

JOURNAL OF THE LEGISLATIVE ASSEMBLY

TUESDAY, 26 APRIL 2016

The House met at 2:00 p.m.

Prayers

Routine Proceedings

Journals

Journals for Thursday, 21 April, 2016 were adopted by the House without amendment.

Doors were opened

Matters of Privilege

Hon. Mr. Speaker informed the House that the Leader of the Third Party would be absent from the House this week.

Hon. Mr. Speaker delivered the following ruling on the question of Privilege raised on April 20, 2016, by Steven Myers (Georgetown-St. Peters):

“Hon. Members, on Wednesday, April 20th, at the conclusion of Oral Question Period, the Hon. Member for Georgetown-St. Peters rose on a Matter of Privilege and asserted that a response from the Hon. Premier to a question during OQP was an attempt to deliberately mislead the House. Specifically, it is alleged that the response provided by the Premier was inconsistent with a response given in a Leaders questionnaire from the Canadian Federation of Independent Business from the 2015 general election campaign.

Quoting from the document presented by the Hon. Member for Georgetown-St. Peters, the CFIB questionnaire asked: “Over the next four years, will your government raise, lower, or maintain the status quo on taxes, fees and levies?”

The Premier’s response, as reported by CFIB, to that question was: “The Liberal Party is committed to fiscal prudence. One of the key principles of fiscal prudence is respecting taxpayers. There are no plans to raise taxes, fees and levies.”

The Hon. Member for Georgetown-St. Peters then indicated that he was prepared to move a Motion to send this matter to a committee if I, as Speaker, found that there was a *prima facie* breach of privilege in this instance.

Pursuant to Rule 45(3) of the Rules of the Legislative Assembly, the Speaker shall not accept such a motion unless 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.

Hon. Members, I find that this matter was raised at the earliest opportunity; however, I cannot accept the assertion that there is any evidence whatsoever of a deliberate attempt to mislead this Legislature. As noted, the Premier provided a response to a question from an outside organization

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(CFIB) at a time when this Legislative Assembly was dissolved, yet that response has been introduced by the Member for Georgetown-St. Peters as if a recent proceeding of this Legislative Assembly and as evidence that, because Government introduced taxation initiatives in the 2016 Budget, there was a deliberate attempt to mislead. Clearly, this is not the case.

In addition to the CFIB questionnaire, the Member for Georgetown-St. Peters sent me an email link, after he raised this matter formally in the House, alleging that there was additional evidence that the Premier misled the House in a response given to a media question on the CFIB questionnaire. Specifically, the interview provided by the Member for Georgetown-St. Peters quotes the Premier as stating: “Yes of course [the plan changed]. We've been in office for a year, and as I indicated in the House today, we indicated to Finance Minister Morneau just before the end of March that we would be increasing the provincial portion of the HST.... So indeed that has been the result of our budget-making deliberations and consultation with Islanders over the course of the past month.”

Hon. Members, plans and policies change. There is clearly insufficient evidence for any Speaker, present or past, to find a *prima facie* breach of Privilege in this instance.

In preparing this ruling; however, I was very troubled by a letter the Leader of the Opposition sent to the Chair of the Standing Committee on Rules, Regulations, Private Bills and Privileges, and subsequently discussed in the media before I even received a copy, questioning whether my actions could lead to my impartiality being called into question.

I quote House of Commons Procedure and Practice, Second Edition, 2009 as follows: “...the intimidation or attempted intimidation of the Speaker or any other Chair Occupant is viewed very seriously by the House. On three occasions, the House has viewed criticisms of the impartiality of the Chair as attempts at intimidation and, therefore, as privilege matters.”

The Leader of the Opposition’s letter of April 15 to the Chair of the Standing Committee on Rules, Regulations, Private Bills and Privileges, on behalf of the Official Opposition Caucus states in part as follows: “As questions arose during your Speakership [this is in reference to a former Speaker and current Chair of the Committee] with your attendance of liberal nominating conventions, the attendance of numerous Liberal caucus events by the current Speaker could lead to his impartiality being called into question.”

Further, a Guardian newspaper media report on April 19th, resulting from this letter being provided to media, indicates that: “But sources have told the Guardian that several of the Speaker’s (Watts’) recent rulings have led to some discussion among some of the MLAs about a possible motion of non-confidence against the Speaker.”

The Guardian editorial of April 21st states as follows in reference to my recent attempts to impart more decorum in this Chamber: “...the Opposition thinks too seriously and suggests there might be an element of partisanship as a rationale behind this crackdown. As proof, they note that the Speaker goes to caucus meetings and party functions jeopardizing his position of neutrality” and “The Opposition is even discussing a possible motion of non-confidence against the Speaker.”

And finally, on Wednesday, April 20, the Guardian’s Chief Legislative Reporter tweeted speculation from this very Chamber in response to my ruling on a very well established practice

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of this House that “one has to wonder if the speaker is also trying to show he is willing to censure government after the opposition raised concerns over him to the rules committee”.

Hon. Members, this series of events is beyond the rough and tumble of robust parliamentary debate and reporting. Reflections of this nature on the Speaker and assertions of partisanship are very serious and serve, unless addressed, to undermine the authority and conduct of not only the Office of the Speaker but of all proceedings of this Legislature Assembly...and ultimately, of you as Members. On being elected to this position by all of you, I stated my grateful acknowledgement of the honour conferred on me by the House in electing me to be its Speaker. I acknowledged my comparative inexperience in parliamentary procedure and that I would have hesitated in accepting a position involving so much responsibility were it not for the fact that I would be able to rely with confidence upon the courtesy, forbearance and kindness of every Member of the Assembly.

I then went on to perform my duty, on behalf of you all, to CLAIM and DEMAND from His Honour the Lieutenant Governor, all ancient and accustomed rights and privileges that any wrong of mine not be imputed to the Assembly.

I take these statements very seriously and see the letter sent to the Rules Committee by the Leader of the Opposition and subsequent public reflections on the impartiality of the Speaker, and suggestions of non-confidence as a clear form of intimidation and thus a *prima facie* breach of Privilege, that cannot be allowed to be advanced unquestioned. To do so undermines the very authority of House itself, diminishes its proceedings and brings disrepute to this honourable institution.

For this reason Hon. Members, I am requesting that some honourable member of this House move a motion per Rule 45(2) that this matter be referred to the Standing Committee on Rules, Regulations, Private Bills and Privileges for full review, including any suggested impropriety on my part that may reflect unfavourably on the Office of the Speaker or the well-established customs and practices that attach to this Office or the Legislative Assembly. To allow these allegations, and suggestions of partiality and potential non-confidence among ‘some’ members to stand unaddressed would be contrary to the pledge I made you on being elected Speaker to protect your rights and privileges so you may continue to conduct your important parliamentary work on behalf of all Prince Edward Islanders.

I do not take this unprecedented step lightly. The integrity of House proceedings, and the respect for the Legislative Assembly and the Office of the Speaker, must be protected and maintained. This is not about me as your Speaker but rather about you as members and the conduct of the business of this House.”

Hon. Paula Biggar (Transportation, Infrastructure and Energy) moved, seconded by Alan McIsaac (Agriculture and Fisheries), that the matter be referred to the Standing Committee on Rules, Regulations, Private Bills and Privileges.

Hon. Mr. Speaker put the Question.

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

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Statements by Members

2:28 Kathleen Casey (Charlottetown-Lewis Point) recognized the work of the Stars for Life Foundation.

2:30 Jordan Brown (Charlottetown-Brighton) highlighted recent upgrades to the Victoria Park boardwalk.

2:31 Matthew MacKay (Kensington-Malpeque) congratulated the Kensington Jr. B Vipers hockey team on winning the Island Junior B League Championship.

2:33

Questions by Members

Statements by Ministers

3:14 Hon. Premier encouraged Islanders to provide input in the Policing Services Review.

3:16 The Leader of the Opposition added his comments.

3:19 Hon. Robert Mitchell (Communities, Land and Environment) on the 59th Annual Meeting of the PEI Federation of Municipalities.

3:21 Bradley G. Trivers (Rustico-Emerald) added his comments.

3:23 Hon. Paula Biggar (Transportation, Infrastructure and Energy) updated the House on infrastructure funding from the Government of Canada.

3:26 James Aylward (Stratford-Kinlock) added his comments.

3:28 Hon. Heath MacDonald (Economic Development and Tourism) updated the House on statistics related to the tourism industry.

3:31 Matthew MacKay (Kensington-Malpeque) added his comments.

Presenting and Receiving Petitions

None

Tabling of Documents

Hon. Paula Biggar (Transportation, Infrastructure and Energy) tabled, by leave, a letter from Hon. Amarjeet Sohi, Minister of Infrastructure and Communities.

Reports by Committees

None

Introduction of Government Bills

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Bills introduced and read a First Time:

An Act to Amend the Prince Edward Island Lands Protection Act (Bill No. 23) by Hon. Robert Mitchell (Communities, Land and Environment).

An Act to Amend the Municipalities Act (Bill No. 24) by Hon. Robert Mitchell (Communities, Land and Environment).

An Act to Amend the Planning Act (Bill No. 25) by Hon. Robert Mitchell (Communities, Land and Environment).

Government Motions

Orders of the Day (Government)

The Order of the Day being read for the consideration of the Estimates in Committee, Sonny Gallant (Evangline-Miscouche) took the Chair of the Committee to consider the Estimates for the Department of Education, Early Learning and Culture (completed); and the Island Regulatory and Appeals Commission.

Hon. Mr. Speaker resumed the Chair and the Chairperson reported progress and asked leave to sit again, to which the House agreed.

At the request of Colin Lavie (Souris-Elmira), Hon. Mr. Speaker sought, and did not receive, unanimous consent to sit beyond regular sitting hours.

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

7:00 p.m.

Motions Other Than Government

Sidney MacEwen (Morell-Mermaid) moved, seconded by Steven Myers (Georgetown-St. Peters), the following Motion:

WHEREAS Prince Edward Island's population as of July 1, 2015 was estimated at 146,447;

AND WHEREAS a total of 2,202 interprovincial migrants came to PEI in 2014-15 and 3,445 left the province for other areas of Canada for a net interprovincial loss of 1,243 persons;

AND WHEREAS the retention of new immigrants that have come to our province remains a challenge;

AND WHEREAS the youth unemployment rate on Prince Edward Island was at 14.8 per cent in February, 2016;

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AND WHEREAS Prince Edward Island recorded its lowest natural birth increase on record resulting in natural growth (births minus deaths) of 90;

AND WHEREAS the under-45 population has declined by 6.4 per cent since 2005, while the population aged 45 and over has increased by 23.7 per cent over the same period;

AND WHEREAS population growth is critical to the future growth of the Island economy;

THEREFORE BE IT RESOLVED that this Legislative Assembly encourage government to develop a comprehensive population growth strategy for Prince Edward Island.

Debate was commenced by the Mover (7:03); continued by the Seconder (7:14); Hon. Paula Biggar (Transportation, Infrastructure and Energy) (7:52); Bradley G. Trivers (Rustico-Emerald) (8:04); Hon. Leader of the Opposition (8:12); Hon. Richard Brown (Workforce and Advanced Learning) (8:18); Hon. Alan McIsaac (Agriculture and Fisheries) (8:54); and, on his Motion, debate was adjourned.

Adjournment

At the request of Colin Lavie (Souris-Elmira), Hon. Mr. Speaker sought, and did not receive, unanimous consent to sit beyond regular sitting hours.

On Motion of Hon. Alan McIsaac (Government House Leader), seconded by Kathleen Casey (Charlottetown-Lewis Point), the House adjourned until 2:00 p.m. on Wednesday, April 27, 2016.

Charles H. MacKay
Clerk of the Legislative Assembly