

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: WORK PLAN

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 Health and Wellness
Hon. Tina Mundy, Minister of Family and Human Services
Steven Myers, MLA Georgetown-St. Peters
Allen Roach, MLA Montague-Kilmuir

COMMITTEE MEMBERS ABSENT:

none

MEMBERS IN ATTENDANCE:

none

GUESTS:

none

STAFF:

Emily Doiron, Clerk Assistant (Journals, Committees and House Operations)

The Committee met at 10:00 a.m.

Chair (Casey): Good morning, everybody, and welcome to the Standing Committee on Rules, Regulations, Private Bills and Privileges.

We have a full agenda before us this morning, and before we get started we have some new members on the committee that I would like to welcome. Hannah Bell, welcome to the rules committee. Steven Myers and Allen Roach, welcome to the committee. We look forward to your input –

Mr. Roach: Thank you, Chair.

Chair: – to our committee.

Members, I'm looking for the adoption of the agenda that is before you.

Mr. Roach: So moved.

Chair: Thank you. It's moved by Allen Roach.

We'll now move on to number 3, discussion of the committee's work plan. We received a number of letters, which makes up the bulk of the agenda items, and the first one on the agenda that you all have before you is a request from Hannah Bell, review of the sitting hours of the House, and that letter was received on January 17th, 2018. I'm going to ask the clerk to read into the record the letter.

Clerk Assistant: Sure. Thank you, Chair.

So the letter was addressed to Kathleen Casey as Chair of the Standing Committee on Rules, Regulations, Private Bills and Privileges, and the letter is as follows:

“Dear Kathleen,

“During the recent sitting of the Legislative Assembly, Minister Paula Biggar introduced *Motion 32: Modernization of Legislative Assembly Sitting Hours*. The motion refers to the PEI Coalition for Women in Government's identification of evening sittings as a barrier to the full participation of women in the political system of our province.

“Such a review of the legislative calendar was part of the mandate of the Special Committee on Democratic Renewal, but given that committee's continued inactivity, and the relative simplicity of this proposed change, I believe it is time that the Standing Committee on Rules, Regulations, Private Bills and Privileges examine this issue and make recommendations.

“I am writing to request that the Standing Committee on Rules, Regulations, Private Bills and Privileges convene to discuss the proposal contained in Motion 32; specifically that the Committee consider recommending a change to Rule 4 (Times and days of sitting) that would result in the reduction or elimination of evening sittings of the Legislative Assembly, while maintaining the overall number of sitting hours.

Sincerely,
Hannah Bell.”

Chair: Thank you.

Hon. members, I'll now maybe turn the floor over to Hannah Bell to speak to the letter that she presented to the committee, and then we'll open the floor for discussion.

Hannah Bell.

Ms. Bell: Thank you, Chair.

Yes, being first in with the first letter and first in the committee, thank you very much for this. It was also interesting to see the range of other items that are on the agenda for further discussion and that they're often coming from the same place, which is sort of existing research and public consultation that has already taken place, sometimes going back years.

In case of the recommendations for the PEI Coalition for Women in Government, some of those are going back as far as 2003, 2005, 2009, 2013, and so this has been something that has been raised and discussed before.

The reason why I said I felt at this point to put this letter forward was to support – I was in support of the motion when it was placed on the floor during the last sitting. Given that, as I say, we don't have the Special Committee on Democratic Renewal at the

moment to take this to, that this is the logical place to discuss.

As I pointed out in the letter, while we have a lot of other awesome things that we are also going to be talking about during the committee as raised by some of the other letters and items that have been sent forward, this one in particular sort of sits as something that is, in the grand scheme of things, perhaps relatively simple – relative being important – but one that (Indistinct) also, there's a lot of existing research and information available for us to be able to have a good discussion without necessarily needing to go back out again to public consultation.

It's also based on best practices in terms of other jurisdictions, and from some of the kind of broader objectives that have been stated, both from a federal and a provincial basis, in terms of what we need to see to inform a more inclusive and democratic process in our Legislature.

So I would really be interested in seeking support for us to discuss this with a means to actually making recommendations for action back into the House when it sits.

Chair: Thank you.

Ms. Bell: Thank you.

Chair: Any further discussion?

Tina Mundy.

Ms. Mundy: Thank you, Chair.

I would fully agree, and I fully support the motion that was actually placed on the floor back in the spring sitting of the Legislature, or the fall sitting of the Legislature, by Minister Biggar in her capacity as the minister of Status of Women.

As the hon. Member has mentioned, there is a vast amount of research that has already been done on this subject, and a lot of support coming from many different groups within the community and across Canada for the need. So, I don't know that it's an actual fit for this committee when it's already sitting on the floor of the Legislature, and I would like to see it debated there where everyone can have their say and have their

input rather than, again, another committee coming forth with recommendations and debate.

The debate, we're always talking about having productive debate on the floor of the Legislature. I would like to see this debated on the floor of the Legislature in the next sitting; just my thoughts.

Chair: Thank you.

Steven Myers.

Mr. Myers: Thank you, Chair.

I wasn't going to bring that up, but that's kind of how I felt about it. For me personally, I'm opposed to making this rule change – I've been vocal about it before at this committee and in public – for a number of reasons. Probably not waste all that time getting into them again, but I will say that in the fall session, if you noticed, we filled the gallery here twice with service workers who wouldn't have been able to come to hear their concerns being debated in the form of legislation in the Legislature had there not been evening sessions.

I, by all means, want to be open and inclusive to everyone – not just women, everyone. I think we need to do our best to make sure that people from all walks of life and all genders are able to put their name forward to run for an MLA.

At the same time, I wouldn't want anybody to think that the only nights you would ever work are the handful; I think 20 last year that we sat in here. There are a large number of nights, as you all would know, that you're out on the road for meetings. They may pertain to the area that you're a minister for. They may be in your own community. They may be in any number of areas. I know this week, I think I was out three nights to meetings of things that were concerning.

I'm not taking anything away from these recommendations that were made by the PEI women in business, and not to jump ahead in the agenda but I know James has something on here and we're talking about going out to the public. I was really, at the time when Paula put that on the floor in the fall, I was looking forward to debating it because I am against it and I was going to

outline some of the reasons why I thought some night sessions at least were useful and why we should be encouraging them.

So I would have a tendency to agree with Tina on this. I would vote against it otherwise, but it would be really nice to hear a good debate from all people. Believe it or not, I can be convinced to change my mind.

Mr. Myers: Some of you have probably seen it. I've said this before, I've said it in the Legislature: In over six years now, some of the things that I came to the Legislature with in my mind have been changed and have been changed by some of my colleagues in the discussion that we've had in this form and in debate.

People who I have met in the public have changed my mind, and some of the things that I saw – until you get to see them up close, I thought they were – I thought it was black and white and cut and dry, and then the more people that you meet that bring concerns to you as an MLA kind of opens your eyes and you're like: wow there are a lot of other things that are happening out there that may not have necessarily been part of my life but that are affecting other people.

To say that I'm against it today wouldn't necessarily mean I'd be against it if you could give me a compelling reason why I would vote for it. That's the only reason I would like to have it debated. I know it's come up numerous times, this topic, and I do understand the component why you would want to change it. I absolutely do. I just need a little more convincing, I guess.

Chair: Great, thank you.

Robert Henderson.

Mr. Henderson: I guess I'm a little more on the same lines as the hon. member Myers across the Chamber here.

From my perspective, I look at this as a complete redundancy of the process we're already in. We are a committee of the Legislature. We make recommendations to the Legislature on rules and privileges. We already have a motion on the floor of the Legislature that everyone will weigh into and debate, and I'm a bit like Steven. It's a

case of – I'm not saying I'm against changing hours, but I'm not saying I'm for them either. I want to hear the arguments.

There's a reason these hours have been put in place. I don't see that this is a gender issue at all. Every profession has certain hours that they have to work. We have nurses that have to work night shifts. We have professions that work different hours all the time, and I think it is important to – especially when you represent a rural riding – not all people can get down to the Legislature when they are working. They also have to have the distance of travel to add into the equation, so having at least some night opportunities at least, provides flexibility for all Islanders to participate the democratic process and come here and witness that process.

I'm not saying I'm against change. I'm not saying we don't change and reduce hours to accommodate different sectors. Maybe we need a morning session, stuff like that. There's all kinds of rationale behind those arguments, but I'd want to hear those arguments. I'd want to hear those arguments by everybody, all 27 members in this House, to give their opinions and views on it and I'll make my own decision up from that.

I just look at it as a complete redundancy. We already have the motion on. It can be brought forward anytime to be debated and we'll all have our chance to do that. So, going through a process as our committee, we're just spinning our wheels.

Chair: Thank you.

Any further discussion?

James Aylward.

Leader of the Opposition: Thank you, Chair.

I'm pretty much on side with what Mr. Myers has said as well with regards to the suggestion that the hours be amended. We only have to look at the change in other industry out there. I think about the financial institutions, right? Just a couple of years ago it was always sort of a running joke that I had banking hours because the bank was only open from 10:00 a.m. to 3:00 p.m. or 10:00 a.m. to 4:00 p.m.. Well, now you're

seeing staff at financial institutions that in there are on Saturday mornings. You see now financial institutions that are open in the evenings and when I go to my bank, I know that the higher percentage of the staff that I see there are actually female.

I realize that we're trying to do things to make it more inclusive, and I'm all for that. But again, I want to reiterate what's already been said. How many of us attend evening meetings? I think that Steven said it was three this week. Well, I think I had five so far this week. Weekends – it's continual. But, I'm not against making some type of amendment, but I want to make sure that the Legislature of Prince Edward Island is open and accessible to Islanders, not just 27 MLAs, but Islanders.

Again, the example of the PTSD, the first responder groups that came in and literally filled the gallery for a couple of evenings to listen to the debate about a private member's bill, that to me, is powerful enough to say that you know what? We need some access in the evening. Two evenings? I'm not sure, but definitely one. I think there's a much larger discussion around how the Legislative Assembly operates, the hours that we keep, and I'm going to hold a lot of that back until my letter comes to the floor, but I just wanted to say that although I'm not totally against it, I don't support completely eliminating two evening sessions.

Chair: Thank you.

Any further discussion?

Allen Roach.

Mr. Roach: (Indistinct) brought this forward, probably each and every spring and fall for discussion around the table and I know that there's been a tremendous amount of work done and I would like to thank Hannah Bell for bringing this to this committee, but this isn't a relative, simple proposal as maybe has been indicated.

I get that from the discussion that's taking place here so far today, and I think there's the debate – I look forward to that on Minister Biggar's private bill. There are so many different ways to communicate and participate today when we look at the Legislative Assembly where it's now live-

streamed and there's audio visual in there for individuals that require it.

I'm sure that the other side of that – well, people will be saying: I can sit at home in the comfort of my chair and I can watch it and I can comment through many different ways and Twitter and all these different ways. I do see a tremendous debate that probably will take place, and I think all of those things have to be considered today because the world is changing and the way we do business is changing.

I note that some of the things that take place in other jurisdictions allows for non-attendance and the ability to still cast a vote in some jurisdictions. I think there's going to be really good debate, as has been indicated already by several members at this committee.

Thank you, Chair.

Chair: Thank you.

Sonny Gallant.

Mr. Gallant: Thank you, Chair.

I just wanted to kind of add to this, and I thank Minister Biggar and I thank the member of the committee, Hannah Bell, for her letter.

Obviously, and it has been said here, we've all seen a tremendous amount of changes in the last two years, 10 years. Obviously, this is something that has come to light and it's worthy of discussion. We've all chimed in here at the committee meeting. I think for all members and for further discussion on the floor of the Legislature would be the way to go.

I just wanted to add that, Madam Chair.

Chair: Thank you.

Hannah Bell.

Ms. Bell: I just need to make a clarification to a response to a previous comment.

The PEI Women in Business is an organization that I used to work for, which is a non-profit. It has nothing to do with this recommendation. The recommendations and

the research that they come from are from the PEI Coalition for Women in Government, which is also a non-profit. It's also the only non-partisan non-profit that's doing any fundamental research for women or anyone else, in politics and the practice of politics in PEI.

The recommendation that was proposed in the previous filings to the House were that, in order to support current and future MLAs travelling from outside Charlottetown and those with young families, we recommend that government eliminate the evening hours of the Legislature.

So, despite the organization being that of for women in government, their recommendations are not only non-partisan, but also non-gender. I just wanted to get that clarified for the record.

Thank you.

Chair: Thank you.

Hon. members, we've heard the discussion. Is there a motion on the floor – am I hearing any motions to deal with this issue?

Tina Mundy.

Ms. Mundy: Sure.

I'll put a motion forward, Chair, that this specific item be removed from our working plan or our plan moving forward and that it go to debate on the Legislature floor when the motion shall be called, hopefully in the next sitting.

Chair: Thank you.

There's a motion on the floor; any further discussion?

Steven Myers.

Mr. Myers: Just for clarification, so we're just effectively tabling it until we debate it? Is that –

Mr. Henderson: (Indistinct)

Chair: We're taking it –

Ms. Mundy: – off of our work plan for this committee. Right? Since we've all – well, from the discussion I gathered, there was –

Mr. Myers: (Indistinct)

Ms. Mundy: Yeah, it was favoured to everybody to have their say, all 27 MLAs, on the floor of the Legislature and debate.

Chair: Thank you.

Ms. Bell: It still will appear in the recommendations and discussion that comes forward in the proposal from the Leader of the Opposition.

Chair: The motion is on the floor.

All those in favour of the motion signify by saying 'aye.'

Some Hon. Members: Aye!

Chair: Contrary minded?

The motion is carried and it is unanimous.

The next item on the agenda is a request from Peter Bevan-Baker to review the review of the practices to deliberate on and pass legislation. The letter was received January 23, 2018, and I would ask the clerk to read that letter into the record.

Clerk Assistant: Sure.

Thank you, Chair.

This letter is dated January 23, 2018, from the Leader of the Third Party, Peter Bevan-Baker, and it reads as follows:

“Dear Kathleen,

“For some time now, I have been growing progressively more concerned about the quality of deliberations in the Legislative Assembly, in particular that we as elected members are not properly fulfilling our duties to Islanders, that we are not meeting expectations that bills and motions are thoroughly, competently, effectively, and with the best interest of Islanders always as the top priority. These concerns and frustrations culminated in the events at the end of the last fall sitting in which I was named and removed from the Legislature.

“The intent of my comments at that time, though they may have been clouded in frustration, was to foster a critical discussion about the processes we use in the Legislature to debate and pass legislation. Public responses to those events have clearly demonstrated that there is an appetite among Islanders to consider changes to the practices of the Legislative Assembly.

“During debate last fall, the Premier suggested I should take such suggestions to the appropriate standing committee. Therefore, and in an attempt to promote more collaborative deliberations, I am writing to request that the Standing Committee on Rules, Regulations, Private Bills and Privileges conduct a review of the practices that we use to deliberate on and pass legislation in the Legislative Assembly.

“Such a review could include the following elements:

- 1) A review of the practice of debating all legislation in Committee of the Whole House, rather than in standing or special committees, as is the practice in many other jurisdictions. Considering legislation in standing committees could permit witnesses to be called to provide additional outside comment on bills. It could also allow members to become more specialized in the subject areas of their committees.
- 2) A review of the role of the MLA, including what expectations Islanders hold of elected members, and whether this should be more formalized in the rules of the Legislature.
- 3) A consideration of whether government should be required to provide all members with briefing documents and other information related to legislation (including jurisdictional scans, public and stakeholder feedback, and other relevant research) prior to deliberation at second reading and in committee.
- 4) A public engagement process to better understand the views of Islanders in these matters and to solicit further suggestions on what solutions should be implemented.

“Thank you for your attention to my request. I look forward to the prospect of

collaborative and productive deliberation on these matters.

Peter Bevan-Baker,
Leader of the Third Party”

Chair: Thank you, Madam Clerk.

I will now open the floor for discussion. Anybody have any discussion?

Steven Myers.

Mr. Myers: If no one else wants to talk, I will gladly take the opportunity.

Peter makes some good points here when it comes to the deliberation on legislation. It’s something that we’ve probably found over the years being in opposition is you’re trying to debate a legislation and you have a minister on the floor who has an expert in the legislation sitting beside them and you’re neither an expert in legislation nor a lawyer, or often times other than reading the bill before you come down, I would only have a moderate understanding of what it was and that’s largely based on the notes that’s in the back of the bill.

Over the years, I have said it out to get somebody from the legal community to read and say, particularly when it came to financial ones because as the former minister of finance could probably – they’re cumbersome and they say a lot and sometimes I found that some of those were confusing to read. He makes a good point, but again I think that James covers kind of some of that stuff in his too, so I don’t know what the best practice is to get around that.

I’m not necessarily buying the review of the role of an MLA by MLAs. I think it’s kind of a circular argument that we’re going to define who we are and then put it in legislation and live by it. The fortunate part about being an MLA – or perhaps the unfortunate part, depending on which direction you’re looking at it – is the people you represent get to decide what your role is, and that is the reality and we all know it. You could be getting a call asking for help to navigate the government system, and you could be getting a call because there’s a pothole in front of someone’s house, and you could be getting a call to show up at an 80th birthday party. That’s just the nature of

politics. I don't know if – I would never – my own personal opinion is it's very dangerous if we start writing our own job description and then demanding that we only live by it because it's very unfair to the people who we represent.

As Richard Brown always says, this is the peoples' Chamber. It's them who put us there, and it's them who we need to represent. We are what they say we are, in my opinion, when it comes to that. I do agree with the third one, with the consideration for better briefing documents and jurisdictional scans.

Sometimes it's frustrating when you're asking questions and everybody who is sitting at that table has the information and you're asking for it and they're like: Well, we'll see if we can give it to you. But, we're like: You're reading it. I can see you are reading it. Why can't we have it? There's nothing that we're – we're not trying to do an 'ah-ha' moment over here in opposition, so we're not over here saying: I can't wait to hook you, I'm going to get you good.

I really want to make sure that the piece of legislation that goes forward, I don't find out three years down the road that I voted 'yes' for it because you told me it was good and you told me it was going to be – it wasn't going to impact another area, and then I find out that it is and then I have somebody calling me saying: Well, you voted for it. I'm like: Well, that wasn't what I was told and I didn't have any other documentation. I didn't have what the minister had whenever the minister was telling me that it wasn't going to be impactful. I think that's a really good part.

The public engagement part, I don't know. I think we always should be concerned about public engagement and I think it's probably – the onus is probably on us individually, but I'd like to hear what other people have to say.

Thanks.

Chair: Thank you.

I have Allen Roach and then Robert Henderson.

Mr. Roach: Thank you, Chair.

I appreciate this letter coming forward and I'll start with the very first sentence, and I think that's an opinion that's held by the Leader of the Third Party and I'll just leave it at that.

I agree with my colleague from Georgetown-St. Peters with respect to the review of the role of the MLA, including what expectations Islanders hold of elected members. I dare say that almost every Islander has a different view of what an MLA is and what their expectations are, and having a job description could be the most lengthy piece of document you may ever see because the calls we get and the concerns that are raised to me on a regular basis about a variety of different subjects. Certainly in Prince Edward Island, if I were to say: That's not within my job description, go away – I don't think that would – that's not the expectation of Islanders.

Even if you can't fix it, at least if you're there to try and help them through it that means an awful lot to Islanders and I'm quite proud to be sitting in a Legislature where as an MLA, I have the opportunity to have personal contact and try and help those, regardless of what their question or what their issue is. It's a privilege to be able to do that.

To go back to a point that the Member from Georgetown-St. Peters made, he's absolutely right. As a former minister of finance, and some of the legislation that has been brought forward from that department, is quite difficult and it's hard to read and it's hard to understand. That's why I took it upon myself when I became Minister of Finance, each year I brought my legislation to a small table where I brought the former leader of the Progressive Conservative Party and the current Leader of the Third Party each year. When I had my legislation, I brought them into my office and sat down and went through the legislation line by line, because it is difficult. I found that to be kind of a good way so that everybody's totally informed about what's going on.

I know past year, the fall, we had legislation and I met with the current Leader of the Opposition and the Leader of the Third Party and we spent considerable time, I believe about a half a day together, going through legislation line by line. I think that

was of benefit to all of us when we went in there so there was a clear understanding of what the (Indistinct) –

Some of it was housekeeping and some of it was very minor, but some of it needed a very thorough and deep consideration of why that change was being made, so I think there always are ways that we can hopefully work through those.

I think that's all I have to say for now on that particular subject. I'll leave it there for now.

Chair: Thank you.

Mr. Roach: Thank you, Chair.

Chair: The hon. Robert Henderson.

Mr. Henderson: Thanks, Madam Chair.

From my perspective on this, I – you know, the letter, I actually take some offence to some of the comments in the letter here. One I want to highlight here is this, the Leader of the Third Party saying: we, as elected members are not properly fulfilling our duties to Islanders.

I think that may be his interpretation. Maybe that's his decision on what he's doing as far as representing his constituents; but from my perspective as an MLA that represents the people of O'Leary-Inverness and I've been elected three times to do that, I look at – it's a critical point to make sure that I'm fulfilling my duties as the people of O'Leary-Inverness decide.

My role, I look at it, is to represent people of O'Leary-Inverness, all the people. So you get varying points of view. You answer their phone calls. You take their requests. You find out some of those issues may be more of a federal nature. You make sure you get them the information on who the person would be that they should contact in that particular federal department. It could be an issue of municipal, same thing. You make sure that you're providing them the information that they can get an answer or a solution to their particular problem.

When we get into the debates and the process of them in the Legislature, there's a lot of these things have been here since the

1700s, these rules and privileges that have been put in place.

So I think from that perspective – once again against any case where we shouldn't be changing things or that we shouldn't be looking at ways to improve things; but I think when we start off with writing letters that state that we're not doing our duties properly, I would take offence to that.

When it comes to the issue, and Steven Myers brings up some points about the preparation for legislation, as a minister in the past of sitting on the floor and trying to even get briefed on it before I sit on the floor, it's cumbersome information, it's very legalese. But I would also say that we all have resources, whether you're a member of the Legislature or whether you're a minister in the Legislature.

I know Emily, her staff, there's all kinds of people there that can do research for you. We have in each government member's office, the opposition office, I'm sure the third party office, there's resources that they have. Is it all what they want? I don't know that answer, but they have the ability to do research on particular subjects, to bring that to the member's case.

You do have time to read them, although sometimes it's very difficult to have all the – when the legislation is tabled on first reading, you have the opportunity to be prepared on what's going to be in that piece of legislation. So from my perspective, there is all the tools out there if you want to use them.

I think the other issue I sort of raised some points on here is in the "...review of the practice of debating all legislation in the committee of the whole house, rather than in standing or special committees," my understanding is the House of Commons does it that way. I don't know if all provinces do it that way; but you're looking at the House of Commons as an example, it has an Upper Chamber. It has the Senate. It has lots of different processes to determine these debates.

Yes, we used to have two Chambers in this Legislature at one time, too; but it's a matter of a case of where do we go with these things to make them into absolute

perfection, I guess, and that's sometimes difficult to do.

I guess from my perspective I'd like to get maybe more information on this to try to seek out ways that we can get what other jurisdictions done. Maybe Emily can provide us a bit more information on some of these points; but I'm going to have to be persuaded a lot more to agree to a lot of these comments and changes.

Chair: James Aylward.

Leader of the Opposition: Thank you, Chair. I'll be fairly brief.

Just with Peter's first bullet, I'm not going to comment on that in great detail because again, I think when we get to my agenda item; my discussion paper covers that fairly significantly.

Number 2) I sort of wish now after reading and rereading this letter proposal from the Leader of the Third Party, that maybe Peter had of maybe expounded a little bit more on this particular point, a review of the role of the MLA including what expectations Islanders hold of elected members and whether this should be more formalized in the rules of the Legislature. I guess I'm wondering why he has brought this forward. Is there an underlying reason that he feels that this should be reviewed?

Interestingly enough, this has been somewhat of a point of discussion at the electoral boundaries commission public meetings that they're going through right now. They've held two of their five meetings so far. What I found very interesting last night when this topic came up with regards to the presentation of the two sample maps for MMP, where their mandate was to create a map with 18 districts, a lot of the discussion was with regards to now we have these very, very large geographical rural districts and these quite miniscule urban districts.

Some of the discussion was like: That's not fair, why is it such as that? But what people have to remember is in a lot of the rural areas that are particularly unincorporated, the MLA is the first course to go to seek help, versus Stratford, for example, which I proudly represent. We have a town council.

We have elected councilors and an elected mayor that does great work in our town, and so if someone has an issue with regards to something municipal, that would be the first course.

Now, that doesn't always happen. For example, when I'm campaigning, going door-to-door, a lot of the issues that I am hearing are municipal issues, whether it's speeding or roads and things like that, sidewalks; but to define the responsibility and the duties of an MLA within closed parameters, I don't think that that's something that we could ever do.

I go back to my days working in the hospitality industry. You can't say: Okay, you're in this position on the front desk or you're in this position as a restaurant server and this is all that you do. To me, I've always said the work that I'm doing now as an elected member of the Legislative Assembly is an extension of my previous career. I'm here to serve. No task is too small to ask me, and I will always do the best that I can.

Again, I wish that Peter may have expanded a little bit more on why he feels that's important.

His third bullet, with regards to providing all members with briefing documents, and Mr. Roach spoke about when he was finance minister and did invite myself and the Leader of the Third Party in for briefing, and that was great. I did have that experience with previous other ministers before; but when you're here on the floor, it would be much more helpful if all of the members sitting in the Legislative Assembly looking at a bill had as much information as they could to move forward on that. I think that we can, as an elected body, do better there.

On the fourth bullet, "A public engagement process to better understand the views of Islanders in these matters and to solicit further suggestions on what solutions should be implemented". Again, I think my discussion paper that's going to come forward here in a moment covers that off fairly significantly.

Thank you, Chair.

Chair: Thank you.

Hannah Bell.

Ms. Bell: I'm happy to be able to clarify a couple of the concerns that have been raised by other members on the floor.

I think the first piece is the context of this submission is specifically about requesting that we conduct a review of the practices used to deliberate on and pass legislation in the Legislative Assembly. Absolutely, completely agree in terms of the importance and the critical nature of the constituency work and the constituency representative issues, the other part, the bigger part of the day-to-day life of being an MLA. But, this specifically is around that activity within the Legislative Assembly and on that basis; those recommendations are regarding that process.

To the point about the role of the MLA, to expand on that as per your request, there are two pieces of work that reference that. One of them is, again, the coalition for women in government who undertook a national research project. So, the recommendations actually went to the House of Commons as well as to the province here, and that was done in 2009. That research project was called *Whose Job is it Anyway? The Life and Work of an MLA*. But, there was also actually a government recommendation in the Speech From the Throne in 2008 which recommended a special committee on the role and responsibilities of the MLA be struck in this House.

This is something that was actually brought to the floor here nine years ago and so there is an extensive list of sort of what that meant, and it's not at all about talking about sort of what we don't do, but rather about how to clarify, for instance, public expectations.

One of the roles in there was about the challenges of removing MLAs from the role of finding jobs, for example, which is a patronage issue that has been raised as one of critical concern in the past.

There's definitely some research available there to be able to support that bullet point that was raised and one that is not necessarily coming directly from the third party but from, again, a research and evidence base.

In terms of the other points, I think you've heard they are also in your excellent recommendation paper which we're going to speak about next, so perhaps if that is part of that more fulsome discussion around that, that paper being brought forward by the Leader of the Opposition then we have a chance to talk more so about the roles of committees and of evidence required to be able to make informed decisions, to make the best legislative choices and decisions that we can as legislators in the House.

Thank you.

Chair: Members, Allen Roach – do you have something else to add?

Mr. Roach: Yes, I have one comment and I guess I would like to comment on the comment that was made with respect to MLAs hearing from people that are trying to get jobs and that that was patronage. We hear from people who want to get jobs. I hear that quite often. I can't get anybody a job. I can refer them. I can point them in different directions, and I always think of the cases for me that hit the most.

About four years ago I had a young woman who had moved back from Alberta; was having kind of a decent life out there, but as we know sometimes things change and she arrived back in Prince Edward Island with a relatively new baby and was concerned about how she was going to provide for that child. That particular lady came to me and asked me if I could help her find work. I had pointed her to a number of job listings that were in the paper and suggested that she might want to try and get a job at one of those places. I wasn't able to get her a job. There was no patronage involved there.

But, what I was able to do, Chair, was I was able to work with that young woman and direct her through programs at Skills PEI. She was able to then go and get a skill, which she did, and I kept in constant contact with her helping her through the process. She was successful and she got a job. At about the – I'd say about the 26th month area after she first came in to my office, I got a call from her inviting me to go to her housewarming. She was able to then buy a small home in the country and she invited me to come to the housewarming with her friends and her parents.

That's got nothing to do with patronage. That's got to do with doing your job as an MLA and working for the people in your riding. I just want to point that out, Chair.

Thank you.

Chair: Thank you.

Hon. Robert Henderson.

Mr. Henderson: Yeah, I want to expand on that too. I do take, almost, offence to the comment that the jobs issue and the patronage mentioned by the other party over there.

Once again, I look at it as a role of an MLA, as a minister or what have you, is you have a wealth of resources and information that you can convey to constituents. It's almost identical, the same situation when you look at constituents might come in to see me and I make sure that they might want to know how – how do I get into the civil service? How do I get on at a hospital? You provide them the information. They have to fill out application forms. They might have to have a certain pre-requisite for the position.

I can think of some that would like to get on at housekeeping in the hospital or something. You have to make sure you have WHIMIS. The question will come back: What's that? Where do I get that? There's an online – so as an MLA, you have a vast knowledge of – and you also might have situations of employers that are out there that are hiring, looking for people and you can pass that message on. It's not patronage. You're helping people. That's what our role of MLAs, is to represent the people that elected us, and all the people, whether they voted for us or not.

I would just like to say it's really important that we take the skills that we have as elected representatives and the knowledge that we get, and we can transfer that to our constituents. Whether we do it on Facebook, whether we do it on emails, whether we do it – so trying to make an accusation that just because the role of an MLA is about patronage and trying to help people, I take offence to that too, so I just wanted to reiterate that comment.

Chair: Thank you.

Hannah Bell.

Ms. Bell: Thank you, Chair.

I'm quoting from the report of the Speech From the Throne statement that was made in 2008 and 2009. I'm very comfortable with the role and very aware of what the role is. I'm also comfortable with helping people, exactly those (Indistinct) and I've been doing that for a number of years prior to coming into this role.

I think it's a privilege to be able to know that you can help people in whatever way you can, and often navigating and connecting is one of the primary things that we do to help constituents, but in terms of the clarity of the statement and I apologize to you, sir, if you feel that there was offence made. I am quoting from a report that was written into the record as a statement of why the job description for an MLA was something that should have been considered or brought forward for consideration at this point nine years ago, and then hopefully coming back to the floor again and in reference to the letter filed by the Leader of the Third Party.

Chair, thank you.

Chair: Thank you.

Mr. Roach: Chair, I just have one more comment on that.

Chair: Allen Roach.

Mr. Roach: I think going back to nine years ago, there were things happened prior to that which led to that word being used. That doesn't necessarily refer that that's what has taken place since that report came to the House nine years ago.

Thank you, Chair.

Chair: Thank you.

Hon. members, we've heard discussion on the request from Peter Bevan-Baker. Is there a motion on how we deal with this?
Allen Roach.

Mr. Roach: Chair, I'd like to make the motion that the clerk take on the role of doing a jurisdictional scan and bringing back

information related to this request back to this committee.

Chair: Any further discussion on the motion?

All those in favour of the motion, signify by saying ‘aye.’

Some Hon. Members: Aye!

Chair: Contrary minded?

The motion is carried and it is unanimous.

Members, we’ll move onto 3(c) on your agenda: Request from the hon. James Aylward, review of the *Rules of the Legislative Assembly of Prince Edward Island* and the letter was received January 23rd, 2018, and I would ask the clerk to read it into the record.

Clerk Assistant: Thank you, Chair.

This letter is dated January 23rd, 2018, from the hon. Leader of the Opposition, James Aylward and it reads as follows:

“Dear Madam Chair,

“I believe in strengthening and modernizing our democratic institutions.

“This is why I am formally requesting that the Standing Committee on Rules, Regulations, Private Bills and Privileges to conduct a full, open and transparent review of the *Rules of the Legislative Assembly of Prince Edward Island*.

“There is a need to modernize the operation of the Legislative Assembly and make positive changes for the House to be more efficient and inclusive.

“I, along with my team of PC MLAs, am asking the committee to collect meaningful public input and provide recommendations for potentially extensive changes to make the Assembly more efficient, progressive, and productive. The committee must endeavour to seek the opinions of Islanders from tip to tip.

“This means holding accessible and open hearings in communities all across the province. The committee must also be

accessible via social media and other outreach channels to ensure those Islanders unable to attend in person meetings still have an opportunity to have their voices heard. The committee should also ensure the independent officers of the Legislative Assembly are afforded the opportunity to share their views and experiences.

“Lastly, the PC Caucus is of the hope that former elected officials, current and former staff of the Assembly and staff from Parliament and other provincial legislatures are consulted to ensure best practices are identified and considered for Prince Edward Island moving forward.

“The PC team feels there is a real opportunity to modernize and improve our Legislative Assembly. We are listening to the people of Prince Edward Island. It is time for a meaningful and full public conversation to strengthen and protect our democracy, both in the now and moving forward into the future.”

Hon. James Aylward,
Leader of the Opposition”

Chair: Thank you.

Mr. Aylward, would you like to open the discussion?

Leader of the Opposition: Certainly, Chair.

I did bring copies of the discussion paper for the members of the committee if they would (Indistinct) – just in case anyone doesn’t have one.

Chair, again, since being elected in 2011 and then being re-elected in 2015, I’ve had the privilege and the honour of sitting in the Legislative Assembly and representing the fine constituents of Stratford-Kinlock; but I have seen many things within the workings of the Legislative Assembly that sort of opened up my mind to question how some of the procedures move forward.

My intent behind this discussion paper is just that, to have an open and frank discussion about, essentially all of the rules and how the Legislative Assembly operates. As I said when I was commenting on some of the previous agenda items that we had

that I felt that my discussion paper would encompass some of those requests as well.

I guess what I would do in one point, just on the first page of my letter where it says: “Lastly, the PC Caucus is of the hope that former elected officials, current and former staff of the Assembly and staff from Parliament and other provincial legislatures are consulted to ensure best practices are identified and considered for Prince Edward Island moving forward.”

One of the best examples I guess I could bring forward on that was my time as chair of Public Accounts, when former Member of Parliament Shawn Murphy and former chair of the federal Public Accounts committee came in and did a presentation and really opened up our eyes from all parties that were sitting around the committee table at that time, of how that committee is actually supposed to work.

In many ways, we were failing to live up to those responsibilities. That’s my own personal view. As chair, over a number of years, I tried to evolve the committee to be much more nonpartisan and to be amicable as far as working for Islanders. Individuals like Shawn Murphy, I think, bring a wealth of knowledge and should be consulted, and that’s just one small example.

We’ve had discussion here today, and we’ve had the discussion for many years as well on hon. Paula Biggar’s request that Hannah brought to the floor here today as well with regards to eliminating the evening sessions to make it more inclusive and easier for women to actually put their name forward. Part of my discussion paper is to bring that even a step further to say that; what would happen, just imagine, if we had a set number of weeks, we knew when the House was going to open, we knew when the House was going to close.

At one point in time we only had one session every year, and then Pat Binns, when he was premier, he brought in the fall session. One of the things that I put in my discussion paper is: What if we had three sessions? What if we had the fall session that exclusively dealt with the capital budget, which is a very intricate part of the operation of Prince Edward Island?

The spring session would focus on the operating budget, which again – I sit here and I watch the comings and the goings and how it operates. The spring session, we have government bills, we have opposition private member bills and motions, we have government motions, we have motions from the third party and private members bills from the third party as well.

We have the operating budget that we’re trying to debate on the floor as well in committee of the whole, and I really feel for those individuals from the departments that are coming in and sitting on the benches. Sometimes they’re sitting here for three or four days and they never really get to the table because we’re so focused on another piece of legislation that we’re debating.

So one of the things I’m proposing is the spring session would be on the operating budget, and then maybe we have a winter session that is exclusively targeted towards bringing legislation in and debating the bills on the floor so it’s much more inclusive that way.

Again, when I talk about inclusivity, I don’t think just eliminating two evening sessions is going to create what we need as far as inclusivity goes. If you have a young family at home in particular, imagine if you knew exactly when the House was going to sit and when it was going to rise. That would probably make your decision much easier as far as knowing if that can fit into your family’s schedule and your life-work balance. Those are just a couple of the discussions that I wanted to bring forward.

But, what my hope would be is that discussion isn’t limited to 27 elected officials. Because again, Steven Myers said and Richard Brown’s been quoted many times, this is the people’s House, this is the people’s Legislature. So I would like to hear from Islanders, and that’s why I’m proposing that this committee go out and actually hear from Islanders and hold public discussion around many of these ideas that I’ve brought forward.

Chair: Thank you.

Hannah Bell.

Ms. Bell: I'm really excited to see this document come forward. There is some great recommendations in here and one of the things that I'd like to point out in terms of that consultation is that the Special Committee on Democratic Renewal did extensive work and made recommendations, not only on issues around the plebiscite question but beyond that, including improvements to the role of the elected members, advantages and disadvantages of political party activities, electoral campaigns and financing, strategies to involve more diverse communities in public life, and improvements to the parliamentary calendar, so beyond sitting hours, but into exactly as James has spoken around times of actual sittings, those sorts of things.

Those recommendations are already in place, and while there is – you know, never going to say no to further consultation, it gives us perhaps a good starting point for some work that has already been done.

So I'd really like to see us considering the activities and recommendations of the Special Committee on Democratic Renewal as a place to begin or to consider when we're reflecting on this work, partly to avoid duplication, but to give us a further head starting point because this is, as I said, a very large project, and it would give us a bit of a head start to consider that work that's already done, and there was extensive consultation during that process over the work of the committee.

Thank you.

Chair: Thank you.

I have Steven Myers and then Rob Henderson.

Mr. Myers: Okay, thank you.

Of course, I support this, but – so this committee, we can basically change the rules of the Legislature by having our committee report passed. Right? So if we were to go out and hear from the public and say like James' recommendation for a calendar for when we would rise so we could plan our lives around it, if that was a recommendation that we made to have a set schedule and this is what it was, once it's

voted on by assembly that's what we move to, right?

So we have a real opportunity here of this committee to bring forward the results of a public consultation in the form of recommendation to say: Here's what the Legislature will look like moving forward and have it passed.

I'm not saying in the spring session. It might be a little lofty to think we'd ever have anything that lengthy done by the spring; but nonetheless, I think there's an opportunity for this committee to put forward a really strong report on how the Legislature would be shaped for the future.

I want to touch on one of the things James talked about in the three sessions and having a specialized session. The fall session was the longest one that I had been a part of. I wouldn't say that we cut it short, but the *Water Act* was a really big act and there's a lot of stuff going on and everybody's aware that Christmas is coming, and the onus is on us to finish to get the House closed.

So number one, if we had a set schedule for when we were going to rise, whatever's on the paper is on the paper until we come back again for the next sitting. I know however that calendar looks is – I know there's a recommended calendar there, but it can look however people need it to look.

And the same for the budget debate: Sometimes the spring can be really cumbersome because the budget's a big document. There's a lot. The whole financial picture of Prince Edward Island and all the services that are going to be provided to Islanders are kind of in that budget document, and I know – I think it was the first year that I did a budget, I remember Wes Sheridan was so mad at me because we had agriculture on the floor for eight days.

I didn't know that was not normal. We were just asking questions. I was new and I wanted to know well what does that mean and what's this budget for and what would you spend that on and what would Islanders get out of it? It wasn't until afterwards that I realized we were basically on a trajectory to finish in July if I kept asking questions at that level, and that's why everybody was kind of getting worked up.

Well, I didn't really know that; and I'm not suggesting that we would need to sit from April 1st to July in order to get a budget passed, but it's a really big document and no one should feel like they're rushed. We have at least one member who really likes to ask questions on budgets, and I know sometimes he can't get his hand up fast enough to get back on the list when he gets told it's time to move on to somebody else, but that's all well and good if we had a clear structure on what was going to happen in a session.

The only thing is, for the budget, we would have to make sure that we were able to get it passed prior to rising, so that – I think from a government standpoint and being able to operate government, we'd want to make sure that whatever that rise period would be in that budget session, that we were going to be able to complete it.

The other thing is, and I think the document covers it, but the ability to rise on our own as well. So if all we had was the budget and it's done and we have a week of schedule left, we would still have the autonomy as a House to say: We're voting to rise until the next session starts. Also the ability in that period to call the House back if we needed to during that sitting time if it was necessary.

So I think there's some really solid things that can be talked about on improving the play of the House, and some of it leads back into one of the recommendations of Peter's where he talked about having an expert being able to talk during legislation. If there was a clear legislative sitting that only legislation was passed, we could also have the rules reflect that we would want the ability to call a witness if we felt compelled to as a Legislature.

That doesn't take away from a minister being on the floor and having somebody next to them who knows the legislation. We may want a subject area expert to talk about whatever the subject matter is so that we can get it clear: Well how will this affect your organization or the work that you're doing and that type of thing so we can make better decisions.

I think that if we move forward with this, any of that could be on or off the table and

it's all a matter of what Islanders tell us. I'd like to – maybe I'll wait until everybody talks. I was going to make a motion on it, but maybe it's fair to let everybody else talk first.

Chair: Thank you.

Robert Henderson.

Mr. Henderson: Thanks, Madam Chair.

As a person who's sit in this Legislature for now 11 years and have played a number of different roles from different portfolios to as an MLA, I haven't had the chance to sit as an opposition member but when you sit as an MLA, even if you're on the government side, you do play a responsibility to hold government to account.

I think the biggest issue I see is that each of us play a role and it's about how we make use of that role and make use of our time. I think as Steven had mentioned earlier that we've seen when budgets get on here that the questions can get asked, they can get pretty down into how many stamps did your portfolio issue last year and how many pencils –

An hon. Member: (Indistinct)

Mr. Henderson: Yeah. So once again, it's really up to whoever's holding the Cabinet minister to account and his portfolio to account that they put together good, prudent questions that have merit and that they can bring something to the table.

When we talk about how many sessions that we might have in this Legislature, governments choose the duration of when we open the Legislature sittings, whether that's spring or fall, and how long that we take in that really comes down to the processes of government and of opposition in holding everyone to account.

I think if you are proposing to go to – so we know, generally, when the House is going to sit, but when we think about going to possibly three sessions, you're going to be getting into the impacts that that's going to have as a minister and their ability, to not only represent their portfolio, but to also discuss with industries.

Maybe if I look at agriculture and fisheries I'd want to get out and talk to a lot of the sectors and the people that are working in the sectors, the processing plants, the list goes on. When I was minister of health, I wanted to get around and visit all our facilities, talk to people. That's a continuous period of time. Sometimes the Legislature was actually a break; but I think we want to make sure that we're taking into account all the positions that are in the Legislature here.

If I was an opposition member I'd probably want to be here more because I have more of an influence on the day-to-day operations of how things go. From the media perspective, you have a greater sense of access to them; but if you're a minister, you have a whole other list of duties to do, and I don't think we want to be always caught up staying in an office or staying in the Legislature. We need to get out and speak to the people that we're working for and on their behalf.

Now in my time – I said 11 years – I've had zero, the amount of constituents that have ever come to me and said: Gee, the rules are a problem there. By no means, should in my 11 years here, that I would profess to be any kind of an expert or a profit of the rules and the rules committee. I think there would be other people that are far more able to speak on that.

I know from my own perspective, any time I'm dealing with maybe a question around a rule, there's one person I tend to go to, and that's the Clerk of the Legislature, Charles MacKay. I would take him as probably the most resident expert on the subject in this province, and I'd probably argue he's probably the most resident expert in probably the country, from when I've been on other committees and have gone to other jurisdictions; he seems to be well revered of his knowledge base.

That's something I think that we need to have access to, and to take his particular expertise and see how they would reflect on what rules actually should be modernized. I have to say I just wouldn't be knowledgeable enough on the subject to know that, but maybe before we get out to doing public hearings and getting into more detail and that, I'd like to get a better sense of that.

So that's some of my comments on it. I haven't seen a massive exodus of people wanting to say that we've got to change the rules, and I think if we did go to something out in the public you'd get about the same 10 people that would show up at every meeting. That's my opinion. I don't know if it's accurate or not at this point, but I'll weigh that into the discussion and hear other debate on it here.

Chair: Thank you.

I have Sonny Gallant and I have Allen Roach.

Mr. Gallant: Thank you, Madam Chair.

I want to thank Mr. Aylward for the work he put into this. This is something that he feels is worthy of discussion.

I look back and I see where Mr. MacEwen and Mr. Fox and Mr. Myers made some rule changes on rules that, to their initiative, would like to have seen changed, and it got changed. It's kind of like – I guess I'm looking at this as: Okay, you want to open the whole thing up, if it's not broke do we need to fix it?

There's certain aspects of it that we need to fix, as you're indicating. I think, and Mr. Henderson alluded to a very knowledgeable individual. Maybe we should have Mr. MacKay come in and sit at our meeting and go through some of these rules that we may have concerns about.

We do have a date that we do sit. We know when we sit in the spring. We know when we sit in the fall. Yeah, they can go a little off at the end, but we do know when we're sitting. We need to – as far as the rules, did we do these rules? I've been here 11 years. I didn't do these rules as an MLA. Maybe we need to have a discussion with the expert on these rules, Mr. MacKay, to give us some guidance so when we go out to say – I don't disagree that the public shouldn't have a bit of an input or whatever degree of input. But, when we go out and ask them: Do you think there's a certain amount of people who should sit on a committee and how the Chair should be picked?

Is there an appetite for that? I guess what I'm saying is maybe we should get a better

knowledge from Mr. MacKay before we take this any further. I'm not saying we should or shouldn't take it further, but we should hear from him.

Chair: Thank you.

Allen Roach.

Mr. Roach: Thank you, Chair.

A large part of my life I've dealt with regulations and law. In fact, almost 37 years of it and I certainly didn't know all of the laws or all the regulations or all the rules there, but I worked to the best of my ability within those. Since I've been elected and a part of this Legislative Assembly, I'm very cognizant of the rules in here but do I know them each and every one of them? No, and I doubt if anyone in here does.

That's why we have questions when we're in debate or when we're in the Legislature, sometimes we'll take and refer that to the Speaker or to the Clerk of the Legislative Assembly. There was some discussion about the calendar and we need a calendar. Well, in fact, in the *Rules of the Legislative Assembly of Prince Edward Island*, chapter two section three and four, clearly outline the parliamentary calendar for this Legislature. I don't know if we have to, during discussion, if we have to completely re-write it or if we have to expound on it.

A lot of the rules in there, I think, are good rules. They're extremely applicable to how things are governed in here, to how we work in here. Also, Madam Chair, I think the rules of the House of Commons of Canada at time are followed in here as far as they are applicable to this House. So, it's more than just the rules of the Legislative Assembly. In terms of some of the things that the minister of fisheries and agriculture has mentioned, for those who are ministers of portfolios, I would say that perhaps some of that winter break, as people call it – it's not really a winter break – I know that as minister of finance, we get a break of a few days at Christmas, if you're lucky, as a minister.

Certainly, as an MLA you're still out involved in things that are going on during those holidays in your role as an MLA locally and even as – and I can give an example as minister of finance. Sometimes

we're called to Ottawa just before Christmas; sometimes the 21st or 22nd of December, to meet with the federal finance ministers and all the other finance ministers from across the province. On some occasions we manage to make it home Christmas Eve. In terms of when the House closes, there's a break. I've never found that in the time that I've been part of this Legislative Assembly to be true.

During the early winter months, starting as early as the middle of January, I know as finance minister, we take a – as the former finance minister – we take our staff and a number of people with expertise in finance and we would travel to communities all across Prince Edward Island during those winter months to gather public input. We'd also have a lot of other input that came in through various sources; emails and phone calls and letters. But, once all that information is compiled then the minister sits down with the staff and spends a tremendous portion of the rest of that time preparing for the operational budget that comes in the spring.

I think there are a number of different perspectives and I think – I appreciate the amount of effort that the Leader of the Opposition did in putting this together and putting the paper together to support this letter. But, I guess like everything, there are two sides to every story about the time that's available and certainly, it's worthy of discussion. But, I think we have a tremendous asset here in the province in terms of a go-to person that we could at least start with to talk about the rules of the Legislative Assembly; where they came from, how they're applied, and how the rules look in other jurisdictions across the country. I think that would be a tremendous starting point.

Chair: Is that a motion, Mr. Roach.

Mr. Roach: I could make that a motion, yes.

I would put a motion forward that as a starting point, that we ask the Clerk of the Legislative Assembly of Prince Edward Island to appear before this committee to talk about the *Rules of the Legislative Assembly of Prince Edward Island* and to answer any questions that might arise at that

meeting. But, I would ask that he come prepared to give us a presentation on the rules as to where they come from, how they apply, how it fits with parliamentary procedures across the country, how we fit in that; how we're similar, how we're different; those sorts of things.

Chair: Thank you.

Any further discussion on the motion?

We have Steven Myers and James Aylward.

Mr. Myers: Yeah, so just on the motion, there's been a lot of discussion on the mechanics and how it would affect individual MLAs, which is exactly why I think the point that James was trying to get away from, that it wasn't necessarily about any of the 27 people in here, but the other 150,000 people who are Islanders, who are frustrated. They're frustrated with things like petty politics and party lines, and there are things I hear of questions not being answered in Question Period. There's just a remarkable amount of frustration over what we do.

I'm proud of the job that I do. Unfortunately, every time we get together as MLAs we give people more reason for me not to be proud of what I do and that's the stark reality of what we do. The whole purpose of going to the public is to say: Look, well you tell me what you want then. You tell me what can be better. I'm not opposed to hearing it from Charlie at all. There's a lot of talk about the mechanics of the schedule. Well if you look at the proposal, it's 16 weeks is what was proposed, which wouldn't be more than we already meet by more than a week or two. As I had said earlier, the ability of the House to rise on its own would still exist.

On the motion, I'm going to make an amendment that on top of scheduling Charlie to do a presentation of all the rules, that we book four sessions; one in Kings County, one in Charlottetown, one in Summerside, and one in West Prince to hear from the public on their concerns about how our Legislature operates, and we do it post-meeting with Charlie. So, we want to hear from Charlie first before we go out, and we advertise it as a committee and we do it at a time that's appropriate for people to be able

to attend, i.e. evenings probably, and we start compiling recommendations from Islanders on how they see their Legislature now and how they want to see it in the 21st century.

Chair: Thank you.

We have an amendment on the floor and the amendment, as I understand it, would be to book four sessions around four different districts of the Island, after Charlie MacKay comes in to do his presentation, to hear from the public.

Is there any discussion on the amendment?

Robert Henderson.

Mr. Henderson: I think from my perspective, I'd just like to first see what Mr. MacKay has and identifying what particular rules and privileges and bills that are outdated and need to be modernized. I think that's the focus here.

I might add my understanding is we are the Standing Committee on Rules, Regulations, Private Bills and Privileges, so to me, I would look at if we're getting into the bigger picture of what the public wants in the Legislature, that's to me a whole other discussion. I'm not against saying we don't go out to the public, I just would like to see what Charlie has to see what rules that we need to modernize and then go from there.

Chair: James Aylward.

Leader of the Opposition: Thanks very much, Chair.

Chair: We're speaking to the amendment.

Leader of the Opposition: Correct, yes.

Chair: Thank you.

Leader of the Opposition: Thank you, Chair.

I would certainly be in support of Mr. Myers' amendment. I guess at the end of the day, pretty much everyone's in agreement that Mr. MacKay is probably one of the most knowledgeable individuals as a resource for us around the rules of the Legislative Assembly.

But it doesn't stop at Charlie. We hear constantly from Islanders that do have frustrations about whether it's Question Period or about the openness and transparency of how the whole government operates, and I'm not just talking about government as government members, I'm talking about the entire Legislative Assembly. There's many people that do not feel that it's very inclusive.

There's many people out in rural PEI; we talked about it a little while ago. I can't remember the exact reference, but I think when we were discussing about the evening sessions and one of the members here said: Well, you know, you can sit at home and watch it. Well, not everybody can, because unfortunately – and if you go to bradtrivers.com you can read about it, but not everybody has high-speed Internet. There's many people on PEI it's basically dial-up Internet.

I think that there's many things that we can do to enhance the experience and the accessibility for Islanders, but I want to hear from them. I don't want to decide for 152,000 people what we do to move forward. I want to hear from Islanders. I want their voice to be heard in the Legislative Assembly.

But in addition to that, there are some fairly straightforward bullets that I put in here for discussion. On page 10, number 9, establishing codes of conduct for all elected members and Legislative Assembly staff. If you take a jurisdictional scan right now of what's happening across our great nation and in our provinces, there's some pretty serious issues out there. That's one of the things that I think that we need to seriously move forward on fairly quickly.

When I first started at the Legislative Assembly, and even before I started at the Legislative Assembly, I was shocked that there was no mechanism for attendance recordkeeping. If you're out in the private sector – and I'm not saying that we have an issue with any of our 27 current sitting MLAs that don't show up to do their job, but I was shocked to find out that that mechanism's not actually there to ensure that attendance records are kept. It's a small thing, but if you're working in the private sector, whether you're working at

McDonald's or whether you're working at the Royal Bank, your attendance is recorded in some way, shape or form.

So there's just some small things in there as well. Petitions, you know? The way we do petitions right now is somewhat archaic in my mind as compared to what's out there right now electronically. I think we need to look at that.

I would welcome Mr. MacKay to come in and review the rules. I think there's some in there that certainly could go by the wayside or be strengthened, but I really want to hear from Islanders, and I want to get it out across Prince Edward Island and hear the views of Islanders and how they want the Legislative Assembly to work for them.

Thank you, Chair.

Chair: Thank you.

Just before I move on to Sonny Gallant and the hon. Tina Mundy, just for your information, as a little bit of a rules geek, on page 8: "Attendance of members is required." Number 29: "Every member is bound to attend the services of the House unless leave of absence has been given by the Speaker." So there is a reference to attendance in the House, so I just wanted to bring that up.

James Aylward.

Leader of the Opposition: Thank you.

So Chair, I guess my question would be, if I'm a member of the public, where would I go or who would I ask to find out if my MLA, how many days they may or may not have missed? I look at somebody like Mr. Dumville, who with his Rotary history, I think right now Bush has the best attendance of any Rotarian across Canada, which is outstanding, but again, where would an average, everyday Islander go to find out the attendance records for –

Chair: Thank you.

Leader of the Opposition: – their MLAs?

Chair: Point taken; thank you.

Leader of the Opposition: Thank you.

Chair: I'm going to move to Sonny Gallant and Tina Mundy.

Mr. Gallant: Thank you very much, Chair.

To speak to the amendment, I just feel strong that we need to speak to Mr. MacKay first, and before we go out to the public set a work plan. Like, would he come with us? There is going to be some questions that – we'll have to answer them, and will we have the answers?

I'm not saying I'm against going out to have meetings. I'm saying let's take it one step at a time. Let's have Mr. MacKay come in and give us some expertise on our rules. We'll ask him some questions and then have a work plan when we go out to the community.

Thank you.

Chair: Thank you.

The hon. Tina Mundy.

Ms. Mundy: Thank you, Chair.

Yes, you are a rules geek, and I actually look forward to hearing what you have to say on this; because my understanding, and this isn't, this definitely, the rules would not be my strong skill set, but the rules have been around for quite a while – 1773, approximately? – and over the course of that time they have been amended and expanded over the years.

My understanding, and please correct me if I'm wrong, but the rules of the House or the rules of the Legislature belong to the House, the Legislative Assembly, so I don't even know if we can go out to the public. Is it something that has to be developed within? So I think we're putting the cart before the horse, so to speak.

I read the document, James, and there's some great suggestions in there, and if there is any way that we can make some of those rules happen, I think we should; however, I think we need to speak to the person who has a hand in amending or making or –

Mr. Roach: Following.

Ms. Mundy: Pardon me?

Mr. Roach: Following. (Indistinct)

Ms. Mundy: Following the rules, and how it's done. I think we need to hear from Charlie before we can commit and say that we're going out to the public because we don't even know if we can do that. That's just my thought, and you might be able to elaborate a little bit more on it, Chair, being the rules geek that you are.

Chair: Thank you.

Is there anybody else who would like to speak to the amendment?

All those in favour of the amendment, and I think the amendment is; to book four sessions across the Island to hear from Islanders post-the Clerk of the Legislative Assembly, Charles MacKay's presentation.

All those in favour of the amendment, signify by saying 'aye.'

Some hon. Members: Aye!

Chair: Contrary-minded?

Some hon. Members: Nay.

Chair: All right, the amendment has been defeated. So we're going to go back to the original motion to have the Clerk appear to discuss the history and everything of the rules of the House.

Hannah Bell.

Ms. Bell: Another amendment to the motion –

Chair: Okay.

Ms. Bell: – which is that, too, as well as hearing from Charlie, is to make a request for the Chair of the Special Committee on Democratic Renewal to come and present on the recommendations that relate to the activity under discussion in the paper.

Chair: Am I to believe that that committee has been disbanded?

Ms. Bell: No, as far as I know, I believe it's just in limbo.

Chair: (Indistinct)

Ms. Bell: Perhaps Emily could clarify?

Clerk Assistant: This is still a special committee.

Chair: It's still a special committee?

Clerk Assistant: Yeah.

Chair: Okay, Thank you.

We have an amendment to the motion on the floor, to have the chair of the Special Committee –

Ms. Bell: On Democratic Renewal.

Chair: – on Democratic Renewal appear before this committee.

Ms. Bell: Yeah, to add any information, because they have that background information that they collected specifically to activities that are in here and it could give us –

Chair: Is that –

Ms. Bell: – a starting point prior –

Chair: Is that post?

Ms. Bell: Post-Charlie, yes.

Chair: Thank you.

Everybody clear on the amendment?

Ms. Bell: Does that make sense?

Chair: Any further discussion on the amendment?

All those in favour of the amendment that's now on the floor, signify by saying 'aye.'

Some hon. Members: Aye!

Chair: Contrary-minded?

That is carried unanimously.

Ms. Bell: Thank you.

Chair: We'll now go back to the original motion to have Mr. Charles MacKay, the Clerk of the Legislative Assembly, appear before this committee to discuss the history

of the rules and why the – you've heard the motion before. Am I – is everybody –

Clerk Assistant: (Indistinct) motion as amended.

Chair: The motion is as amended. All those in favour of the motion as amended, signify by saying 'aye.'

Some Hon. Members: Aye!

Chair: Contrary minded?

The motion is carried as amended.

Thank you, great discussion.

We'll now move onto 3(d), a request from the hon. Paula Biggar to have a review of sexual harassment and workplace violence policies in the Legislative Assembly. The letter was received February 5th, 2018, and I will ask the clerk to read it into the record.

Clerk Assistant: Thank you, Chair.

Yes, the letter was received and it's also dated February 5th, 2018, and it's addressed to the Chair of the Standing Committee on Rules, Regulations, Private Bills and Privileges.

“Dear Kathleen,

“As a proud member of the Legislative Assembly of Prince Edward Island and as a woman who supports the brave individuals who have come forward from across our country to speak out about sexual harassment, I ask your committee to undertake a comprehensive review of sexual harassment and workplace violence policies in the Legislative Assembly and make recommendations to ensure a safe work environment for all.

“The review should look at ways we can prevent incidents of harassment and violence from occurring, respond effectively to these incidents when they do occur and support victims, survivors and members in the process.

“As part of the review, I would suggest your committee complete a jurisdictional review and conduct consultations with employees and Members of the Legislative Assembly

as well as community organizations who could provide important perspectives on this issue.

“I recognize your support and expressed interest in this matter as Chair, and the support of our colleagues, and ask that you put forward to your committee to take on this initiative as part of its work plan. I am confident that all Members of the Legislative Assembly will support this undertaking.

“It is important that this issue be taken seriously and that all employees and members feel safe and supported in their work place. Now is the time to ensure we recognize our collective responsibility to make this happen.

Hon. Paula Biggar,
Minister of Transportation, Infrastructure and Energy and the Status of Women”

Chair: Thank you, Madam Clerk.

Hon. members, when preparing for this meeting as the Chair, I’ve had some conversations – the clerk and I have had conversations about this and I know there’s nobody in this room who wouldn’t agree that there is no better time or I don’t think there’s – all party cooperation, I don’t think anybody would disagree that is not imperative for this subject.

Nobody wants to work in an unsafe environment, and it’s up to us or up to the Legislative Assembly to ensure a safe work environment for all of our members and all of the staff who work with the Legislative Assembly. The hon. Paula Biggar asks our committee to take this very seriously, and I don’t think there’s anybody in this room who wouldn’t take this subject more seriously.

But, when I was doing my research for this, although the hon. Paula Biggar has sent the letter to this committee to review, it’s been brought to my attention in the advice that I received that this item should be referred to the legislative management committee because it’s set out in our rules, and I’ll refer to you those rules.

Rule number:

“95 1(b): The mandate for the legislative management committee. The Standing Committee on Legislative Management is charged with matters as follows: (1) policies for the administration of the Legislative Assembly.”

So, all of the policies of the tools that we receive to do our job, is all done by the legislative management committee. They are responsible for the policies. This committee, the mandate for this committee is laid out very clearly in:

“Rule 95 (8): Standing Committee on Rules, Regulations, Private Bills and Privileges with said committee charged with the rules and standing orders of the Legislative Assembly, scrutiny of regulations, private bills and privileges of individual members and Legislative Assembly as a whole.”

So, we’re responsible for what’s taken place in this book and the regulations. However, the advice that I’ve received is that the letter should be sent to the legislative management committee because it’s outside the jurisdiction or the responsibility.

What I’m asking for is your cooperation in sending – a motion to send this to the proper jurisdiction and have the legislative management committee, who is responsible for the policies, and I understand there is already a policy in place, is there?

Clerk Assistant: There is.

Chair: There is a policy in place developed by legislative management committee, as it is developed in other jurisdictions by their legislative management committees or whatever their management committees are called.

I would ask for your cooperation in doing that and I would look for a motion to do it.

Mr. Roach: Chair, I would make a motion that the request put forward by Paula Biggar to review the sexual harassment policy be referred to the legislative management committee to deal with her request.

Chair: Thank you.

Is there any discussion on that?

Steven Myers and James Aylward.

Mr. Myers: Chair, I would just caution the wording. It wasn't just sexual harassment that she was asking for. She was asking for all kinds of harassment and violence.

Chair: Okay.

Mr. Roach: Sure, I'll –

Chair: Whatever the wording that she has placed in the letter, the clerk will ensure that that –

Mr. Roach: Sure, I'm fine with that.

Mr. Myers: The other thing I on it is, Chair, I'm fine with sending her request, but I'm wondering if we should look at any of our own rule book for – if there's anywhere we can strengthen it for any types of harassment that's not covered currently in our own rule book governing this Assembly; that this committee should also look at that.

Chair: Thank you.

I appreciate that comment and we'll make sure that the clerk sends that comment along to the legislative management committee and they may come back to us and put it in the book, or make a recommendation to us. Are you okay with that?

Mr. Myers: I guess so.

We are the committee who's supposed to talk about the rules of our own Legislature. For policies of this nature, I think I'm quite okay with sending it to the legislative management, but if there's a specific rule that we think that we should have inside our own Assembly to cover things that aren't covered that would cover any sort of violence, or harassment, or violent tendencies or threats or challenges to go out in the parking lot and that type of thing, we should have a policy.

Because really as an MLA, you can't currently – somebody, if they were to challenge me to go out in the parking lot, not saying they did, but if somebody were to, I really don't have anybody to report it to, currently in this Assembly, and I should have.

Chair: Okay, thank you.

If that were to occur, the person that you would go to would be the Speaker.

Mr. Myers: Okay, thank you.

Chair: Thank you.

I appreciate your input.

James Aylward.

Leader of the Opposition: Thank you, Chair.

Chair, you had referenced a policy that was already in place. Is that the policy that was tabled or produced January 2016, titled Legislative Assembly of Prince Edward Island Policy for the Prevention and Resolution of Harassment in the Work Place?

Chair: I believe that's the one, you're correct.

Leader of the Opposition: That is? Okay, I just wanted to make sure.

Chair: Any further discussion on the motion?

All in favour of the motion, signify by saying 'aye.'

Some Hon. Members: Aye!

Chair: Contrary minded?

Thank you, and that is unanimous.

Any further business?

Steven Myers.

Mr. Myers: I make a motion that, like the education committee, we, from this meeting forward, seat arranged by alphabetical order as opposed to sitting in parties. I think the same reason Jordan Brown wanted it done in education committee. I think it's imperative for this committee to be a non-partisan committee and the very least we could do is sit sorted by more normalized sorting arrangement than by party.

Chair: Thank you.

An Hon. Member: (Indistinct)

Mr. Myers: (Indistinct)

Chair: Perfect.

Hon. members, you know other committees sit according to alphabetical order as opposed to parties and the motion on the floor is for us to do that in this committee as well.

All those in favour of that, signify by saying 'aye.'

Some Hon. Members: Aye!

Chair: Contrary minded?

Motion is carried and (Indistinct)

Mr. Henderson: (Indistinct) wherever my name is at.

Mr. Myers: (Indistinct)

Chair: Thank you.

Mr. Roach: First or last name, still going to be probably far apart.

Chair: Thank you.

Madam Clerk, is there anything else before we adjourn?

Clerk Assistant: Do you want me to talk about scheduling the next meeting?

Chair: Sure.

Hon. members, the clerk is going to bring us up to date on storm and scheduling, and then I'll come to you, Hannah.

Clerk Assistant: About the storm plans, we do have kind of all the contact information for staff and members of the committees if there's ever a need to cancel a meeting due to unfortunate weather. We've been pretty good about if there's weather forecasted, knowing that people are coming in from all areas of the province, that we'll try our best to make that call as soon as we can.

What I have done in the past, and will continue to do unless directed otherwise, would be sending out an email to the

committee and then also a notice to my committee meeting notice list, and if anyone would prefer that I reach them by phone or cell phone, just let me know and I will certainly do that as well.

Regarding scheduling; this committee at this point doesn't have a set date and time that it meets, but I can work with the chair and around our committee schedule to find times that work. If the committee would like to schedule their next meeting at this point now, there is an availability two weeks' time, Friday at 10:00 a.m. on February 23rd.

Chair: Okay, well we can (Indistinct) –

Clerk Assistant: I can send an email to everybody if that's – you can look at your schedules and then we can confirm. Okay.

Chair: Thank you.

Hannah Bell, you had a –

Ms. Bell: Yeah, it was just a quick note for perhaps some consideration at our next meeting, but when we had discussed earlier the letter I brought forward that was referring to the motion from Paula Biggar, I just had clarification that that letter had actually – one of the actions in that motion was to refer to the rules committee. I'm a little concerned that we're going to be in a bit of a circular motion when we go back to the House to debate that. Is this thing going to committee back to rules again?

So, just to get that sort of into the consideration maybe – I apologize for not having had the motion here with me –

Chair: Okay.

Ms. Bell: – but it was in referring to that, there is an explicit reference to refer that discussion to rules, so –

Chair: And we haven't had the discussion yet.

Ms. Bell: No, so to be aware, let's all make sure we have that with us. We may need to take that into record if you're not at that meeting.

Thank you.

Chair: Thank you.

Hon. Robert Henderson.

Mr. Henderson: Couple of comments just on the storm issue: It's not about the storm being in Charlottetown, it's also the storm that's somewhere else.

Chair: Yeah.

Mr. Henderson: In my particular case, I mean I'm a fair ways away and there's MLAs farther west than me. If it's bad weather I'm not afraid of coming down by any means, but it would be at least a two-hour drive to get down, so – I've noticed on a number of other occasions for other types of meetings, I'm halfway down here and find out something gets cancelled, so it's a little bit – so just always try to take that into account.

Chair: Absolutely.

Clerk Assistant: Yes. We'll take into account the forecast for all areas, and then knowing that certain people would have already left for the meeting, if the meeting is cancelled, let's say an hour before – but I can't see that being the case that we would cancel a meeting with that short of a (Indistinct) –

Mr. Henderson: Well, that's good.

Clerk Assistant: We try to provide –

Mr. Henderson: Yeah, you kind of know in advance notice of weather forecasts anyway. My other one was February 23rd; I think that's the PEI Fisherman's Association meetings.

Clerk Assistant: Okay.

Mr. Henderson: I know from my perspective, that's kind of – that's their annual meeting in Charlottetown of –

Chair: Thanks. That's why we send out the committee notice. If you're not available, just let us know –

Mr. Henderson: Yeah, it might only be me.

Chair: – and we'll reschedule.

Mr. Henderson: And I might still be able to come. I'm just saying – I just know that's the date that that's on.

Chair: Anything else, Emily?

Clerk Assistant: (Indistinct)

Chair: Thank you.

I'm looking for a motion for adjournment.

Ms. Bell: (Indistinct)

Chair: Thank you, Hannah Bell.

Thank you, everybody, for your input. It was a great discussion.

The Committee adjourned