

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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Standing Committee on Rules, Regulations, Private Bills and Privileges

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MEETING STATUS: PUBLIC

LOCATION: COMMITTEE ROOM, J. ANGUS MACLEAN BUILDING, CHARLOTTETOWN

SUBJECT: TIME LIMITS ON QUESTIONS & RESPONSES IN ORAL QUESTION PERIOD; TIME FRAMES FOR RESPONSES TO WRITTEN QUESTIONS; AUTHORITY OF SPEAKER TO EXPEL MEMBERS

COMMITTEE:

Kathleen Casey, MLA Charlottetown-Lewis Point [Chair]
James Aylward, MLA Stratford-Kinlock
Dr. Peter Bevan-Baker, Leader of the Third Party, MLA Kellys Cross-Cumberland
Jordan Brown, MLA Charlottetown-Brighton replaces Bush Dumville, MLA West Royalty-Springvale
Jamie Fox, Leader of the Opposition, MLA Borden-Kinkora
Sonny Gallant, Minister of Workforce and Advanced Learning, MLA Evangeline-Miscouche
Robert Henderson, Minister of Health and Wellness, MLA O'Leary-Inverness
Alan McIsaac, Minister of Agriculture and Fisheries, MLA Vernon River-Stratford replaces Tina Mundy,
Minister of Family and Human Services, MLA Summerside-St Eleanors

COMMITTEE MEMBERS ABSENT:

Bush Dumville, MLA West Royalty-Springvale
Tina Mundy, Minister of Family and Human Services, MLA Summerside- St Eleanors

MEMBERS IN ATTENDANCE:

none

GUESTS:

none

STAFF:

Marian Johnston, Clerk Assistant and Clerk of Committees

Edited by Parliamentary Publications and Services

The Committee met at 1:30 p.m.

Chair (Casey): Good afternoon everyone and welcome to the meeting of the Standing Committee on Rules, Regulations, Private Bills and Privileges. I would ask you to silence your phones at this time so there are no interruptions to the meeting. I will do that with my phone as soon as I stop talking.

I would like to call to order the meeting. I would also like to welcome the hon. Alan McIsaac, who is substituting for the hon. Tina Mundy today; and I'd like to welcome Jordan Brown, who is substituting for Bush Dumville today at the meeting.

We'll move next to adoption of the agenda.

Leader of the Opposition: Thank you, Chair.

I have a question that I'm interested in and it's no offence to you, Madam Chair, but I'm wondering if there's not a conflict of interest due to this being the Standing Committee on Rules, Regulations, Private Bills and Privileges, which deals with the actual running of the House, or the operations in the House. We're talking about rules and regulations or possibly changing rules and regulations when you're actually the Deputy Speaker in the House and you also chair this committee.

I'm asking is there a possibility of a conflict of interest in that position and role?

Chair: Any discussion?

Before there is any discussion, again, I think this was raised at another time as well while I was chairing a meeting. There's no – I don't think there's any better person to chair a rules committee meeting than somebody who's sat in a chair, and I don't always sit in the chair as the Deputy Speaker. All of you know that in my role as Speaker, and then again as the Deputy Speaker, have been fair, more than fair to all members of the House. I take that role very seriously, and I don't see any reason for me not to be chairing a rules committee meeting and I'd open the floor for discussion.

Mr. McIsaac.

Mr. McIsaac: Thank you, Ms. Chair.

I know we have the Speaker, who actually chairs the legislative management committee and there is no conflict there. I think it's actually terrific that we have the Deputy Speaker. I don't see a conflict. I may see where you're coming from. It's good to raise it and clear the air. Personally, I don't see a problem with it. I think it's quite okay for her to be in the chair today, and it gets the message, more direct, perhaps than if someone other than serving in the chair from time to time was to sit there.

Chair: Thank you.

Jordan Brown.

Mr. J. Brown: I would agree, too. Further than Minister McIsaac's comments, I would say that in terms of the conflict I think it's important to bear in mind the distinction or the difference between what the Chair's role would be here today and what her role would be as Deputy Speaker.

When I'm saying that, we're here today talking about the actual rules and how they're made and what they end up being. In the chair over there the Speaker's duty is to actually apply those rules regardless of what they are. I think the two of them are two fairly different things and I think you'd regularly see, as an example, you'd often see a judge of the supreme court, or a provincial court judge sitting on rules committees if you were dealing with the law society.

I think there is a significant enough separation between making the rules and applying them that that can be done without an inherent conflict. I think if there was something that was obvious then that would be something that I think would have to be considered, but in my own eyes I don't see that here.

Chair: Mr. Aylward.

Mr. Aylward: Thank you very much, Chair.

Just to follow along with what Mr. Fox has brought forward: Maybe it would be prudent upon this committee to ask the legislative researcher to do a review of the different jurisdictions across Canada to see what the actual make up and the chairpersonship is of

these committees? I mean is there a set standard out there? I don't know. I don't know if anybody around this table knows that for sure right now, but it might be a good idea to get that research done.

Chair: Thank you.

Mr. Gallant.

Mr. Gallant: The hon. Mr. McIsaac said something that I wanted to say, but where the Speaker doesn't have a vote, I don't see, or the Deputy Speaker who is chairing this committee, I don't see where there is a conflict, personally. It's just my thoughts.

Chair: Thank you.

Mr. Henderson.

Mr. Henderson: I guess from my perspective, when an accusation gets made of, or a question about whether a person is in conflict or not there are so many things that we could be in conflict of. It can boggle the mind, but I think it goes back to the individual.

If, in this case, if the Deputy Speaker feels that they're in conflict then that's a decision that they're going to have to make to say: Okay, I do feel I'm in conflict after that. Not accusation, but that comment, and then they make their own decisions up from there. Unless we all figure it's inclusive that they're in conflict, so I kind of leave it back to the Chair's opinion.

Chair: Any further discussion?

Leader of the Opposition: I just thought it was a matter that we should probably talk about.

Chair: Great. Thank you for raising that.

Marian?

Clerk Assistant and Clerk of Committees: If I might, Madam Chair.

Mr. Henderson is absolutely correct. When we give advice to members who feel they may be in a conflict of interest we always advise if you feel you are, then excuse yourself. That being said, the committee as a whole does retain the right to select its

Chair. The flipside of that is the committee as a whole could remove a Chair and elect a new chair.

However, I think the suggestion from Mr. Aylward that research be done on the make up of various rules committees across Canada would be useful. I'd be pleased to undertake that if the committee wants it.

Leader of the Opposition: Yes.

Clerk Assistant and Clerk of Committees: Okay, thank you.

Chair: So it's okay for me to continue in this role? Thank you.

So –

Mr. Aylward: Chair, just one more thing, if I might, just before we (Indistinct) –

Chair: Mr. Aylward.

Mr. Aylward: Thank you very much, Chair.

Just before we get actually into the adoption of the agenda, through you the Chair, I would just like to congratulate Mr. Gallant for his recent appointment.

I have worked alongside you. I've attended conferences with you. As Government House Leader, Opposition House Leader in the past, I have a lot of respect for you and the work that you've done. I know since 2007 it's been a long haul, but I'm very happy for you that you've been elevated to this position.

Chair: Great.

Mr. Aylward: Chair, just through you, I wanted to –

Chair: Thank you.

Mr. Aylward: – pass that along.

Chair: Thank you. Hear, hear!

Some Hon. Members: Hear, hear!

An Hon. Member: I'll second that. (Indistinct)

Chair: Thank you.

Hon. members, we're going to move to number two, the adoption of the agenda. I'm looking for –

Leader of the Opposition: So moved.

Chair: Thank you.

Mr. Aylward: And yet, he'll still look up to all of us.

Chair: Thank you.

Hon. members on number three, is consideration of two requests and Marian, maybe I'll ask you to lead the discussion –

Clerk Assistant and Clerk of Committees: Certainly –

Chair: – on that.

Clerk Assistant and Clerk of Committees: I'll just open up by saying the committee is free to discuss and debate this; however, when we come to making a decision that would go in a report as a recommendation to the Legislative Assembly on keeping a rule the same or changing a rule, we will do that in camera.

Leader of the Opposition: So with that, that raises a question, Chair.

If we agreed in here to change a rule is that us making that? Or is that – so it has to go back to the Legislative Assembly and the Legislative Assembly votes on it?

Clerk Assistant and Clerk of Committees: Correct.

Leader of the Opposition: Okay.

Clerk Assistant and Clerk of Committees: That is correct. It's a recommendation from this committee to the entire Assembly.

Leader of the Opposition: I understand.

Clerk Assistant and Clerk of Committees: As it's part of the report and the reports are always done in camera, that is where we would do this.

Leader of the Opposition: Okay.

Clerk Assistant and Clerk of Committees: The material has been sent out to you, but it's also attached.

We have a letter from Sidney MacEwen. He's making the point that rule 60 really does not have a time limit for written responses to written questions to come forward. He's asking for – he asked for a 45-day time period or an explanation of why it would take longer.

Madam Chair, we could open it up for discussion if you would like.

Chair: Great. I'll open the floor for discussion.

Jordan Brown.

Mr. J. Brown: Thank you, Madam Chair.

I guess the first thing I would point out is it's not that there is no time period now. In fact, I would say that the time period could be interpreted to be a shorter period of time than 45 days, depending on the circumstances.

What the rule actually says, or the important part of it, is without any unnecessary delay. Going back to the rules, and I obviously don't have them at the tip of my tongue to cite and I don't have them to bring in terms of the interpretation of them over time, but you know what I mean, like Beauchesne's or whatever, an annotated version of them.

To me that would mean that you're looking for, I mean the language says: Without any unnecessary delay. Basically, you look subjectively from a reasonable perspective at what would be reasonable in the circumstances to get those answers back. If not, it would be up to the member that asked the questions, or asked for the answers to raise a Point of Order that they weren't getting them. The mechanism is there to ask for when they will get them, and if they don't get them within a reasonable time, presumably, they could raise a Point of Privilege to say their question is not being answered within that reasonable period of time.

Certainly, I am fine with the way that's there now and the way that our jurisprudence in relation to that would evolve over time. I'll

say bluntly with the number of questions that have been posed in written format by, I believe, as an example MLA LaVie in one go had 161 questions for the Minister of Agriculture and Fisheries.

It's not reasonable that if thousands of questions are being posed a whole government department be put on hold for those questions to be answered over a period of time. I think that needs to be considered along with the information that is there and the onus of a minister to get proper answers to properly put questions, in terms of the responses that are to be generated.

It would be up to the Speaker to weigh those couple of things outside of the ambit of a set time. I think that balancing act should be allowed to happen naturally, or in other words, not with a prescribed time limit.

Chair: Thank you.

Mr. J. Brown: Those are my thoughts, Chair.

Chair: Jamie Fox.

Leader of the Opposition: Thanks, Chair.

What's a reasonable time in your opinion, then, that some kind of answer should come back?

Mr. J. Brown: I guess what I'm saying, hon. member, is that a reasonable time would vary depending on the circumstances of any given case.

If it was a simple question you could probably, and it was one simple question, you could probably make the argument that a couple of days would be a reasonable time to have that question answered. If it was a very complex question, then it might be reasonable that it could take a year or a lengthy period of time to get the answer back together.

Some of the questions, as I recall them, that were asked go back over the last number of years and get me statistics on this or that or whatever, which would obviously require research to be done if they were going to be answered properly, and some significant resources to be tied up to do it.

Just to get into to use the hon. member from Souris's example, 161 written questions and 45 days to answer them. You're getting roughly four questions answered a day, and if each of them requires some research to be done, you can do the math and figure out that you're going to need to tie up some fairly significant person hours to get answers to those questions back within that 45-day time window.

Ultimately, hopefully, the department has got proactive work to be doing on a day in day out basis that we would like to have devoted to developing and implementing policy, as opposed to just answering questions all the time. I guess that's kind of what I'm saying is that there has to be a balance between the two of them.

Chair: Thank you.

Leader of the Opposition: I would have to wonder, then, if – what's the sense of asking questions if the government's not going to respond to them in a timely matter? Because to the opposition they could be very complex issues that are being dealt with on a daily basis, and if we fail to get the answers to it, well then what are we supposed to do? Shut down shop? You know?

Chair: Thank you.

Do you want to respond to that?

Mr. J. Brown: I can address that, yes.

I think ultimately, and the whole – the way this is structured is that it's somewhat of a dance, right now. It would still be somewhat of a dance based on the ask that has been made on Mr. MacEwen.

All of this is playing out in a real-time public format where ultimately the minister that is being asked the question is responsible to provide an answer, and they could provide an answer that's gobbledygook in terms of providing the actual answer, but it's their accountability to the public that really is the important piece of it.

As much as you guys have an obligation to ask the question, they have an obligation to put a reasonable answer back. Ultimately, you're going to be judged on the question

that's asked, and the series of questions that is being asked and they're going to be judged on the answer coming back.

That's where kind of the position that you start from and then there's a technical ability that overlays that for the Speaker to hold members in the House in compliance with the rules that are there now using their judgment.

There's a reasonableness piece that plays into that and ultimately the Speaker would look at what's reasonable in the circumstances and they would apply their judgment to that. Hopefully, they would look at, does it make sense that 45 days makes sense, or 21 days, or 15 days? There are all kinds of different time lengths you would see in rules of civil procedure, or IRAC rules or whatever, that might be different in different circumstances.

I guess it's here for the Speaker to look at the circumstances in which the question were asked and the answers that were sought are to be given and if you think, if the member thinks that their question hasn't been done justice, then it would be up to them to raise a Point of Order to say that. If they don't like the answer that they get or the response from the minister they could raise it as a Point of Privilege to say that their questions aren't being answered.

Chair: Thank you.

Peter Bevan-Baker.

Dr. Bevan-Baker: Thank you, Chair.

To me, there's two aspects to this. Certainly, there's a reasonable time frame in which to respond to questions, but there's also a reasonable number of questions to which to respond. The rules, if I remember right, in the House in Commons, the rules are in the 45 days. I'm sure that's where Brad got that from, is the –

An Hon. Member: Sidney.

Dr. Bevan-Baker: – Sidney, excuse me. That's the time frame allowed in the House of Commons, and there is a mechanism if after 45 days a question is not answered. The critical thing for me in the House of Commons rules is that any member can only

have four, what they call starred or active questions, on the go at any particular time, so you can't throw hundreds of questions at the minister and expect to get answers back.

That seems reasonable to me. There's reasonableness in time frame, but also reasonableness in the number of questions. So, as opposition you would get to prioritize what questions we would like of each minister. I think we should be looking at the House of Commons rules as we develop whatever rules we have here.

Chair: Great, thank you.

James Aylward.

Mr. Aylward: Thank you, Chair.

A couple of things. Peter, I agree with several of your points there, but the thing to remember is the House of Commons has 338 members –

Dr. Bevan-Baker: Yeah.

Mr. Aylward: – we have 27.

To Mr. Brown's point, it is our job as opposition to ask questions. If you take the fall session for example, we asked one question 20 times over of whose emails were deleted. And we never received the proper answer once from the Premier or the minister or anybody who was asked.

Mr. J. Brown: You received an answer. In fairness, you're (Indistinct) –

Mr. Aylward: Chair. Do I have the floor, Chair?

Mr. J. Brown: – well, you're (Indistinct)

Chair: Jordan –

Mr. Aylward: Chair? Chair, do I have the floor?

Mr. J. Brown: (Indistinct)

Chair: Jordan, Mr. Aylward has the floor. We'll add you to the list.

Mr. J. Brown: Thank you.

Mr. Aylward: Thank you, Chair.

The opposition has two avenues to ask questions. The first is oral Question Period in the Legislative Assembly, which we know that is quite compressed. We get a certain amount of questions out whether we feel the responses, the answers to those questions are appropriate or complete, that's definitely open for argument.

As an example, okay, you talk about Mr. LaVie, but on December 12th, I submitted I believe it was 12 or 13 written questions to the Premier, who is the Minister Responsible for Aboriginal Affairs. Not one of these questions was earth shattering, or would require an immense amount of research to be done, but yet I have not received a response to that.

Interestingly enough, that was on December 12th, which I think, roughly, January 6th, I received a two-page written letter from the Mi'kmaq Confederacy. The Mi'kmaq Confederacy could take the time to respond. I'm sure they do not have the resources and the staff that the Government of Prince Edward Island does to respond to these questions.

Again, it's oral Question Period quite often, in my view, and I'm sure if you polled any of the opposition members, we're being stonewalled, so we have to revert to asking written questions. We still have written questions dated back to as far, if not before August 2015 that we still don't have written responses from. That, to an opposition member, and to the general public, that's unacceptable.

It's our job to ask questions and to get those answers. If the government is not responding, at the very least, in a timely fashion, or at the very least responding with an explanation as to why we can't achieve this in a 45-day period or a 60-day period, it's going – I'm sorry, it's going to take a year and a half for us to get that information; but we should, at the very least, be informed as to why.

Thank you, Chair.

Chair: Thank you.

Mr. McIsaac.

Mr. McIsaac: I'd like to thank Mr. Brown for starting off in highlighting my committee there.

A couple of interesting things – can you use a first name basis?

Chair: Yeah, sure.

Mr. McIsaac: James, two ways you can get the questions. First is oral you say, second is written, right?

Mr. Aylward: Yeah.

Mr. McIsaac: In the last session I got absolutely zero questions in oral Question Period. For agriculture and fisheries, which are the two largest industries in the province. Yes, from the Greens I did. None, not one, but I got flooded with 161 requests for written answers to questions.

I took them back to my staff and my staff just about had them finished, which was great, but there were 18 of them that relate back as far as nine years. Some of them relate to the federal side of things, so I have to go through the feds, so it does take some time.

I could have taken back, perhaps, 15 within a day or two, and some later, but they were given to me as 161. I took them to the staff and the staff – and I can tell you, that tied up a lot of time in my department where people could have been working with our agricultural people and our fisheries people, and they have to do that, as well as work at getting these answers, some of them small, some of them major, some of them tied with the feds.

But, first and foremost, if you say it's in the oral Question Period, not one question on agriculture and fisheries from the opposition, but 161 and now you're here demanding why you didn't get the answers. If you really wanted the answers, ask me the question.

You know what? My staff is working on that, taking up good valuable time, but we will have every one answered for you, but to have them back in 45 days, depending on the question, impossible. Some of them could have been back within a week.

Mr. Aylward: Chair?

Chair: Mr. Aylward, you can respond.

Mr. Aylward: Thank you very much, Chair.

Alan, and I appreciate what you're saying there. Again, we do have a limited amount of time, a compressed amount of time to ask questions. If you had ever spent any time in opposition – which if you run again, you probably will – you'll understand that opposition has a job to do and when you have, whether it was five, three or now eight, nine including Peter – it's great to have you there, Peter – you have to get so many questions out, and not everybody can get up on the floor.

Now, I'm sure you'll agree Mr. LaVie has submitted, as you said, a fair amount of written questions, but he has also stood in the Legislative Assembly and thanked the minister for responding in a timely manner.

But, all we are saying is let's work together and if there are questions that can't come back in a timely fashion, communicate with us. It's two-way, that's all we're asking.

Mr. McIsaac: But on agriculture and fisheries, the two major industries in our province, nobody could find a time to ask at least one question, but then flood my department. I'm standing on the floor briefed to answer questions. Most of them I can answer right off the bat. I might have to take something back, but for 161 questions, could they not be run through the floor?

You said you asked 20 times whose emails were deleted. Why didn't you ask at least one agricultural question in that? You might get an answer right off the bat.

Anyway, we're dealing with those questions and we will bring them back ASAP. Most of them are done, but the 45 day thing, I think is what we're looking at here. Maybe, like Peter says, we have to go to the feds and look at what's happening there.

Take into consideration when you're flooding us with questions, our staff, which is working on policy and working with our farmers and fishermen, they need time to do that, first. That's what they were hired for. They will answer all the questions. Give

them the time. I'm trying to give them time to get that done as well, but it's not just as easy as I want everything in 45 days, that's all.

Chair: Thank you.

Mr. Brown.

Mr. J. Brown: Thank you very much, Chair.

I should say, hon. member, I'm not – you said you're opposition members and that's your job to answer questions. It's not really my job to tell how to conduct –

Mr. Aylward: Not to answer questions, to ask –

Mr. J. Brown: – to ask questions.

It's not my job to tell you how to conduct your Question Period and how to get the answers that you want out of other members, but it would seem to me, and this has been done, I believe, or it's my recollection in the House, was to stand on a Point of Order and ask for answers to the written questions. That's the mechanism that's there now.

It's the same as the mechanism that would be there if you put a 45-day rule in it. I'm not sure if the outcome would be any different. We have – just that you're basically naming a time limit as opposed – so you have a presumption, which could be longer than the answer that you really want to have back would normally take, or shorter in a given period – in a given circumstance.

The other things is, going back to the questions that would be asked, or would be answered, if it's – so rule 62(1) "Upon the order of business 'questions by members' being called, oral questions of an urgent nature relating to public affairs may be put without notice to ministers of the Crown."

If you want an urgent answer to something as the minister says, rather than asking another question 21 times, I would think you would ask the question that you want the urgent answer to and see if you can get an answer to it on the floor; and the ones that aren't so urgent, you can write them down and send them off to the minister and you'll get an answer in due course.

Chair: Thanks.

Mr. Fox, I'll add you to the list.

Leader of the Opposition: Thank you, Chair.

Minister, you got to realize that sessions of the House, we follow whether it be a plan or a preempted role of what is going to happen in the House for a session. Maybe fisheries and agriculture where it's the number one industry in the province, there was other issues that we felt were more important at the time to get on the floor –

Mr. McIsaac: I know –

Leader of the Opposition: – so maybe count yourself lucky -

Mr. McIsaac: – agriculture and fisheries were doing very well.

Leader of the Opposition: (Indistinct)

Mr. McIsaac: I never had the opportunity to stand up and talk about rural, what's going in rural. It's not like (Indistinct) -

Leader of the Opposition: I think –

An Hon. Member: (Indistinct) the gathering here yesterday –

Chair: Mr. Fox has the floor, please.

An Hon. Member: Oh, sorry.

Leader of the Opposition: I think at the end of the day here what we're asking for is that, yes, a lot of written questions were asked, but we should have some kind of timely response to the questions. Whether you can answer it or can't answer it, let opposition know what's going on in regards to the question that was asked.

Chair: Mr. Gallant.

Mr. Gallant: Thank you, Chair.

Great conversation, I think I'm going to chime in on a couple of things that were said. I think there was a very good point made by the minister of fisheries that it takes time and effort and somebody has to go to the feds. I would be kind of leaning maybe

against the 45 days, but Mr. Aylward said: Why can't there be some communication?

With that there has to be some thought from your folks that, okay, if you got 161 questions and 40 of them are priority, put the 40 of them as priority. Then, he tells you he can get back to them in a reasonable time frame and you can go from there; but I don't think by putting a time frame on this, and if we're looking at a time frame we should check with jurisdictions with the same amount of members as we have and see what they do, not the House of Commons that has 338 members.

Thank you.

Chair: Thank you.

Peter Bevan-Baker.

Dr. Bevan-Baker: Thank you.

I was actually going to say that, Sonny. The familiarity that I have is with the House of Commons rules. If I remember right, it's been a while since I looked at them, but there's no limit to how many questions, written questions, you can ask. That's not the issue. It's that you have prioritized and signal which ones are priority.

I agree with you, Sonny. I think maybe four is too few, but maybe we should be looking at 10 or 15 per member. You're looking at a couple of hundred questions on the opposition side as things stand now that we could star as important questions that reasonably we could expect to be answered within 45 days no matter how complex they are. I think that's something that a government side could reasonably be expected to reply.

Thank you.

Chair: Thank you.

James Aylward.

Mr. Aylward: Thank you very much, Chair.

Just a couple of quick things; I just want to bring everybody back to the letter that was written on November 4th, 2016 from Sidney MacEwen to the Chair:

“I am writing to you today to request that your committee consider a change to the rules of the Legislature that would require government to provide answers to written questions within a 45-day period...”

So we have had much discussion on that, but he goes on to say: “...and if a response cannot be delivered within that time... a reasonable explanation of the delay and an updated time frame will be given to the MLA.”

Again, I bring it back to the letter. He’s not saying: I’m demanding it now that every question be responded to within 45 days.

Leader of the Opposition: Some kind of (Indistinct)

Mr. Aylward: We’re realistic. We know that some of them are going to take a little bit more time, but at least communicate to us and say: You know what? Great questions, here’s – okay, Mr. Aylward, you had 12 with regards to mental health and addictions around the native community on PEI, so we can answer the first three or answer questions six, nine and 12 right away; unfortunately, the other ones that are going to take a little bit more time, we surmise that it’s probably going to take 62.5 days, or whatever, you know? But just work with us and communicate with us.

Mr. Brown brought up the fact that maybe we need to stop asking the question over and over again because maybe it’s not important or not relevant. Well, every question the opposition asks in the Legislative Assembly, I can assure you, is important. It’s important to Islanders.

For us to take up time – and it wasn’t a great deal of time – every day, and ask whose emails were deleted; for government to refuse to answer that question and continually come back over and over again with a response from a laminated sheet of paper, it would have been so much easier for government, the Premier, the minister responsible for RIM to have just stood up and answered that question like the Auditor General did in public accounts. We could have moved on and we could have gotten a lot more questions in; but when government refuses to answer a question during oral Question Period in the Prince Edward Island

Legislature it is infuriating. Not only to us as opposition members, but to Islanders, and it’s insulting.

Chair: Thank you.

Mr. Aylward: Thank you, Chair.

Chair: Mr. Henderson.

Mr. Henderson: I guess from my – I’ll weigh in on it a little bit as a minister who has a fairly complex and large department, it really does boil down to a lot of the volume and the complexity of the questions. I do take it a little bit of a point that you’re saying Question Period is one option, written questions, but from my experience when I sit on the floor with my estimates I get one pile of questions.

When I sit on the floor with trying to pass legislation I get a lot of questions. I know they pertain more to the legislation, but certainly in the budget estimates you can get a lot of questions in there. As much as it’s an obligation on behalf of government members and ministers to get back to timely questions, it’s also incumbent upon the opposition to do the same and to prioritize where they would want to ask questions. Where is the most appropriate spot for a question?

I like the hon. Peter Bevan-Baker’s comments about having some sense of rational amounts of questions that can be put in because, like I say, our department has the same situation. They are busy staff. They have got a lot of other issues in trying to administer and run a health care system in the province. I don’t want to be having them do undue effort onto trying to get back with questions that if it’s a large volume of questions.

I just think everybody has to work within reason and provide the amount of questions and that the complexity and the volume of them is all within reason. That’s sort of my opinion of the whole thing. I don’t mind the 45 day thing per se, but as long as like you say, you get back to people and say that those four questions are a little bit more complex, it’s going to take more time. That seems reasonable to me, but also I think I don’t have a problem with putting some sort of limit on the amount of questions within,

once again, within reason if it's 10 questions per member or something like that.

Chair: Thank you.

Mr. McIsaac.

Mr. McIsaac: What is a reasonable number of questions? Instead of flooding me with 161 in one day, I mean 16 days you flood me with 10 we're at the same position.

I think you have to look at the – not just the volume of the questions, but the workloads that that's entailed. There are lots of ways of getting around to getting the 161 questions out, but I still think a lot of them could have been handled in oral Question Period, possibly.

Maybe a good question was for him to stand up and say: Minister, how are you doing with my questions? But I never even got that question. How are you getting along with your written questions? I never had the opportunity to respond back to anybody from your side.

Now, maybe I could have gotten a Point of Order and stood up and said: I'm sure he's really interested in the answers to these questions; my staff is working on it. If that's the way it goes next time, I will do that. I will stand up and give you your report card. If I don't have the opportunity to answer them in Question Period, it would be great.

Chair: Thank you.

Clerk Assistant and Clerk of Committees: If I may?

Chair: Sure.

Clerk Assistant and Clerk of Committees: Committee members, I have taken note of the discussion and I wonder if it would be useful to have a little bit of research done, first of all, on other Canadian jurisdictions excluding the House of Commons on how members are, perhaps, limited. Or a better way might be to put it: How questions are prioritized when they are asked.

Secondly, are there any time frames in place in other provincial jurisdictions? Is that agreeable?

Some Hon. Members: Yes.

Mr. Aylward: Definitely.

Clerk Assistant and Clerk of Committees: Okay, thank you. I'll undertake that.

Chair: Great, thank you.

Clerk Assistant and Clerk of Committees: As far as a decision, I think we won't do that.

Chair: No, thank you.

Mr. Aylward: I've got to stop taking this chair.

Chair: We'll move onto 3(b) – sorry?

Mr. Aylward: No, there's the reflection right off a windshield out there.

Chair: Okay, thanks.

3(b) I'll you bring you to the new rule for a time limit on questions and answers during oral Question Period not to exceed 40 seconds in length.

Mr. Fox, you had submitted that to the House. Would you like to offer a brief explanation, and then we'll open the floor for discussion.

Leader of the Opposition: I think it's pretty self explanatory. Thanks, Chair.

As the Speaker has alluded to two or three times now, he's mentioned in the House about the 40 seconds, I think you've even (Indistinct) yourself, Chair, as the speaker.

It sort of maps out Question Period. It allows the opposition to ask a few more questions and it limits the minister from – make sure he gives an answer in a timely fashion and I think that it falls in – basically in other jurisdictions across the country and that it's not unreasonable to actually put the rule in place that will allow a 40 second question, 40 second answer. That if we can't go on, then you can't go on.

Chair: Thank you. I'll open the floor for discussion. Mr. McIsaac?

Mr. McIsaac: You know what? I have no real problem with the 40 seconds except for the fact that you can ask me a question like: How often have the ministers met with regards to the Growing Forward 2 program? And I can tell you they meet once a year, possibly a phone call. You could ask me the next question: What's in the negotiations for Growing Forward 2? There's no way I'm going to get that in 40 seconds.

So do I get an average or what do I do? Depending on the question, it could be a three-second answer and it can be fully answered, and it could be a two-minute answer because people are really interested. My farmers out there are really interested in what's going on in Growing Forward 2.

It's tough to say: Sorry, you've got half of your answer, the farmers – too bad, you can't hear it. Anyway, I just find that tough so you know what? I will agree there are sometimes a lot of rambling. It happens on both sides in preamble in the question and too much preamble perhaps in the answer. Maybe we'll crack down on the fact that: Get to the point as close as you can to the 40 seconds.

Leader of the Opposition: (Indistinct)

Chair: Hon. members, if I may, in chapter 13 of your rule book under questions, under the oral Question Period procedure, rule 62.3 it says: "The minister whom an oral question is directed may (a) immediately answer the question, or (b) state that he or she takes the question as notice and answers it orally on a subsequent day under the same order of business."

That could be – would you like to add anything else to that, Madam Clerk?

Clerk Assistant and Clerk of Committees: Certainly. Because that time for questions taken as notice is not timed, Mr. Speaker has not considered those answers to have to conform to a 40-second time limit so additional time is allowed for those answers.

Chair: Okay. Any other further discussion? I have Rob Henderson on the list.

Mr. Henderson: Well, my comment was I have no problem technically with the 40-second thing but I think it's really up to the

discretion of the Speaker to determine if anybody is trying to be either evasive in giving an answer or they're trying to impact the thing with the question, too, as far as – so it really to me – I think – I have no problem with some sort of a general guideline, but I find sometimes I can play it both ways. If I'm answering a question, I can probably try to be evasive but I have to give the answer because I know the Speaker will sit me down. Or, the other side of it is that I can maybe give a little bit more time – if it was 50 seconds and gave you the full answer it might, like Minister McIsaac says, that it depends on what the question is, too.

I know from my own perspective – I think I was sat down maybe once or twice on a little long on the answer and it wasn't that I was trying to be evasive by any means, it's just that it was a more complex question and so when you get into some health care type of issues it may take a little more time to give some explanation and the words are larger. It just takes a little more time, that's all.

I don't mind the discretion of the Speaker, and if the Speaker feels that I'm trying to be evasive or trying to manipulate the system then by all means, sit me down. That's my comment.

Chair: Thank you. Mr. Brown?

Mr. J. Brown: Thank you, Chair. Kind of following up on those two comments, or Minister McIsaac's and Minister Henderson's, I do think – like right now I think it worked a lot better when the point was made to the Speaker: Look, we need to be getting shorter questions and answers. Because, I think we were both on the long side, but I would like to point out that I do think or like the idea of the Speaker having the discretion to allow, kind of as the minister says, perhaps more of an average or something in their discretion so that if I have the ability to ask one question and two follow-ups and my first two questions are yes or no answers and then the final one I want to get some substance, I would like to personally have the 120 seconds to get my whole series of questions in rather than, say, five seconds, five seconds and a cutoff answer on the third one when I have only used – like it's all about management of your Question Period.

If you break it down, each member really has a question that they want to get out and if there's more substance coming in one part of it and the Speaker can clearly see that, yes-no, yes-no, and then some meat in the last one then in fairness to that member to get them the time that they really deserve to get their question out there in the format that they want it.

I think it's fair not to put a specific time limit on each question, but more to think of it as a one question and two supplementary that you are allowed to ask and to look at it that way. I think it's up to the Speaker, really, to develop their own rules of procedure in relation to those things, typically, or certainly to enforce them.

I think you kind of have to in the natural discourse allow for a little bit of variance in questions that you're going to have asked and in answers, and recognizing, too, you may get a preamble on one of them that's going to take 30 seconds in and of itself, or 40 seconds for the preamble and then the next two supplementary are only going to be quick little five-word questions so it cuts both ways.

Chair: Thanks.

Mr. McIsaac?

Mr. McIsaac: You know, if we struck the idea of a 40-second limit, then we've also eliminated these questions where we're asked yes or no, yes or no, because you actually have 40 seconds to answer the question so we eliminate those.

The other thing is if you have a question that – and most questions, I think, are pretty honourable questions. They want the answer, and if it's like a question like GF2: How are negotiations going or what's involved in it now that it's expanded and we have the most – there were a lot of good questions (Indistinct) agriculture but anyway – if it is the feeling by the Speaker that we're actually getting the answers, leave it in his hand to allow the full answer to get answered. But, if it's starting to ramble or he's getting off topic or killing time, boom. Cut him down.

I think we should leave it in the hands of the Speaker because sometimes there are really

good questions and there are really good answers that may take more than 40 seconds, and in the run of the time we're going to have some short questions too, short answers, that will give us perhaps the same number of time to get the same amount of questions out.

Chair: Sure. I can tell you from my perspective as a speaker, I know that there were 40-minute Question Periods and I always wanted to make sure that there was an optimal number of questions answered or asked and answered so my rule, or my unwritten rule – and I know a lot of speakers do this – is that if it takes 30 seconds to ask a question it should take 30 seconds to answer it. Now – and it's not carved in stone –

Mr. Aylward: (Indistinct)

Chair: – but if there – yes, and I was pretty strict in the chair and anybody who was in the House when I was in the chair, I took great pride in the – how – I used to look and see how many questions were asked during Question Period and if there were 41 questions I would think, asked and answered, I would think: That was a pretty darn good day.

The Speaker does have that discretion and they are pretty strict about it and I know the last session when the rule was challenged to the Speaker, he really cracked down on the 40 seconds and I thought Question Period went really well.

Now, do we have to put that carved in stone? Or do we just maybe go with the Speaker the way it has been going this time around and see how it goes? And then maybe we take another look at it, but I'm still open – there's nobody else on my speaking list so I'm just wondering if there's any more discussion.

Leader of the Opposition: So –

Chair: Mr. Fox?

Leader of the Opposition: Chair, looking at other jurisdictions, you being the speaker –

Chair: Yes?

Leader of the Opposition: Is there any other jurisdiction that actually has a written rule? The House of Commons doesn't – they shut it down.

Clerk Assistant and Clerk of Committees: I would have to do some research (Indistinct)

Chair: Yeah, the House of Commons for sure.

Leader of the Opposition: They do?

Clerk Assistant and Clerk of Committees: Yes. We do have some research – it is attached to your –

Chair: Attached to your –

Clerk Assistant and Clerk of Committees: – agendas.

An Hon. Member: (Indistinct)

Clerk Assistant and Clerk of Committees: Nine out of 10 jurisdictions have a time limit on questions and answers. However, the Speaker does have some discretion in most of those jurisdictions.

Leader of the Opposition: So as with that discretion, as I see – mostly I'm seeing here 45 and 50 seconds.

Chair: Yes, and I know in the House of Commons sometimes when they have time limits on certain parts of their daily schedule, a member's microphone is actually shut off.

Leader of the Opposition: It is (Indistinct)

Chair: Shut off, and do we want to go that way, or do we want to – because we're small –

Mr. Aylward: I don't think it would matter for a couple of people.

Chair: Yeah –

An Hon. Member: (Indistinct)

Leader of the Opposition: I sort of wonder too, you know, we –

Chair: Your remarks won't be recorded on the Hansard is what happens there.

Mr. Aylward: Yeah.

Leader of the Opposition: Chair, I sort of wonder – you know the discretion, too, of the Speaker, it's putting a lot of emphasis on the Speaker to make decisions and to weigh what's being said and the answers being given and to read into the future of what the next question could possibly be and if that's going to take a little bit longer, is this a preamble and the big answer is coming up. It puts a lot of onus on him. Right? Or her.

Chair: Well, it just goes to show that there's more to being a Speaker than sitting in the chair.

Mr. J. Brown: That's why he gets the big bucks.

Leader of the Opposition: In all fairness to it, there's a lot for that Speaker to watch with that question and answer period, right? If the rule is in place, and maybe it not be 40 seconds, maybe it's 45, but then it would sort of take some of that onus off the Speaker that the member has to watch what he's asking and the answer coming back.

Chair: Right. James?

Mr. Aylward: Thank you, Chair.

I have to tell you that in the short amount of time that I've been in the Legislative Assembly here on PEI, the last fall session, I think, the Speaker – and the Deputy Speaker, as well – I've seen vast improvements as far as controlling the time.

As an opposition caucus, before we come down, we're upstairs getting ready for QP, oral QP and we go through our questions and we try to time ourselves appropriately so that we can determine: Okay, I've got a set of 13 questions, but I'm probably going to get eight out because I need to let my caucus, my fellow caucus member get his questions out on another issue, and knowing that there is going to be two Liberal backbenchers and the Leader of the Third Party, as well.

I have seen a vast improvement as far as the timeliness goes and the elimination of the

preamble, but it's still quite frustrating as an opposition member to ask a question, and I know you say questions are asked and questions are answered. Questions are asked, but quite often questions are responded to, they're not answered. That's the point I want to get across.

As far as the timing of oral QP, I think it has gotten much better. Ask anyone around this table: Can you deny that there are several ministers, past and present, that do and have been allowed to eat up an exorbitant amount of time when they're responding to a question?

I'm not going to name them, but I think sitting around the table we all know who they are. I think we're on the right track, and I have no problem leaving it to the discretion of the Speaker and the Deputy Speaker because, again as I said, I think it's – we've seen a vast improvement moving forward.

But, when we have a government that is so heck-bent on proving and stating that they're open and transparent, then be open and transparent and when a question is asked answer the question. Don't respond to the question.

Chair: Thanks, Mr. Aylward.

Mr. Aylward: Thank you, Chair.

Chair: And you know that the Speaker is there to look at the rules of the House and make sure everybody – that democracy is in action. You all know that the Speaker is not responsible for the quality of the question or the quality of the answer.

Mr. Aylward: Chair, just one closing note from me on that.

Chair: Yeah.

Mr. Aylward: Again, it's – I go back to an event I attended back several years ago at the Delta hotel. Premier Ghiz was there. Premier Binns was there co-hosting. I believe a previous prime minister Jean Chrétien was there, as well.

Chair: Yeah.

Mr. Aylward: I have heard this statement made many times and it is very disturbing to

me as an opposition member when we have had an individual who had such a prestigious career as Jean Chrétien did to say that: Remember folks, it's called Question Period, not answer period.

I'm sorry, that doesn't fly. I'm sure it wouldn't work –

Chair: I think it was said –

Mr. Aylward: – in a court of law.

Chair: – tongue in cheek.

Mr. Aylward: Well, it's when you're a legislator and you're sitting in the Legislature, the provincial Legislature, and you see it firsthand it's not so tongue in cheek –

Chair: Great –

Mr. Aylward: – it's reality.

Chair: Thank you. Alan McIsaac?

Mr. McIsaac: Just on that, sometimes we may disagree on what the answer should be, though, James.

I mean, we may give the answer. It may not be the answer that you want, but that doesn't mean it's not the answer, okay? It all depends on what you're looking for. I can give you the facts and figures, but you say: No, I don't agree with that because I have somebody else's facts and figures

Mr. Aylward: (Indistinct)

Mr. McIsaac: But anyway, you have to look at it. We may be giving the answer from our point of view; you may not be getting the answer you want from your side.

Mr. Aylward: Whose emails were deleted?

Chair: Thank you.

Mr. J. Brown: You got an answer to that question. It wasn't the one you wanted.

Mr. Aylward: Finally, from the Auditor General.

Chair: Thank you for your discussion on this issue. We'll now move onto number

four: Information provided by the hon. Buck Watts, Speaker, concerning practices in other jurisdictions with regard to suspension of members.

Do you want to talk about that, Madam Clerk?

Clerk Assistant and Clerk of Committees: Certainly. Thank you, Madam Chair.

Just to be clear, Speaker Watts is not requesting a rule change. Speaker Watts is putting forward this information. You'll note that Prince Edward Island is the only jurisdiction that does not give its speaker the authority to suspend a member without resorting to a motion.

If, in our jurisdiction, if a member was to be named, the speaker, whoever it is in the chair, has to turn to the Assembly and ask for a motion to actually suspend that member and the motion would put a time limit, not to exceed two weeks, right in the motion.

In other jurisdictions, if a member is disregarding the authority of the chair; has been called to order; has been given a number of chances, but simply refuses to discontinue speaking or whatever it may be, a speaker there can say: That's it. I name you and suspend you for the remainder of today. The next day the member does come back in. It's simply information for the committee to consider.

Mr. Aylward: Chair?

Chair: Mr. Aylward.

Mr. Aylward: Thank you very much.

Can we confirm that it was actually the Chair that requested the research be done?

Mr. McIsaac: The Speaker?

Mr. Aylward: – or the Speaker, sorry, yes. Thank you. That it was the Speaker that actually requested this research be done by the legislative researcher?

Clerk Assistant and Clerk of Committees: He says so in his letter. The letter dated January 6th: “To confirm this, I requested that research be conducted (see attached) on

the rules in other Canadian legislatures respecting this matter.”

Mr. Aylward: Was it specifically the Speaker, then, that asked Ryan Reddin to do this research?

Clerk Assistant and Clerk of Committees: Yes.

Mr. Aylward: It wasn't someone else?

Chair: No.

Clerk Assistant and Clerk of Committees: It was Mr. Speaker. The covering letter says: I requested that this research be conducted. It's signed Buck Watts.

Mr. Aylward: Okay.

Mr. J. Brown: What's the member infer? There's an inference in that, that's (Indistinct)

Mr. Aylward: Pardon me?

Mr. J. Brown: You seem to – just the way you put the question, you seem (Indistinct)

Mr. Aylward: I guess I'm just trying to figure out where it came from specifically because in the Speaker's letter to the Chair, in the first sentence he says: “During discussions on the subject of suspension of members at a recent meeting of the Commonwealth Parliamentary Association...” and he goes on to say that, “...it seemed that the Rules of the Legislative Assembly of Prince Edward Island were not consistent with practice...”

I just want to confirm that the conference that he's talking about, the Commonwealth Parliamentary Association was the one he attended in December where the Deputy Chair actually took the chair.

Clerk Assistant and Clerk of Committees: I'm sorry I don't know the dates, but I know it was a recent conference, but I'm sorry, I don't have the actual dates of that conference.

Leader of the Opposition: Was (Indistinct) we were sitting in the House?

Chair: Sure, and there's usually – the Speakers get together in January –

Leader of the Opposition: Yeah.

Chair: – every year. They also get together for a Canadian parliamentary conference in the summer, I know which a lot of you have attended. A lot of those workshops and things that happen during those meetings, this may –

Mr. J. Brown: Actually, I might be able to – tongue in cheek; I might be able to add to this. I was at the conference with the Speaker in Quebec on November 11th and 12th, as memory serves, and I believe it may have been brought up at that conference.

Mr. Aylward: Was that the Commonwealth, Chair?

Mr. J. Brown: Commonwealth Parliamentary Association –

Mr. Aylward: That wasn't the Canadian parliamentary association?

Mr. J. Brown: Could have been Canadian –

Leader of the Opposition: I was asking about the Canadian (Indistinct)

Chair: Anyway, there's – Mr. Aylward, just before I go to you, there's lots of times that the speakers have conferences and meetings and lots of – and it's kind of a rule conference. Everything from what's done in your House to what's done in this House, common practices are often discussed. I don't know where – the Speaker has just asked us to take a look at it.

I'll turn the floor over to you, Mr. Aylward.

Mr. Aylward: Thank you, Chair.

Again, I just want to come back specifically to the Speaker's letter where he references explicitly the Commonwealth Parliamentary Association. When I look at just the last schedule of meetings that was held in December of 2016, he was absent at the conference in London, I believe it was. You had sat at the chair as deputy chair taking over his chair.

I go through the conference concluding statement and they go through all of the workshops and the discussions and nowhere, anywhere does it talk about the suspension of a member. It does talk about many other topics around research that they were doing; raising awareness of political violence against women; the media plays a large role in promoting public mistrust of parliamentarians; the roles of parliamentarians in implementing and moderating policies relevant to the sustainable development goals, and so on and so forth; but nowhere does it contain anything with regards to suspension of a member.

Chair: Mr. Aylward, just before you go on –

Mr. Aylward: Certainly, Chair.

Chair: I don't know where the question has come from and I'm not going to try and explain where it has come from; however, it could have been a one-off conversation he had with a colleague, who is another speaker, about something that may have gone on in their legislature, which could have led to a question and he probably thought: Well, what's done in our House and maybe –

Mr. Aylward: Yeah.

Chair: – he has every right to ask a question. He actually didn't ask for a change; he's just providing some information to us.

Mr. Aylward: Okay, sure.

Chair: I'll allow you to have the floor.

Mr. Aylward: Thank you, Chair.

Again, I go back exactly to what you just said. I think it's relevant for us to find out from the Speaker. Maybe we invite him to a meeting and get more information with regards to how this developed or where this came from.

I know he's not asking for a change, per se, but by the Speaker presenting research to this committee it opens it up to the interpretation that maybe there is a will from

somewhere to change the way we currently operate.

Right now, if a member is to be sanctioned, not sanctioned, but suspended, it's done through a motion. It's not to be amended. There's no debate on it, but it is voted on by all members of the Legislative Assembly.

I have no problem with that. Absolutely no problem with that, but all of a sudden if we're changing that rule or we're looking at changing the rule down the road, that's where I would have a lot of problem with it.

I would like to propose two things. One: That we invite the Speaker to come in and discuss this with us. Two: For more research to be done with regards to how many times here on Prince Edward Island a member has been suspended; who those members were; the circumstances as to why they were suspended; the length of time they were suspended; and the procedure which took place to have them suspended.

Chair: Thank you.

Clerk Assistant and Clerk of Committees: Starting at what time period, Mr. Aylward? Going back 30 years? Forty years? Fifty years?

Mr. Aylward: Let's go 50.

Clerk Assistant and Clerk of Committees: Fifty years?

Chair: I can tell you –

Mr. Aylward: And I'll give you –

Chair: I can tell you in those 50 years it's been one.

Mr. Aylward: – more than 45 days to do that research.

Clerk Assistant and Clerk of Committees: Thank you.

Mr. Aylward: You're welcome.

Clerk Assistant and Clerk of Committees: Does the committee agree that they would like to see some specifics on that?

Mr. Henderson: I don't see –

Mr. Gallant: I don't see –

Mr. Henderson: – the point.

Mr. Gallant: – the relevance, yeah, with all due respect.

Mr. Aylward: The relevance is this research is being brought forward, so to me, it can only mean one thing: That someone is looking for a change in how a member of the Legislative Assembly is suspended.

Mr. Gallant: (Indistinct)

Chair: Mr. Gallant.

Mr. Gallant: Thanks, Chair.

To the front part of your question –

Mr. Aylward: Yeah.

Mr. Gallant: – you should just ask the Speaker. Do we really need to go through how many people were suspended? How far back?

Mr. Aylward: I think it would be good to have the research, as well, Mr. Gallant.

Mr. Gallant: Okay.

Chair: Jordan Brown.

Mr. J. Brown: So, for what it's worth, and obviously, I'm not a regular member of this committee. I came here – I didn't know that this research – I saw the letter, but I didn't know what the importance of this research was, I should say. If anybody thinks there is some kind of conspiracy to have a motion moved to do this, which in all fairness, hon. member, that's kind of what the inference was.

At the conference that we were at in Quebec there were a number of presentations made about civility in the legislature and everything else. It was noted to be a significant problem, and it was noted that in our Parliament where the Speaker there does have the ability to suspend a member that power had been forewarned, and I believed used in a couple of occasions. That kind of thing was discussed as something that was being looked at in various jurisdictions across the country.

I don't know where the Speaker's piece came from. I can tell you from the context that I would have there that it was something that was being proactively discussed in that forum. I suspect, and given that there were a number of speakers at that conference that likely it is a hot-button topic amongst them. I would be very surprised if there was not, given the conversations that I was party to at that conference, ongoing discussion of that around the various jurisdictions in the country.

I know it was a national news piece for a little while when speaker Regan first took office in Parliament. Anyway, at this point in time, I almost feel more inclined that the way this has been brought up that there's an issue that's there that we need to be looking more to our other jurisdictions to find out what the case is, and that research has been done. I don't think the past is nearly as relevant as why he would be looking to implement that on an ongoing basis and all the kinds of issues that would call for it to be implemented going forward.

Chair: Mr. Aylward.

Mr. Aylward: Thank you, Chair.

I don't think I ever referenced the conference in Quebec, I believe you said, which was a Canadian parliamentary conference. I've referenced over and over again the Commonwealth Parliamentary Association that the Speaker has stated that he attended and this topic came forward.

Nor am I making any suggestions or recommendations moving forward as to how this would be implemented. I'm simply asking for some research to be done as to how many times in the last 50 years someone has suspended; the individual who was suspended; how long they were suspended for; and the procedure that took place.

Before that, I would like for this committee to sit down with the Speaker to get his intimate details around where this came forward, and why he felt it incumbent upon himself or to request someone else to have this research done.

Chair: Thank you.

Mr. Aylward: Thank you.

Chair: Mr. Brown.

Mr. J. Brown: I guess just to clarify as to why I made the comments that I did. You guys came in here today and the first thing that you raised was a perception of a conflict as between our Chair and this committee. I get why that was raised, and I'll say that in a forthright way.

Now, to put the shoe on a different foot, we have a letter from the Speaker, which clearly delineates some research that he had asked to be done and brought back to the committee and here it is. We're saying: Okay, let's bring the Speaker in to answer specific questions as to why he's asking for that research to be done and to go forward.

What the reason that I made the comments that I made is because I sat through the presentations at the Canadian, if that's what it was, parliamentary association meeting where there was a clear indication that these kinds of rules enable much greater civility in our parliaments and legislatures in this country and in democracies, generally, and therefore should be implemented.

To call the Speaker back in now to ask him: Why did you bring this forward? And to have historical research done as to why that kind of thing would be brought forward does two things. One: It brings the Speaker's own views on things into play, which probably aren't neither relevant nor important to the conversation overall. The second thing it does is pays no mind to the context of the conversation that's going on within our Canadian democracy right now.

Mr. Aylward: Chair?

Mr. J. Brown: It's not that I'm necessarily against the research being done. It's the manner in which this has been brought up where, essentially, the hon. member is indicating that the Speaker just made this up as a way to put forward a rule. I don't have any reason to believe that's the case, particularly given that I was present for conversations and presentations on that topic.

Thank you, Chair.

Chair: Mr. Fox and then Mr. Aylward.

Leader of the Opposition: Thanks, Chair.

Nobody's trying to call somebody into question here. I think that it bothers me when I read this letter and it says: Commonwealth Parliamentary Association. Then, I get a copy of the minutes of the whole thing and I read through the whole thing and nowhere in there does it mention anything in there that he's alluding to, okay

Mr. J. Brown: Go ask him the question yourself; don't come to a meeting and cast aspersions on (Indistinct)

Leader of the Opposition: This is what is being brought up, Jordan. This is the time that he talked about it. It's in the letter. Why is it not in here? That's fine. Maybe it's time that we call in the Speaker. Maybe he feels the decision should be talked about.

I personally have no issue with the way that we do with this matter inside the House. If the hon. member thinks that Jamie Fox should leave the House, and he stands up and makes a motion to the Speaker, it goes to a vote, and I'm expelled or whatever. I have no problem with that.

I don't like the idea of putting the onus on the Speaker for him to make a decision to kick Alan out or Sonny out because it's pitting a member against a member, but if it's a vote of the House then it's more – it's the whole House doing it, it's not just putting the onus on one individual.

Chair: Thank you.

Mr. Aylward?

Mr. Aylward: Thank you very much, Chair.

Unfortunately, I think Mr. Brown is just being a little oversensitive today. Not once did I talk about the Canadian parliamentary association, the conference he attended. I have referenced continually the Commonwealth Parliamentary Association. I haven't brought in the credibility of the Speaker once. All I have asked for is some research to be done and to have the opportunity to ask, at this table, the Speaker as to why he felt research needed to be done

on this topic when we have rules already in place that, in my view, work perfectly fine.

Chair: Thank you.

Mr. Aylward: That's all I'm asking for, Chair.

Chair: Peter Bevan-Baker.

Dr. Bevan-Baker: Thank you, Chair.

It seems to me that the problem around this table is one of distrust and maybe this is just a simple clerical error and it should have been the Canadian parliamentary association. I don't know, but I think I need to clarify something Mr. Fox just said that if I'm right, another member cannot ask for another member to be removed from the House. It's always the Speaker who asks for that, and it then becomes a motion to the floor. Am I correct?

Leader of the Opposition: (Indistinct)

An Hon. Member: That is correct.

Dr. Bevan-Baker: Yes, but it has to be instituted by the Speaker, not by another member.

Mr. McIsaac: You can't ask (Indistinct)

Dr. Bevan-Baker: I think.

Clerk Assistant and Clerk of Committees: Yes.

Mr. McIsaac: That's my understanding.

Chair: That's true.

Clerk Assistant and Clerk of Committees: It is part of – when we talk about naming a member that is our procedure. The Speaker uses the proper name of the member and asks the House for a motion to suspend –

Leader of the Opposition: And so he moves the motion.

Clerk Assistant and Clerk of Committees: The Speaker does not move the motion. The Speaker asks for a motion to be put forward.

Mr. McIsaac: But you don't stand up and ask for a motion (Indistinct)

Leader of the Opposition: That's what I (Indistinct)

Chair: Thank you.

Dr. Bevan-Baker: I needed to clarify that.

Chair: Thank you.

Minister Henderson?

Mr. Henderson: I guess from my perspective is that, yeah, I (Indistinct) Bevan-Baker again – is that maybe there was just a clerical error in that part of it, but I think the fundamental realities from my perspective, is if you look at the research that has been done – we're the only province, and the Senate, are the only ones that don't allow the Speaker to have the ability to expel a member without having a motion so from my perspective it's somewhat irrelevant, all of the rest of it. It's our role to imply – make the rules and it's for the Speaker then to interpret that.

To get back to the hon. member's – the history of the past – now I haven't been around a whole long time in this, but I do recall it happening on one occasion with the MLA from Morrell-Mermaid, I believe it was, and as –

Mr. Aylward: Previous.

Mr. Henderson: Previous member, yeah, and I recall that as an extremely awkward time for the Speaker and I believe we even had a recess to try to figure it all out and to me that – and like I say, I – there are a lot of rules and I as a minister find it hard to keep up with it all so to me, to have the Speaker and have the confidence in the Speaker that they have the authority to deal when a member is out of order or has gone beyond the limits and wants to be named, or should be named, to take a break for the day or whatever it might be, I think we should be complying and being comparable to the other jurisdictions in the country.

To me, all of this other stuff is somewhat irrelevant, the past – or where we're at is just the fundamentals are that us and the Senate and I guess from what I can gather, it's pretty hard to get kicked out of the Senate in any capacity so I don't know if

that's a worthy group to be affiliated with in that regard.

I'm just going from the past. I think it was an awkward moment and to have the Speaker have some authority to name a member and expel them for a period of time would be appropriate in my mind.

Chair: Thanks. Well, now that you have brought it up, being the speaker in the chair, it was an awkward moment. I'll tell you that no speaker ever wants to have a time in the House where they have to remove a member from – where a member is removed. It's not a pleasant day for the speaker –

Leader of the Opposition: So was it actually you?

Chair: Yes. It's not a pleasant day for the speaker and it's not a pleasant day for the member, and what happened on that occasion is – what really it boils down to is when somebody is breaking the rules and they are asked – they are named and they are going to be asked to move the House – what literally comes down to it is when the speaker asks for the motion to a mover and seconder to remove the member from the House, it's really awkward because if that doesn't take place the bad behaviour or breaking of the rules of the member of the House now turns into a non-confidence vote in the speaker because what happens is if that – if the speaker asks for a motion and there's no motion given to remove the member, then that shows the non-confidence in the speaker.

It's really not a pleasant time because I wasn't breaking the rules and then all of a sudden, I'm the one being tossed, right? I would have had, had there not been a motion made that day moved and seconded, I would have had to have left that chair and not come back because of the loss of confidence in my ability to ask for a motion and nobody responded.

I lost sleep over that for days after it happened. It wasn't pleasant. It was my last memory of being a speaker of the House because it was the last day of the House and if I were a speaker or if I had my druthers as all of the other jurisdictions in the country, I would prefer to deal with it as part of the rules of the speaker.

Now, I have not been party of this. I just got the letter like you did. I had not been in conversation, but if I were to – with the research – when I have read the research and realized we're the only jurisdiction, but it really puts the speaker in an awkward position if a motion was not moved and seconded.

It wasn't a – it was a very stressful day for me in the House and I hope I never have to go through that again, and I also have Minister McIsaac on the list.

Mr. McIsaac: Thank you very much, Chair. It's interesting, too –

Chair: Yeah, hard for the clerks too.

Mr. McIsaac: It's interesting to listen to your experience firsthand. The thing about it is we do elect the Speaker at the beginning of the session, giving him the full confidence of the House to conduct the business, maintain order –

Mr. Aylward: Or her.

Mr. McIsaac: Or her, sorry. Conduct business, maintain order and keep the confidence of the House, but yet I kind of realize now that we're not giving them all of the tools and like I say, if you ask him to do that, run it properly in his best judgment and then ask him to get confidence on the House on expelling a member, it's not really giving him the full tools.

I can see the Speaker's point of view on this and I would think it would be, it's a lot easier on me too, just let him look after it. If he thinks he is out of line or she is out of line, he can expel them and if they're doing it in the other provinces, now I guess I would fully support that change on that rule.

To have the Speaker come in and question him as to why he wants this, I think, is like saying: We don't have confidence in you. I don't think we should be questioning the role of the Speaker at any time. We gave our confidence in him running the business first and foremost, and until that position is open again we need to maintain confidence in him.

Chair: Thank you.

Mr. McIsaac: I think this rule is acceptable in every other province and acceptable by me to change it. That's my opinion on it.

Chair: Thanks, and you know, it doesn't – I know the letter states about a meeting, but he could have been not – that meeting could have taken place last year or the year before, or the year before or it could have just been a conversation he had at the meeting with somebody, not that it would have been minuted –

Mr. Aylward: It wasn't the year before because he said –

Chair: Anyway, it could –

Mr. Aylward: – at a recent (Indistinct)

Chair: I'm not going to split hairs here, but he could have had a conversation –

Mr. Aylward: I'm not splitting hairs either, that's why I'm asking if we could have this conversation –

Chair: Sure.

Mr. Aylward: – with the Speaker.

Chair: Thank you.

Mr. Brown.

Mr. Aylward: I'm not looking for a witch hunt; I'm just looking for more information.

Chair: Mr. Brown?

Mr. J. Brown: I think the other thing that's worth pointing out, too, is that – my recollection is the last time it happened here it was to a certain degree of this – but when you seek a motion, despite the fact that it would really be a technical motion on the floor of the Legislature, it's generally not interpreted to be that way and so that kind of a motion becomes very political whereas before it, by its nature, was not political if the Speaker has the ability to make the decision finally themselves.

In other words, if you have a vote we can probably all guess how a vote is going to go if we're set up as members of teams in the Legislature where you're probably going to

have people, whether they are right or wrong, looking to side with their teammate.

I think it does, and this was some of the discussion that was had at the meeting that I was talking about, and I certainly recognize the comments of Mr. Aylward. Having an ability of a speaker to make a decision that's final and take the politics out of it goes a long way to a) giving them some teeth and b) depoliticizing the discourse that happens in our Legislature and on the floor in a very live fashion on a day-in day-out basis rather than escalating it, which is what the existing procedure does probably cause.

Chair: Any further discussion?

Mr. McIsaac: I think that is a good point when we talk about –

Chair: Mr. McIsaac.

Mr. McIsaac: – if I'm there and I'm acting up and I say, well the Speaker is not going to kick me out, he can't kick me out unless he gets an acceptance by the majority in the House. If I'm sitting on the majority side, pretty good chance I'm not going to get kicked out. Let's give the powers to the person who actually is charged with keeping order in the court sort of thing. That's why I said: Let him have it.

Chair: Thank you.

Clerk Assistant and Clerk of Committees: Thank you for the discussion. I would like to clarify whether the committee wishes to have that research done, and if so I will undertake it.

Chair: Wasn't the research already done?

Clerk Assistant and Clerk of Committees: I'm sorry. I'll just go back to Mr. Aylward's –

Mr. Aylward: (Indistinct) I've requested (Indistinct)

Chair: Oh.

Clerk Assistant and Clerk of Committees: – as requested by Mr. Aylward –

Leader of the Opposition: I (Indistinct)

Chair: Sorry –

Clerk Assistant and Clerk of Committees: It was how many times on Prince Edward Island a member has been –

Chair: Sure.

Clerk Assistant and Clerk of Committees: – suspended; when it was; who they were; the circumstances; the length of time of the suspension; and the procedure that was followed.

I think I've captured what you have asked for.

Some Hon. Members: (Indistinct)

Chair: The clerk will take that if everybody's in agreement. The clerk will undertake that research.

Mr. J. Brown: Madam Chair, do we have a motion on the floor in relation to that in the first place?

Clerk Assistant and Clerk of Committees: No, I'm seeking clarification as to whether the committee wishes to have that research –

Mr. Henderson: I don't see (Indistinct) done, but anyway, if you really want to do it out of curiosity if you guys (Indistinct)

Mr. McIsaac: I think the people involved or the people who are charged with a suspension from the House that served their penalty, they've returned to a proper way of life and why drag up past sins? But anyway.

Mr. Aylward: I didn't say – Chair?

Chair: Aylward, Mr. Aylward.

Mr. Aylward: I didn't necessarily say I wanted to publicize the research in the local newspaper the way people's names are indicated in a tax sale –

Mr. McIsaac: But you don't want names, you just want the times –

Mr. Aylward: I don't necessarily need to know the exact individual nor am I going to, as I say, make posters of it plastered around town.

Mr. McIsaac: I don't need the information, thank you.

Mr. Henderson: I don't need the information.

Mr. Gallant: I don't need the information.

Dr. Bevan-Baker: Nor do I.

Chair: Thank you. There will be no research done.

Clerk Assistant and Clerk of Committees: Thank you, committee members.

Now there are – if the committee wishes to make some decisions on the agenda items, and that is agenda item 3(a) and 3(b) and if there's any interest in pursuing anything on agenda item number four, we would move in camera to do that at this point.

Perhaps, Madam Chair if you wanted to declare a brief recess.

Chair: Okay. Hon. members, we'll have a one-minute recess while we move into camera.

Thank you.

[The Committee recessed]