

JOURNAL OF THE LEGISLATIVE ASSEMBLY

TUESDAY, 11 APRIL 2017

The House met at 2:00 p.m.

Prayers

Routine Proceedings

Journals

Journals for Thursday, 6 April, 2017 were adopted by the House without amendment.

Doors were opened

Matters of Privilege

Hon. Mr. Speaker made the following ruling:

“Hon. Members, I am prepared to rule on the matter of the *prima facie* case of privilege as raised by the Hon. Leader of the Opposition on April 7, 2017.

In his remarks, the Hon. Leader asserted that the Premier offered information to the House on April 6, 2017, concerning the decision to provide policing services at a public meeting of the Public Schools Board of April 3, 2017, which differed from particulars as given to the media by the government.

As Hon. Members are aware, once the claim of a breach of privilege has been made, it is the duty of the Speaker to decide if a *prima facie* case can be established. In so doing, the Speaker must be satisfied that two conditions have been met:

- (1) that the matter is being raised at the earliest opportunity; and
- (2) that the matter is of such a character, or that privilege appears to be sufficiently involved, to justify giving it priority over all other business before the House.

The Rules of the Legislative Assembly of Prince Edward Island are clear; I refer Hon. Members to Rule 45 (3), which states:

The Speaker shall not accept such a motion unless he or she is satisfied that there is a prima facie case that a breach of privilege has been committed and that the matter is being raised at the earliest opportunity. The Speaker's decision is not subject to appeal.

I am satisfied that the matter was raised at the first opportunity.

The second responsibility of the Speaker is to determine if the matter is of such a character, or that privilege is sufficiently involved, as to justify it being given priority over all other business of the House.

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Hon. Members, you will recall that in my ruling of December 1, 2016, I indicated that a matter of privilege is both serious and rare. The *House of Commons Procedure and Practice*, 2nd Edition (page 141) states:

Great importance is attached to matters involving privilege. A Member wishing to raise a question of privilege in the House must first convince the Speaker that his or her concern is *prima facie* (on the first impression or at first glance) a question of privilege. The function of the Speaker is limited to deciding whether the matter is of such a character as to entitle the Member who has raised the question to move a motion which will have priority over Orders of the Day...

In bringing the matter forward, the Hon. Leader of the Opposition stated that the responses given by the Premier with regard to questions concerning RCMP presence at a Public Schools Branch meeting differed from details provided to the media by this government. He did not give specifics or offer any additional detail to substantiate his claim. He did not indicate which of his privileges, or of this House, has been offended.

Without this information, his claim lacks foundation and fails to meet the requirements for a *prima facie* case of breach of privilege. The Hon. Leader of the Opposition has not convinced me that privilege is sufficiently involved, or that the matter is of such a serious nature that all other business before this House must be set aside.

For that reason, and pursuant to Rule 45(3) of the Rules of the Legislative Assembly of Prince Edward Island, I cannot allow the motion proposed by the Leader of the Opposition to proceed.

Thank you, Hon. Members.”

Statements by Members

2:23 Richard Brown (Charlottetown-Victoria Park) congratulated Murphy’s Pharmacies on opening its new Queen Street location.

2:25 Bush Dumville (West Royalty-Springvale) recognized Corporal John McBride, who took part in the RCMP ceremonial troop that recently commemorated the Battle of Vimy Ridge in France.

Bradley G. Trivers (Rustico-Emerald) recognized Community Shared Agriculture initiatives in the province.

2:28

Questions by Members

At the conclusion of Oral Question Period, Hon. Mr. Speaker reminded members that questions and answers should be no more than 40 seconds in duration.

Statements by Ministers

3:09 Hon. Premier provided details on the recent China Trade and Investment Mission.

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

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3:19 Hon. Alan McIsaac (Agriculture and Fisheries) gave an overview of the Food Security and Food Education Program.

3:21 Bradley G. Trivers (Rustico-Emerald) and Leader of the Third Party added their comments.

3:26 Hon. Heath MacDonald (Economic Development and Tourism) highlighted the new Canadian Free Trade Agreement.

Matthew MacKay (Kensington-Malpeque) and Leader of the Third Party added their comments.

3:30 Hon. Paula Biggar (Transportation, Infrastructure and Energy) announced an increase in the eligibility income threshold for the Home Energy Low-income (HELP) Program.

3:33 Steven Myers (Georgetown-St. Peters) and Leader of the Third Party added their comments.

Presenting and Receiving Petitions

None

Tabling of Documents

3:36 Hon. Premier tabled, by Command, Orders-in-Council EC2016-847 and EC2017-130, as required pursuant to section 5 of the *Public Departments Act*.

Hon. Doug Currie (Education, Early Learning and Culture) tabled, by leave, answers to written questions Nos. 634-717.

3:37 James Aylward (Stratford-Kinlock) tabled, by leave, written questions to the Minister of Health and Wellness.

Leader of the Third Party tabled, by leave, the Government of Nova Scotia policy on approval and acquisition of private legal services.

Reports by Committees

None

Introduction of Government Bills

The following Bill was introduced and read a First time:

Appropriation Act (Current Expenditures) 2017 (Bill No. 68) by Hon. Allen Roach (Finance).

Government Motions

None

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Orders of the Day (Government)

The Order of the Day being read for the consideration of the Estimates in Committee, Kathleen Casey (Charlottetown-Lewis Point) took the Chair of the Committee to consider the Estimates for the Department of Agriculture and Fisheries.

During Committee of the Whole House, Hon. Alan McIsaac (Agriculture and Fisheries) tabled the following documents: Permanent Positions/Staff List; and Estimates Information for Agriculture and Fisheries.

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

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

7:00 p.m.

Orders Other Than Government

With unanimous consent of the House the following Private Member's Bill was introduced and read a First time:

An Act to Amend the Highway Traffic Act (No. 4) (Bill No. 104) by Hon. Leader of the Opposition.

Motions Other Than Government

James Aylward (Stratford-Kinlock) moved, seconded by Hon. Leader of the Opposition, the following Motion (No. 95):

WHEREAS Prince Edward Island remains the only province in Canada that does not have a passport office;

AND WHEREAS trying to get a passport off-island is a cumbersome and expensive process;

AND WHEREAS many provinces have a large number of passport offices available to serve their travelling population;

THEREFORE BE IT RESOLVED that this Legislative Assembly call upon the Government of Canada to take immediate action to establish an accessible passport office in Prince Edward Island.

Debate was commenced by the Mover (7:04); continued by the Seconder (7:09); Richard Brown (Charlottetown-Victoria Park) (7:13) who moved, seconded by Hon. Paula Biggar (Transportation, Infrastructure and Energy) the following amendment:

Add the following words after the words "passport office" in the final operative clause:

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“, immigration office, and a BDC office”.

Debate on the amendment was continued by Hon. Paula Biggar (Transportation, Infrastructure and Energy) (7:17); and James Aylward (Stratford-Kinlock).

There being no further debate on the amendment, Hon. Mr. Speaker put the Question. The amendment was **CARRIED UNANIMOUSLY**.

Debate on the Main Motion (as amended) was resumed by Kathleen Casey (Charlottetown-Lewis Point) (7:21); Hon. Premier (7:24); Bradley G. Trivers (Rustico-Emerald) (7:30); and Colin LaVie (Souris-Elmira) (7:32).

7:34 There being no further speakers, the Mover then closed the debate.

Hon. Mr. Speaker put the question, which was **CARRIED UNANIMOUSLY** and resolved accordingly.

Colin LaVie (Souris-Elmira) moved, seconded by James Aylward (Stratford-Kinlock), the following Motion (No. 33):

WHEREAS 157 Islanders took their own lives between Jan. 1, 2002 and Dec. 31, 2011;

AND WHEREAS suicide is the leading cause of non-natural deaths on P.E.I., and in many years exceeds the number of Islanders who die each year in fatal accidents;

AND WHEREAS the Medical Society of P.E.I. since 2010, as well as the PEI Mental Health Association, have been calling for government to produce an epidemiological study on suicides so the province can develop a prevention strategy;

AND WHEREAS statistical information on suicide incidents is inconsistent in P.E.I.;

THEREFORE BE IT RESOLVED that this Legislative Assembly urge the provincial government to initiate the steps necessary towards the development of a Suicide Prevention Strategy for Prince Edward Islanders.

Richard Brown (Charlottetown-Victoria Park), rising on a Point of Order, advised that it was the understanding of Government that Motion No. 30 was to be called next. With unanimous consent, Motion No. 33 was withdrawn.

Colin LaVie (Souris-Elmira) moved, seconded by Hon. Leader of the Opposition, the following Motion (No. 30):

WHEREAS the 2013 PEI Fire Services, Environmental Scan and Gap Analysis identified a wide range of deficiencies in the provision of fire services in our province;

AND WHEREAS the need for a collaborative process to develop a comprehensive plan for PEI's fire services has been identified;

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AND WHEREAS with escalating costs and limited budgets, there is a need for accountability, fiscal responsibility and effective and efficient utilization of our fire services and complimentary resources across the province;

THEREFORE BE IT RESOLVED that this Legislative Assembly urge this government to facilitate the development of a comprehensive long term-plan for the sustainability of Prince Edward Island's fire services;

THEREFORE BE IT FURTHER RESOLVED that this Legislative Assembly also urge the provincial Department of Justice and Public Safety to work in collaboration with the various stakeholders involved, including our municipalities and our firefighter organizations to overhaul and develop a new PEI Fire Prevention Act.

Debate was commenced by the Mover (7:45) and, on his Motion, debate was adjourned.

Orders Other Than Government

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

ELECTION AGE ACT (Bill No. 103)

Promoter: Peter Bevan-Baker
Chair: Jordan Brown

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

ORDERED, that the Report of the Committee be adopted.

Adjournment

9:00 On Motion of Hon. Alan McIsaac (Agriculture and Fisheries), seconded by Bush Dumville (West Royalty-Springvale), the House adjourned until 2:00 p.m. on Wednesday, April 12, 2017.

Charles H. MacKay
Clerk of the Legislative Assembly