

JOURNAL OF THE LEGISLATIVE ASSEMBLY

THURSDAY, 24 NOVEMBER 2016

The House met at 2:00 p.m.

Prayers

Routine Proceedings

Journals

Journals for Tuesday, 22 November, 2016 were adopted by the House without amendment.

Doors were opened

Matters of Privilege

Hon. Mr. Speaker made the following ruling:

“Hon. Members, I am prepared to rule on the Point of Order raised by the Hon. Leader of the Opposition on November 23, 2016, concerning the length of responses to oral questions.

As Hon. Members will recall, on November 18, 2016, I reminded everyone that I had set a limit of 40 seconds for questions and answers. The Hon. Leader of the Opposition has raised, as a point of order, that four responses given during the oral question period of November 23, 2016, exceeded that time limit.

Hon. Members, I have had the opportunity to review the relevant statistics. I can confirm that there were responses that exceeded 40 seconds. There were also questions which exceeded 40 seconds.

Speakers of this House have consistently held that the time devoted to oral question period should be used wisely. Furthermore, as recently as July 7, 2015, I provided clarification on this topic.

Again, I draw your attention to *House of Commons Procedure and Practice (2nd edition)*, page 501, where Speaker Bosley addressed the issue of guidelines for the conduct of Question Period. He stated:

‘Time is scarce and should, therefore, be used as profitably as possible by as many as possible.’

He based his ruling, in part, on a 1975 ruling by then House of Commons Speaker Jerome, who observed:

‘There can be no doubt that the greatest enemy of the Question Period is the Member who offends this most important principle [that of brevity].’

Hon. Members, with these guidelines in mind, and confirming my earlier statement regarding time limits, I will be closely monitoring the length of questions and answers, with a limit of 40 seconds for each. If necessary, I will interrupt the proceedings to remind Members of this limit.

JOURNAL OF THE LEGISLATIVE ASSEMBLY

I thank all Honourable Members for their attention, and trust that the foregoing will provide the clarification on how I intend to preside over question period in this House.”

Statements by Members

Jordan Brown (Charlottetown-Brighton) congratulated the organizers of the 24th annual Colonel Gray Christmas Craft Fair.

Pat Murphy (Alberton-Roseville) acknowledged the 50th Anniversary of the Alberton Lions Club.

Colin LaVie (Souris-Elmira) recognized Brandon O’Brien of Souris, currently serving as a Page in the Legislative Assembly.

Leader of the Third Party paid tribute to a Kelly’s Cross-Cumberland community member, Lou Ann Molyneaux, who recently retired from the Crapaud Library.

Questions by Members

Before the start of Oral Question Period, Hon. Robert Henderson responded to an oral question taken as notice from Leader of the Third Party with regard to acts governing medical professions.

Leader of the Third Party, rising on a Point of Order and citing Beauchesne’s Parliamentary Rules and Forms, 6th Edition Citations 565 and 541, asserted that Motion No. 80 was not in order, as it infringes on the Rules of the House, and also use of the word “binding” in the motion constitutes an objectionable word as it calls on the Legislature to do something it is not within its power to do.

Statements by Ministers

3:10 Hon. Doug Currie (Education, Early Learning and Culture) updated the House on the progress of the new advisory councils

3:12 Steven Myers (Georgetown-St. Peters) and Leader of the Third Party added their comments.

3:15 Hon. Robert Mitchell (Communities, Land and Environment) announced new trapping restrictions on public lands.

3:17 Bradley G. Trivers (Rustico-Emerald) and Leader of the Third Party added their comments.

3:20 Hon. Allen Roach (Finance) made a statement on the 2017-2018 Capital Budget.

3:23 Darlene Compton (Belfast-Murray River) and Leader of the Third Party added their comments.

Presenting and Receiving Petitions

None

Tabling of Documents

Hon. H. Wade MacLauchlan (Premier) handed a Message from His Honour, the Honourable H. Frank Lewis, Lieutenant Governor of the Province of Prince Edward Island, transmitting Estimates of Capital

JOURNAL OF THE LEGISLATIVE ASSEMBLY

Revenue and Capital Expenditure to Hon. Mr. Speaker, who asked the Clerk Assistant and Clerk of Committees to read the same to the House as follows:

“Honourable Francis (Buck) Watts
Speaker of the Legislative Assembly
Province House, Charlottetown
Prince Edward Island

His Honour, the Honourable H. Frank Lewis, Lieutenant Governor of the Province of Prince Edward Island, hereby transmits the Estimates of Capital Revenue and Capital Expenditure required to carry on the public services of the Province for the fiscal year ending 31 March 2018, and also until the passage of the capital estimates for the fiscal year ending 31 March 2019.

In accordance with the provisions of the *Constitution Act, 1867*, and the Prince Edward Island Terms of Union, 1873, His Honour recommends the same to the Legislative Assembly.

Commended by

Paul T. Ledwell
Clerk of the Executive Council
and Secretary to Cabinet

Honourable H. Frank Lewis
Lieutenant Governor

at Charlottetown, Prince Edward Island
this 21st day of November, 2016”

By Command of His Honour, Hon. H. Wade MacLauchlan (Premier) presented to the House the Estimates of Capital Revenues and Capital Expenditures required to carry on the public services of the Province for the fiscal year ending 31 March 2018.

Hon. H. Wade MacLauchlan (Premier) moved, seconded by Hon. Allen Roach (Finance), that consideration of the Estimates of Capital Revenues and Capital Expenditures in Committee of the Whole House be added to the Orders of the Day until such time as they are despatched, to which the House agreed.

Darlene Compton (Belfast-Murray River) tabled, by leave, documents referred to during her response to the Ministerial Statement on the Capital Budget.

Colin LaVie (Souris-Elmira) tabled, by leave, written questions to the Minister of Transportation, Infrastructure and Energy.

Reports by Committees

None

Introduction of Government Bills

JOURNAL OF THE LEGISLATIVE ASSEMBLY

Bill introduced and read a First time:

An Act to Amend the Highway Traffic Act (Bill No. 49) by Hon. Paula Biggar (Transportation, Infrastructure and Energy).

Motions Other Than Government

Bradley G. Trivers (Rustico-Emerald) moved, seconded by Sidney MacEwen (Morell-Mermaid), the following Motion (No. 50):

BE IT RESOLVED that this Legislative Assembly instruct the Legislative Committee on Communities, Land and Environment to conduct a review of the *Freedom of Information and Protection of Privacy Act* through expert witness and public testimony, and report back to this Assembly with detailed recommendations.

Debate was commenced by the Mover (3:44); continued by the Seconder (3:55); Hon. Premier (4:10); Hon. Robert Mitchell (Communities, Land and Environment) (4:21); Leader of the Third Party (4:25); Hon. Richard Brown (Workforce and Advanced Learning) (4:27); and Steven Myers (Georgetown-St. Peters) (4:33).

4:41 There being no further speakers, the Mover then closed the debate.

4:53 Hon. Mr. Speaker put the Question. A Recorded Division being sought, the Clerk Assistant and Clerk of Committees recorded the names as follows:

Nays (0)

Yeas (24)

Hon. Richard Brown (Workforce and Advanced Learning)
Hon. Allen Roach (Finance)
Hon. Paula Biggar (Transportation, Infrastructure and Energy)
Hon. Premier
Hon. Alan McIsaac (Agriculture and Fisheries)
Hon. Tina Mundy (Family and Human Services)
Bush Dumville (West Royalty-Springvale)
Pat Murphy (Alberton-Roseville)
Hon. Robert Henderson (Health and Wellness)
Hon. Heath MacDonald (Economic Development and Tourism)
Hon. Robert Mitchell (Communities, Land and Environment)
Sonny Gallant (Evangeline-Miscouche)
Kathleen Casey (Charlottetown-Lewis Point)
Leader of the Third Party
Hal Perry (Tignish-Palmer Road)
Hon. Leader of the Opposition
Matthew MacKay (Kensington-Malpeque)
Bradley G. Trivers (Rustico-Emerald)

JOURNAL OF THE LEGISLATIVE ASSEMBLY

Chris Palmer (Summerside-Wilmot)
Jordan Brown (Charlottetown-Brighton)
Sidney MacEwen (Morell-Mermaid)
Darlene Compton (Belfast-Murray River)
Steven Myers (Georgetown-St. Peters)
Colin LaVie (Souris-Elmira)

Motion was **CARRIED UNANIMOUSLY** and resolved accordingly.

Bradley G. Trivers (Rustico-Emerald) moved, seconded by Steven Myers (Georgetown-St. Peters), the following Motion (No. 7):

WHEREAS Prince Edward Island's generation of greenhouse gases (GHGs) is minor compared to other Canadian provinces due to the small size of our population and the lack of a heavy industrial sector;

AND WHEREAS Prince Edward Islanders already pay significant costs for energy in the forms of fuel and excise taxes on gasoline and furnace oil;

AND WHEREAS Prince Edward Island has already taken significant steps to reduce our reliance on fossil fuels through the development of alternative energy sources such as wind and biogas;

AND WHEREAS the introduction of a carbon tax in Prince Edward Island would unfairly penalize the residents, farms and businesses of our province who contribute very little to the carbon footprint of our nation;

AND WHEREAS the introduction of incentives for consumers, farms and businesses may have a more positive impact to influence a reduced carbon footprint;

AND WHEREAS many Prince Edward Islanders do not have access to a publicly funded transit system;

THEREFORE BE IT RESOLVED that government investigate the provision of incentives to assist Islanders in reducing their carbon footprint used for heat and transportation which are the largest sources of greenhouse gas emissions in our province;

THEREFORE BE IT FURTHER RESOLVED that government defers the imposition of a carbon tax until potential incentives could be introduced and their effectiveness measured and evaluated.

Debate was commenced by the Mover (4:58); and, on his Motion, debate was adjourned.

5:00 Hon. Mr. Speaker declared recess until 7:00 p.m.

7:00 p.m.

Government Motions

None

JOURNAL OF THE LEGISLATIVE ASSEMBLY

Orders of the Day (Government)

The following Bill was read a Second Time and referred to a Committee of the Whole House:

AN ACT RESPECTING THE WINDING UP OF JUDMENT RECOVERY (P.E.I.) LTD.
(Bill No. 40)

Promoter: Hon. H. Wade MacLauchlan
Chair: Bush Dumville

After some time spent therein, Hon. Mr. Speaker resumed the Chair and the Chairperson reported the Bill agreed to without amendment.

ORDERED, that the Report of the Committee be adopted.

The following Bill was read a Second Time and referred to a Committee of the Whole House:

AN ACT TO AMEND THE PREMIUM TAX ACT (Bill No. 42)

Promoter: Hon. H. Wade MacLauchlan
Chair: Chris Palmer

During Committee of the Whole House, Hon. H. Wade MacLauchlan (Premier and Justice and Public Safety and Attorney General) tabled the following document: Canadian Insurer Premium, Fire Prevention and Sales Tax Rates.

After some time spent therein, Hon. Mr. Speaker resumed the Chair and the Chairperson reported the Bill agreed to without amendment.

ORDERED, that the Report of the Committee be adopted.

7:40 The following Bill was read a Second Time and referred to a Committee of the Whole House:

AN ACT TO AMEND THE PUBLIC HEALTH ACT (Bill No. 38)

Promoter: Hon. Robert Henderson
Chair: Pat Murphy

After some time spent therein, Hon. Mr. Speaker resumed the Chair and the Chairperson reported the Bill agreed to without amendment.

ORDERED, that the Report of the Committee be adopted.

The following Bill was read a Second Time and referred to a Committee of the Whole House:

AN ACT TO AMEND THE ADULT PROTECTION ACT (Bill No. 41)

Promoter: Hon. Robert Henderson
Chair: Jordan Brown

JOURNAL OF THE LEGISLATIVE ASSEMBLY

After some time spent therein, Hon. Mr. Speaker resumed the Chair and the Chairperson reported the Bill agreed to without amendment.

ORDERED, that the Report of the Committee be adopted.

The following Bill was read a Second Time and referred to a Committee of the Whole House:

AN ACT TO AMEND THE SOCIAL WORK ACT (Bill No. 47)

Promoter: Hon. Tina Mundy
Chair: Hal Perry

After some time spent therein, Hon. Mr. Speaker resumed the Chair and the Chairperson reported the Bill agreed to without amendment.

ORDERED, that the Report of the Committee be adopted.

The House reverted to

Government Motions

Hon. Robert Mitchell (Communities, Land and Environment) moved, seconded by Hon. Alan McIsaac (Agriculture and Fisheries), the following Motion (No. 52):

WHEREAS the *Natural Areas Protection Act* is the highest form of conservation for ecologically significant areas in our province;

AND WHEREAS Prince Edward Island contains some of the most beautiful natural areas in Canada;

AND WHEREAS the Act conserves the aesthetic, scenic and natural character and condition of our Island ecosystems and prevents exploitation of our Island ecosystems for commercial purposes;

AND WHEREAS Prince Edward Island has many important environmental areas including forests, ponds, bogs, fresh and salt marshes, streams and rivers, sand dunes, offshore islands, coastal cliffs and marine areas and these sites provide a wealth of ecological, social and economic benefits;

AND WHEREAS the government of Prince Edward Island has set a target to protect seven per cent of its landscape and has currently reached the half way mark of 3.5 per cent of protected land;

AND WHEREAS since the *Natural Areas Protection Act* was passed in 1988, 345 individual parcels totaling 8,428 hectares have been protected;

AND WHEREAS Islanders believe strongly that we should preserve natural areas for the benefit of future generations and Islanders have voluntarily protected 2,576 hectares of private land.

JOURNAL OF THE LEGISLATIVE ASSEMBLY

AND WHEREAS groups such as the Island Nature Trust and the Nature Conservancy of Canada have worked tirelessly in support of this program;

THEREFORE BE IT RESOLVED that Members of the Legislative Assembly celebrate the successes achieved under the *NAPA* to date;

THEREFORE BE IT FURTHER RESOLVED that Members of the Legislative Assembly commend the generous Islanders who truly understand the biological importance of their land and have voluntarily agreed to have their land protected;

AND THEREFORE BE IT FURTHER RESOLVED that we continue to encourage private land owners on Prince Edward Island to seek Natural Areas Protection designation to ensure our Island ecosystems are preserved for generations to come.

Debate was commenced by the Mover (8:41); continued by the Seconder (8:50); Bradley G. Trivers (Rustico-Emerald) (8:56); and, on his Motion, debate was adjourned.

Adjournment

9:00 On Motion of Sonny Gallant (Government House Leader), seconded by Kathleen Casey (Charlottetown-Lewis Point), the House adjourned until 10:00 a.m. on Friday, November 25, 2016.

Charles H. MacKay
Clerk of the Legislative Assembly