

JOURNAL OF THE LEGISLATIVE ASSEMBLY

THURSDAY, 1 DECEMBER, 2016

The House met at 2:00 p.m.

Prayers

Routine Proceedings

Journals

Journals for Tuesday, 29 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 matter of privilege raised by the Member from Georgetown-St. Peters on November 29, 2016.

As Hon. Members are aware, a matter of privilege is both serious and rare.

The House of Commons Procedure and Practice, 2nd Edition (page 141) states:

Great importance is attached to matters involving privilege. A Member wishing to raise a question of privilege in the House must first convince the Speaker that his or her concern is prima facie (on the first impression or at first glance) a question of privilege. The function of the Speaker is limited to deciding whether the matter is of such a character as to entitle the Member who has raised the question to move a motion which will have priority over Orders of the Day; that is, in the Speaker’s opinion, there is a prima facie question of privilege. If there is, the House must take the matter into immediate consideration. Ultimately, it is the House which decides whether a breach of privilege or a contempt has been committed.

Joseph Maingot writes in Parliamentary Privilege in Canada (at page 217), as follows:

The purpose of raising matters of "privilege" in either House of Parliament is to maintain the respect and credibility due to and required of each House in respect of these privileges, to uphold its powers, and to enforce the enjoyment of the privileges of its Members. A genuine question of privilege is therefore a serious matter not to be reckoned with lightly and accordingly ought to be rare, and thus rarely raised in the House of Commons.

The Rules of the Legislative Assembly of Prince Edward Island are consistent with these parliamentary authorities. Once the claim of a breach of privilege has been made, it is the duty of the Speaker to decide if a *prima facie* case can be established. In so doing, the Speaker must be satisfied that two conditions have been met:

- (1) that the matter is being raised at the earliest opportunity; and

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- (2) that the matter is of such a character, or that privilege appears to be sufficiently involved, to justify giving it priority over all other business before the House.

I refer Hon. Members to Rule 45 (3), which states:

The Speaker shall not accept such a motion unless he or she is satisfied that there is a prima facie case that a breach of privilege has been committed and that the matter is being raised at the earliest opportunity. The Speaker's decision is not subject to appeal.

I am satisfied that the matter was raised at the earliest opportunity.

In raising his Point of Privilege, the Hon. Member from Georgetown-St. Peters stated that the Minister of Education, Early Learning and Culture had not responded to questions taken as notice on November 25, 2016. Further, the Hon. Member indicated that a local media outlet reported that the Premier did not answer a question, based on the same subject matter, and posed by the media outside the House.

Hon. Members, I refer you to Beauchesne's Parliamentary Rules & Forms (6th Edition), Citation 31 (2):

The failure of a Minister of the Crown to answer a question may not be raised as a question of privilege.

and Citation 31 (3):

Statements made outside the House by a member may not be used as the basis for a question of privilege.

In addition, Hon. Members, I refer you to my ruling of November 23rd delivered in respect to a point of order concerning the quality of an answer to an oral question taken as notice. At that time, I referenced *House of Commons Procedure and Practice, 2nd Edition* (page 510):

The Speaker ensures that replies adhere to the dictates of order, decorum and parliamentary language. The Speaker, however, is not responsible for the quality or content of replies to questions. In most instances, when a point of order or a question of privilege has been raised in regard to a response to an oral question, the Speaker has ruled that the matter is a disagreement among Members over the facts surrounding the issue. As such, these matters are more a question of debate and do not constitute a breach of the rules or of privilege.

Based on the precedents of this House, and the parliamentary authorities, the point of privilege directed to me for a ruling by the Hon. Member from Georgetown-St. Peters does not meet the test for a *prima facie* case of privilege. Pursuant to Rule 45(3) of the Rules of the Legislative Assembly of Prince Edward Island, I cannot allow the motion as proposed by the Hon. Member to proceed.

And finally, I remind all Hon. Members that suggesting false or unavowed motives is out of order. I direct your attention to *Beauchesne's Parliamentary Rules & Forms (6th Edition)*, Citation 481, which reads, in part:

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...it has been sanctioned by usage that a Member, while speaking, must not... impute bad motives or motives different from those acknowledged by a Member.

Erskine May's *Parliamentary Practice* offers the following as guidance:

Expressions which are unparliamentary and call for prompt interference include: (1) The imputation of false or unavowed motives.

Thank you, Honourable Members.”

Statements by Members

2:22 Chris Palmer (Summerside-Wilmot) congratulated swimmer Evan Corish on being named to the 2017 Canada Games Team.

2:24 Pat Murphy (Alberton-Roseville) recognized Sherrill Horne of Alberton, who received the Sovereign's Medal for her volunteer work.

2:25 Bradley G. Trivers (Rustico-Emerald) recognized the Stanley Bridge Memorial Society and their recent Stanley Bridge History Circles.

2:28 Leader of the Third Party recognized Trevor Young from New Haven and his successful business “All Aboard PEI”.

2:34

Questions by Members

Before the start of Oral Question Period, Hon. Doug Currie (Education, Early Learning and Culture) responded to an oral question taken as notice regarding records management.

Hon. Alan McIsaac (Agriculture and Fisheries) responded to an oral question taken as notice regarding the participation in a number of programs administered by the Department of Agriculture and Fisheries, and supports to the potato sector.

Hon. Robert Henderson (Health and Wellness) responded to an oral question taken as notice regarding radiation safety regulations and tabled additional information

During Oral Question Period, Bradley G. Trivers (Rustico-Emerald) quoted a media report, using the phrase “bold faced lie”. Hon. Mr. Speaker requested the member to withdraw the words, which he did. He also used the phrase “mislead Islanders”, which he withdrew at the direction of Hon. Mr. Speaker.

Statements by Ministers

3:17 Hon. Premier made a statement on the 2015-2016 Annual Report of the French Language Services Act.

3:21 Bradley Trivers (Rustico-Emerald) and Leader of the Third Party added their comments.

3:24 Hon Doug Currie (Education, Early Learning and Culture) updated the House on the three-year strategy for the Records Management Plan.

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3:26 Steven Myers (Georgetown-St. Peters) and Leader of the Third Party added their comments.

3:28 Hon. Richard Brown (Workforce and Advanced Learning) updated the House on the new four-year collective agreement for the University of Prince Edward Island and its Faculty Association.

3:30 Sidney MacEwen (Morell-Mermaid) and Leader of the Third Party added their comments.

Presenting and Receiving Petitions

None

Tabling of Documents

Hon. Premier tabled, by Command, the 2015-2016 rapport annuel conformément à *la loi sur les services en français*/Annual Report of the *French Language Services Act*, for the period ending March 31, 2016.

Steven Myers (Georgetown-St. Peters) tabled,

1st, by leave, a Managing Electronic Mail manual from the Public Archives and Records Office of PEI for March 2015;

2nd, by leave, a Managing Electronic Mail manual from the Public Archives and Records Office of PEI for March 2016.

Colin LaVie (Souris-Elmira) tabled, by leave, written questions to the Minister of Education, Early Learning and Culture.

Hon. Richard Brown (Workforce and Advanced Learning) tabled, by leave, a UPEI School of Sustainable Design Engineering “Design Your Future” pamphlet.

Reports by Committees

None

Introduction of Government Bills

None

Motions Other Than Government

3:36 Motion No. 47 (Urging the province to exempt all forms of home heating from the HST) being again called, Bradley G. Trivers (Rustico-Emerald) continued debate on the amendment.

During debate, Bradley G. Trivers (Rustico-Emerald) used the word “hell”. Hon. Madam Deputy Speaker directed the Member to withdraw the word. The Member did so and apologized to the House.

Debate on the amendment to the Motion was continued by Bradley G. Trivers (Rustico-Emerald); by Darlene Compton (Belfast-Murray River) (3:54); Hon. Leader of the Opposition (4:06); Matthew

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MacKay (Kensington-Malpeque) (4:09); Colin LaVie (Souris-Elmira) (4:17); and, on his Motion, debate was adjourned.

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

7:00 p.m.

Government Motions

None

Orders of the Day (Government)

The following Bill was further considered by a Committee of the Whole House:

AN ACT TO AMEND THE MUNICIPALITIES ACT (Bill No. 24)

Promoter: Hon. Robert Mitchell
Chair: Bush Dumville

After some time spent therein, Hon. Mr. Speaker resumed the Chair and the Chairperson reported the Bill agreed to with amendment.

ORDERED, that the Report of the Committee be adopted.

7:10 The following Bill was read a Second Time and referred to a Committee of the Whole House:

MUNICIPAL GOVERNMENT ACT (Bill No. 58)

Promoter: Hon. Robert Mitchell
Chair: Kathleen Casey

After some time spent therein, Hon. Mr. Speaker resumed the Chair and the Chairperson reported Progress and begged leave to sit again to which the House agreed.

ORDERED, that the Report of the Committee be adopted.

Adjournment

9:00 On Motion of Hon. Alan McIsaac (Government House Leader), seconded by Hal Perry (Tignish-Palmer Road), the House adjourned until 10:00 a.m. on Friday, December 2, 2016.

Charles H. MacKay
Clerk of the Legislative Assembly