

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

Hansard, Published by Order of the Legislature

Third Session of the Sixty-fifth General Assembly

Wednesday, 20 December 2017

MATTERS OF PRIVILEGE AND RECOGNITION OF GUESTS	1257
STATEMENTS BY MEMBERS	1258
CHARLOTTETOWN-VICTORIA PARK (Birthplace of Confederation).....	1258
SUMMERSIDE-WILMOT (Kin Family Christmas Appeal 2017).....	1259
BORDEN-KINKORA (Leona Quigley-Journal Pioneer)	1259
ORAL QUESTIONS.....	1260
LEADER OF THE OPPOSITION (Approval of fracking in Water Act).....	1260
LEADER OF THE OPPOSITION (Full and complete ban on fracking on PEI).....	1260
LEADER OF THE OPPOSITION (Water Act regulations).....	1261
KENSINGTON-MALPEQUE (Island children in low-income households).....	1262
KENSINGTON-MALPEQUE (Child poverty and Island students)	1263
KENSINGTON-MALPEQUE (Child poverty and food insecurity)	1263
KENSINGTON-MALPEQUE (Child poverty and Island students (further)	1263
KENSINGTON-MALPEQUE (Island families below poverty line)	1264
BELFAST-MURRAY RIVER (RFPs for new seniors' housing).....	1264
BELFAST-MURRAY RIVER (Steep decline in vacancy rate for rentals)	1265
BELFAST-MURRAY RIVER (Social housing options)	1265
BELFAST-MURRAY RIVER (Gaps in housing market and dividends)	1266
LEADER OF THE THIRD PARTY (Providing of information for legislation).....	1266
LEADER OF THE THIRD PARTY (Democratic process and meaningful debate)	1267
LEADER OF THE THIRD PARTY (Legislative committee to debate legislation)	1267
WEST ROYALTY-SPRINGV ALE (Gender mix at provincial correctional facility)	1267
WEST ROYALTY-SPRINGV ALE (Programming at correctional centre for women).....	1268
WEST ROYALTY-SPRINGV ALE (Supports from non-government organizations for female offenders)	1268
CHARLOTTETOWN-VICTORIA PARK (Energy management)	1269
RUSTICO-EMERALD (Staying at home on EI vs. working year round)	1269
RUSTICO-EMERALD (Qualifying for social assistance).....	1270
RUSTICO-EMERALD (Social assistance policies).....	1271
RUSTICO-EMERALD (EI claw back and winter work)	1271
RUSTICO-EMERALD (Progress on universal basic income initiative)	1272

RUSTICO-EMERALD (Poverty reduction strategy to include universal basic income)	1272
RUSTICO-EMERALD (Ottawa's offer of research on universal basic income)	1273
STATEMENTS BY MINISTERS	1274
PREMIER (Drawing of the Mixed-Member Proportional Representation Electoral Map).....	1274
TRANSPORTATION AND INFRASTRUCTURE RENEWAL (PEIBWA Leadership Program)	1276
TABLING OF DOCUMENTS.....	1277
ORDERS OF THE DAY (GOVERNMENT)	1278
COMMITTEE	1278
BILL – 25 Public Interest Disclosure and Whistleblower Protection Act.....	1278
BILL – 13 Water Act	1281
THIRD READING	1311
BILL 3 – An Act Amend the Child Protection Act	
BILL 6 – An Act to Amend the Health Services Act	
BILL 10 – An Act to Repeal the Registered Nurses Act	
BILL 11 – An Act to Amend the Regulated Health Professions Act	
BILL 14 – An Act to Amend the Early Learning and Child Care Act	
BILL 17 – An Act to Amend the Electric Power Act	
BILL 19 – Appropriation Act (Capital Expenditures) 2018	
BILL 7 – An Act to Amend the Municipal Government Act	
BILL 21 – Planning Statutes Amendment Act	
BILL 15 – An Act to Amend the Civil Service Superannuation Act	
BILL 8 – An Act to Amend the Teachers' Superannuation Act	
BILL 4 – An Act to Amend the Crown Proceedings Act	
BILL 9 – An Act to Amend the Real Property Tax Act	
BILL 26 – Supplementary Appropriation Act (No. 2) 2017	
LEADER OF THE THIRD PARTY (Escorted from the House)	1316
ROYAL ASSENT.....	1318
BILL 3 – An Act Amend the Child Protection Act	
BILL 4 – An Act to Amend the Crown Proceedings Act	
BILL 6 – An Act to Amend the Health Services Act	
BILL 7 – An Act to Amend the Municipal Government Act	
BILL 8 – An Act to Amend the Teachers' Superannuation Act	
BILL 9 – An Act to Amend the Real Property Tax Act	
BILL 10 – An Act to Repeal the Registered Nurses Act	
BILL 11 – An Act to Amend the Regulated Health Professions Act	
BILL 13 – Water Act	
BILL 14 – An Act to Amend the Early Learning and Child Care Act	
BILL 15 – An Act to Amend the Civil Service Superannuation Act	
BILL 17 – An Act to Amend the Electric Power Act	
BILL 21 – Planning Statutes Amendment Act	
BILL 24 – Lobbyists Registration Act	
BILL 25 – Public Interest Disclosure and Whistleblower Protection Act	
BILL 26 – Supplementary Appropriation Act (No. 2) 2017	
BILL 102 – An Act to Amend the Workers Compensation Act	
ADJOURNED.....	1319

The Legislature sat at 2:00 p.m.

Matters of Privilege and Recognition of
Guests

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

First, to extend greetings to all of our colleagues here inside the rail and the folks joining us in the gallery; I don't believe there is anyone joining us on EastLink t.v. today, but there are folks watching online.

First, to acknowledge those in the gallery, a couple of good young liberals, Isaac MacDonald and Colton Profitt, and Colton's friend Megan Perrault. We appreciate you being here and your interest in the public affairs of the province. We've got Floyd and Leo Keefe from greater Skinner's Pond, we'll call it, and Wilf Richard, who's not here for the first time.

Let me, on behalf of our government caucus, and I'm sure I speak for all of us in recognizing your good work, and thank you for that, your guidance and leadership as we've gotten through some important work in this sitting. To the Clerk and all of the team that works along with the Clerk, the Sergeant-at-Arms and your team, the Pages.

I want to, in particular, send a shout-out to the team that supports our government Caucus. There's a lot of work goes on to ensure that we're prepared, that we're working along in a good sense of partnership, and it's really one of the great things that you learn as a member of this Chamber, is how much goes on behind the scenes.

With that, to acknowledge all of that and thank everyone who's part of it and then, in a further sense, to wish a Merry Christmas, happy 2018, and a joyful time through these holidays to everyone associated with this Assembly and to all Prince Edward Islanders.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you very much, Mr. Speaker.

I'd like to start off today by acknowledge a couple of friends of mine that are celebrating birthdays: Pam Collette and Dorothy McKeigan, two wonderful individuals. I'd also like to send out some get-well wishes to a couple of fine gentlemen from the Summerside area: Gerard Greenan is on a rapid road to recovery, I understand, and Basil Stewart as well is getting stronger every day, so I just want to extend my best wishes to them and wish them a speedy recovery.

Similar to the Premier, I'd also like to thank you for your guidance and professionalism throughout the setting of this Legislative Assembly and thank all of the staff, the Pages, the Clerk's office, the people from Hansard, and, of course, the people in our opposition office that do great work and support us as well so that we can come down here and work with government every day and debate some important matters that they put before us.

With that, there's one individual, actually, that is leaving our office today – she's retiring officially, and that would be Iris Phillips. Iris has been a tremendous researcher and writer for the official opposition for a number of years now and we're certainly going to miss her. She's also one of my constituents and so, while she'll be around my district for a little while, there is talk that she might be looking to relocate to another district, but she has assured me that it will still be a strong Conservative district wherever she goes to.

Just in closing, I would also like to wish all Islanders a very Merry Christmas, a safe and rewarding New Year. I'd like to remind everybody that – just keep an eye out around you and if there's anyone less fortunate than you, please, please reach out and help anyone within your power that you're able to do so.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Ms. Mundy: Thank you, Mr. Speaker.

The Leader of the Opposition kind of stole my thunder today because I was going to get up today and give a big shout-out to Gerard Greenan and Basil Stewart and wish them well on their recoveries as well. So, to them, I hope that they have a wonderful holiday season with their families. I'm glad that they will be home and that they have a new lease on life.

I'd also like to give a shout-out to a young man in Summerside by the name of Ryan Gallant. Ryan has cerebral palsy and has also suffered from many mental health issues over his lifetime and he has organized a fundraiser to be held at the Silver Fox Curling & Yacht Club on the 23rd of December and it's called Rockers for Recovery. All of the proceeds will be going towards mental health initiatives on Prince Edward Island. I want to thank Ryan for his advocacy and I want to wish him the best of luck. We'll see him there rocking on the 23rd.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

I welcome everyone here today and wish everyone a Merry Christmas also.

Last weekend I had an old friend of mine, he had his daughter up playing basketball in Souris so we went out for a lunch and it was the hon. Doug Currie. Doug Currie, he called me up when he had his daughter up and we went out for lunch and he was a great help to me over the last six-and-a-half years. He was. He gave me some great advice. We had a great chat. You know he says – he put his finger right to my chest, like he did many times, because we had lots of battles in here, Doug and I; it was good battles, everything worked out. But he put his finger right in my chest and he says: Mr. Member, he said. You look after yourself in

there because nobody else is going to look after you. Make sure you do it yourself.

I always took his advice and –

Mr. Myers: Tories always look after Tories, don't worry –

Mr. LaVie: – looked after – yeah –

Mr. Myers: – we're good.

Mr. LaVie: – and it was great advice that hon. Doug Currie did give me and it was great making a friendship over the last six-and-a-half years. I look forward to the friendship over the next few years.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Myers: That guy's going to be a (Indistinct) again.

Mr. R. Brown: Going back to his roots.

Mr. Myers: Going back to his roots.

Statements by Members

Speaker: The hon. Member from Charlottetown-Victoria Park.

Birthplace of Confederation

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

First of all, I want to thank the great constituents of District 12 and I wish them a (Indistinct) Merry Christmas.

Also want to thank the staff of the Legislative Assembly for the great job that they do keeping us informed and in control. Although, it's hard sometimes, you have done a tremendous job in keeping us in order. I thank you for that. I especially want to thank the staff of the Government Members' Office. They're the ones that support our members and they do a fantastic job.

I was pretty pleased yesterday about the comments on the recognizing Charlottetown as the birthplace of Confederation. The birthplace of Confederation was in my district in the building next door. It's an

honour to be representing the great district of District 12, the Birthplace of Confederation.

A note that I always bring up to people about Canada and how great Canada is, in 1864 the Americans were at Civil War. They were reconstructing their country through war. Our great country of Canada was reconstructing Canada through the negotiations table, through the peaceful process, and I'm so proud to be a Canadian to see that we are the peacemakers of the world and I can hope that we continue to do that because that's what Canadian is, is being a peacemaker; making sure that the world is a great place to live.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Roach: Good job.

Speaker: The hon. Member from Summerside-Wilmot.

Kin Family Christmas Appeal 2017

Mr. Palmer: Thank you, Mr. Speaker.

The Kin Family Christmas Appeal is an annual fundraiser in my community that collects donations of food, money, children's clothes and children's toys. The donations are sorted into hampers by volunteers and then distributed to families in need before the holidays.

This year was the 68th annual appeal and the donations were collected on December 4th during a three-hour telethon on EastLink. The committee worked all of last week, day and night to prepare hampers for the donations.

Each hamper contains food to last a family a week, along with clothes and toys for children. In total, 205 hampers were distributed this past Sunday throughout the community to families in need.

This is an incredible number of families, who are able to enjoy the holidays a little bit more as the result of the generosity of our community.

I would like to thank everyone involved in the initiative including; donors, volunteers, and especially four co-chairs: Sue Gallant, Eric Ferrish, Ray McCourt, Alesia Desjardins, who began their work on this initiative in September.

It is efforts like this that demonstrate the true meaning of the holidays.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Borden-Kinkora.

Leona Quigley-Journal Pioneer

Mr. Fox: Thank you, Mr. Speaker.

I rise today to acknowledge a very special person in my district. Leona Quigley has been delivering the *Journal Pioneer* in Borden-Carleton for 41 years. There was a wonderful tribute to Leona in the *Journal Pioneer* this past weekend and I urge you all to look it up.

It really touched me to read about Leona, who gets up each day no matter what the weather conditions are and delivers the newspapers to the doors of the residents of Borden-Carleton. Leona has loaded up her bicycle with heavy bundles each delivery day since 1976. She took on a paper route because she wanted to make friends. Leona is a fixture in our community, but sadly, her age is beginning to take a toll and at the end of the month she'll be quitting her route.

I'm sure residents in the area will miss her hard work and efforts to get news to them. She talks of walking through waist-high snow drifts, I have seen that, and pounding wind and rain. Nothing stopped her from doing her job.

Hers is an inspiring story. As it is not only a story of dedication and determination, but a story of a woman, who overcame a speech impediment and the impairments of that and the many obstacles that were put in her way to serve the public.

Leona did make many friends, and although she is somewhat uncertain of her future, I

am assured she will not be forgotten by the people of her community.

In closing, I wish Leona all the best and a Merry Christmas.

Some Hon. Members: Hear, hear!

Responses to Questions Taken as Notice

Questions by Members

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Mr. Speaker, during the 2015 election campaign, the Premier stated that a moratorium may come through the *Water Act* process on fracking. Section 19 of the *Water Act*, subsection (3), gives Cabinet the power to bypass the *Water Act* and allow hydraulic fracturing.

Approval of fracking in *Water Act*

A question to the Premier: Premier, why have you deliberately left such a massive loophole that allows Cabinet to approve fracking?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, the *Water Act*, our first in the history of our province to deal with this important issue so comprehensively, has come out of a very substantial engagement process with interested Islanders, interested community-based organizations, watershed groups, and the reaching the point where the prohibition on fracking or moratorium on fracking was – is in the legislation, is a major achievement, and I think we should all recognize it for what it is. It's a very big step for our province and for our environment.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Mr. Speaker, Islanders took this Premier and his words at face value, but we're all finding out over time that the devil is in the details.

The *Water Act*, as written, allows the ban on fracking to be completely overturned by Cabinet without any public consultation.

Full and complete ban on fracking on PEI

A question again to the Premier: Premier, why is your government refusing to put a full and complete ban on fracking here on PEI?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, this matter has been discussed while the bill has been in committee, and we've heard the minister say in many ways, and on a number of occasions, that any consultation that's to take place, any further action that's to take place under this bill, which we hope through the process of this legislative sitting will become an act, will mirror the engagement and consultation and evidence-based action that has led to the development of the bill, and we stand by that.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Mr. Speaker, the section that I referred to on fracking contains no teeth and no true protection for Island groundwater. I believe, in protecting our water and our Island through a full ban on fracking here on PEI.

A question again to the Premier: Premier, who has lobbied your government to not have a complete ban on fracking here on PEI?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I'm pleased to say that as of late afternoon yesterday, our province now has at least (Indistinct) past second reading, a *Lobbyist Registration Act*. Our government is committed to a regime moving forward

where people will know on an everyday basis who's lobbying the province.

To my knowledge, no one has lobbied in favour of any sort of action along the lines of what the Leader of the Opposition is saying. But let me say that this bill is still before the House. We are still in – and well into, I might say – the Christmas season, and you never know what might come up before the end of the day.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Mr. Speaker.

The Premier refers to the lobbyist act, which here on this side of the room we feel is just as weak as his section in the *Water Act* with regards to a ban on fracturing.

Nova Scotia and New Brunswick both have fracturing moratoriums in place. In fact, Quebec is also looking to put one in place on Anticosti Island in the Saint Lawrence.

Question again to the Premier: Premier, why is your government against an outright ban on fracking here on PEI?

Some Hon. Members: Hear, hear!

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

Mr. Mitchell: Thank you, Mr. Speaker.

Certainly, as has been indicated by the Premier, there has been a significant amount of collaboration with Islanders, with non-governmental organizations, with members of watershed groups all over Prince Edward Island in discussion on this very important issue.

Earlier in the draft act we weren't able to incorporate that, but time over the summer has allowed us to take a second view at that and we're very pleased and proud that it's now forming part of the act.

As discussed by the Premier, we've had great debate on that act. We'll have great debate in the very near future. We'll have more discussion on that to follow, again, Mr. Speaker.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you very much, Mr. Speaker.

During the public meetings in the spring the minister of environment stated fracking would be dealt with in the regulations. Islanders raised concerns, many concerns that regulations could easily be adjusted.

Now, government has put this phony moratorium right into the act.

Water Act regulations

Question again to the Premier: Premier, if this was crafted as part of the regulations, then (Indistinct) will you confirm that the *Water Act* regulations have already been written?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, let me first challenge the use of the word 'phony'. I don't think there's anything whatsoever that's – other than straight-up, collab and positive about the environment that is represented in this bill. We stand by that and I'm sure that Islanders see that and support it.

Of course, the regulations have not been written. It's very clear in all of the discussions that have taken place that that is a process to come. There would be no point whatsoever in starting or undertaking that process until the bill has been passed.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you very much, Mr. Speaker.

On numerous occasions during questioning on this bill, government's answer has been: That issue is dealt with in the regulations.

It's clear to me that this government has already crafted the regulations, and this is why they refused my suggestion to have a special committee, a balanced committee, of all parties, a special standing committee that could author these regulations.

Again, question to the Premier: Premier, why can't your government just come clean for once?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, really anybody who sits –

An Hon. Member: (Indistinct)

Premier MacLauchlan: – in this House and passes legislation that's to become the law understands that if there is a power to make regulations first it's in the future. Though, whatever the Leader of the Opposition was saying is in the regulations. That's: is to be done through regulation.

Any regulation that has ever been done through the power of legislation in this House is done through Executive Council, often through processes of engagement, which we have already committed to.

The notion that you would somehow kind of put that back to a committee of the House, one that may well be created or intended for a stalemate is not consistent with the whole process of responsible –

Mr. Myers: Oh, so we can't work together.

Premier MacLauchlan: – government as we've known it –

Mr. Myers: So we can't work together.

Premier MacLauchlan: – so, if there are others, who want to form a government and get rid of Cabinet then, I suppose, we can look forward to debating –

Mr. Myers: We can work together –

Premier MacLauchlan: – that issue.

Mr. Myers: – we all nod our heads to you –

Premier MacLauchlan: Thank you, Mr. Speaker.

Mr. Myers: – working together.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Mr. Speaker, poverty manifests itself in many visible ways here on PEI. The most recent 2016 census data is out from Stats Canada.

Island children in low-income households

Premier: What percentage of Island children are living in low-income households?

Some Hon. Members: Hear, hear!

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

Ms. Mundy: Thank you, Mr. Speaker.

And you don't have a heartbeat if you don't feel pain when you hear stories like that. We work with families each and every day to overcome the barriers that they are facing in their lives every day. We do help them overcome those barriers. We have programs and we have services there that do help families each and every day, including children.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Mr. Speaker, the answer is 21.7%; that is over one in five children living in low-income.

Child poverty and Island students

Can the minister of education tell us the affect child poverty is having on young Island students and what he's doing to address it?

Some Hon. Members: Hear, hear!

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

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

This is something that really we're just scratching the surface on in terms of education systems across Canada.

What I can tell you that we are doing here is we have one of the best early years programs in all of our country, and probably in North America, to try and pull out disparities amongst children; in particular, vulnerable children, and this is a big part of what the bilateral agreement with the federal government did this spring and it's something that we have set out to continue to work on.

It's an issue that certainly does need to be addressed and we're doing what we can every day, Mr. Speaker, to address that issue.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

It's clearly not enough. One in five children here on PEI are living in poverty right now.

Child poverty and food insecurity

Can the minister in this House – is harming so many Island children. We see it in our communities each and every day.

Can the minister of agriculture tell this House what affect child poverty and food insecurity is having on Canada's Food Island and what he's doing to address it?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Agriculture and Fisheries.

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

It's an excellent question and an issue that we are dealing with. We are working with the department of education, department of health, and several groups; with our local farm Community Food Security and Food Education Program.

As I announced earlier in the session, we started this program, gave out grants upwards of \$10,000 to different groups. One of them is a school in your area, Queen Elizabeth high or Queen Elizabeth Elementary there, that are looking at this very project.

Growing food, showing the young students how they can grow food and things like that; how to handle it, prepare it, that sort of thing.

It is an issue that we have gotten a lot of kudos for for starting this off. It's a pilot-project at this time, but we hope to expand it very much. We're continuing to work with all partners in that to make this program and the food issue thing work very well for all students across the province.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Mr. Speaker, for Canada's Food Island we are suffering from major food insecurity and poverty.

Child poverty and Island students (further)

Can the minister of advanced learning tell us the affect poverty is having on Island students trying to further their education and why he is failing to address it?

Some Hon. Members: Hear, hear!

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

Mr. Gallant: Thank you, Mr. Speaker.

Our department does everything in their power to help Island students get an education with the least burden to them financially, whichever way we can help.

This Career Connect program is going to put almost \$4 million into students' pockets. This is a wonderful program.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

Minister, one in five children on PEI are living in poverty. It's clearly not enough. The fourth annual Report Card on Child and Family Poverty on PEI was released just after this House opened.

It shows that low-income families are falling further behind in funding gaps between \$7,700 to almost \$10,000. These gaps are from the poverty line based on household size and what support this government gives them.

Island families below poverty line

Premier: Why is your government continuing to leave so many Island families and children underfunded and below the poverty line?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

Something that I noted when I read that report, and, in fact, when we saw the census data, is how important it is to keep up with developments as things move forward.

One very big development in our province over the past, not quite, two years, is the new Canada Child Benefit. Twenty-five million dollars in families' budgets and to help children directly in this province and our province made a commitment that

nothing we would do would impinge on or claw-back that funding.

We made tax changes on the order of \$3.5 million. We have the Generic Drug Program. There are many other programs that our government has undertaken that are directly to the benefit of poor families and, in particular, to children in poor families.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Belfast-Murray River.

Ms. Compton: Thank you, Mr. Speaker.

There's been a lot of discussion this House sitting about housing and, in particular, affordable housing. On November 30th, the Minister of Family and Human Services stated to us that there would be RFPs for new seniors' housing for Charlottetown and Summerside.

RFPs for new seniors' housing

Could the minister explain to me where those RFPs are and when are they going to happen?

Some Hon. Members: Hear, hear!

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

Ms. Mundy: Thank you, Mr. Speaker.

As I've stated in this House numerous times that we do believe that affordable housing is one of the most important social infrastructures that a government, that a community, that a province can have. We have committed to 50 new seniors' units. In both, there's 30 in the Charlottetown area and 20 in the Summerside area. Those RFPs do take time to produce and once we have them done, within hopefully the next couple of weeks, we will be rolling them out. But in the meantime, we have been sitting down with developers, we have been sitting down with NGOs, we have been sitting down with our co-design teams and determining what exactly the need is and we will be moving forward with a housing strategy – a provincial housing strategy – the first ever

seen on Prince Edward Island and we are engaged and we are excited and I'm very much looking forward –

Speaker: Thank you.

Ms. Mundy: – the future.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Belfast-Murray River.

Ms. Compton: Thank you, Mr. Speaker.

We've been waiting for the RFP announcement since May. The announcement was made back in May.

A recent CMHC report found that Charlottetown's apartment vacancy rate fell below 1% in October, the lowest recorded rate ever. In Summerside, the apartment vacancy rate fell by nearly half to 2.5%.

Steep decline in vacancy rate for rentals

Question to the minister: What is being done to address the steep decline the vacancy rate availability is for rentals?

Some Hon. Members: Hear, hear!

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

Ms. Mundy: Thank you, Mr. Speaker.

Our economy has been growing. Our population is growing and in certain parts of the province, because of the benefit of the population growth strategy and the economy growing, there are pressures on certain areas of the Island. Charlottetown and Summerside being two of those because they are the most populated areas. We have a housing supply task force that we will be actually announcing very shortly and they will be looking at Island-wide – what the need is out there. They will be working with our co-design or our co-development team on the needs and identifying new and emerging trends and we will address those as we move forward with the provincial housing strategy.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Belfast-Murray River.

Ms. Compton: Thank you, Mr. Speaker.

A funding agreement has finally been reached with Island municipalities after the province clawed back tens of millions of dollars over the last decade. That clawback hasn't helped increased the supply of social housing units available where residents pay a set percentage of their monthly income as rent.

Social housing options

Was your department involved at all in these negotiations to encourage that some of the revenue be earmarked towards projects that increase social housing options?

Some Hon. Members: Hear, hear!

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

Ms. Mundy: Thank you, Mr. Speaker.

I'm glad that you brought up municipalities because, actually, with the new provincial housing strategy, we will be looking to municipalities to have some kind of input and to come to the table. Actually, I have already sat down and had two very, very positive discussions with the city of Summerside around affordable housing and how they could be at the table and how they can be involved. As we know, government alone is not going to be able to address the housing issue on Prince Edward Island, we are going to need input from municipalities, from NGOs, from developers, and from communities.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Belfast-Murray River.

Ms. Compton: Thank you, Mr. Speaker.

One factor cited in the CMHC report was that immigration remains the key driver for rental demand throughout the province, although more immigration is a positive outcome, we all know that, it has basically provided a disruptive impact on the housing market, especially for affordable rentals. We've seen your government dip into the immigration deposit dividends to pave runways and hire teachers.

Gaps in housing market and dividends

Will your government look at the directing of some of those dividends to help address the gaps in the housing market?

Some Hon. Members: Hear, hear!

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

Ms. Mundy: Thank you, Mr. Speaker.

These are all great questions and they are questions that will be answered with the housing strategy. We cannot make one-off decisions. Every time we have something happen within government, we need to have thorough, comprehensive discussions. We need to bring the right people to the table to address these issues and we will, Mr. Speaker, with our housing strategy.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

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

When I was first elected to this House, I publicly decried the level of decorum in the Legislature and made it my mission to help raise the tone of debate here. Since then, I have become acutely aware of some other troubling issues with the quality of debate, especially when passing legislation.

It's often apparent from the questions asked, particularly during committee of the whole, that some members have not read the legislation and are ill-prepared to contribute to meaningful debate. I think this issue could be addressed, in part, if the sponsors of

legislation provided detailed research and briefing documents, including full jurisdictional scans and public feedback well in advance of a second reading.

Providing of information for legislation

A question to the Premier: In future, will you commit to providing this information for every single piece of government legislation?

An Hon. Member: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: I think this is something that might be better taken up in, perhaps, the rules committee or the appropriate committee of the House. There may also be some –

An Hon. Member: Send the question to me.

Premier MacLauchlan: – there may also be some concerns about the way private member's bills come forward –

An Hon. Member: Just like (Indistinct).

Premier MacLauchlan: – and the amount of notice we have of the implications of those bills. So if there's a move to have this taken up by a committee, then I'm sure they'll have an opportunity to consider it.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party, your first supplementary.

Dr. Bevan-Baker: Thank you, Mr. Speaker.

Another issue that I find deeply troubling is the lack of independent thought among ministers and government members when voting on legislation.

Some Hon. Members: Oh.

Dr. Bevan-Baker: It seems as if every single vote is whipped, to the point that a couple of times yesterday, government members were prepared to vote down my amendments before they'd even read them and before they were tabled.

Democratic process and meaningful debate

A question to the Premier: Do you think it is good democratic practice to use your majority to block meaningful debate?

Some Hon. Members: Hear, hear!

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, it's my recollection that those amendments were circulated late last week and we appreciated the member circulating them, but to my knowledge, anyone on our side who casts a vote is doing it with consideration and doing it with appropriate forethought.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party, your second supplementary question.

Dr. Bevan-Baker: Thank you, Mr. Speaker.

Indeed, my amendments were circulated last week, but there were amendments that came forward yesterday from the official opposition which were voted down before they even reached the members on the other side.

PEI is one of the few parliamentary jurisdictions where every piece of legislation is debated in committee of the whole. Most other jurisdictions send their legislations to standing committees, where a diverse range of witnesses can be called and truly informed debate is conducted.

Legislative committee to debate legislation

A question to the Premier: Will you support a legislative committee with two representatives from each party to conduct a full review of all legislative practices, including the necessity of evening sessions, of sitting dates, and of the manner in which we debate legislation?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, in an earlier response, I made reference to the

rules committee and we have committees of this House that have functioned over many governments, over many assemblies, over many – even decades. It seems to me that this all comes out of the traditions of responsible government that have been built up in this Legislature and it's certainly not for me, on a second supplemental question, on what might even be the last day of the sitting, to stand up here and say: Well, let's start doing it on some different basis entirely. If this is something that a committee of this House wants to suggest, and they may do so – but let me say, I don't think we should apologize, any of us, whatever side we're on, for the fact that we do as much work as we do in committee of the whole and the fact that we consider estimates in a committee of the whole – that is a hallmark and something we should be proud of in this Assembly.

Thank you very much.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from West Royalty-Springvale.

Gender mix at provincial correctional facility

Mr. Dumville: Thank you, Mr. Speaker.

My question is for the Premier, who is the Minister of Justice and Public Safety.

In the past, we have seen a problem with overcrowding at the provincial correctional facility that is located on the Sleepy Hollow Road in my district.

Can the Premier inform the Legislature what the current gender mix is at the provincial correctional facility?

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

As the hon. member and others will know, our Capital Budget and Estimates included an expansion of the Provincial Correctional Centre to better accommodate women offenders. When that facility was designed, there was an expectation that there'd be

four; at least, accommodations were made for four offenders in any day of the year.

At the present time, we have more than four women in custody, and many times it may be from 12 to 19, so there's a great need for an expansion of that, and an upgrading of that facility, Mr. Speaker.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from West Royalty-Springvale, your first supplementary.

Programming at correctional centre for women

Mr. Dumville: Thank you, Mr. Speaker.

I understand that the planned addition to the correctional centre will be set aside for female population within the facility. How is your department utilizing this to improve programs for the female population?

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

We all appreciate that women offenders have unique needs, that there is programming that is appropriate in terms of reintegration into the community, and then within the female offender population there's a great benefit to being able to separate those who have a greater probability of being successfully reintegrated from those who may be, I might say, more serious offenders. That's the nature of correctional programming, and with the expanded facility, we look forward to being able to have the female offenders in a proper accommodation in the first place, which is not currently the case, to be separated from male offenders, and to be able to separate different categories, I'll say, of female offenders and to build programming around that.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from West Royalty-Springvale, your second supplementary question.

Supports from non-government organizations for female offenders

Mr. Dumville: Thank you, Mr. Speaker.

What is the role of non-government organizations in supporting service to female offenders?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, the – our provincial correctional centre and our correctional facilities are well known, and we can be proud of this for the high degree of participation and contribution by community-based organizations. I reminded a group of provincial court judges who met in Prince Edward Island this summer, I glibly, or I might say, in a sort of a jocular fashion, that we probably have the only correctional facility in the known world that's known as Sleepy Hollow, but there are indeed community organizations that contribute to a great extent to women programs and to the rehabilitation and integration into the community, and among those, the two that would stand out would be the open door ministries and the John Howard Society, and we certainly appreciate the role that those organizations play.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Charlottetown-Victoria Park.

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

In 2011, our government and Maritime Electric signed the PEI Energy Accord, which at the time lowered power rates for Islanders by 14% and it stabled the rates for the next five years, and I was proud to be the minister –

Mr. Myers: You signed it.

Mr. R. Brown: I was proud to be a part of that signing ceremony at the time.

One of the other things in the energy accord was the office of energy efficiency expansion, and to make things more efficient, and the best way to save energy is to consume less energy.

Energy management

My question to the minister in charge of energy: What is your department doing in terms of now that you're taking the energy management back over from Maritime Electric, which I think is a great idea, what is your department going to be doing in order to ensure that we use less power on Prince Edward Island?

Thank you.

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

Ms. Biggar: Thank you, Mr. Speaker.

As was mentioned, we made amendments during this sitting of the House to the *Electric Power Act* so that efficiencyPEI will be in charge of the demand-side management to introduce a suite of programs that will help Islanders save energy costs, and I would like to actually note that this year we've had, as part of our education on those programs, a 30% increase in our programs for rebates this past year, specifically the HELP program this fiscal year to date was 382; last year it was 100. The rebate programs, also this year, have been 657, and last year it was 586.

Mr. Myers: Somebody's getting (Indistinct)

Ms. Biggar: In particular, our free low-income program has seen a 400% increase in the program uptake, so as you can see, we've already surpassed our dates for the fiscal year and we still have three months to go, and finally I would like to note that I think that's in part through the fact that for low-income families now, they have the option of having the rebate paid directly to the contractors so they don't have to put that up front.

Mr. R. Brown: Great.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

Recently, I was approached by a young mother looking for employment. She provided me with a resume, and it was excellent all the way around. However, she did the math, and when she looked at the wages that she could get, other than government jobs, she calculated it was not worth it to work full-time year round, but better to do just enough to qualify for EI and stay home.

Staying at home on EI vs. working year round

So this question's up for grabs: Minister of Workforce and Advanced Learning, Minister of Economic Development and Tourism, Minister of Family and Human Services, what are you doing to address this issue?

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

Ms. Mundy: Thank you, Mr. Speaker.

I'm glad you asked that question, because I hear it every day, and they need to understand that there are programs there that can help. We made changes to our child care subsidy program. If she is, as a single mom, working a minimum-wage job, she now no longer has to pay for child care.

Her Canada child benefit, that's money in her pocket. We do not include that in any of our calculations. She qualifies for low-income housing. There are so many benefits for single moms out there, for them to get out into the workforce; an increase in minimum wage, as well.

So we have to combat that myth out there. There are programs and there are services, and there is a reason for them to get out there and work, Mr. Speaker.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

She's not a single mom, and she was making more than minimum wage, so likely she probably doesn't qualify.

Qualifying for social assistance

But this summer, I met a couple with four children and their own business, making around \$30,000 per year, but they are struggling to make ends meet. They did the calculations, and given the supports available, they're considering closing their business to go on social assistance.

So a question to the Minister of Family and Human Services: What are you doing to address this issue?

Some Hon. Members: Hear, hear!

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

Ms. Mundy: Thank you, Mr. Speaker.

Again, another myth that is out there –

Mr. Trivers: It's not a myth.

Ms. Mundy: There are so many programs and services out there. The Canada child benefit, if they are making under \$30,000 and they have three children, there's an extra \$15-16,000 that they will be getting that is not taxed. That is money in their pocket.

If they're making under \$30,000, is what you said, they qualify for free child care now. There is no parent contribution.

We have our generic drug program out there. So if they have drugs and medication that any of the family have to take, they qualify for a flat rate for those drugs. We have low-income tax reductions. We have social housing. There are so many programs out there to help families.

The Premier stood yesterday, and since 2015, we have upwards of 40 – between \$40-45 million worth of new programs, provincially and federally, that are designated for low-income families Mr. Speaker –

Speaker: Thank you.

Ms. Mundy: Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

Indeed, there's a dazzlingly complex array of program available out there, which – none of which this family thought that they were able to qualify for when they (Indistinct) worked with their social worker.

Islanders help their neighbours. Everyone in this room has seen benefits that are organized by communities to help their fellow Islanders in need. However, it has come to my attention that if a benefit is held for a person or family on social assistance then the social assistance is immediately clawed back in the same amount.

An Hon. Member: (Indistinct)

Mr. LaVie: Yes it is.

Mr. Trivers: What are you doing to address this issue?

Mr. LaVie: It's been done.

Some Hon. Members: Hear, hear!

An Hon. Member: Asked the same question three years ago.

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

Mr. LaVie: Yes you do.

Ms. Mundy: Thank you, Mr. Speaker.

If there is a donation made to assist a family, our department will work with that family. If it is to help the family, in many cases it is exempt. We do not claw back the finances –

Mr. LaVie: (Indistinct) been there, done that.

Ms. Mundy: – if it is there to help the family, and if you have a particular family in

mind or that you're dealing with, reach out to us and let us work with you –

Mr. LaVie: One in five children are hungry.

Ms. Mundy: – because we do not want –

Mr. LaVie: One in five.

Ms. Mundy: – to see families suffer.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Social assistance policies

Mr. Trivers: Thank you, Mr. Speaker.

This government's social assistance policies and regulations are a complex web of rules and exceptions that are difficult to navigate and often open to interpretation. There are over 80 separate policy documents on this government's social assistance policies webpage. This causes confusion, and it's not always clear if individuals are getting all the support they may be eligible for.

Mr. LaVie: No.

Mr. Trivers: Minister of Family and Human Services: What are you doing to address this issue?

Some Hon. Members: Hear, hear!

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

Ms. Mundy: Thank you, Mr. Speaker.

As has been mentioned and referenced in this House many times, we are undergoing a comprehensive, thorough poverty reduction strategy and part of that poverty reduction strategy will be having a look at the social assistance program and a transformation of the social assistance program. We have been reviewing all of my programs within my department and we have been making considerable changes.

Our disability support program is almost complete. We had a review of the childcare

subsidy program. We are partnering with our other government departments and implementing new programs. We are working hard –

Mr. LaVie: Balancing the books on the backs of (Indistinct)

Ms. Mundy: – to address poverty on Prince Edward Island and we will do it collaboratively within government and with our NGO partners, Mr. Speaker.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

EI claw back and winter work

Mr. Trivers: Thank you, Mr. Speaker.

Many seasonal workers who draw EI would like to work in the winter, but their EI is clawed back if they do. Of course, we all know that some do anyway and simply don't claim the income and that's not good for anyone.

Question to the Minister of Finance: What are you doing to address this issue?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Finance.

Mr. R. Brown: (Indistinct) Islanders (Indistinct)

Ms. Biggar: (Indistinct)

Mr. Roach: Thank you, Mr. Speaker.

I have a lot of faith in the workers in Prince Edward Island and we're all aware that there are seasonal jobs on Prince Edward Island that hard-working Islanders rely on –

Mr. LaVie: Don't try to turn it around.

Mr. Roach: – and I certainly support those people –

Mr. LaVie: We've got one in five kids hungry.

Mr. Roach: – that go out year after year –

Mr. LaVie: Don't try to turn it around.

Mr. Roach: – and take those seasonal jobs and work as hard as they can and they're totally entitled to receiving those benefits that come from the federal government.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

The Minister of Finance once again has his head inserted completely in the sand.

Mr. LaVie: Not in the sand (Indistinct)

Mr. Trivers: All of these issues mentioned in my questions have the potential to be addressed by a universal basic income.

An Hon. Member: Hear, hear!

Progress on universal basic income initiative

Mr. Trivers: A universal basic income gives control back to the people; let's them control their own spending, take personal responsibility, work themselves out of poverty and contribute the maximum they can to Island communities and the Island economy.

Motion 83 called for government to pursue a partnership with the federal government to establish a universal basic income pilot for Prince Edward Island and update the Legislature on the progress of this initiative at each sitting. It passed unanimously on December 6th of last year.

Question for the minister: What progress has been made on the universal basic income initiative since the spring sitting of the Legislature?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Finance.

Mr. Roach: Thank you, Mr. Speaker.

I know that everybody, at least, on this side of the House has a lot more faith in Islanders than what there appears to be from this member, at least. We have a tremendous, great population here. We have some of the people that when there's work there, they'll take that work up. We have one of the best records for that in the country.

Our wage growth is the best wage growth in the country today.

Mr. R. Brown: Great.

Mr. Roach: We're number one.

Mr. R. Brown: Great.

Leader of the Opposition: Answer the question.

Mr. Roach: I believe that –

Mr. Myers: (Indistinct)

Mr. Roach: – with the programs that we currently have in this province, and with the will of our great workers in this province and with the strategy that is forthcoming, that we will enable Islanders to stand on their own two feet the way that they want to.

Thank you, Mr. Speaker.

Mr. R. Brown: That's right on.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

I'm not sure if the minister just didn't hear the question or what the deal is.

Leader of the Opposition: Didn't understand it, probably.

Poverty reduction strategy to include universal basic income

Mr. Trivers: But, 21% of Island children are living in poverty. There are people out there that are encouraged to stay home and not work because of government policies, and the policies that do exist are 80-plus just in social assistance alone, it's a web that's

so hard to navigate. People in the department don't even know if individuals are getting all the programs – all the support they're entitled to.

Not much progress seems to have been made in the 54 weeks since this House passed Motion 83 for a universal basic income. Earlier in this session, the Minister of Family and Human Services said on universal basic income: We've got side A that says it's a universal basic income guarantee or the system is broken. There is another side that says we just need to give more aid. Over here we say – that's her speaking – maybe there's a plan C and that plan C is our poverty reduction strategy.

Question to the minister: Will you commit today that your much-talked about poverty reduction strategy will include implementation of a universal basic income pilot for PEI?

Mr. MacKay: Good question.

Some Hon. Members: Hear, hear!

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

Ms. Mundy: Thank you, Mr. Speaker.

There would be no need for a strategy if I was over here making all the decisions.

Mr. LaVie: You need a strategy to gather up all your strategies.

Ms. Mundy: We have a poverty reduction strategy. We have gone out to the Engage PEI process and we have asked Islanders what they want. Step up to the plate. If you want to be involved and you want to have a say, apply through the Engage PEI process. We've had an overwhelming response and we are now going through the applications so we will put a poverty reduction committee together and they will guide this process.

Not me as minister, and they will come back to me with recommendations. So, I am not going to stand here today and say that – dictate to them what they need to do. If that's what the committee comes back and that's what they recommend, we will look at it. We're listening and we're going to –

Mr. LaVie: No wonder you just got a raise. You should be listening.

Ms. Mundy: – do this together in collaboration with communities, Mr. Speaker.

Thank you.

Mr. Myers: (Indistinct)

Mr. LaVie: (Indistinct)

Speaker: The hon. Member from Rustico-Emerald, this will be your final question.

Ottawa's offer of research on universal basic income

Mr. Trivers: Thank you, Mr. Speaker.

It's pretty clear to all Islanders and everyone in this Chamber here today that we have a problem on this Island with poverty and we have a great chance to look at an innovative solution in the form of a universal basic income that could address many, many of these issues. What we need from this government, what we need from this minister, is leadership. That's what we're talking about. You can listen and you can lead at the same time.

In February of this year –

Mr. LaVie: Not listening.

Mr. Trivers: – the province sent a letter to the feds and were told in kind and research support for our universal basic income pilot was available, but no money.

Question to the Minister of Family and Human Services: Did your government follow up on Ottawa's offer of research and data support, at least?

Some Hon. Members: Hear, hear!

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

Ms. Mundy: Thank you, Mr. Speaker.

Our government has been looking and, I guess, watching intently, at three different –

Mr. Trivers: Talking and walking.

Ms. Mundy: – basic income guarantee pilot projects that are going on; all completely different.

Mr. Trivers: (Indistinct)

Ms. Mundy: The one in Quebec that they announced, I think, it was two weeks ago –

Mr. LaVie: (Indistinct)

Ms. Mundy: – 84,000 people, persons with disabilities were targeted; came under criticism from so many different groups. It's not enough. It's not going far enough. It's not doing what it's supposed to. It's not targeting the right people.

The universal basic income guarantee pilot project in Ontario, we've been watching that very closely and gathering information as well; but again, coming under criticism from all kinds of advocates. It's not going far enough. It's too limited in scope.

When poverty advocates can't even agree on how to address and how to tackle poverty, what does the member on the other side of the room think that there's a magical, there's a silver bullet. There is not. It is complex. Poverty is complex. That is why we are –

Mr. Fox: Understatement.

Ms. Mundy: – looking at it differently. We are going to engage our communities for every – you know what? They say, for every one person struggling in poverty there are six people –

Mr. LaVie: Digging a hole.

Ms. Mundy: – in the community that will step up and help –

Mr. Trivers: Leadership not (Indistinct)

An Hon. Member: Hear! Hear!

Ms. Mundy: – can you imagine –

Mr. Fox: Doesn't put food on the table.

Ms. Mundy: – if we harnessed the power of those people in communities, in municipalities, people like Belinda Woods, Rachel Peters, Sue Gallant, who was

mentioned today. We harnessed the power of those people –

Speaker: Thank you, minister.

Ms. Mundy: – we'd have a great poverty reduction strategy.

Thank you.

Some Hon. Members: Hear, hear!

Mr. LaVie: They'll tell you, you did a good job anyway just to make you feel good. That's their job to tell you (Indistinct) that's their job (Indistinct)

Mr. Trivers: (Indistinct)

Statements by Ministers

Speaker: The hon. Premier.

Drawing of the Mixed-Member Proportional Representation Electoral Map

Premier MacLauchlan: Thank you, Mr. Speaker.

In the Speech From the Throne government committed to ensuring clarity, fairness and fulsome participation on the referendum on electoral reform that will be held in conjunction with the next provincial election.

Fundamental to that work is the creation of an independent map that will lay out the 18 geographic boundaries inherent in the mixed-member proportional representation model considered in the 2015 plebiscite. This work will ensure a level of public education and awareness essential on a matter of such importance as our democratic process.

It is crucial that the map be drawn by a well-respected independent body. To that end, we have formally requested that the Electoral Boundaries Commission undertake this work.

The members of this commission have the expertise and experience required to create a well-considered and informative map. The map will be prepared prior to the

commencement of the spring sitting of the Legislative Assembly.

The independent work of the commission is widely regarded including in the recent redrawing of the 27 electoral districts. The commission's recent work could be considered the most successful redrawing of boundaries undertaken in the recent history of our province, and was unanimously supported by all members of this Legislative Assembly.

It is fitting that the commission be asked to undertake this important role of informing Islanders on a further choice related to our democratic process and future.

I will be tabling, later, a letter to the chair of the Electoral Boundaries Commission requesting the commission to undertake the drawing of a map reflective of the 18 district mix-member proportional representation model.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you very much, Mr. Speaker.

I'm very happy to rise here in the Legislative Assembly today and acknowledge the Premier, that he's actually taking something from the throne speech and move forward on it, it was a commitment that he made and thank you, sir, for doing so.

This is one small, small step with regards to electoral reform here on PEI. We've had much discussion here on the Legislative Assembly this fall, since the plebiscite actually took place where this government failed to recognize the results on that.

There has been countless suggestions brought forward; that it's time to bring the Special Committee on Democratic Renewal back together to start the work towards the next provincial election. To find out and to ascertain what the actual makeup of the referendum will be; what the questions will be.

Most importantly, not only to consult with Islanders, to listen to Islanders, but actually to be able to help all Islanders understand what the process is going to be so that they're out there voting, they will have comprehensive understanding of what the various options are.

While this is a first step, I'd call it a baby step, Mr. Premier, there is still a lot of work to do. I implore you to bring back the Special Committee on Democratic Renewal so that they can get to work.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

We welcome the creation of this map by an independent third party body and we hope that it will actually be used in the next election as we are still waiting for this government to honour the clearly expressed will of the people for proportional representation.

However, we still maintain that the Premier's binding referendum will violate the principle of parliamentary sovereignty, which dictates that a current government cannot bind a future government with its decisions.

We look forward to seeing and working with the map and the associated educational efforts, particularly to balance any fear-mongering that MLAs will be representing more individual constituents.

Some Hon. Members: Oh!

Ms. Bell: It is important to point out that voters that do not vote for the winning candidate in their district, under this future pattern, will be represented for the first time after decades of people voting, but not having a voice. Thank you, Mr. Premier.

Thank you, Mr. Speaker.

An Hon. Member: Hear, hear!

Speaker: The hon. Minister of Transportation, Infrastructure and Energy and the Status of Women.

PEI Business Women's Association

Ms. Biggar: Thank you, Mr. Speaker.

Today I rise in the House to recognize the incredible women who are taking part in the PEI Business Women's Association leadership program. The pilot project is receiving support through my department's Interministerial Women's Secretariat. The goal of the program is to challenge participants to think beyond traditional and stereotypical views of leadership, while encouraging the development of modern leadership skills and competencies.

Leadership requires the host of capacities and strengths including: decision making, problem solving, team building, management planning, and communications. The program is a series of eight weekly sessions, with each week focusing on a particular area of leadership. A total of 74 applications were received from qualified applicants, ranging from 18 to 61 years of age, and from all areas of the province. The candidates came from many sectors and include: students, mothers, entrepreneurs, and civil servants.

10 successful candidates were selected. They are Tara Hill-Burke, Geetika Patel, Ashley Green, Cynthia MacLeod, Jennifer Campbell, Garima Jena, Diana Carver, Ann Higgs, Tate Willows and Hilary Wood and I'm pleased to welcome some of these women to the house today.

Some Hon. Members: Hear, hear!

Ms. Biggar: I would also like to recognize the program manager, Katharine MacDonald, and the rest of the staff and board of directors of the PEI Business Women's Association.

One of the things that makes Prince Edward Island mighty is that our interconnectedness helps Islanders work together and help each other out. We need to work to ensure that there are no barriers for individuals to gain the knowledge and experience to become strong leaders. And we also need to ensure diversity among our Island leaders,

including getting more women into leadership roles.

Prince Edward Island has been a pioneer in supporting and developing strong female leaders. We recognize individuals like Catherine Callbeck, Pat Mella, Marion Reid, and Jean Canfield who have helped pave the way for today's women leaders.

There is still much work to be done to improve the representation of women in all forms of leadership on Prince Edward Island and I would like to thank the PEI Business Women's Association and other organizations that have long supported and encouraged Island women in all sectors. The Interministerial Women's Secretariat will continue to support these endeavors.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Belfast-Murray River.

Ms. Compton: Thank you, Mr. Speaker.

I want to thank the minister for her announcement there about this wonderful leadership program. I want to congratulate all the women that are here – the strong women that are here – and I especially want to thank Katharine MacDonald for all the work she's done on this program. We, especially the women here in the Legislature, understand that the value of working together as women to provide the mentorship, to see that there are opportunities out there for women in all walks of life.

My father used to say: Being a woman is not a barrier. If you commit to something and you work hard, you can succeed. I try and push that forward every day in my life and I recommend to each of you and all of your friends that that should be your motto is: If you work hard, you can succeed. I want to thank all of the women's groups on the Island that work so hard and tirelessly for women and again, congratulations (Indistinct)

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Charlottetown-Parkdale

Ms. Bell: Thank you, Mr. Speaker.

I am in somewhat of a unique situation in that I am still the executive director of the business women's association – the recipient of the grant, as well as the representative for Charlottetown-Parkdale and so I am able to personally extend my thanks to the Minister of Transportation, Infrastructure and Energy and the Status of Women for the support, not only with this year's grant, but with the previous years' grants that the association has been successful in receiving.

I'd like to recognize today Katharine MacDonald, Shannon Pratt – who is also a staff member with the association, as well as the participants, and also Michelle Harris-Genge who is a key liaison for us working on this project. And to inform the House of how critical it is that these grants, that are specifically for women – organization that work with women in the non-profit sector in PEI are the only grants that are available for this kind of work. They are critical to these associations and organizations to be able to start new projects with new ideas, that bring ideas forward that can become something much bigger and greater and for that, again, I commend the Interministerial Women's Secretariat – extend hopes and thanks that with this program of its kind in terms of the funding that's offered will continue and hopefully, perhaps, in the framework for the mighty Island and the economic development plan that even future further investment will be made a priority for women's work within this province as it is so critical.

Thank you again and thank you to the participants making a difference in our province.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Presenting and Receiving Petitions

Tabling of Documents

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

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

Mr. Speaker, by Command of Her Honour the Lieutenant Governor, I beg leave to table the 2015-2016 annual report for the Prince Edward Island Regulatory and Appeals Commission for the period ending March 31st, 2016 and I move, seconded by the Honourable Member from Charlottetown-Lewis Point, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

Mr. Speaker, by leave of the House, I beg leave to table a letter dated December 20th, 2017 to the honourable Gerard E. Mitchell, Chair of the Electoral Boundaries Commission and I move, seconded by the Honourable Minister of Agriculture and Fisheries, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

Mr. Speaker, by leave of the House, I beg leave to table a written question to the minister of justice and attorney general and I move, seconded by the Honourable Member from Rustico-Emerald, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

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

Speaker: Shall it carry? Carried.

Mr. MacEwen: See you in a couple of years.

Some Hon. Members: Hear, hear!

An Hon. Member: (Indistinct)

Reports by Committees

Introduction of Government Bills

Government Motions

Orders of the Day (Government)

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Premier, that the 15th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 15, *Public Interest Disclosure and Whistleblower Protection Act*, Bill No.25, in Committee.

Speaker: The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

The hon. Member from Charlottetown-Lewis Point and the Deputy Speaker will come and chair the committee of the whole.

Chair (Casey): The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *Public Interest Disclosure and Whistleblower Protection Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

Hon. members, yesterday we were reading a section, title, and then opening it for discussion. Are you willing to continue with that?

Some Hon. Members: (Indistinct)

Chair: Thank you.
Permission to bring a stranger to the floor?

Some Hon. Members: Granted.

Chair: Thank you. (Indistinct).

Premier MacLauchlan: (Indistinct).

Chair: Good afternoon, could you introduce yourself and your title for the record?

Blair Barbour Manager: Blair Barbour, Manager of Policy, Planning and FPT Relations for the Department of Justice and Public Safety.

Chair: Welcome to the table.

Premier, do you have any opening statements today?

Premier MacLauchlan: We've made good progress on this, Chair, and we are – really, the act has two parts, the first being the disclosure and the second being the protection against reprisals, and we're well advanced in the consideration of that part of the bill that deals with disclosures.

Chair: Thank you.

Hon. members, we are on Section 14, Investigation not required.

Shall the section carry?

An Hon. Member: Question, Chair?

Chair: Question from the Leader of the Third Party.

Dr. Bevan-Baker: Thank you very much, Chair, and this was one of the clauses in the previous iteration of this bill which, in my mind, had a serious flaw, and I'm really glad that that's been amended. Previously, it was, if I remember right, one year from the date of the alleged offence, which appears nowhere in any other jurisdiction. Now, we have one year since its discovery, or I can't remember exactly what the wording is – a huge improvement.

But I note the wording here is that the Commissioner is not required to investigate if more than a year has passed, but I'm wondering if at the discretion of the

Commissioner whether she or he could choose to investigate, should that 12-month period have passed.

Premier MacLauchlan: Yes.

Dr. Bevan-Baker: Thank you.

Chair: Thank you.

Shall the section carry? Carried.

Section 15. Duties on completing investigation

Shall the section carry? Carried.

16. Deputy head subject of disclosure

Shall the section carry? Carried.

17. Reprisal prohibited

Shall the section carry? Carried.

18. Request for advice

Shall the section carry? Carried.

19. Complaint

Shall the section carry? Carried.

20. Investigation and report

Shall the section carry? Carried.

21. Limitation of liability

Shall the section carry? Carried.

22. Competence and compellability

Shall the section carry? Carried.

23. Manner of service

Shall the section carry? Carried.

24. Regulations

Shall the section carry? Carried.

25. False or misleading statement

Shall the section carry? Carried.

26. Offence and penalty

Shall the section carry? Carried.

27. Discipline, termination

Shall the section carry? Carried.

28. Review

Shall the section carry? Carried.

29. Freedom of Information and Protection of Privacy Act

Shall the section carry? Carried.

30. Health Information Act

Shall the section carry? Carried.

31. Commencement

Shall the section carry?

Chair: Question from the hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I'm just wondering if the Premier could provide a timeline for actually finalizing the regulations and setting up the office of the Commissioner.

Premier MacLauchlan: The principal work, or the work that would be required prior to proclamation would be spelling out the procedures, and of course to have the Commissioner in place, ideally, before the proclamation, but this is envisaged as being done within the next (Indistinct) –

Unidentified Voice: (Indistinct).

Premier MacLauchlan: Let's say, at the latest, by mid-year, but ideally sooner.

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

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Premier, I know we've gone through it, but just bear with me for a second there, on 26, the offence and penalty. There is no way that this can be retroactive, correct? You

can't find someone guilty of an act that hasn't been in place yet, obviously.

Premier MacLauchlan: No.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: And is there – I know, you, yesterday, in your interviews on the privacy commissioner's report, you talked about how those people were no longer with government. Is there any retribution that government can take for what would have been violations of this act at the time? Is there anything that we can go back and do within government?

Premier MacLauchlan: And to be – you're asking about the privacy commissioner's report?

Mr. MacEwen: Yes.

Premier MacLauchlan: I indicated yesterday that we'd read the privacy commissioner's work, and it is my understanding that that matter was referred to the RCMP, but I don't know the details of that, but I understand that that took place.

Mr. MacEwen: And that would be from government, to have referred it to the RCMP.

Premier MacLauchlan: Certainly, the RCMP reviewed the situation. That's what I understand. I wouldn't have been, sort of, in my role at the time, but I'm told that took place.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

The fine of not more than \$10,000, why did we settle on the \$10,000?

Premier MacLauchlan: I think we'll find those are the same fine provisions as in the FOIPP legislation. We're just confirming that, but I believe that's where it came from.

Mr. MacEwen: I think you're right, yeah. Okay.

Chair: Shall the section carry? Carried.

Shall the bill carry? Carried.

Premier MacLauchlan: I move the title.

Chair: *Public Interest Disclosure and Whistleblower Protection Act.*

Shall it carry? Carried.

Premier MacLauchlan: I move the enacting clause.

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

Shall it carry? Carried.

Premier MacLauchlan: Madam Chair, I move the Speaker take the chair and the Chair report the bill agreed to without amendment.

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intitled *Public Interest Disclosure and Whistleblower Protection Act*, I beg leave to report that the committee has gone through the said bill and has agreed to same without amendment. I move that the report of the committee be adopted.

Speaker: Shall it carry?

Some Hon. Members: Standing vote, Mr. Speaker.

Speaker: Hon. members, a recorded division has been requested.

Sergeant-at-Arms, would you ring the bell?

[The bells were rung]

Mr. MacEwen: Mr. Speaker, opposition is ready for the vote.

Speaker: Thank you, hon. member.

Mr. Palmer: Government is ready for the vote.

Speaker: Thank you, hon. member.

All those not supporting this bill, please stand.

Mr. R. Brown: Ah, come on.

Mr. Myers: I would have thought more people were against it.

Clerk Assistant (E. Doiron): The hon. Member from Charlottetown-Parkdale, the hon. Leader of the Third Party, the hon. Leader of the Opposition, the hon. Opposition House Leader, the hon. Member from Borden-Kinkora, the hon. Member from Rustico-Emerald, the hon. Member from Morell-Mermaid, the hon. Member from Belfast-Murray River, the hon. Member from Georgetown-St. Peters, the hon. Member from Souris-Elmira.

Speaker: All those voting in favour of supporting this bill, please stand.

Mr. MacKay: Whip. Whip.

Mr. LaVie: Whip (Indistinct)

Mr. MacKay: Whip. Whip.

Mr. J. Brown: You guys were whipped.

Clerk Assistant: The –

Mr. MacKay: Whip.

Clerk Assistant: – hon. Government House Leader –

Speaker: Order! Order!

Clerk Assistant: The hon. Minister of Finance, the hon. Minister of Transportation, Infrastructure and Energy, the hon. Premier and minister of justice, the hon. Minister of Agriculture and Fisheries, the hon. Minister of Health and Wellness, the hon. Minister of Communities, Land and Environment, the hon. Member from West Royalty-Springvale, the hon. Minister of Family and Human Services, the hon. Minister of Economic Development and Tourism, the hon. Minister of Education, Early Learning and Culture, the hon. Minister of Workforce and Advanced Learning, the hon. Member from Charlottetown-Lewis Point, the hon. Member from Summerside-Wilmot, the hon. Member from Tignish-Palmer Road.

Speaker: The bill is carried.

Some Hon. Members: Hear, hear!

Mr. LaVie: Should be happy.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Minister of Communities, Land and Environment, that the 8th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No.8, *Water Act*, Bill No. 13, in committee.

Speaker: The hon. Minister of Agriculture and Fisheries.

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

Speaker: Shall it carry? Carried.

The hon. Member from Charlottetown-Lewis Point.

Chair (Casey): The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *Water Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

Mr. MacKay: Section by section.

Mr. Trivers: Part by part.

Chair: Thank you.

Permission to bring a stranger on the floor?

Some Hon. Members: Granted.

Some Hon. Members: Hear, hear!

Chair: We'll allow –

Mr. LaVie: (Indistinct) no stranger.

Chair: – him to get settled and introduced.

Good afternoon, could you introduce yourself and your title for the record?

Jim Young Director: Jim Young, Director of Environment, communities, land and environment.

Chair: Welcome, Mr. Young.

Minister, do you have an opening statement?

Mr. Mitchell: Thank you, Chair.

I'll make a couple of opening statements. It's been some time since we have been at the committee desk here with this bill. It's great to get back for debating again.

I know there are many in the gallery that have been present for most of this session as this is one of the primary pieces that they have a strong interest in, so it's great to see them all back in the gallery today.

Before we begin, I do have an amendment that I will be making when we get to a particular section, but I would like for the Pages to be able to distribute it out in advance. I have 30 copies of the amendment to each member.

Chair: You're all ready to go.

Mr. Mitchell: Yeah, we're good to go.

Chair: Hon. members, we are on section 17. I'm going to read the section title, then we'll open the floor for discussion.

17. Annual report to Legislative Assembly

Shall the section carry? Carried.

18. Public information

Shall the section carry? Carried.

19. Hydraulic fracturing for oil or natural gas

Shall the section carry?

Question –

Mr. Mitchell: Madam Chair –

Chair: Yes.

Mr. Mitchell: – if I might. The amendment that I put forward just moments ago does pertain to section 19, the section of hydraulic fracturing for oil and natural gas –

Chair: Okay.

Mr. Mitchell: – is it the process that I would read what the intention is of the amendment?

Chair: It is.

Mr. Mitchell: Basically, what we're looking to do is for section 19. Bill No. 13 is amended by the deletion of section 19 and by the substitution of the following: 19, hydraulic fracturing for oil or natural gas notwithstanding any enactment no person shall engage in hydraulic fracturing within the jurisdiction of the province for the purpose of exploring for or obtaining any oil or natural gas and no authorization to do so shall be given or valid under any enactment.

Basically, Madam Chair and hon. members, what that does is it takes section 19 basically 19 (2) and 19 (3) out of act as it exists, replaces it just with the one clause.

The purpose of that, since it has been some time since we were on the floor. It enables, I'll say, consistency for myself, as minister, and for the department. Obviously, those subsequent clauses were initially looked at in the case of, down the road, if there was some technology that was deemed to be environmentally friendly, that was deemed to be in the interest of Prince Edward Island and Prince Edward Islanders. That it would be something that, perhaps, we could take a look at as a government.

However, having said that, and trying to remain consistent with the messaging that I speak about when we talk about the moratorium as exists on high-capacity wells for agriculture. If there is a need, down the road, as I said many times, to open the legislation to look at new things when that – the science becomes available. Why shouldn't we be able to do the same thing with the fracking? Open it up down the road is something of the nature comes up and technology that we should look at, at the time.

In the opportunity to be consistent in my

messaging to delete those two clauses is what the amendment is trying to achieve here today.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

Firstly –

Chair: Speaking to the amendment, right?

Dr. Bevan-Baker: Absolutely.

Chair: Thank you.

Dr. Bevan-Baker: The amendment, which is a carbon copy of the amendment that I circulated to the House last week. I'm naturally, absolutely delighted –

Chair: Oh, good.

Dr. Bevan-Baker: – by this minister. I thank you for bringing this forward. I don't care where the good ideas come from. I just would like to see good legislation. I'm so pleased that you have made this a true ban. As it was written before the questions from the Leader of the Opposition made very clear at the beginning of Question Period today, it wasn't really a true ban, in any sense, previously.

I'm really happy and I want to thank you for doing what you've done here.

Thank you.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

I do want to congratulate the minister in bringing in this amendment. I want to congratulate the many groups that fought for a ban on fracking. Especially, the name of the group, I know Andrew Lush was key in fighting for that and of course, the Coalition for Protection of PEI Water. I do have a question about the amendment. I was just wondering why it's necessary to specify the purpose of the hydraulic fracturing, as opposed to just banning all hydraulic fracturing.

Mr. Mitchell: I assume what you're saying is the oil and the gas part –

Mr. Trivers: Yeah.

Mr. Mitchell: – that's basically the fracturing is done for oil and gas. Typically, that's the reference to it.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Presumably, the problem with hydraulic fracturing is that it doesn't matter why you're doing it, it has the potential to contaminate the ground water, but here you specifically say: for the purpose of exploring for or obtaining any oil or natural gas.

It would seem to me, that perhaps, that you'd want to consider abandoning all hydraulic fracturing instead of just that for the purpose of exploring for obtaining any oil or natural gas. Just curious as to why that's left in.

Mr. Mitchell: I have no idea, hon. member, what else you would frack for that you reference except for oil and gas, which uses water, so it's the protection of the water for those measures.

Mr. LaVie: Coal?

Mr. Mitchell: I think it encompasses all that we would ever consider working with, I believe.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Well, again, in the interest of making the act future-proof as much as possible, what if there's another element, or mineral, or gas – it could be hydrogen, it could be who knows what – that you'd want to hydraulic fracture. Maybe it's just the way of –

Mr. R. Brown: Ask the engineer behind you.

Mr. Trivers: – anyhow. I'm just pointing that out as a potential weakness and that if there is hydraulic fracturing required for other purposes, it would not be bad. Anyhow, I'm not going to push this too far. I'm not going to amend the amendment or

anything like that, but I did want to point that out.

Chair: Thank you.

Mr. Mitchell: And I appreciate your comments on it. If there's something down the road, I'm sure it will come to light, but as far as the recollection of what's going on in the world today, it's natural gas and oil, basically.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you very much, Chair.

Chair, I'd just like to echo some of the sentiments that have already been said or stated by other members that spoke just prior to me.

Minister, I'd like to thank you and your department very much for actually reinforcing this bill and making it a much better bill by introducing this amendment. We've had lots of debate here in this Legislative Assembly, but we're a small group in this Legislative Assembly, but it's the people that we represent – Islanders in general – that we've listened to and I think it's a win for them today – that this amendment has come in.

So, thank you very much for that.

Mr. Mitchell: Thank you, hon. Member.

Ms. Biggar: Question.

Chair: The hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Chair.

I'm going to take a slightly different approach on this because while it's a win for the people who have fought against fracturing, we are in the late stages of the Assembly, in late December, after this bill being consulted on for over a year, having brought to the floor here, and been pointed out several times about the flaw in fracturing thing.

So while I thank the Leader of the Third Party for bringing this amendment forward to the minister so he could bring it forward,

it raises major alarm bells for me. If it took this level of pushback for you to make this change, how could we trust that the regulations are going to be created in a manner that are going to be conducive to what Islanders' wants are. If it actually took this much for you to change this because you want to get your act passed, how will we ever know that you're going to do what's best by Islanders when it comes to the consultation on – because let's face it, you didn't hear in your consultation anything that said you should do anything but ban fracking. Right across the board, that's what you were hearing. I certainly haven't heard anything otherwise from that, so it makes me wonder if you were willing to ignore that right up to the stage of today, the 20th of December, before you finally saw the light and decided you were going to change your mind and run away from the way you had your bill written, what would make us believe that you're going to do any of the regulations in a fashion that's going to best protect water for Islanders?

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

Mr. Mitchell: Thank you very much, Chair.

I believe some of the hon. member's comments will be dealt with later on in section 76, I believe. Some of your questions will be answered, but I guess, in part of your question of why today, as opposed to any other point in time, I think it was the intention of those that worked on this bill that that section was indeed a full prohibition of fracking as it was intended to be.

However, with the clauses put in, as I said in my preamble at the start, that was basically just that: if something occurred down the road where we didn't have a crystal ball, that was environmentally friendly, environmentally safe, good for the people of Prince Edward Island, in a lot of ways then, was it something that we could take a look at. That was all that section of that part of the bill was supposed to do.

In order to be consistent, I think to eliminate that, as I was saying with the agriculture high moratorium piece that we may put in legislation later on, why couldn't we put this in legislation later on if it presented itself in

that form and that's simply why we are at the 20th day of December making this change in a very collaborative way of listening to the Islanders and saying: Our intention at the department was for it to be a full and total prohibition. If you don't think it is, we'll just make that quite clear and keep everything consistent. That's the reason why we're here today.

Chair: The hon. Member from Georgetown-St. Peters.

Mr. Myers: Well that's not at all what your act said before so that's why it wasn't clear to Islanders that that's what your intentions were.

Because before this amendment, that was made by the Leader of the Third Party – or that you took from him and said you made yourself – before this came forward, you were actually giving yourself the ability to override it on an order by the Lieutenant Governor in Council, which is Cabinet. If Cabinet decided in the opinion that a proposed activity would include hydraulic fracturing, that they could actually come to you and request that you override it.

So, there was no way Islanders would believe that your intentions were to not fracture. That wasn't a ban on fracturing at all and you can say whatever you want; my point remains the same – is that if you would go to these lengths to try to make Islanders believe that you listen to them when it took you trying to get your act passed here today to do it, how can we trust that in the regulations, you're not going to do the same thing and just make up whatever – you can make up whatever regulations you want and say: Well this is what I heard in my consultation, even though that's not what you heard in your consultation because that's not what you heard in your consultation when it came to fracturing until you made this amendment today.

So are you planning on making an amendment to the regulations so that there's a better way to capture them?

Mr. Mitchell: Hon. member, we will begin work now on regulations. I would say it's safe to say that we have collected some data that will be presented towards regulation,

but the work will begin today on regulation and all Islanders will be a significant part of that. Many in the room that are sitting in the gallery today will have a part to play as we move forward on regulations, so it will be another great process as we move forward after today.

Chair: The hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Chair.

Again, my point is this: The same people that you're pointing out in the gallery went to your public consultations and said: ban fracking. You didn't put it in the act until it was brought forward to you by an amendment by the Leader of the Third Party and you decided that as a good one, knew it was going to pass today because he was going to move it if you didn't and that the House would have to vote for it because it was the right thing to do.

Your original documentation here that's now being amended, it completely ignored the people who you're pointing to in the gallery who were against hydraulic fracturing to begin with and you're actually making my point for me. That if they are part of the consultation process on regulations and you've already ignored them right up to this point, until you felt the pressure that you weren't going to get your bill passed before Christmas, how would we ever trust that you're going to listen to them when they come back to the table to help you build the regulations, when you've obviously ignored them right up until December 20th?

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

Mr. Mitchell: Thanks, Chair.

I think what's presented before us today is pretty evident of some great work that's gone on over the last two years in regards to protection of our water –

Mr. Myers: Chair? Why isn't he answering my questions?

Chair: Hon. Member, he's answering your questions.

Mr. Myers: No. I asked him how we can trust that this is about the regulations and he's talking about the virtues of the act.

Chair: The minister –

Mr. Myers: No. That's it's a great act and stuff.

Chair: Hon. member, the minister has the floor.

Mr. Myers: Well, maybe he can answer my question.

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

Mr. Mitchell: That's probably a technical answer (Indistinct)

Mr. Myers: That'd be fantastic.

Chair: Okay.

Mr. Myers: We'll get the answer, at least.

Chair: Jim Young.

Jim Young Director: Throughout the consultation process, from the first time we went to our first meeting, the issue of hydraulic fracturing came up. The original proposal that was put forward is thinking that there might be a change in science down the road and giving potential opportunity for something to take place if there was no harm to the environment, realizing that anything of such would have to go through a full environmental impact assessment, et cetera.

Realizing that the House sits twice a year; that we don't see based on our research, and if you go on the Canadian Council of Ministers of the Environment website, you will see numerous documents detailing oil and gas exploration, hydraulic fracturing, et cetera. We have not seen where science is changing at all; thus, the recommendation to the minister to step back on those clauses, and thus the presentation today.

Chair: The hon. Premier.

Premier MacLauchlan: Chair, I'd like to say I appreciate everyone who has taken part in this, going back to the early stages of the consultation that led to this point, and I

would commend the minister and staff and members of the House, and the people and the community, and the community groups who've done the work together to achieve this very simple clause that we're now looking at (Indistinct) which is a ban on hydraulic fracturing, and I propose it's time to call the question.

Chair: Are you ready for the question on the amendment?

Some Hon. Members: Question.

Chair: All those voting in favour of the amendment, raise your hand.

Thank you.

The amendment – all those voting contrary-minded, raise your hand.

Thank you, it is unanimous. Shall the – the amendment is carried.

Shall Section 19 carry? Carried.

20. Discharge of contaminants

Shall the section carry? Carried.

21. Notice and remedial measures

Shall the section carry? Carried.

22. Water protection orders

Shall the section carry? Carried.

23. Emergency field orders

Shall the section carry? Carried.

24. Orders not precluded by compliance with standards, etc.

Shall the section –

Chair: Question on Section 24? The hon. Member from Rustico-Emerald.

Mr. Trivers: Sorry, it's actually 25. I just wanted to make sure (Indistinct)

Chair: Okay, shall Section 24 carry? Carried.

25. Recommendation for designation of water management area

I have a question from the hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

As the Member from Georgetown-St. Peters pointed out, given the veracity of public input and lobbying that was required in order to get this act changed, for example to ban fracking, and many other changes, I was wondering, in Section 25 (2)(a) – so this is talking about: In assessing whether or not to recommend an area for designation as a water management area and what regulations should apply within the area, the minister may seek public input.

I was wondering if that perhaps should be: Shall seek public input.

Mr. Mitchell: Hon. member, your point's very well taken. I feel it could be shall, actually, and I would accept an amendment if you wanted to on that.

Mr. Trivers: I'd like to move an amendment, then, to Section 25 (2)(a) to replace 'may' with 'shall' as the first word in that subsection.

Chair: Because it's just a one-word change, is everybody in agreement with the hon. member's amendment, and is everybody clear that it's going to be changed from 'may' to 'shall'?

Some Hon. Members: Yes.

Chair: All those in favour of the amendment of the word change, raise your hand.

Contrary-minded, raise your hand.

The amendment is carried.

You're okay with that? You're good with that?

Thank you.

The hon. Member from Borden-Kinkora has a question.

Mr. Fox: I've got a question that refers to multiple sections. I'm sort of wondering if you bring it up at the first section, which is number 23, or bring it up at the end of number 57. So should I bring it up at 57 or 23 and deal with it all at once?

Mr. Mitchell: Yeah, 23 went by.

Mr. Fox: I'll wait until the very end.

Mr. Mitchell: It's up to the Chair which method –

Mr. Fox: I'll wait until the very end (Indistinct)

Chair: Okay, thank you.

Shall section – oh, sorry.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

This section, the water management areas, is sort of the meat of the whole act. This is what – where the real action is, and so I do have a couple of questions on this, Chair.

One, I was suggest, as the Member from Rustico-Emerald did, that that may be changed to a 'shall'. I thank you for doing that. But I notice that when it comes to – is there anything in here, let me put it this way, is there anything in here to prevent government from never creating any water management areas? Because I couldn't see it in the way it was worded.

Mr. Mitchell: To never create a water management area –

Dr. Bevan-Baker: Yeah, well, it talks about water management areas, but is there any compulsion for government to actually do so?

Mr. Mitchell: The short answer is yes. We're very much needing water management areas, I feel, and there's certainly a lot of requests to be a part of that has already ensued, I guess. Jim, do you want to talk about it?

Jim Young Director: As you can see in Section 25 (1), the (a), (b), (c), and (d), there's various types, and there would be

some automatic ones that we have now that would be transferred over from the *Environmental Protection Act*, so the well-field protection areas. The well-field protection areas are very distinct lines that come into play to deal with the bacteria zone, organic zone, and inorganic zones around well-fields to protect the actual well-field itself.

Different from municipal supply areas, what you're protecting is a larger area for potential the development (Indistinct) supplies down the road, so you can see these are things that folks that work for us in the department, and people out there, the utilities, et cetera, would want to do right away and get on with this.

The larger ones of sustainability planning, as you can see from the description on the subsequent pages in Division 2, it details things like quantity and quality of a resource, environmental flow needs, health of ecosystems; so you're dealing with the total broad base sustainable plan. That would be a much bigger piece. How that exactly will roll out, we don't have written in regulation yet. We would seek a lot of public input on that, because there's a lot of experts out there that we would rely on to do that.

So, to say that we're going to be pushing these out the door, we need to develop the regulation before we can get going in doing it, and then I think once we get the details of the regulation developed, people will be able to see where the need is for these types of areas immediately.

Mr. Mitchell: From my perspective, I see this as an expansion of some things that exist and just evolving it out even further. It's certainly not in any way, shape, or form to be something that we're not acting on. We're acting on some of it now; we're just going to continue to roll that out, from my perspective.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

This section – in the opinion of the minister, that's the operative clause for this entire part, and I'm wondering why there's no mechanism for the public or stakeholders or

municipalities or watershed groups, for example, to be able to initiate the creation of a water management area.

Mr. Mitchell: Do you have an answer for that one?

Jim Young Director: Yeah, the –

Mr. Mitchell: It's in that other section.

Jim Young Director: This first section here – are general clauses, but when you move into the other pieces, you'll see where there's opportunity there for people to input, although it is the minister. But you're talking about municipalities, persons of interest, which would be watershed groups, and I explained earlier what I mean by that, so that would be the watershed groups and any other individuals or organizations to come forward with a plan.

So it's not like – my feeling on this would be it would be detailed in regulation how these would step forward, and everybody would be fully consulted on that and briefed on that. These are just the enabling pieces. The details are not going to be here right to the nth degree in terms of how this will work, okay. Because, as you pointed out, this is where the meat is. This is new, and we're going to see some very detailed regulations in this area.

Mr. Mitchell: I think, hon. member, also to your point, you'll see there where it's referred to 31, 33, 35, and 37 a little bit later on there. Like back – in 32, for instance – in 31 (2)(d)(i): "...consultation with stakeholders, residents of the area to which the plan may apply and other persons who may potentially be affected by the provisions of the plan, with respect to the development of the plan..."

We want it to be everybody that needs to be a part of that, to be a part of that. That's why we're saying, we're not limiting it to watershed group individuals. We're putting it to all individuals of that area.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I appreciate that. Clearly, there is lots of scope for input. I understand that, but I'm

wondering whether we could add a requirement in the regulations for the public to be able to actually initiate –

Jim Young Director: In the regulations –

Mr. Mitchell: Yeah –

Dr. Bevan-Baker: – the creation of –

Mr. Mitchell: – if you want to promote –

Dr. Bevan-Baker: – a watershed management area.

Mr. Mitchell: – through some way through regulation. Certainly, I absolutely would be appreciative of that.

Dr. Bevan-Baker: I shall do so, thank you, minister.

Thank you, Chair for this section.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

Perhaps this question was just answered in that dialogue and debate. One of the main concerns from various advocates for water on Prince Edward Island is that municipal limits on water withdrawals are included in the act.

I was wondering if, because obviously, they're not in the act, those sorts of limits aren't in the act right now. If a water management area designated for – because of 1 (c) in other words it's a municipal water supply area, would it be in the regulations then for that water management area as referred to in 25(3) that would actually, or could put, limits on water withdrawals for municipalities?

Again, I apologize if this was already answered.

Mr. Mitchell: I'll let Jim –

Jim Young Director: Yeah –

Mr. Mitchell: – touch on it, first, anyway.

Jim Young Director: We kind of talked about it before, but, yes, it would be detailed

in regulation. It would be based on work and research we're doing right now on stream flow.

There would be requirements under various types of management plans for withdrawal limits, exactly.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: So, just to be clear; the regulations that will be getting public input for the *Water Act* will include municipalities as water management areas where the regulations can include limits on water withdrawals?

Jim Young Director: Yes.

Mr. Trivers: Okay, thank you.

Chair: Shall section 25 carry? Carried.

26. Content of recommendation

Shall the section carry? Carried.

27. Registry

Shall the section carry? Carried.

Status to be monitored, assessed 28.

Shall it carry? Carried.

29. Recommendation for change by Minister

Shall the section carry? Carried.

30. No injurious affection

Shall the section carry? Carried.

31. Order re development of water sustainability plan

Shall the section carry? Carried.

32. Recommendation by Minister

Shall the section carry? Carried.

33. Order re development of aquatic ecosystem protection plan

Shall the section carry? Carried.

34. Recommendation by Minister

Shall the section carry?

Dr. Bevan-Baker: Question.

Chair: Question on section 34 by the hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

In sub 2 of this section 34 it refers to wells for domestic purposes. I was wondering how that would apply to wells that are for mixed purposes? For example, municipal wells that supply homes, but also industrial, commercial uses or wells that supply both a home and a small farm or other business?

Jim Young Director: I'll refer you to the definition for domestic wells is low-flow wells for homes. It's not commercial, industrial or anything. This is just for fire protection and for domestic purposes and that's it.

That's for sanitary, cooking your food, et cetera.

Mr. Mitchell: A municipality would have a withdrawal limit that they're working within if they were providing a fire service to commercial buildings within their municipality.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

It just says: wells for domestic purposes. We have different types of wells –

Jim Young Director: Yeah.

Dr. Bevan-Baker: – so it doesn't actually. It could be a high-capacity well.

Jim Young Director: When you think about aquatic, realizing the area we're in here. Aquatic ecosystem protection areas. We're talking about areas where, for example, I'll use the example Bear River, down east, were we use that as our background monitoring location –

Mr. LaVie: Careful.

Jim Young Director: – and we would want to, the government itself, the province, my department would want to go forward and protect that area in terms of limiting development there. We have a watershed that we can use as our background watershed.

There is no industrial development. These areas are developed where there is no industrial, commercial, that type of development. It's because it's to protect the ecosystem itself, holistically.

Dr. Bevan-Baker: Yeah, okay.

Thank you, Chair.

Chair: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Chair.

One quick question and I'm just going to ask it under the recommendation by (Indistinct) I'm not sure where to ask it.

I've got – it's a scenario in my head here. I just – so there are two potato farms, both on 1,000 acres. There's allowed one well per PID number right?

Mr. Mitchell: Right.

Jim Young Director: Right.

Mr. MacKay: Okay, so two farms, 1,000 acres each. One farm has 10 PID numbers on 1,000 acres and the other farm is all associated with one. What happens in a situation like that?

Jim Young Director: The rule right now in the way the present regulations, or act and regulations read, is you're allowed a well per PID number. Like, what we would call under the new regulations, a low-capacity well, or a new act, a low-capacity well.

Chair: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Chair.

I know of a few farms, for sure, that operate out of one PID number so they could have, I don't know how big of a farm they have;

600, 800 acres with one PID. They're only allowed to issue one well.

Then, you have the neighbouring farm that jumped on the bandwagon, and when they were doing it made sure there were PIDs with every piece of land they bought instead of combining them in one. The neighbouring farm could have 10 wells to their one and there's no regulation to deal with that?

Jim Young Director: Not today. After the act is passed and the new regulations are in place there's assessment on every existing permit that's out there. So, if there's an impact from any existing permit that's out there, those will be modified and changed so there is no impact and they'd be based on the withdrawal.

Jim Young Director: Yeah.

Mr. MacKay: Perfect, thank you.

Chair: Thank you.

Shall section 34 carry? Carried.

Municipal Water Supply Areas

35. Order re development of municipal water supply plan

Shall section –

Mr. Myers: Question.

Chair: A question on section 35 from the hon. Member from Georgetown-St. Peters.

Mr. Myers: I notice in here it talks about: the consultation with stakeholders and residents of the area to which the plan may apply, and other persons who may be potentially affected by the provisions of the plan.

What's the recourse for somebody, who lives in an area where a proposed municipal well is going in and they don't want it there because they're fearful it'll impact their own water supply, as we've seen it happen with the Winter River?

Jim Young Director: This particular area is about protecting the future supply. It's not the immediate wells itself. The next piece is the immediate wells.

This whole idea here is to protect the area so that there is future water supply for the future in terms of the types of activities that go there, in terms, of industrial type of activities that we would want to limit that activity so that we're protecting the groundwater quality and flow withdrawals in the future.

Chair: The hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Chair.

This is a future plan that is going to over – so, if you do, in the consultation process, an area says: I don't want a municipal well field or any type of major deep water well or irrigation ponds or anything, what provisions are in there for that – for those residents to ensure that that becomes part of the long-term plan?

Jim Young Director: I guess, first of all, a municipality wouldn't want to go to an area that people don't want them. That would be, I guess, a start because, typically, before they can start developing a well field, they would purchase land so they can drill wells, in terms, of doing their exploration.

If people don't want them there and the landowners don't want them there, they're not going to be there looking for water itself.

The other pieces, and you referenced Winter River, we hope we don't ever go there again. That's the whole idea behind this act. We can control the withdrawals. We can manage things of the future so that we're protecting our stream flow to protect aquatic habitat in the future.

Chair: The hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Chair.

I actually see, in the not-too-distant future where you're going to have those outlying areas all saying no. No, you're not coming here. We don't want you here.

In that case – and take Charlottetown, for example – where all of the surroundings start saying: no, we don't want you, no, we don't want you; what provisions are in there

to ensure that those people are protected through this planning process?

Jim Young Director: Well, in terms of that, like I said, they wouldn't even go there to begin with; and as far as these utilities go, especially our two largest ones, they've already projected out there 50 years to 100 years and what they're looking at, and they're out there securing land and negotiating with landowners in the area.

I know Charlottetown has for sure, and we've had discussions with Summerside as well in terms of they're looking at long term. Because somebody stands up in the area, if they don't own the land and they don't have a say, the rules here and the regulations in the acts that we want to put in place are about ensuring sustainability of the future and binding it in legislation so that we don't run into situations that we have right now today, as you pointed out.

So we're trying to make sure that the whole public is engaged in this, and trust the act that they've contributed to, and then again, contribute to the development of the regulations so they'll have a say in that.

Mr. Myers: Okay, thank you.

Chair: Shall section 35 carry?

36. Recommendation by Minister.

Shall the section carry?

Question from the hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

Referring to subsection (b) which allows "...recommending an amount that may exceed limits on water withdrawals or water withdrawal approvals that would otherwise apply..." where it relates to municipalities; so effectively, the exemption allows for a municipality to be exempt from those water management areas. Why would we see this exception being needed? Is this specifically for Charlottetown?

Jim Young Director: Right now we know one situation without going out and doing detailed evaluation in terms of what we need for stream flow. There could be other ones.

When the act comes into play and into force, that automatically puts Charlottetown outside the act.

So the regulations will detail steps that they need to require to get into line, and Charlottetown's already taken that wholeheartedly, where they're looking, as I said, out 50 years or longer to find more water, more well fields. There are – have instituted water conservation programming that has brought them into line with 2000 levels of withdrawals, which is significant; 17 years, we're at 2017. They rolled the clock back to 2000 levels in terms of water withdrawals.

So municipalities are taking to serious, we want them to take it serious, and this act will give us the authority to make them take it serious.

Mr. Mitchell: And it's fair to say at this point we all know the situation, and it's something that all parties are dealing with at the present time. As I indicated in my discussions, with many at tables I sat with over the last couple of years, the problem exists. They're trying to work on it. We're trying to help identify things that they can work on. It's been reasonable but we don't want them breaking legislative laws either.

We have all had the discussion that when we get to the point in time where everything is met, we will be able to put it directly in legislation that these levels are met and are maintained and they're kept after that point in time. Everybody is working towards that.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

I certainly recognize that it would be better to address in legislation than in regulations, and so particularly in this case where the municipal water supply challenges, which we know are there, are affecting more than those municipalities. They're affecting – Charlottetown's well fields are beyond the borders in surrounding communities, and so those outlying communities are the ones that are carrying the risk for those potential water shortages, particularly things like the Winter River watershed.

Where Charlottetown extracts too much water, it's the communities in those watershed areas that are going to suffer the consequences. So while this plan is in place and while this work is happening in consultation, what kind of compensation or work is going to be happening to provide for the impact on those communities in that time frame while that risk is being imposed on them?

Mr. Mitchell: That's a good question. In the existing case of Charlottetown, they're getting ready to turn on that second well field –

Ms. Bell: Yeah.

Mr. Mitchell: – basically any day. Automatically, that will – we'll see benefit of that, with the provision that, as Jim mentioned earlier there, they're trying to identify where and work needs to begin immediately on another site.

These are things that – they're not achievable overnight, although every one of us would like them to be, so we have to work with them and they're working with us and the very moment where they flip the switch for the second we're going to see benefits in Winter River. We know that. The science can tell us that, we're very happy about that, but we certainly need to move forward immediately on identification and work on the third.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

So we've identified that legislation would be stronger than regulation, and knowing that this is an existing challenge and we're quite clear about the scope of that, under this exemption as it stands municipalities could potentially continue their unsustainable practices –

Mr. Mitchell: Yeah.

Ms. Bell: – you know, indefinitely.

Mr. Mitchell: That's not the intention, but –

Ms. Bell: No.

Mr. Mitchell: – I do realize if there's any particular piece of this act that I know will get this reopened, this is one in particular that I know the act would be reopened to deal with out in the future.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

On that basis then, I would – I think it would be clear that we should put a time limit in place to actually make sure that that is part of the legislation, and so I'd like to introduce an amendment to add a five-year time limit to the other amendment that was previously introduced, Chair, in our previous filing?

Chair: Okay.

Ms. Bell: So, a motion to amend.

Chair: Motion to amend, and do you have copies?

Ms. Bell: Yeah. It was provided in our –

Chair: Okay. (Indistinct)

Ms. Bell: – previous circulation.

Chair: Could I actually see it?

Ms. Bell: This is amendment number two to section 36.

Would you like me to read that into –

Chair: Yes, hon. Member, would you read your amendment into the record?

Ms. Bell: This amendment amends section 36 of the bill by renumbering it as subsection 36(1) and adding a new subsection (2) that limits the maximum period of time during which the withdrawal of water in amounts in excess of the applicable limits may be authorized by regulation made under clause (1)(b) to five years.

So Bill No. 13 would be amended in section 36

(a) by renumbering it as subsection 36(1); and

(b) by the addition of the following after subsection (1):

Time limit

(2) A regulation made under clause (1)(b) shall not give approval for the withdrawal of water in the amounts in excess of the applicable limits for a period of more than five years.

Chair: Thank you.

Hon. members, there's an amendment on the floor. Would anybody like to speak to the amendment, or are you ready for the question on the amendment?

Some Hon. Members: (Indistinct)

Chair: Are you ready for the question on the amendment?

Dr. Bevan-Baker: Chair, I'd like to speak to the amendment.

Chair: Yes, the hon. Leader of the Third Party, speaking to the amendment.

Dr. Bevan-Baker: Thank you.

I think my colleague did a great job of explaining why we think this amendment is necessary, because currently there's no limit to how long a municipality could exceed the safe withdrawal on any watershed management area.

This allows – I'm recognizing the status quo, particularly in Charlottetown, and we're all aware of the problems there – but they cannot just sit back and allow that to go on indefinitely. But okay, five years from now, you're going to have to have a plan in place, or even better you're going to have to reduce your use or use conservation measures or whatever, find an alternate source, so that you are complying with the act.

I think without this five-year limit there is no compulsion for municipalities to do the right thing, so I would strongly urge Members of this House to support this amendment.

Chair: Minister?

Mr. Mitchell: If I could, hon. member. I have had lots of discussion on this over the last two years, but I've only been involved in the last two years, of course. I fully know that the City of Charlottetown is working towards steps, but they take some time.

As I said, I've only been in the chair two years, but Jim's been in there for a lot of years working with them and identifying things like this, so I'm going to let Jim just kind of take a little bit of the answer as well there.

Jim Young Director: Thank you.

In terms of a window of five years, the new well field that Charlottetown is getting ready to turn on has probably taken them at least 15 years to get going, so a five-year limit is just not practical. It doesn't make a lot of sense in terms of that.

Charlottetown, if you look at their numbers and they're on the website, that they're down to 2000 levels from 2017, and they're getting ready to turn on another well field. They're going to cut back on Winter River and they're exploring for another well field, so the costs are probably upwards of \$80 million. It takes a long time to raise that money. It takes a long time to put that in place, to negotiate land deals, to do all sorts of things for water management, so a five-year window just doesn't make a lot of sense. Sorry.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Two responses to that, Jim.

One is perhaps if there had been a five-year window there, it wouldn't have taken them 15 years to do it and the people of Suffolk and Miltonvale Park and Brackley would have been protected.

The second thing is that this is a five-year – Cabinet can provide this five-year limit to have your fine in place. If they're partway towards that plan, then that five years can be reissued. It's just to make sure that there is a process in place that municipalities can be, their feet can be held to the fire.

I'm not saying whatever has to be done needs to be done within five years. If you

haven't got it done in five years, yes, we'll issue another five-year exemption, but you better get your act together.

Chair: Thank you.

The hon. Member from Charlottetown-Victoria Park.

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

As being a former chairman of the Charlottetown water commission, it does take a tremendous amount of time to develop one of these well fields. I know in 1996, when we were considering redeveloping the well fields for the greater Charlottetown area, we have to understand that when the amalgamation happened a lot of wells were taken – a lot of household wells were taken off the system and put into a central system, which is good for the environment, I think.

It's just too short of a timeframe, five years to develop this strategy. I know for a fact that the City of Charlottetown, through the current city council, is doing a tremendous job in reducing water. Water meters have been introduced to the City of Charlottetown. All residents of the City of Charlottetown have to have water meters now. I know Councillor Eddie Rice is working extremely hard to reduce water and as Jim indicated earlier, they're down to the 2,000 levels, which is phenomenal when you think about it. So, I can't support the amendment because it takes a lot of time, and I have faith in the City of Charlottetown to do the right thing.

Thank you.

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

Mr. Mitchell: Thank you, hon. Member – and to the Leader of the Third Party's question there: It's an amendment that I can't support today. What I would like to do, though, in place of this, until we get to the point where we have an ability to do that, I would like to come or appear yearly through the standing committee to give an update on where Charlottetown sits and what work's going on and what we're doing together. They've done a lot of work, they've done it openly and I'd be prepared to do that on a

biannual or annual basis to give a full update to the Standing Committee on Communities, Land and Environment on this to whatever level's available.

Chair: The hon. Member from Charlottetown-Parkdale

Ms. Bell: Thank you, Speaker.

Thank you for your comments, minister.

To draw the point back to the original point for the amendment which is that currently there is a clause in here which provides for an exemption to those recommended limits, and so with nothing else in place, there is nothing to say how long that exemption would stay in place and that is the core of the risk. So it's not about the time it takes for planning, but that, indeed, without any form of limit, there is no limit. Certainly there's an argument to be made that says that in the absence of any limits there is no compelling reason to attempt to try to affect change. It is about considering the original cause for challenge and the reason the amendment was brought forward.

Mr. Mitchell: Yes. I do appreciate where your thoughts are with this, but I know that there's a lot that goes into this and I'd be willing to keep you well-informed moving forward as to where things are. You know what? There may be some pieces of regulation that will be presented too that will be some protection measures, as you speak of. So there are opportunities as we move forward, but certainly I'd like to keep you involved and part of the process is to just what's going on moving forward. I can't commit to the five year today.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

Minister, I appreciate your willingness and your sincerity in wanting to appear before committee. The problem with that sort of approach, though, is that you're not going to be the Minister of Communities, Land and Environment forever and that's why we have legislation which lives beyond the term in office. I just don't see why there would be any pushback to this. We're not saying that you have to have a plan complete in five years; we're just saying every five years,

you have to come to us with a sign that you are moving towards sustainable use of the water in your municipality.

It would so encourage municipalities to start really solid conservation programs, something that's severely lacking here. We take our water for granted. In the same way that energy – the best way to reduce energy is to not use it. Conservation plans when it comes to water are also the most effective way and without this, as my hon. friend said, they're not compelled to do anything and I'm just not sure why you're resistant to this.

Mr. Mitchell: Okay. Well, I guess I'm not being resistant, I'm being realistic. From my perspective, five years will not get – we know we're going to be (Indistinct) five years right now. So I guess –

Dr. Bevan-Baker: And that's fine.

Mr. Mitchell: – to deal with it in this way, there may be something in regulation that we could make it a little bit – a little more teeth, for the lack of a better term, but at this point in time I already know that we're looking – probably exceeding five years.

But to the point of – I am minister now and I would be quite one to come to a standing committee to talk about this anytime, but I know that most ministers do go to their respective standing committees for updates periodically and we do get invited all the time, so that's the option that would bring whoever the minister is of the day to come and give you an update on what the situation is. We would like to continue to work on this and keep an eye on this and maybe revisit it later on, even, or at least discuss it in regulation.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

My suggestion was going to be along the lines of the debate that's going on. I do like the amendment – the intended amendment – perhaps what needs to happen is some sort of public review of the regulation on a regular basis, and I'm not sure if that'd be every five years or every year. Maybe I should ask the question: How often could the regulations be reviewed by public –

outside of this amendment, even, is that something that's done on a regular basis?

Jim Young Director: Yeah. We'd do it. Yeah. We would do it. Every five years. Sure.

Mr. Mitchell: Every five years would be something that –

Jim Young Director: Sure.

Mr. Mitchell: – we figure we can – we kind of do similar, I guess, now on how often we visit regulations.

Mr. Trivers: So, Chair?

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you.

I guess what I'm suggesting is maybe the regulations need to be reviewed, as the minister said, every five years and at that time, any regulations that we're giving approval for withdrawal water in amounts in access of the (Indistinct)

Mr. Mitchell: That could actually be built into one of the clauses, so the regulations –

Mr. Trivers: Could it?

Mr. Mitchell: I would say. I don't see why it couldn't.

Jim Young Director: Yes.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

I don't want to belabor this, but we all know that if we want teeth in the act, as you just described it, minister, the best place to insert that is in the legislation and not in the regulations. While it's clear that you're not willing to support this amendment, Minister, I hope that every member on the government side has listened to this debate and I hope that some of them will recognize what I consider to be a really rational argument here that this five-year limit is not saying that you have to have a fully-fledge, complete plan developed and implemented within five years, but that every five years,

you have to show us that you are making progress towards sustainable water use in your community and I just don't see why you would not vote for such a smart, sensible amendment.

Chair: Jim Young.

Jim Young Director: I just wanted to clarify one piece: When we receive – for, say Charlottetown's new oilfield development, we issue an approval under the act, so we're coming to that section on water and wastewater systems. It is an order and those will be public and you will see those orders and in that order we would define some of those pieces that you were referring to, in terms of – and that's why Charlottetown moved towards metering, because they were required to come up with a conservation plan in an order to reduce flows and they come up with that. So, in the future, as per the requirements of this new act, all those orders would be public and posted online so that people can see them and freely see them. And they are orders under the act, they're not in regulation. So operating a water wastewater systems are orders under the act and they would be detailed there how utilities have to operate.

Mr. MacKay: Question, Chair.

Chair: Question on the amendment?

Mr. MacKay: No.

Chair: You're calling the question?

Mr. MacKay: Calling the question.

Chair: Okay.

Hon. members, there is an amendment on the floor. All those voting in favour of the amendment, please raise your hands.

All those voting against the amendment, please raise your hands.

And the amendment is defeated.

Shall section 36 carry? Carried.

Division 5 – Well-Field Protection Areas

Mr. Dumville: Chair?

Chair: Oh. Sorry, hon. member.

The hon. Member from West Royalty-Springvale.

Mr. Dumville: Thank you, Chair.

Minister, I don't know if this is the proper place to bring this up, but we've talked about one community – the protection of a community. Now, with Charlottetown's new well development and I compliment that they got on, but they bought land out in Miltonvale Park and they're going to draw water out of Miltonvale Park.

Is there any protection or anything in here? Like, they buy the land, they put the project together; all the capital costs, but is there any return for Miltonvale Park financially at the wellhead if they're drawing so many gallons of water out of Miltonvale Park?

Who – like, is there compensation for a smaller community when a bigger community comes and decides to draw water out of their community?

Chair: Jim Young.

Jim Young Director: The *Water Act* deals with the resource itself. It doesn't deal with financial aspects of the resource, at all.

The protection is in the actual research that's going on there right now in the Cole's Creek area where the study is underway with an expert and a team of experts to assess stream flow for the protection of aquatic habitat to ensure that we don't get into a Winter River situation again.

Part of that assessment, though, in terms of the well field development looks at the impacts of those wells on surrounding areas.

Mr. Dumville: I understand that, as far as the resource goes and the protection, but what recourse does a smaller municipality have if water is drawn out of their area by a bigger municipality?

Like Miltonvale Park, are they entitled to compensation or how do they deal with the City of Charlottetown?

Jim Young Director: I would think, Miltonvale Park, they have their own

official plan and bylaws and they would have had to issue a development permit for the development of that well field. Their council would have had to approve the development of that well field.

Mr. Mitchell: Especially between (Indistinct) councils, I would expect.

Jim Young Director: Yeah.

Ms. Biggar: It's up to the municipalities.

Jim Young Director: Yeah.

Chair: Are you good?

Mr. Dumville: I'm good.

Thank you.

Chair: Thank you.

Division 5 - Well-Field Protection Areas

37. Order re development of well-field protection plan

Shall section 37 carry? Carried.

38. Recommendation by Minister

Shall the section carry? Carried.

Water Withdrawals and Wastewater discharges

39. Water withdrawals

Shall the section carry? Carried.

40. Daily rate

Shall the section carry?

Dr. Bevan-Baker: Question.

Chair: The Leader of the Third Party has a question on section 40.

Dr. Bevan-Baker: Thank you.

Am I correct, minister, in saying that the regulations are going to be created under subsection 1 of section 40 here is where the definitions of the low, medium and high-capacity wells will come in?

Mr. Mitchell: Yeah.

Jim Young Director: Yeah.

Dr. Bevan-Baker: Are you still –

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Sorry, Chair. My apologies.

Are you still planning to implement the definitions of those low, medium and high-capacity wells that were published in the spring?

Mr. Mitchell: Yes, they're there in the first part of the act.

Jim Young Director: Yeah.

Mr. Mitchell: Yes.

Dr. Bevan-Baker: Those are the definitions you're going to use. Okay.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

Will the regulations on wells under this section be put in place before those of the various water management areas or will be done simultaneously, or what?

Jim Young Director: I would say water withdrawals, water well regulations are something we have in the EPA now that would be a lot easier to move over to the *Water Act*. Whereas, there would be a lot of discussion on water management areas and it will take a significant amount of time. We're kind of creating that. We don't have a guide to follow from other jurisdictions. That will be pretty unique for us, and for the country when we get it done.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

Should the signs, we've talked about the limitations of the value of that, but should the signs come back, and the minister is satisfied that it's okay to go ahead with the approval of high-capacity wells, would the intent be to have water management areas

already in place before that – the moratorium is lifted?

Mr. Mitchell: I think the work on the management areas will be turning it out many, many years probably, in some cases, as to, first of all, identifying where and identifying who and identifying a process. Whereas there will be withdrawals that are already occurring, will become encapsulated in that level.

I think, you know, as we move forward it's important that we know; where they are, what they're being used for, and how much they're using.

That's why we will be more looking at the permitting parts and the metering parts. The work on the management areas will be going on simultaneously in some areas. Perhaps not, but, without forward vision for a few years out the road, in some cases.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

Minister, is there anything in this act to prevent the approval of high-capacity wells from being issued in an area that is not covered by a water management plan?

Mr. Mitchell: As far as high-capacity – the moratorium – you're speaking on the –

Dr. Bevan-Baker: Yes.

Mr. Mitchell: – on agricultural high-capacity –

Dr. Bevan-Baker: Could you issue a permit for a high-capacity well where there is no water management area in place?

Mr. Mitchell: That goes on right now, yes.

Dr. Bevan-Baker: But following the passage of this act, will that continue? Will you be able to – will you lift the moratorium and provide for high-capacity wells –

Mr. Mitchell: You're talking agriculture –

Dr. Bevan-Baker: – in a part of the province where there is no water management plan in place.

Mr. Mitchell: Are you talking agriculture –

Dr. Bevan-Baker: Yeah.

Mr. Mitchell: – the moratorium?

Dr. Bevan-Baker: Anywhere –

Mr. Mitchell: You're talking any high-capacity well.

Jim Young Director: The moratorium on high-capacity wells, we would not recommend anything on that until we have the solid science on aquatic habitat. Let's not lose focus on that.

If we have the science on that and we put regulations in place regarding the withdrawals and how that's managed, when people make application then, okay, we would assess stream flow in the area to make sure water is managed sustainably.

We would do it even before a plan was put in place, and that's what we're doing now. There have been people take over operations now on PEI where previous large operations were with water well fields and we've cut them back on water supply because of our policy that's in place that may not go far enough.

It's a current policy that we haven't amended, we're waiting for the science to get on to amend that, but we've already cut back on users and reissued allocations based on that.

The intention here is all about protection. We would not go and issue – lift anything until we have solid science and the public has been versed in the solid science and support the direction of the regulations that are going forward.

Once we have that, then we go to wherever people are asking to put wells and assess what the capacity is of that watershed. We would do that with our hydrogeologists because we're the ones that would be issuing the permits and the approvals.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

That's good to hear. But if we are going to

lift the moratorium on high-capacity wells, I think it's reasonable that we expect that any approvals that are granted be limited to an area where there is already a plan in place to manage that water. Not that you go in and you figure it out when the application comes in.

You say: unless there is a water management plan for this watershed that shows that we can remove water at the rate of a high-capacity well or high-capacity wells that have come forward and we might permit. Then, we are not going to lift that moratorium.

That's what I'm getting at. That –

Jim Young Director: Okay.

Dr. Bevan-Baker: – I mean, maybe you're going to put that in regulations. But again, I'd like to see that in the act: that there is nowhere where the permit for a high-capacity well will be issued unless there is a water management plan already in place.

Sorry, maybe I should say that is an amendment that I brought –

Mr. Mitchell: Yes.

Dr. Bevan-Baker: – forward. I can read that into the record if you like.

Chair: Okay.

Hon. members, there is an amendment to section 40 and the hon. Leader of the Third Party has circulated it prior, and he is going to now read it into the record.

Dr. Bevan-Baker: Thank you, Chair.

This is in:

Section 40 of Bill 13 is amended by the addition of the following under subsection (2):

Mr. Mitchell: Hon. member, just for clarity –

Dr. Bevan-Baker: Yes.

Mr. Mitchell: – that's low-capacity right?

Jim Young Director: That's below low-capacity.

Dr. Bevan-Baker: Excuse me.

That exceeds 25 – that 25 is domestic. Low-capacity is 25 to 346 –

Jim Young Director: Right.

Dr. Bevan-Baker: – high-capacity is over 346 –

Jim Young Director: Right.

Dr. Bevan-Baker: – yeah, so –

Jim Young Director: Right.

Dr. Bevan-Baker: – I'm talking anything under – anything over domestic capacity.

Mr. Mitchell: You're not talking about the high – you're not talking about agriculture moratorium pieces –

Jim Young Director: No.

Mr. Mitchell: – you're talking about –

Jim Young Director: Any –

Mr. Mitchell: – everything –

Dr. Bevan-Baker: Any development that has a low or high-capacity well.

I would be willing to change that to purely high-capacity wells, if you wish. I'm fine with that.

Mr. Mitchell: I think, I'll let Jim address this, like, as far – our *Water Act* supports that we have, within the department, as he mentioned, they already know levels that exist or amounts of water and what's being withdrawn from particular areas that they would probably say that the maximum is achieved in some areas. But to your point, it's already being done by the department now –

Jim Young Director: To a certain degree.

In terms of capacity and water withdrawals, it absolutely is being done by the department on a daily basis. It's part of the hydrogeologist's job – the two we have – to

assess flows and assess withdrawals, so even when we talk about water management areas, or we talked about sustainability plans, our focus would be fully involved in that in terms of making sure it's meeting the requirements.

So, to say that water management areas would have to be in place before you start going beyond, it's really restricting any activity at all.

Mr. Mitchell: Yeah, like when you're talking 25 cubic metres, it could be some business that's over for farm use. Yeah, like the high-capacity piece is a little premature today, because we don't know what the results are going to be. That may be dealt with in one method down the road. We're not sure what the outcome is going to be at this time. We're not (Indistinct) sure of what the outcome is going to be on lifting or not lifting the moratorium, so to even deal with that, we're a little premature at that, and to take it down to the 25 is a little bit cumbersome today for where we're beginning, with what's already in the existing file there.

Chair: The hon. Leader of the Third Party, you have an amendment. It hasn't been read into the record yet, and are you tweaking it, or are you just leaving it as is?

Dr. Bevan-Baker: I'm going to leave it as is –

Chair: Okay, perfect.

Dr. Bevan-Baker: – because both 25 to 346 and over 346 require approvals, so I wanted to –

Chair: Could you please read it into the record, and then we'll discuss it?

Dr. Bevan-Baker: Absolutely. Thank you. I'll carry on from where I left off.

The new section which would be added is titled:

Effect limited to water management area

(3) A regulation referred to in subsection (1) that permits a person to withdraw water from a well, watercourse, or wetland at a rate that exceeds 25 cubic metres per day

shall have effect only in a water management area.

I'll just explain, basically, what that does. I know there are many people who call for a complete ban on high-capacity wells, forever and a day. I know that, and I've heard those voices, and you've heard those voices, and they're not pleased that that is absent from the act. But we also know that there are people who are calling for of the current moratorium to be lifted now. So this amendment was an attempt to find a compromise by requiring that if we are going to issue permits for high-capacity wells, that they only be allowed in an area where there is a framework in place to properly manage those water resources.

You mentioned, minister, that we don't know what the effect of a high-capacity well would be, and that's because it's different in every watershed. There are no two that are the same, so what I'm doing with this amendment is saying we will consider and allow permitting high-capacity wells, but only in a water management area where we know that it is not going to have a deleterious effect on the water flows.

Mr. Mitchell: I think, hon. member, back to my consistency point, when dealing with the fracking clause, in order to be consistent, I would like to be able to deal with that when it comes – when we're dealing with the overall moratorium piece and the science piece all collected, so I'm struggling for support of that today, but as we move forward with the science piece and how we're going to deal with the moratorium in its entirety and other effects, as I said earlier, if we need to open the act, being consistent, that's when we will do it.

So that's where I stand on that clause today.

An Hon. Member: Call for a question.

Chair: Okay. There has been a – question has been called on the amendment. Hon. members, there is an amendment on the floor for Section 40. It has been read into the record.

All those in favour of the amendment, raise your hands.

All those voting against the amendment, please raise your hands.

The amendment has been defeated.

Shall Section 40 carry?

Chair: Do you have a question on Section 40? Yes, the hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

My question is a small one, but I think it's important. In 40 (2), when it talks about multiple sources, which is a new addition since the draft of the act was given in the spring, it uses the word 'person': "Where a person withdraws water...", "...withdrawn by the person..."

And person isn't defined in the act, but person responsible is, and it's a very specific definition and it's very important, because the assigning the responsibility is key, I think, when you're enforcing regulations in the act.

So I was wondering if that was an oversight.

Jim Young Director: I don't think so. I'm not sure –

Mr. Mitchell: (Indistinct) don't think so –

Jim Young Director: I'm not sure what act defines, but a person can be a corporation, it can be industry, it can be – so it's interchangeable.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: In the case of water, of course, you can have a person who owns the land, and then you could have a separate person who lives there and who's using the water and these sorts of things, and that's why I think you defined person responsible, at least that was my indication in the Section 1 (v), because it doesn't matter who's living there and who's taking the water out. It's actually the person who owns the land.

As long as you're okay with that and legally that's good, I'll let it go, but I did want to put that out.

Chair: Thank you.

Shall Section 40 carry? Carried.

Thank you. Hon. members, the table has received one more amendment to Section 76 (5). I haven't received any other amendments, unless somebody's going to present them as we go.

If there isn't any amendments, do you still want me to continue to read the title, or do you want me to go to section – carry sections 41-75?

Mr. Fox: Chair, I do have a general question in regards to the part (Indistinct)

Chair: Oh yes, you do, right. So, I just need – I can continue doing what I'm doing, or I can go through sections 40-50. He has a question at 50.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Yeah, I'm comfortable with that, Chair. I mean, most of my questions were in the earlier sections, and particularly the ones we've just passed. I do have that further amendment later on, but I'm comfortable with that.

Chair: Thank you.

Mr. Trivers: Chair?

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Yes, so Chair, I actually tabled an amendment to Section 76 (5), as well.

Chair: Yes, okay, right.

Mr. Trivers: Whenever we do that.

Chair: We'll get to that.

Mr. Trivers: Yes, so just to let you know there hasn't been just one thing in there, but two.

Chair: Okay, thank you. That's great.

Mr. Trivers: I tabled mine first.

Chair: Great, thank you.

Some Hon. Members: (Indistinct).

Chair: Order, please, order, hon. members.

Shall sections 41-49 carry?

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Just on the corporations –

Chair: Which section?

An Hon. Member: Forty-seven.

Mr. MacEwen: All of them, 47 specifically, I guess.

Chair: Okay, we're on Section 47 hon. –

Mr. MacEwen: Does that change the way that the corporation that manages water at all? Have you always had the – or has Cabinet always had the power to incorporate any water corporation?

Jim Young Director: Under the EPA, currently, if you go there, these clauses are taken right out of the EPA, so that created the Charlottetown water commission, the pollution control commission, IWMC, so it's there to create corporate-type entities.

Mr. MacEwen: Okay, thank you.

Chair: Thank you.

Hon. members, shall sections 41-49 carry?

Mr. Trivers: (Indistinct) follow-up question on 47.

Chair: Yes, the hon. Member from Rustico-Emerald.

Mr. Trivers: Are the division – Water Management Areas part, Divisions 1 and 2 – applicable to water and wastewater corporations?

Jim Young Director: Yes.

Mr. Trivers: Yeah? Okay, great, that's fine. If they are, that's good.

Chair: Thank you.

Hon. members, shall sections 41-49 carry? Carried.

Thank you.

Section 50, on page 20: Abandonment

We have a question from the hon. Member from Borden-Kinkora in Section 50 –

Mr. Fox: No, 53.

Chair: Oh, sorry.

Mr. Fox: Part VII, actually.

Chair: Shall Sections 50-52 carry? Carried.

Section 53, the hon. Member from Borden-Kinkora.

Mr. Fox: This is just actually a general – I've had a conversation with the Premier on this, and we agree on this question if I understand this right.

The partner in Part VII – Jim, maybe you could explain this – if we flip back to number 23, you talk about on reasonable and probable ground. You also talk about on reasonable and probable grounds in number 24. Then you skip up to number 56, and now you're talking (Indistinct) reasonable grounds in 56 (1) (a), 56 (1) (c), continue on to part (3) (c), part (5) (a), part (6) (b), part (7) (a) and (b), and also in 57 (3).

The question being is: Why do you switch from 'reasonable and probable grounds' in four sections, and then back to "reasonable grounds" on the other sections?

Is that typo, or is that a – I realize we're dealing with regulatory –

Jim Young Director: Yeah.

Mr. Fox: – matters, where.

Jim Young Director: My thinking is the leg writers, because we're dealing with the offences and penalties section –

Mr. Fox: Okay.

Jim Young Director: – that they got a little bit more descriptive.

Mr. Fox: Okay.

Jim Young Director: That's the reason –

Mr. Fox: Only question then, okay, I'm fine with that.

The only thing following up on that is clarification on 56 (3) sub para (c): entry into a dwelling house. You're talking about reasonable grounds. I take it you're only talking about being refused there, but usually the test on entering a dwelling house is a lot higher than a test of unreasonable grounds.

We're talking about going into somebody's house.

Jim Young Director: Yeah.

Mr. Fox: Because under the law, under – whether it doesn't matter if it's criminal or drug or whatever. The test for entering someone's house to do a search –

Jim Young Director: Right.

Mr. Fox: – is usually a higher test than it is a lower.

Jim Young Director: They can request a warrant.

Mr. Mitchell: Yeah, so there's a warrant, like –

Mr. Fox: I understand that, but usually to get a warrant, the test to get a warrant –

Mr. Mitchell: Reasonable grounds –

Mr. Fox: – to enter a house is higher.

Mr. Mitchell: – for reasonable grounds –

Chair: One person –

Mr. Mitchell: – would get –

Chair: – speaking at a time.

Mr. Mitchell: – a warrant (Indistinct)

Mr. Fox: Pardon me?

Mr. Mitchell: It would be a legal entity that would apply for that –

Jim Young Director: Yeah.

Mr. Fox: Okay.

Mr. Mitchell: – I'm sure they would establish what –

Jim Young Director: (Indistinct)

Mr. Mitchell: – the grounds are.

Mr. Fox: Chair.

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: Did you say something, Jim?

Jim Young Director: It says it –

Mr. Mitchell: It would be an investigated entity –

Mr. Fox: I understand that.

Mr. Mitchell: – with the authority that would be looking for whatever grounds that is it.

Jim Young Director: The justice –

Mr. Mitchell: So, it's like a justice judge –

Mr. Fox: That's right.

Mr. Mitchell: – justice of the peace. I guess they would be the establishing grounds –

Jim Young Director: Requirements in the grounds to make sure there was sufficient grounds.

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: So, we'd be talking about an oil tank leak or something like that, that would go into the well field?

Jim Young Director: Sorry?

Mr. Fox: We're talking about a well – and oil tank leak that went into the well field –

Jim Young Director: (Indistinct)

Mr. Fox: Okay, thank you.

Chair: Thank you.

Mr. Fox: Okay.

Chair: Hon. members, shall sections 53 to 75 carry? Carried.

Hon. members, we're on section 76 and the leader of –

76. Regulations

I think the hon. Leader of the Third Party has presented to the table?

Do you have an amendment, too?

Mr. Mitchell: I have an amendment –

An Hon. Member: Chair.

Mr. Mitchell: – that I'm (Indistinct)

Chair: Hon. members, we are on section 76. The table has received two amendments to this section. We're going to deal with them one at a time.

The hon. Leader of the Third Party, could you read your amendment into the record please? Then, we'll open the floor for discussion on the amendment.

Dr. Bevan-Baker: I certainly can, Chair.

It might be helpful though for me to give some context –

Chair: Excellent.

Dr. Bevan-Baker: – as to why this amendment is coming –

Chair: Appreciate that.

Dr. Bevan-Baker: – forward –

Chair: Thank you.

Dr. Bevan-Baker: – and first thing, I want to applaud the minister for what is, as far as I'm aware, a novel approach to regulation here in the province, which mandates public input for changes in regulation. I think that's a really interesting and a very pleasant innovation in legislation here in the province. I want to thank you for that.

In subsection (5); however, of this section, section 76, the minister has significant discretion in determining what will need public input.

The word that's used is 'significant' if I remember right. I'm struggling with about 100 pieces of paper here, and –

Chair: Substantive?

Jim Young Director: Substantive.

Dr. Bevan-Baker: – I apologize for that. Substantive. That's exactly right.

The minister determines the – what is substantive enough to consider consultation. In the words of sub (b) the minister then determines the manner of those consultations.

I'm concerned. A couple of questions, minister. I'm concerned that that's too much discretion to the minister.

Can you just speak to that?

Chair: Could we actually read the amendment –

Dr. Bevan-Baker: Oh, okay –

Chair: – into the record so that –

Dr. Bevan-Baker: – all right.

Chair: – we have it. So we know what we're discussing.

Dr. Bevan-Baker: Sure.

Mr. Trivers: The two amendments are very similar.

Dr. Bevan-Baker: Yeah, they are.

Mr. Mitchell: I think what –

Ms. Biggar: (Indistinct)

Mr. Mitchell: – I'd like to do is have both and actually I have an amendment to the amendment, as well.

Dr. Bevan-Baker: Okay.

Mr. Mitchell: It's an amendment to Brad's amendment, as his was in first –

Dr. Bevan-Baker: Yeah.

Mr. Mitchell: – and that's the one that I worked on –

Chair: The hon. Member from Rustico-Emerald.

Mr. Mitchell: – but it relates. Oh, to the Member from Rustico-Emerald, but it relates to both. Can we –

Dr. Bevan-Baker: Sure.

Mr. Mitchell: – do it all, I guess. I'd like to amend the –

Chair: Well, you can't amend –

Mr. Mitchell: – hon. member's when –

Chair: – anything that –

Mr. Mitchell: – he gets (Indistinct)

Chair: – hasn't –

Dr. Bevan-Baker: Okay.

Mr. Mitchell: Yeah.

Chair: – we don't have an amendment, yet.

Mr. Mitchell: What I think I'd rather do is not have a discussion twice –

Chair: Okay.

Mr. Mitchell: – if that's fair with you, hon. member.

Dr. Bevan-Baker: I'm fine with that, Chair.

Chair: Read –

Dr. Bevan-Baker: My track record on having amendments approved is pretty poor this –

Chair: Okay.

Dr. Bevan-Baker: - afternoon so I'm willing to –

Mr. Mitchell: That's a matter of (Indistinct)

Dr. Bevan-Baker: – pass that by –

Mr. Mitchell: (Indistinct)

Dr. Bevan-Baker: – to the minister –

Mr. Myers: (Indistinct) the one your wrote (Indistinct)

Chair: So, are you willing to withdraw your amendment, hon. member?

Dr. Bevan-Baker: Well, let me hear what the minister's –

Chair: Okay –

Dr. Bevan-Baker: – amendment is first–

Chair: – let me –

Dr. Bevan-Baker: – of all, I'll hold in advance –

Dr. Bevan-Baker: – thank you.

Chair: The hon. Member from Rustico-Emerald's amendment.

Mr. Trivers: I would like to move that:

Bill 13 is amended by deletion of subsection 76(5) and the substitution of the following:

Public input required

(5) Before

(a) new regulations are made under this Act; or

(b) amendments are made to the regulations, the Minister shall

(c) seek public input with respect to the new regulations or amendments in the manner that the Minister considers appropriate; and

(d) refer in writing any proposed new regulations or amendments to the appropriate Standing Committee of the Legislative Assembly, not less than 90 days prior to enactment.

(2) Bill 13 is amended by the deletion of subsection 76(6).

Chair: Hon. members, I have been – I've received some intelligence that the hon. Member from Rustico-Emerald's amendment also incorporates what the hon. Leader of the Third Party had. We'll deal with that. All right?

Mr. Mitchell: What I would like to do is to take the hon. member's amendment and amend it, as well.

Chair: Okay, wait. All right.

Mr. Mitchell: So, I can just read it? I have copies here.

Chair: We have an amendment to the amendment.

Mr. Mitchell: So (Indistinct)

Chair: Yeah, you're going to read it into the record, yeah.

Mr. Mitchell: I'll read it into the record now.

What we ask is that:

The motion to amend Bill No. 13 moved by the member for Rustico-Emerald is amended

(a) in the proposed new clause 76(5)(b) by the addition of the word "substantial" before the word "amendments"; and

(b) in the proposed new clause 76(5)(d), by the deletion of the words "any proposed" and the substitution of the word "the".

Basically, that changed – that adds 'substantial' and 'the' based on – as any proposed, which I think was brought, you know, from your amendment.

Chair: Minister –

Mr. Mitchell: That does allow the provision of going to standing committee in 90 days.

Chair: – the –

Mr. Trivers: Chair.

Chair: Just a moment, please.

Mr. Trivers: I'd like – I didn't get a chance to speak to this.

Chair: Would you – are you circulating your –

Mr. Mitchell: Yes.

Chair: – amendment to the amendment?

Mr. Mitchell: Yes, I'm sorry. Those will go to each member –

Chair: Thank you.

Mr. Mitchell: – please.

Chair: Thank you.

As we are circulating the amendment to the amendment.

An Hon. Member: (Indistinct)

Chair: Can you just give us a few minutes?

An Hon. Member: Yeah.

Chair: Thank you.

Mr. Trivers: I would like to speak to it.

Chair: You're on the list.

Mr. Trivers: (Indistinct)

An Hon. Member: If you read it.

Chair: We'll get there.

Mr. LaVie: (Indistinct)

Mr. Mitchell: I had the actual one here –

Chair: I'm going to open the floor for discussion on the amendment to the amendment, and the hon. Member from Rustico-Emerald has the floor.

Mr. Trivers: Thank you, Chair, much appreciated.

Chair: Thank you for your patience.

Mr. Trivers: The reason for the original amendment was because so much of the substance that is going to manage our water and really governs what happens at the

ground level is going to be in the regulations.

The idea of the amendment was not – it shouldn't be just, you know, substantive amendments, but it should be all amendments. The idea was to let the minister seek their method of public input. That way they could that in an easy form, but also send it to a standing committee of the Legislative Assembly to ensure that there was proper oversight given to all amendments.

I'm not entirely pleased with the amendment to the amendment that is taking or adding the word 'substantial' back in. There is a certain level of trust that has to take place with the minister and the department there. I am okay with the amendment that removes 'any propose' to 'the'.

I think the regulations are absolutely key when it comes to the *Water Act*, as they are with many pieces of legislation and I am willing to support the amendment to the amendment even with 'substantial' in there and I'm going to appeal to the professionalism and the knowledge, of both the department and the best intentions of minister, current and future, in doing that.

Mr. Mitchell: I appreciate that, hon. Member.

Chair: Did you just say you were supporting the amendment to the amendment?

Mr. Trivers: I did.

Chair: Great, thanks.

Hon. members, is there anybody else who would like to speak to the amendment to the amendment.

The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

When the Member from Rustico-Emerald brought this up to me, I really liked his original – what he was thinking about amending and then he added in the part about taking out 'substantive' and then putting in 'we have to seek public input on

all of them', but in a manner that the minister considers appropriate.

And what at first I thought was like: No, it shouldn't be up to the minister what's appropriate and what's not, but it was kind of a concession, I think, to the minister to say: You know what? Let's let all changes be out there. So, if it's something that he didn't feel was substantive that might be posted to the website for consultation – if it was something he felt was minor. I don't like leaving it up to the minister to decide what's substantial or not, so I really like the concession that the Member from Rustico-Emerald made because he said: Let's – public consultation on every change, but we don't have to have full public consultation meetings on something that's very, very – considered minor or word change, that could be posted to a website. But that gives it all oversight.

So, he's being very cordial here today and I don't support taking 'substantive' out because I think what the Member from Rustico-Emerald did with his amendment is give quite consideration – because all you've got to do if it's minor is you get to decide what the public consultation is and I think that's a pretty good concession though, by the member.

Chair: Thank you.

Anybody else like to speak to the amendment to the amendment?

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

Well, I just want to echo exactly what Morell-Mermaid said and I actually think that our amendment did that far more gracefully, simply by – but I won't bring that forward now because the effect of Rustico-Emerald's amendment was exactly the same and it is exactly, as Morell-Mermaid just said, that it's up to the minister to determine what level of public consultation for any amendment and I don't think we should let anybody – and again, nothing – this is not a personal thing at all, Minister, but ministers change.

I trust you to have good judgment on what is a substantive amendment, but that may not

always be the case, so I think we need to remove that discretion and allow public consultation on any amendment that comes forward, but I'm perfectly willing for that consultation to be something as simple as a website input.

Thank you, Chair.

Chair: Thank you.

Is there any further discussion on the amendment to the amendment?

Ready for the question?

Some Hon. Members: Question.

Chair: All those voting in favour of the amendment to the amendment, raise your hands.

Mr. Trivers: I changed my mind.

Some Hon. Members: (Indistinct).

Chair: Order! Order!

Mr. Trivers: (Indistinct) vote.

Chair: Order!

Mr. LaVie: He'll be whipped there in a minute.

Chair: All those voting against the amendment to the amendment, please raise your hands.

Thank you.

The amendment to the amendment is carried.

All right, now we're going to go back to the original amendment as amended.

Are we ready for the question?

Some Hon. Members: Question.

Chair: All those voting in favour of the original amendment as amended, raise your hand.

An Hon. Member: The original amendment.

Chair: The original amendment.

An Hon. Member: As amended.

Some Hon. Members: (Indistinct).

Chair: As amended.

Ms. Biggar: Please tell us (Indistinct)

Chair: All right. Thank you.

Let's all take a breath. We're going back to the original amendment as amended.

All those voting in favour of the original amendment as amendment, raise your hands.

As amended, sorry. I don't know what I said.

Thank you.

Mr. Mitchell: You did, you're back.

Chair: He's back, yeah.

Fourteen.

Okay, all those voting against the original amendment as amended, raise your hands.

Thank you, yeah, it's carried.

Thank you.

Mr. Mitchell: I do want to mention to the hon. member: the last part of his original amendment is very important pieces about bringing it to the standing committee, as I committed to earlier, so I think that is a very significant piece of whatever comes in the future will be vetted through the standing committee.

Chair: Thank you.

Hon. members, the table has not received any other amendments that I'm aware of through section 77 to the end of the bill, I think it's section 84.

An Hon. Member: Chair, can I make a (Indistinct)

Clerk Assistant (E. Doiron): You haven't carried 76 yet.

Chair: Oh, thank you to the very – the most diligent Clerk, 76 hasn't been carried it yet.

Shall that section carry? Carried.

Thank you.

Section 77 through 84.

Do you have a question?

Mr. Trivers: Yes.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

Chair: Which section?

Mr. Trivers: Before we carry this final section, I just wanted to make a comment that, originally I was set to vote against the *Water Act* because I thought there was too much contained in the regulations, not enough in the legislation and there were at least five considerations that were left outstanding by the public.

But seeing, especially the changes made to put a true ban on fracking and some of the other concessions the minister has made and realizing that we really need to have some legislation in place to govern our water and to look after it, I do plan in voting for the bill as a whole to get that into place. I just wanted to say that for the record.

Chair: Shall sections 77 through 84 carry? Carried.

Chair: Shall the bill carry? Carried.

Mr. Mitchell: I move the title.

Chair: *Water Act*.

Shall it carry? Carried.

Mr. Mitchell: I move the enacting clause.

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

Shall it carry? Carried.

Mr. Mitchell: Madam Chair, I move the Speaker take the chair and that the Chair report the bill agreed to with amendment.

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intitled *Water Act*, I beg leave to report that the committee has gone through the said bill and has agreed to same with amendment. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Premier, that orders 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 16, and 18 be now read a third time.

Speaker: Shall it carry? Carried.

[The following bills were ordered for third reading]

Clerk: Order No. 1, *An Act to Amend the Child Protection Act* (Bill No. 3);

Order No. 2, *An Act to Amend the Health Services Act* (Bill No. 6);

Order No. 3, *An Act to Repeal the Registered Nurses Act* (Bill No. 10);

Order No. 4, *An Act to Amend the Regulated Health Professions Act* (Bill No. 11);

Order No. 5, *An Act to Amend the Early Learning and Child Care Act* (Bill No. 14);

Order No. 6, *An Act to Amend the Electric Power Act* (Bill No. 17);

Order No. 7, *Appropriation Act (Capital Expenditures) 2018* (Bill No. 19);

Order No. 9, *An Act to Amend the Municipal Government Act* (Bill No. 7);

Order No. 11, *Planning Statutes Amendment Act* (Bill No. 21);

Order No. 12, *An Act to Amend the Civil Service Superannuation Act* (Bill No. 15);

Order No. 13, *An Act to Amend the Teachers' Superannuation Act* (Bill No. 8);

Order No. 14, *An Act to Amend the Crown Proceedings Act*, (Bill No. 4);

Order No. 16, *An Act to Amend the Real Property Tax Act*, (Bill No. 9); and

Order No. 18, *Supplementary Appropriation Act (No. 2) 2017*, (Bill No. 26).

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Premier, that the said bills do now pass.

Speaker: Shall it carry? Carried.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Premier, that the said bills be now read a third time.

Speaker: Shall it carry? Carried.

[The following bills were read a third time]

Clerk: *An Act to Amend the Child Protection Act* (Bill No. 3);

An Act to Amend the Health Services Act (Bill No. 6);

An Act to Repeal the Registered Nurses Act (Bill No. 10);

An Act to Amend the Regulated Health Professions Act (Bill No. 11);

An Act to Amend the Early Learning and Child Care Act (Bill No. 14);

An Act to Amend the Electric Power Act (Bill No. 17);

Appropriation Act (Capital Expenditures) 2018 (Bill No. 19);

An Act to Amend the Municipal Government Act (Bill No. 7);

Planning Statutes Amendment Act (Bill No. 21);

An Act to Amend the Civil Service Superannuation Act (Bill No. 15);

An Act to Amend the Teachers' Superannuation Act (Bill No. 8);

An Act to Amend the Crown Proceedings Act (Bill No. 4);

An Act to Amend the Real Property Tax Act (Bill No. 9); and

Supplementary Appropriation Act (No. 2) 2017 (Bill No. 26).

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Thank you, Mr. Speaker. I guess I was rushing that.

Now, I move, seconded by the Honourable Premier, that the said bills do now pass.

Speaker: Shall it carry? Carried.

The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Premier, that the 8th order –

Unidentified Voice: Sorry, you've got to pass (Indistinct)

Mr. McIsaac: Oh, you've got to pass it first. Okay.

Speaker: These are bills introduced by leave of the House, read a first time, read a second time, committed to Committees of the Whole House, reported agreed to with and without amendment, as the case may be, read a third time and it is now moved that the bills do now pass.

All in favour signify by saying 'yea'.

Some Hon. Members: Yea!

Speaker: Contrary, say 'nay'.

Carried.

The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Premier, that the 8th order of the day be now read a third time.

Speaker: Shall it carry? Carried.

Clerk: *Water Act*, Bill No. 13, ordered for third reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Premier, that the said bill be now read a third time.

Speaker: Shall it carry? Carried.

Clerk: *Water Act*, Bill No. 13, read a third time.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Premier, that the said bill do now pass.

Speaker: Shall it carry? Carried.

Dr. Bevan-Baker: (Indistinct)

Speaker: Yeah, go ahead, hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Mr. Speaker.

Rather than having Bill 13 read a third time, and pursuant to Rule 71 of the Rules of the Legislative Assembly of Prince Edward Island, I move seconded by the Member from Charlottetown-Parkdale that we discharge this order and commit it to a committee of the whole for further debate.

Thank you, Mr. Speaker.

Speaker: Shall that carry?

Mr. LaVie: (Indistinct)

Speaker: Pardon?

Clerk: (Indistinct)

Speaker: Okay, that's – it's been defeated.

Dr. Bevan-Baker: I'm sorry, I didn't –

Mr. MacEwen: Didn't hear the yeas and nays.

Clerk: (Indistinct) bill for third reading would be discharged (Indistinct) would be committed (Indistinct) debate (Indistinct) defeated (Indistinct) unless there's some further –

Mr. Myers: I didn't hear the question.

An Hon. Member: I didn't hear the question.

Mr. MacEwen: (Indistinct)

Mr. Myers: (Indistinct) standing (Indistinct)

Unidentified Voice: Repeat the question.

Speaker: Would you repeat the question, then, hon. Leader of the Third Party?

Dr. Bevan-Baker: Certainly, Mr. Speaker.

I asked if, rather than Bill 13, the *Water Act*, be read a third time, and pursuant to Rule 71 in the Rules of the Legislative Assembly of Prince Edward Island, I moved, seconded by the hon. Member from Charlottetown-Parkdale, that we discharge this order and commit it to the committee of the whole for further debate.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald would like to speak to that motion.

Mr. Trivers: Thank you, Mr. Speaker.

I wanted to rise to speak. As I mentioned earlier, originally, when I looked at what was going on with the *Water Act*, Bill 13, I thought to myself there's too much in the regulations. We're missing too many things. For example, definitions of intergenerational equity, things like the precautionary principle; and then today, we saw that there was an amendment made to give an outright ban on fracking. We also saw that limits on municipal water withdrawals will be in the regulations, where it appeared it was a little unclear whether they would be there at all.

Now, I do think that the bill could still be improved, and there still could be things added, but I think it's in the best interest of this province that we have a *Water Act* in place so we can start making regulations so we can properly protect this water, because right now water is out there unprotected.

Some Hon. Members: Hear, hear!

Mr. Trivers: The Member from Kensington-Malpeque was asking questions today on the bill and the response was made: Wright now, for example, when you have multiple wells on a property is made up of multiple property IDs, and then another property of equal size with one property ID, right now there is no governance, essentially, of that situation, but under the new *Water Act* there will be once the regulations are in place.

I would like to move forward. I think our water is too important not to have at least some protection going on in the future. If we do delay this and put it to committee again, we're going to be at least another year, potentially, without that.

I think I would like to see this bill passed third reading. I would like to see the regulations put in place, and I am going to be very keenly involved with the writing of the regulations because they are so important, and want to make sure no loopholes are put in there. But that's why I don't support sending this third reading of the Bill 13, the *Water Act*, to committee.

Thank you.

Mr. MacKay: Standing vote, Mr. Speaker.

Speaker: So we're ready for the question?

An Hon. Member: Question.

Dr. Bevan-Baker: May I speak to my motion, please, Mr. Speaker?

Speaker: Go ahead.

No, sorry, hon. Leader of the Third Party.

Yes, are there any other members that want to speak?

So, hon. Leader of the Third Party, you can close debate on the motion.

Dr. Bevan-Baker: Thank you, Mr. Speaker.

The question, which was articulated by my hon. friend from Member from Rustico-Emerald, is it better to have something that's clearly inadequate rather than nothing at all, and he's absolutely correct. We have had no *Water Act* here on Prince Edward Island to date, since time immemorial.

I am not suggesting that we delay this unnecessarily. I am not suggesting that we delay this forever. I am just saying that there were some, in my mind, very substantial and very important amendments brought forward which were defeated by the government side from this bill, and while I appreciate – and I've been very supportive of what the minister has done in his consultations with Islanders in bringing this bill to the floor and getting as far as it has.

There were two fundamental things that I heard over and over again from Islanders. There were many concerns, but there were two fundamental ones. One was for an outright, unmitigated ban on fracking, and thank you, minister, for making that clear today with your amendment – our amendment. And the second thing was on high-capacity wells, and I brought forward what I thought was a very reasonable amendment, that if we are to allow high-capacity wells, then that needs to be done in an area where we have a water management plan in place. And for that reason, I do not think that the bill, as it stands now, reflects the concerns – adequately reflects the concerns of Islanders that I have spoken to over the last many months and years.

Therefore, that is why I want this bill committed for further debate.

Thank you very much, Mr. Speaker.

Speaker: Thank you, hon. Leader of the Third Party.

Are you ready for the question?

Some Hon. Members: Question.

An Hon. Member: (Indistinct) vote.

Speaker: A recorded division has been requested. Sergeant-at-Arms, ring the bell.

[The bell was rung]

Mr. MacEwen: Mr. Speaker, opposition is ready for the vote.

Speaker: Thank you.

Mr. Palmer: Mr. Speaker, government is ready for the vote.

Speaker: Okay. We'll wait for the Sergeant-at-Arms to come back in.

All those voting against this motion, please stand.

Clerk: The hon. Government House Leader, the hon. Minister of Finance, the hon. Premier, the hon. Minister of Agriculture and Fisheries, the hon. Minister of Health and Wellness, the hon. Minister of Communities, Land and Environment, the hon. Member from West Royalty-Springvale, the hon. Minister of Family and Human Services, the hon. Minister of Economic Development and Tourism, the hon. Minister of Education, Early Learning and Culture, the hon. Minister of Workforce and Advanced Learning, the hon. Member from Charlottetown-Lewis Point, the hon. Member from Rustico-Emerald, the hon. Member from Summerside-Wilmot and the hon. Member from Tignish-Palmer Road.

Speaker: All those supporting this motion on this bill, please stand.

Clerk: The hon. Member from Charlottetown-Parkdale, the hon. Leader of the Third Party, the hon. Leader of the Opposition, the hon. Opposition House Leader, the hon. Member from Borden-Kinkora, the hon. Member from Morell-Mermaid, the hon. Member from Belfast-Murray River, the hon. Member from Georgetown-St. Peters, the hon. Member from Souris-Elmira.

Speaker: Hon. members, the motion that the hon. Leader of the Third Party has brought forward is defeated, and the bill (Indistinct)

—

Mr. LaVie: (Indistinct)

Speaker: This is a bill introduced by leave of the House, read a first time, read a second time, committed to a Committee of the Whole House, reported agreed to with amendment, read a third time and it is now moved that the bill do pass.

All those in favour, signify by saying 'aye'.

Some Hon. Members: Aye!

Speaker: Contrary, 'nay'. Carried.

The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Premier, that the 15th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 15, *Public Interest Disclosure and Whistleblower Protection Act*, Bill No. 25, ordered for third reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Premier, that the said bill be now read a third time.

Speaker: Shall it carry? Carried.

Dr. Bevan-Baker: Mr. Speaker.

Rather than having Bill No. 25 read a third time, and pursuant to rule 71 of the *Rules of the Legislative Assembly of Prince Edward Island*, I move, seconded by the hon. Member from Charlottetown-Parkdale, that we discharge these orders and commit them to committee of the whole for further debate.

Speaker: Thank you.

Are there any members who would like to speak to this motion?

Ms. Casey: Question.

Premier MacLauchlan: This is 15. The hon. Leader of the Third Party said 25.

An Hon. Member: Yeah, he did.

Dr. Bevan-Baker: Bill No. 25.

Some Hon. Members: (Indistinct)

Speaker: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Mr. Speaker.

As I brought up in Question Period today, I've been long discouraged by the quality of debate in this House, and the tendency of government to use its majority to ride roughshod over serious discussions on government legislation. I can't help but feel that every member in this House, all of us, needs to take our responsibility as legislators more seriously.

As an MLA, I fulfill many roles. I represent each and every one of my constituents in my District 17. As leader of my party I also see myself as responsible to represent the interests of all Islanders. I sit on legislative committees to participate in the development of policy and legislation that we all hope will improve the lives of Islanders. All of this work culminates when we sit in this House to review and pass legislation.

Now, I am not a lawyer, and my caucus office does not currently have the resources to hire a lawyer to help with the review of legislation. This situation often makes it very difficult for me to fulfill my legislative responsibilities, but just because something is difficult, it does not mean that I have to shirk my duties.

In the last few days, I have witnessed some of the most discouraging debates on legislation since I was elected two and a half years ago. We were given the sacred trust to bring forth strong and meaningful legislation that will enhance government transparency and accountability and that will protect our Island's most precious resource, water; and we turned that debate, at times, into a farce.

We've spent many hours debating Bill No. 25, *Public Interest Disclosure and Whistleblower Protection Act*, yet there was very little meaningful discussion. It was just a dramatic range of partisan posturing, from where I was sitting.

Many members clearly had not familiarized themselves with the legislation. The official

opposition renounced its responsibility to hold government to account, and government shamelessly used its majority in the Legislature to override amendments without even considering whether those amendment may enhance the legislation.

The Premier himself seemed willing to pass the lobbyist act without even introducing the two amendments he intended to bring forward himself, and he only did so after being reminded by my colleague, the hon. Member from Charlottetown-Parkdale, that he still did not introduce his own amendments.

Based on this, I cannot endorse reading on bills – we're talking about Bill No. 25 here, but I am going to also do the same process for Bill No. 24 – and I move that both bills be recommitted and returned to the committee of the whole for continued debate.

We've already passed the *Water Act*, so I will leave my comments there, Mr. Speaker. Thank you.

Speaker: The hon. Member from Charlottetown-Victoria Park.

Mr. R. Brown: Point of order, Mr. Speaker, on the word 'farce'.

I've sat in this Legislature since 1976 – 1997. I come to this Legislature for the people of my district, as does this Leader of the Green Party come to this House. I know each and every member in this House comes to this Legislature for its constituents.

We debate the resolutions, we debate the bills, and we debate the money orders. As the Premier said earlier today, this Legislature's the most open Legislature in Canada, and I would argue the most open Legislature in the Parliamentary system in this world.

We debate budget on the floor of the Legislature to all present here. We debate each and every bill on the floor of the Legislature. There's ample opportunity for amendments to be made. I ask the Member to withdraw the remark 'farce'.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: Instead of carrying this any further, hon. Leader of the Third Party, I will ask you: Would you mind withdrawing the word ‘farce’?

Dr. Bevan-Baker: Mr. Speaker, I use the word intently and I use the word consciously. In the debates, there were amendments brought forward by the official opposition that were not even circulated to the government side, and yet they were willing to vote on that amendment.

If the purpose of this House is to carefully consider legislation that is going to affect each and every Islander, then surely we have to do that with the information in front of us, and we cannot do that if we are prejudging something – the origin of the word ‘prejudice’ – if we are prejudging something before we even see it.

So I will not withdraw my remark, Mr. Speaker. I think at times yesterday, the display of the government side was indeed farcical.

Thank you, Mr. Speaker.

Speaker: Hon. Leader of the Third Party, I will ask you one more time: Are you going to withdraw? I want you to withdraw it. Are you going to withdraw it or not?

Dr. Bevan-Baker: Mr. Speaker, are you considering the word ‘farce’ as unparliamentary?

Speaker: It’s very unparliamentary. In my estimation, hon. Leader of the Third Party, it is very unparliamentary and I’m asking you to withdraw.

Dr. Bevan-Baker: I will not withdraw my remark, Mr. Speaker.

An Hon. Member: (Indistinct)

Speaker: Okay. So I name you, Peter Bevan-Baker. I ask for a motion to have this member removed from this Legislature.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Premier, that Peter Bevan-Baker be removed from the service

of this House till the next sitting of the Legislature at your call.

Speaker: All in favour of the motion, signify by saying ‘aye’.

Some Hon. Members: Aye.

Speaker: Contrary, ‘nay’.

Motion is carried.

Sergeant-at-Arms, you can remove the Member.

[The Sergeant-at-Arms escorts the hon. Leader of the Third Party out of the House.]

Some Hon. Members: (Indistinct)

Speaker: Hon. Members, is it agreed that the bill now be read a third time?

Some Hon. Members: Agreed.

Premier MacLauchlan: I just wanted to – so the motion, which is no longer on the floor (Indistinct)

Speaker: Are you ready for the question on the motion?

Some Hon. Members: Yeah.

Ms. Casey: Question.

Premier MacLauchlan: Mr. Speaker, I think I should speak to this motion if it’s – is the question on the motion?

An Hon. Member: (Indistinct)

Mr. LaVie: Not allowed.

Speaker: No, it’s – the debate has been closed on the motion.

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

Mr. LaVie: Closing the debate.

Speaker: Are you ready for the question?

Ms. Casey: Question.

Speaker: All in favour of this motion, signify by saying ‘aye’.

Some Hon. Members: Aye.

An Hon. Member: (Indistinct)

Speaker: The motion is to recommit the bill. All in favour of the motion, signify by saying 'aye'.

Some Hon. Members: Aye.

Speaker: All against the motion, signify by saying 'nay'.

Some Hon. Members: Nay.

Speaker: Is it the wish of the House that the bill now be read a third time?

Some Hon. Members: Yes.

Clerk: *Public Interest Disclosure and Whistleblower Protection Act*, Bill No. 25, read a third time.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Premier, that the said bill do now pass.

Speaker: This is a bill introduced by leave of the House, read a first time, read a second time, committed to a Committee of the Whole House, reported agreed to without amendment, read a third time and it is now moved that the bill do pass.

All those in favour, signify by saying 'aye'.

Some Hon. Members: Aye.

Speaker: Contrary, 'nay'.

Some Hon. Members: Nay

Speaker: Carried.

The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Premier, that the 17th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 17, *Lobbyists Registration Act*, Bill No. 24, ordered for third reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Premier, that the said bill be now read a third time.

Speaker: Shall it carry? Carried.

Clerk: *Lobbyists Registration Act*, Bill No. 24, read a third time.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Premier, that the said bill do now pass.

Speaker: This is a bill introduced by leave of the House, read a first time, read a second time, committed to a Committee of the Whole House, reported agreed to with amendment, read a third time and it is now moved that the bill do pass.

All those in favour, signify by saying 'aye'.

Some Hon. Members: Aye.

Speaker: Contrary.

Some Hon. Members: Nay.

Speaker: Carried.

The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I moved – or I just want to note, I guess, and moved seconded by the hon. Premier, that this concludes our business for this session.

Speaker: Shall it carry? Carried.

Hon. members, I am now advised that the Honourable Lieutenant Governor has arrived at the Coles Building.

I will now leave the Chair and invite her on, the Lieutenant Governor to join us in the Chamber to receive the House and its address and reply to Speech From the

Throne and to grant Royal Assent to the various bills passed by this House.

May it please Your Honour, we Her Majesty's dutiful and loyal subjects of the Legislative Assembly of the Province of Prince Edward Island, at this time, in session assembled, beg leave to offer our humble thanks for the gracious speech with which Your Honour was pleased to open the present session.

Her Honour Lieutenant Governor

Antoinette Perry: Mr. Speaker and Members of the Legislative Assembly, it is a pleasure for me to be with you to receive your address in reply Speech From the Throne with which I opened the present session of the Legislative Assembly.

I thank you for the careful consideration which you have given to the matters contained in the Speech, as well as for the address which you have just presented to me.

Clerk: Your Honour,

The Legislative Assembly has passed certain Bills during this the 3rd Session of the 65th General Assembly, and now begs your Honour's consideration of the grant of Royal Assent for the following Bills:

An Act to Amend the Child Protection Act (Bill No. 3);

An Act to Amend the Crown Proceedings Act (Bill No.4);

An Act to Amend the Health Services Act (Bill No. 6);

An Act to Amend the Municipal Government Act (Bill No. 7);

An Act to Amend the Teachers' Superannuation Act (Bill No. 8);

An Act to Amend the Real Property Tax Act (Bill No.9);

An Act to Repeal the Registered Nurses Act (Bill No. 10);

An Act to Amend the Regulated Health Professions Act (Bill No. 11);

Water Act (Bill No. 13);

An Act to Amend the Early Learning and Child Care Act (Bill No. 14);

An Act to Amend the Civil Service Superannuation Act (Bill No. 15);

An Act to Amend the Electric Power Act (Bill No. 17);

Planning Statutes Amendment Act (Bill No. 21);

Lobbyists Registration Act (Bill No. 24);

Public Interest Disclosure and Whistleblower Protection Act (Bill No. 25);

Supplementary Appropriation Act (No. 2) 2017 (Bill No. 26);

Private Member's Bill, *An Act to Amend the Workers Compensation Act* (Bill No. 102).

Her Honour Lieutenant Governor

Antoinette Perry: In Her Majesty's name, I assent to these bills.

Speaker: May it please Your Honour, we, Her Majesty's loyal and dutiful subjects of the Legislative Assembly of Prince Edward Island in session assembled, approach Your Honour at the close of our labours with sentiments of unfeigned devotion and loyalty to Her Majesty's person and government. We do humbly beg for Your Honour's acceptance of a bill to be intituled *Appropriation Act (Capital Expenditures) 2018*, thus placing at the disposal of the Crown, the means by which government can be made efficient for the service and welfare of the province.

Clerk: Her Honour, the hon. Lieutenant Governor, doth thank Her Majesty's loyal and dutiful subjects, accepts their benevolence, and assents to this Bill in Her Majesty's name.

Her Honour Lieutenant Governor

Antoinette Perry: I wish to commend all hon. members for the conscientious manner in which you have conducted your deliberations at this point of the 3rd Session of the 65th General Assembly of Prince Edward Island. At this time, I pray that until the Legislative Assembly again meets, each

of you enjoy good health and prosperity and that peace and freedom for all people shall be more nearly achieved.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: I move, seconded by the hon. Premier, that this House adjourn and stand until the call of the Speaker.

Speaker: Before I put the question, I just want to thank everybody. I want to thank our Sergeant-at-Arms and all our security people. I want to thank the Pages for a job well done. I want to thank the Deputy Speaker for an excellent job; you worked well. Thank you for that. I want to thank all the members on both sides for having a, what I would call, a very successful session. I know you've had your differences from one side to the other, but that's democracy in action. So with that, I want to wish everybody and also the Clerk, I want to wish the Clerk and the Deputy Clerks too. Without Charlie and this –

An Hon. Member: Emily.

Speaker: – this young lady here – anyway.

Have a great Christmas and all the best in the New Year and we'll see you back here next year.

Thank you very much.

Shall it carry? Carried.

The Legislature adjourned until the call of the Speaker.