some disturbing reports coming out of New Brunswick recently, about water quality at some of their beaches on the Northumberland coast. Dangerously high levels of human fecal bacteria were detected at Parlee and Murray beaches, high enough that they should have closed those beaches down.

Here on Prince Edward Island, we regularly see fish kills and shellfish closures due to sewage discharge or leaching, which seems

to have been the problem in New Brunswick.

Does government monitor water quality at our provincial beaches to make sure that they are safe for swimmers?

**Speaker:** Who are you directing your question to?

**Dr. Bevan-Baker:** Madam Speaker, I'm unsure as to whether this falls under Communities, Land and Environment, tourism, or Agriculture and Fisheries, so whichever department is responsible.

**Speaker:** The hon. Minister of Communities, Land and Environment.

**Mr. Mitchell:** Thank you, Madam Speaker.

It is a great question, hon. member. It's one that it's my understanding that the federal Government of Canada has a part to play in those. I do believe that periodically, from time to time, we do get calls concerning things washing up on shores on our Island beaches, and we do attend and we do inspections.

As far as water testing goes I'd have to bring that back to you, hon. member, as to the tests that were performed, and I'd be willing to do that as soon as I get that information.

**Speaker:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you very much, Madam Speaker.

Inspections are not monitoring, and I can tell the House that we do not currently monitor our water quality on Prince Edward Island beaches. At the risk of stating the obvious, beaches are incredibly important to PEI tourism. We can't protect our beaches and the people who use them if we don't monitor the water quality there.

A situation such as the one that happened in Parlee and Murray beaches in New Brunswick, where fecal bacteria have been found at dangerous levels, could have a devastating impact on our tourism industry here on Prince Edward Island.

Since we are not monitoring water quality, is government doing anything else to protect water quality at our Island beaches?

**Speaker:** The hon. Minister of Communities, Land and Environment.

**Mr. Mitchell:** Thank you, Madam Speaker.

I am not at liberty of the information of Parlee beach, but I do know on events that happened right here in Prince Edward Island that happened last year in the Stratford region. DFO did shut down the fishery and did shut down the use of the harbour in Charlottetown, so that's the normal case.

When an occurrence like that would happen, DFO would indicate the action taken as far as the fisheries is concerned.

Thank you, Madam Speaker.

**Speaker:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Madam Speaker.

Indeed, following the discharge into the Hillsborough River we did shut down the shellfish fishery there. But we did nothing to monitor Tea Hill beach or the beaches in my district, District 17, on the south shore where this inevitably would have ended up.

If we can't monitor water quality, how can we assure tourists or Islanders that our beaches are safe to use? We need to address this issue before a problem like the one that occurred in New Brunswick happens here on Prince Edward Island.

Will this government commit to begin water testing at Island beaches before the next summer holiday season?

**Speaker:** The hon. Minister of Agriculture and Fisheries.

**Mr. McIsaac:** Thank you very much, Madam Speaker.

The Department of Fisheries and Oceans does do the testing. They send the word out. If there is an issue they put a posting on the shoreline so that anyone who visits the shoreline can see that this area is to some

degree contaminated and there's no fishing or considered swimming in that area as well. The postings are put up and the announcements are made, and when that time is lifted the announcements are made quite open to the public.

**Speaker:** The hon. Member from Tignish-Palmer Road.

### **Fentanyl use**

**Mr. Perry:** Thank you, Madam Speaker.

The rise in fentanyl use across Canada over the past year has been identified as a health crisis. It is being used to feed addictions right across this country and it is killing users daily. Our province is not immune to this crisis. Can the Minister of Health and Wellness provide the House with any data on the use of fentanyl in this province?

**Speaker:** The hon. Minister of Health and Wellness.

**Mr. Henderson:** Thank you, Madam Speaker.

Yes, our government understands the toll that the changing face of addictions is having on Island families here. We do know that fentanyl and other opioids are prescribed here in Prince Edward Island, and we also know that some street varieties have been confiscated here in Prince Edward Island and have been abused in other provinces.

Our department has warranted the chief public health officer and the provincial epidemiologist to make sure they are monitoring the uses and misuses of fentanyl in this province. They are reviewing the different process as to how many – or the diagnoses, how many – the frequency of those prescriptions.

Thank you, Madam Speaker.

**Speaker:** The hon. Member from Tignish-Palmer Road.

**Mr. Perry:** Thank you, Madam Speaker, and thank you, minister.

Can the minister update the House on what his department or what the government is

doing to educate the public and health officials around this deadly opioid?

**Speaker:** The hon. Minister of Health and Wellness.

**Mr. Henderson:** Thank you, Madam Speaker.

Actually in this House, if you can just recall not too long ago, we passed the *Narcotics Safety Awareness Act* which makes sure that any fentanyl products are returned back to the pharmacies before other prescriptions are refilled. We have the drug information system. We also have an opiate replacement therapy program, otherwise known as our methadone clinics. There are four of them across the province. We also are working with the medical society to deal with a position called choosing wisely for the prescription and prescribing of those such opioids.

**Speaker:** The hon. Member from Tignish-Palmer Road.

### Naloxone

**Mr. Perry:** Thank you, Madam Speaker.

Naloxone is a prescription treatment that can be used by family members or caregivers to treat a person known or suspected to have an opioid overdose. My question to the minister is: What is the government's policy on providing this drug to the public?

**Speaker:** The hon. Minister of Health and Wellness.

**Mr. Henderson:** Thank you, Madam Speaker.

Yes, this is a very serious issue in our province, or the potential of being in our province. Naloxone has been basically told to all our acute care facilities to make sure they have that antidote on hand, and all our Island EMS trucks, and we've also trained all our paramedics to be able to administer Naloxone. We are going to have some discussions on dealing with the general public on how we may roll more Naloxone out across the province.

**Speaker:** The hon. Member from Summerside-Wilmot.

### Senior social isolation

**Mr. Palmer:** Thank you, Madam Speaker.

In the recent by-election in Summerside-Wilmot I visited many seniors in their kitchens and on their doorsteps. They told me they need more support.

To the Minister of Family and Human Services. Some of our Island seniors are at risk of social isolation and loneliness, especially this time of year. Can the minister please update the House on what is being done to help reduce social isolation of seniors in the province at this time of year and all year long?

**Speaker:** The hon. Minister of Family and Human Services.

**Ms. Mundy:** Thank you, Madam Speaker.

That is a great question and I thank the hon. member for asking it. It's a question I feel that each and every one of us should be asking ourselves each and every day.

Anyone is susceptible to social isolation, but seniors more especially so. They have more challenges with their health. They have challenges with maybe the loss of a loved one. Challenges with transportation, they are at high risk and our seniors – the Prince Edward Island Seniors Secretariat do have a number of programs that help alleviate social isolation with seniors.

One of them would be the Friendly Visitor Program. We also have the Men's Shed Program which is out of Slemon Park, and a new one that's going to be launched very soon is the PEI telephone line, the party line, and that is friendship over the phone for those that cannot make it out of their home.

I encourage anyone and everyone to call the seniors' helpline and they can find that phone number on our website, Madam Speaker.

Thank you.

**Speaker:** The hon. Member from Summerside-Wilmot.

**Mr. Palmer:** Madam Speaker, with a view to evidence-based management and best

practice research: Minister, what is being done to identify additional supports to reduce the risk of social isolation?

**Speaker:** The hon. Minister of Family and Human Services.

**Ms. Mundy:** Another great question, Madam Speaker.

Social isolation is not unique to Prince Edward Island. It is a concern across the country and as minister responsible for seniors, I am in contact with my federal, provincial, and territorial ministers on a regular basis. Social isolation is a topic that has come up quite often.

We have been getting together what we call a tool kit and that will be resources and information and ideas for communities to help to reduce isolation for seniors across the country. We hope to have that roll out very shortly and I look forward to sharing it with the House very soon.

My grandmother always said that God gave us two hands. One was for helping ourselves and one was for helping others. I encourage each and every one of us in this House, as well as across the Island, especially at this time of the year, to reach out and help those in their community.

Thank you, Madam Speaker.

**Speaker:** The hon. Member from Georgetown-St. Peters.

### **PISA challenge (further)**

**Mr. Myers:** Thank you, Madam Speaker.

Yesterday the minister got awful touchy, the minister of education, when I talked about the exclusion rate in the PISA test, 14.3% of Island students were screened out. It was the highest exclusion rate in all of Canada by a long shot. I also asked the minister about the PISA challenge that his department ran as part of their PISA strategy.

Question to the minister: How many students and parents took part in the PISA challenge test organized by your department?

**Speaker:** The hon. Minister of Education, Early Learning and Culture.

**Mr. Currie:** Thank you very much, Madam Speaker.

Extremely proud of the success of our 15-year-olds with the international assessment, which I must add is a very rigorous assessment which over 72 countries globally participate in, and over 500,000 15-year-olds. Have great confidence in the department at the time, great confidence in the leadership of the English Language School Board at the time, and especially the confidence in the principals who provided oversight and followed their responsibilities to execute PISA, Madam Speaker.

**Speaker:** The hon. Member from Georgetown-St. Peters.

**Mr. Myers:** Thank you, Madam Speaker.

I'm having a lot of trouble getting straight answers. Let me try this approach with the minister: Could you Tweet me a link to that PISA strategy?

**Speaker:** The hon. Minister of Education, Early Learning and Culture.

**Mr. Currie:** Thank you very much, Madam Speaker.

As I shared with the House, I shared publicly, we've seen high levels of improvement in science, reading, and math which are core areas in knowledge. We've seen the largest improvement in Canada in every domain, the only significant improvement in the country in science and reading, and the highest equity in every domain which PEI is the Canadian leader in producing equitable education outcomes.

That's a reflection of the commitment and the dedication by our government as we continue to invest in quality education in this province to make sure that every province is leading from their front foot, and making sure we give them every opportunity we possibly can as they cross that stage in grade 10 and compete with every child not only in this province, in the region, and in the country, Madam Speaker.

**Speaker:** The hon. Member from Georgetown-St. Peters.

### **PISA exclusions**

**Mr. Myers:** Thank you, Madam Speaker.

So 14.3% of students were excluded and they were screened out of writing the PISA test, double the national average, and more than all of the 72 countries that took part.

Question to the minister of education: Why would PEI have four times as many students excluded as Kazakhstan?

**Speaker:** The hon. Minister of Education, Early Learning and Culture.

**Mr. Currie:** Thank you very much, Madam Speaker.

The process is a very rigorous process, and as I indicated, I'm extremely confident in the principals and the board at the time that provided oversight.

Firstly, I want to acknowledge that Prince Edward Island is the only province in Canada that has all schools and all 15-year-olds that are part of the random sample size. There are larger provinces in this country that only allow 51% to 52% of their student populations and their entire school populations to participate. We are statistically sound on the results and the outcomes and continue to be extremely proud, and we need to start celebrating and acknowledging our successes as a province and standing proud that we're competing with the best.

Thank you.

**Speaker:** The hon. Member from Georgetown-St. Peters.

**Mr. Myers:** Thank you, Madam Speaker.

It's funny that the minister doesn't talk about his own provincial assessments and how we haven't gone up in the same period of time that we've gone up in the PISA scores. Why is it that our own provincial assessments don't go up but PISA does? There's something to be said about that. Having 14.3% of students excluded from

PISA might have something to do with that, actually.

### **Modified learning program**

Question to the minister: How many of these 14.3% of excluded students are on a modified learning program?

**Speaker:** The hon. Minister of Education, Early Learning and Culture.

**Mr. Currie:** Thank you very much, Mr. Speaker.

As a former educator I spent a lot of time in the area of special education and was, at the time, and still am now as the minister, extremely proud of our inclusion model in the Province of Prince Edward Island. We teach to every child and we're extremely proud of our record on inclusion, and we make sure that we continue to invest in all children across the Province of Prince Edward Island.

Our recent investment of 1.3 million where we added 30 additional supports, whether it be EAs and youth service workers, we continue to stand firm and proud on our record on inclusion, and we teach to every child in every classroom across this province. We do not segregate and we do not separate children with unique needs, Madam Speaker.

**Speaker:** The hon. Member from Georgetown-St. Peters.

**Mr. Myers:** Thank you, Madam Speaker.

The minister stands and he says how proud he is of his inclusion that excludes 14.3% of the students.

Question again to the minister: How does a student get put on a modified learning program?

**Speaker:** The hon. Minister of Education, Early Learning and Culture.

**Mr. Currie:** Thank you very much, Mr. Speaker.

The process to sample and randomly select, the first part gathers the names of the students that have 15-year-old students. We

sent all names forward. They are randomly selected. The next stage of the selection process samples students from within the selected schools. At that time the list of students is provided to the school, school authorities review the list and have to determine if students are special needs.

There are three provided codes to choose: functional disabled, cognitive behavioral or emotionally disabled, and limited assessment language experience for the third.

A student is on modified where IEPs by our systems definitions are considerable as eligible.

Thank you, Madam Speaker.

**Speaker:** The hon. Member from Georgetown-St. Peters.

**Mr. Myers:** Thank you, Madam Speaker.

I guess maybe there's another sheet of paper you could read from because it wasn't at all what I asked you, I asked how you got put on a modified program.

Question to the minister: Are parents always notified when their child has been placed on a modified program?

**Speaker:** The hon. Minister of Education, Early Learning and Culture.

**Mr. Currie:** Thank you very much, Mr. Speaker.

We have children that learn and at times experience difficulties during the course of their K-12 experience. There are children where their curriculum is adapted, their curriculum is modified. It's very common practice in the public school system. That's why we continue to bring EAs. Today we've got about 370 education assistants that support children in Island classrooms and support teachers.

It's a very common practice that teachers and educational assistants and parents and students have a consultation in respect to how the progress and how the IEPs are administered.

I believe there's a signing of adapted and modified during parent-teacher interviews as well.

**Speaker:** The hon. Member from Georgetown-St. Peters.

**Mr. Myers:** Thank you, Madam Speaker.

I suggest the Premier goes back to his staff, confirms that and brings it back to the House. He might be surprised what he finds.

#### **Deleted government email accounts (further)**

Question again to the minister of education: Whose emails were deleted?

**Speaker:** The hon. Minister of Education, Early Learning and Culture.

**Mr. Currie:** Thank you very much, Mr. Speaker.

Since we're on the topic of education, we're going to continue to talk about education. I want to talk about how proud I am to be part of a government that has put public education as a top priority.

Over the last 10 years we've increased education spending by over 75 million and we continue to make investments. We continue to (Indistinct) frontline teaching positions and we continue to make sure that we're not a pretender, but a contender, in public education in this country.

Thank you.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Souris-Elmira.

#### **North Lake bridge (further)**

**Mr. LaVie:** Thank you, Madam Speaker.

I listened to the Premier during Question Period yesterday talk about the fishermen at North Lake and the farmers that are up east that pay taxes and keep our economy going.

Question to the transportation minister: Are you planning on replacing the bridge at North Lake?

**Speaker:** The hon. Minister of Transportation, Infrastructure and Energy.

**Ms. Biggar:** Thank you, Madam Speaker.

Over the last number of years we have done a lot of upgrades to the North Lake bridge. We continue to monitor it. It is on weight restriction at the moment. We will continue to monitor that bridge.

All of our bridges are inspected on a bi-annual basis and we do an annual report on that. We will continue to monitor that particular bridge.

**Speaker:** The hon. Member from Souris-Elmira.

**Mr. LaVie:** Thank you, Madam Speaker.

I understand you're monitoring the bridge, you've been doing that for the last 50 years, and you did repair work to it for four years. Now you have the bridge shut down to 5,500-pound weight.

To the minister of transportation: Are you planning, within the next year, to replace the bridge at North Lake, yes or no?

**Speaker:** The hon. Minister of Transportation, Infrastructure and Energy.

**Ms. Biggar:** Thank you, Madam Speaker.

The assessment on replacing a bridge of the size of North Lake is approximately \$5 million and that's not in the upcoming Capital Budget.

**Speaker:** The hon. Member from Souris-Elmira, final question.

**Mr. LaVie:** Thank you, Madam Speaker.

Question to the minister of transportation: Is that quote from one company or is that quote just your own company?

**Speaker:** The hon. Minister of Transportation, Infrastructure and Energy.

**Ms. Biggar:** Thank you, Madam Speaker.

Our engineering department does a number of assessments. We work with the bridge engineers to do those inspections. Again, as

I said, it's estimated to be \$5 million and it's not in the Capital Budget.

We will continue, I want to assure the member, to monitor that particular bridge and ensure that it is safe to cross, and continue that monitoring process.

Thank you.

#### Statements by Ministers

**Speaker:** The hon. Premier.

#### **Lobbyists Registration Act**

**Premier MacLauchlan:** Madam Speaker, I'm pleased to advise you and the House that later this afternoon I will be introducing the *Lobbyists Registration Act*, fulfilling an important commitment in last April's Speech From the Throne.

This legislation will contribute significantly to open and accountable government and will support our modernization agenda by bringing Prince Edward Island into line with other Canadian provinces.

This bill recognizes that free and open access to government is vital to our democratic system. Citizens and organizations must be able to convey their needs, ideas, and perspectives to public office holders. Within this context, lobbying is a legitimate activity when appropriately conducted.

To ensure transparency public office holders and all Islanders should be able to know who is undertaking lobbying activities.

This legislation will ensure that this goal is achieved by establishing a framework for a registry system that provides the information we need in a way that is consistent with other provinces in the region.

By introducing this legislation now there will be ample opportunity for public feedback prior to the anticipated debate and passage of the bill in 2017.

As a companion piece to this legislation, I have written a letter today to the leaders of the three other registered political parties on Prince Edward Island relative to political finance reform.

In that letter I have outlined a series of proposals that represent a major step forward in the way we govern party finances and fundraising activities while recognizing the philanthropic nature of Islanders.

The particular proposals recognize the reality of contributions from small and large businesses, partnerships, and firms, in particular through fundraising dinners.

In effect, the proposal will ensure that all fundraising activities are generally visible to the general public and open to all those who choose to attend.

In particular, I would like to note that the proposal would clearly prohibit private fundraising events. That step, along with several others, represents a major evolution in many of the rules that govern our democratic process.

Government's intention is to begin the process of drafting legislation immediately, and this will be circulated to all parties and to the general public in 2017. This process will permit a period of time for feedback prior to formal legislative debate.

These two initiatives are critical steps in our democratic evolution and I look forward to hearing the views of all interested Islanders.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Leader of the Opposition.

**Leader of the Opposition:** Thank you, Madam Speaker.

I'm waiting to see this lobbyist bill and to see what it pertains. I think that when this government talks about transparency and openness, and that's something that, in my opinion, I don't think they have been in the last year and a half.

We've seen that in standing committee, we've seen it in the House, we have documents and many questions have been written in written form to the government and we still have failed to get answers on

things that we think that Islanders need to know.

I will take it back to standing committee. We have seen times in standing committee where we have asked, as opposition, to bring witnesses forward and these have failed to happen. I think that needs to be addressed.

I look forward to seeing this. I hope that, maybe, the Premier will extend, if he wants to be open and transparent, an opportunity to the oppositions to sit down and have real discussions on this. This is a bill that affects Islanders. I think it's very important. I think that we need to – everybody has to have a part in it.

Thank you.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you so much, Madam Speaker.

I made a statement during one of the leaders' debates in last year's provincial election that I thought Islanders were looking for a couple of very simple, reasonable things. They want good honest government brought to them by good honest people.

If we want to reach that goal, then as well as appropriate attitude and behaviour by elected officials, we need a suite of rules in place. We need a framework of accountability.

I have a list of things that I think we require in order to do this properly. We need whistleblower legislation. I know that's on its way. I believe we need civil liability for high-ranking civil servants and professionals that advise governments, such as lawyers. I think we need conflict of interest legislation – not rules, but legislation. I think we need campaign finance laws that prohibit corporate and union donations, and we need a lobbyist registration act. This is one part of a suite of – that will provide a framework of accountability.

In terms of the backing away from the breaking the promise of stopping corporate

donations, I think this a real disappointment to many Islanders, myself included. The federal rules are that they do not allow corporate donations. The Premier said that he would bring similar legislation here. Obviously, he's backing away from that in a significant way. As long as we allow companies, corporations large and small, to be able to donate to political parties, they can bypass at the party level any sort of lobbyist rules or regulations that appear in this act.

Again, it has to be a coordinated, coherent suite which will provide a framework of accountability. If we're introducing a lobbyist registration act that we are allowing corporate donations then, again, we're not doing things properly.

Thank you very much, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Minister of Workforce and Advanced Learning.

### **Jobs for 1,000 Students**

**Mr. R. Brown:** Thank you, Madam Speaker.

Work experience is vital for young people as they move into the workforce and pursue their careers. It's also a critical part of their education and training.

Last spring I said that my department would take measures to support 1,000 students and youth in finding employment. I'm pleased to say that the department has reached that goal this summer.

Employment opportunities were provided for more than 1,000 high school and post-secondary students, and recent graduates from across the province.

PEI government supported a number of innovative projects that helped students gain employment. We funded the popular initiative Team Seafood which saw nearly 100 students get jobs in the seafood sector, and received not only a good pay cheque but also a bursary at the end of their work term.

We assisted a group of students, whose parents depended on various social

programs and gave them a valuable opportunity to gain confidence and summer employment also.

We supported a number of international students who needed connection to employment on the Island, and to support them in their decision to consider to stay on Prince Edward Island.

Uptake under the Graduate Mentorship Program has been strong in 2016, helping to build interest for our young people to connect with employers on Prince Edward Island.

The Victoria Row Merchants Association sponsored the Always on Stage initiative. Support from government is helping dozens of post-secondary music students gain valuable experience.

I'd like to thank the hundreds of private businesses, government departments, and non-profit organizations that provided work experience to our youth and students throughout the year.

I would also like to thank all Members of the Legislative Assembly in joining me in wishing all Prince Edward Island students well in their studies and their upcoming exams and best of luck in 2017.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Morell-Mermaid.

**Mr. MacEwen:** Thank you, Madam Speaker.

I think it's a great announcement that the minister is making and striving towards. Investing in students' work experience is one of the most important things this government can do. I applaud the effort to seek out private industry to put these students to work there. It's programs like the Graduate Mentorship Program that really help people that are already going towards a career or someone that might be interested in a new career getting a head start. I applaud the announcement.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you very much, Madam Speaker.

I, too, welcome this announcement. Thank you, minister.

Of course, due to the seasonal nature of the Prince Edward Island economy and fisheries and agriculture and tourism, these jobs are available for our kids during the summer. It's wonderful that we can marry both the children who want this employment and the businesses that require people to work for them through this program.

It's wonderful that we've reached 1,000 people. I think we need to be bolder. We need to think about creating the type of economy here on Prince Edward Island that is year round. I recognize that we will never lose that seasonal bubble that we have here.

I think the minister's department should also be focusing on attracting and creating the types of industries here that will provide year-round opportunities for these kids so that my kids, and everyone else's kids can stay here on Prince Edward Island. We need to induce a sense of pride and of possibility for people to come and work, create their own businesses, and work here on Prince Edward Island. This is a great start and I welcome it.

Thank you very much, minister.

**Some Hon. Members:** Hear, hear!

Presenting and Receiving Petitions

#### Tabling of Documents

**Speaker:** The hon. Member from Souris-Elmira.

**Mr. LaVie:** Madam Speaker, by leave of the House, I beg leave to table written questions to the Minister of Finance and I move, seconded by the Honourable Member from Georgetown-St. Peters, that the said document be now received and do lie on the Table.

**Speaker:** Shall it carry? Carried.

The hon. Minister of Workforce and Advanced Learning.

**Mr. R. Brown:** Madam Speaker, by Command of His Honour the Lieutenant Governor, I beg leave to table the Employment and Development Agency's Annual Report 2015-2016 and I move, seconded by the Honourable Minister of Health and Wellness, that the said document be now received and do lie on the Table.

**Speaker:** Shall it carry? Carried.

The hon. Minister of Workforce and Advanced Learning.

**Mr. R. Brown:** Madam Speaker, by Command of His Honour the Lieutenant Governor, I beg leave to table the 2015-2016 Annual Report of MPHEC and I move, seconded by the Honourable Minister of Health and Wellness, that the said document be now received and do lie on the Table.

**Speaker:** Shall it carry? Carried.

The hon. Member from Morell-Mermaid.

**Mr. MacEwen:** Madam Speaker, by leave of the House, I beg leave to table written questions to the Minister of Communities, Land and Environment and I move, seconded by the Honourable Member from Tignish-Palmer Road, that the said document be now received and do lie on the Table.

**Speaker:** Shall it carry? Carried.

Reports by Committees

#### Introduction of Government Bills

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Madam Speaker, I beg leave to introduce a bill to be intituled *An Act to Amend the Employment Standards Act (No. 3)* and I move, seconded by the Honourable Minister of Workforce and Advanced Learning, that the same be now received and read a first time.

**Speaker:** Shall it carry? Carried.

**Clerk:** *An Act to Amend the Employment Standards Act (No. 3)*, Bill No. 43, read a first time.

**Speaker:** The hon. Premier, a brief explanation, please.

**Premier MacLauchlan:** Madam Speaker, this amendment will exempt athletes while engaged in activities related to their athletic endeavours from certain protections under the act.

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Mr. Speaker, I beg leave to introduce a bill to be intituled *Lobbyists Registration Act* and I move, seconded by the Honourable Member from Charlottetown-Brighton, that the same be now received and read a first time.

**Speaker:** Shall it carry? Carried.

**Clerk:** *Lobbyists Registration Act*, Bill No. 57, read a first time.

**Speaker:** Premier, a brief explanation, please.

**Premier MacLauchlan:** Thank you, Madam Speaker.

This bill establishes the framework for registration of persons engaged in lobbying public office holders. It provides the appointment of a registrar, the establishment and operation of the registry and the classification of types of lobbyists. It defines public office holders and the activities considered to be lobbying. It also outlines exemptions from these definitions including the persons and organizations not considered to be lobbyists and the activities not considered to be lobbying.

The framework has been designed to align and be consistent with those in other Atlantic Provinces with scope to adapt it to Prince Edward Island's circumstances by regulations. It is anticipated that the act will come into force once those regulations have been developed.

Thank you, Madam Speaker.

Government Motions

### Orders of the Day (Government)

**Speaker:** The hon. Minister of Agriculture and Fisheries.

**Mr. McIsaac:** Thank you very much, Mr. Speaker.

Mr. Speaker, I move, seconded by the hon. Premier, that the 1<sup>st</sup> order of the day be now read.

**Speaker:** Shall it carry? Carried.

**Clerk:** Order No. 1, Consideration of the Supplementary Estimates, in Committee.

**Speaker:** The hon. Minister of Agriculture and Fisheries.

**Mr. McIsaac:** Thank you, Madam Speaker.

Mr. Speaker, I move, seconded by the Honourable Premier that this House do now resolve itself into a Committee of the Whole House to take into consideration the grant of supplementary supply to Her Majesty.

**Speaker:** Shall it carry? Carried.

I will now call on the hon. Member from Summerside-Wilmot to come down and Chair the Committee of the Whole House.

**Chair (Palmer):** The House is now in a Committee of the Whole House to consider the grant of supplementary supply to Her Majesty.

**Mr. Roach:** I would like to bring someone on the floor.

**Chair:** Can we bring a stranger on the floor?

Can you state your name for the record, please?

**Jim Miles Executive Director:** Jim Miles, executive director of fiscal management.

**Chair:** Minister, would you like to give us an overview, please?

**Mr. Roach:** Yes. This document lists the special warrants approved under the authority of the *Financial Administration Act* since the last sitting of this House.

This year, after revenue offsets, these additional costs represent 14 million. Health care services are based on need and, as we all know, they can fluctuate. The bulk of this year's special warrants, the 12.6 million, went to cost overages for health care. The extra dollars went to fund increased costs for in-provincial medical services, out-of-province health care services, and laboratory materials at the Queen Elizabeth Hospital.

As you know, when Islanders require medical treatment to travel to another part of the country Prince Edward Island pays the costs to the other province. In rare circumstances we have sent people out of the country for treatment.

We also require the special warrant of 2.5 million for Family and Human Services to pay for increases in the Disability Support Program and the social assistance programs.

Additional funding went to projects in Justice and Public Safety.

It also went to funding salaries for teaching positions and grants to early years' centres.

It helped with capital costs for housing units for community services and seniors.

Fortunately, much of these additional expenditures were offset by other revenues.

**Ms. Biggar:** Carry the bill.

**Chair:** Would the committee like to go line by line or just go to the bottom and we'll go to page 7?

**An Hon. Member:** (Indistinct).

**Chair:** Okay, that's good.

The hon. Member from Belfast-Murray River.

**Ms. Compton:** Thank you, Chair.

I am looking at page 7 and seeing a summary of special warrants. On page 5 maybe you can just give me an explanation. I see the first supplementary listed is for Community Services and Seniors, 24,400, which I do see on the schedule summary on the following page, but then the supplementary for Education and Early

Childhood Development is 3.3 million. I do not see that on the schedule summary on the next page.

**Mr. Roach:** Those are old sessions. The numbers we're looking at for this session that we're talking about is supplementary No. 3.

**Ms. Compton:** Just No. 3.

**Mr. Roach:** Yes.

**Chair:** The hon. Member from Belfast-Murray River.

**Ms. Compton:** For supplementary 1 and 2, are those previous years?

**Mr. Roach:** Yes, those are previous years, they were dealt with a year ago.

**Ms. Compton:** They're just listed on here for this fiscal year?

**Mr. Roach:** Not this fiscal year, no. This fiscal year is what's in the column for supplementary No. 3.

**Ms. Compton:** If you could just give us an explanation on – most of them listed here are increased revenues fully offset by increased revenues, so extra spending in all of those departments. Can you just give us an overview on where that spending was done on page 7 for special warrants?

**Mr. Roach:** For the special warrant for the Community Services and Seniors capital, those costs were for renovation to housing units.

**Ms. Compton:** Which was above what the budget was?

**Mr. Roach:** Yes.

**Ms. Compton:** Then the next one.

**Mr. Roach:** The next one was, I believe, to fund the salary increases for the 28 teachers that were brought back into the teaching positions and grants to early learning centres. That was fully offset by increased revenues.

**Chair:** The hon. Member from Belfast-Murray River.

**Ms. Compton:** Those were the teaching positions that were potentially cut last spring which you reversed the decision on?

**Mr. Roach:** That's correct, yes.

**Ms. Compton:** Then Family and Human Services.

**Mr. Roach:** Yes. Last year we saw a substantial increase to the disabilities support and social assistance programs and they resulted in increased utilization, and a portion of that was offset by an increase in revenues as well.

**Ms. Compton:** And so with Health PEI it was increased costs (Indistinct).

**Mr. Roach:** Yes and as I talked about just in the preamble there, really those were increased costs for in-province medical services and out-of-province health services plus laboratory materials. It's very difficult to determine how many people are going to get sick, how many people are going to require certain – it's really only a guess when it comes to health services.

**Chair:** The hon. Member from Belfast-Murray River.

**Ms. Compton:** Thank you, Chair.

That 12.5 million was not offset by increased revenues?

**Mr. Roach:** No.

**Ms. Compton:** So that came from cuts you made that were made in other departments?

**Mr. Roach:** (Indistinct).

**Ms. Compton:** Is it from cuts in other departments, that 12.5 million?

**Mr. Roach:** No, that's increased where we had people who needed health care –

**Ms. Compton:** No, I understand.

**Mr. Roach:** – and they had to go to other provinces.

**Ms. Compton:** But that 12.5 million had to come from somewhere, and so that was a

special warrant that was not budgeted for in the last budget.

**Jim Miles Executive Director:** It's not budgeted for. It just results in increased expenditures for Health PEI.

**Ms. Compton:** Okay. I see some are – I mean, there are some listed here offset by increased revenues and some are not, so why are we specifying some are and some aren't? That's the question, I guess.

**Jim Miles Executive Director:** Right. The Health PEI line, if you look in the budget book, it's a net number. Any revenue increases that they have are already taken off to come up with their (Indistinct) number which is what's approved in the Legislature.

**Chair:** The hon. Member from Belfast-Murray River.

**Ms. Compton:** The same with Justice and Public Safety, that was offset by increased revenue?

**Jim Miles Executive Director:** That's right. A lot of those are federal programs so that they 100% pay for them.

**Mr. Roach:** The federal government paid that amount of money for that particular program, they paid for it. But, we still had to – even though we got the money – still over their budget line so we had to spend the money to –

**Ms. Compton:** To get it back.

**Mr. Roach:** – get a special warrant for it, but it was completely offset by what we received from the federal government.

**Ms. Compton:** Okay, I guess that was what I was asking.

Thank you.

**Mr. Roach:** Yes.

**Chair:** The hon. Member from Stratford-Kinlock.

**Mr. Aylward:** Thank you very much, Mr. Chair.

Just back to, again, page 7 on Family and Human Services. Are you saying the 1.5 million revenue offset would have been transfers from the federal government?

**Jim Miles Executive Director:** That was actually increased revenues from housing programs, so what this is basically saying is the expenditure increase is 2.5 million –

**Mr. Aylward:** Right.

**Jim Miles Executive Director:** – and there's one for increased utilization of disability support for social assistance. Partially offsetting that is increased revenues from the federal government related to housing programs.

**Mr. Aylward:** Chair?

**Chair:** The hon. Member from Stratford-Kinlock.

**Mr. Aylward:** It was federal dollars that flowed back into the province to help offset (Indistinct).

**Mr. Roach:** For a portion of it, right.

**Mr. Aylward:** Chair?

**Chair:** The hon. Member from Stratford-Kinlock.

**Mr. Aylward:** Thank you, Chair.

On the Health PEI line, the 12.5 million, almost 12.6 million, you break it down to fund increased costs for in-province medical services, out-of-province health services and laboratory materials at the QEH. Do you have a breakdown of how much would be the in-province medical services versus the out-of-province health services?

**Jim Miles Executive Director:** Sure. The in-province medical services increased by 5.8 million, the out-of-province health services increased by 6 million, and lab materials increased by .8 million.

**Mr. Aylward:** Thank you.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

I just want to clarify something because the way the document is written in the capital expenditures section all of the departments appear under their old names, like environment, labour and justice. Is that because the year started under those names?

**Jim Miles Executive Director:** This Legislature approved the capital expenditures under those names so that we can continue that (Indistinct).

**Dr. Bevan-Baker:** Okay, so is that why some of the supplementary amounts are allocated in different columns this year, because the departments have changed names?

**Jim Miles Executive Director:** No. Column number one was approved by the Legislature last fall.

**Dr. Bevan-Baker:** Yes.

**Jim Miles Executive Director:** Column number two was approved by this Legislature in the spring and column number three is what we're doing today.

**Dr. Bevan-Baker:** Chair?

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** In column number three – sorry. Just give me a second here. You know what? Can you come back to me? I'm sorry, Chair, I will need to collect my thoughts.

Thank you.

**Chair:** The hon. Member from Kensington-Malpeque.

**Mr. MacKay:** Thank you, Chair.

Something that I'm a little more curious on – Family and Human Services, the 2.4 million. That went to disability support, social assistance. Is that saying there were more people on social assistance than the previous year?

**Mr. Roach:** More people on disability support.

**Mr. MacKay:** And it says the social –

**Mr. Roach:** And social assistance, but the biggest increase was in disability support.

**Mr. MacKay:** Okay, Chair?

**Chair:** The hon. Member from Kensington-Malpeque.

**Mr. MacKay:** Thank you, Chair.

Is there a breakdown between the two of how many people got disability support and how many people got social assistance?

**Mr. Roach:** Sure. The disability support was an increase there of 1.7 million and the social assistance increase was 750,000.

**Mr. MacKay:** Thank you, Chair.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

I know what I was going to ask now. It was around the breakdown of the Health PEI expenses, obviously the largest portion of the supplementary expenses. Do we have a breakdown of how much was spent on out-of-province and how much was spent in-province? Because I assume those are the two big portions of that.

**Jim Miles Executive Director:** The increases –

**Dr. Bevan-Baker:** Yeah.

**Jim Miles Executive Director:** – are 5.8 million for in-province –

**Dr. Bevan-Baker:** Yeah.

**Jim Miles Executive Director:** – and 6 million for out-of-province.

**Dr. Bevan-Baker:** Okay.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

Is there a trend here? Are we looking at – and we have talked about this in standing committee, of course – but are those sorts of increases or unexpected costs to government – are we seeing a trend there? Is it increasing more in-province or out-of-

province or is it sort of randomly from one year to the next?

**Jim Miles Executive Director:** The out-of-province – it depends I guess, you would have to say. Like part of that increase for the out-of-province was the utilization increase at the IWK ICU. For some reason last year 46% more of our costs for the IWK were as a result of utilization increases. That was a big part of that bill. Another part of it was rate increases for Nova Scotia physicians that we can't predict, so that was a big part of that.

As far as the in-province medical, a lot of it is a result of higher utilization services, but there are specific groups of physicians that increase as well.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Does the off-Island amount include coverage of travel expenses for Islanders or is that simply for medical services?

**Jim Miles Executive Director:** That would be for hospital and medical services like doctors and the hospitals.

**Dr. Bevan-Baker:** Okay, so not any associated cost, travel cost, to Islanders?

**Jim Miles Executive Director:** I don't think so.

**Chair:** Minister?

**Mr. Roach:** Maybe we could address that to the minister of health.

**An Hon. Member:** (Indistinct) cost expenditures, aging population.

**Mr. Henderson:** Yeah, our out-of-province expenditures were the main –

**Mr. Roach:** He wants to know about the travel for – like, we pay for the doctors and what services, but what about the cost of the travel?

**Mr. Henderson:** No, we don't – unless it's transported by an ambulance it's covered.

**Dr. Bevan-Baker:** Okay, thank you, Chair.

**Chair:** Can we carry the estimates? Carried.

Total Special Warrants: 16,744,000.

Shall it carry? Carried.

**Mr. Roach:** Mr. Chair, I move that the Speaker that the chair and that the Chair make report to Madam Speaker.

**Chair:** Shall it carry? Carried.

Madam Speaker, as Chair of a Committee of the Whole House, I wish to report that the committee has gone into supplementary supply to be granted to Her Majesty and has come to certain resolutions which I am pleased to report to the House whenever it should be pleased to receive same.

**Mr. Roach:** Madam Speaker, I move, seconded by the Honourable Minister of Agriculture and Fisheries, that the report of the Committee be now received.

**Speaker (Casey):** Shall it carry? Carried.

**Chair:** Madam Speaker, I move that the report of the Committee be now adopted.

**Speaker:** Shall it carry? Carried.

The hon. Minister of Agriculture and Fisheries.

**Mr. McIsaac:** Madam Speaker, I move, seconded by the hon. Minister of Finance, that the 29<sup>th</sup> order of the day be now read.

**Speaker:** Shall it carry? Carried.

**Clerk:** Order No. 29, *Supplementary Appropriation Act (No. 2) 2016*, Bill No. 60, ordered for second reading.

**Speaker:** The hon. Minister of Agriculture and Fisheries.

**Mr. McIsaac:** Madam Speaker, I move, seconded by the Honourable Minister of Transportation, Infrastructure and Energy, that the said bill be now read a second time.

**Speaker:** Shall it carry? Carried.

**Clerk:** *Supplementary Appropriation Act (No. 2) 2016*, Bill No. 60, read a second time.

**Speaker:** The hon. Minister of Agriculture and Fisheries.

**Mr. McIsaac:** Mr. Speaker, I move, seconded by the Honourable Minister of Transportation, Infrastructure and Energy, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

**Speaker:** Shall it carry? Carried.

I'll call on the hon. Member from Summerside-Wilmot to Chair the Committee of the Whole House.

**Chair (Palmer):** The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *Supplementary Appropriation Act (No. 2) 2016*. Is it the pleasure of the committee that the bill be now read clause by clause?

**An Hon. Member:** I've got a suggestion (Indistinct).

**An Hon. Member:** I'll give you – I can give you an overview.

**Mr. MacKay:** Yeah, just an overview (Indistinct).

**Chair:** Could we have an overview?

**Mr. Roach:** This additional capital expenditure is pretty much what I talked about in the preamble prior. It has to do with the additional current expenditures that took place in Education, Early Learning and Culture, Family and Human Services, Health PEI, Justice and Public Safety, with the total being 16,719,600. Also there was an expenditure there of 24,400 for community services and seniors.

**Some Hon. Members:** Carry the bill.

**Chair:** Shall the bill carry?

Shall the schedule carry? Carried.

**Mr. Roach:** I move the title.

**Chair:** *Supplementary Appropriation Act (No. 2) 2016*.

Shall it carry? Carried.

**Mr. Roach:** I was listening to you.

I move the enacting clause.

**Chair:** May it please Your Honour:

Be it therefore enacted by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows.

Shall it carry? Carried.

**Mr. Roach:** Mr. Chair, I move the Speaker take the chair and the Chair report the bill agreed to without amendment.

**Chair:** Shall it carry? Carried.

Madam Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intituled *Supplementary Appropriation Act (No. 2) 2016*, I beg leave to report that the committee has gone through the said bill and has agreed to same without amendment. I move that the report of the committee be adopted.

**Speaker:** Shall it carry? Carried.

The hon. Minister of Agriculture and Fisheries.

**Mr. McIsaac:** Madam Speaker, I move seconded by the Honourable Minister of Communities, Land and Environment that we now call Motion No. 26.

**Speaker:** Shall it carry? Carried.

**Clerk:** Order No. 26, *Municipal Government Act*, Bill No. 58, in Committee.

**Speaker:** The hon. Minister of Agriculture and Fisheries.

**Mr. McIsaac:** Thank you very much.

Madam Speaker, I move, seconded by the Honourable Minister of Communities, Land and Environment, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

**Speaker:** Shall it carry? Carried.

I'll now call on the hon. Member from Charlottetown-Brighton to Chair the Committee of the Whole House.

**Chair (J. Brown):** The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *Municipal Government Act*.

**Mr. Mitchell:** I wish to bring someone on the floor.

**Chair:** Yes.

**Mr. Mitchell:** If I could bring a staff member on, then (Indistinct).

**Chair:** Ms. Murphy, if you could identify yourself for the record.

**Samantha Murphy Manager:** Thank you. Samantha Murphy, manager of Municipal Affairs.

**Chair:** Thank you.

**Mr. MacEwen:** (Indistinct).

**Chair:** That's correct.

**An Hon. Member:** (Indistinct).

**Chair:** Has finished his remarks, okay.

Anybody else to speak to the amendment?

Okay, I'll read the amendment.

Motion for amendment to Bill No. 58, *Municipal Government Act*, 2016:

I move, that section 15(1), Page 7 of Bill No. 58, *Municipal Government Act*, 2016 be replaced with the following substitution:

15(1) A proposal to establish a new municipality may be initiated by

(a) the Legislative Assembly by passing of a motion;

(b) the council of a municipality; or

(c) a group of at least 30 per cent of the persons who meet the requirements – it says "or subsection (6)", I assume that means of subsection (6), hon. member –

**Mr. Trivers:** Make you guess.

**Chair:** – and whose names appear on an accompanying petition.

**An Hon. Member:** Question!

**Chair:** Nobody else wishing to speak to the amendment?

**An Hon. Member:** Question.

**Chair:** All in favour of the amendment signify by saying “aye.”

**Some Hon. Members:** Aye!

**Chair:** All contrary to the amendment signify by saying “nay.”

**Some Hon. Members:** Nay!

**Chair:** The nays have it. Amendment’s defeated.

So we’re on page 7 –

**Mr. Trivers:** (Indistinct) Chair, I’d like to propose an amendment to (Indistinct) 15(2).

**Chair:** Do you have copies of the amendment, hon. member?

**Mr. Trivers:** I’ll get them to you, for copies. I can state the amendment then I’ll go –

**Chair:** Sure. Actually, I think – do you have the copies right there?

**Mr. Trivers:** No, I just have the one.

**Chair:** Okay, state the amendment then.

**Mr. Trivers:** I move that section 15(2), Page 7 of Bill No. 58, *Municipal Government Act*, 2016 be replaced with the following substitution:

15. (2) A proposal to dissolve a municipality or, subject to subsection (3), to restructure an existing municipality may be initiated by

(a) the Legislative Assembly by passing of a motion;

(b) the council of the municipality.

**Chair:** Before we get into it, do any hon. members wish to start debate of the amendment prior to getting copies of it?

Anybody need copies of it –

**Mr. Mitchell:** Hon. member –

**Chair:** – before we –

**Mr. Mitchell:** – it’s a proposal to dissolving a municipality, hon. member.

**Mr. Trivers:** Chair, I would like to speak to the amendment.

**Chair:** Can we let the hon. member speak to the amendment prior to getting copies?

**Ms. Biggar:** Go right ahead.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

The reason that we are proposing this amendment is, as the minister has stated, our job here in the Legislative Assembly as Members of the Legislative Assembly is to represent people in our districts, and when it comes to Communities, Land and Environment, in particular, we are the representatives of those in unincorporated areas. In fact, we are the only official representatives of those in unincorporated areas.

The minister, of course, can act on behalf of those people. That’s the way the legislation is worded right now in the proposed bill. We felt that it would be best that as the Legislative Assembly we actually debated any of these major changes prior to a proposal being initiated.

The amendment that was just voted down had to do with initiating a proposal to establish a new municipality. This one is to dissolve or restructure an existing municipality.

Again, I wanted to reiterate that my approach to this bill has really been from the perspective of someone who lives in an unincorporated area because, as we know, the minister has had extensive consultations with municipalities, including the federation

of municipalities. That's really been the focus here.

The idea is to make sure that all the issues and concerns are out on the table. In fact, I think this actually would be a help to the minister. The idea is, before the Minister of Workforce and Advanced Learning asks the question, I'll anticipate that it would come to the floor of the Legislature of the spring or fall sitting, due to the normal course of the sittings.

Given the major nature of these changes, dissolving or restructuring a municipality, I think the extra time would be warranted.

I should also mention that it was worded that the Legislative Assembly by passing of a motion – because really all this is doing is initiating the proposal for dissolving a municipality or restructuring it. It doesn't include all the nitty-gritty details surrounding that. It's not a bill. The idea is: What is the will of the Legislative Assembly? Which is exactly the purpose of a motion.

In the end, any proposal that is put forward, it is still the Lieutenant Governor in Council that actually makes the final decision on whether that proposal is granted after going through a process that is outlined very well in this legislation.

That's the reasoning behind this. I would entertain any questions, too, if you had any questions about why we're making this amendment.

**Chair:** The hon. Minister of Communities, Land and Environment.

**Mr. Mitchell:** Thank you, hon. member. I understand the position you're taking and I understand how you arrived at it. Of course, originally when we brought the bill to the floor the question was asked about the powers of the minister. The powers of the ministers are, indeed, powers of last resort. They're powers of extraordinary circumstance.

I have a fairly significant explanation, legal, why the power of the minister would be contained in the act. I'm just going to briefly read a couple of points on it.

Local problems are best solved locally by the council elected by the residents of the area. There are times where it is important for the minister to ensure that the appropriate accountability and transparency measures are in place and functioning. The basic reasons for ministerial oversight are, (a) to ensure the public interest is maintained and (b), to exercise judgment in grey areas that pertain to municipality functioning.

The Minister of Communities, Land and Environment is responsible for the *Municipality Government Act*. It is inappropriate to assign responsibility for the administration of the act to the Legislative Assembly. The implementation and administration of an act is not appropriate for the Legislature given the other many demands on the time of the Legislative Assembly and the legislative nature of most of its activities.

The public interest is, indeed, protected through the public hearing process at IRAC. IRAC is responsible to provide a report and recommendation for consideration by the minister and the Lieutenant Governor in Council. There is ample opportunity for public input, including residents in those unincorporated areas, to provide feedback through that hearing process.

Although I understand you're concerned, there is ample opportunity for those residents of both areas, who are under the umbrella of the municipality and those from unincorporated areas, who will have ample opportunity for discussion at these public meetings. Therefore the responsibility of the minister does stay within the act.

**Mr. Trivers:** (Indistinct).

**Chair:** Any other members with to speak to the amendment? No.

**Leader of the Opposition:** Why would – given what the hon. member said that brought the amendment forward, and what the minister said, Chair, I'd just like to have an explanation or reason why the minister would think that – we're talking about disbanding a community.

As you said, there could be extraordinary circumstances, right?

**Mr. Mitchell:** Could be.

**Leader of the Opposition:** Could be. That puts a lot of responsibility on you to make that decision. Why would it not be in the best interest to bring it back before the House?

**Mr. Mitchell:** I think, hon. member, as I stated earlier, there are particular situations that do occur.

For instance, if a council for one reason or some reasons or another cannot agree on a particular item and the decision cannot be made. The municipality still has to remain healthy. That would be a reason why the minister, whoever it is at the time, would step in to make that a healthy situation. Those are very – infrequently could occur. I wouldn't even be able to cite an occurrence, but because it does, the potential does exist, and when you're doing legislation like that you have to allow and predict for any possibility that could occur at any given time. It's a power of the minister that becomes entrenched within the document of legislation for that very extraordinary circumstance that may never occur.

**Leader of the Opposition:** I go back to what I said a minute ago –

**Chair:** The hon. Leader of the Opposition.

**Leader of the Opposition:** – I go back, it's just, I'm just trying to think something so extraordinary or in such an –

**Mr. Mitchell:** I guess –

**Leader of the Opposition:** – extreme case –

**Mr. Mitchell:** – okay, without – because I have the document, I don't plan on reading it all to you. I have a couple of examples. I'll say the couple of examples. I'll leave the name of the community where it occurred – they're not in this province. They're throughout other provinces in Canada.

There was a point in time where – this is where ministers have gotten involved: inquire into the collapse of a mall, a failure to enforce a property standards bylaw, inquiry into irregularities in election processes and operation, as well as failure to respect laws regarding tax sales and tax

recovery. The minister had to intervene. Inquiry into collusion and corruption regarding the awarding of construction contracts at a municipal level. The minister intervened. Another one that I'll say is a conflict of interest inquiry into the failure to declare a conflict of interest by council.

Those are just examples that have occurred in other municipalities across Canada. I'm certainly not aware that any of those, or any of those of that nature, have occurred here, but when you're constructing new legislation you base it on events that occur.

**Leader of the Opposition:** That's fine, thank you.

**Chair:** There being no other hon. members wishing to speak to the amendment, I will call for the question.

All those in favour of the amendment, please signify by saying 'aye'.

**Some Hon. Members:** Aye!

**Chair:** All those voting against the amendment, please signify by saying 'nay'.

**Some Hon. Members:** Nay!

**Chair:** Nays have it. The amendment is defeated.

We're back to section 15. We're through (2) of the act.

**Mr. Mitchell:** The original attempt was to go page by page. We've broken it down into a page-by-page summary, if you prefer, hon. member. Whatever method you want to proceed with.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Page by page would work, but we may even be able to go more quickly. For the first little while I think I do have every page (Indistinct) my questions here. But as we progress we could just skip to the section where we have a question.

**Mr. Mitchell:** Whatever is suitable to you.

**Mr. Trivers:** I don't know if all members are okay with that.

**Chair:** Are there any other questions or comments on page 7?

**Some Hon. Members:** No.

**Chair:** Page 8?

Any other questions in relation to page 9?

The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

I'm looking at page 9, 16(4): "For the purposes of clause (1)(d) the Commission may publish the notice by electronic means...."

I'm wondering why that is not "shall" publish the notice because it's really not an onerous thing to do these days to put it up on the website.

**Samantha Murphy Manager:** In 16(1)(d) we have the option to do additional forms and notice and we're just clarifying that those forms and notice can be by electronic notice.

**Chair:** Hon. Leader of the Third Party, do you have another?

**Dr. Bevan-Baker:** Sorry, I'm just trying to find that earlier reference.

**Samantha Murphy Manager:** Bottom of page 8.

**Dr. Bevan-Baker:** You would not consider changing that to "shall publish"?

**Samantha Murphy Manager:** No, I believe they do anyway. IRAC tends to put notice on their website of any upcoming hearings.

**Dr. Bevan-Baker:** I'm looking further up in 16(1)(c) where it talks about it being posted in three conspicuous places. That's not an awful lot in what could be a fairly large area in some of these rural communities which aren't really sort of centralized communities at all. Three conspicuous places may not, by any stretch, cover the whole area. That's why I'm thinking that it would be a good idea to have it electronically as well and a mandate that that be the case.

**Mr. Mitchell:** When you say electronically, you mean on a council website?

**Dr. Bevan-Baker:** Yes, or government website.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Sorry, Chair. Yes.

**Mr. Mitchell:** All councils do not have websites. In fact, some council's don't even have a computer. It will be difficult to start off with until councils get themselves to particular levels (Indistinct).

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Sorry, Chair.

I was too quick in saying that, yes, because it's talking about the commission here may publish the notice by electronic means. I guess I'm talking about government website.

**Samantha Murphy Manager:** To a certain degree we're trying to maintain that neutrality of the third party so I think we're trying to keep apart from the provincial communication means. Whether or not it's on the commission's site as a mandatory would be the minister.

**Mr. Mitchell:** I'll have no issue to entertain a motion on that.

**Dr. Bevan-Baker:** It's just to change one word, Madam Clerk.

**Chair:** If I might just make a comment from the Chair on that before we go too far.

The only thing I would say is the commission is an independent quasi-judicial body that government doesn't have control over. My guess – I'm not the one that drafted this – is the "may" is "may" rather than "shall" because of that. I would just point that out there. They're master of their own procedure. I'm not too sure that government can dictate to them what they shall or shall not do to that extent.

**Mr. Mitchell:** What we could do, hon. member, is proceed with the way it is. I'm not suggesting we hold it back, there probably will be nothing immediately affected by it either way. We can make an

amendment in the next session. I'm suggesting, though, we don't hold up the act because of it and move on, and if it becomes something that seems clarity can be brought better, we can bring our own amendment back in the next session or something like that, if you're all comfortable with that.

**Chair:** The hon. Leader of the Third Party, are you done on that?

**Dr. Bevan-Baker:** Yes, I just wanted to say I'm fine with that. If we can get some clarity from the commission whether –

**Mr. Mitchell:** As long as we don't hold up the act because I wouldn't get that answer probably today or right away. It won't get turned on for probably 12 months so we can rectify that even at the next sitting.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

The commission is referred to extensively, of course, in the act. I was wondering if you could give a brief overview of the commission, what it is, how they operate, who is on it and that sort of thing, just so we have that for the record to make sure we understand completely.

**Mr. Mitchell:** It is IRAC.

**Mr. Trivers:** That is IRAC?

**Mr. Mitchell:** Yes.

**Chair:** As the Chair, I think I can read (1)(b): "Commission" means the Island Regulatory and Appeals Commission established under the *Island Regulatory and Appeals Commission Act R.S.P.E.I. 1988, Cap. I-11*".

**Mr. Trivers:** Where is that, (1)(b)?

**Chair:** (1)(b).

The hon. Member from Morell-Mermaid.

**Mr. MacEwen:** Thank you, Chair.

Minister, if I asked a couple of questions on a direct page, are you okay with that, minister?

**Mr. Mitchell:** I'm fine with that, yeah.

**Mr. MacEwen:** Thank you, minister.

I know you talked about the funds that are available for municipalities to do exploration studies. I think it's about 15,000. That doesn't cover the total amount that it would cost typically, right? The communities have to put in their own money?

**Mr. Mitchell:** They would determine what they were looking at for cost. Did you say for transition? Or are you saying it for –

**Mr. MacEwen:** To explore amalgamation.

**Mr. Mitchell:** Feasibility?

**Mr. MacEwen:** Yeah.

**Mr. Mitchell:** They would determine that through the consultant that they use. There is a couple. That's something that they would establish: Here's our scope of work, here's what we are looking for you to do. How much? And then they contact us and we work with them.

**Chair:** The hon. Member from Morell-Mermaid.

**Mr. MacEwen:** Thank you, Chair.

There was a program available for that. Is that program going to stay the same as far as the amount of funding that's available? Or is it kind of on a per-basis?

**Samantha Murphy Manager:** There is no change in the plans at this time.

**Chair:** The hon. Member from Morell-Mermaid.

**Mr. MacEwen:** Thank you. Is there any talk of making it an allowable expense under the gas tax funding?

**Mr. Mitchell:** There is nothing that will prevent them from using their gas tax (Indistinct) towards that. I know previously to where we said we would assist some were already currently using that. There's no provision against that.

**Mr. MacEwen:** It would be eligible, then?

**Mr. Mitchell:** Yes.

**Mr. MacEwen:** Thank you, Chair.

**Chair:** Another question?

**Mr. MacEwen:** Yes.

**Chair:** The hon. Member from Morell-Mermaid.

**Mr. MacEwen:** Thank you, Chair.

If an incorporated community was going to – they were granted a boundary extension, and say that extension went into somebody else's fire district, but that community has their own community fire department. Does that new area that's incorporated, do they have to be covered by the council's fire service?

**Mr. Mitchell:** I'm going to let Sam speak to – I will use the specific that's going on with the seven municipalities currently that are having crossover boundaries of fire and the discussion –

**Mr. MacEwen:** Was I being clear enough? If the community where they expanded into is covered by a fire district versus their own municipality fire department.

**Samantha Murphy Manager:** We have several examples right now where a municipality is covered by more than one fire department or fire company. That would be part of the discussions and the lead-up to any restructuring discussions.

With Three Rivers I know there's three different fire districts involved and that'll just be part of the conversation. There's nothing stopping that service from being provided for more than one area, especially if it deals with response times and the best service.

**Mr. Mitchell:** There may be benefit come to each service too, collectively, if an occurrence – if they can come to terms on something new, possibly. Those are inherent conversations that will happen at these public meetings.

**Chair:** The hon. Member from Morell-Mermaid.

**Mr. MacEwen:** Say those talks happen and – but say you're only incorporating a road with five houses or something like that. At the end of the day, who makes the decision on which fire service you'd actually go to?

**Mr. Mitchell:** It'd be the new council as it's structured in its new method, whoever, the mayor and the councils would make the decisions for that municipality.

**Mr. MacEwen:** So, yeah, that –

**Mr. Mitchell:** (Indistinct) five houses are –

**Chair:** The hon. Member from Morell-Mermaid.

**Mr. MacEwen:** Thank you, Chair.

I guess, under the (Indistinct) you'd call them a community council, but it'd be like the rural municipality –

**Mr. Mitchell:** The rural municipality, yeah.

**Mr. MacEwen:** They would decide, so if they wanted to use – those new members of their community – to use the municipal fire department, they have the power to say: You have to use our fire services versus your old fire district.

**Mr. Mitchell:** Yeah, I guess if you look at it that they have the power to do something. What'll I expect that they will do is they're doing – is having great conversations about what's the most reasonable, what's the most sense, what provides the absolutely best. Those are the conversations they would have rather than just to throw down the hammer and say: This is the way it's going to be.

**Mr. MacEwen:** Yeah, I understand, and I'm assuming those conversations would happen. At the end of the day, though, it would be that rural municipality that gets –

**Mr. Mitchell:** It would rest with them, as all the functions of their municipality, be it existing or new.

**Mr. MacEwen:** Thank you, minister.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

I'm looking at page 9, section 17(1)(a). It says: "...the date specified in subsection (2)...", and maybe I'm not reading it correctly, but when I look at subsection (2), that's regarding the cost of publication, it looks like. Is it subsection (2) of this area?

**Mr. Mitchell:** No.

**Mr. Trivers:** Oh no, okay, it's still the upcoming subsection.

**Mr. Mitchell:** 17, subsection –

**Mr. Trivers:** All right. Thank you.

**Chair:** (Indistinct) your question, hon. member?

**Mr. Trivers:** That's good.

**Chair:** The hon. Leader of the Opposition.

**Leader of the Opposition:** Thank you, Chair.

Going back to your earlier statement, minister, about IRAC and the commission, in regards to this new act, does this make it more of a need to review IRAC's role and model in the act that they presently are mandated under?

**Mr. Mitchell:** It doesn't make it any more need. I know you've indicated that you'd like to see some work done there, and I've committed that we'll, when we get (Indistinct) out of here, we'll have some conversations to see exactly what that all would entail.

This does not mean we need to do something specific. This is kind of – this is already powers that, to a certain degree, they have already been dealing with on amalgamations in the past, and it's just a continuation of their duties.

But I understand your concern there, and as I've agreed to earlier we'll take a look at what can be done there.

**Leader of the Opposition:** Okay.

**Chair:** Any other questions on page 9 of the bill?

The hon. Member from Morell-Mermaid.

**Mr. MacEwen:** Thank you, Chair.

Minister, I did have a question from a council that talked about a ward system, and I think that was probably raised in your consultations with the municipalities.

Without going into great detail, could you kind of give me an overview of what was discussed as far as new municipalities and a ward system?

**Mr. Mitchell:** Sure. As far the makeup of how a new council may look, and there are transitional things that were put in place, like your existing council could be a little bit larger initially in order to encompass a strong voice from every area. As you move out further, you may be able to reduce the number of council (Indistinct) begins working cohesively, which I have no reason to believe that it wouldn't, and they can reduce the number of council.

But the method of where do those council members come from, there are a couple of ways to do that, and I'll let Sam address both of those to you –

**Mr. MacEwen:** Thank you.

**Mr. Mitchell:** – in a more technical way than I could.

**Mr. MacEwen:** Appreciate that.

**Samantha Murphy Manager:** The act allows for either open ward system or to have wards set out with equal representation between the different areas. It would be part of the discussions with any restructuring to look at how those wards might be constituted.

The basic council size would be six councillors, or if you have a bylaw with wards, you could go up, you could have eight. But the initial council could be larger just to ensure that all of the different areas that are coming in have a voice until, as the minister said, that sense of a new –

**Mr. Mitchell:** Comfort.

**Samantha Murphy Manager:** – community is together.

**Chair:** The hon. Member from Morell-Mermaid.

**Mr. MacEwen:** Thank you, Chair.

Thank you, Sam. Is there anything in the act that causes those wards, or those councillors, their areas that they would represent, to be reviewed every so often, kind of like our provincial boundaries?

**Mr. Mitchell:** I think it is, yeah.

**Samantha Murphy Manager:** Yes, it is. It's in Part 3 and it's – I'd have to look it up – it's I think every third election they have to review the numbers to make sure that they're –

**Mr. Mitchell:** Theoretically, it's quite similar to your district or your riding, because it's based on population and the population can shift or change or grow. We need a mechanism, then, to ascertain and definitely deal with the fact that if that ward grew and that ward declined, then the representation should change.

**Mr. MacEwen:** Okay, thank you, I appreciate that.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

My questions are related to section 17 at the bottom of page 9, a couple of things. Firstly, this didn't appear on the draft act in 17(1). It states: "...in the form approved by the Minister..." It's in the second last line there. And, I'm wondering why the minister needs to approve the form by which submissions are made. Does that mean that somebody may have difficulty communicating in the written – like, would you exclude some sort of written submissions because it wasn't approved by the minister? I just wasn't sure what that meant.

**Mr. Mitchell:** Go ahead, Sam.

**Samantha Murphy Manager:** Generally, we're moving away from prescribing forms and regulation because it's complicated and it's hard to reproduce. Most of the time where you see that it's to move away from having things in regulation.

Those are the sort of things we've been looking at, the considerations about literacy or different forms of communication as we make those forms, and it may be as simple as saying: This is the information we would want to see in an objection, name, an address, as opposed to the exact form of it.

**Dr. Bevan-Baker:** So –

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Sorry, Chair.

So, that would mean that somebody who perhaps did have literacy issues would still be able to communicate their concerns and you would accept that as a legitimate –

**Mr. Mitchell:** Oh, absolutely, yes. That would not disallow that for (Indistinct).

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

The second concern I have is with the timeframe here, within 30 days. But then if you look at subsection (3) of 17, it says that if one is to mail it by snail mail it "is deemed to have been received ten days after the date on which it was sent."

Does that mean if somebody were to send off a letter on the 29<sup>th</sup> day, which didn't arrive until after the 30 days, would that be deemed to be outside the time limit? I guess what I'm saying, is that 30 days really just 20 days if we have to allow 10 days for the mail to get there?

**Samantha Murphy Manager:** No, that's when that time period would start. If it's 30 days from whence it was received, they'd have 10 days from when it's sent for that transmission process, and then the 30 days would kick in.

**Dr. Bevan-Baker:** Okay. It's actually adding time rather than – okay. Thank you.

**Chair:** Any other questions on page 9? Any questions on page 10?

**Mr. Trivers:** Yes, I have one, Chair.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** This is section 17(6). It says: “Despite subsection (4), where an objection to a proposal initiated by a municipality is filed by another municipality, the Commission shall appoint a mediator...”, and continue on. But because it says “Despite subsection (4)...” which indicates a public hearing may be held, does that mean that not all proposals have to have a public hearing? I mean, specifically when an objection to a proposal initiated by a municipality is filed by another municipality, it sounds like a public hearing isn’t needed.

**Mr. Mitchell:** If the mediation happens first, which could happen right prior to a public meeting being called, they could mediate the issue, resolve it successfully with a good solution.

**Mr. Trivers:** Okay, so, Chair?

**Mr. Trivers:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** When you say “Despite subsection (4)...”, does that mean if mediation doesn’t solve the problem they do have to have a public hearing? –

**Mr. Mitchell:** Correct.

**Mr. Trivers:** Okay, great. Thank you.

**Chair:** The hon. Member from Rustico-Emerald on page 11.

**Mr. Trivers:** Actually, so, pardon me, Chair, it’s actually on page 12.

**Chair:** Any other questions on page 11?

**Mr. Aylward:** We’re flying now.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** I just wanted to point out here that in section 20 on page 12: “The Minister, after reviewing the report of the Commission, shall recommend to the Lieutenant Governor in Council that the Lieutenant Governor in Council...” Will accept the recommendations, accept them with modifications or reject the recommendations. Then it’s Lieutenant Governor in Council, in 21 that establishes a

new municipality, restructures, denies the restructuring, etc., the dissolution.

I just wanted to emphasize, again, those sections, 20 and 21, with what’s happening with the minister and the Lieutenant Governor in Council around the creation of new municipalities, the dissolution, as well as the restructuring. That’s why it’s so important, I think, that we have that discussion on the floor of the Legislature as well.

In the end, I think that those –

**Mr. Mitchell:** Those decisions –

**Mr. Trivers:** – bodies really need to have the input from all the elected representatives of the people. I just wanted to make that point.

**Mr. Mitchell:** Okay, and I appreciate your point. Those recommended decisions by the commission would have been arrived at as a result of those public meetings whether the public is (a), in favour, or (b), not in favour. That would be the recommendation IRAC, or the commission, would be bringing forward to us.

Typically all of those concerns will be, I’ll say, hashed out, for lack of a better term, at that public meeting, and IRAC decisions would be based what occurs at those meetings.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

I also want to speak a little bit about section 20. A couple of things. One is that: “The Minister, after reviewing the report of the Commission, shall recommend to the Lieutenant Governor in Council that the Lieutenant Governor in Council...” I notice that the Lieutenant Governor in Council, in 21 on to page 13 now – but there’s a timeframe, a time limit within which the Lieutenant Governor in Council has to make that order and it’s six months.

I’m just wondering why there’s no time limit on the review of the report by the minister.

**Samantha Murphy Manager:** It's simpler for one minister to ensure efficiency than for legislative –

**Mr. Mitchell:** In other words, I should have it done a lot faster than the Legislative Assembly on the first part of the decision, which I guess is probably fair.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

Why not set a time limit? You could sit on that indefinitely. Not that you would, minister, but a person in that seat could. Why not set a time limit for that so that it is moved on a timely basis?

**Mr. Mitchell:** There are probably lots of factors that would be determining why you're not sitting on that time limit for certain, but where the –

**Samantha Murphy Manager:** The minister tends to be efficient.

**Mr. Mitchell:** The ministers tend to be efficient.

**Mr. LaVie:** What? How can you say that with a straight face?

**Mr. Aylward:** So he gets his Christmas bonus.

**Mr. LaVie:** (Indistinct) say that with a straight face (Indistinct).

**Mr. Mitchell:** I think when you're dealing with things of this nature time is of the essence and you're moving things along as rapidly as you possibly can. There are certain things that do take up, tie up, some time here, but I don't think the minister's decision will be one based on a recommendation of the commission. It'll be moved onto the next level very expediently and keep the thing going.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

I'll move along to my next concern, which is 20 (b), which says: "...accept the recommendations of the Commission with modifications..." It strikes me that if the

minister is not happy with whatever comes from a particular perspective council sending it back is fine. I understand why you might reject it, or accept it. If you weren't happy and you felt there was a problem with it, essentially the way this is written is it would allow you to change any part of the plan that the community came forward to you with without any input from them whatsoever. That's a concern for me. Can you tell me why that, "with modifications", is in there?

**Mr. Mitchell:** That was standard in the last legislation, as well, that that would be the case. It was just carried forward.

**Samantha Murphy Manager:** This is similar to the provision that we discussed with the bill to amend the *Municipalities Act*. There might be a scenario, as we discussed at that time, that there might be one part of the area proposed for restructuring that wasn't comfortable with the idea. It avoids having to go back to reinitiating a new process.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

Rather than send – if you see something, or if, presumably it will come to you when there's agreement amongst whatever people are bringing this forward – if you are not happy with something, would you not send it back to them for approval, rather than made modifications yourself?

**Mr. Mitchell:** You would, but, for instance, if there was a reason – as mentioned by Sam, it's not a negative, it's a positive. If the seven communities, then, that are working collectively together, one, it becomes six rather than seven. You might have to start the whole process over from square one which is important that you don't do that.

We send it back and say; We'll go ahead with six. That's why I would do that as minister, or any minister would do that to carry on the process. It's not a negative part. It's to keep the process moving in a positive way. There are probably other things that you could say.

Again, some of these things are last resort provisions, but that's a case in point that

could be very real, possibly, although things are working really well there, but anything could happen, so these are just planned for provisions such as that.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

Let's imagine a situation where yourself, or Cabinet, wanted to change the version that the community brought to you. You could, given this provision – correct me if I'm wrong – you could just pass that onto Lieutenant Governor in Council for approval without the community ever seeing the changes that you would like to have, is that correct?

**Samantha Murphy Manager:** The minister could. It's unlikely that they would do that without speaking to the proponents –

**Mr. Mitchell:** I would say that's very unlikely.

**Dr. Bevan-Baker:** Is there a way that we could ensure that the community was, at least, informed of any modification that you feel was necessary before it was sent to Lieutenant Governor in Council? Rather than leave it as it's written now, that you could modify it without going back to the community or communities for feedback on that.

**Mr. Mitchell:** I think the original, where if you have concerns it gets sent back to the community, would come back with something that's acceptable by both sides.

I think you're going to a level where you're over-thinking it, hon. member, but I don't mean that in an insulting way in any way, shape or form. It's just that it's a provision that would be there, last resort. Trust me, the provisions, to maintain that happening for four years, so –

**Mr. LaVie:** Trust you? We've trusted you for five years now (Indistinct).

**Mr. Myers:** You know you're in trouble when (Indistinct).

**Mr. LaVie:** We lost trust.

**Mr. Mitchell:** I guess, you know, there is no intention of malice in that –

**Mr. LaVie:** Trust you (Indistinct).

**Mr. Mitchell:** – in any way shape or form.

**Mr. Myers:** Add that to the Legislature (Indistinct).

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Chair, I get hives when I hear that because that's what Donald Trump says all the time: Trust me. I'm not putting you in the same category at all, minister –

**Mr. Mitchell:** No offence taken, hon. member.

**Dr. Bevan-Baker:** – but that –

**Mr. Mitchell:** I'm just trying –

**Dr. Bevan-Baker:** – I'm good, Chair.

**Mr. Mitchell:** – to alleviate your concern of over-thinking and it's not there for any negative reason. It's there to be proactive if there's something that is workable, which will always be 100% of the time within the municipality that you're dealing with.

**Dr. Bevan-Baker:** Thank you, Chair.

**Chair:** Any comments on page 12? Any comments on page 13?

Page 14.

The hon. Member from Rustico-Emerald.

**Mr. Trivers:** In 22.1 (b): "...each employee of the former municipality continues as an employee of the restructured municipality with the same rights and duties until the council of the restructured municipality directs otherwise."

Which is great, I think it's especially good for the employees of the municipalities when they are restructured, but I was wondering if the province will provide any help when you have that double payment going on in that situation or those municipalities that are being restructured.

**Mr. Mitchell:** It's not about double payment. It's about conflict of interest, that's the purpose of why employees shouldn't be – it's to take away that possibility.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

I'm not sure I understand. I thought the idea here was when a municipality is restructured – it says each employee of the former municipality continue on as an employee of the restructure municipality. I thought the intention was just to make sure people don't just wake up one day and it's restructured: Sorry, you lost your job.

**Mr. Mitchell:** No. Some of these municipalities the staff is small, right? So the staff member may also be the councilman, and maybe I'll get a good example that we could use.

**Samantha Murphy Manager:** In many of the municipalities that are talking right now, they don't have very much in the way of staff or their staff is part-time. It's unlikely that you're going to have a large degree of overlap and duplication of staffing.

**Mr. Trivers:** Chair?

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Yes, thank you.

I understand. It just makes sure that all of the duties that were being done before can continue to be done.

**Mr. Mitchell:** Continue on for at least one cycle.

**Mr. Trivers:** Thank you, Chair.

**Chair:** Any further questions on page 14?

The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** I'm just looking at section 24: "A council may, by application in writing to the Minister, request to change" (a) the name and (b) the class of – I can understand changing the class of the

municipality. I mean, that's a fairly large endeavour and certain criteria have to come forward before they do that.

But, in terms of changing their name, would you not think it's a little bit too much oversight to have to apply to the minister for that? Could the community not just decide to call, I mean with reason, change their name without applying to the minister for that?

**Mr. Mitchell:** Yeah, that would be a creation by Order in Council, that's why it's there.

**Dr. Bevan-Baker:** I'm sorry. Could you say that again, minister?

**Mr. Mitchell:** It's created through Order in Council, the municipality's name.

**Dr. Bevan-Baker:** That's a requirement, is it?

**Mr. Mitchell:** Yes.

**Dr. Bevan-Baker:** Thanks, Chair.

**Chair:** Any other questions or comments on page 14?

**An Hon. Member:** No.

**Chair:** Page 15?

**An Hon. Member:** No.

**Chair:** 16?

**Mr. Trivers:** Chair?

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

I just wanted to thank the minister and his staff for the changes they made to add in Division 4 for the Resort Municipality that is up in Cavendish, for those who don't know. I think you did a great job and thank you so much for accommodating them.

I guess my question is: Did you have a chance to get feedback from the Resort Municipality and the chair regarding the changes that you added in?

**Mr. Mitchell:** I actually didn't personally talk to the chair, but I personally talked to several of the council who were extremely pleased with how everything turned out for that.

**Mr. Trivers:** Thank you.

**An Hon. Member:** (Indistinct).

**Chair:** Any other questions on page 16? Page 17? 18? 19? 20? 21?

**An Hon. Member:** No.

**Chair:** 22?

**Mr. Trivers:** Yes.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Okay, just getting my bearings here. I'm looking at section seven on page 22. The Electoral Boundaries Commission –

**Chair:** Hon. member, 39(7), is that what you're talking about?

**Mr. Trivers:** I'm on, sorry, yes, 39(7).

There is a report prepared by the Electoral Boundaries Commission pursuant to (6) and the council can choose to accept the recommendations, accept them in part, accept them with modifications or reject them. Essentially it's similar to what the Leader of the Third Party was saying. They can pretty much do whatever they want, right? Because when you can accept the recommendations with modifications you can pretty much just change it to read the way you want it to.

**Mr. Mitchell:** I'll let Sam answer that, it's kind of technical.

**Samantha Murphy Manager:** The Electoral Boundaries Commission is created by the municipal council and it can be one person, it can be as many as they feel appropriate. The ideas to them may be slightly different, that configuration that they might want for their wards, but they are still subject to the requirement to have an equal distribution of population.

**Mr. Trivers:** Okay.

**Samantha Murphy Manager:** You'll see it subject to (4). They are still bound to make sure that it meets the requirements of the act.

**Mr. Trivers:** Thank you. I have another question on the same page here.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** It says Division 7 - List of Electors, 41. I know you say in 41(2): A council may enter into agreement with the Chief Electoral Officer of PEI or Canada to obtain data to use in the preparation of a list of electors.

Is there ability to take that even further and sort of hire Elections PEI to prepare the list of electors for them and maybe even do the enumeration?

**Samantha Murphy Manager:** That is what (2) is designed to do –

**Mr. Trivers:** That is?

**Samantha Murphy Manager:** – so because Elections PEI has an ongoing update to their list, if we can develop a system we might be able to just use that list.

**Mr. Trivers:** Great, thank you.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

I just want to back up one page that flew by so quickly I missed my opportunity. It was in section 38 and it's about election of councillors.

The way it's worded suggests that – well, I guess my question is this: Could a municipality have a combination of ward and at-large members?

**Samantha Murphy Manager:** Not the way we have set it up, no.

**Dr. Bevan-Baker:** No? I just wanted to clarify that, thank you.

**Chair:** Any other questions on 21 or 22?

**An Hon. Member:** (Indistinct) oh, sorry, no.

**Chair:** 23? 24?

**Mr. Trivers:** Chair, I do have notes on 24 (Indistinct).

**Chair:** (Indistinct)

**Mr. Trivers:** Yes, my question here is just in general –

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you.

In regards to voting at polls in Division 9, I just wanted to clarify if bordering municipalities, or even municipalities that don't border, could work together to set up polling stations and share the costs in that way?

**Samantha Murphy Manager:** Yes, they can.

**Chair:** Was that just a comment, hon. Member from Rustico-Emerald?

**Mr. Trivers:** No, that was my question. Can they work together?

**Mr. Mitchell:** Existing municipalities that are here and here can share a poll, yeah, absolutely.

**Mr. Trivers:** You don't have to have that separate –

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you. You don't have to have that separate poll for per municipality? You can cut down on a number of staff and save some money?

**Samantha Murphy Manager:** You would need separate polling stations and polls and ballot boxes, but you could have them at the same location because they can be held at the same time as opposed to our current special election meetings where they have to be at a certain time and you have to then move from municipality to municipality.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Also, I was wondering if the provisions in the act allow for electronic voting.

**Mr. Mitchell:** They do.

**Mr. Trivers:** Fantastic, thank you.

**Chair:** Any other questions on page 24?

**Mr. Trivers:** I'm good until page 26, Chair.

**Chair:** Page 25? 26?

The hon. Member from Rustico-Emerald.

**Mr. Trivers:** This is the case of a tied vote, and essentially it is putting names in a hat and drawing the winner, based on my interpretation here. It's the same as flipping a coin if there were only two candidates, basically, at random.

I just wondered if you would entertain any other suggestions when you're putting this together because I know this is something that has been a hot topic of conversation for Islanders.

**Samantha Murphy Manager:** Our consultation draft did actually include a by-election process. The feedback during our consultation is that at the municipal level this is quite costly –

**Mr. Mitchell:** (Indistinct) expensive.

**Samantha Murphy Manager:** – and it adds quite a lot of time to it. Then we did another scan of legislation across the country and there's, at most, two jurisdictions where they have a by-election. In most cases it is drawing names. We consulted with Elections PEI and they said it would be acceptable in this case to continue drawing names.

**Mr. Trivers:** Thank you, Chair.

Page 30 is my next question.

**Mr. Mitchell:** I was about to say it rarely happens, but (Indistinct).

**Chair:** Any other questions on page 26? 27? 28? 29? 30?

The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

I'm looking at the by-election clause, I guess it's number 60(5): "A vacancy on a council that occurs... may be filled by a by-election held at the same time as the by-election for the position of mayor..." I was looking at it. If a councillor decides to run to become the mayor they have to step down as a councillor, and if they lose their mayoral bid that means they're out of luck. They've lost both their council seat and the mayoral bid and so they're no longer on council at all.

**Samantha Murphy Manager:** Right.

**Mr. Trivers:** Wow. Okay, thank you.

**Chair:** Any other questions on page 30?

The hon. Member from Stratford-Kinlock.

**Mr. Aylward:** With the instance where you would have a by-election – and we will be having one coming up fairly soon in Stratford – what's the enumeration process? Does that ward have to be enumerated or would it go off the Elections PEI (Indistinct)?

**Mr. Mitchell:** Elections PEI would be – the returning officers would be using their latest list which would probably be the last list. They probably wouldn't do a full enumeration process. I wouldn't think.

**Mr. Aylward:** Thank you.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

I just wanted to clarify why I asked that last question and why I said – well, I'm concerned that it could cause municipalities to lose good people who would sit as councillors if they lost their mayoral bid. Indeed they were sitting as a councillor prior to going for mayor. I just don't know. Is that a concern that anyone else brought up during your consultations?

**Samantha Murphy Manager:** It causes problems if you have to then go and hold a second by-election afterwards to fill that seat. It's to ensure that you're not holding process after process. It's quite an expense

to a municipality to do it. If a councillor is interested in that mayoral position, that by-election is only for the remainder of the term and they can run as mayor during the next election.

**Mr. Trivers:** As long as everyone is happy with that.

Thank you.

**Mr. Mitchell:** It has occurred.

**Chair:** Any other questions on page 30, 31?

The hon. Member from Rustico-Emerald.

**Mr. Trivers:** This Division 13 talks specifically about plebiscites which is a bit of a topic lately: "64 (1) A plebiscite conducted under this Part shall be for a distinct purpose and shall only be valid to the extent that it falls entirely within the jurisdiction of the municipality."

Can you explain what that means? How would you judge whether a plebiscite falls entirely within the jurisdiction of a municipality?

**Samantha Murphy Manager:** If a municipality were to hold a plebiscite on what the federal government should do with regards to international trade, for example, that would be outside of the jurisdiction of the municipality.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Could they hold a plebiscite on perhaps what the position of the municipality is with regards to issues outside their jurisdiction?

**Mr. Mitchell:** It will pertain basically to something that's going on within the boundaries of that municipality. It could be, for instance, should they look at joining with another municipality or something like that. That would be (Indistinct) plebiscite situation.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Just want to give an example. For example, if there was a municipality that

wanted to hold a plebiscite on whether marijuana could be legally sold within that municipality, would they be able to do that?

**Samantha Murphy Manager:** That's not within their areas of responsibility under Part 7.

**Mr. Mitchell:** Not if it's covered under some other jurisdiction. If they wanted to have a plebiscite to see if they're allowed to skate on the community pond on Sundays between 3:00 p.m. and 5:00 p.m., that would be a good one.

**Ms. Biggar:** But it's not binding.

**Mr. Trivers:** Quite aware of how plebiscites work that way.

Thank you, minister.

I'm good. Thank you.

**Chair:** Any questions on page 32?

**Mr. Trivers:** Page 38 is the next one for me, Chair.

**Chair:** Any questions on page 33? 34?

**Dr. Bevan-Baker:** I have a question on 34, Chair.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** It's just to point out I think what is a typo. It's in 78(3) where it refers to: "Commencing with the municipal election in 2018, and subject to subsection 21 or 22..."

I think that should just read section 21 or 22, as it does in 78(1). I just need to get rid of the sub.

**Mr. Mitchell:** Okay, yeah.

**Chair:** Can we have a motion from the hon. Leader of the Third Party to amend?

**Dr. Bevan-Baker:** Sure:

Amend Section 78(3), replace the word "subsection" prior to 21 or 22 with the word "section".

**Chair:** You wish to speak to the amendment proposed?

Members unanimously agree that we don't need to have a copy of it produced?

**Some Hon. Members:** Agreed.

**Chair:** Thank you.

Shall the amendment carry? Carried.

Any opposed to the amendment carrying?

There being none, the amendment is carried.

We'll read it out.

78(3) shall now read:

"Commencing with the municipal election in 2018, and subject to section 21 or 22, as the case may be, the council of a municipality that is a city shall consist of either...", and it continues on from there.

Any other questions on page 34, 35, 36?

The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

I do have something on section 85, Chair.

Under (2) of section 85: Councils have five years to make offices accessible and open 20 hours a week. But it's left open enough to allow some flexibility. For example, the office could be in somebody's home as long as it's accessible. Am I correct in that interpretation?

**Samantha Murphy Manager:** You are correct. We have not designated what type of space as long as it is accessible and that includes wheelchair accessibility.

One thing that we do point out to our municipalities is that it's important that the members of the public feel comfortable when they're seeking services. If it's a public place then you are not allowed to smoke. There are a few external factors that they would need to take into consideration, but the legislation does not restrict it.

**Dr. Bevan-Baker:** Thank you, Chair.

**Chair:** Any other questions on page 36, 37?

The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you.

Section 86(2)(f)(ii), this is on the employee codes of conduct. It uses the phrase: “a person closely connected to the employee.” To me that’s just not very clear. I’m not sure if that means immediate family, a second cousin, a business partner, a neighbour, an acquaintance. In legal terms, is that enforceable when you use such vague language as that?

**Mr. Mitchell:** I’ll let Sam speak to that, hon. member.

**Samantha Murphy Manager:** In the definitions which is section 1(w), person closely connected is defined.

**Dr. Bevan-Baker:** Oh it is, where is that?

**Chair:** Page 4, hon. member.

**Samantha Murphy Manager:** (w) at the top of the page.

**Chair:** I’ll read it out: “(w) ‘person closely connected’, in relation to a member, means a family member, an agent, a business partner or an employer of the member.”

**Dr. Bevan-Baker:** I’m sorry, I missed that. My apologies.

**Chair:** Are you good, hon. Leader of the Third Party?

**Dr. Bevan-Baker:** I’m good, yeah.

**Chair:** Any other questions on 37, 38?

The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Yes, thank you.

I’m looking at the sections that talk about the CAO and if the council fails to or refuses to appoint the person as chief administrative officer, the minister may appoint the person, establishing enumeration, etc. I was wondering: Are there any restrictions at all that the CAO has to live in the municipality?

**Mr. Mitchell:** Actually, there isn’t a CAO that exists today. The CAO of two municipalities – and I’m not sure he lives in either one, but he may live in one of them.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Will it be possible for municipalities to share a CAO?

**Mr. Mitchell:** Yes, it would be.

**Mr. Trivers:** Yes. Great, thank you.

**Chair:** Any questions on 38? 39?

The hon. Member from Rustico-Emerald.

**Mr. Trivers:** On 39, 88(3)(b), it talks about a council having, perhaps I got this wrong, the “...power to appoint, suspend or revoke the appointment of a person to the position of chief administrative officer”.

That section is not specifically about that, but they do have that power. Could a council revoke the appointment of the CAO by the minister as soon as they find their own?

**Mr. Mitchell:** Yeah. They would have their own control over their CAO, his or her employment, for certain. Yes, I think they could select somebody new at any time.

**Mr. Trivers:** Thank you.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

I’d like to look at 89(b). This is where we’re outlining the duties of a mayor. (a), (c), and (d) are pretty clear and tangible, but (b) says the mayor has a duty to, “...provide leadership to the council and the chief administrative officer”.

I’m not sure what that means. I’m not sure how you could enforce that. I don’t know what leadership looks like in that term. I’m wondering why that’s even in there.

**Samantha Murphy Manager:** This is certainly less tangible than some of the other duties, but there is a responsibility for the mayor to make sure that council is focused, that they are looking at strategic priorities,

that they're responding to the needs of the residents. To a certain degree it's that shepherding, making sure that the council is operating. In some cases, it would be functioning in public, the communication, the spokesperson type of role. It's a fairly standard role at the municipal sector. I think it's understood in practice.

**Mr. Mitchell:** Yeah, and I guess that's the thing of it. It should be done without the text being there anyway. It's just an extra assurance that we expect you to do that.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** I'll accept that. I just realize it's something that is tangible and tough to define.

Moving on to section 91(1) on the same page, the mayor shall appoint the deputy mayor. I'm wondering whether there was any discussion about the council democratically by a vote selecting the deputy mayor rather than that being something that the mayor, that she or he could choose unilaterally?

**Samantha Murphy Manager:** We only heard one example, or one municipality, that raised it. This is fairly standard that it is the duty of the mayor to pick that person. In many cases they'll do that on a rotating basis. It is one of the duties that go along with being mayor.

**Mr. Mitchell:** I had nobody present it to me.

**Dr. Bevan-Baker:** That's fine.

Thanks, Chair.

**Chair:** Questions on 39, 40, 41, 42?

The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** No, I don't. Sorry.

**Chair:** Pages 43, 44, 45?

The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** It's to do with disqualifications of council members, 98(1)(b). It says "members of Parliament" cannot serve as councillors. I'm wondering whether that is referring to both the

members of the House of Commons, and Senators or whether it's one or the other.

**Mr. Mitchell:** It would be both, hon. member.

**Dr. Bevan-Baker:** It would. Okay.

**Samantha Murphy Manager:** The principle is they can't represent a federal and a local interest. They can't do both at the same time.

**Dr. Bevan-Baker:** I wanted to make sure that that "members of Parliament" would include Senators.

**Chair:** Any other questions on 45? 46?

The hon. Member from Rustico-Emerald.

**Mr. Trivers:** In 98(4): "Where a council member is absent from three consecutive regularly scheduled meetings of the council, the member shall be disqualified from holding office for the remainder of the member's term of office unless..." their absence is due to illness or they have an approved leave of absence from the council.

Is this normal practice, and were any concerns raised when you reviewed this in consultations? It seems like – maybe I'm wrong, given the expense, the lengths gone to elect a council member – it seems excessive, perhaps.

**Samantha Murphy Manager:** This is already in current legislation and it's standard in legislation in other jurisdictions. What this provision attempts to avoid is people running for seats and then not participating. It makes it very hard to get the business of the council done.

We do have a provision that allows for electronic participation to sort of balance out those who travel on a frequent basis, but still are participating members of council.

**Mr. Trivers:** Thank you, that's good.

**Chair:** Any questions on 46? 47?

The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

It's right at the top of page 47, and the clause actually starts on page 46. It's about a petition being created by 10 or more electors in order to disqualify a council member. I see that this 30 days after the alleged grounds for disqualification is the timeframe in which that would have to be done.

That seems really tight for me if you were to properly investigate what's going on with that particular member of council, then come to a conclusion, and then go out and collect signatures in order to get a petition of enough names ready. I just think that's kind of tight. I'm wondering whether anybody has suggested that should be a longer timeframe.

**Samantha Murphy Manager:** We didn't hear anything on that.

**Mr. Mitchell:** I had no one bring it to me, either.

**Samantha Murphy Manager:** It's standard. It was standard in other legislation.

**Mr. Mitchell:** It's a carry forward.

**Dr. Bevan-Baker:** All right. It's fine.

**Chair:** Any other questions on 46, 47, 48, 49, 50, 51, 52, 53?

The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you.

(118), public meetings, under subsection (2), the chair can "expel a member of the public for improper conduct," which is at the chair's discretion.

I'm wondering whether council could have the power to define, more clearly, in a bylaw what that actually means.

**Samantha Murphy Manager:** We expect that that would be spelled out in a procedural bylaw –

**Dr. Bevan-Baker:** Within each municipality?

**Samantha Murphy Manager:** Yeah, and we'd be providing some guidance to that in our templates and models.

**Dr. Bevan-Baker:** Okay.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

I had the same question. Also, I wanted to know is that a unilateral decision of the person, the mayor, or the person presiding, to expel a member of the public?

**Mr. Mitchell:** It could be the deputy, I suppose, if the deputy is running that meeting.

**Mr. Trivers:** Right.

**Mr. Mitchell:** The powers of the mayor go, automatically, to the deputy.

**Mr. Trivers:** The person running it basically has the authority to kick anybody out if they want?

**Mr. Mitchell:** As long as it's to their bylaws, or whatever their existing bylaw that meets that is crossed or met, or whatever way you want to look at that.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** The only reason why I raise that is a concern. Again, I'm thinking of not people who are running the municipality, but people potentially from an unincorporated area, or people living in a municipality who might be asked to leave a meeting and be upset about that because they didn't get to make their point.

It's good to hear there is a bylaw that's required. Is it a required bylaw to define improper conduct at meetings?

**Mr. Mitchell:** We would be encouraging that they do that. This is another example of ministerial power. If they established a bylaw and weren't meeting that, another councillor put a request or something, that's something I can look into to make sure that they're meeting – that something's not going on in meetings that shouldn't be.

**Mr. Trivers:** Thank you.

**Chair:** Any other questions on page 53, 54?

The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you.

This is in section 119, closed meetings, (4). It says that the matters discussed in camera should be made public when, and I quote, “confidentiality is no longer required.” I’m just wondering how that is determined. Is that in council, or is that unilaterally by the chair, or again would that fall under the bylaws of the municipality?

**Samantha Murphy Manager:** The argument for confidentiality would have to fall under those categories set out in subsection (1), so –

**Dr. Bevan-Baker:** Okay, I figured that’s what it was, but I just wanted to make sure.

Thank you.

**Chair:** Any other questions on 54? 55? 56?

The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Yes. I’m looking at public meeting by electronic means and participation by telephone, and I just wanted to say kudos to you. It’s great to see that in the legislation to allow people to meet more easily. Well done.

I was wondering if you can give an example of 122(3)(c)(i): “facilities are provided to enable the public to see and hear the meeting’s participants at a place specified in the notice...”

Could you give an example of what would qualify?

**Mr. Mitchell:** Library.

**Samantha Murphy Manager:** Yeah, I suppose it could be a library. What we’re picturing is if – and first of all, we don’t expect this particular provision to be used all that frequently. We expect it’s more likely that one person would call into a meeting than all of council would hold a meeting electronically, but if they were to do so there’d be a requirement that a space be set up where members of the public could still see and hear whether it’s –

**Mr. Mitchell:** It could be in the chambers, it could be in the library, it could be wherever the technical ability to do so would be, would qualify, I’m sure.

**Mr. Trivers:** Chair?

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Would this eliminate the ability for members of the public to connect from their home? I notice that (3)(c)(ii) says: “a municipal employee is in attendance at the place specified in the notice.”

**Samantha Murphy Manager:** It doesn’t mean that it has to be broadcast. It means that it needs to be observed in a location. It could, as the minister was saying, be the council chambers where the public can come in and watch and it’d be onto some sort of screen that’s broadcast to that location.

**Mr. Mitchell:** It’s not to limit anything. It’s to allow council to be present whatever the situation is. They may be out-of-province or something.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** If I want to connect in from my home and I can see and hear the meeting’s participants, there’s a number of different ways to do that, but there’s no municipal employee with me. Am I still allowed to do that? Or would –

**Samantha Murphy Manager:** This is not to prohibit that, but it does mean that for those who do not have Internet connectivity, there’s some place they can go and physically watch.

**Mr. Trivers:** Ah, okay. Thank you.

**Chair:** Any other questions on page 56? 57?

The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** This is right at the bottom of page 57, section 130(2). You need ministerial approval for some bylaws, and I’m just wondering what the mechanism for that is, and how that approval is given. Is that –

**Samantha Murphy Manager:** The primary bylaws that this refers to are planning bylaws under the planning act, and are submitted to the minister to review by the department for compliance to the *Planning Act*, and then it's submitted to the minister for his consideration, and it's just a signature.

**Dr. Bevan-Baker:** It's a signature, okay.

**Mr. Mitchell:** And that's not new. That exists now in municipalities.

**Dr. Bevan-Baker:** Yes, I just wanted to know what the mechanism was.

Thank you, Chair.

**Chair:** Any other questions on 57? 58?

**Mr. Trivers:** Yes.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Section 132, no challenge to bylaw or resolution. I was wondering if you could just explain that section. I was having trouble interpreting it.

**Samantha Murphy Manager:** If something happened and there was one member of the council was later determined to have been not eligible to be – like having lost their seat or disqualified – the business of council is not undone by that, as long as everyone else, if it would have passed anyway, if it was already done – being done properly.

**Mr. Trivers:** Thank you for that clarification.

**Chair:** Any other questions on 58? 59, 60, 61, 62?

The hon. Member from Rustico-Emerald.

**Mr. Trivers:** I think that putting emergency management programs in place and plans is a good thing. I was wondering if there's going to be any money provided to municipalities from the province to help with this new requirement.

**Mr. Mitchell:** (Indistinct) that would not fall under our department, the financing for

that. That would be through public safety and justice.

**An Hon. Member:** I think they probably use our gas tax.

**Mr. Mitchell:** (Indistinct) or yeah, they may be financing with the gas tax (Indistinct).

**Mr. Trivers:** (Indistinct).

**Mr. Mitchell:** On a provision of the act or my department.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** I guess the concern that I've heard is when you add in this new responsibility but no additional funding, it means there's fewer dollars to do something else, and that's really (Indistinct) one of the questions, I don't know. Maybe the minister of justice could answer that question.

Is that something that's planned? If we put in this new responsibility, will there be funding to match?

**Premier MacLauchlan:** (Indistinct) there's no particular pool of funds currently envisaged for this. There are provisions under the allocation of gas tax funds to the municipal or local governments, as well as the discussions that are underway currently with municipalities regarding fiscal arrangements with the province where those discussions are proceeding well.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

I just wanted to raise the concern that with this added responsibility and, whether it's gas tax funds or otherwise, no additional funding. I know this is a concern that has been brought to me by municipalities. I wanted to raise that concern.

**Chair:** Any other questions on page 62? 63, 64?

The hon. Member from Rustico-Emerald.

**Mr. Trivers:** My question is: Will municipalities have to comply with FOIPP

legislation? Can you use FOIPP legislation to request information from municipalities with this new act in place?

**Samantha Murphy Manager:** What this act does is it does not apply FOIPP, but it has many of the requirements of freedom of information and access to information, protection of privacy, built into sections 147-148, so the municipality will be required to have a bylaw on both counts on access and on protection of privacy to deal with how the public would be able to access information.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

Was there any consideration given to actually just putting municipalities under the FOIPP legislation, under that umbrella?

**Samantha Murphy Manager:** There was some consideration. There was a commitment to allow municipalities to demonstrate that they're able to do it under this.

**Mr. Mitchell:** Currently, hon. member, there are municipalities that kind of go above and beyond what the requirements are now, Stratford being a classic example.

This is a transition method to get them – to put as much open and public information out to the public without the full process, and I think there – it's a new way of doing business for them, and they're hopeful that it will be effective. But understanding that it's a reality of the constituents of today wanting to know fully and openly what your business is, so –

**Mr. Trivers:** Thank you.

**Chair:** Any other questions on 64? 65?

The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you.

My question refers to section 150(2). This is the financial plan section. How much of a burden do you think this will be on smaller municipalities, especially the five-year asset management plan. How much do you

imagine that might cost a small municipality?

**Samantha Murphy Manager:** For the smaller municipalities they tend not to have a lot of capital assets. It is a requirement coming in under the infrastructure programs anyhow so we're simply formalizing it. The infrastructure secretariat is developing templates. There'll be some work involved, and we'll be working with them to help guide them through it.

**Dr. Bevan-Baker:** So –

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Sorry, Chair.

But a dollar figure on that, it would depend on the size of the municipality and the value of their assets.

**Samantha Murphy Manager:** Yeah. Properly done, it avoids greater expenditures down the road if they haven't been doing that forward thinking planning.

**Chair:** Any other questions on this –

**An Hon. Member:** (Indistinct).

**Chair:** On 65?

**Mr. Gallant:** Call the hour.

**Chair:** The hour has been called.

**Mr. Mitchell:** Mr. Chair, I move that the Speaker take the chair, and the Chair report progress and beg leave to sit again.

**Chair:** Shall it carry? Carried.

Madam Speaker, as Chair of a Committee of the Whole House, having under consideration the bill to be intituled *Municipal Government Act*, I beg leave to report that the committee has made some progress and begs leave to sit again. I move that the report of the committee be adopted.

**Speaker:** Shall it carry? Carried.

The hon. Member from Evangeline-Miscouche.

**Mr. Gallant:** Thank you, Madam Speaker.

I move, seconded by the hon. Member from Tignish-Palmer Road, that this House adjourn until Thursday, December 15<sup>th</sup>, at 2:00 p.m.

**Speaker:** Shall it carry? Carried.

The Legislature adjourned until tomorrow, Thursday, at 2:00 p.m.