

# JOURNAL OF THE LEGISLATIVE ASSEMBLY

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TUESDAY, 05 DECEMBER 2017

The House met at 2:00 p.m.

## **Prayers**

## **Routine Proceedings**

## **Journals**

Journals for Thursday, 30 November, 2017 were adopted by the House without amendment.

Doors were opened

## **Matters of Privilege**

Hon. Mr. Speaker made the following Ruling:

“Honourable Members, on Friday, December 1<sup>st</sup>, during debate on the motion to adopt the report of the Standing Committee on Public Accounts, the Honourable Minister of Transportation, Infrastructure and Energy rose on a Point of Order to object that one or more Members of the Official Opposition, while sitting within the rail, were conversing with persons in the media gallery, which is outside the rail. At the time I indicated I would take the matter under advisement, and I am now prepared to issue a ruling.

I am guided in this matter by the ruling of former Speaker Wilbur MacDonald, who responded to a similar point of order on November 25, 1997. Speaker MacDonald referenced the 1995 report of the Special Committee on Legislative Assembly, which defined the floor of the House as “that area inside the rail and in front of or beside the Speaker’s Chair”. Of course, the committee of the day was referring to the Chamber in Province House, but the current Chamber is similarly defined: the partition that defines the boundaries of “the floor” upon which all Members’ sit is commonly known as “the rail”. Proceedings of the Assembly take place within the rail, and the public and press galleries are situated outside the rail. Participation in proceedings from outside the rail is not permitted, and indeed permission of the Assembly is required for strangers to enter the floor by crossing the rail.

Speaker MacDonald noted that it had been a regular occurrence for Members in their seats to converse with media in the press gallery, and I find this still occurs today. Our Chamber is small and I suspect it may be difficult to resist the temptation to speak with persons outside the rail, who are only a couple of feet away, whether they are media, members of the public, or fellow Members of the Assembly on their way in or out of the Chamber. But the small size of the Chamber also makes these conversations distracting and disruptive for those trying to follow the actual proceedings of the Assembly. I draw your attention to rule 35(3) of the Rules of the Legislative Assembly, which addresses interruptions during debate:

35(3) “When a member is speaking, no member shall interrupt except to raise a point of order or privilege.”

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Debate is not typically carried out in complete silence, but interruptions are out of order, and that would include conversations with persons outside the rail. These conversations contribute to the background noise in the Chamber that sometimes rises to the point that I, or the Chair of Committee of the Whole, must intervene to call for greater quiet and respect.

Speaker MacDonald offered some observations in his 1997 ruling that remain pertinent today, and I will repeat them here, while adding further observations of my own:

“Members who wish to carry on a lengthy conversation with media representatives should do so outside of the confines of the media Gallery. To do otherwise could interrupt the proceedings of the House and the work of other media present in the Gallery.”

I can overlook the briefest of exchanges, but ongoing conversations over the rail or within the galleries should not occur. If a conversation can't wait, the hallway is only a few steps away or there are other much less disruptive e-communication options available to members.

Speaker MacDonald also observed that these over-the-rail conversations could have more serious implications:

“Members should refrain from addressing media in the Gallery from the seats in the House. In addition to the reasons stated above, there are questions of privilege and issues of precedent which I do not wish to expand on at this time but could cause considerable difficulty for a Member. For example, are the comments of a Member protected by privilege if stated within the House and attributed to the Member but do not become part of the official record of proceedings?”

Honourable Members, as you know, parliamentary privilege protects you from criminal or civil action based on what you say during proceedings of the Assembly. Proceedings may be loosely defined as that which takes places within the House or its committees. The current matter is one of order, not privilege; however, members would do well to be cautious about engaging in such conversations. Words spoken, or overheard, in the House that do not form part of the official record of proceedings but are nevertheless reproduced publically could well lead to unintended, and unwanted, consequences.

In closing, I ask both Members within the rail and persons outside the rail not to attempt to have conversations during proceedings. I will monitor compliance with this request over the next while to determine whether any additional action is required.

Thank you, Honourable Members.”

### **Statements by Members**

- 2:25 Hal Perry (Tignish-Palmer Road) recognized and congratulated Ethel Ellsworth on her retirement.
- 2:27 Chris Palmer (Summerside-Wilmot) recognized the Ester Finkle Fund for Kids Walk.
- 2:29 Steven Myers (Georgetown-St. Peters) congratulated the Montague/Hamilton Hockey Exchange on their 50<sup>th</sup> Anniversary.

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2:30

### **Questions by Members**

### **Statements by Ministers**

3:13 Hon. Premier (Justice and Public Safety) announced Queen's Council appointments for 2017 and congratulated Alanna Taylor, Thomas Laughlin, and John Maynard on their selection.

3:15 Hon. Leader of the Opposition and the Leader of the Third Party added their comments.

3:17 Hon. Heath MacDonald (Economic Development and Tourism) provided an economic update.

3:20 Darlene Compton (Belfast-Murray River) and the Leader of the Third Party added their comments.

3:24 Hon. Jordan Brown (Education, Early Learning and Culture) recognized National Computer Science week and the Hour of Code.

3:27 Steven Myers (Georgetown-St. Peters) and the Leader of the Third Party added their comments.

### **Presenting and Receiving Petitions**

None

### **Tabling of Documents**

Hon. Alan McIsaac (Agriculture and Fisheries) tabled, by leave, answer to written question No. 10.

Steven Myers (Georgetown – St. Peters) tabled, by leave, a letter from Robert Morrissey addressed to the Standing Committee on Education and Economic Development.

### **Reports by Committees**

None

### **Introduction of Government Bills**

None

### **Government Motions**

None

### **Orders of the Day (Government)**

3:33 The following Bill was read a Second Time and referred to a Committee of the Whole House:

**AN ACT TO AMEND THE CIVIL SERVICE SUPERANNUATION ACT (Bill No. 15)**

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Promoter: Hon. Allen Roach  
Chair: Kathleen Casey

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

**ORDERED**, that the Report of the Committee be adopted.

3:46 The following Bill was read a Second Time and referred to a Committee of the Whole House:

**AN ACT TO AMEND THE TEACHERS' SUPERANNUATION ACT (Bill No. 8)**

Promoter: Hon. Allen Roach  
Chair: Kathleen Casey

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

**ORDERED**, that the Report of the Committee be adopted.

3:50 The following Bill was read a Second Time and referred to a Committee of the Whole House:

**AN ACT TO AMEND THE CHILD PROTECTION ACT (Bill No. 3)**

Promoter: Hon. Tina Mundy  
Chair: Kathleen Casey

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

**ORDERED**, that the Report of the Committee be adopted.

4:30 The following Bill was furthered considered by a Committee of the Whole House:

**WATER ACT (Bill No. 13)**

Promoter: Hon. Robert Mitchell  
Chair: Kathleen Casey

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

**ORDERED**, that the Report of the Committee be adopted.

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

**7:00 p.m.**

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### **Motions Other Than Government**

Private Members Bill introduced and read a First Time:

**Food Waste Awareness and Strategy Act** (Bill No. 103) by Steven Myers (Georgetown-St. Peters).

### **Orders Other Than Government**

7:03 The following Private Members Bill was read a Second Time and referred to a Committee of the Whole House:

#### **AN ACT TO AMEND THE WORKERS COMPENSATION ACT** (Bill No. 102)

Promoter: Jamie Fox  
Chair: Bradley G. Trivers

During Committee of the Whole House, Jamie Fox (Borden-Kinkora) tabled the following documents: letters supporting Bill No. 102 from Island EMS, Paramedic Association of Prince Edward Island, and Marilyn Webb M.Ed. CCC (Psychotherapy and Counselling Services).

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

**ORDERED**, that the Report of the Committee be adopted.

The House reverted to

### **Motions Other Than Government**

Leader of the Third Party moved, seconded by Hal Perry (Tignish-Palmer Road), the following Motion (No. 15):

**WHEREAS** performance reporting refers to a system of planning and reporting oriented toward achieving outcomes;

**AND WHEREAS** performance reporting is recognized as an important element of sound financial management, public accountability and transparency, effective planning, open government, and good governance;

**AND WHEREAS** governments around the world have adopted performance reporting practices;  
**AND WHEREAS** the government of Prince Edward Island does not currently have a government-wide performance reporting framework;

**THEREFORE BE IT RESOLVED** that the Legislative Assembly direct the Standing Committee on Communities, Land and Environment to explore the potential benefits of performance reporting;

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**THEREFORE BE IT FURTHER RESOLVED** that the Standing Committee examine in particular the possibility of including performance reporting in the provincial budget process and the presentation of estimates in the Legislative Assembly.

Debate was commenced by the Mover (8:35); continued by Hon. Premier (8:44); Hon. Paula Biggar (Transportation, Infrastructure and Energy) (8:55); and, on her Motion, debate was adjourned.

### **Adjournment**

9:00 On Motion of Hon. Alan McIsaac (Agriculture and Fisheries), seconded by Chris Palmer (Summerside-Wilmot), the House adjourned until 2:00 p.m. on Wednesday, December 6, 2017.

Charles H. MacKay  
Clerk of the Legislative Assembly