

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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Standing Committee on Rules, Regulations, Private Bills and Privileges

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LOCATION: LEGISLATIVE CHAMBER, HON. GEORGE COLES BUILDING, CHARLOTTETOWN

SUBJECT: REVIEW OF RULES OF THE LEGISLATIVE ASSEMBLY

COMMITTEE:

Kathleen Casey, MLA Charlottetown-Lewis Point [Chair]
Hon. James Aylward, Leader of the Opposition
Hannah Bell, MLA Charlottetown-Parkdale
Hon. Sonny Gallant, Minister of Workforce and Advanced Learning
Hon. Robert Henderson, Minister of Agriculture and Fisheries
Alan McIsaac, MLA Vernon River Stratford (replaces Hon. Tina Mundy)
Steven Myers, MLA Georgetown-St. Peters
Allen Roach, MLA Montague-Kilmuir

COMMITTEE MEMBERS ABSENT:

Hon. Tina Mundy, Minister of Family and Human Services

MEMBERS IN ATTENDANCE:

Peter Bevan-Baker, Leader of the Third Party

GUESTS:

Clerk of the Legislative Assembly (Charles MacKay)

STAFF:

Ryan Reddin, Clerk Assistant (Research and Committees)

The Committee met at 1:00 p.m.

Chair (Casey): Good afternoon, everybody, and welcome to the Standing Committee on Rules, Regulations, Private Bills and Privileges. Your agenda is before you, and I would like to welcome the Leader of the Third Party, Peter Bevan-Baker, who's joined us today, as well as Alan McIsaac is going to be here shortly for the hon. Tina Mundy.

Hon. members, the agenda is before you and I'm looking for approval of our agendas.

Mr. Gallant: (Indistinct)

Chair: The hon. Sonny Gallant, thank you.

Hon. members, we have been talking about Rules of the Legislative Assembly and it's a pleasure for me to introduce and welcome to the floor of the House, the Clerk of the Legislative Assembly, Mr. Charles MacKay. He's going to give a presentation on a review of the rules of our Assembly.

I'm sure it will be educational and informative, and if you have any questions I would just ask you to indicate to the Chair and I'd be happy to add you to the speaking order.

Permission for the Clerk to come to the floor?

An Hon. Member: (Indistinct)

Chair: Thank you. We'll let you get set up.

Welcome, Mr. MacKay.

Charles MacKay: Thank you, Madam Chair. This is a different vantage point.

An Hon. Member: He shouldn't have to identify himself.

Chair: Yes, and he'll do that, for sure.

Could you please identify yourself for the record?

Charles MacKay: Yes, I will, Madam Chair.

It's Charles MacKay. I'm Clerk of the Legislative Assembly, and thank you for the opportunity to be here to discuss something very close to my heart, of course, the rules of the Assembly and the proceedings here in this Chamber.

I would just like to say I really commend you all for the commitment to review it. It's quite something to see happen, and it has happened on occasion over the years; but it's always good to see, because as you will see, I hope, in the course of my presentation, I think it's a timely sort of thing to do and a worthwhile endeavor to undertake on occasion.

What I have, Madam Chair, is a presentation. It probably would be somewhere in the range of 15 minutes, and I would just propose – I may not read it word for word, but I would just propose perhaps to go through that and then after that, if there's any questions, perhaps I could respond to those. So if that's acceptable?

Chair: It's very acceptable and the floor's all yours.

Charles MacKay: Thank you.

Thank you for the opportunity to appear before the Committee to discuss the Rules of the House. I appreciate your consideration of the important subject – one close to my heart, as I've mentioned – and commend you for your willingness and interest to review the matter.

I thought perhaps a little bit of context by way of a quote that I thought was quite interesting, from R. Osborne in a book called *Of the People, By the People: A New History of Democracy*:

“Let's be clear from the beginning: democracy is humanity's finest achievement. Championed, idealized, misused, abused, distorted, parodied and ridiculed it might be; courted by unfaithful lovers, glad-handed by false friends and skinned by unscrupulous allies it undoubtedly has been; but democracy as a way of living and a system of government is the avenue by which modern humans can fulfill their need to construct lives of real meaning. More than all the paintings and sculptures on earth, more than all poems,

plays and novels, and more than every scientific and technological invention put together, democracy shows humanity at its most creative and innovative; democracy is a continual, collective enterprise that binds us together while allowing us to live individually. While it endures there is hope, without democracy the world is bereft.”

I think it's from that premise that I often look at the proceedings of the House; and from a personal perspective, I often think – when I'm sitting here at the table – I think of our forefathers and what they brought in developing this institution from 1773 forward and those who fought for the freedoms we enjoy and the ability of all members to enjoy the privileges and the expression of freedom of speech and opinion here on the floor of the Legislature. It's really quite a compliment, I think, to Canadians and Prince Edward Islanders that we have institutions like this.

The Rules of the House of Assembly of Prince Edward Island were first adopted in 1773 and have been steadily evolving ever since. Initially adopted and based on rules and practices in place in other established Westminster based parliaments, the Rules have been changed to reflect societal expectations, political realities, legal and practical evolutions in the application of parliamentary privilege, changes in the House of Commons and other provincial and territorial legislatures, and so on. Prince Edward Island's Legislature does not exist in isolation of practice in other jurisdictions as we have a common bind – that being the sharing of the Westminster System of Parliamentary democracy.

The Rules of the Legislative Assembly are complex and intricate and are composed of the rules, customs and practices of the PEI House. They also encompass the *Legislative Assembly Act* and every ruling from the Speaker and/or Committee chairs. As you are all well aware, the practices of the place are constantly in motion. Rule 2 provides that in cases not expressly covered in our rules, customs or practices, the rules of the House of Commons are applied. As we know, these too change with some regularity further incorporating change at the Legislative Assembly of PEI even though it may be years before we ever get to a situation analogous to the federal incident or

matter that gave rise to the federal rule change...and by possible extension, to the Rules of the Legislative Assembly of PEI.

I think the good news is that our Legislative Assembly has kept pace reasonably well. The rules and professional supports provided to PEI's primary democratic institution are exceptional and, for the most part, have served members and the Legislature itself very well. PEI's Legislature has been responsive to the ever-changing needs and to much-needed modernization when required. For example, I've provided the following list that identifies some of the changes that have had a significant impact on the Legislative Assembly programs and services over the past 20 years or so. Members and staff from all parts of the House should be proud of these accomplishments as they represent the manifestation of considerable effort by members and staff in contributing to the delivery of first class parliamentary services in the conduct of legislative business in this province.

Just by way of some of the highlights, and I won't go through them all, but very significant changes in 1995, when committees were empowered to investigate matters that they by majority decision may wish to investigate. Previous to that, it had been the House itself had to make reference to House committees. The secret ballot election of Speaker; the Office of the Assembly was established in statute.

In 1996, the Hansard was established and two distinct sittings of the House were created for the first time, and we've had two sittings primarily since; 1997, video coverage of proceedings of the Legislature; 1999, a conflict of interest office, for example, and there were also some new rules, of course, in 1997, to deal with the third party for the first time on the floor of the Legislature.

2000, while it perhaps didn't even seem so much at the time, the expansion of the website and the delivery of services digitally to consumers out there who might like to access the proceedings of the House were initiated; and I must say, I'm quite proud of the work that the staff here has done in making our site one of the more comprehensive sites in the country, I think,

as far as presenting the information that happens here on the floor of the Legislature. We have the archive, the video storage of both the digital audio and video signals. Every document that's tabled on the floor of this Legislature is available electronically, which is really quite something when one considers accessing the proceedings of the House. That didn't happen in 2000, but it's an evolution since that time.

A permanent Hansard Office in 2001; the creation of an Office of the Information and Privacy Commissioner, again in 2001; we've had a considerable amount of work done in an attempt for public education and outreach as well, through things like the annual report of the Legislative Assembly, *Minding the House* volume one. There's been innovations on the technology side and the use – as you as members all well know – that the use of handheld devices here on the floor of the Legislature and the use of cell phones.

In 2005, I think a very important step for the Legislative Assembly is the creation of the autonomy of the Legislative Assembly in the budgeting process. By that I mean prior to that time, it used to be a negotiation between the Legislature and the executive essentially about what budget the Assembly is going to have. We now have a Legislative Assembly that has in its rules the authority that it looks at its own estimates, revenues, those sorts of things, and makes representation then to Treasury Board to include those estimates in the estimate book, which I think is really quite an important step in the evolution of our Legislature and also reflects the reality that it is the executive who is accountable to the Legislative Assembly and not the other way around.

Again, 2006, the re-designed website; in 2007, an independent parliamentary research branch was established, and thank you very much, Ryan, for all of your work in that regard. You're pretty much it. You do a very fine job. Also that year was a reestablishment of our Legislative Library, all in the interest of supporting the work of the Legislative Assembly and its members to ensure that you have the supports you need to fully function as parliamentarians in our province.

In 2008, our Legislative Assembly/UPEI internship program was established – and Amy, welcome. I see you here in the public gallery and certainly some valuable contributions from Amy here from UPEI and many students over the years past. In fact, rarely does a week go by that I don't see one of them on the news, so it gives you some indication of the kindling an interest in them, I think, in the proceedings of the House and wanting to be active publicly here on PEI, which I think is a wonderful thing.

In 2008 as well, I mentioned previously that we had done a review of the rules. That happened in 2008. Enhanced visitor services, again, some more emphasis on public education and outreach; security services. In 2012, for example, the Annotated Rules of the Legislative Assembly were created, and I know this committee did a lot of work in that regard. It actually ended up in this publication and really, I think this committee should be pretty proud of it. There was a lot of work went into that in an attempt to try to put some explanation about the application of rules here on the floor of the House and an understanding of how they actually work in a practical sense, so that was a fair bit of work done on that.

In 2013, the launch of the legislative documents online site, and it's quite incredible. There's historic reference there right back to 1893. So as far as researching and accessing the work of the House, it's very comprehensive.

Committees live in 2015 for the life of Assembly. We created a communications/external relations position which I think is another step in the right direction for the Legislative Assembly.

We have a full service temporary Legislature established here at Coles Building after moving out of Province House, and I think if there's one kind of shortcoming administratively with the Legislature would be the, is the need for a facility that works for all parliamentarians and for staff of the Legislature. That has been a challenge and we're continuing to work toward a solution in that regard. I don't know when we might achieve it, but we're working toward it, at least.

So I did want to run through a few of the things that happened because sometimes they do happen quietly, and not a lot of discussion about the institution itself. That's why, I guess, part of the reason why I welcome the opportunity to come here to talk about the institution. It's from that perspective, I'm thinking, of some of the innovations that have happened, and I hope that you would agree that there has been some good movement in that regard.

Is the Assembly perfect, however? And in a word, I think we can all agree, no. There are certainly some shortcomings. As noted above, the Legislature is always evolving. members come and go, governments and oppositions change, staff come and go, rules change, technology changes, societal expectations change... all of these things have, and should continue, to have, an impact on how an Assembly goes about its business.

As you embark on this process, I'd respectfully suggest you consider what it is you hope to achieve. What specific issues would you like to have addressed? What has frustrated you as members? And let's face it, as we come here, it's about you as members. What is it about the institution would you like to see improved so that you could perhaps be more effective in achieving your objectives as elected representatives? What might be the intended, and unintended, consequences of implementing this change?

Often in assessing the performance of our Legislature, and comparing ourselves to other jurisdictions in an effort to ensure that PEI is keeping pace, I refer to benchmarking work done by the Commonwealth Parliamentary Association to assess our performance in the pursuit of providing a fully functioning and effective Legislature.

I thought I would circulate for you – I'm not sure whether you've ever seen it, and perhaps some of you have, but I've attached an example of the type of document I'm talking about. It's called The Recommended Benchmarks for Pacific Island Democratic Legislatures. This is done through the Commonwealth Parliamentary Association, not just for the Pacific parliaments, of course, but throughout the Commonwealth, and it's a good sort of lay tick-list of some of the things that we could look at and

assess our performance as a Legislature and where they may be room for improvements, and indeed maybe even see where we're doing quite well, so I offer that for your consideration. I recognize that some of the recommendations are basic and have been achieved on Prince Edward Island many years ago. However, there are others that should cause, and should cause pause and reflection and subjects and ideas that parliamentarians in this committee may wish to give further consideration.

My thoughts from my own perspective, I think Islanders should be proud of the institution itself and the right to self determination that it accords to us as Prince Edward Islanders. Granted, work always needs to be done to ensure that the PEI Legislature is keeping pace and to make the institutions stronger; however, for the most part, the House has been able to respond, sometimes very quickly, to an expressed and real need for change.

Some areas that you may wish to consider for possible change are listed below. Even if you eventually decide not to proceed with the change in some of these or all areas, often the process of discussing the possibility and exploring options is healthy, in and of itself.

Some examples that spring to my mind as I look at the rules and I don't profess to know where this committee may wish to go with respect to some of the rules, but certainly some of the things from my experience here that you may wish to look at are:

Meeting times, for example. Included in this could be discussion on sitting hours, duration of sittings and sessions, sitting schedules and incorporating committee weeks and break/constituency weeks into the schedule.

Considerations that you might wish to think about should you decide to look at those things, procedures for finishing business by the end of the session could well include the possibility of some sort of time limit on debate on issues before the House and/or a process for extending the sitting hours of the House.

Right now, we did the easy part in a sense; we have a parliamentary calendar but we

only have the front end of it. It's the back end that is more problematic in trying to achieve how you realize that without putting some sort of parameters around the debate, be it on the estimates or on a bill individually or members individually. Those aren't easy things and I recognize that.

Committees: Included in this discussion could be formalized executive responses to committee reports, mandates for committees, composition of committees, responsibilities (including the authority to review regulation). Of course, with the committees were, this very committee, actually, has the authority under the rules of the legislation to review any regulations. I've heard over the years lots of discussion about delegated legislation, for example, and that a lot of the authority in legislation that's passed by this House, has been passed on to regulation. Well, this committee is actually empowered through the rules of the House to review regulation, as well, should it decide to do so by majority decision.

Tabling and adoption procedures for reports; and by that I mean – and I think this came up a couple of times, where members are expected to receive a report and then hot the heels of that is a motion for the adoption of the report. Actually, most members perhaps, never even saw what was in the report. Perhaps that's an area that you might like to have a look at so that there's a bit of a period between the time of the receipt of the committee report and the actual motion for the adoption of it so you know what it is that you're voting on in the adoption.

Changes to the ordinary daily routine: again, time limits in general. Changing rules for recognition of guests; I know that could be a bit of a bug bear around here, but it's certainly one, I think, that I've heard lots of members talk about, more privately, perhaps than publicly. But anyway, recognition of guests and perhaps the whole idea of removing the routine matters of privilege and recognition of guests because a lot of you will recognize that a matter of privilege is in order anytime. Because of its severity, it would be taken into consideration at any time. We don't actually need a routine telling us that that's the time to raise a matter of privilege.

Formalized executive responses to petitions for example, during presenting and receiving of petitions; there could be an allotted amount of time for response to petitions. I think that might be something members wish to consider. Right now we receive the petition and that's pretty much the end of it here on the floor of the Legislature. There's a petitioning process; granted it does allow opinion to be expressed and presented to the floor, but what is it that the House does with it after it receives it. That maybe something you wish to have a look at.

Tabling by leave; by that, that whether there ought to be any restrictions on tabling documents by leave, particularly documents that are already in the public domain. We all know that this happens sometimes with regulatory. But what happens is, the record of the Legislative Assembly can often be in duplicate, triplicate and over again; anyway, I don't probably expect that much change to that but I couldn't resist but to raise it.

Legislative Assembly; the process for amending legislation under the purview of the Legislative Assembly itself, and this one I think is an important one. The *Legislative Assembly Act*, the *Conflict of Interest Act*, the *Freedom of Information and Protection of Privacy Act*, the *Election Act* and there are others, are really under the purview of the Legislative Assembly. How is it that we go about bringing amendments to those statutes to the floor of this Legislature? We have those independent offices reporting to the House and then they could well languish for some time before those amendments ever actually see the light of the day here on the floor. Perhaps there should be some consideration by the House itself how it deals with its own statutes to get those matters before the Legislative Assembly.

Plain language rules where possible, of course. I think we're working toward that. I believe this committee had done a fair bit of work not so long ago on plain language rules and we actually have a draft pretty well ready to go in that regard, so that might be something this committee would want to look at.

The Speaker's authority in the House; it may well be fine the way it is. There may be things that this committee would want to contemplate changing in that regard.

The composition of the Legislative Assembly itself; again, I think a very important one. In that the role of the Legislative Assembly versus the role of the executive branch of government. It's not something of course that's very sexy, maybe publicly, or thought about all that much, but it goes to me to the heart of what it is that your Legislative Assembly is to do and that is to hold the executive to account for the various initiatives and things that it wishes to bring forward before the Legislative Assembly. The composition of the body itself is extremely important and I think needs perhaps a little bit of attention in this province.

Some other miscellaneous sorts of things; perhaps not of monumental perhaps of such degree as the others I've raised, but the miscellaneous provisions Rule 48 and 49, referring a bill or a matter to a committee. I know I've had discussions with a number of you – we have competing rules in that regard. One says that you can move a bill to committee without notice and the other says it requires notice, then there's a whole other avenue of whether or not it is actually an amendment to a bill to move that it go to committee because it doesn't fit within the context of the bill. I think some clarity in that regard would be helpful.

Is there a need for a seconder any longer on the floor of our Legislature? That's one you may wish to consider. I know the Yukon Legislative Assembly for example; another small Parliament has done away with that. In fact, we've even done away with it here in committees. So, is that something perhaps we should be looking at on the floor of our Legislature whether a seconder is actually required? Keeping in mind that it's not that unusual to have a one member Caucus in our Legislature under the current composition; 93, 2000, recently with third party, back in 1996 with a third party for example. That maybe something you wish to consider.

I didn't go into any great detail in the budget process, but I mean there's as many ideas on that front as there are probably people in this room. I think there is perhaps a little bit of room for improvement and also on the legislative process. I'm hoping to discuss those things.

But I will say this; we have had members go away to other jurisdiction, particularly some of the larger houses and they come back and will often say how proud they are of being associated with a Legislature like this where you have a budget process, where you have a legislative process, where every member of the Legislature can actually be here and go through those line items. Maybe the issue is sort of the work in advance of bringing those bills to the floor or the estimate process. Perhaps that's where some of the weakness lies. But there is some good in the process that we go through here that every member of the Legislative Assembly is present and going through legislation and in through the budget.

Perhaps, as well, maybe could be looked at, and maybe the former minister of finance would have comment on this, but the presentation of the estimate book itself, so that members – and there's some consistency for members and you're able to do your work in comparing sort of apples to apples as opposed to oranges to apples.

In conclusion, having a fully functioning and well-resourced and independent Legislative Assembly has, first and foremost, one lofty objective in mind: and that's to provide better government for Prince Edward Islanders.

With the Legislature doing its job, the executive doing theirs and the Judicial Branch fulfilling its interpretative responsibilities, we have a strong system of governance that in many ways is the envy of the world.

Again, improvements can and perhaps may well always be needed. I don't believe there's a system out there that is perfect. All have shortcomings and we can all do better and strive for more. I see that as a large part of our jobs, actually. To have a full, autonomous, provincial Legislative Assembly is the most powerful expression of Canadian provincehood as can be achieved. It should be cherished and protected as it was hard fought for, and earned, by our ancestors.

I thank you for your invitation to make this presentation, and I'd be happy to try to answer any questions you might have.

Thank you, Madam Chair.

Chair: Thank you, Mr. Clerk, for your educational presentation. I know that you live each day with the rules of the House. For those of you who don't know, Mr. MacKay is probably one of the longest-serving clerks in the Commonwealth, and whenever I travel to presiding officers' conferences and see the clerks from the other jurisdictions, Charles is always thought of in a very positive light as one of the leaders in clerkships in the country. So we're very fortunate to have your wisdom at the clerk's table, and we appreciate that.

Hon. members, the Clerk has given us some information about his thoughts on the rules of the House, and I'm going to open the floor for discussion and I'd be happy to add you to the speaking order.

I have Steven Myers who's looking to start first.

Mr. Myers: Thank you very much, and thank you, Charlie for coming in.

This discussion started at our last meeting. I'm sure that you're at least aware of the document that James had put forward on this, and I know a lot of the things that you touched on were further to, or all in the proximity of where James was thinking in his.

I think part of what we talked about last week was – so it's good for us, and it's great to have your experience, and it will be if we decide to continue down this road, because we'll need to know if what our thoughts are could actually fit into an assembly. Obviously you'd be the key person to help us determine that, whether or not this could work.

So I'm wondering what your thought are on going to the public and hearing what they have to say and then coming back, and with your help, putting together recommendations that make sense for this Assembly. Because I know we're going to hear stuff that maybe doesn't fit, but that doesn't make it bad information and it's always good to hear what people have to say. What are your thoughts on doing an exercise like that for the Assembly?

Chair: Mr. Clerk, you have the floor.

Charles MacKay: Thanks, Steven and thanks, Madam Chair.

I think there's merit in it. I think it's always worthwhile to hear what Prince Edward Islanders feels about the Legislative Assembly and let this committee determine whether or not it falls within the purview of the rules. But if you have a consistent theme and you do go out to the public and you do get feedback on the Legislative Assembly and how you conduct your business, I think some of it will be rule-based; some of it will be behaviour-based; some of it will be on the level of debate that some people feel that ought to be improved; and all of those things are hard to address through the Rules of the Legislative Assembly, but it doesn't mean you shouldn't hear them as members.

So do I think there's merit in going out to the public? At the end of the day, that's what this place is all about. It's entrusted to you people as the elected representatives to look after this institution, and you would derive your authority and your base from the electorate themselves. It's always good to hear from people and how they feel about the institution. I think, just one more brief point on that, I think it might help in some of our efforts, too, in the public education and outreach, because a lot of people don't – it probably won't come as any great surprise – don't really think about the institution as whole. It's usually about one issue or one member or something of that nature. So I think to have a discussion out there about the institution itself and whether it falls within the purview of the rules is probably a healthy thing.

Mr. Myers: Thank you, and that's obviously what I think, too, but I do think that you would be an instrumental key in helping us because you know the rules and how they operate.

I just have a couple more just pointed questions, and they're kind of in the same sphere. Has the Assembly ever had a request for child care in relation to a staff or member?

Charles MacKay: No, Steven, I don't think so. I don't recall. I know it's an issue in

other jurisdictions, but here, no, I don't recall that request coming forward.

Mr. Myers: Given that I'm sure all parties are trying to attract younger people – and it's not just women, it's young men and women who share responsibility for child care and raising children these days, and we have a couple in our office who have young children and have obligations that come along with it like any parent would have. Sometimes it means having to go to daycare at 3:00 p.m. in the afternoon to pick up a child or what not.

What would the implications be for the Assembly to set up child care services for members or staff in this geographic footprint? Kind of like they have at UPEI, the Campus Kids model?

Charles MacKay: Well, I'd make no bones – it'd be a real challenge. Under the footprint we presently have and the facilities that we have and particularly now with our temporary Legislature in this place, we would be hard-pressed to find space for child care services here at the Legislature for a daycare sort of service.

Matter of fact, we're having a hard time finding space for a third party, and now we have a newly independent member as well, so we're facing those sorts of challenges. It doesn't mean, though, that it can't be planned for. It doesn't mean that in the future, in evaluating what the priorities are for the Legislature that that wouldn't be taken into consideration and a facility developed to accommodate that, no question about it.

I see the movement in other parts of the country, the movement toward that, and it's by no sense – even in the House of Commons, it's a facility that is there and it's paid for by the members and by the staff who wish to access it, and I think media as well. If they wish to access it, there's an opportunity to access it as well, and they pay just like everyone else. So it is certainly something that could be looked at here.

Mr. Myers: Thank you.

Chair: Mr. Clerk, before I move on to Hannah Bell, could you just expand on – Steven had mentioned about, his question

was about going out to the public – what method would you see best to engage the public? Would it be public meetings, would it be advertisements in the newspaper? Initially, what would you see?

Charles MacKay: Well, I think – my own experience with committees, at least, and it was fairly considerable, is to let people know that you're having these meetings, to come forward and express your interest in making your views known to the committee; then when you have that list, make a determination on how you wish to proceed with the public meetings.

You could also take a bit of an innovative approach, I suppose, if public education and outreach was one of the objectives of the exercise, in that you could do something similar to what the Special Committee on Democratic Renewal did, in that there was a bit of a presentation at the beginning of each public session on the institution, in this case, for example, and it's an opportunity to reach out and maybe focus on the House itself rather than some of the issues and things that come off and sometimes cloud-thinking about the institution as a whole rather than the individual issue.

I think a placement of an advertisement; get a sense of where the interest is, if there is interest, and it's – I don't know that that would be determined. Islanders would be able to pick up on that, and decide whether it was something they wanted to make their views known on, and then consider a schedule at that point.

Chair: Thank you.

Hannah Bell.

Ms. Bell: Thank you, Chair.

It's lovely to see you here, Mr. MacKay.

Charles MacKay: Thank you.

Ms. Bell: So many things, but great to hear talking about committees because it's actually an area of great interest; but before we start that, just (Indistinct) remind everybody there's a lot of research looking at the Library of Parliament's *The Parliament We Want*, from 2003, talking about looking forward to building a

Parliament for the 21st Century and how that kind of informs us thinking about the decisions we make in terms of what do we need to do for now, but also, what you said, planning for the future.

I, for one, would be very happy if there was a child care available here, but it would have to be a different building or else – you’ve met my daughter. She would want to be joining in, so –

Speaking about committees, I was really intrigued with your comment earlier when you talked about the composition of the Assembly and the role of the legislative versus the executive, and the committees having a broad mandate to examine and inquire within their topic areas as referred by the House. Is there an expectation, either in rules or in practice, that our committees play a role in holding government to account?

Charles MacKay: My short response would be yes, there absolutely is. It’s one of the most important vehicles available to the Legislative Assembly, is a fully functioning well-resourced committee system to hold the executive to account for the decisions that it takes, absolutely. That has to be exercised by members of the committee itself.

Chair: Hannah Bell.

Ms. Bell: So, Mr. MacKay, I know from when we talk about holding to account we think about we’ll write rules, and certainly there’s a thing between rules and culture, but I like to think when I talk about accountability that we’re talking about: Did we get the results that we expected to deliver. We’d sort of like to grow up into that space that we’re talking about, performances, performance.

But when we have – particularly in our case – where we have, a couple of exceptions committees where there is a majority of government control and also, potentially, where we have cabinet ministers serving on committees, how challenging does that become for us to be able to maintain that separation of executive and legislative roles in terms of that piece about accountability?

Charles MacKay: Absolutely and I think that’s an excellent question and a real

challenge that this Legislature face and it’s a function, really, of our size. Twenty-seven members strong; as you will see in some of the literature I gave you, particularly for those specific legislatures, the Commonwealth Parliamentary Association has talked about no more than one-third of your legislative body should be comprised of executive members. Of course we know in our Legislature it’s much higher than that. There’s no question when one of the functions of your legislative body is to hold your executive body to account, and the majority of your legislative body is comprised of executive members, it does compromise the ability of the Legislature to achieve the objectives that you are talking about.

Ms. Bell: In the current composition of the majority of our standing committees where we have a combination of Cabinet ministers participating in those committees and a majority of government members in those committees, how could we restructure those committees to take respect for the proportional representation, perhaps, in terms of the voices that the elected officials represent, but maintaining that opportunity to provide accountability.

Charles MacKay: I think the first thing would be the rule, the rule that says that the composition of the legislative committees are to be comprised of, essentially, the party representation in the House. That would be the first thing, I think, of this committee if that was something that had wanted to see changed that the Legislative Assembly would have to have a look at. I know James has mentioned that definitely in his paper.

The other part of it, I suppose, would be a cooperation, if you would, from the executive side, in that there is provision under the *Executive Council Act*, that I believe a Cabinet can be as small as nine members or up to 11 or 12, I’m not sure what it is now; but somewhere in that range.

If one were to look at the Commonwealth Parliamentary Association and the guidelines that exist there, it suggests that no more than one-third of your legislative body ought to be comprised of executive members, therefore when one doing the math would think should be no more than (Indistinct) executive members.

There's also the blurring of the line and this has gone on for some time in this province, it's not just this administration or the previous one or anything of that nature, I think it's a part of practicalities in trying to have members feel like they're part of a government and part of a process.

But what has happened is that we have executive members on the floor of the Legislature, yes, Cabinet ministers, but we also have private members that serve on Executive Council committees that does impinge on that primary function of a legislator and a parliamentarian on the floor holding that executive to account. That could be another practice that could be reviewed, or at least, thought about in the context of what the primary responsibilities are for your legislative body.

Ms. Bell: My last question, Chair, is (Indistinct) on this question.

You have great experience as your executive in the Commonwealth, or your past experience, what do we see in other jurisdictions in addressing this challenge of trying to kind of maintain that more of the accountability piece?

Charles MacKay: In many jurisdictions, of course, they have the critical mass members that it's not such a problem. But in some of the smaller jurisdictions it is most definitely becoming an issue. I think it really goes back to looking at what the role of a Parliamentarian is. You all got elected because you wanted influence public policy and positively change our society. So as elected members you want to be able to make some contribution toward achieving that. Part of it is addressing that very fundamental question: How is it that parliamentarians can contribute to the development, more effectively, to the development of good public policy, rather than simply reacting to the executive initiatives here on the floor of the Legislature, when often as we've just discussed, the composition can compromise the true intent of what your legislative body is in the first place.

Ms. Bell: Thank you, Mr. MacKay.

Chair: I'm going to move on to James Aylward and if you have other questions I can come back to you.

Ms. Bell: Thank you.

Chair: The hon. James Aylward has the floor.

Leader of the Opposition: Thank you, Chair.

I do have several questions here but I just want to carry on with the discussion that we were just having. I think it's a great discussion to be having, because I, personally, have been frustrated at times with the work of the committees, or lack thereof. I understand that we don't have the critical mass as a lot of the jurisdictions across Canada do. We're limited as far as the makeup of the committees and I understand why then we would have to, in a situation where you have fewer elected members on the government side, to then appoint them to committees to do that work.

One of my views has been for a long time, that in order to have the committees doing the work that the committees should be doing, I think we should be looking at a set schedule for committees. It's easier to cancel a meeting or to postpone a meeting, sometimes than it is to actually schedule a meeting. But if the meetings had a set schedule, all the members of that committee know when they're going to be called upon to do work for that committee. There's lots that we can get around there.

Chair, I guess my first question would be to Mr. MacKay is: I'm curious as to why government bills here on PEI do not require notice on the order paper, like private member bills do, as far as being called?

Charles MacKay: James, I'll be honest with you, I don't have a good answer for that. I know it's simply – it's not good enough to say that it always has been – it's seen as an executive prerogative to bring legislation forward. On the opening day of the Legislature we always have our pro forma bill. Nobody ever pays too much attention to about what that is, is part of the establishment of the right of government to introduce legislation. It signals that right on

the floor of the Legislature right during that official opening ceremony.

Why it is that government ought to give notice or not give notice on what its brought forward similar to what private members are, there would be no reason why there couldn't be some other process put in place to give notice and legislation come forward in that fashion.

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

Charlie, would you agree that perhaps it gives the government of the day significant advantage and flexibility, compared to opposition caucuses, by them not having to have advanced notice of when they're going to call a specific piece of legislation to the floor?

Charles MacKay: I think there's an advantage but I'm not sure it's that. Part of what the advantage could well be is the legislative process itself. There's no notice all right, but that's the first time you can often have to see the piece of legislation and it could well be called the next day and I think that's been discussed certainly here on the floor of the Legislature as well, where is the fairness to other legislators in being able to become familiar with that legislation.

Maybe it's notice even so much that that notice provision, as it is looking at the legislative process so that legislators, you as parliamentarians, have a chance to have a look at a bill, to consult, perhaps, with who you might like to consult with, the stakeholders that would be affected by the legislation before it actually goes to second reading on the floor of the House. Maybe that's where it really does fall down.

Maybe the notice provisions – quite honestly the notice provisions and the private member side, I'm not sure they really achieve all that much anyway because no one ever knows what's in the legislation.

For example is, Steven brought forward an amendment to the *Highway Traffic Act*, I think for example, nobody knew what was in it until it actually hit the floor. In fact, there were a lot of questions: Well what's in that? Well no, you're going to have to wait

to find out until it gets read a first time on the floor.

What that notice actually achieves, I don't think is very much in the first place or really achieves in the first place. Where it falls down, I think, is in the legislative process so that you don't have an adequate, perhaps, time to review legislation before you have to debate is substantively. In second reading, of course, it's debatable. It doesn't happen in this House, but second reading is debate, in principle, on legislation and then you go into Committee of the Whole House, a separate stage, and then third reading is debatable as well. The effects of the legislation shouldn't come into effect.

I think maybe that's where the process could use a little close scrutiny to determine whether the interests of members are being served in that process.

Chair: James Aylward.

Leader of the Opposition: Thank you, Chair.

Those are some of the concerns that we brought forward, and most recently as well the Leader of the Third Party has brought forward, with regards to being prepared for substantive pieces of legislation that are coming forward and having the necessary resources to actually go through these bills and to get a full understanding of the complexity and the meaning of how it's going to impact every-day Islanders. It's something that I think we need to look at.

I guess what I'd like to go back to is the notice period. Federally, all bills must be given 48 hours of written notice on the notice paper prior to being tabled. Again, that would give all legislators the opportunity to know more explicitly what we're going to be looking at in two-days time and to be fully prepared for that if we need to go back and do a little bit more research, or if we have a resource – an expert resource, that we need to consult with prior to. Again, it would give us the advantage there.

I just want to quote directly from the federal compendium procedure and I quote: In order not to take members of the House by surprise, the rules of the House require

notice to be given before most substantive items can be raised for consideration. Notices given or deemed given on a particular day are printed in that day's notice paper and transferred to the order paper after the applicable notice period has elapsed.

So, I guess then I'd just ask the question: Why does our Legislative Assembly not have a notice paper or a notice period?

Charles MacKay: Again, let's take for example – use the private member's bill example.

The amendments that are brought forward in, we'll say *An Act to Amend the Highway Traffic Act*, or *An Act to Amend the Financial Administration Act*, will come forward. That's not going to give members the kind of notice and the information you need to properly prepare for what that amendment might be. You wouldn't be able to fully prepare even if you did get 48 hours notice unless it gave you some detail about what's going to be in the legislation.

I guess that's my point on the first reading side of it. If it came forward and it was public for the first reading stage, you would have the fullness of the bill before you.

Leader of the Opposition: Okay.

Charles MacKay: Then if the process said that okay, you can't move onto second reading until 72 hours or something of that nature, then it would give you an opportunity for exactly what you're talking about, to prepare yourselves fully, you'll have the full text to the legislation in front of you; you'll know exactly what it is. Whereas if you only get notice from government that they're going to introduce an amendment to the *Financial Administration Act* 48 hours without the detail of what's in the bill, it's not going to address what your concern is.

I would just offer that for your consideration.

Leader of the Opposition: Yeah, thank you.

Thank you, Chair.

Chair: Next on the list I have Alan McIsaac.

Mr. McIsaac: Thank you very much, Chair.

Thanks for the presentation. This is always an interesting topic and I noticed from your notes here is the good news is that our Legislative Assembly has kept pace reasonably well. I think it has too; updated on some of the things on a regular basis. But at the same time, we're discussing sitting hours that were based on the train schedule. Some things certainly aren't finished yet, but some things that have been done well.

Just a follow-up on James' comment there and get into what my other comment mainly is, and that is having been involved with preparing legislation now, it takes a lot of work and there's a real process to it. Because right now, I chair the priorities committee, which all the legislation has to come through before it goes to Cabinet to get approved to come to the House. In that process, we try to go on an 18-month rolling schedule.

When we finish this, the departments know that in 18 months time – we want to know 18 months prior what legislation is coming forward on a regular basis. There will be bills that pop up quicker than that, but we want to know what each department has on their schedule on a rolling 18-month basis. When we get finished with one House sitting, we know what we have – finish the spring, we know what we have in the fall and the next spring we want to know: Hey, what are your ideas for the following fall? We keep that big roll going.

It takes a lot of time. The department goes through it. It comes to priorities. It can go back to the department. It can go back to the legislators to write different things on it. It can come back to our committee again several times before it goes to Cabinet, before it gets approved to come to the Legislature when we have an open discussion on it. It takes a lot of work in a lot of places that legislation has to be vetted before it even gets to this stage.

I think before we take it to the Legislature, a lot of times ministers and their staff make an effort to approach the opposition to see if they want a briefing on it. I don't know if it happens on all of them, but it does happen, I know that, and I think that's a really good step forward so they're not caught blinded

all the time from just laying it on the House, and the next day we're into discussion on it.

The thing I wanted to talk about was the private member's bill and I went through this myself when I was a new member here a few – I guess, whenever – and my topic was on tax inclusive pricing. I had nowhere to vet that bill to find out what I really needed to do before I got to this level. I had a couple of interviews on it, sure. I was even on a radio show and that sort of thing, but that was not really vetting it for the Legislature and what they all needed.

My question is: In order to make the private member's bills a little more successful is there no way we could vet them through the committee? Say it was an agriculture bill that I wanted to change something on the *Animal Welfare Act* and there was a private member's bill coming forward, could I vet that through the agriculture and fisheries committee so I would be better prepared? Then when Steven brings his motion through on the *Highway Traffic Act* that he could vet that through transportation or innovation or whatever, so that we would be better prepared? Everybody would be better prepared – that's not really House ready, or do you see the implications what it may have over here?

But, if we had the opportunity for a full and open discussion with, in Steve's case, people from the transportation department or myself with agriculture, whatever it might be, to find out what the kinks that we're going to have to change that, we're going to have to tweak that, instead of getting to the House and finding out you know what? That's not House-ready; we're going to send it to a committee. Why can't we bring it to a committee first making sure it's a little more House ready and not mystify or whatever, the whole process and kind of cause this frustration to the member, to the Legislature and likely everybody who is watching?

Here is the other thing; a lot of people who are watching may not understand the whole process of developing legislation or getting it through the House. I think I was 53 before I even got in here 11 years ago and I thought I was fairly well up on politics, but I was a complete green horn when I got in here to how the whole process worked.

Following up again on what Steven was talking about going to the public to get input, I think is a great idea, but we have a resource out there, I think, that we could tap into and that is – there is a committee or group of former MLAs that do meet on a regular basis. I think it would be very good, if we're going to look at changing some rules or whatever, to seek the wisdom of them as well.

During their terms, maybe the idea of changing rules never even came up or they've always been put off at: Why are we still doing things that way? If we were to lend them an ear as to what they could offer: I think we should change that or from a historical or heritage point of view, I don't like to see that happen or whatever.

There's a lot of good – a wealth of information I think we could get from outside the rail and I'd certainly like to see us tap into the expertise of people who have actually served in the House itself at a previous time, but going to the public is never a bad idea.

Thank you.

Chair: Thank you.

Allen Roach.

Mr. Roach: Thank you, Chair.

Charles, thank you for the presentation; a lot of food for thought in there, too.

First of all, I liked Steven's idea of bringing up the child care. I think that as parliamentarians, if we're trying to attract, that's always going to be an issue. But you know what? It's an issue for almost every occupation that's out in society today.

I recognize the fact that we're talking about trying to do something in here, but I think we still have a private sector out there who may be interested in taking on children from people that are in here doing business. I just want to make a note that we shouldn't forget the private sector where they can participate and help us in here as well.

I guess my question would be; going out to the public, I always believe that's a great idea, but it's nice for them to know what

we're going out and we're seeking so that they can think about it and come with good questions, or come with great ideas. How would you see us preparing the public before we go out so that it's a meaningful meeting? I know as a former finance minister and doing public consultations on pre-budget, we set them out across and sometimes you get a group of one, sometimes you get none and other times you get groups there that have nothing to do with finance but they're there to make a statement on another issue.

I guess it's to make whatever we're going out to do meaningful, that there's good public participation, but they know what it is that we're trying to accomplish before we sit down and have a talk. How would you see us getting that information to the public so that we're preparing them to be better engaged to have that conversation when we hit the road?

Chair: Mr. MacKay.

Charles MacKay: Yeah, I think that's an excellent point actually and I think it's part of what I touched on in my paper as well.

You, as members, need to think about that as well when you're going out to the public and to say: What do we want to learn from the public when we go out? We have been confronted with that very question over the years at committees. One way that there was an attempt to address it is to create, essentially, a paper that outlines some of the questions, some of the things that you as members might be interested in getting feedback on and then provide a little bit of background on each of those points and then ask, challenge those who might be interested in making their views known to come to the committee prepared to answer some of those things.

It does help to bring a little more focus. I know exactly what you're saying. There will be, as we've discussed, some things that are within the purview of the Rules of the Legislative Assembly and some things that may well be within the purview or under your authority as members yourselves in how you conduct your business here on the floor of the Legislature that may not be rule-based. You may well get feedback in that regard and that can be instructive as well,

and you can address that as a committee and how you think it might be best to go forward.

I think that would be one tool, I would think you might want to have a look at, is creating a paper, then providing some background information and good resources available. They're all available on the website as it is, so it's just a matter of directing people to the right place if they're interested.

Mr. Roach: Two small questions, Chair.

We were talking about the – and it was a good discussion; I'd like to follow up on that, on the composition of committees and what we have in a small jurisdiction.

Could you perhaps, because you've been out there for a little while, could you tell us how that's addressed in smaller jurisdictions? How they do it that might be a little bit better than the way we do it?

Charles MacKay: I think it's largely the most common way of trying to address it is to keep the composition of the Cabinet down.

So, that you look at the size of your Legislature and you look at that in relation to what the size of the executive is and you have a look at the composition of your Legislature, and you make sure that the composition is able, then, to achieve its primary objective of holding the executive to account. If it's dominated by the executive side, it's going to be hard for it to do that. It sounds like it might be a complicated thing. I'm not saying it's an easy thing, but it's something I think that as legislators in the sense of parliamentarians, that needs to be at least thought about.

Mr. Roach: My final question, Chair.

I just followed up on what James was having a discussion with you about with respect to introduction of bills and legislation.

I've looked into, now that I'm here in this position, looked into what it is to present a private member's bill and there seems to be a tremendous amount of, kind of, secrecy around that and that sort of thing. I'm wondering why it's kind of like that. What would you recommend, and this is going

along with what James said, what would you say is the best way to put the legislation before this House to give proper notice and when the entire legislation should be made, kind of, public, I will say? To make it – to give that preparation time for everyone that sits here?

Charles MacKay: I think that maybe you can tie it a little bit with what Alan had to say too, that a lot of the background work on government bills is absolutely – there's a tremendous, and I recognize that – a lot of work goes into the creation of legislation. A lot of consultation, a lot of discussion with stakeholders, all those sorts of things, but it's all done in government before it ever actually hits the floor of the Legislature.

Could there be opportunity for government to consult more or to discuss with caucuses in advance? Absolutely, but not always do governments want to do that either. The next part of it is, then, what's an appropriate – to your question – what's an appropriate amount of time for legislators to prepare for informed debate in the Legislature on the provisions of legislation? I suppose it depends on the complexity of it, but I think you do need to at least give members 48 hours or so to have a look at a piece of legislation and also, you may want to – and again, look at the *Water Act* for example.

I mean we all know there was plenty of consultation. I think there was opportunity for exchange between caucuses on it, those sorts of things. There was a lot of collaboration and we still got to the floor of the Legislature and there were issues, and that's what this place is for. But at the same time, I suppose if you had 48 hours only to review a *Water Act*, is that adequate for legislators to prepare for informed debate on the floor of the – it could be argued that it isn't?

It depends again on the legislation, but I think at least if you have some sort of a buffer built in there that gives all members a chance to have a look at a bill and decide where they formulate their opinion on it, consult with who they may wish to consult, it gives an opportunity of fair chance for legislators to have a look at it and determine what's going on.

Mr. Roach: My question has been answered, Chair.

Thank you.

Chair: Great, thank you.

The hon. Robert Henderson.

Mr. Henderson: I guess I've sort of relished this opportunity to –

Charles MacKay: Yes (Indistinct)

Mr. Henderson: – hold my learned friend here to account at some point, but anyway. I guess maybe all of our – as we grew up together, all the debates we used to have back and forth maybe has prepared us for this moment.

I guess from my perspective as a citizen MLA, and I've been a minister on a number of different portfolios now and I've always tried to, when I look at the proceedings of the Legislature and I would say: Why – that doesn't make any sense to me why we do it this way and why we do something else a different way. Then I start to think about it. I try to think about it rather objectively, and: Okay, I guess not I see why that might be.

I would be interested in some of your view points on some of these types of things, but I think it's always about the Legislature. It's really all about checks and balances, and each of us in whatever role we play. We have a certain responsibility to fulfill that role to the role we're playing. I think opposition has a role to hold government to account, as do members of the Legislature. We have the ability in the Legislature to hold government to questioning.

I know I had the opportunity when I was dealing with minister McIsaac at the time regarding the potato disinfection issue. As an MLA, I represent a certain area. I used the tools that I had at my disposal to try to hold the minister to account, but also, to represent my district in making sure that's aware. You get into the process of things like filibusters. I've wondered why – there's times the opposition will go on and on on issues that make no sense to me whatsoever. I can remember an act – I think there was a definition of vessel, a boat, if you remember that one.

Chair: Vessel.

Mr. Henderson: We heard stories for long periods of time, but the opposition doesn't have many opportunities to try to do that. They have to use whatever tools that they can and so I see where filibuster makes some sense about that.

The same issue happened with me in the Legislature with my health and wellness budget. I was on the floor for like five hours with a massive grilling on every little massive detail that the department had. It would seem to me that would be asinine in the use of our time as legislators, but once again, the opposition sometimes doesn't have many tools that they're advantaged to get all those details (Indistinct) –

So, what's your view on that on how we deal with these types of liberties that may be expanded upon by each position, depending on the role, whether it's a minister or whether it's an opposition member?

Are there ways that we can make that more limited and more effective, or maybe that's just the way the evolution of the Legislature has occurred over centuries.

Charles MacKay: It's a good question. Ultimately, at the end of the day, I always think this when I'm sitting listening to certain thing going on. Perhaps I feel like it may personally feel like it's going on too long or things have been carried too far, but there's not really for me to say. That's individual members exercising their responsibilities on the floor of the Legislature, and if an opposition or a government member wish to embark on a filibuster and the Rules of the Legislative Assembly provide for it, they're accountable for the filibuster and the reasons behind that filibuster.

There's no – who should sit in judgment of whether or not that's a good use of time? I'm sure when you were on the floor of the Legislature with your department of health budget, there were good reasons why the opposition were asking questions and maybe they weren't even related, sometimes, directly to the question, but they were trying to make a point –

Mr. Henderson: Yeah, yeah.

Charles MacKay: – about something happening within the department and they were using the tools at their disposal to do so, and our Rules of the Legislative Assembly provide for that.

Other jurisdictions have gone the route – and I did mention it in the paper – is the whole idea of whether or not there should be some sort of time limits on debate, but here it's been members again, going back to the accountability of individual members, that they're held to account for how you conduct your business on the floor of the Legislature, and that goes to the Premier to the Leader of the Opposition, to whoever it may be.

The conduct of the member is then judged by the public. There's public discourse. It's all done in a very public fashion, and the public comes to some determination on the conduct that's taking place on the floor. It's always been a bit of a check and a balance, all right, and oftentimes it's the public and interacting with members that come up with that check and balance in the House and how we go about our business.

So I don't know if that really answers your question –

Mr. Henderson: But you're trying to tell me that we probably don't want to limit that. We want to at least allow every position within the Legislature here, that we allow them that flexibility, is that what – would that be fair or –

Charles MacKay: Personally, I don't see – I'm not convinced of the merits of time limits in debate. I haven't seen the need of that. When you look over the years of the number of filibusters that we've had, there really is not that much, that many of them that you would really point to and say there is a requirement.

I know people get frustrated when they're happening and those sorts of things; but to me, that's all part of the parliamentary process. It's what your Legislature is about. For example, if we're talking about the Throne Speech or the budget debate, that's one of the opportunities for members to speak freely about the various issues that they may have in their constituencies, and as you say, one of the few opportunities they have at their disposal to speak.

I haven't really seen much of a need that I've been convinced of a need for time limits on debate or time limits on estimates or time limits on bills because it's sort of self-correcting. The problem with that is you're going to have a hard time coming up with a calendar out the other side without some sort of a structure to that debate.

Mr. Henderson: Yeah, and I think that's my point. We all have to remember when we're on this committee or trying to establish rules and privileges, we all could be playing different roles in this Legislature at different times. So a decision that I might make to reduce debate or to reduce questioning as a minister, well, I could be asking the questions next time, and I might want those tools.

Mr. Myers: (Indistinct)

Mr. Henderson: Well, you never know. But anyway, another question I sort of had. This comes back to when I was the minister responsible for culture. You'd talked a little bit about our restrictions that we have as just as an entity here in the physical structures that we have as a Legislature. A comment was made about providing child care and things of that nature.

I know there was a proposal at one time to make some, to incorporate a provincial museum, offices of the Legislature and things of that nature to try to provide more modern abilities and delivery of services, and to provide more flexibility than what we have now; but one of the debates that occurred in that regard is in general terms, these things to make them more modern, it's costly. Governments are always left with trying to make a decision. The public may want all those things, but they don't want to pay for it in lots of ways.

So do you feel that that's maybe a direction that we have to go, is to modernize the overall structures that we have here, make them a little more expansionary, and do you think the public is willing to see the value in that?

Charles MacKay: To answer your first question, yes, I do. I think that the facilities that the Legislative Assembly has for the conduct of its business are presently inadequate.

Mr. Henderson: Yeah.

Charles MacKay: I think the 1974 agreement at Province House was an excellent agreement. I'm certainly not critical of the architects of the agreement at the time. I think it's worked very well. I think we've seen that it's a beautiful building. We're all very proud of it. It's been a wonderful place to conduct the business of the Legislature; however, for the priorities of the Legislature and the existence of a parliamentary institution in our province, it's been a challenge to share 19,000 square feet with Parks Canada, who have a whole different menu of what it is they see as priorities.

I'm not being critical of Parks Canada, either. I fully accept that the Confederation messages, that the neoclassic architecture of the building, and that the Supreme Court – as being the first place where the Supreme Court of the province is – those are the three messages that Parks Canada interprets at Province House, and you'll note I didn't mention anything about the Legislature.

It is something, I think, that we need to look at as an entity, as an organization, about how we are going to go forward in a comprehensive way, to deliver the sorts of services you deserve and Islanders deserve in their provincial Legislature in providing an institution that works.

Mr. Henderson: I know it's the – the other issue I had, with even like the public archives, which is in this building, too. They are getting rather limited in their ability for space, and once again, to provide good services there.

So I certainly would support saying that it is something that's needed, and I think we need to look at it, but Islanders have to also see that there's value in that, in making sure that our ability to have a democratic institution provide all the services that the public seems to want, it does come with a cost and I think it's a valued cost.

Same thing with the building next door, where the provincial Legislature is housed: I've had lots of comments about cost of renovations, but it's probably one of the most historic buildings in the country, and

we have to save some of these things as far as that goes.

Charles MacKay: And I agree with you, I think the public need to be reminded by legislators yourselves, as parliamentarians, as members of our provincial Legislature, that the institution is important, that our system is based on three branches of government that need to be vital and alive and have the ability to do their work to the best of their ability. I think our – as legislators, there is a responsibility that attaches as well, and to myself as well as Clerk of the Legislature, to ensure that that is the case.

I think we find ourselves in this circumstance here, and I don't think any of us are all that enamored with what we've – we're doing the best we can with what we've got. I know the media are squeezed in, the members are squeezed in, the Speaker, I think, is the only member that has an office on this floor; we can't find an office for a newly elected member or an independent member. These are challenges.

Mr. Henderson: Yeah.

Charles MacKay: These are important things that I think have fundamental implications on the way we govern ourselves as Islanders, and I think parliamentarians have a leadership role to play in that, too, in telling the public that this is required, that this is something that we should cherish as I've said in my paper, that this is our most important democratic institution and we can't be taking it for granted.

Mr. Henderson: Another point I wanted to make, too, is that when we talked – Steven Myers brought up a little bit about trying to get out and engage the public's opinion on rules and changes and things of that nature. I have to say, as a Member of O'Leary-Inverness, representing that region; I don't get a lot of people come to me and say: Gee, we got to change the rules in the Legislature and things of that nature.

I think it's a good point or I at least want to be on record as saying, I think we need to gauge what kind of interest is out there, and try to put together whether this is something we have to be way more extensive in trying

to determine what changes could be made. So I would say there's a general lack of interest out there, but I think we have to be prudent, too, in how we use the resources we do have. So if we're going out and having, eventually, road shows, I'd want to know that there's real interest in doing that.

I think the general public – I was at a meeting last night on the electoral boundaries for the new mixed member concept of electoral reform, and it was a pretty meager crowd that was there, and if you took all of the staff that were there and the sound systems and all of that, there was more of them than there was of actual people that were expressing any interest in that. I was sort of sitting there thinking: Is this really a good value for our money? I'm just saying I think we have to balance that a little bit.

My final point I wanted to make is that we talked about committees. I know once again I sit as a minister and I'm on this particular committee, I'm on another legislative committee and I'm finding that, I represent two fairly important portfolios in the province in agriculture and fisheries and this is meeting season for those sectors. Everyday I'm getting piles of emails: Can you sit at this meeting; can you sit at that meeting? Thanks Ryan. And what's your availability and all that.

I guess I'm kind of questioning – you're sort of saying should ministers really be on these legislative committees, because to a certain degree a little bit of a conflict there in holding the Executive Council to account. Can we have fewer members on a committee? Is there any thought about that process? It seems like there's a fair number of people just on this committee and some of those other committees. Where is the line there on that? What's your points of view on that?

Charles MacKay: Clear, I'm not saying that Cabinet ministers ought not to be on committees. What I'm saying, is that the composition of the Legislature should take into consideration the size of the executive versus the size of private members, and that would include legislative committees. I don't think you'd want a situation where your committees or your Legislature, it's not

healthy to have it dominated by the executive side. That's my point on that.

Could committees be smaller? Yes. I remember when I started here there was – I think the standing committee on agriculture had 14 members on it. Then it got to the point where, now I think there's a limit. Ryan, correct me, eight. There's a limit of eight members on committee. Could it be smaller? Yes. Does it have to be carved up pursuant to the composition of members of political parties in the House? No. it doesn't have to be. You can be creative when it comes to those things and how you want to address the work of committees.

I even think, you know really, eight is quite a large number of a 27-seat House as well.

Mr. Henderson: Okay, thanks very much.

Chair: Peter Bevan-Baker.

Dr. Peter Bevan-Baker: Thank you, Chair; thank you Charlie for being here and for your presentation.

This is, I think, an incredibly important thing. Robert, I agree, when I go to my constituents, or in the grocery store, whatever, people don't come up and talk about rule change, but they do come up and tell you that they have concerns about behaviour in this House and they think that we can do better. Really what they're saying there is that perhaps there are rules that can change, or culture that can change. I understand it's not always a deficiency in the rules necessary; there may just be traditions of this House which have evolved over time which need to be looked at.

As a new member here – I came here a couple of years ago – and by the way Charlie, I really enjoyed the little excerpt that you read at the very beginning. Idealistic as it is, but you know, I came in here as a new member of a new party without any institutional knowledge of how this place worked. Also, no scholar of how Parliaments work at all. It was a very steep learning curve for me. I've learned a lot over the couple of years that I've been here.

Later on in your presentation, Charlie, just before you get to the thoughts that you have at the end or perhaps just there, you say: But

you know what, we should be proud of this place. Indeed we should. We have the gift of jurisdiction here on Prince Edward Island and I think that is something to be cherished, is the word that you used, and I absolutely agree with you on that, Charlie.

One of the fundamental problems and Hannah brought this up in her line of questioning, is the blurring that exists here on Prince Edward Island and in other jurisdictions, but here because of our dominative size between the executive branch and the legislative branch. I know that's not sexy and people don't generally get what we're talking about. But essentially, it's the ability of the House, the Legislature, to hold the executive, the government, the people who are ruling our province, to account in meaningful ways.

I think the phrase you used when you got to that part of your presentation was: it needs attention. I know we've talked a little bit already about what that attention may look like, and you gave a very clear answer, when I think again, it was Hannah asked you the question: Is part of the role of committees to hold executive to account? You said: Absolutely. And Michael Chong, in the recent book written, makes that evidently clear in his opinion as well.

I'm wondering – and you give us five different categories of thoughts at the end of your presentation here, all of which, I think, demand full discussion. We're already at 2:30 p.m.

But I'm wondering – and let me start by asking, Charlie – and I know you've been very gracious and you haven't been prescriptive at all in your presentation here. I understand why you would take that approach. But let me throw out a couple of ideas. By the way, let me acknowledge the paper that the Progressive Conservatives and James put out; full of some very commendable ideas. Unfortunately I couldn't find it on the website today; I don't know if it's been moved or taken down or something, but anyway, I think there are a lot of really good ideas in there that deserve debate as well.

The Office of the Third party has many, thanks, James. The Office of the Third party also has numerous ideas that we'd like to

bring forward, clearly beyond the scope of this afternoon's standing committee.

But let me ask you a couple of questions. When it comes to the population of our standing committees of the memberships, you talked about the problems inherent and having ministers as part of that, and Robert, you talked about the discomfort just a minute ago. How about the notion that we populate our standing committees not based on the party representation of the House, but private member representation in the House? That way you would have – that conflict is gone – plus government control over those standing committees would be gone too. So that ability for standing committees to truly hold government to account would be restored. Can you give me your thoughts on that and whether you know of any other jurisdictions that do that?

Charles MacKay: Last question first. Do I know of any other jurisdictions that do that? No, not as a rule; I think there are quite a few other jurisdictions that don't have Cabinet ministers sitting on standing committees, but they have the luxury of having more private members to draw from.

To your first question: Do I think that's something that could work? Yes, I do think it could work. I think it would elevate the accountability function of standing committees in holding the executive to account, no question about that. I must say, I look at it from a practical sense, whether that's something or whether that would be a rule change that would gain the favour of the Legislature. I mean that's something for legislators themselves to decide. But could it work? Yes it could.

I think really at the end of the day what do committees do? They make recommendations back to the full body of the Legislative Assembly. At the end of the day, Cabinet, which will include Cabinet ministers, Cabinet ministers will still have an opportunity for input into the recommendations that are coming forward from the committees regardless, and could vote in favour, or otherwise, on the floor of the Legislature with the findings in those committee reports.

I guess the short answer to your question: Yes, I think it could work.

Dr. Peter Bevan-Baker: I'm now going to go through Charlie's five different groups of recommend – well not recommendations but thoughts at the end. Please Chair, interrupt me and move on to anybody else at any point, but I think maybe that's a logical way to go through a discussion here of the particular issues that Charlie feels we might be able to deal with.

Sitting hours is the first one. I know again, I point to James' discussion paper which had some very interesting, and quite profoundly, radical changes suggested in it. I'm wondering, tied in with this – I'll try and tag this into my question on committees that I just asked – many jurisdictions, in fact I think most jurisdictions in Canada, send legislation to standing committee rather than committee in the whole. Again, I realize it's a function in part of the size of this Legislature.

But in James' recommendations – or at least the talking points of the PC paper and I think you would find support for this within the third party caucus; the idea of intermingling in our legislative calendar, committee weeks, or constituency weeks, or a mix of those two. Can you give me your thoughts on that?

Charles MacKay: Personally, I think it's a good idea. I look at our sitting calendar and I see how we have these intense sittings of the Legislative Assembly sort of from mid-November to the first of December, second week of December, and then we take a break and we come back for another intense sitting from the first week of April to mid-May and the rest of the time the House is not in session. Why is it that a legislative calendar needs to have such intense sittings of the Legislature for those confined periods of time? It's not actually necessary and it's not the way business is done in other Parliaments throughout the Commonwealth. There's certainly examples of where it is, but there's many examples of where it's not.

For example, perhaps you have two sitting days in the run of a week more regularly through the calendar year, and then you have breaks. Again, we would have to talk about schedules, committee schedules; a calendar that would outline days on which committees could meet and the House could meet, and those sorts of things.

There's no real magic to why we sit – well, I think Alan alluded to it – why sit for 16 intense sitting hours from Tuesday to Friday at 1:00 p.m. when it could be portioned a little bit more effectively through a number of weeks through the calendar year and it would also accord the ability then to scrutinize legislation a little more effectively because you're given more time between the opportunities for first reading, second reading, third reading – those sorts of things.

I do think that's something that you could have a look at. The part of the reason – and I say this without attributing it to anyone – but part of the whole idea behind establishing a calendar like that in the first place is that you've got the front end of the calendar and then you have the pressure of Christmas to end it. Then, you have a fairly late spring sitting of the Legislature and then you have the pressure of fishing season, farming and those sorts of things –

An Hon. Member: Summer.

Charles MacKay: Summer and the pressures come on to end that, so is that the way parliamentarians want to structure a legislative calendar?

Dr. Bevan-Baker: I appreciate your response, Charlie, it was quite unambiguous.

Not only is it hard on people who sit inside the rail and staff like yourself, it's hard on the media. It's hard on the civil service because everybody – I mean the intensity gets ramped up for everybody during sessions and if that was dissipated and we had a more balanced – I think the whole governing structure on Prince Edward Island would benefit from that.

Following along from that, one of the considerations that you have here, and you word it: Procedures for finishing business by the end of the session. Now, there are other parliaments where there is no compulsion to have all the legislation passed at the end and that was one of the things that led to the intensity and the frustrations at the end of our most recent sitting, was we had this avalanche of bills to be passed in the very last hours of the sitting.

Can you give me your thoughts on if we were to have more frequent, less intense,

more regular sittings of the Legislature; is there a necessity to have all government business finished by the end of a sitting, which has been the tradition here?

Charles MacKay: The short answer would be no. There's not a necessity for all government business to be finished. But, I think the Legislature and governments would be wise to think about a process that would allow it to finish business in matters that are deemed to be necessary to finish the business.

I use an example of, perhaps, there's an emergency service contract negotiation or something and there needs to be legislative action for a work-stoppage situation or something like that and you needed a legislative remedy to get through – there needs to be – if you're going to incorporate that sort of an approach, I think you need an avenue to make sure that government is able to get a priority piece of legislation like that through. Now I know those things can get messy, but I think that's part of what the consideration would have to be if the House was going to move in that direction.

I always think of the rules as a bit of a protection against the tyranny and the majority, but also, you want to protect against the tyranny of the minority as well, particularly when you don't have time limits.

Chair: Peter, do you have another question?

Dr. Bevan-Baker: Yes.

Chair: Okay.

Dr. Bevan-Baker: I have many, but again feel free to move on, Chair, at any time.

You came up with some very fine recommendations, Charlie, which you verbalized rather than had written down here. You mentioned a concern about committee reports being immediately adopted without any opportunity for internalization and thought, and of course that happens in a number of ways here in the House.

Can you give me your thoughts on this suggestion? I'm not sure whether this came from James' paper or not, it could well have,

where committee reports – I mean, committees put a lot of time and effort into their deliberations. Here we are today debating at length, and that happens on every committee all the time and I am disappointed by how little – respect may not be the right word – but little heed is given to those reports.

How would you feel about a formalized process, and I think you actually used those words here in your report, Charlie, of government having to respond to that? For example, a committee almost always comes back with specific recommendations, but there's no mandate for government to respond formally to that at all, so the committee, they just sort of evaporate all of these reports, which have spent a lot of time and effort creating, and come to no effect whatsoever.

If there was an obligation for government to respond to that, for example in the next sitting with a ministerial statement from the appropriate minister associated with that standing committee, and then – and I'm not sure whether that is the appropriate vehicle to use, but if you were to use it as a ministerial statement, there would be a limit on debate as you would have the opposition responding for the same amount of time, third party – so at least you would have an update on where government is with that.

Can you give me your thoughts on that process for formalizing responses to standing committee reports?

Charles MacKay: I think it's something that should happen. I believe these committees go to a lot of work. It comes back to the Legislative Assembly. They're debated here on the floor of the Legislature. They end up getting adopted, and I think there ought to be a formal process for executive response to committee reports.

Now, in fairness, I think there often is a response. It's just not formalized in the process of the Legislative Assembly. As Minister of Workforce and Advanced Learning and there's a report that comes in that has recommendations relating to your department, oftentimes there is a response by virtue of a response to a question on the floor of the Legislature or something of that nature.

But, I think a more formalized approach to that would make good sense because it sort of completes the circle at the Legislative Assembly where you'll have a formal report. It's received, it's adopted, then an executive response and it's all part of the record then of the Assembly and it shows the respect on the executive side in responding to what it is that the Legislative branch had to offer.

Chair: Peter?

Dr. Bevan-Baker: I can carry on?

Chair: Sure, one more.

Dr. Bevan-Baker: Thank you.

Chair: I'll move on then I'll add you to the bottom of the list again.

Dr. Bevan-Baker: Sure, of course.

I'd like to go onto the changes in ordinary daily routine, Charlie, the third sector of your report here.

Time limits in general; you've talked a little bit about that and I understand you're not necessarily in favour of time restrictions and I'm fine with that. I do have to say that there are days when I sit here in the Legislature and do wonder at the end of the day what constructive debate has happened on that particular occasion. It doesn't happen every day, but it does, and I'm wondering particularly when it comes to debate on motions, Charlie, which don't have the same legislative heft as statutes do, whether you would be in – what your thoughts are on, perhaps, limiting debate and how that might look in regards to motions?

Charles MacKay: I guess my reflection on that would be even though you might have time limit on debate, it doesn't mean that you're going to achieve any more. If the opposition, for example, or the third party wishes to spend their time on one motion during the course of an evening, I would say that's within the purview and the right of that time allocation and that party to spend the time that way.

What I will say about motions is I've long thought about them, of course and I think we've all experienced them here on the floor, and sometimes I think we would get

bogged down in the detail of the motion. Sometimes I think that we should be looking at putting perhaps just the operative clause or two in the motion, and leaving the rest for debate because we'll bog down in amendments that really are unnecessary to the operative clauses, the real intent of what the motion was supposed to be about.

We're not alone in this regard. The Scottish Parliament, I know, looked at this issue and they came up with an idea which I thought was quite novel. They have what they call 'take-note debates' and essentially what a member can do is put an issue on the floor of the Legislature without being encumbered by the actual wording of a motion, and members can speak to it. You can express your opinion about what it is that the issue may be, and it could be one that's quite considerable and perhaps quite divisive, but at least individual members have an opportunity to express their view and you're not bogged down in the detail end of trying to come up with amendments that might make it look acceptable to the Legislative Assembly, even though what I sense oftentimes at these things, is that for the most part you're all in agreement.

You pretty much agree with what it is that you're trying to achieve, but you're bogging down on the detail on what some of these words are and that's what – I just offer that example of what the Scottish Parliament is trying to work with to come around with an idea of how maybe those things could be addressed without getting too tied down in the verbiage of a motion.

Chair: Thank you.

I'm going to go to Steven Myers and if you would like to be added to the list, just give a signal.

Dr. Bevan-Baker: Thank you.

Chair: Steven Myers.

Mr. Myers: Thank you, Chair.

I just had a couple of questions. I'm going to shift topics a little bit, but it falls under your, or the Legislative Assembly's role. It's something that I've seen as concerning over time. We kind of touched on it here earlier, but it's Legislative Counsel.

So Legislative Counsel helps us draft legislation, been involved with them different times to create private members bills. They don't work for the Legislative Assembly; they report to Justice. So they report to Jordan Brown currently, but they report directly to government; but they sit down here, they're across the road here.

My first question is: Do you think we should have our own independent legal counsel here for the Assembly?

Charles MacKay: (Indistinct) look, admittedly struggled with that one over the years. In fact, even to the point that in the – I think it was 2008 or 2009, we had issued an RFP for proposals for independent parliamentary counsel service, so private members of the House would have access to independent legal counsel in the drafting of legislation or maybe even an opinion on parliamentary privileges, something of that nature.

I will say that the responses to the RFP were unsatisfactory, so we didn't end up pursuing it any further; but I think that should indicate to you that I think it is something that this Legislature should look at, and I think is in existence in most jurisdictions in the country, that you have access to an independent parliamentary counsel.

I will say that Peter Allison and Janet Christian and Cathleen O'Grady, they do a tremendous job, and what they do is when there is a request comes from a private member for the drafting of a private members bill, they'll make sure that one staff member has it and the others don't know anything about it; but it doesn't remove that idea that, as you've mentioned, that these are Department of Justice solicitors and they work primarily for them.

But they do – I will, I guess, defend their integrity in that they do ensure that they do maintain independence for the Legislative Assembly in providing those services; and they're not always comfortable with it, Steven, and I can well (Indistinct) –

Mr. Myers: I understand that, and I don't have any issue with any of the staff or anything, it's just the (Indistinct) of the appearance that could be associated with it.

Another appearance that I'll talk about it is the Auditor General, who is – it's an office of the Assembly, but sits in government, which is the opposite of the Legislative Counsel. Do you think that the Auditor General should be moved out of government because they are an independent body, into an office, either of the Legislative Assembly – and I know you're tough on space here already – or at least an office that's away from government, to help ensure the optics of independence?

I'm not knocking the auditor on whether or not, because she does a good job, but just the optics that the Auditor General sits down in the middle of government might make some people scratch their heads.

Charles MacKay: The short answer: Yes, I do believe that as an independent office, a very important one of the Legislative Assembly, ought not to be directly in the executive building, within, actually going up and down in the elevator with the people they're actually auditing during the course of what could be a very uncomfortable audit, that sort of thing.

In fact, what you're talking about was part of a proposal that was put forward in – and you may have been involved with some of that – when we were looking at the facilities at the Legislature. Part of the overall comprehensive plan in providing a facility for the operation of the Legislature was to move the Auditor General up to the parliamentary precinct.

So the short answer to your question is yes, I think it should most definitely be up here, and I think we should work as a Legislature to have our elections office together; if we have a parliamentary counsel, have the parliamentary counsel together; have the Auditor General here; have the independent offices – well, in fact, you could even share some resources if you had the facility so that you could deliver those services in a pretty cost-effective way.

It is something, I think, that will probably eventually happen in the maturation of the Legislature when the facilities and the resources are available to do these sorts of things.

Mr. Myers: Another question when I shift – I'll jump topics here again. I'm going to go back to, and it came up kind of here a little bit through discussion it was touched on.

In the case of government, so government has not just Cabinet ministers on committees; they have backbenchers on Cabinet committees. Part of the job of a regular member of the Assembly that's not part of the executive branch is to hold government to account. Given that regular members sitting on Cabinet committees effectively means there's no government backbenchers, is that something that we should be concerned about as legislators?

Charles MacKay: Yes. In short, I would say yes.

It first happened, I think, back in the late 1990s, and it's been happening ever since. I think what happens, really, is that the primary function of a legislator, as a private member of the House, is to hold that executive to account. So if you're actually part of it, how do you do it?

Does it compromise the independence of a member to sit on an Executive Council committee? Yes, I think it does; and it was raised politically, it's been discussed publicly, and again it's one of those things that never really – some people read a little bit about it, and the next thing it goes away and everybody forgets about it.

One of the things that happened, quite unintentionally I think, back – and I'm showing my time around here, I guess – but when the electoral map was changed, you'll recall when it was first changed it was to be a 30-seat Legislature. It was a 32-seat Legislature and then it was supposed to go to a 30-seat Legislature, and then there was concern about the allocation of seats in the House and the influence of Kings County.

The bottom line was there was a compromise achieved, and we went from 30 seats down to 27 seats but we lost three private members, and nobody ever really considered, I think, the impact of the loss of those three members in the functioning of the Legislature and that rump needed of independent members for the conduct of that important accountability function in holding the executive to account.

So a little bit of the history on it, but yes, it is, I think, in my mind, one of the bigger concerns here and it should be one of the bigger concerns here in the House.

Mr. Myers: Okay, thank you.

Chair: The hon. James Aylward.

Leader of the Opposition: Thanks very much, Chair.

I just maybe wanted to share some information, more so than ask questions. Allen Roach was talking earlier and asking Charlie with regards to, if we did go out and look at doing this public consultation, which I firmly believe that we should be doing, what would be a good starting point. Your response was maybe to put a paper out there.

I just want to let everybody know again, and you can find it – probably on bradtrivers.com. It's not currently on our website. Our caucus has actually taken that step forward.

But I guess some of my questions come back to the whole dialogue around the schedule of the Legislative Assembly, and I'm very pleased to hear some of the discussion here today and the limitations we have and the pressure that we're under to do the job as legislators.

I guess what I'd like to ask you, Charlie: Are you concerned at all that if we did look at a different calendar or an extended calendar, that there would be financial constraints right now with how we operate? Would we have to look at additional hires? What concerns, if any, would you bring forward if we were looking at something such as a fall sitting to focus on the capital budget, a spring sitting to focus on the operating budget, a winter sitting to focus on legislation?

Charles MacKay: As far as the operations of the House, we're pretty much a year-round operation now, so I don't see that there would be a lot of additional costs associated with a sessional sitting of the House. Most of the staff, the Hansard staff now are doing all the transcription for committee proceedings and those sorts of things, so they are here.

Definitely some additional security for sessions of the Legislature, yes, but they wouldn't be the sort of things that should influence a decision of such magnitude on a parliamentary calendar, that the few dollars that would be associated with that should have an impact on the decision.

Leader of the Opposition: Great. And again, we put this discussion paper out for a reason, and was the intent to receive feedback. Knowing that overall, 150,000 people here on PEI, it wasn't going to be their first and foremost hot, burning issue that they want to sit down and talk about. I know there are not families sitting out there every evening around the supper table pulling that discussion paper out and reviewing it.

Some Hon. Members: (Indistinct)

Leader of the Opposition: No, and I know that it is –

Some Hon. Members: (Indistinct)

Ms. Bell: (Indistinct) my house.

Leader of the Opposition: Exactly, and so I guess that's why I wanted to tell everyone here that I'm very happy to report, that although we haven't necessarily received an onslaught of responses, but the responses and the comments and the suggestions that we've received back from Islanders thus far has been like phenomenal. They are so insightful. They're so focused, and they're so committed to helping, we as legislators, make our Legislative Assembly the best that it can be for Islanders.

At some point in time, we will be compiling all that information and I'd be happy to share it with my fellow legislators, as well, around the table.

Thanks, Chair.

Chair: Hannah Bell.

Ms. Bell: Thank you, Chair.

Following on with some of the great points that you put in your presentation, Charlie, and also with the before mentioned paper, the Leader of the Opposition's discussion paper mentioned the ability for a petition to

trigger a debate in the House and we would certainly like – the Office of the Third Party would certainly like to see those petitions have more weight in terms of how we respond and recognize what they mean, which is the voices of constituents and of the public.

How would we handle that procedurally, though?

Charles MacKay: Well, there are a number of ways you could handle it procedurally under the ordinary daily routine, presenting and receiving of petitions, if you wish. I think probably, again, you would want a little bit of time so members have a chance to think about it and see what's actually in the petition after the presentation of the petition, or it could be done by motion of the Legislature.

I think those are probably the two most obvious that I can think of, but definitely some sort of, perhaps, at least discussion on what the content of the petition is. If the considerable effort has gone into establishing the petition in the first place, do legislators owe those petitioners a little more consideration than just simply receiving it and laying it on the Table?

Ms. Bell: And tabling it, yeah.

Just a follow along question, Chair, if I may.

We have known that the federal process has the opportunity to take e-petitions as well which is also something we've spoken about. There's that value of the paper, but that opportunity to take on – we know that electronic forms are somewhat of a challenge in some places, but connecting to that thing of debate sort of is another piece of that accountability of the public having that opportunity to express their will.

If we had that opportunity to bring those petitions forward then that response was read into the record, would we then be able to perhaps make – a reaction from government would be required? Like we do with ministerial statements, for example, which would also then allow appropriate response without sort of having to be renegotiated in terms of time?

Charles MacKay: Right.

Ms. Bell: I'm thinking particularly right now are our challenges with time and availability of time in the House. Would that be something, looking at federal model would be something, perhaps we could think about here?

Charles MacKay: I think all of those options are really open. I think the key being that you want – or if that is the wish of you as members, that you wish to have further consideration of petitions, there are a number of vehicles that could be achieved and we've talked about three of them now. There could be others that would be available; perhaps if you wanted to allow more fulsome debate on them, even in committees or something of that nature. So, there are a lot of different ways you could go, but I think what I'm hearing is that probably most feel that simply tabling the petition and then forgetting about it on the floor of the Legislature is not the best way to go.

Ms. Bell: No.

Thank you, Chair.

Chair: Allen Roach.

Mr. Roach: Yes, thank you, Chair.

One of the things that you had in your thoughts is one that I've been thinking about almost since the day I arrived in this Legislature, and that's when you're talking about the daily ordinary routine. When it comes to recognition of guests, for example, we've gone from recognizing people who are actually here – and I've made the comment that sometimes we sound like we're Ocean 100. We're announcing birthdays and deaths and all that sort of thing, and I think that's an easy fix, myself.

I'm not a fan at all of doing, other than recognition of guests – that's what it says. So, if the guest is here, recognize the guest. But, I think we could – I really do believe and I timed it a couple of times, and we've wasted as much as 25 minutes on births, on deaths and birthdays. I just don't see that – so I think there are some things that we, if we want to use our time really well while we're sitting in the Legislature, there are things that we can get rid of quite easily.

Some of them I think we can just sit around, rather than discussing it with wonderful Islanders – and I'm sure some of them might have comments on that – but those are things we should be able to do. This is us in here. We're all elected. We want to do the responsible thing in here. Everybody does; I don't care which party you're on. Everybody believes that what they're here doing, they're doing it for the right things and I'm certainly not opposed to changing things up so that we're running a better ship in here.

I think there are things like that that we should be able to do. Can we do that without – like as an agreement of people that are sitting in the Legislature? Those are things that I've questioned for a long time and I may have even growled about it to you.

Charles MacKay: I believe you have.

Chair: Charles, maybe you could expand on what exactly the purpose of recognition of guests was supposed to be.

Charles MacKay: Well, it's just, as Mr. Roach has said; it's to recognize people who are in the public gallery. It's not to recognize all the people out there in t.v. land. So, it's intended to be a recognition of people that are in the public gallery presently, and not an ability for a statement or for each member to get up.

From the Speaker's perspective; and you would be well familiar with this, sometimes you take those queues from the members themselves, and the members themselves have indicated to the Speaker that it's something in the majority that they wish to participate in. Do I like it or does the Speaker like it? No, it's not so much something that we would like to see necessarily continued, but it will show some – will require some discipline on the part of all members to make sure that one doesn't start so the other follows suite.

Mr. Roach: That's the point I was trying to make; that we're asking to formalize other things that are going to take time, that we feel are important. So if we get rid of that 20 minutes, now we have 20 minutes to maybe deal with petitions or those sorts of things. It's about using our time wisely.

I do appreciate that James has put a paper forward, but I also believe that as a committee, and I guess that's the point that I was trying to make, that when we walk out to the public it's the committee – it's us that's going out to the public to ask the questions and I think we could take some queues from the paper that James had, but I think as a committee I would be interested – I know that the third party has said that they have a lot of interesting things they would like to speak to and I'd like to hear that. I have some things that I'd like to have that are going to go out there so that when we go out, it's the committee that's going out. It's the committee that wants to bring the rules and the changes back and make the recommendations.

Just your thoughts on – I think we've got a lot of work to do before we get there.

Charles MacKay: I think that's essentially what – when I was suggesting maybe that there be some sort of a paper or some sort of a discussion paper, that you might put out to the public, it would be the committee's. I'm not saying they wouldn't draw, perhaps, heavily on James' paper. That's fine, but you could ask questions just like you're raising: As the public, how do you feel about the procedure recognition of guests and how it's handled on the floor of the Legislature? I think you probably would get some feedback that would give you some instruction on how the public feels about that. I hear it.

The other part of it that sometimes, and I've heard a couple of you say that, perhaps it's not something that the – the Legislature is not something that the public talk about with any great regularity or thinks about.

I've been here for quite a while and I must say: I'm constantly amazed at how much attention Prince Edward Islanders pay to the work of the Legislative Assembly and what goes on on the floor of this Legislature. They're pretty well informed and pretty astute on how the Legislature goes about its business and what's happening on the floor of this Legislature.

Leader of the Opposition: Thanks to our wonderful media.

Chair: Allen Roach.

Mr. Roach: Yes, and I couldn't agree more.

A lot of times in the recognition of guests, sometimes it turns into a member statement and I just – there's a time for that slot and it's all about managing. Again, I'll go back to it, it's about managing our time and I think if we do it right, I think there are other things that we can accomplish in the Legislature.

Chair: Thank you.

I have Peter Bevan-Baker, the hon. Sonny Gallant and Hannah Bell on my speaking order.

Peter Bevan-Baker, you have the floor.

Dr. Bevan-Baker: Thank you.

I'd just like to reiterate what Allen just said. I think that's one part of the proceedings here, and it is, it's almost routinely 20 or 25 minutes, sometimes more than that, which is lost time that we could be using.

As a newcomer to the House, you don't want to be precocious and start suggesting lots of changes, so it's really nice to hear that people who've been around for much longer than I have are also concerned about that, so thank you for that. It seems to me there's a great consensus around the committee here that that's a problem, and that's one thing that we should deal with.

Moving on to some other issues; Mr. McIsaac, he's gone now, but he talked about the vestiges of the train schedule on our rules of the House here in terms of the sitting time, and that's not the only archaic evidence of that day. Rule 31, I believe it is, says that it requires members to rise, head uncovered, to speak in the House, which, again, dates back to the times of top hats and things like that.

Strikes me that that rule is now entirely – I don't see anybody showing up at the Legislature now with a top hat on, and with a growing diversity in our population here on Prince Edward Island, people who, for religious purposes, wear head coverings or somebody perhaps going through chemotherapy who has some sort of head covering on for personal, just for decency and dignity.

Are there other rules like that Charlie, that you can see, that these have passed their use, their best-by date and we should just get rid of them? And if so, how many and what are they?

Some Hon. Members: (Indistinct)

Charles MacKay: Yeah, I wouldn't profess to know them all, but definitely some are from the vestiges of sort of Masonic lodges, for crying out loud. It is time to have a look at some of those things.

Would a Speaker or would a Chair rule a member out of order because they were wearing a turban or because they were undergoing cancer treatment and had a head covering? No, of course you wouldn't, not even with that rule there. I think there would be some sense applied to how the Speaker or how the Chair would interpret those provisions, but that doesn't mean you shouldn't clean them up. It may be a good opportunity to do so, and they're pretty easy to identify.

There's a few of them in there that seem to be a little bit wonky for sure, that it wouldn't hurt to tidy up. There's also some competing ones even that I'd mention with referral of bills to committees and those sorts of things, so there are some things that require a little bit of attention and I think this would be an excellent opportunity to tidy them up.

Dr. Bevan-Baker: A slightly more touch one, Charlie: The Legislature, in my opinion, should be a secular place. That separation of church and state is enshrined everywhere and yet we start every day with prayers. Now we don't currently have anybody who is of another religion sitting in the House – as far as I'm aware, maybe we do – but I'm wondering whether you think we should continue with that tradition here in the House? Or, whether you think it's time to have something perhaps more non-denominational or a time of silence because I know some other jurisdictions have replaced their old traditions with that.

I'm just wondering what your thoughts are on that.

Charles MacKay: Well, I'll skate a little on it.

Dr. Bevan-Baker: Yeah, sure.

Charles MacKay: I think it's probably one really for members themselves to decide. It's your proceedings. It's the prayers of the Legislative Assembly that have been used in this House since 1877. So have they been reviewed over the years? Has there been consideration to doing away with those traditional prayers? Yes. Has the House been able to come to a determination to do so? No, it hasn't.

Part of what the rationale for that was, less so I would say about the prayer, more so about just an opportunity to catch your breath. You come in – now I'm not saying you need the prayer to do that, but that's how members have been interpreting it. Even some who don't particularly care to pray, necessarily all the time, have felt that there is a lot of value in when you're – okay, you're rushing around, you've just come from caucus, dealing with the people coming in, and all of a sudden you're in the House and: Okay, this is going to give a little moment to at least catch my breath privately, and we consider the journals and then we open the doors.

So if it's not going to be a prayer, or there's going to some alteration to that, maybe members would like to give some consideration to some other means of that moment of reflection or consideration. Even the prayers that are read, not necessarily – well, the Lord's Prayer is there, of course, but there's a prayer to the Queen, and then there's a prayer for the Legislative Assembly. Those can be altered so that it's more of a reflective type of consideration as opposed to, as you say, a secular-type prayer, a Christian prayer.

I know that's a bit of a skate on it, but at the same time, I think it's one that the members yourselves, need to be consider. There have been challenges on the human rights front in other jurisdictions, and they've been unsuccessful because the prayer is seen as an internal proceeding of the Legislative Assembly to which parliamentary privilege attaches, and courts will not go further. Once they determine that it's a decision for the House itself to make, the courts are not going to intervene on a human rights front. They will say that's a matter for the

consideration of the Legislature for you, that group itself, to determine.
So how's that?

Dr. Bevan-Baker: And of course –

Chair: Are you (Indistinct)

Dr. Bevan-Baker: No, I have more questions.

Chair: Okay, perfect.

Dr. Bevan-Baker: Thank you, Chair.

I think we all appreciate the delicacy of the issue, Charlie, and the traditions that are in place, and the delicacy, both from a legal sense that you've just described about the matter of privilege in the House, but also the changing state of our community, both in Canada and specifically here on Prince Edward Island, so I just wanted your thoughts on it.

A final point, Chair, and it's about the seating plan of the House. More modern legislatures don't tend to sit opposite facing each other in a sort of confrontation or – not confrontational, but the two sort of the –

Charles MacKay: Sword lengths.

Dr. Bevan-Baker: – the tradition to the armies facing each other, and it certainly doesn't lend itself to collaborative work. Now I understand that the confines of the space means it would be very difficult and expensive to change that. However, it was Jordan Brown, I believe, who brought up the idea of alphabetical seating so that we don't have all of the government members on one side and all of the opposition members on the other, but we're intermingled and we might sit and actually talk cooperatively and collaboratively with each other.

Can you give me your thoughts on the possibility of expanding that – which we're now sitting alphabetically here in this committee – whether that's something that you think is workable in the day-to-day operations of the Legislature when we're sitting?

Charles MacKay: The short answer is yes, it's definitely workable.

From the table's perspective, and from the operation of the presiding officer, we're not looking at you as political parties. We're looking at you as individual members. So if there's a recorded division on the floor of the Legislature or if there's some consideration of a motion or something like that, to us you're members individually. Where you sit, whether you sit collectively as a group or whether you sit alphabetically, in a horseshoe or whatever that might be, that is all very workable and certainly there are plenty of examples of where it does work in other jurisdictions.

I do know there have been discussions here, even, on it. Matter of fact, I believe our own Legislature did at one point sit sort of in more of a horseshoe –

An Hon. Member: Yeah, (Indistinct) pictures.

Charles MacKay: – shape over at Province House. I believe I've seen a picture of that nature. I think they still sat as – members at the time still sat as a group, but there was more of a horseshoe shape, so you didn't get that two sword lengths across the floor and let's get at it, sort of thing.

So would it work? Yes, I think that's something that – that's the beauty, I guess, of a small Legislature as well in that we're pretty malleable. We can work with what it is that you, as legislators, ultimately decide that you wish to see implemented for change on the floor of the Legislature, and if it's something like that we can work with it as far as the administration of the House goes, no question.

Dr. Bevan-Baker: Well, I have no more questions, but I'd just like to close off by thanking Charlie for being here today. Also, I'm not a member of this committee, can't bring forward a motion, but it seems clear to me that there's a lot of ideas for review of the Rules of the Legislative Assembly here for which there's a great appetite among the committee, so I hope there's a motion from somewhere to proceed with this, whether it's a white paper to the House or – I'm not sure what it would look like, but I hope that this committee will move forward from this discussion with something tangible to review the rules of the House.

Thank you, Chair.

Chair: Thank you.

Hannah Bell. Oh, sorry, Sonny Gallant and then Hannah Bell.

Mr. Gallant: Thank you, Chair.

I'll start off first with thank you, Mr. MacKay.

Mr. MacKay, as you're aware, we all know in this room you've been around here the longest. Some of us have been here since 2007 and some not quite that long, but I want to thank you for your professionalism and your expertise, and you've always been a great help to me and I know everyone else in this room when we needed a question answered and I thank you for that, and your staff.

You did a wonderful job of duplicating our Legislature. It's just too bad you wouldn't have made it bigger, but you didn't have the room so we understood all of that and it works pretty well. Hopefully it's not for years and years to come.

Charles MacKay: Yes. Hear, hear.

Mr. Gallant: To get to these issues – like everybody has brought up important things and I thank James for bringing this up. Obviously there are concerns because everybody in this room has had concerns this afternoon.

I look at what you've given us going back from 1995 to present. There are a lot of things that happened that we did as a Legislature or a committee did. Some went to the public. I have no problem with going to the public. I just feel we need, as a committee, to know what we're asking the public.

I'll use an example like Mr. Roach said about recognition of guests. Well, I don't think that's something we need to go to the public with. That's something we need to probably discuss here as a committee and say our respective caucuses should come to agreement and then if the guest is in the gallery, you recognize them; if they're not – sort of thing. I mean it's a great point, but do we really have to – do you know what I'm

saying? In all due respect to the public, we need to decide and define what we want out of this.

I guess I just want to pass that on, but I do believe we need to hear from the public. People do watch when we're in here, like you said. We all hear that when we're in the House. People have seen things and have passed things on. We are accountable for our actions and our comments and I think this type of exercise could serve us well and I just wanted to add that.

Thank you all very much.

Chair: Hannah Bell.

Ms. Bell: Again, I would like to thank the committee as a whole for what's been a really fascinating discussion, especially for somebody who is so new into the House and who has been, like I've told many people, this has been a bit of a fire hose and not just the one-on-one instruction from Mr. MacKay, but just to have this level of discussion.

I do have a suggestion that I would like to put forward based on the comments here for a motion. What I would like to suggest is that – and to Minister Gallant's points – I'm hearing sort of two or three different levels of potential recommendation that we could make. There are some immediate actions that are really simple and clear that could be done within this committee straight away, which are, cleaning up with some quick recommendations and so on. Given the function of this committee, those are recommendations that could go forward to the next sitting.

We also have some fantastic work that's been done by the parties, including the white paper from the official opposition, our own research in the Office of the Third Party, and obviously some great research and background and knowledge from the government members' offices. We have also heard that we want to hear consultation. I would move that we, as a committee, prepare an in-depth white paper on comprehensive reform looking at those three levels. What are the quick wins, those kind of immediate things that we've already sort of had those quick discussions here and agreed on, pretty much in consensus,

including the cleaning up and things like that from the recommendation from Mr. MacKay?

We look then at what the areas of interest and intent are from the input from the parties, and then that we take from those the things that we need to go out to public consultation on because, obviously, there are going to be some nuances in there that we'd like to seek. But we don't need to discuss all levels of detail. It would give us sort of a three-pronged approach, but with that long-term effect, being that we come out with a white paper on reform on a long-term basis, but probably some immediate things that we could bring forward as early as the next sitting.

I'd like to move that we take that as a work plan and a recommendation for action.

Chair: Thank you.

Hon. members, you've heard the motion on the floor from Hannah Bell; is there any discussion on the motion?

The hon. Robert Henderson.

Mr. Henderson: Just one clarification on that.

So what we're doing is we're going to make a recommendation to the Legislature on some changes. We're not saying today go out and do a white paper by, probably the clerk or somebody, to do that? Just some clarification there.

Ms. Bell: Well, I think it's up to us as a committee but both Allen Roach and the hon. Sonny Gallant both mentioned the need to sort of (Indistinct) some things in here which are pretty obvious that we could do straight away, that we could do as a recommendation. That's from the committee in our report in the next sitting, is my understanding. But forgive me, because I've not actually done this yet, but that's what I think is the way it works.

At the same time, we've also got – we're not going to be able to do public consultation before the next sitting, right?

Mr. Henderson: (Indistinct)

Ms. Bell: So, we have some great work that's already been done by the opposition, by the Office of the Third Party. We obviously have great work coming out of the member. We could pull that together and actually do a longer-term project to develop that white paper which could be perhaps for the next session and that would give us time to do that consultation.

But there are some quick wins that we've talked about and I would really support the one particularly around perhaps being more clarity around the greeting – the member statements, for example, and greetings to the House; looking at cleaning up rules.

But, the overall piece would be – if we're serious about wanting to sort of look at – it's been 10 years since the rules were last reviewed, so if we would like to make a mark in 2018, and you all know I like getting things done, so if we want to make a mark in 2018, then having an intent to develop a white paper that makes recommendations, both short-term and long-term, would be part of that action.

Chair: I just have one question, hon. member.

Ms. Bell: Sure.

Chair: Do you see the author of the original paper that's going to come and bring the discussion paper to us – do you see that being done by the clerk of the committee or the clerk's office to compile everything that's been discussed with the PC paper, the suggestions from your caucus, our caucus will probably have some input? Maybe everybody can have some input into that, and also the recommendations from the clerk.

Do you see that being done – who do you see actually writing the paper?

Ms. Bell: Good question.

Chair: Charles do you have some input on that?

Charles MacKay: Well, to start with, I think it would be the committee's paper but certainly in support that the clerk would provide and –

Chair: They would compile everything and discuss it.

Charles MacKay: – then bring it back to you incorporating some of the things that James had talked about.

Ms. Bell: That's right, and I think it's really important to clarify that we want to incorporate the great recommendations and observations that you've made today as part of that input because that is obviously of huge value as well. That would be great in terms of us having something that we can feel is something that comes from the committee and give us a starting point.

Chair: Great, so we are going to ask the clerk to compile all of the information received by all the caucuses and the clerk. Bring it back to this committee, and then we'll work from there in determining what the white paper will look like and the actions from the white paper at the end of the day.

Any further discussion on that?

The hon. Robert Henderson.

Mr. Henderson: Where are we at with the so-called white paper?

I guess my point is, that to me, that has to be something that's done after we have all our debates and after we make our recommendations to the Legislature. Am I clear on that? Is that the way everybody perceives it?

Ms. Bell: Yeah, a white paper is your final recommendation –

Mr. Roach: Chair?

Ms. Bell: Sorry, my apologies.

Chair: Allen Roach.

Mr. Roach: Chair, I agree with the white paper issue as just seems to have been resolved, but I think what I was talking about were things that we can do without going anywhere, that it's a quick fix that's going to give us an extra 20 minutes every day while we're sitting.

So, I'd like to separate those two motions and I think I'd like to make a motion with

respect to those items that are quick fixes, that we resolve them as caucus as a whole and have that done before the next sitting.

Chair: I think that's what Hannah Bell had already written into her –

Mr. Roach: I know, but hers was broad.

Ms. Bell: (Indistinct)

Mr. Roach: It was very broad, and I think what she was really getting to was the white paper issue and I think that her and Minister Henderson have kind of narrowed that into where I like that, but I'd like to see us get 20 minutes extra starting in the next session.

So, I would like to have a motion on that.

Chair: Peter, do you have some comments on that?

Dr. Bevan-Baker: I do, and I appreciate, again, your insistence on this, Allen, and I think the rules of the House currently allow that to – I don't think we need to make any changes. I think the Speaker would just have to –

Mr. Roach: I think we just have to get together and say we're done of it.

Chair: Yeah, we want him to enforce the rule.

Dr. Bevan-Baker: Exactly. If the House leaders were to get together and say: Okay, come on everyone, let's do this and make the – and the Speaker was to assert himself, within the rules of the House, which he could. I don't think we need to make any rule changes.

Am I correct in that, Charlie?

Charles MacKay: Yeah.

Chair: Yes.

Mr. Roach: That's right.

Chair: Are we all in agreement that the House leaders are going to get together on that particular rule, write a letter to the Speaker and with the support of all caucuses – are we all in agreement to that?

Mr. Roach: Yes, that's essentially the motion I wanted to make.

Chair: Steven Myers.

Mr. Myers: I can't guarantee our caucus support. We would have to talk about it ourselves.

Chair: Yes, okay. Anyway, we'll talk about it and then the House leaders can deal with that.

Mr. Myers: Yeah.

Chair: Perfect.

We have a motion –

Mr. Henderson: (Indistinct)

Chair: Before I go back to that motion for Hannah Bell, I would like to ask the clerk if he needs any clarification or do you have any questions about what your role would be or Emily's role, and do you have any questions.

Clerk Assistant: Sure. Well, I think what I'm hearing from debate here is that just in terms of recognition of guests, put that aside and perhaps ask the House leaders to discuss that and go back to the Speaker on that. That's not really a matter for the committee at the moment.

But in terms of thinking of the upcoming report and then a white paper after that, that's essentially where the committee is, where you're looking to go with this motion is perhaps address some of the easy-to-address issues in the committee's report, but then following that, prepare a white paper that takes consideration the input from all the parties, from the committee itself. That would be kind of a longer-term project, perhaps for the fall sitting?

Some Hon. Members: (Indistinct)

Clerk Assistant: Is that what you're –

Ms. Bell: Sorry, Chair. I mean obviously, again, with my relatively short experience in this, I am hopeful that that means, then, that the white paper is not something that gets filed on a shelf, where the white paper is an actionable document, and so that would be

something that I would expect us to be able to discuss as a committee, that these are things that we intend to action, and not, as I said, not file.

Chair: Thank you.

Ms. Bell: Thank you, Chair.

Chair: We know what the motion is. Everybody clear on the motion? All those in favour, signify by saying 'aye'.

Some Hon. Members: Aye!

Chair: Contrary-minded?

Thank you, it's unanimous, and so we'll give the clerk the marching orders for that.

Thank you so much for that discussion. Even though we have this little rulebook that's before us, it's obvious that, from the presentation, Mr. Clerk, that as you say, the rules are complex and intricate and they're not just necessarily compiled in this little book here. It's all the traditions that come with the House and how we operate, and we really appreciate the education that you've given us today. I've come to love the rules of the House because of your wisdom, and I think it was informative to the media as well.

I'd like to thank your staff and your team at the Legislative Assembly for keeping pace, even though we may not see on a daily basis what changes and how you've kept pace with what's going on in other jurisdictions, and to keep this place modernized and to give each and every member the tools to do their job.

Just, this is a – this list is awesome, just for all of the members to actually see; and I know it's just a line item here and a year, but I know that each of these line items can be expanded into volumes.

So thank you and please pass on the thanks, and I know the committee would join me in thanking the Clerk for coming and giving us a most informative presentation.

Thank you.

Charles MacKay: Thank you, Madam Chair.

Chair: Thank you.

We're going to move on as Mr. MacKay takes his leave. We're going to move on. There's just one other term, hon. members, under new business, that I'd like to raise.

At our last meeting, we had asked Jordan Brown, the hon. Jordan Brown, the minister, to come and give a presentation to our committee. He's since replied back. I think I'll ask the clerk to clarify or to mention the response we've had from the minister as to what he needs to do at this committee.

Clerk Assistant: Sure.

Chair: Ryan?

Clerk Assistant: So the committee had asked for Minister Brown, as the Chair of the Special Committee on Democratic Renewal, to come and meet with the committee and to provide his input. His communication back to Emily, as I understand it, is that he would just like some more information from the committee about what the committee would like him to address. More direction, more prompting, I guess, for what type of briefing he should provide.

Chair: And I think, Hannah, I think this was your recommendation –

Ms. Bell: It was.

Chair: – and it wasn't really clear to him what was expected, so if you could clarify that –

Ms. Bell: Yeah.

Chair: – he would appreciate it.

Ms. Bell: Certainly, and do you want a statement now?

Chair: Yes.

Ms. Bell: Yeah, okay. Thank you, Chair.

Chair: And if you're not prepared to do that now, if we could provide that information to the clerk, then we can get back to the minister and schedule (Indistinct) –

Ms. Bell: Why don't we do that?

Chair: Okay, perfect.

Ms. Bell: That'd be good.

Chair: She's going to get back to you because it was her recommendation. She'll get back to you about what her thoughts were on that.

Clerk Assistant: Unless it's something the committee wants to debate.

Leader of the Opposition: I think the committee – sorry, Chair.

Chair: James Aylward.

Leader of the Opposition: Thank you, Chair.

I think the committee should have that information.

Ms. Bell: Okay.

Chair: Yeah.

Ms. Bell: Okay.

Chair: Sure.

Leader of the Opposition: Specific (Indistinct) –

Ms. Bell: Well, then I can make a statement then.

Leader of the Opposition: (Indistinct)

Chair: We can – she can put that statement out after she's prepared it. She could put that to the committee and then we can discuss it if that's okay.

Leader of the Opposition: Yeah, unless she's ready to –

Chair: You ready to do something now, Hannah? Or do you want to –

Ms. Bell: I can give you a brief statement, but I would prefer to follow up with the full notes.

Chair: Okay.

Ms. Bell: But it's –

Chair: Let's –

Mr. Roach: I'd like to have all the (Indistinct) –

Chair: Yeah, sure.

Mr. Roach: (Indistinct)

Chair: Let's have a brief statement.

Ms. Bell: Okay.

Leader of the Opposition: Sure.

Ms. Bell: So my brief statement was that the reason for requesting that was we were, if you remember the discussion, was on a broader piece around things we should consider in terms of addressing some of the challenges that we've had identified in the House, with regards particularly to rules, regulations and so on.

My point in that one was that the mandate for the special committee was not only to look at electoral reform, but to look at other initiatives or innovative ideas that could be discussed and brought forward in terms of modernizing the actual process, the democratic process itself. I have not seen in detail the full report, or heard from the committee, and so it was an opportunity to say: What else did you find during your consultations and findings? And to discuss in more detail sort of those aspects separate from electoral reform that came up during the process.

Again, I have more fulsome notes in my other files, my electronic files that can speak to the particular issues that I thought were a match, but that's the short statement of the context.

Chair: Any further discussion on that? Clerk, are you –

Clerk Assistant: Well, just one question for the committee: If there's going to be a further, more fulsome statement about what is sought for Minister Brown, is the committee then going to convene a meeting to discuss that more fulsome statement, then get back to Minister Brown so that he can then appear at a second meeting after this? I'm not sure.

Chair: I would suggest, Mr. Clerk, that once you have your statement readied, we circulate it to the committee members and then we offer some feedback, and then that way we don't have to stall anymore –

Ms. Bell: Sure.

Chair: – or convene a meeting. Is everybody okay with that?

An Hon. Member: Absolutely.

Chair: Great. Okay?

Clerk Assistant: The only caveat there is that it's not a question of whether it's up for debate, whether Minister Brown is still invited to appear before the committee.

Chair: Right.

Clerk Assistant: If it's a – you run into a problem if you're going to do this over email and that's going to create disagreement about whether he should or shouldn't come, based on what's being asked of him. It's hard to debate over email. That's what I'm getting at.

Chair: I think it's already been determined that he's coming.

Clerk Assistant: Yeah.

Chair: We've been inviting him, right?

Ms. Bell: Yeah, we had a unanimous motion to extend that invitation, and there was no discussion at that time. If his – from my understanding, Chair, if his response is asking for more information, that doesn't rescind the earlier unanimous invitation to request him to attend. Am I correct in that?

Clerk Assistant: No, it doesn't rescind it, but as long as it doesn't create among the other committee members the wish to rescind it –

Ms. Bell: Sure.

Chair: I think what Hannah Bell is doing is she's just going to clarify for Minister Brown what it is we want him to come and present on.

Ms. Bell: Yeah.

Chair: She's going to circulate that to us so we actually are all aware of what he is coming in to talk to us about.

Ms. Bell: Certainly, Chair, I can understand from his perspective he would want to have a list of what are the topics that you would like me to talk about, and that's where I can give him the (Indistinct) things that I don't have on me at the moment.

Chair: Minister, the hon. Sonny Gallant had a question.

Mr. Gallant: I would just like to, either make a motion or suggest that we – I think I'll make a motion that we see what Hannah's request is before we –

An Hon. Member: Yeah.

Mr. Gallant: – like we have another meeting and look at it instead of an email.

Chair: You want to have another to look at what her request is to take him in?

Mr. Gallant: Yes, please.

Chair: Any further discussion on that?

Peter Bevan-Baker.

Dr. Bevan-Baker: Thanks, Chair.

Again, not being a member of the committee, I'm not even sure if I should be participating in –

Chair: No, you can –

Dr. Bevan-Baker: – debates on motions.

Chair: No, you're okay.

Dr. Bevan-Baker: Okay, thank you.

I think I'm the only person in the room who was actually on that special committee, so I know that, as Hannah stated, the mandate of the committee went beyond simply looking at electoral systems.

The overlap with this committee, as I understand it, is that the hours of the House, for example and other potential barriers, to making it a more diverse Legislature, barriers that exist there for women, in

particular, but not exclusively women, may be found in the rules of the House. So that – and again, I can't remember exactly what, but with each committee report that was tabled in this House, there were other things beyond the electoral system which were, and we are going to further debate or look at these, and we never did.

Chair: Okay.

Dr. Bevan-Baker: So I think – again, I wasn't here, but I imagine that Hannah's motion was so say: Okay, what are those things as they relate to the rules and regulations committee and let's talk about them.

Chair: Sure, thank you for that.

We've already had Hannah Bell's motion presented and voted on, but now we have another motion from Sonny Gallant. We've agreed that we were going to do it through email because all she's doing is clarifying what the minister is going to come to present to us, the content of what he wants to discuss.

Your motion, again, was?

Mr. Gallant: That we get together after Hannah does up her request to the minister to discuss it, so we all – like as the clerk said, we may want to have a discussion – I feel we may want to have a discussion on it.

Chair: Okay, hon. members, the motion from –

Mr. Gallant: That's why I put the motion there.

Chair: – the hon. Sonny Gallant is that when Hannah compiles her information that we get together as a committee in person, versus online.

Any further discussion on that?

Steven Myers.

Mr. Myers: I think it's a lot of repetition for something that – to drag everybody in here to talk about something that we've already decided on in the last meeting seems a little repetitive.

Chair: Thank you.

Mr. Myers: But, it's very comical that this would happen at the end of a meeting that we talked about trying to improve the process in the Legislature and why people maybe frustrated with how we operate in here and the acting. So, I would be against it on the basis that I feel like we dealt with it. She was very clear the last meeting why. Everyone said yes and if it's just a matter of clarity for Jordan, let's send it to him so that we don't have to make – like, I'm not that keen of having to come in here to say what I already voted on last time again.

Chair: Thank you.

Sonny Gallant, did you have a comment.

Mr. Gallant: Well, I feel – in all due respect for the member across comments, I'm a member of this committee and I have a right to say something too, or make a motion. You may like it or not like to have to come back in here. Well, we'll have the vote and we'll decide.

Chair: Okay, any further comment?

Ready for the question?

All those in favour of Sonny Gallant's motion, signify by saying 'aye'.

Some Hon. Members: Aye!

Chair: Can I see a show of hands?

Three, thank you.

Contrary minded, 'nay'.

Some Hon. Members: Nay!

Chair: Three – we have three and three and so in the instance of a tie, I will say that we will go with Hannah Bell's suggestion, where we will do it online and not have to come back for a committee.

All right?

Thank you.

Is there any further business? If not, I'm looking for a motion for adjournment.

Ms. Bell: (Indistinct)

Chair: Thank you, Hannah Bell.

Thank you everybody for your discussion. I thought it was excellent.

Thank you.

The Committee adjourned