

# PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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The Legislature sat at 2:00 p.m.

Matters of Privilege and Recognition of  
Guests

**Speaker:** Hon. members before I call on the hon. Premier for Recognition of Guests, I just want to make note of a number of employees this morning – a number of the Legislative Assembly employees this morning – they were in to work in the dark waiting for the power to come on. I mean that's devotion. Those people are really devoted to the cause and to their work. So I just thought I'd mention that.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Thank you, Mr. Speaker.

Good afternoon everyone and shows the commitment of the members here on the floor to have the turnout. I second what you said about our staff in all aspects of this operation. Indeed, the staff who've done the great work to have some lights on in the province – I'll say more about that.

First, may we welcome those joining us in the gallery; I see Kinley Dowling and Dylan Menzie – two great songwriters, performers, and I expect today, community activists. Kinley is associated with a couple of campaigns, like *Maybe You Should Come Home*. Heard about that in here this sitting and the great work you did on that Kinley. –

**An Hon. Member:** (Indistinct)

**Premier MacLauchlan:** – and your work, of course, of your song *Microphone* and everything that comes with that. We'll follow on that later.

Alan and Maureen Paquet from Summerside, and Darren Creamer is here from your district, Mr. Speaker.

It is indeed a day to acknowledge the work that's been done to respond to quite unusual weather conditions in all three provinces. The effect is that there's been an uncommon strain on our joint power grid in the region, to the point where, since early this morning,

there has been no power coming to Prince Edward Island from New Brunswick because of some unusual strains on the system at Memramcook.

There will be an announcement by 3:30 p.m. this afternoon about the status of that connection and of power from that source. In the process, and dealing with local issues as well, there are 41 Maritime Electric crews out patrolling and dealing with situations. There are certainly transportation, infrastructure and energy teams, contractors who are doing great work in various parts of the province. There are warming centres and emergency measures efforts that are either open or gearing up in communities throughout the province.

We thank everyone who's part of that and may I say, in this connection, that we of course caution any citizens from approaching down power lines or to do anything other than report those to the proper authorities.

I take the opportunity to extend condolences to the family, friends, and extended community of the late Dr. Brendan O'Grady who lived into his 90s and spent more than 40 years as a teacher and scholar at St. Dunstan's and UPEI and a community leader in many respects. Condolences to the O'Grady and Brothers' families.

Tomorrow afternoon there will be a farewell reception at Charlottetown City Hall for Karen Lavers for recognizing 43 years of service to the city – she started young. She's now offering to take those skills and that youth to the public stage and offering as a candidate in District 9 in Charlottetown-Hillsborough.

Thank you, Mr. Speaker.

**Speaker:** The hon. Leader of the Official Opposition.

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

I'd certainly be remised too, if I didn't recognize the tremendous work efforts that are happening out there right now on our behalf by the employees of Maritime Electric. But also, another company that works side by side with Maritime Electric

and that would be the employees of H-Line; they do a tremendous service to the Island, as well.

I'd also like to recognize a few people who have joined us in the gallery today: Darren Creamer, of course, Kinley Dowling and Dylan Menzie – it's wonderful to see you here, thank for coming in. And one of my own constituents who is sitting in today, Mr. Dean Fields – great to see you here, Dean.

I had the privilege of attending my first Christmas reception of the season last evening, and the hon. Member from Charlottetown-Parkdale was there, as well. It's the Ostomy Support Group that was there, and they had a tremendous turn out. I understand the minister of health was there just before I got there, as well, so great to see you out to support this group as well.

The sentiment from this group and the appreciation for some of the measures that have been put forward and advocated for supports – I just want the House to know that these individuals are very happy that we're finally starting to see some progress with regards to supports.

Again, as the Premier said, there certainly are measures being put in place to make life a little more comfortable for Islanders that might be experiencing an extended period of power outage.

But also, I would like to remind everyone that is going to a retail outlet, such as a coffee shop or a food establishment or anything like that – that the employees that are there, most likely, their homes are in the same situation as your homes and they're without power and they're there to provide a service. I know that there are extensive line ups outside of some of these establishments, but I ask that everybody have patience and work together while we're coming through this hardship.

Thank you, Mr. Speaker.

**Speaker:** The Leader of the Third Party.

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

I, too, would like to echo the comments of the members who preceded me, and thank Maritime Electric and the H-Line crews for

the work they are doing; you know, it's just an awful day out there and it looked like a very bad situation and I think it still is a very bad situation. So, I appreciate all of the measures that are being taken in order to make sure that Islanders are kept safe and warm.

I also want to welcome Kinley and Dylan and Darren and Joe and everybody else who is with us today in the gallery.

I want to – I mean it's a dark day, literally, out there for many Islanders, but it's also a dark because yesterday a wonderful, inspiring gentleman by the name of Harry Leslie Smith passed away. For those of you who are not familiar with Harry, he was 95-years-old; he lived in Belleville, Ontario, originally from the North of England; and, he was – well I don't know if he was self-described or he was described by others – as 'the world's oldest rebel'. He was an incredibly vigorous man, right up until – almost until the day he died. He gave a fantastic speech at a conference in England, at the age of 93; he was always concerned about the generations that followed him and making sure that we build societies that actually take care of all of their citizens. He had a love for everybody; he had a commitment to dignity and security for all, and a deep sense of responsibility that we all share for those who will follow us. Those are beautiful values for each and every one of us to live by.

Thank you very much, Mr. Speaker.

**Speaker:** The hon. Minister of Health and Wellness.

**Mr. Mitchell:** Thank you very much, Mr. Speaker.

I'd certainly like to rise and welcome everyone into the public gallery today, but I'd like to draw some attention to a wonderful event that occurred last night. It was the book launch for a well-known Islander, Forbie Kennedy, and Mr. Speaker, I know you were in the room last night and you and Forbie are great personal friends. It was great to see you, as well as a room packed – sold-out crowd – to honour Forbie on his book launch last night.

There was lots of great stories, there was lots of good fun; but, when it comes right down to it, there is no doubt that Forbie Kennedy was a pioneer of a lot of careers beginning in the NHL, whether it's playing or coaching.

So, to Forbie and also, to everybody that played a part in organizing that wonderful event last night – hats off, you did a super, super, wonderful job.

As well, I would like to thank our Health PEI health professionals. I'd say a number in the thousands today that are working in our hospitals, in our manors, in our long-term care facilities, providing top-notch, wonderful health care to Islanders that are patients or residents of these facilities. These thousands of Islanders left their homes this morning with young families and in a lot of cases, with no power, to come in and do their duties, performing these health care measures – and I want to them to know that it's very much appreciated by the Government of Prince Edward Island that they do this day in and day out and that their service does not go unrecognized.

Thank you, Mr. Speaker.

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

**Ms. Biggar:** Thank you, Mr. Speaker.

I, too, want to commend all the Maritime Electric crews, the snow plow crews, the nursing and professionals that are out there today, as well, and thank them for their commitment to making sure Islanders are safe and get the power back on, as well.

Last night, the Minister of Communities, Land and Environment and myself, had the pleasure to attend a great event at Red Shores Racetrack and Casino – the PEI Harness Racing Matinee Track Awards. We had a wonderful evening, great awards. It was so encouraging and inspiring to see all the young people that were giving awards last night for their involvement in the matinee tracks. It is certainly encouraging to see, because the harness racing industry is – to carry on, we have to have more young people being involved in. I commend them and congratulate them. We all got out of

there in time, I think, for everyone to get home safe before the snow hit. So again, congratulations to everyone that was there.

Thank you.

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

**Ms. Compton:** Thank you, Mr. Speaker.

It's great to see everyone back here today, safely. I'd like to – again – shout out to Maritime Electric and H-Line; there are three poles down in a row in Vernon Bridge and another one – they were out there doing what needed to be done. So, I don't know how many are watching from home, but if you're able to watch, it's good to have you here today.

I'd like to also welcome Kinley Dowling; she's a family friend for a long time and Dylan Menzie who is from Belle River originally; great musicians and great advocates for this Island.

So I hope everyone has a great day, and stay safe.

Thank you.

**Speaker:** The hon. Member from Souris-Elmira.

**Mr. LaVie:** Thank you, Mr. Speaker.

I'd like to welcome Chelsea Perry to the gallery; Chelsea is working up in our office. Also, Alan and Maureen Paquet are here; Maureen and I share the family tree, so it's a pleasure to stand in the Legislature, and when you get to say hello to one of your cousins outside the rail, it's an honour.

I'd just like to say hello to everyone up home, especially Ray and Betsy Keenan.

Thank you.

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

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

I would also like to welcome Kinley Dowling and Dylan Menzie to the gallery;

they are both great performing artists and Kinley has also lent her name and time and experience to the development of curriculum in our junior high health program, following after her microphone song and video. We're very happy for that and it makes a great difference to our students to be able to make that linkage through to a pop person and pop culture.

Thank you, Mr. Speaker.

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

**Mr. Gallant:** Thank you, Mr. Speaker.

I, too, would like to welcome everyone to the gallery and a special welcome Kinley Dowling and Dylan Menzie. Kinley was very instrumental in our Maybe You Should Come Home campaign; there was over 10,000 views alone on Kinley's 'Golden Days' music video, which is where the lyrics came from, 'maybe you should come home'. It is clear the campaign got people near and far all excited about Prince Edward Island, and many people were interested in it.

Thank you, Mr. Speaker.

#### Statements by Members

**Speaker:** The hon. Member from Georgetown-St. Peters.

#### **Susan Walsh-Kettlebell World Champion**

**Mr. Myers:** Thank you, Mr. Speaker.

Today I would like to acknowledge the achievement of PEI native, Susan Walsh, at the Kettlebell World Championships in Spain. Susan brought home a silver medal from the competition, which saw competitors from 21 countries.

Kettlebell is a port is a lifting competition where competitors must lift one or two kettlebells as many times as possible in a set amount of time using different lifts – the jerk lift, snatch or long cycle – or a combination of them all.

Susan lifted a 16-kilogram kettlebell 330 times in what was called a half marathon, which takes place over 30 minutes; a full marathon is an hour long. Competitors are

not allowed to put down the kettlebell at any point during the 30 minutes.

Team Canada's five lifters will be returning home with five gold medals and two silver medals.

Susan is hoping to add a couple of more members to the team for next year when the Team Canada will compete in Poland for the World Championships.

I would like to extend my sincere congratulations to Susan on an outstanding personal victory. She is a prime example of determination and strength, and I wish her all the best in future competitions.

**Speaker:** The hon. Member from Souris-Elmira.

#### **Dawson Grenier-CIBC Wood Gundy Ramblers**

**Mr. LaVie:** Mr. Speaker.

Yesterday, Dawson Grenier of Souris was announced as co-captain of the CIBC Wood Gundy Ramblers 2018-19 season; alongside Will Lafford. Dawson has been described by Head Coach and General Manager, Jeff LeBlanc, as a hard worker, quality person, and someone greatly respected by his peers.

He previously played for the Midget AAA Notre Dame Hound in the 2013-14 season and Midget AAA Charlottetown Islanders the following season.

Dawson has been a part of the Ramblers since 2015, when he began his MHL career. Dawson is a hard-working athlete and a natural team leader. He works tirelessly to reach his goals, and now, that hard work is paying off.

When I worked at the Eastern Kings Sportsplex as manager, Dawson and his father used to come into the arena every morning at 7:00 a.m. and do a half hour workout through the week. Dawson was a hard worker and it was a pleasure to open the door and let this young gentleman on the ice to do his workout, and his hard work is starting to pay off for him.

I firmly believe that you will see the CIBC Wood Gundy Ramblers succeed under the

leadership of Dawson and Will. My eyes will certainly be on Amherst in the upcoming season.

Congratulations, and I wish you both all the best in the coming months.

Thank you, Mr. Speaker.

**Speaker:** The hon. Leader of the Third Party.

### **Temporary Foreign Worker Program**

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

The Temporary Foreign Worker (or TFW) Program is a federal program that allows employers to hire workers from other countries. Last year, I asked questions in this House about the protections and rights afforded to TFWs here on Prince Edward Island. Many other jurisdictions, most recently British Columbia, have created new legislation or amended existing laws to protect these workers, but PEI to-date has been silent and inactive on this issue.

Although data are available, I'm not entirely sure how many TFWs currently work on Prince Edward Island. The best estimate that I have come across is about 1,000 – although that number, of course, fluctuates seasonally. Currently, we don't even have a registry of all the TFWs on PEI: how many there are, where they work, and what their intended length of stay is.

On PEI, we have no laws against unfair recruitment fees, or protections for these workers, in terms of living conditions, and our *Employment Standards Act* currently exempts all agricultural workers, including, of course, TFWs.

The Cooper Institute and the PEI Action Team for Migrant Workers Rights have done some wonderful work on PEI advocating for this silent community on our Island. I want to personally thank Paola Flores, Josee Baker, and Anne Wheatley, in particular, for their tireless efforts in providing us with a deeper understanding of the challenges faced by migrant workers who come to this province, and the precarious conditions under which they sometimes work.

The latest report card of the Canadian Council for Refugees reveals that the PEI government could be doing much more to safeguard TFWs, and I look forward to seeing new legislation in place in the near future in order to protect these vulnerable workers.

I will be presenting a petition with 454 signatures later this afternoon calling for those new legislative measures.

Thank you, Mr. Speaker.

### Responses to Questions Take as Notice

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

**Ms. Biggar:** Thank you, Mr. Speaker.

The Member from Rustico-Emerald asked, in regard to voluntary IDs. Presently, the voluntary ID is for five years. I would like to report that seniors aged 65+, there are 1,125 that hold those voluntary IDs, and effective January 1<sup>st</sup>, anyone 65+ will have those voluntary IDs provided free of charge by this government.

**Some Hon. Members:** Hear, hear!

**Mr. Trivers:** Great Opposition.

**Mr. LaVie:** 60 ... 60.

**Mr. Trivers:** That's excellent, thank you minister.

**Ms. Biggar:** Told you.

**Mr. Trivers:** We know that was the real question.

### Questions by Members

**Speaker:** The hon. Leader of the Opposition.

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

Well I think there is one member over here trying to advocate for 60 to be the new 65.

For years this government has treated immigration programs like an ATM

machine. According to the most recent Public Accounts documents, government pocketed close to \$18 million last year alone in PNP deposit forfeits.

### **PNP deposit forfeits**

Question to the immigration minister: Minister, shouldn't such a large amount of PNP deposit forfeits have told you that something was amiss in how the program was being run?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Mr. Speaker.

As I've said in this House before, we continue to make improvements in our immigration program and our retention rates continue to go higher and higher every year. But the entrepreneur stream was not performing to the satisfaction of Islanders, not performing to the satisfaction of this government, so I closed it.

Thank you, Mr. Speaker.

**Speaker:** The hon. Leader of the Opposition.

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

I think it's CBSA that shamed you into closing it. According to the Public Accounts since 2015, this government pocketed close to \$41 million in PNP forfeited deposits. Question to the immigration minister: \$41 million is a lot of money, why wasn't this trend flagged sooner by your department?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Mr. Speaker.

Again as I've said, we continue to work hard to increase our retention rates, and we know that having newcomers coming here to PEI is more valuable than it is to have any default at escrow.

We changed the program so we could really understand the intent of those that are coming here to PEI, and we're very happy to

have done that and we continue to have great success with that program.

Thank you, Mr. Speaker.

**Speaker:** The hon. Leader of the Opposition.

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

### **Mismanagement of immigration programs**

Since 2008, this government has pocketed \$120 million dollars in PNP deposit forfeits. Question to the immigration minister: Your government was profiting from the mismanagement of immigration programs. Is that why your government has looked the other way for so long?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Mr. Speaker.

Again, we were making improvements to our program all the time; and one of those improvements is the community endorsement. So –

**An Hon. Member:** That's a good one.

**Mr. Palmer:** – immigrants can move to communities through PEI, they're endorsed by the communities, and I know they're thrilled to have them in their communities. I think we should all be thrilled to have them here in PEI, because this government certainly is.

**Mr. R. Brown:** Right on, right on.

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

**Ms. Compton:** Thank you, Mr. Speaker.

This fall after months, and really, years of urging from the official opposition, government finally did a program review of its business and entrepreneur streams in the provincial nominee program.

### **Feedback/review from PNP clients**

Question to the immigration minister: Why wasn't there any feedback or input in this program review from actual PNP clients?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Mr. Speaker.

We did do a great review on our program and we implemented quite a number of those recommendations. One of those recommendations was to close the entrepreneur stream and replace that with a work permit that really helped us understand the intent of folks that are coming to PEI and we continue to get great response from people applying to that program.

Thank you.

**Speaker:** Thank you.

The hon. Member from Belfast-Murray River.

**Ms. Compton:** Thank you, Mr. Speaker.

Well, it doesn't make it so; you say it was a great review. It's surprising that government didn't want to hear from actual people who are using this program, to hear their perspective.

### **Consultations of PNP review**

Question to the immigration minister: Were the intermediaries and agents who deliver the program consulted for your PNP review?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Mr. Speaker.

Again, we consulted with as many people as we could to really understand what was happening in the program and to find out how we could make improvements to that. We did a scan across Canada to get a better understanding of how programs were being used there, and we were able to take the best of those – the information that we have from right across Canada and apply it here in PEI.

Thank you.

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

**Ms. Compton:** Thank you, Mr. Speaker.

Well, from that answer, I guess your answer would be no, we didn't consult with the agents or the intermediaries. They're heavily involved in the delivery of that program, minister.

Question to the immigration minister again: Were Island communities and municipalities consulted as part of the review?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Mr. Speaker.

I met with a number of communities, myself. I went around the Island and visited a number of communities and we talked about our community endorsement piece of the program, and they were all very happy with it. There were a couple of wrinkles for us to iron out at the beginning, to make sure that people were coming with the proper information, but we worked through that. Those communities are very happy to continue the program.

Thank you, Mr. Speaker.

**Mr. LaVie:** You're losing your clappers.

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

**Ms. Compton:** Thank you, Mr. Speaker.

That's not what we're hearing on this side of the House. Communities needed to play a larger role in this. The settlement of newcomers to ensure that rural communities, especially, grow and remain vibrant is part of your government's responsibility.

### **Building of communities re: immigration**

How do we build more vibrant communities through immigration if their perspective isn't being considered?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Mr. Speaker.

I will make a note to myself that I will invite these members with me the next time I go to tour their communities to talk to the CAOs of their communities that are involved in this program, because it sounds to me like they haven't been talking to them.

Thank you, Mr. Speaker.

**Mr. Myers:** We only have one CAO now; you took all our CAOs away.

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

**Ms. Compton:** Thank you, Mr. Speaker.

I guess you picked and chose which communities you were going to consult with. That's not what I'm hearing.

The Newcomers Association – another group that needs to be an integral part of the PNP stream and who comes in on that.

#### **Newcomers Association and review**

Question to the immigration minister: Was the Newcomers Association consulted as part of the review?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Mr. Speaker.

I also just toured the Newcomers Association, and they were very excited to continue with the program because they know that brings lots of workers here to PEI. 85% of the program helps us fill critical gaps in our workforce and it helps us find people that can help to drive trucks, to work in convenience stores, that will work in retail – that are working in many aspects of this community. They are a great addition.

Thank you.

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

**Ms. Compton:** Thank you, Mr. Speaker.

What I was asking is: Did you consult with them about the review? Not whether you went to visit them and tell them how great everything is.

Immigration growth has had a disruptive affect on our local housing market, particularly in Charlottetown and surrounding communities.

#### **Consultation with housing advocates re: PNP review**

Question to the immigration minister: what housing advocates or organizations, if any, were consulted as part of your PNP review?

**Speaker:** Hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Mr. Speaker.

Our economy continues to boom. We hear that day after day here in the House, and we see that on the street. We're working very hard –

**Mr. LaVie:** (Indistinct)

**Mr. Palmer:** – to try to keep pace –

**Mr. LaVie:** (Indistinct)

**Mr. Palmer:** – with the economy. The economy is doing well, and I don't think any issues that we have with housing here can be blamed on the immigration program. As much as these folks over here would like to blame it on them, I don't think that's what it is. We continue to work hard, to grow our economy here on PEI and we're working really hard to help with the housing aspect.

Thank you.

**An Hon. Member:** (Indistinct) Donald Trump.

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

**Ms. Compton:** Thank you, Mr. Speaker.

Well, we're not blaming the immigrants –

**Some Hon. Members:** (Indistinct)

**Ms. Biggar:** Well yes, you are.

**Ms. Compton:** – what I'm asking you, minister, is have you consulted with housing organizations to see how that's affecting what is going on with our housing shortage?

Totally different.

Immigration growth has also had a disruptive effect on school systems with new students contributing to overcrowding and class size and composition challenges. All challenges that education is facing.

### **Consultation with school system re: PNP review**

Question to the immigration minister: How was the school system consulted for its perspective as part of your PNP review? How are they consulted?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Ms. Biggar:** (Indistinct) build a wall.

**Mr. Palmer:** Thank you, Mr. Speaker.

Surely before my time in this chair, I recall that we made a significant investment with the department of education into additional supports here in Charlottetown and throughout PEI so that we could better serve everyone involved.

Thank you, Mr. Speaker.

**Mr. R. Brown:** That money came from the (Indistinct)

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

**Ms. Compton:** Thank you, Mr. Speaker.

Well from the answers I'm getting from across the floor from the hon. member, clients weren't consulted, agents and intermediaries weren't consulted, municipalities weren't consulted, community groups and other stakeholders weren't consulted, housing groups weren't consulted and the school system wasn't consulted.

**Some Hon. Members:** Yes.

### **Consultations of PNP review (further)**

**Ms. Compton:** Question to the immigration minister: How comprehensive of a review of the PNP program happened when you excluded all of these groups?

**Ms. Biggar:** (Indistinct)

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** We had lots of input into our review. We did a jurisdictional scan across Canada, because the intent of this program is to continue to grow our economy, to grow our workforce, to grow our culture. We looked at best practices across Canada to see how those were working, and we brought the best of those back here to PEI to implement them.

Thank you, Mr. Speaker.

**Speaker:** The hon. Member from Georgetown-St. Peters.

**Mr. Myers:** Thank you, Mr. Speaker.

I know the minister must be tired of answering that same answer over and over again, so I'll let him turn to a different page in his book.

This Friday, the first of two residency fraud cases involving approved clients of this government begins. Under the program rules the province is responsible for the oversight of the applicants in regards to residency fraud.

### **Residency fraud cases of approved clients**

Question to the minister: Why did you fail to pick up what border services did pick up that led to these two court cases?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Mr. Speaker.

We do follow folks that come through our immigration program and at some point when they get past a certain point it becomes a federal responsibility. The federal government is working and if they need any information, we're happy to provide it to them. We're looking forward to getting to the bottom of this issue and if there is – and we'll have a good outcome with this.

Thank you.

**Speaker:** The hon. Member from Georgetown-St. Peters.

**Mr. Myers:** Thank you, Mr. Speaker.

Well, the outcome so far is a court case – an embarrassment to this province. But if that's a good outcome for this government and this minister, then so be it.

Six hundred approved clients claimed residency in the Sherwood Motel, should have been actually caught by your own oversight.

Question to the minister: How many of these 600 cases occurred in the years 2014, 2015, 2016 or 2017?

**Mr. LaVie:** Good question.

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** We continue to work with border services to supply all information that they need. They have a separate database than our database, so we continue to exchange information back and forth on this very important case. We're happy to get to the bottom of this as quickly as we can, and do everything we can to support this investigation.

Thank you, Mr. Speaker.

**Speaker:** The hon. Member from Georgetown-St. Peters.

**Mr. Myers:** Thank you, Mr. Speaker.

So again like yesterday, it was a very simple question I asked. How many of the 600 occurred in any of the four years, and I didn't get any answer – disappointingly.

So I will move onto the next question.

We found out yesterday that border services provided a courtesy briefing to government prior to publicly announcing the charges. On page 20 of the FOIPP emails that I tabled yesterday, the CEO of IIDI directly sent the Premier's deputy a document outlining the program and told the Premier's office that 87 applicants had been approved so far that year. The Premier's deputy responded by saying *The Guardian* had reported 93 had

been approved in two months of that year alone.

### **Comparison of applicant numbers**

Question to the minister: Why would a senior staff state one number, and the media and the Premier's deputy state a different number?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Mr. Speaker.

These charges are very serious and we need to make sure we get the proper information. So we want to make sure that we go through all the data that we have and share that with border services. I think we should be very careful that we don't try to jump out ahead of this.

Let's let the court proceeding do what they need to do. We're there to support anything we can do to make sure that folks that are coming here to PEI will respect our rules and follow our rules, and that's what they've been doing.

Thank you.

**An Hon. Member:** (Indistinct)

**Speaker:** The hon. Member from Georgetown-St. Peters.

**Mr. Myers:** Thank you, Mr. Speaker.

So yeah, it's very serious and I guess that's the whole reason that I'm asking questions today, that I asked questions yesterday, that I asked questions the whole month of May about this exact file.

Also been told it's very serious every one of those instances and it seems to be a stock line, and I suggest maybe the minister gets another briefing from Mary on this and gets a little more up to speed or maybe Mary can give him a different line to use tomorrow when we ask the same questions.

Yesterday also revealed that when the local media contacted the government asking the minister to answer questions, they were told he wasn't available. Rather, it was the Premier's personal deputy, the departmental

deputy, the Premier's communication director, executive council senior comms officer, the departmental senior comms officers who crafted the lines for the CEO of IIDI.

### **CEO of IIDI answering questions**

Question to the minister: Can you explain why they avoided using you to answer the questions, and they took all of those people to direct to the CEO of IIDI how he should answer the question?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Mr. Speaker.

Maybe if my friend across the way listened to his own question, he would recognize that I was unavailable.

Thank you, Mr. Speaker.

**Some Hon. Members:** [Laughter]

**Mr. R. Brown:** That means he's not available.

**Ms. Biggar:** He's not there.

**An Hon. Member:** (Indistinct) hiding.

**Speaker:** The hon. Member from Georgetown-St. Peters.

**Mr. Myers:** Thank you, Mr. Speaker.

It's pleasant to see the Premier chuckling so heartily about an issue that's so important, an issue that's embarrassing us down at the courthouse here right now. An issue that he said he was going to cleanup when he sat with Bruce Rainnie in February of 2015 and said: not under my watch.

This Premier today laughing about the whole thing, laughing about the embarrassment that he has brought to this province.

I'm going to ask the minister again: Why minister, during this whole thing, because you weren't unavailable the whole time because you were here every single day, why did they avoid letting you answer any

single question and instead used the CEO of IIDI?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Mr. Speaker.

It seems our friends can't take yes for an answer. In my whole time here, all I've been hearing is close the program, close the program. Well it wasn't meeting the needs of Islanders; it wasn't meeting the expectations of this government, so I closed the program.

Thank you, Mr. Speaker.

**Speaker:** The hon. Member from Georgetown-St. Peters.

**Mr. Myers:** Thank you, Mr. Speaker.

Everyone knows that the federal government closed the program. They know that you didn't have anything to do with it. You guys were draining the program and taking all of the money and spending it wildly is what you guys were doing. The federal government stepped in and said: we're closing the program because we're sick of you embarrassing us up here in Ottawa.

One of the spin doctors first sought approval from the Premier's deputy and the Premier's comms director before looping in the departmental deputy minister. In this email, the comms officer stated they were being extra cautious on this file.

### **Federal government closing of PNP program**

Question to the minister: When did you become aware that extra cautious seemed to be code for cutting out your deputy and you from the loop on this scandal?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Mr. Speaker.

I think the spin doctor on this side of the room seems to be doing a great job over there talking about 15% of this program. The remainder of the program fills important labour gaps here in PEI, which nobody

every wants to talk about over there. That helps businesses to grow, which no one on the other side seems to want to talk about. That continues to help grow our economy, and helps – for the first time in my life – our population got younger, and that was a result of our immigration as well.

Thank you.

**Speaker:** The hon. Member from Georgetown-St. Peters.

**Mr. Myers:** Thank you, Mr. Speaker.

So the minister said that he shut down the program, we know he didn't because the federal government did. He said it today, and I believe he said it yesterday as well. Back in the spring, he said no, no that program was closed down in 2009.

Actually, and I'll table it again today, in the speaking notes that Mary made for him last spring, it says directly in it that they eliminated that program in 2009.

Question to the minister: If that is the case – and back in the spring you were reading the notes that Mary gave you that said you closed it in 2009 – how can you say you closed it this year as well?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** I can take away here today and get a newspaper clipping if the member is looking for of when we closed our entrepreneur stream here in PEI because maybe he didn't see that part of it, but I thought we talked about it in the Legislature here, but I certainly will get the media advisory for him as well.

**Speaker:** The hon. Member from Georgetown-St. Peters.

**Mr. Myers:** Thank you, Mr. Speaker.

Government spin doctors told the local media that if the province discovered any residency fraud, they would forward the information on to the federal government.

### **Fraud cases in PNP program and investigation**

Question to the minister: Has this government ever found for themselves a single case of fraud in your PNP program since 2007, and if so, how many and have you sent them to the federal government for investigation?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Mr. Speaker.

There are files that come to our department, we continue to investigate those, we'll look at them, we do our due diligence on those – some of those we accept but some of those we don't.

So if we don't get all the information that we need or if we're not comfortable with it, if we don't understand the proper intent coming from those folks, we will reject those applications.

**Speaker:** The hon. Member from Charlottetown-Parkdale.

**Ms. Bell:** Thank you, Mr. Speaker.

For the past few years Innovation PEI has invested \$250,000 through the Ignition Fund and **seed** capital spread across up to 10 Island start-up businesses.

I've previously raised concerns about how government measures the outcomes of the program, but today I want to focus on the lack of diversity within the program.

About 70% of grants in recent years have been awarded to businesses owned by men only. To add insult to injury, this year's recipients, only three of which had women co-owners, were announced during the first national gender equality week and the news release only mentioned the male owners.

### **Favouritism of Ignition Program**

Question to the Minister of Economic Development and Tourism: Why does the Ignition Program so heavily favour men over women and what is the minister doing to correct this problem?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Mr. Speaker.

I was at the event and I know there were a number of women that were co-owners of a number of those businesses. I don't have the exact details here with me, but I can get those and bring them back and I can also get the numbers on the applications as well.

Thank you, Mr. Speaker.

**Speaker:** The hon. Member from Charlottetown-Parkdale, your first supplementary.

**Ms. Bell:** Just to clarify, as I just mentioned: three of the company's had women co-owners who were not mentioned in the press releases.

The under representation of women in business is not a new problem, but the minister seems at a loss of what to do about it.

Luckily for him, the Minister Responsible for the Status of Women has a specific mandate to advance the quality and opportunity for women in all government policies, programs and services.

### **Improving outcomes of Ignition Program**

Question to the Minister of Economic Development and Tourism: Can you tell me how many times you've met with the Minister Responsible for the Status of Women to discuss improving the outcomes of this program?

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Mr. Speaker.

I meet with the minister quite often, we talk about a wide range of things and that's one of the things that's important to this government and to this minister, in particular, so we continue to make those improvements and recommendations and we try to move that as far ahead as we can, Mr. Speaker,

Thank you.

**Speaker:** The hon. Member from Charlottetown-Parkdale, your second supplementary.

**Ms. Bell:** This year's equality report card from the Advisory Council on the Status of Women noted that there has been great progress within government and expanding the use of gender and diversity analysis.

Could the minister share with the House what changes he intends to introduce to this program as a result of performing a gender and diversity analysis.

**Speaker:** The hon. Minister of Economic Development and Tourism.

**Mr. Palmer:** We're making changes to our programs right across government and we're doing that all the time.

We're continuing to evolve them with new information that's available to us, with studies that we do internally; we continue to make improvements because that's what we do in government.

We don't stand around and complain about things all day; we actually get some things done.

Thank you, Mr. Speaker.

**Speaker:** The hon. Member from Charlottetown-Parkdale.

**Ms. Bell:** Thank you, Mr. Speaker.

During estimates in the spring session earlier this year, we heard for the first time about an exciting new program for Islanders with disabilities to provide a secure income and recognize their needs for financial security.

The new accessibility supports launched in July of this year and included the assured income program. The program does not appear anywhere online except in one government brochure.

We have been advised by staff in the department that the program policies are still in draft and they are considering our request for copies currently.

Meanwhile, there are no public guidelines on how much it provides, or for whom, or eligibility for the same.

### **Existence of assured income program**

Question to the Minister of Family and Human Services: Does the assured income program actually exist currently?

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

**Ms. Mundy:** Thank you, Mr. Speaker.

Actually, yes it does and it was well received by many of our clients who were formally with the Disability Support Program. It's been operational since July and the vision of the accessibility support is more around social inclusion and economic participation for Islanders and giving those Islanders who do have disabilities back their dignity.

Thank you.

**Speaker:** The hon. Member from Charlottetown-Parkdale, your first supplementary on this question.

**Ms. Bell:** We look forward to receiving information about this program so we can also provide this information to constituents as they contact us.

In the meantime, we heard about a key recommendation in the Poverty Reduction Action Plan launched this fall about the secure income program, also for people with disabilities.

Question for the minister: Are the assured income program and the secure income program, the same thing?

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

**Ms. Mundy:** Thank you, Mr. Speaker.

At the risk sounding crass, I would prefer if the hon. member just called my office directly if a client of hers has an issue or have a question. As the hon. member indicated when she was interviewed by CBC, her office is being flooded with phone calls about people with housing issues, but

we've yet, like I said, to receive one telephone call.

Thank you.

**Speaker:** The hon. Member from Charlottetown-Parkdale, your second supplementary.

**Ms. Bell:** So unfortunately, we didn't get an answer to the question but we are hearing that the calls that we get are the ones when the clients have been refused.

In the meantime, speaking about the secure income program, it is one of the key recommendations in the poverty action plan. Yet, at the press conference for the launch of that plan, we heard that the program would not come into effect until fall 2019.

### **Islanders with disabilities waiting for financial help**

Question to the minister: Why are Islanders with disabilities having to wait another year for dedicated financial help from this government?

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

**Ms. Mundy:** Mr. Speaker, I can assure you that Islanders with disabilities are receiving support.

With the new accessibility support program they are now receiving single point of entry. They do not now have to find themselves going from worker to worker searching for information. It is a single point of entry and it is a client-centered program.

We include the individual, the individual's community, as well as the individual's family to create a case plan to support that individual.

To the hon. member's other question, the secure income and the assured income, are two different programs and we will continue to roll out the accessibility program, Mr. Speaker.

Thank you.

**Speaker:** The hon. Member from Vernon River-Stratford.

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

My question today is to the Minister of Agriculture and Fisheries.

Farmers, perhaps more so than anyone, know how important protecting our environment is. They are so closely connected to our land and many have worked that land for decades and generations.

They have seen the changes in the land, the crop yields, the planting and harvest seasons. Unfortunately, too often farmers and negatively and unfairly associated with the affects of climate change.

I can tell you, I know farmers who are adopting some of the most progressive and innovative changes to help combat climate change.

Governments have been announcing a number of efficiency programs, which I think are fantastic, but they're almost entirely directed to households and some businesses.

**Mr. LaVie:** Question?

#### **Efficiency programs for farmers**

**Mr. McIsaac:** Question for the minister's department: Could they introduce some efficiency programs geared directly to farmers so that they have the same opportunities as other Islanders to receive this financial help.

**Speaker:** The hon. Minister of Agriculture and Fisheries.

**Mr. Henderson:** The hon. member is indeed, correct, that the farming community certainly understands the impacts of climate change, we've seen it this fall, we've seen it in the spring and they, more than any other organization, is really trying to address those issues.

In fact, I am happy to say that we do have a program that helps farmers adapt to become more friendly with clean technologies and things of that nature and it's actually called a PEI clean technology program and we offer up to 30% funding up to \$10,000 per farm or

agri-processor that has an environmental farm plan, Mr. Speaker.

**Speaker:** The hon. Member from Vernon River-Stratford, your first supplementary.

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

I think the federal government has a role to play in this as well, and I know the signators to the new CAP program have put new dollars in over the next five years to help with many programs.

Maybe you can speak with the federal minister of agriculture and agri-food Canada to discuss this very idea with him.

**Mr. LaVie:** (Indistinct)

**Speaker:** The hon. Minister of Agriculture and Fisheries.

**Mr. Henderson:** We are very fortunate, Mr. Speaker, to have a minister of agriculture for the Government of Canada and Prince Edward Island here, the hon. Lawrence MacAulay, and my understanding is that they are working towards a green energy program nationally and it's going to come through, probably, the Canadian agricultural partnership program.

I would say that we have contacted the Canadian department of agriculture and have identified that we have the structures already in place here to implement such a program and we'd be happy to partner with our federal partners to see farmers get good programs, Mr. Speaker.

**Speaker:** The hon. Member from Vernon River-Stratford, your second supplementary.

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

The other thing I'm hearing from the farmers is it seems like there's a lot of red tape when they get to those programs. I know you have an awesome staff in at the department there.

#### **Application process re: programs for farmers**

I'm wondering if you can tell me how much you can work with them to try and simplify the applications for these programs.

Thank you very much.

**Speaker:** The hon. Minister of Agriculture and Fisheries.

**Mr. Henderson:** Mr. Speaker, in our department of agriculture in the Province of PEI we are really cognizant of the impacts of application forms and paperwork; that sometimes the farmers are very busy out trying to harvest their crops, plant crops, and raise their livestock.

But, I would also say we have tremendous staff in our department and if any farmer wants to contact our department, we have extension workers and we have crop insurance agents; we have all kinds of stuff out there that would be happy to sit down with our farmers and help them with any application forms.

**Speaker:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Mr. Speaker.

In the new NAFTA, or the USMCA, Canada gave the American dairy industry access to almost 4% of the Canadian market. To put this into perspective, this is equivalent to 100% of the milk produced by Nova Scotia's 215 dairy farms plus all of Prince Edward Island's 165 dairy farms.

#### **Addressing concerns with feds re: dairy industry**

It is my understanding that the dairy farmers of PEI board has met with the Premier to express their grave concerns with this new trade agreement.

A question for the Premier: Have you taken those concerns and addressed them with the Prime Minister?

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Mr. Speaker, the Minister of Agriculture and Fisheries and I did indeed meet with the dairy farmers of PEI and a group of, I would say, 10 good farmers and board members of the dairy

farmers, and they were quite clear in presenting their concerns and we were very clear in acknowledging that those are real concerns and that we want to work with the dairy farmers of PEI in every way we can including measures that will come forward through the federal government and we are working on that.

Thank you, Mr. Speaker.

**Speaker:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Mr. Speaker.

Hopefully, the minister of agriculture has had a chance to meet with the board as well.

**Some Hon. Members:** (Indistinct)

**Mr. Trivers:** Agriculture in rural PEI forms the base of our Island economy. The 165 Island family-owned dairy farms are critical to our Island's economic base, and the ripple effect into our economy is huge.

The milk produced by Island dairy farmers feed businesses large and small, from ADL to Cow's Creamery, to Purity Dairy, even to Glasgow Glen Farms.

Question to the minister of agriculture: What are you doing to ensure that we don't lose family-owned dairy farms, destabilizing our Island's economic base?

**Speaker:** The hon. Minister of Agriculture and Fisheries.

**Mr. Henderson:** Mr. Speaker, very good question.

As minister of agriculture, we value the dairy farmers in Prince Edward Island. There are approximately 165 dairy entities in Prince Edward Island and we have a program, just like the program I just recently mentioned there, the PEI clean technology program that is out there.

But, I think the bigger question here is making sure that we are able to adapt to the particular changes as the USMCA gets signed. We have not seen, actually, a final text of that agreement at this point, but I think it's really important that farmers – it looks like there will be transition funding

that will be available and my role will be to make sure that we get our fair share for Prince Edward Island dairy farmers to access those funds, Mr. Speaker.

**Speaker:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Mr. Speaker.

Indeed, minister, that is one of the big roles you will have, is to make sure that any funding from Ottawa does make it to the farmers and to make sure that these family-owned farms do not go under.

**Mr. LaVie:** (Indistinct)

**Mr. Trivers:** Question to the minister of agriculture: What conversations have you had so far with the federal government to make sure that you take a proactive approach to that role?

**Speaker:** The hon. Minister of Agriculture and Fisheries.

**Mr. Henderson:** Mr. Speaker, as the hon. Premier mentioned earlier, I did have the opportunity to meet with the dairy farmers of PEI and I've also had the opportunity to meet with ADL, and just recently the minister of economic development and I and the Minister of Workforce and Advanced Learning had a tour of the recent expansion at the ADL plant in Summerside.

I think there are two components of this that are really important to note. One is to make sure that in Prince Edward Island our processors get access to what's called TRQs, it's the tariff rate quotas, and under the previous agreement under CETA and under TPP, I believe it was negotiated under a previous federal government; PEI did not get its fair share of TRQs. The other is making sure that if there are transition funds that we get our fair share for our producers and for our processors, Mr. Speaker.

**Speaker:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Mr. Speaker.

It's my understanding that today the dairy farmers of Canada issued a statement to the federal government. To prevent further

damage to the Canadian dairy sector, they are asking that the federal government do not sign the USMCA until US oversight of the Canadian dairy system has been removed from the agreement. They say it's a matter of Canadian sovereignty.

### **Government support for Island dairy farmers**

This is a question to the minister of agriculture: Do you stand with Island dairy farmers and support them in this request?

**Speaker:** The hon. Minister of Agriculture and Fisheries.

**Mr. Henderson:** Mr. Speaker, as minister of agriculture in PEI, I want to make sure that our dairy farmers are supported in every way.

When it comes to trade deals, these are negotiated with the federal government with other particular countries, and we've now seen three major trade deals happen in Canada here with the CPTPPP, the CETA, and now the USMCA. I think it's very important that our supply management system will stay intact, and in this particular case it will stay intact. They did lose some market access that will have to be shared by some of these other jurisdictions.

But, I think it's really important to note when we were at ADL, there are some great partnerships that have occurred. I know there's a company in Denmark that has partnered with our ADL corporation here and they are looking at providing really good, quality dairy products to consumers here in Canada, Mr. Speaker.

**Speaker:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Mr. Speaker.

The dairy board has been very proactive, and in light of the new USMCA, there has been a flood of posts about how to buy local dairy products, how to identify them. As a result, companies like ADL have seen local sales spike, even running out of some products.

So, Islanders want to buy local and support their friends, neighbours and the Island

economy. But, one of the big problems with buying local on the Island here is often it's hard to identify locally-produced products. We've seen it with dairy and we've seen it in other areas as well.

### Identifying local products

A question to the minister of agriculture: What are you doing to make sure Islanders can identify Island products and buy locally?

**Speaker:** The hon. Minister of Agriculture and Fisheries.

**Mr. Henderson:** Mr. Speaker, that is one situation that has been very fortunate about all this discussion around trade deals and the impacts it might have on our dairy farmers, and Islanders have been very supportive of our Island dairy industry and they are actually seeing great increases in our market access here.

In fact, the dairy industry in Prince Edward Island has been growing at over 3% annually over the last number of years. In fact, in Canada the dairy industry has been growing at about 2%. Remember, this trade deal that we're talking about is 3.6% over six years of market access. So, the dairy industry in Canada is growing faster than what the amount of trade will be – access that will be granted to other countries, Mr. Speaker.

**Speaker:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Mr. Speaker.

So, once again, the provincial protein tender issued this fall by Health PEI specifically gives preference to off-Island brands. It's right in the tender, in the spreadsheet, like Maple Leaf, J.M. Schneider (Indistinct) most specially for value-added products.

This is something I've been lobbying to change for years now, but it seems that the request that I've made on behalf of Islanders, Island farmers in particular, are falling on deaf ears.

### Sourcing of local Island food

Question to the Minister of Finance: When it comes to government food tenders, why are you not sourcing local Island food?

**Speaker:** The hon. Minister of Finance.

**Mr. MacDonald:** Thank you, Mr. Speaker.

I think we've proven that we're sourcing Island food. There are specifics around procurement that we have to deal with. It's in regards to – and back to the NAFTA negotiations, Rona Ambrose, who is supposed to be here today –

**Some Hon. Members:** (Indistinct)

**An Hon. Member:** Hear, hear!

**Ms. Biggar:** What a set up! What a set up! What a set up!

**Mr. Henderson:** Very supportive of the deal, I'm told.

**Mr. MacDonald:** – was very supportive of the NAFTA deal and an adviser to the Trudeau government and we acknowledge that and commend her for that effort.

We've also visited the schools, most recently, the educational schools, and we're dealing with providing local products to schools, so we're starting programs in that regard to deal with local products.

So, we're doing everything we can to provide access to our local markets, to Islanders, and reduce our trade imbalance.

Thank you, Mr. Speaker.

**Mr. R. Brown:** Got him on the ropes.

**Speaker:** The hon. Member from Rustico-Emerald, your final question.

**Mr. Trivers:** Thank you, Mr. Speaker.

This is simple common sense. Why not use tax payer's money to fill the food tenders that the Island government needs to purchase? It's very simple, very common sense. And the minister really didn't answer my question. I'd asked: Why are you not sourcing local Island food?

### Percentage of food tenders for local produce

So, I'm going to ask the minister, if he's confident that there is some source of Island food going on, I would ask the minister if he will table across government departments, the percentage of food tenders that are filled with local Island produce.

**Mr. LaVie:** Good question.

**Speaker:** The hon. Minister of Finance.

**Mr. MacDonald:** I think part of that question should be: Can we table those initiatives based on who applied for those tenders? It may be easier. But, we could certainly take a look at that. I have no problem whatsoever. We're the first ones in government to stand up and say we can go and access local food and product here on Prince Edward Island to help out local. I continuously tweeting out buy local, I was doing it last week with a minor hockey team that were buying local produce –

**Mr. Trivers:** (Indistinct)

**Mr. MacDonald:** – selling local produce.

**Ms. Biggar:** I'm sure you don't.

**Mr. MacDonald:** This member needs to understand there are procurement rules from province to province, and within Canada. We're under the Canadian Free Trade Agreement.

**Mr. Trivers:** (Indistinct) heard at standing committee it's not an issue.

**Mr. MacDonald:** Thank you, Mr. Speaker.

**Mr. Trivers:** Not an issue.

**Some Hon. Members:** Hear, hear!

**Speaker:** I have a request from somebody for recognition.

**Mr. R. Brown:** Yeah, Jamie.

**Some Hon. Members:** [Laughter]

### Recognition of Guests (II)

**Speaker:** The hon. Member from Borden-Kinkora.

**Mr. Fox:** Thank you, Mr. Speaker.

I have a lot of things going through my mind, today.

I want to talk time and bring greetings to the hon. Rona Ambrose, who is with us today.

**Some Hon. Members:** Hear, hear!

**Mr. Fox:** She is joining with JP Veitch, Jordan Paquet, and we also have here from Nova Scotia, Ms. Hannah Dawson Murphy is joining us today.

Thank you very much.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Leader of the Opposition for recognition.

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

I will certainly, in addition to those individuals that have just recently joined us, Kinley Dowling's dad, Alan, a great instructor at Holland College and a world renowned musician here on PEI has joined us here as well.

I'd also like to recognize another individual that joined us during Question Period, Dr. Sarah Stewart-Clark, who is also the very capable and will be the next member of the Legislative Assembly for District 9 Hillsborough-Charlottetown.

Thank you very much, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

### Statements by Ministers

**Speaker:** The hon. Minister of Finance.

**Mr. R. Brown:** Put on your seatbelts.

### **Climate Change Incentives**

**Mr. MacDonald:** Our made-in-PEI approach for climate change has always been to meet our targets without an additional cost to Islanders.

As part of Prince Edward Island's carbon levy, gas and diesel prices will rise by 1% in 2019 and another one cent in 2020. Our government has committed to returning all revenue generated through the carbon levy to go directly back to Islanders.

Today, I am pleased to announce new climate change incentives that will be used to return the carbon levy directly to Islanders. These new incentives include; reduced transit fees. Beginning January 1, 2019, government will provide an annual grant to T3 Transit.

**Mr. R. Brown:** Great. Making life affordable.

**Mr. MacDonald:** This grant will go towards reducing monthly passes, tickets and coin fares.

Free drivers license beginning January 1, 2019. Islanders will get both new and renewed drivers licenses at no charge, in addition, we extend license renewal to every five years instead of every three.

**Mr. R. Brown:** Great.

**Some Hon. Members:** Great.

**Mr. MacDonald:** Free vehicle registration for electric vehicles and plug-in hybrid vehicles beginning January 1, 2019. All electric vehicles and plug-in hybrid vehicles will be absolutely free to register.

Reduced hybrid vehicle registration beginning January 1, 2019, all non-plug-in hybrid vehicles will be registered for half price.

Finally, reduced vehicle registration beginning April 1, 2019, all Islanders will pay 20% less to register their vehicles.

**Mr. Myers:** Like pirates over here splitting up the loot.

**Mr. R. Brown:** No, we're not.

**Mr. Myers:** Like pirates splitting up the loot is what you're doing.

**Ms. Biggar:** It's for Islanders.

**Mr. MacDonald:** We will honour our commitment to offset the increase at the pumps by returning revenue to Islanders through these incentives, encouraging transit use, the purchase of electric vehicles and hybrids, and reducing the cost of registering vehicles and drivers license.

Vehicle owners are the ones who will feel the most impact of the carbon levy, and these are the Islanders we are giving back to. We will ask the Auditor General to ensure the revenue has been returned to Islanders.

Islanders are already saving money while turning to more environmentally friendly forms of energy and we are pleased that these new incentives will offer even more opportunities.

As a government, we will continue to identify opportunities, including working with the transportation sector to reduce GHS. Today's measures will return \$3.2 million to Islanders in year one, and \$4.1 million in year two.

Thank you, Mr. Speaker.

**Mr. R. Brown:** Just say thanks.

**Speaker:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Mr. Speaker.

The minister can't even call it what it really is – it's a carbon tax. He calls it a carbon levy. It's a carbon tax.

**An Hon. Member:** It's a carbon levy.

**Mr. Trivers:** He's giving back money to Islanders that this government has taken away from them by increasing all of those different areas over the last decade or so. This is ridiculous.

They only implemented this carbon tax in the first place, was to give three cents back – or lower the gas tax by three cents. So it's not even – there's absolutely no way that it can impact carbon emissions. This is a bad idea right from the get-go.

**Some Hon. Members:** (Indistinct)

**Mr. Trivers:** One of the items he's doing is he's cutting the cost to transit passes, and that means that he's benefitting a business. Now does that business have Liberal connections? I don't know.

Thank you.

**Speaker:** The hon. Leader of the Third Party.

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

I have to welcome the initiatives that the minister just mentioned, but we have to remember that's only one quarter of the money involved in the carbon tax. So once again, I have to stand here and question the wisdom of this government's decision to implement the carbon levy or tax, and then return most of that revenue to subsidize the cost of gasoline, rather than giving the money directly back to Islanders so they can decide how they want to spend it.

Indeed, based on the minister of environment's comments last night, there seems to be great confusion in many sides of this House as to how a carbon tax rebate actually works. So I'm going to try and explain it here for you minister.

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

**Dr. Bevan-Baker:** Imagine that the liquor store raises the price of a six pack of beer by \$5 and then it gives everybody a buy anything coupon for \$5. I might go into the store and being a frugal Scot I decide that the beer is too expensive, so I buy a six-pack of cider instead and I end up with \$5 in my pocket. Somebody else might decide that she really prefers beer, so she buys the beer and she uses the coupon. She still breaks even.

A carbon tax with a rebate should work exactly like that. You can choose the option that costs more and you still get the rebate or, you can a less expensive option and get the money back too. Score!

Nobody is deprived of anything, but we are nudged to make choices that are cheaper for us and, in the case of carbon tax, better for the environment. Nobody's a sinner, nobody's getting punished. I'll drink to that.

**Some Hon. Members:** (Indistinct)

**Dr. Bevan-Baker:** The problem with the government's plan is that it takes that choice away from Islanders. It's like the liquor store raised the price of beer and then offered a coupon that could only be used for beer. There's no incentive to drink less beer, and shoppers who would rather buy cider won't end up with more money in their pockets.

**Ms. Biggar:** You're drinking the green Kool-Aid.

**Ms. Biggar:** You're drinking the Green Kool-Aid.

**Dr. Bevan-Baker:** With the minister's carbon levy, government has both destroyed the incentive to make better choices and denied Islanders a choice to spend their rebate on something other than gasoline – like food, for example, or medicine or perhaps, Mr. Speaker, even a six-pack of beer.

Thank you.

**Mr. Roach:** Tax the lower income Islanders (Indistinct) –

**Speaker:** The –

**Mr. Roach:** – (Indistinct) is what you want.

**Speaker:** The next minister's statement –

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

**Mr. Roach:** Yeah.

**Mr. Trivers:** Pass some of that Kool-Aid over there.

**Speaker:** Order, members. Let's have some order.

The hon. Minister of Transportation, Infrastructure and Energy.

### **Increasing Safety on Island Roads for Students**

**Ms. Biggar:** Thank you, Mr. Speaker.

I wish to give notice today that as of December 8<sup>th</sup>, if any driver illegally passes a

school bus, you will lose your driver's license.

**An Hon. Member:** Wow!

[Applause]

**Ms. Biggar:** In order to better protect Island students, failing to stop for a school bus will now lead to 12 demerit points. This will result in the suspension of the driver's license for three months. This is in addition to the fine up to \$5,000, one of the highest penalties in Canada for illegally passing a school bus.

This change means that drivers who ignore this law are not allowed on Island roads. When any driver accumulates 12 demerit points, their license is suspended for a period of three months. In order for a license to be reinstated, the driver must meet with highway safety, must pay a \$100 reinstatement fee, must take a defensive driving course within six months of getting their license back, and as well, in addition to that, after they get their license back, the driver will be on probation. If they receive any demerit points within one year, their license will again be suspended.

This is one of the recommendations from the recent work of the Standing Committee on Infrastructure and Energy, and we sincerely thank the committee for their thorough work and their report, in addition to what our department has been working on, because we have been working with the public, our education and police partners, who have given us feedback and suggestions as well, directly as those from the committee, and we are taking all of these recommendations seriously.

We will be working and continue to work with our police and education partners to implement strong solutions. Government has ramped up public awareness efforts to prevent dangerous and distracted driving. Government and my department are looking at additional prevention and enforcement options, including more regulatory changes, such as raising the demerit points to 12 for the use of handheld device while driving, which could also, and would result, in the loss of the driver's license again for three months.

Government is studying new technology and safety features on school buses. We are adding new outside roof-mounted strobe lights for the new buses that are being bought this year, to further increase the visibility of the buses, and government will look at the feasibility of further legislative amendments.

We all have a role to play in ensuring our Island roads are safe and keeping children safe on their way to school, and we will continue to work vigilantly to prevent the dangerous practice of illegally passing school buses in PEI and it has to stop.

Thank you, Mr. Speaker.

**Speaker:** The minister's statement will be the hon. Member from Belfast-Murray River.

**Ms. Compton:** Thank you, Mr. Speaker, and I want to thank the minister for her announcement.

It's something that every one of us in this House deal with from constituents all the time. I know a personal experience this fall and I want to thank the department for all the work that they did to ensure that, you know, everything can be done is done. It's beyond important.

I also, though, hope that we don't stop there. We need to ensure that we've got the enforcement that we need, we've got police that are willing to ensure that people are abiding with the laws and it's not after the fact. But I want to thank the minister for the decisions that have been made by her department and we look forward to a better track record for all Islanders.

Thank you, Mr. Speaker.

**Speaker:** The minister's statement, the hon. Member from Charlottetown-Parkdale.

**Ms. Bell:** Thank you, Mr. Speaker.

As a member of the standing committee, I am so pleased not only to see this recommendation being accepted, but being implemented so quickly. We heard without any qualification how critical this issue is, and this is perhaps one of the

most effective things that we've done in the committee and clearly, that the department did as well, that could be done. So I really appreciate this being taken as a matter of priority on the filing of the report.

I would also like to say for the record that that committee has been incredibly effective in its work, in working together on this issue, and on bringing forward something that we now see implemented. So it is a really great example of doing the right thing for Islanders, and I really would like to thank the department and the minister for this positive action.

Thank you, Mr. Speaker.

**Speaker:** The hon. Minister of Education, Early Learning and Culture, and Justice and Public Safety.

### Climate Change

**Mr. J. Brown:** Thank you, Mr. Speaker.

Climate change is a very serious issue, and it is something we can all address. In the public education system, students have many opportunities to understand climate change and how we can mitigate against it.

The provincial curriculum introduces content on environmental issues in grade five. For example, students learn how depletion of the ozone layer and global warming have led to new inventions and stricter regulations on emissions from cars, factories and other polluting technologies.

In our new grade nine science curriculum, students examine real-world issues, such as biodiversity, the carbon cycle and climate change.

In courses, such as Environmental Science 621A, students engage in project-based learning on topics related to climate change. Charlottetown Rural students met this outcome through their greenhouse and community garden, where they grow food for their school community.

In another science class, students were asked to compare our fresh water reserves to world reserves, consider threats to water resources, suggest ways to preserve fresh water

levels, and finally, to engage in argumentation on whether Canada has a moral obligation to provide fresh water to the world.

In one class students were encouraged to examine what would happen to the flora and fauna if the temperature on Earth dropped by or rose by five or 10 degrees. They then explored what human activities significantly impact global warming and which lifestyle changes they are willing to make to reduce greenhouse gas emissions.

These classroom projects illustrate how our students are learning about climate change and how teachers are using this context to help students develop critical thinking skills. Through this learning, they become informed and learn how to use available information to critique myths and misperceptions related to climate change. We commend our teachers for their commitment to helping our young people understand environmental issues and how they can contribute to sustainable development for present and future generations.

Thank you, Mr. Speaker.

**Mr. R. Brown:** Great job.

**Speaker:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Well, thank you, Mr. Speaker, and thank you, minister.

The education curriculum is a very powerful way to bring messages out to our youth and to teach them how to make our Island better for the future. Indeed, this is an important announcement, because, based on the research I have received, the curriculum on oceanography and climate change hasn't changed since 1996. So this was really, really due for an update because the curriculum is so powerful in our school system.

This is one area, I don't know about the rest of the members, but I get requests on on a regular basis. Just last night someone was saying: You know, how come we're not teaching life skills, for example, having students in there taking the ingredients, local food ingredients, and

cooking their own meals? How come, we're not teaching students how to balance their bank accounts and about simple and compound interest? I know this is outside of the scope of your announcement.

So it's great that finally the curriculum has been updated when it comes to climate change and things like oceanography and the impacts there, but let's continue with this trend and let's make that happen.

Thank you.

**Speaker:** The hon. Member from Charlottetown-Parkdale.

**Ms. Bell:** Thank you, Mr. Speaker.

Starting our education and introducing students at whatever age into their roles as citizens in a global community is critical.

I actually had the opportunity to work over the past couple of weeks with two amazing young women in a grade 12 global citizenship course who were doing an active citizenship project around climate and climate impact. Miranda Merritt and Kimberley Bain, who are both grade 12 Charlottetown Rural students, are doing a project on the pipe and part of their reason for that doing that is because they're so worried about how people their age need to be engaged and informed about issues that really matter.

And so there's a continuum of education that happens with that, starting as soon as we can. And recognizing that the kids that we're educating now are the ones who may be the ones that have to deal with what we're leaving them. Ideally, we would like to be one of optimism, rather than of despair. So the education now is going to be the things that give the tools to those kids as they grow up and change the world, hopefully for the better.

Thank you, Mr. Speaker.

**Speaker:** Thank you, hon. Member from Charlottetown-Parkdale.

#### Presenting and Receiving Petitions

**Speaker:** The hon. Leader of the Third Party.

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

By leave of the House, I beg leave to present a petition from the Cooper Institute and the PEI action team for migrant worker rights and I move, seconded by the Honourable Member from Charlottetown-Parkdale, that the said document be now received and do lie on the Table.

**Speaker:** Shall it carry? Carried.

**Dr. Bevan-Baker:** Mr. Speaker, this petition states: that temporary foreign workers and Prince Edward Island contribute to the economy by propping up seasonal industries and helping businesses grow.

PEI is one of the few provinces in Canada that does not have a law about charging workers money for finding a job. Meanwhile, third-party recruiters routinely charge temporary foreign workers thousands of dollars in unlawful recruitment fees for jobs in PEI.

Sometimes these jobs are different than promised or they do not exist at all. To pay recruitment fees, workers typically borrow money with the result that they end up indebted upon entry into Canada. Recruitment debt, coupled with a precarious immigration status, makes temporary foreign workers vulnerable to exploitation and trafficking.

There are 454 signatures on this petition. The petition prays for the Legislative Assembly to:

- 1) Enact new legislation to protect temporary foreign workers. Outlaw worker recruitment fees require that recruiters of temporary foreign workers be licensed in PEI and pay a financial security at the time of licensing; hold employers liable for the actions of their agents and increase the limitation period for filing complaints with the employment standards branch to three years.
- 2) To implement a proactive enforcement regime. Make employers register with the province; hold recruiters liable for the actions of agents operating outside of PEI; and mandate inspections of workplaces and housing and, lastly;

3) Provide access to information and advocacy; require that employers facilitate access to free information sessions for workers about their rights; establish dedicated staff to assist workers with filing complaints; and a 24-hour help line.

Thank you, Mr. Speaker.

Tabling of Documents

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

**Ms. Biggar:** Thank you, Mr. Speaker.

By leave of the House, I beg leave to table information requested by the Member from Rustico-Emerald about voluntary IDs and I move, seconded by the Honourable Minister of Finance, that the said document be now received and do lie on the Table.

**Speaker:** Shall it carry? Carried.

The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thanks, Mr. Speaker.

By leave of the House, I beg leave to table questions to the Department of transportation, Infrastructure and Energy about the numbers like 911 numbers and I move, seconded by the Honourable Member from Morell-Mermaid, that the said document be now received and do lie on the Table.

**Speaker:** Shall it carry? Carried.

The hon. Premier.

**Premier MacLauchlan:** Mr. Speaker, I present herewith a message from Her Honour, the Lieutenant Governor, which said message is signed by Her Honour.

**Speaker:** Hon. members, I will ask the Clerk to read the message from Her Honour and I will ask all hon. members, would you please stand while the message is being read?

**Clerk:** Hon. Francis (Buck Watts), MLA  
Speaker of the Legislative Assembly  
127 Richmond Street, Charlottetown Prince  
Edward Island

Dear, Hon. Mr. Speaker,

Her Honour, the Honourable Antoinette Perry, Lieutenant Governor of the Province of Prince Edward Island, hereby transmits the Supplementary Estimates of Expenditure of the Province of Prince Edward Island in support of the *Supplementary Appropriation Act (No.) 2018* that were required to carry out the public services of the province for the fiscal year ending March 31, 2018.

In accordance with the provisions of the *Construction Act, 1867*, the Prince Edward Island Terms of Union, 1873, and the *Financial Administration Act*, Her Honour recommends the same to the Legislative Assembly.

Commended by  
Paul Ledwell  
Clerk of Executive Council

Signed by  
Her Honour, the Lieutenant Governor,  
The Honourable Antoinette Perry

**Speaker:** The hon. Premier.

**Premier MacLauchlan:** Mr. Speaker, by Command of Her Honour the Lieutenant Governor, I present herewith the Supplementary Estimates of Expenditure for the Province of Prince Edward Island in support of the *Supplementary Appropriation Act (No.) 2018* and I move, seconded by the hon. Minister of Finance, that the same be now received and do lie on the Table.

**Speaker:** Shall it carry? Carried.

The hon. Premier.

**Premier MacLauchlan:** Mr. Speaker, I move, seconded by the hon. Minister of Finance, that consideration of the supplementary estimates in Committee of the Whole House be added to the orders of the day until such time as they are dispatched.

**Speaker:** Shall it carry? Carried.

Reports by Committees

Introduction of Government Bills

Motions Other Than Government

Orders Other Than Government

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

**Ms. Compton:** Thank you, Mr. Speaker.

I move, seconded by the hon. Member from Kensington-Malpeque, that the 29<sup>th</sup> order of the day be now read.

**Speaker:** Shall it carry? Carried.

**Clerk Assistant (Reddin):** Order No. 29, *Mandatory Sexual Assault Law Education Act*, Bill No. 110, ordered for second reading.

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

**Ms. Compton:** Thank you, Mr. Speaker.

I move, seconded by the Honourable Member from Kensington-Malpeque, that the said bill be now read a second time.

**Speaker:** Shall it carry? Carried.

**Clerk Assistant:** *Mandatory Sexual Assault Law Education Act*, Bill No. 110, read a second time.

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

**Ms. Compton:** Mr. Speaker, I move, seconded by the Honourable Member from Kensington-Malpeque, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

**Speaker:** Shall it carry? Carried.

The hon. Member from Rustico-Emerald.

**Chair (Trivers):** The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *Mandatory Sexual Assault Law Education Act*. Is it the pleasure of the committee that a stranger be invited to the floor?

**Mr. Fox:** Yes, please.

**Some Hon. Members:** (Indistinct)

**Chair:** Yes, for the committee, if you wouldn't mind stating your name and, I guess, your role here.

**Rona Ambrose:** My name, I'm the hon. Rona Ambrose; very pleased to be here and I'm here in support of Bill No. 110.

**Chair:** Thank you.

All right, is it the pleasure of the committee that the bill be now read clause by clause.

**Some Hon. Members:** (Indistinct)

**Mr. Fox:** Chair?

**An Hon. Member:** (Indistinct) an overview?

**Chair:** Could we (Indistinct) an overview?

**Mr. Fox:** Yes, I'd like to ask, actually, the hon. Rona Ambrose to make an opening statement and I'll be following with a statement after that.

**Rona Ambrose:** Sure

Good afternoon, hon. member, Premier.

Thank you very much for welcoming me to the floor as a stranger.

This is the first time I've been on the floor not as a member, so it's a different feeling, but I really appreciate the welcome, albeit, the weather outside. I guess I'll take that up with the environment minister.

Let me just begin by saying that the intention here, in this bill, and my intention of being here, is about creating confidence in our justice system, specifically, our judiciary.

When I was a student in university, which was quite some time ago, I actually volunteered at a women's rape crisis centre in my free time. While I was there, we actually did a research project. It was part of the status of women's action group, the group that's still active today across the country. I volunteered in both those capacities. I was part of something called court watch.

So it was a long time ago, but basically what we did was we had a project where we sat in

the courtroom, through sexual assault and sexual abuse cases and took copious notes of how complainants were treated; whether it was by the defendant, the prosecutor or by the judge. But particularly, we were looking at how the behaviours in the courtroom played out. And what we looked at was the disparity between the law as it existed, because the law in Canada is very strong. Sexual assault law in Canada is very robust and very strong. But, we were looking at the disparity in between how good of a law we have in this country, and how it is applied by many judges in the courtroom.

The results actually shocked me, as they would pretty much anyone in this room if you had sat through the many cases that we did.

There were instances where judges unfairly questioned the complainant's character or personal history, which if you know sexual assault law, you know is off side; what she was wearing. Once I heard a judge actually ask a child, and this was very emotional to watch, whether or not she was flirting with a 55-year-old man, because she sat on his lap and he was sexually assaulting her for months. I'm sorry to get emotional, but it had a huge impact on me, sitting watching these proceedings for months on end. But we also saw examples where judges actually simply didn't know the law. They didn't actually know the law and others where they largely just ignored the law all together.

That research actually led to a report many, many years ago, as I said it was in the university now, I'm much older now – that recommended that all judges receive mandatory sexual assault law training. That was a long time ago, and it was upsetting then as it is now. We continue to hear these cases, but the truth is the only reason we hear these kinds of cases is because the media catches them. There isn't anyone like we used to do, sitting in the courtroom taking notes. We don't actually get a read-out of a lot of judgments and rulings of what happens in courtrooms. So unless the media is sitting there trying to catch this stuff – which they actually do a pretty good job of – we don't actually hear about this stuff.

Unfortunately, very little has actually changed in the area of sexual assault law

training. So that motivated me to introduce my law, which is my bill, which is in front of the Senate right now. And it's very much like the bill that we're discussing here today in PEI.

We've seen, actually, more recent examples of this over the last few years.

Embarrassingly, because I'm an Albertan, in Alberta a judge asked a rape victim why she just couldn't keep her legs together. And that particular judge, actually, had no training in sexual assault law – definitely no training in bias around sexual assault. He was a corporate lawyer who specialized in oil and gas. And he was appointed to the bench at the time. But, of course, that case did huge damage to the confidence in the judiciary all across the country, it resonated all across country.

A judge just here in Nova Scotia said, quote: Clearly, a drunk can't consent – when speaking of a highly intoxicated female victim, who was sexually assaulted by a taxi driver. I'm sure you know of that case. That judge was clearly shown to not understand the basic principles of consent, which again are in our sexual assault law; a sexual assault law that is very robust and very strong. But it was not applied in that case. The judge didn't actually understand the principles of consent. That was overturned, from what I understand. But only, again, after a lot of damage to the confidence that people have in the judiciary in terms of being treated fairly.

So I introduced, after a lot of experiences, a private member's bill in my name, which was Bill 337.

Let me just actually add one thing to what happened with Justice Camp in Alberta. After being removed from the bench, having to go through everything he did, he's now back practising. He said that he was a better lawyer because he now has undergone sexual assault law training and also, he underwent specific training around bias, around sexual assault, rape mythology; all of those things that we hear: Why did she wear such a short skirt? All of those kinds of things.

So what my federal bill proposes is basically:

1) it requires the Canadian judiciary to produce every year a report to Parliament detailing – they don't name the judges, but how many judges have completed the training; how many cases have been heard by judges who have not been trained; as well as the description of the course that is offered.

That goes to the point of transparency. And let's face it; it adds some pressure around accountability, hoping that with that kind of transparency, the judges who are sitting on the bench will take advantage of the very good legal training that is offered on sexual assault law by a judicial counsel.

2) It requires any lawyer applying for a position in the judiciary to have first completed sexual assault law training and education. So it becomes part of eligibility criteria in the judge's act.

So my bill received unanimous consent in the House of Commons after it was studied. We did some amendments to it, Conservatives, Liberals, NDP, Green Party put partisanship aside and to this day, they continue to support the bill and came together, including Prime Minister Justin Trudeau who continues to work through supporting this bill.

It's passed second reading in the Senate and now it's at committee of the Senate and hopefully will be studied soon and from what I gather, it will. And all of those questions will be talked about.

So I guess I would say given that Parliament of Canada could only enact legislation governing federal judicial appointments, one of the things I did at the time is I wrote to every justice minister, attorney general across the country and every premier and I asked that they consider, or just encourage them, to take a look at a study like this, and perhaps they could enact similar legislation at the provincial level, while a majority of these cases are actually heard.

So I wrote to provincial leaders and I am very thrilled to see that this storied Legislature actually is debating this issue and considering how do we get to a point where we have more confidence in our system and those who are victims of sexual assault, know that they have a judge

presiding over the case that actually knows the law.

So I want to specifically thank the Member from Borden-Kinkora for bringing forward this bill and thank you to all of you for opening your minds to this issue about how we can make this possible. I want to take a moment to thank the Premier, to thank the Attorney General, and the whole House and all parties, because from what I understand very recently, you have passed a bill to deal with post-secondary sexual violence policies. That is fantastic, and from what I gather, it is the strongest one in the country. That's what I have heard.

So Bill 337, which is my bill at the federal level, and Bill 110 are similar in a number of senses. I wanted to make a couple of points that we were careful to consider when we drafted our bill at the federal level.

The first test it needs to pass was to demonstrate that it does not interfere with the free and independent judiciary. We believe it passes that test; these are changes that apply, of course, in this case to provincial law that are within the Legislature's right to amend. It specifically focuses on lawyers, not judges, who wish to become eligible to be appointed as judges so as to respect the independence of the judiciary.

Another question you have to ask is if this bill would unfairly tip the balance in favour of the complainant, which is another excuse, if I could use that word; people use to not support this kind of education. Well, if a judge has this kind of education then they'll always tip the balance in favour of the victim. Of course, the answer is no. The training proposed in this bill is intended really to level the playing field because an accused does not have the right to the use of myths and stereotypes about the complainant. That's not part of our sexual assault law, and judges manage their courtroom in a way when they understand what those myths are if they learn about them and that's part of what the training is. You're not allowed to use those kinds of myths and stereotypes against a woman, let's say it's a woman, the complainant that comes forward.

But Canada's laws, as I said, against sexual assault are very robust thanks to my very good friend, the right hon. Kim Campbell, who many of you, I'm sure know, and have a great deal of respect for. She was Canada's justice minister at the time and she brought forward amendments to the bill at the time, which we all know is the 'no means no' law, which really created one of the strongest sexual assault laws in the world. And I thank her for that. And there's a responsibility upon our judiciary to ensure a clear knowledge. This is where the fairness comes in. There's a responsibility of our judiciary to actually have a clear knowledge of the criminal code provisions intended to protect complainants from those myths and stereotypes, as I mentioned.

But, like Kim Campbell says, who is a big advocate of my bill federally and as an advocate of what the Member from Borden-Kinkora is trying to do here, is really increase our judiciary's knowledge of Canada's sexual assault law. The application of the law is more just to both the complainant and to the alleged accused.

Let me just give you a quote by her, because she's so wonderful.

She says: Legal and judicial education are an important part of ensuring the correct application of the laws that we have in Canada that address sexual violence. This proposed legislation will go a long way in making sure Canada's judiciary fully understands the legal issues involved in sexual assault trials and the essential role of the judiciary in ensuring that sexual assault trials are free of bias. That's a quote from Kim.

So some might ask why the focus on sexual assault trials over other kinds of crimes? Simply put, it's because we know, after many decades of research, that these trials are, in fact, different. They are different. And our system already acknowledges that. We, in fact, have certain – I don't know if in PEI you have this, but there are certain parts of our system that now deal specifically with these kinds of trials because they are different. In fact, amendments made to the Canadian Criminal Code in 1980s took the important step of singling out crimes of this nature.

Let me give you an example of where our country has done exactly what we're hoping that PEI will do; The UK. The UK legal system is based on this very idea. Their chief justice uses something called rape ticketing where the system allows only those who have been trained in sexual assault law to oversee trials of sexual assault. The chief justice ensures that the person, the judge that is assigned to that trial, is rape ticketed. If they don't have their training, they are not allowed to oversee that trial.

So this is the essence of what we're talking about here. This would go a long way in building confidence in the system, I would suggest.

Now finally, there's an assumption among the public that members of our judiciary are already trained. There is this sense that people think judges are all knowing and all being and they just know everything, right? Why question that. Why would you ever question that? And that they're trained in these areas that are sensitive. But the reality is that isn't true, it's just not. There is training. Yes, there's training. But it's held over a very short period of time and covers a multitude of – oh thank you. Can I have one of those?  
[Laughter]

**Rona Ambrose:** Thanks.

I don't know whose I just took but – so there is training, but it's held over a two-week period. It's quite superficial. I can tell you because I have friends that are judges. I know what they do and it covers a multitude of areas of law from contract law to criminal law. By no means is it comprehensive. Nor, importantly, is there any assurance the judges will actually have completed important sexual assault law training before they actually preside over a sexual assault law case.

There's often a level of trust in the judicial system from those who are victims of sexual assault. A very low level of trust – let me add – which leads to many victims not reporting the case. If you compare those statistics to any other crime – it just would never happen. One in ten – and people think that is actually a conservative estimate – one in ten sexual assault victims report the crime. And you've seen in the *Globe and*

*Mail*, all of the coverage and exposé on unfounded cases. Those are cases that we didn't even know existed, but women went into the police station and they were dismissed in a way that they felt there's no point going forward. Those are thousands of cases. But in this case, one in ten women go forward.

All Canadians deserve to have faith in their justice system. This bill, I would suggest to you, takes steps to build a more accountable and a more transparent judiciary, one that is more educated, that will create the confidence sexual assault survivors need in order to start to be a part of the process. They're entitled to be in part of that process, but right now they don't feel that they are.

Let's take Aboriginal women, for instance. They are five times more likely to suffer sexual violence. And if you took the statistics I just gave to you and applied that to Aboriginal women, I would be very surprised if one in ten come forward based on these kinds of issues. They actually suffer even more from these issues around re-victimization by going through a system that they feel applies stereo-types and racism to them.

So, I would just conclude my comments with this – I think you have a historic opportunity to address and issue that a lot of people are looking at all over the country, in particular, even in the private sector. People are looking at changing the way that they do business around issues of sexual harassment, behaviour, bias – and guess what – it exists in our courtrooms, and it exists from people that are actually representing some of the most important institutions in your province and in our country, which is the judiciary. So I would suggest to you – you've already shown leadership on domestic violence issue, among ending violence against women, in a number of capacities I know, because I'm familiar with a lot of the women's groups in this province that do fantastic work. But, I think it would be a natural step for you to take to ensure that when a rape victim actually comes to a court, they would know that the person presiding over their case was actually trained in sexual assault law.

It sounds so simple, and yet, it's not happening – it's actually not happening.

You have the opportunity to come together, like we did in the House of Commons, and show the rest of the country how great it can be when you put partisanship aside. I would encourage you to do that and support this bill – or find a way to get to yes.

**Mr. Trivers:** Thank you, and sponsor, Member from Borden-Kinkora, would you like to provide an overview as well?

**Mr. Fox:** Thank you.

Good afternoon fellow members of the Assembly, hon. Rona Ambrose.

Today, we debated a bill, which was started with a simple thought into improving and enhancing the education system of inspiring lawyers that have a goal of serving the community as a judge. I think Rona said it best the other day – when is education a bad thing. That is was this bill, Bill No. 110 is about.

It's about ensuring inspiring layers to have the best education going forward. C-337 is a federal bill that was introduced by the hon. Rona Ambrose in 2017, and passed by the whole House of Commons. I say it again – the WHOLE House of Commons.

The bill requires lawyers wanting to become federal judges to have completed education in the area of sexual violence. Currently, the bill is before the Senate and the justice committee. Bill No. 110, the *Mandatory Sexual Assault Law Training Act*, is a first in Canada to be considered within a provincial Legislative Assembly, which will address lawyers wanting to become a judge, retired judges coming back to serve on the bench, and justice of the peaces so that education in a sexual assault law is required.

However, in this process which will be explained, it was determined that sexual assault education as it applies to justice of the peaces is needed, however it would be deleted from Bill No. 110 and inserted in Bill 50, which will be debated by the Minister of Justice and supported by our caucus.

This is a complex issue that I have taken into consideration while looking at a variety of issues to which I will explain.

Firstly, we have the importance of recognizing the judiciary needs to be

independent in our democracy, as outlined in the constitution. To understand this, one must believe as I do, that the judiciary is not being called into question. It is to ensure that our judiciary needs to be considered and kept in mind while considering pieces of legislation.

The main goal is to assist society while being sensitive to issues such as sexual violence and sexual assault in this area. Secondly, the legislative branch has a duty to bring forth legislation to be debated – that is sound and practical, not only in scope, but being sensitive to the issue or groups having the interest in an end result, while being aware of a legal challenge.

The aforementioned Bill No. 110 was conceived while taking in account Bill C-337. Research on a number of fronts and a variety of groups, individuals, constitutional experts and the judiciary was consulted with. Members of the Legislative Council and the Provincial Department of Justice were brought into this process and a common understanding to improve a system was acknowledged.

I have learnt over the years that an investigation and subsequent trial – a matter can involve a number of moving pieces – not limited to the actual court system; pieces that are very complex and take into consideration aspects that need to be understood, that have an impact on social policy.

I think it's an important outline example of these groups I have consulted with; I have listened to, and have taken into consideration with Bill 110. I believe that while talking with these groups and very special people that sexual violence is not acceptable on any level and is a violation of the inner working of an individual to its very core.

With that, I have met with the following that have caused me to cry, brought back memories of matters occurred behind closed doors and in the dark. I think it's time we continue to turn on the light, as stated by Katie Wilkinson. I have met and listened to a variety stakeholders –

**Rona Ambrose:** You didn't say you were going to make me cry when I came here.

**Mr. Fox:** [Laughter]

I have met and listened to a variety of stakeholders; I can say that I have met with the PEI Rape and Sexual Assault Centre, Men Matter, the Catholic Service Bureau of PEI, Turn on the Lights, Family Violence Prevention Group, the Women's Institute of PEI, the Women's Network of PEI, the PEI Coalition of Women in Government, Share the Microphone, Aboriginal Women's Association of PEI, – I can tell you I was asked to address the Assembly and I was talking a briefing about Bill 110 to group of 100 First Nations ladies. A lady started crying and she came up out of her chair, and she came to me and hugged me. It was pretty hard to get my act under control after that – the UPEI Student Union, and also, the PEI Business Women's Association.

Further consultation was completed from the opinion of a variety of law firms within the Province of Prince Edward Island. Their discussions were open and centered around the issue at hand and the independence of the judiciary, and the process of being considered by the government by an appointment to the judiciary.

These involve the following firms: Stewart McKelvey, Cox and Palmer, Campbell Lea, and McInnes Cooper. All of them supported the intent of the bill, with the lawyer that I spoke with in them firms.

I have also consulted with the Law Society of PEI and their comments were taken into consideration. A further meeting was held between members of the Provincial Court, staff of the Department of Justice, the Minister of Justice, and myself. I must also commend the Minister of Justice, and the Deputy Minister of Justice and their staff with helping me with this bill.

Bill 110 was discussed in relation to Bill C-337, and the ongoing education plan, which is managed and operated by the judiciary. It is understood that the education plan in the judiciary is the sole responsibility of the judiciary and remains independent. Bill 110 replaces the responsibility of education prior to being appointed within the law society based on a system set up by the judiciary.

With that, an application could be completed and considered by an inspiring member of

the legal community needs to be adapted and recognize sexual violence indication. With the constitution, we have individuals that have become known for forward-thinking and the understanding of the constitution as it applies in law.

In obtaining opinions on Bill No. 110, we need to insure that the bill continues to separate the legislation with the judiciary and it is acknowledged that any law is open to a challenge by a group.

Any law that the Legislative Assembly puts forth is open for challenge.

We believe the intent of this bill holds the independent to the forefront in bringing a mechanism that will assist in the appointments that may be considered by the Executive Council of government.

I spoke with two experts in constitutional law with the University of Waterloo and the University of Ottawa and it's understood that any piece of legislation may be subject to a challenge and must one consider this in drafting a bill that may be come before the Assembly.

This consultation was expanded and put before the right hon. Kim Campbell, a former prime minister and minister of justice after several discussions and the examination of Bill 110.

We believe that we have separated the legislation from the judiciary while being sensitive to the issue being sexual violence and place the education phase of the bill solely with the judiciary – thus keeping a separation of the legislative branch with that said judiciary. Thus lawyers need to have their education prior to be considered by the executive branch of the government.

I want to personally thank all stakeholders that assisted me in the developing of this bill, the countless emails, the text messages, private Facebook messages and telephone calls.

I have listened, I have considered them and I can say that this morning I received this email from a young lady. It goes into quite detail about her experience.

We should not be putting victims in these situations and we need to listen to them.

Thank you.

**Chair:** All right, well thank you sponsor.

So that's the overview. Now, it's my understanding as you refer to, there are amendments to this bill that you need to bring forward as the sponsor, is that right?

**Mr. Fox:** That's right.

I'm going to hold one amendment to the very last, I have copies for everybody and as these are being passed out, these amendments actually came in consultation with the Attorney General's department after countless meetings between the deputy minister, her staff, my staff and the Legislative Counsel.

These amendments keep in the spirit of the discussions and what was we believed to be, the best course moving forward. However, one amendment I will keep until the very end.

**Chair:** I know we have only one Page here (Indistinct) job.

**Mr. Fox:** So, the first amendment, I'll read out –

**Chair:** No, are you – I think it would be best if we go section by section and then you move the amendment for that section.

**Mr. Fox:** No I'd like to move the amendments first and then we'll go into the bill after.

**Ms. Biggar:** Could you read it?

**Mr. Fox:** Yes. So if we go to the bill –

**Chair:** If it pleases the committee, what I would suggest is we move to the first section of the bill, if there are amendments, they be presented and we vote on the amendment of that section and question.

**Chair:** Then we'll go through – the bill has really four main sections, so this should be expedient –

**Ms. Biggar:** Chair.

**Chair:** Yes? Sorry I have several, I have six people on the speaking list already but if it agrees that that's how we're going to approach this – are there other amendments is that what you were going to say member?

**Mr. J. Brown:** No, just a point of order or the ordering of these proceedings.

Two things, one I want to, before we get into the bill in earnest, I do think that I should say a piece and then the second piece is, I might suggest that all of the amendments be tabled and if you wish to have them moved as we get to the section, fine – but due to the complexity of the amendments and their interrelatedness, one of these is not going to stand without all of them.

I think we need to have them all in front of us to –

**Chair:** That's an excellent idea thank you minister.

Member if you wouldn't mind tabling all the amendments so people can have them in front of them, but we will still plan to move through section by section.

Like I said, I have six people on the list and what I'd like to do is go into the first section and then I'll let people start asking questions and if you want to comment on the overall bill at that time, that's okay as well.

I would like to move into the first question.

**Ms. Biggar:** Chair.

**Mr. J. Brown:** Overall bill (Indistinct) before we get there, I think it's important that that happen, in my position as Attorney General (Indistinct)

**Chair:** All right, so I will move down my list then, it seems like that's how the committee wants to proceed.

So I'm going to move to - first on my list the hon. Member from Georgetown-St. Peters.

**Mr. Myers:** Thank you, Chair.

I want to thank the hon. member from Borden for bringing this forward. I also want to thank the hon. Rona Ambrose for coming

down and for her work in the same subject from the federal level.

My question has to do with – and I know that it was touched on in the opening statements by Ms. Ambrose about the independency of the judiciary in the federal bill.

So I know you've done a lot of work on that to ensure that your bill at the federal level is constitutional with respect to the independence of the judiciary.

Are you comfortable that this bill respects that same independence?

**Rona Ambrose:** Is that question to me?

**Mr. Myers:** Yes.

**Rona Ambrose:** Yes, particularly, because in one of the things in our bill, we looked at whether or not it interfered with judicial independence and spent a lot of time with legal drafters, people in the justice department at the federal level and legal scholars and made sure that instead of focusing on judges we focused on lawyers and the basic premise of this bill and my bill is that it requires lawyers to take sexual assault training.

The bill does not put any training requirements on sitting judges. Currently in the *Judges Act*, a lawyer who wants to become a judge has to have 10 years of legal work experience.

When Parliament passed the *Judges Act*, it recognized that lawyers should have a minimum level of competency to apply to become a judge.

The notion here, the rationale here is that because sexual assault law is a highly complex area of law and it has emerged that we have this gap – one in which the lawyer should be well versed in before ever being considered to have the competency to apply to become a judge.

The idea here, in our bill at least, was to amend the *Judges Act* because of the massive disparity between the application of the law that exists on the books, which is a good law, and the application of the law in courtrooms.

That is why we chose the eligibility being trained in sexual assault law being part of the eligibility criteria to be considered to be appointed as a judge. I hope that answers your question.

**Chair:** I wanted to suggest to members that maybe what I'll do is I'll spend around five minutes or so on each member before I move on, that way it will give everyone a chance to talk on the list.

If you do have comments – and it's important to get your comments out – but try and keep them in that similar timeframe. I know in the past we've seen 20 minutes worth of comments, that sort of thing, we can keep a couple minutes per question, that would be fantastic.

**Mr. Myers:** Thank you, Chair.

I'll only ask one more and this is for the member from Borden: I want to commend you on the great work that you've done on this.

I've watched you work on this now for probably eight or nine months, I know how hard you've worked, I know the number of people that you've met with, I know that you poured the heart soul into it, on it; I congratulate you for doing a fantastic job.

I think this is an absolute solid move that you're making here.

My question is about the people you've met with. So you met with a lot of people and you've talked about them there.

Out of all the people that you've consulted with in the bill, did you have any push back from the bill, and if so, who pushed back and why?

**Mr. Fox:** One, I met with one lawyer within the province up in the Summerside area and he was the only person that said to me: we do not need to interfere with the judiciary. It was an end to discussion basically after that.

The law society did have a few concerns; however, we felt we've dealt with that.

The provincial court judges had a few concerns; we believe we've dealt with that.

There was some concerns by the staff of the Department of Justice, we believe we worked with them and come to a reasonable conclusion to satisfy everybody's concerns.

**Chair:** Any more questions?

**Mr. Myers:** No I'm good, thank you.

**Chair:** Next on my list I have the Member from Belfast-Murray River.

**Ms. Compton:** Thank you, Chair.

I want to thank the hon. member for bringing this bill forward, and I want to thank the hon. Rona Ambrose for coming on the floor as a stranger.

**Rona Ambrose:** Thank you.

**Ms. Compton:** Your comments that you started with, I think brought home how important this is. You talked about how strong the law is in Canada, but how it's not really applied.

On July 23<sup>rd</sup>, 2018 it was reported by CBC that PEI has the highest unfounded cases that weren't reported in all of Canada, I believe. So it talks to me about the level of trust and how that is so important.

When a woman comes forward – we'll say a woman – can you speak a little bit about why they won't come forward. I mean, that's the issue right, and how this will help. I just don't see how it's a bad thing – what you're trying to do here.

**Rona Ambrose:** Yeah, I hope there's nobody that thinks more education and training is a bad thing – ever. I think we – I'm sure in this Chamber we can all agree that more training, more education is always a good thing, particularly when it's around something as traumatic and difficult as sexual assault.

The numbers – that we know of at least – where statistics are right now is that one in 10 women come forward. When you dig a little bit deeper in the research, what women say is they don't feel that they will be treated fairly.

So then legal scholars have then said: what does that mean, fairly? What do you mean you aren't fairly? There's a bunch of things.

First of all, I mean, I would love to see police have more training and police have asked for that. It's happening in some provinces. It's happening more, hopefully, in the RCMP as well. Crown prosecutors have asked for more training. I mean, there are a lot of people that have said we all need more training.

I approach this from the view that the people that represent the institutions of the judiciary, which is our judges, are the people that really are the ones that should uphold the law in every way and apply it fairly and appropriately. That's not happening in the area of sexual assault law.

It's really about when women say I don't feel I'm being treated fairly, we looked at this – researchers have looked at this disparity. We have this great sexual assault law, it's robust, it's strong, it has excellent principles around things like consent, but it's not being applied by judges in a way that it should be. That is literally because of a lack of knowledge of that law and how it should be applied.

We've seen it – and again, I'll say thanks to the media, we catch these things. The truth is this happens more than we'd like to know about. But it just happens to be sometimes a media is in a courtroom and they catch one of these comments. Right? And then we all find out about it, we're all outraged, we're all angry. Well what are we going to do?

Then we say, well maybe it would be good if the person that was presiding over the case was trained in sexual assault law. Well no we can't tell judges what to do, because that would infringe on the independence of the judiciary. So my bill said: well let's make sure that anyone who is appointed to the bench, has training. So at least there's a confidence that the people that are being appointed to the bench will have sexual assault law training.

Now as I said, there is some training available, but we're not allowed to know who's taken it, what it looks like, and if any cases are presided over by judges who don't

have training, because you can't ask those questions. So it's about a lack of confidence.

I didn't know that PEI had the largest number of unfounded cases. That's really too bad.

You know what's really sad? It that when you work with Crown prosecutors and victim services, do you know what they're telling victims now? Don't bother and they say that to you privately. They'll say, you know, I would never say this publicly, but I will tell victims I want to be really careful counselling you whether or not you want to go through this system. Right?

That is not what we say to anyone else where a crime is committed, because they're re-victimized, they're interrogated, they're asked questions they're not supposed to be asked within the parameters of the law that exists.

At the end of the day, it's about the application of the law. That's a fair thing to ask for, that people are trained in the law of which they are presiding over.

**Mr. Trivers:** Member from Belfast-Murray River.

**Ms. Compton:** Just a comment. I want to thank you Rona for the work you're doing with Bill 337, and I look forward to everyone in this House supporting this bill because we can be groundbreaking and –

**[Power outage–audio malfunction]**

**Speaker:** You may be seated, hon. members.

Hon. members, before I call on the Member from Belfast-Murray River, you might notice that there's no Pages here this evening, so you'll have to fend for yourselves.

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

**Mr. Roach:** The Member from Georgetown-St. Peters had stated earlier that he could (Indistinct)

**Mr. Myers:** Yes, for anybody that's been nice to me the last little while I'll gladly get you coffee.

**Mr. R. Brown:** That shortens that list.

**Leader of the Opposition:** Okay, guys. We only have a little while, let's get going.

**Ms. Compton:** Thank you.

Mr. Speaker, I move, seconded by the hon. Member from Kensington-Malpeque, that the 29<sup>th</sup> order of the day be now read.

**Speaker:** Shall it carry? Carried.

**Clerk Assistant (Doiron):** Order No. 29, *Mandatory Sexual Assault Law Education Act*, Bill No. 110, in Committee.

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

**Ms. Compton:** Thank you, Mr. Speaker.

I move, seconded by the Honourable Member from Kensington-Malpeque, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

**Speaker:** Shall it carry? Carried.

I will once again ask the hon. Member from Rustico-Emerald, if you wouldn't mind coming and chairing this bill.

**Mr. Trivers:** It would be my pleasure, Mr. Speaker.

**Speaker:** Very good.

**Chair:** The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *An Act to Amend the Electric Power Act*.

**Some Hon. Members:** What?

**Mr. J. Brown:** Excuse me?

**Chair:** Pardon me. Sorry, wrong bill.

**Some Hon. Members:** [Laughter]

**Chair:** The old bait and switch.

**Ms. Biggar:** I was listening.

**Chair:** Almost snuck that through.

Order!

The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *Mandatory Sexual Assault Law Education Act*.

So I wanted to give the floor now to the Minister of Education, Early Learning and Culture.

Would it please you to bring a –

**Mr. Fox:** Yes.

**Chair:** We ask a stranger to the floor.

**Rona Ambrose:** Am I still a stranger?

**Chair:** Not so strange, I guess.

**Some Hon. Members:** (Indistinct)

**Chair:** You're always a stranger.

**Mr. Roach:** Chair's got a short memory.

**Chair:** Maybe just for the record again, state your name.

**Rona Ambrose:** Rona Ambrose.

**Chair:** Thank you very much.

**Rona Ambrose:** Thank you, Mr. Chair.

**Chair:** All right, Minister of Education, Early Learning and Culture.

**Mr. J. Brown:** Thank you very much, Chair.

Bear with me; I do have something that I wish to read out here. It's going to take probably a few minutes, but I can get through it.

It's fundamental to our society and our government that ensuring sexual assault victims, individuals who have suffered such severe trauma are treated equitably, fairly, and objectively by our justice system.

Over the past few sessions, this government has introduced a number of social initiatives to support the victims of sexual assault, as well as improve the investigation and prosecution of sexual offenses to provide the best possible support and services to victims of crime from the initial complaint to police to handling charges.

Bill 110, as presented by the Member from Borden-Kinkora, raises the important issues of sexual assault training for judges and I appreciate his concern. As minister of justice and the Attorney General, I believe training for all players in the justice system is key to facilitating access for sexual assault victims ensuring their cases are heard with timeliness and sensitivity. Judicial education is an important objective that contributes to the public's confidence in the justice system.

What we all want to see is justice for victims of sexual assault. We want to know that every individual involved in the judicial process understands the very complex nature of sexual assault trials, are sensitive to the difficult situations facing victims, and are educated about the still too prevalent negative myths and stereotypes affecting these individuals.

However, just because a bill has commendable goals, it does not mean that it is necessarily a good bill. Without the proper constitutional grounding, a bill, despite its good intentions may not deliver on its goal, which in this case is to assist and reassure sexual assault victims going through the judicial process.

As Attorney General, the main concern with Bill 110 was its purpose to make education in sexual assault law a mandatory requirement for appointment to the provincial court. It also required the chief judge of the provincial court to create and implement a continuing education plan, make the content of that plan public, and require all judges and justices of the peace to complete education in sexual assault law.

Judicial independence underpins the entire justice system, without it – without the certainty that courts and judges are independent from any influence of this government or any other, confidence in the justice system could come into jeopardy. What we want to avoid is legislation that

could be challenged in court, opening the possibility for sexual assault victims to be re-victimized by a system that is not on strong legal footing.

The amendments brought forward greatly reduce the chances of such a court challenge, and I should note that one of the amendments we have discussed and agreed is actually out of order, they're just tabled at this point in time and we do plan to bring a further amendment to correct that.

In collaboration, we have worked together to bring balance to such important and sensitive legislation.

I thank the hon. member for that, as well as Ms. Ambrose and her team.

This legislation, with these amendments, balances our desire to respect and acknowledge the very difficult and sensitive circumstances of sexual assault victims with recognition that judicial education is an important objective that contributes to the public's confidence in the justice system.

We respect the independence of our judiciary in directing additional education requirements and we will continue to work closely with the chief judge to ensure that all victims are treated fairly and respectfully in our courts.

We respect that this bill cannot be proclaimed until such time as the chief judge of the provincial court is consulted and has an adequate opportunity to develop a continuing education plan.

I do wish to comment on a few initiatives that are ongoing in this realm. A committee of justice and police officials is examining measures to better address situations where sexual offences have occurred.

A new senior Crown attorney will provide oversight to all sexual offence prosecutions within the province. This Crown attorney will work with police in pre-charged consultations in all allegations of sexual offences.

Police agencies and the Crown have developed a memorandum of understanding regarding the investigation and prosecution of sexual offenses to provide the best

possible support and services to victims of crime – from the initial complaint, to police, to handling charges – this was signed September the 7<sup>m</sup>, 2018.

Government is working towards the establishment of a committee with representatives from all policing agencies, Crown and victim services that would review sexual assault cases not cleared by charge i.e. those deemed unfounded or unsubstantiated while protecting the identities of victims.

More than 100 frontline workers attended a half day workshop presented by Dr. Lori Haskell, a clinical psychologist with expertise in the neurobiology of trauma. The workshop focused on strategies for working with clients to facilitate trust and communication.

Police, Crown attorney's and victim services workers attended a full day workshop by Dr. Lori Haskell on the impact on victim memory, reactions and behavior and best practices for interviewing victims.

The RCMP forensic laboratory gave a presentation on the forensic analysis of specimens in sexual assault and domestic violence cases and provided information on the RCMP's new sexual assault evidence kits.

We have planned ongoing improvement options for victims and enhanced emergency sexual assault services protocol and policies under development which is expected to enhance sexual assault response in our province.

The Queen Elizabeth Hospital had a soft launch in June; to date the feedback has been quite positive.

The provinces open door can collaboratively – with partners to consider third party reporting to give the option of reporting the assault to a third party organization.

The third party would work with police without giving the victims personal information. This allows the victim to remain anonymous while allowing police to get information to evaluate the crime, start an investigation and take other actions, such as patrolling where the crime occurred.

I wanted to make those comments as much for the record to note that there is an objective here that we are trying to accomplish. As we've discussed before in this Chamber, where there may be issues of constitutionality with any bill that we're dealing with, it's important that we make light of the importance of the objective that we're trying to achieve with the legislation that we're putting forward and that we're considering.

It should go without saying, but it is worth saying, that in today's day and age it is important that throughout the justice system there is a solid understanding of what victims go through and the law in relation to the offences and how folks should be treated and how they may react in situations where a sexual assault has taken place.

I guess it's worth saying as well that it's not always an intuitive situation, it's something that we don't inherently know unless we've gone through it or unless we know somebody that's gone through it.

There's definitely an objective that we feel is valuable here that we would like to see achieved.

The difficulty that we run into is that in the democracy that we live in, we have different branches of the government.

We have the executive branch, the legislative branch and the judiciary and if we start to mandate what the judiciary is required to do, then we overstep our bounds and a possibility comes to light that any legislation through which we attempt to do that could be challenged constitutionally.

Thereby, in this particular case if a court was not seen to be independent, an accused person could challenge that legislation as part of their prosecution.

Frankly, whether that challenge is successful or not, there is an issue and if it is successful, there is a huge issue that we have to deal with.

In my role as Attorney General, it's important to bring light to that and it's important to note that we did feel there were issues with the original Bill 110 as drafted, but that we certainly thank the hon. member for working with us to get to where we are.

I do have to say that I can't sit here and provide an opinion that it's perfect when we make all the amendments that it's not open to a constitutional challenge, but we think it's better that it was and it's as good as we can make it.

For that reason, I am prepared to support the amendments when we get the final amendment that I will make put forward and again, I thank the hon. member for working to that end on this very important objective.

Thank you.

**Chair:** Thank you, Minister.

Do you guys have anything to say (Indistinct) response to that if you like?

**Mr. Fox:** I appreciate the minister's comments.

Probably as everybody in this House knows, we've been working on this up until like, basically 10 minutes ago.

I appreciate the deputy minister coming in, I appreciate the two staff people coming in and I appreciate the conversations that we had upstairs trying to come to an agreement that benefits society as a whole, I think when it comes to sexual violence education and violence.

I think this is a big step ahead for us, and I think that it will be well received by the general public and by victims.

This is a positive step forward by the government and by this opposition that put the bill forward.

**Chair:** Thank you.

I'd like to just flip the page to section one but I didn't know that the Member from Montague-Kilmuir was on the list and had questions.

Member from Montague-Kilmuir.

**Mr. Roach:** Thank you, Chair.

Just a couple of very minor questions I guess. I noticed that in the bill there are a number of places in the bill where you used the terminology "recent" and

"comprehensive," can you tell me what that means?

**Chair:** One moment member –

**Rona Ambrose:** I don't think you'll have to worry about that because the Attorney General is deleting that part of the bill.

So there will be no recent or comprehensive training.

**Chair:** Next on my list –

**Mr. Roach:** Oh I still have –

**Chair:** Oh go ahead sorry.

**Mr. Roach:** Thank you, Chair.

I'm just wondering if your bill is going to have a specific lens on a number of groups, and by those I mean people who are Indigenous, people with disabilities, new immigrants or, individuals who identify in the LGBTQ2 communities.

**Mr. Fox:** I can speak to that.

**Chair:** One moment here, the sponsor wants to speak to that.

**Mr. Fox:** Thank you, very much hon. member.

Yes, there will be an amendment coming forward that specifically deals with maintaining and developing professional competence in the law.

It also maintains developed social awareness, including, but not limited to education, racial and gender equality and education related to issues in history of Indigenous persons.

So, yes that has been –

**Mr. Roach:** Thank you, Chair, that's it.

**Chair:** Thank you.

Minister of Economic Development and Tourism.

**Mr. Palmer:** Thank you, Chair.

I think I just had one question. In the opening statement, the member had said something about number of law firms that were consulted and they supported the intent of the bill.

Did they also support or agree with the content of the bill?

**Chair:** Borden-Kinkora.

**Mr. Fox:** Yes when I approached different lawyers within them firms and went over the bill, they expressed that this was a positive step forward and had no – I'm going to say probably with the intent to have this education available to judges and retired judges and also lawyers going forward.

**Chair:** Thank you.

Yes, minister.

**Mr. Palmer:** So they reviewed the bill in detail and gave their approval on that?

**Mr. Fox:** Yes.

**Mr. Palmer:** Okay, great.

Thanks, Chair.

**Mr. Fox:** I will say, as I said before in my earlier statement, I did have consultation with one private lawyer who practices by himself, that's now within a firm. At the time, when I did consult with him, he did have issue of the bill, basically, on the same parts, you know the independence of the judiciary and making sure that's independent from the legislative branch.

To be honest, he thought that we were stepping into that realm.

**Mr. Palmer:** Thanks, Chair. I'm good.

**Chair:** Next on the list, I have the Premier.

**Premier MacLauchlan:** Thank you, Chair.

I'm going to make a comment generally about the bill and to pick up on the language used by Ms. Ambrose.

This is about confidence in the justice system and as discussed here today, confidence that's ultimately measured by the

willingness of complainants to come forward and to contribute to a prosecution. There's no question that we currently have a problem in this area and it's one that then gets reflected down through the stages of the criminal justice system as evidenced by the number of unfounded cases, and indeed, the difficulty that was even evident in having any shared definition of what unfounded means.

I do believe there's been a lot of headway made, including here in the province, through cooperation with policing agencies and with leadership from government law society and ultimately, the judiciary, which is the point of the bill here today.

The challenge really is one way or another about bias in terms of how people interpret things. How you have elements of gender bias, you have elements of power relationships, you have elements of cultural bias that then get combined with the presumption of innocence and the issues around, in particular, consent that have made this a problematic area for a long time.

A colleague of mine wrote a book in 1968 – 50 years ago – with the title: *Rape: the Price of Coercive Sexuality*. Quite a remarkable piece of work when you think about it, but it's also striking that many of the issues are still with us.

All of which is to say, I support the initiative here. In the spirit of being moved to do this for reasons of confidence in the justice system, I think we should all share in the concern about the questions – plural – of judicial and institutional independence when it comes to the administrative responsibilities of the chief judge, when it comes to the perception that we should avoid that our judges will be motivated or influenced to lean one way or the other in how they interpret the facts. And in the need for our branch – the legislative branch – to take a step to show leadership, but not to get involved in actual influencing or running of the judicial system.

For that reason, I appreciate the work that's been done on the bill itself and then the amendments, to get what the Attorney General has described as an equilibrium or a balance that is, I believe, the best we can do.

For that reason, I'm supportive of the bill as amended.

**Rona Ambrose:** Thank you.

Can I respond?

**Chair:** Rona.

**Rona Ambrose:** Thank you, Premier.

I want to thank you for your support on this issue. Clearly you know a lot about it and care deeply about it.

I just would say it's not only because of bias, and that gets to the heart of this is because of lack of knowledge of the actual law and the application of how it's applied because of the lack of knowledge.

So I do think that, you know, your point, that this is best we can do. I think it's the best we can do in this Chamber in terms of how far we can go with the amendments that are in front of us to ensure that there's at least a strong message from this Legislature – that anyone who wants to be appointed to the bench will have to take training as prescribed by the chief justice in sexual assault law.

So we're leaving that in the hands of the chief justice.

But what this Legislature could do more, is to send a public message, is to be clear that as Premier or as Attorney General, your hope and your belief is that, that will benefit our system and create confidence in the system. That people should take this training.

So I think that's what you're saying. So that may be more of a public statement, and it won't be in this bill, but symbolically, I think it would be extremely important that both you and the Attorney General make that case – all of us make that case.

I thank you for that, and I thank the member, the Attorney General, for working with us to come up with a compromise that does send – I think – what is a strong signal and goes – I think – as far as the Legislature can go at this point. From what I gather there is a way in which you could go farther, but that's

going to take some more work around another act. Perhaps that's the next step.

Thank you.

**Chair:** Thank you.

Minister of Transportation, Infrastructure and Energy and the Status of Women.

**Ms. Biggar:** Thank you, Mr. Chair.

First and foremost, in my role as Minister for the Status of Women, my focus is to support women who have been sexually assaulted and ensuring that they are supported in whatever way they can when they are able to step forward and go through that process.

As a woman, certainly I think there's more that we can always do in education, in training, whether it be in the justice, in the police, in the community, in organizations right across PEI, in our education system. I want to commend Kinley for working with us in our education system with the components on consent. I think that will certainly make a difference moving forward, as well.

In this case, in this bill, I want to commend the Attorney General, the staff, the member from Borden Carlton for working collaboratively. I think often we get accused of not working collaboratively, but when we keep that victim at the centre of this and ensure that whatever we do is strong in what we do here then it is accomplishing something that all Islanders will benefit from.

Glad that we could work together on this. I look forward to the amendments going forward.

**Chair:** Thank you, minister.

Leader of the Opposition.

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

Member from Borden-Kinkora, Ms. Ambrose, thanks very much for being here.

As we've already heard, this is a very important piece of legislation that's come

forward; a very important act that we're discussing here on the floor.

I go back to just two short years ago almost, when the hon. Member from Kensington-Malpeque and I travelled to several public meetings across PEI that were hosted by Dr. Sarah Stewart-Clark around the Island Mothers Helping Mothers initiative.

These were public forums that were set-up so that individuals could actually come forward and tell their stories. I have to tell you that – I think I'm speaking for probably the both of us – but shocked, dismayed, embarrassed, dumbfounded, completely blown out of the water with what I heard at these meetings and what these individuals have gone through and their reluctance to come forward.

We talked earlier this afternoon about Robyn Doolittle's story in *The Globe and Mail* back on December the 8<sup>th</sup>, 2017, with regards to unfounded, and it shows where approximately 27% of sexual assaults here on PEI are essentially classified as unfounded.

Now, as the Premier said, there have been great strides to deal with that particularly with our policing agencies over the last year and I know that there's been comprehensive reviews conducted to look at the policies and procedures and why that number might be so high.

So I applaud them for their efforts but I think there's much more work that can be done. The Minister Responsible for the Status of Women made a statement a few minutes ago with regards to her responsibility as the Minister Responsible for the Status of Women.

I just want to remind all members in this House that everyone can possibly be, potentially, a sexual assault victim and we heard here not that long ago when we had Theo Fleury on the floor and he came forward.

So, this is not only a female issue – granted, I do believe that there's a higher percentage of females that are sexually assaulted than males – but in a lot of cases the males, and we've learned this through research, that

they have an even harder time coming forward to tell their story.

I think when we are talking about the bill like this, we have to be cognoscente, we have to remember that this is for everyone, okay?

I think that's just an important message I wanted to get across.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

I want to thank the mover of the bill and also Rona Ambrose for being here today in support of the bill and I would like them to know in the House that I fully support the goal of what's trying to be achieved here, that we have an informed judiciary on the critical importance of this issue – and also of the particular aspects associated with any crime that involves sexual assault, that there are particular things that need to be known and understood about that. I really appreciate that.

Rona brought up some of the egregious examples of commentary and decisions that have been made in the judiciary in Alberta and Nova Scotia and doubtless, elsewhere recently. There is clear need for our judges everywhere to be fully informed on this issue.

I appreciated the comments of the Attorney General about making sure that the independence of the judicial branch here is respected, which was our original concern with the bill as drafted.

Of course, I understand that this is just part of a potential sweep of legislative measures that we can take to move this forward and to reduce and hopefully, ultimately eliminate sexual assault.

We need education, we need as individuals to stand up when we see anything – disrespect to women is perhaps not sexual assault but it's on that scale and we need to stand up and talk out and speak out against that whenever we see it.

So, I absolutely support the goal of this. I'm aware that I've heard some comments from the Attorney General and the Premier that

this is as good as it can be and we think we're okay constitutionally. So, I take it from that that there's still a little question there and based on that, I'm wondering whether you looked at any other vehicle that we could have brought forward to produce the same goal, the same result, the same intent that wasn't legislative?

**Chair:** Thank you, the sponsor of the bill.

**Mr. Fox:** Thank you, hon. member.

I've never exhausted so many different avenues before into something that I can ever remember, to be honest with you.

I've read every documentation that's been sent to me. I've had the provincial court of judges provide me with documentation and transcripts and different case law. I've had the Attorney General provide me with excellent reading, correspondence from different stakeholders, different groups and I believe at the end of the day that this was the right way to approach this – and trying to keep the legislative branch and the judiciary as independent as possible while trying to achieve a goal in regards to sexual education in our system of the court.

**Dr. Bevan-Baker:** Thank you, Chair.

**Rona Ambrose:** I would –

**Chair:** Rona Ambrose.

**Rona Ambrose:** If I could just add to that?

So we looked at every legal avenue when we looked at this. To ensure that my bill, for instance, was constitutional and we didn't in any way infringe on judicial independence. We went to the prior and said that lawyers and we are basically amending the *Judges Act* in terms of eligibility criteria. There is two that exist now; this will be a third which is: you have to undertake sexual assault law training and that makes you eligible to be appointed.

Instead of telling the judges what to do because that then does infringe, what this bill does is basically leaves it in the hands of the chief justice. It sends a strong message, it asks the chief justice to actually have sexual assault law training in place and so that will happen, which is fantastic. It also

sends a very strong symbolic message from this Chamber that someone who is appointed to the bench should take that kind of training, but it doesn't necessarily prescribe it.

I think that's the best you can do. I guess what's left open is the question of; it's up to the chief justice now, right?

So, let's hope that the chief justice hears loud and clear what people want, what this Legislature which represents people want, which is more confidence in the system. We want to see, as you say, an informed and educated judiciary that can actually apply the laws that are in place, good laws.

There's the element of we've got to trust the chief justice that this Legislature has sent a strong message and that good training will be available. We won't be able to ask if a judge has taken the training. We won't be able to know if a judge has taken the training because we can't ask those question because of judicial independence.

There's an element of trust here, the chief justice will then apply the new training. It's as far as we can go within what I understand is the appointment procedure used by this government to appoint judges, which is different than the federal system.

**Chair:** Thank you.

Did you have a (Indistinct), sponsor?

**Mr. Fox:** I just want to comment on that I think that we should be very proud of the three judges that we have in the provincial court in this province.

I think with Judge Orr and Judge Douglas and Judge Lance that these are top caliber judges and we are very lucky to have these three individuals. I really was – we had a conversation with Judge Orr and I truly appreciated her comments and her thoughts on this.

**Dr. Bevan-Baker:** Thank you, Chair.

**Chair:** Thank you.

We're at section one of the bill. I'd like to go section by section by section, ask any mover of amendments to move the

amendments and then we'll have a discussion on the section as amended and then we will vote on the section as amended if everyone is agreeable with that.

Section one; is there anyone that wants to move an amendment?

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

**Mr. J. Brown:** Yes I do.

I think everybody's got copies of this now. I do wish to move an amendment that subsection 1(3) of bill 110 is deleted and the following is substituted.

Subsection 2(2) of the act is repealed and the following substituted.

Appointment of judges

(2) the Lieutenant Governor in Council may appoint as a judge a person who

a) is a member in good standing of the Law Society of Prince Edward Island under the *Legal Profession Act R.S.P.E.I. 1988, Cap L-6.1*;

b) has been a member in good standing at the bar of a province in Canada for at least five years immediately preceding the date of the persons appointment; and,

c) has agreed to comply with the continuing education plan for judges established by the Chief Judge pursuant section 4.01(1), including any continuing education in sexual assault law that may be prescribed by the Chief Judge.

**Chair:** All in favour of the amendment?

**Some Hon. Members:** Aye!

**Chair:** All against?

Amendment has passed – has carried.

All in favour of section one as amended?

**Some Hon. Members:** Aye!

**Chair:** There's another amendment?

Are there any further amendments for section one? Pardon me.

**Mr. Fox:** Yes, Chair, we have an amendment for subsection 1(4).

1. Subsection 1(4) of Bill 110 is deleted and the following is substituted;

(4) Subsection 3.1(1) of the Act is amended by the addition of the words “provided that the retired judge has agreed to comply with the continuing education plan established by the Chief Judge pursuant to 4.01(1)” after the words “instrument of appointment”.

**Chair:** All in favour of this amendment?

**Some Hon. Members:** Aye!

**Chair:** All against?

Amendment has carried.

Are there any farther amendments to (Indistinct)?

**Mr. Fox:** Chair.

**Chair:** Go ahead.

**Mr. Fox:** Section 1 of Bill No.110 is amended by the addition of the following after subsection (4):

(5) The Act is amended by the addition the following after section 4:

4.0 (1) Continuing education plan

The Chief Judge shall, after consultation with judges and other persons the Chief Judge considers appropriate, establish and implement a continuing education plan for judges.

Goals of continuing education

(2) Continuing education of judges has the following goals:

(a) maintaining and developing of professional competence in substantive and procedural law, including, but not limited to, education in sexual assault law'

(b) maintaining and developing social awareness including, but not limited to, education in racial and gender equity and

education in relation to the issues and the history of indigenous persons;

(c) encouraging personal growth.

I would like to add at this time to amend –

**Chair:** Go ahead, you can point out that typo.

**Mr. Fox:** We have a typo in: Goals of continuing education.

It should be: has the following goals.

**Chair:** So, what I would propose is we pass this amendment, and then we amend the amendment.

Was that correct Clerk?

**Some Hon. Members:** (Indistinct)

**An Hon. Member:** Friendly amendment.

**Chair:** All right, friendly amendment, there you go.

All right, any amendments to the amendment? Would you like to propose that?

**Mr. Fox:** I'd like to amend the amendment to correct the spelling on FOLLOING to FOLLOWING goals. F-O-L-L-O-W-I-N-G.

**Chair:** Right. All in favour of the amendment to the amendment?

**Ms. Biggar:** Chair.

**An Hon. Member:** I don't know.

**Chair:** Yes.

**Ms. Biggar:** Just before we get there – for the record, (Indistinct) reading, it's not equality – its equity. I think you read the word equality, but it is – just for the Hansard part.

**Chair:** And thank you, minister for that.

**Ms. Biggar:** Just – not finding fault with it.

**Chair:** Any other discussion on the amendment to the amendment?

**Ms. Biggar:** It's a great amendment.

**Chair:** All in favour of the amendment to the amendment?

**Some Hon. Members:** Aye!

**Chair:** Any discussion on the amendment? The amended amendment?

**Chair:** The amendment as amended?

All right, all in favour of the amendment of the amended?

**Some Hon. Members:** Aye!

**Chair:** Any further amendments to section one?

**Mr. Fox:** No.

**Chair:** Any discussion on section one as amended?

**Rona Ambrose:** I –

**Chair:** Oh, yes, go ahead Ms. Ambrose.

**Rona Ambrose:** Can I just make the point that I think that last section about the kind of training that will be available for judges is fantastic. It's really – it is comprehensive. It's excellent. I just want to congratulate all of you for that, it's wonderful to see.

**Chair:** All in favour of section one as amended?

**Some Hon. Members:** Aye!

**Chair:** All right, all against?

Moving onto section two.

Are there any amendments to section two?

**Mr. Fox:** A joint amendment to section two and three.

**Chair:** Sorry, a joint amendment to section two and three?

**Mr. Fox:** Yeah, that's right.

Bill No.110 is amended by the deletion of section 2 and 3, and the substitution of the following:

2. This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.

**Chair:** Any discussion on the amendment?

All in favour of the amendment?

**Some Hon. Members:** Aye!

**Chair:** All against?

The amendment is carried.

Are there any further amendments to section two?

**Mr. Fox:** No, carry the bill.

**Chair:** All in favour of section two as amended?

**Some Hon. Members:** Aye!

**Ms. Biggar:** Two and three are (Indistinct)

**Chair:** But complete – there's still a section two there, though.

2. This this Act comes into force on a date that may be ... so there still is a section two. It just reads: This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.

**An Hon. Member:** (Indistinct)

**Chair:** Yes. All in favour of section two as amended?

**Some Hon. Members:** Aye!

**Mr. Trivers:** All against?

All right.

**Mr. Fox:** Carry the bill.

**Chair:** All in favour of the bill?

**Some Hon. Members:** Aye!

**Ms. Biggar:** Oh, Oh – (Indistinct)

**Chair:** Are there any further amendments?

**Mr. Fox:** No.

**Chair:** All in favour of the bill?

**Some Hon. Members:** Aye!

**Chair:** All against?

The bill has carried.

**Some Hon. Members:** Hear, hear!

**Rona Ambrose:** All right.

**Chair:** Unanimous.

**Rona Ambrose:** Congratulations, well done.

**Mr. Fox:** I move the title.

**Chair:** *Mandatory Sexual Assault Law Education Act*, shall it carry? Carried.

**Mr. Fox:** I move the enacting clause.

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

Shall it carry? Carried.

**Mr. Fox:** Mr. Chair, I move the Speaker take the chair and the Chair report the bill agreed to with amendment.

**Chair:** Shall it carry? Carried.

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

**Speaker:** Shall it carry? Carried.

**Mr. Myers:** Can we call for a standing vote.

**Speaker:** Okay, recorded division has been requested.

Sgt at Arms, you can ring the bell.

[The bells were rung]

**Mr. Perry:** Mr. Speaker, government members are present and ready for the vote.

**Speaker:** Thank you.

**Ms. Bell:** Mr. Speaker, the Third Party is ready for the vote.

**Speaker:** Thank you.

**Mr. Trivers:** Mr. Speaker, the opposition is ready for the vote.

**Speaker:** Thank you.

Okay, hon. members, all those opposed to supporting this bill, please stand.

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

**Clerk Assistant (Reddin):** Hon. Minister of Communities, Land and Environment, hon. Minister of Economic Development and Tourism, hon. Minister of Transportation, Infrastructure and Energy, hon. Premier, hon. Minister of Finance, hon. Minister of Agriculture and Fisheries, hon. Minister of Health and Wellness, hon. Member from Montague-Kilmuir, hon. Member from Vernon River-Stratford, hon. Minister of Family and Human Services, hon. Minister of Education, Early Learning and Culture and Justice and Public Safety, hon. Minister of Workforce and Advanced Learning, hon. Member from Charlottetown-Lewis Point, hon. Member from Charlottetown-Parkdale, hon. Leader of the Third Party, hon. Leader of the Opposition, hon. Member from Belfast-Murray River, hon. Member from Kensington-Malpeque, hon. Member from Borden-Kinkora, hon. Member from West Royalty-Springvale, hon. Member from Tignish-Palmer Road, hon. Member from Rustico-Emerald, hon. Member from Morell-Mermaid, hon. Member from Georgetown-St. Peters, hon. Member from Souris-Elmira.

**Speaker:** Hon. members, the bills has passed and it is unanimous.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Borden-Kinkora.

**Mr. Fox:** Thank you, Mr. Speaker.

I'd like to thank the House. I'd like to thank government. I'd like to thank the members of the Green Party for giving up the time to ensure that we got this bill taken care of.

Thank you.

**Speaker:** Thank you, hon. member.

**Mr. Fox:** And also, the Member from Montague-Kilmuir –

**Ms. Compton:** For giving up his time.

**Mr. Fox:** – for giving up his time.

Thank you.

**Speaker:** The hon. Minister of Health and Wellness for recognition

#### Recognition of Guests (II)

**Mr. Mitchell:** Thank you, Mr. Speaker.

I'd like to take a moment and recognize a couple of guests that have come into the gallery tonight. With us tonight are Brian and Kimberley Burke who are residents of, I'll say, the new district 10, the Charlottetown-Winsloe area and it's great to have them in tonight to see the proceedings here.

I welcome them all in.

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

**Mr. Gallant:** Mr. Speaker, I move, seconded by the hon. Member from Charlottetown-Lewis Point, that the 16<sup>th</sup> order of the day be now read.

**Speaker:** Shall it carry? Carried.

The hon. Minister of Workforce and Advanced Learning.

**Mr. Gallant:** Mr. Speaker, I move, seconded by the hon. Member from Charlottetown-Lewis Point, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

**Speaker:** Sorry. We got ahead of ourselves here. We have to let the Clerk Assistant read the order.

**Clerk Assistant:** Order No. 16, *An Act to Amend the Gasoline Tax Act*, Bill No. 58, ordered for second reading.

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

**Mr. Gallant:** Thank you, Mr. Speaker.

I move, seconded by the Honourable Member from Charlottetown-Lewis Point, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

**Speaker:** This bill was at second reading. Debate was adjourned by the hon. Minister of Communities, Land and Environment.

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

I'd like to continue the debate on this very important piece of legislation.

First of all, the Province of Prince Edward Island and the government of Prince Edward Island and the people of Prince Edward Island believe global warming is happening. We are not global warming deniers. We know it's happening; we see it each and every day around our shores and in our air.

So let's make no mistake about it. It's happening. It's a problem. It's a problem in the world, it's not only here in Prince Edward Island, and it's going to affect climate change worldwide. The IPCC report that was issued a couple of weeks ago outlines that the situation is getting worse than first predicted, and they've drawn the lines back further; that the changes will occur faster, and thus the catastrophic events that will occur as a result of climate change will come earlier.

Make no mistake about it; Islanders believe that we have to do something. But, as I said last night or yesterday, I'm proud of Islanders. I'm extremely proud of Islanders that have taken and participated in reducing their carbon emissions.

I was on a conference call last week with the environment ministers across the country,

and we, in Prince Edward Island, were recognized for our waste management here in Prince Edward Island and the least amount of product that we put in landfills. We were noted in the report we are the lowest in Canada – almost lower than, by half, than the national average and that's a result of each and every Islander, each and every day separating their food and putting it into their compost bins in their house, putting it into the big bin, separating their garbage into the black bin to go to the energy from waste plant. That in turn is made into heat that heats the homes of downtown Charlottetown; heats the buildings of downtown Charlottetown. Again, world-class leadership by Islanders.

We are one of the very few cities, I'd say, in the OECD countries with an energy from waste plant heating a city. I know there are others, but we were one of the first and it's a phenomenal thing. People come from around the world to look at our plant and see the world.

I also want to take this opportunity to thank, not only does big corporations do that, not only does big municipalities do it – I and the minister of transportation had the time to go up and see a remarkable project being done in Tignish – Tignish. They took the concept of the energy from waste plant and applied it to their town. They've got a little wood burner set up and they have the piping going to several buildings within it.

Bobby Morrissey said it right when he said: We're not scared to try new things, or we're not scared to be first.

That is a thing about Prince Edward Island. We're not scared to be first and we have been first in a lot of things. The wind test site, one of the first in North America and still going to this day doing very good work on behalf of not only Islanders, but people from around the world. Some of the big windmill producers use our test farm in order to test their products.

Again, little old PEI here: 150,000 people, making world-class products, making world-class research being done; we were one of the ones first that in 2008 the government of Prince Edward Island at the time recognized that global warming was a problem. We were one of the first that had a climate

change strategy in 2008 and from that strategy we created the office of energy efficiency. In 2009 we worked and co-founded the Atlantic climate change adaptation solution association; the PEI Energy accord in 2011.

Cavendish Farms – I know there’s a lot of criticism for Cavendish Farms, but I must say they are a world-class leader. They were one of the first to put a biodigester in and switch to natural gas, which allowed PEI to meet its carbon targets in 2012. So not only are the people doing it, the companies are doing it.

We also, in 2014, partnered with the UPEI climate change lab to begin monitoring coastal erosion. We signed on to the Paris agreement. We have a region (Indistinct) across the province. We are working diligently to lower our carbon, and we have been lowering our carbon and we, little PEI, 150,000 people, will meet its targets.

One of the reasons we put the targets in our legislation – we’re one of the – we were asked by the Auditor General to put our targets in. They’re in this legislation and that – people will read it and understand, and I know, I know from Islanders – knowing Islanders from coast to coast, to point to point, that we will meet our targets because Islanders will participate in meeting their targets.

We have difference of opinions now, and that’s good, and that’s what this place is about, difference of opinions. The Green Party has its plan to tax Islanders \$150 million over the next five years – because that’s what the estimates are, \$150 million in taxation over five years.

We in the government have a different approach to it. We want to incentivize Islanders to do the right thing. That theory has been proven. We have proven that theory with the energy accord. We lowered the price of electricity in 2010 to allow people to afford electricity, to make the price of electricity cheaper than dirty oil, and they took advantage of that, and we lowered our oil there by 30 million litres.

But, one of the proud things about our plan, and I know it’s a bold vision. I have a dream. I know I’ve been saying that before,

but you know, I think this one will happen. We’ve seen since 2003, we used to burn 200 million litres of furnace oil. Today, we are less than half of that at about 100,000 litres.

The curve is showing a downward trend into 2023. I think – I know it’s a bold vision, but I know we can do it – we can be the first jurisdiction in North America that will be free of oil-burning furnaces in our jurisdictions here. That’s a prediction I think we will make it, I know we will make it because the projection will do it.

When I grew up in downtown Charlottetown, there used to be a big Texaco tank farm down on the waterfront – four, five big tanks down there. There used to be the Esso tank farm over here – four or five tanks.

**Mr. LaVie:** (Indistinct)

**Mr. R. Brown:** There used to be Souris. There used to be in Montague. Oil tanks were spread all across Prince Edward Island here.

The only really set of tanks here now are the ones that the Irvings supply down there. Isn’t it wonderful that we’ve taken that much oil and out of the marketplace and replaced it with renewable energy? Another great thing we’ve done as Islanders, we are converting our public buildings to wood, wood, a renewable resource grown and developed here on Prince Edward Island. Again, my dream includes, instead of oil trucks running down the road filling up oil tanks all around the province and spewing carbon into the atmosphere, wood chip trucks will be running around.

As a matter of fact, we have a business now running around delivering wood chips to homes, placing oil. That’s what it’s all about, replacing oil with good renewable things. I know oil companies would be pretty disappointed in us, but that’s the way we’re going.

Now, to conclude, I just want to say that –

**Mr. LaVie:** Oh no, don’t stop.

**Mr. R. Brown:** – the theory that I introduced last night from the book, that demand side theory, the Green Party’s thing

is that we will increase the price, which will use less oil.

Now, if you are using less oil, that means the supply is higher. That means the price will drop. Right now, it was on the news last night – I know he doesn't believe the theory because his theory is a lazy theory.

We're doing it the right way. It was on the news last night – \$18 a barrel for oil, for Alberta oil. I think it's a penny a litre almost, or 10 cents a litre. That's what it is. The theory is we'll increase the price, people will use less, but if we increase the price, we lower the demand. The demand increases supply, the price drops.

So I want to know what the Leader of the Third Party is saying. Is he going to legislate the price of oil? I want to know: What is his legislated price of oil? Because if he's not going to legislate the price of oil and set it at a rate high enough, and if the markets come in and lower the price, then his theory falls apart.

**Mr. LaVie:** Will you explain your (Indistinct)

**Mr. R. Brown:** William Nordhaus, the person that won the Nobel prize, his theory is carbon pricing. But, his theory is based on everybody doing carbon pricing, and this is his dissertation that I got off the web and I will read a part from his dissertation on his Nobel prize: From the point of view of global efficiency, it makes no sense for countries with high existing taxes to add further penalties on top of existing ones before countries with subsidies or no penalties impose a carbon tax.

So if we're not all in this game together, then the theory doesn't work, and I can't wait to see his rebuttals, because, again, he makes it quite clear. His theory is based on a global climate club. His theory says they could meet that the price say \$25-\$30 a tonne of CO<sub>2</sub> and anyway they want; with a tax cap and trade system or some combinations. Countries that refuse to join such a pricing system would be punished perhaps by club members imposing stiff tariffs on all the goods imported from the non-members.

We are willing to work and do our thing, and we are going to meet our targets. But, the theory of price, putting a price up, doesn't work unless everybody is in on it. And, unless, as I said last night, you can't put the price up one day and give a guy a cheque the next day to offset the price. It doesn't work. Doesn't work.

**Dr. Bevan-Baker:** (Indistinct)

**Mr. R. Brown:** It doesn't work; doesn't work, Mr. Speaker.

No, we're incentivizing people.

Now, again, it was brought up today the beer analysis, you know?

**Mr. LaVie:** (Indistinct)

**Mr. R. Brown:** Beer analysis, like the stuff we were given out in Alberta.

**Ms. Biggar:** Beer.

**Mr. R. Brown:** Beer. I don't drink it, so I don't know what it is.

I'm a single mother in Crapaud, okay? I have a job in Charlottetown. I make minimum wage or above – we're working on improving that situation – but I make a certain amount of money. Okay? Now he says he's going to give her a coupon – a \$5 coupon – each week or each month. Okay, she's got to come to town. The Green Party just increased the price of fuel. She's already spending all her money. She has no money. She's just got so much for food, so much for rent, so much for lights, and so much for gas to buy to go to town –

**Ms. Biggar:** To go to work.

**Mr. R. Brown:** – to go to work.

She doesn't have a big RRSP account; she doesn't have a big bank account that she can wait for the cheque to come in or the coupon to come in. She's got to buy that fuel today. She's got to buy it today or she doesn't get to her job. So she's got to use that coupon to offset the increase price that the Green Party has put on fuel. It's going right back into fuel.

We've laid out a good plan. Our plan includes incentivizing and encouraging people to move to better, cleaner things. We're doing it. We will do it. We are working with the federal government in order to put fuel standards in on vehicles. We see the big car companies and the companies nowadays going to electric cars.

Last night he said maybe electric cars aren't the best thing to do, but I guess the Green Party knows best when it comes – they know all. They know General Motors now is going to invest billions of dollars into electric cars. They must be doing it wrong, because he said last night it doesn't work – incentivizing electric cars. He doesn't think we should be incentivizing electric cars. We shouldn't be putting a rebate on cars to make people buy electric cars.

I look forward to debate here, but I want to conclude by saying the government of Prince Edward Island and not only the Liberal government of Prince Edward Island, but the Conservative government of Prince Edward Island have been working years at this.

I know people like the Green Party want to come in and say that: Islanders have done everything wrong and we are going to show you the light and show you the way to go. We're big brother here. We're big brother here. We're going to tell you what you should be doing and not doing. You will get your little tickets once in a while to get some gas. We'll give you a \$5 coupon to get some gas to keep you in line. That's what it's all about – to keep you in line, to keep you under control.

We've already read it in the news where one member wanted to endorse a candidate in the Conservative party and the Green Party has already told: No you can't do that. You can't be endorsing somebody, you can't have free will. Either you're with us 1% or you're not with us.

So I don't think the people of PEI are ready for a party like that, that says either you got to be 100% with us, you can't talk about us outside, you can't endorse another candidate from another political party or you're going to lose your respect or maybe even taken to court.

Islanders, this is a small place. We all know each other and we all work together. We encourage immigration. I was pretty sad that the members of the Green Party want to limit immigration. They're blaming problems here on Prince Edward Island on immigrants. I'm not blaming them. The immigrants are one of the main reasons we're doing so good nowadays. We have some issues, but we will resolve them.

I look forward to the debate, but I want to hear more ideas from the Green Party because I think with the wisdom of this House we will show the Green Party that the people of this Legislature, the people of Prince Edward Island know best when it comes with climate change and what to do here on Prince Edward Island.

Thank you, Mr. Speaker.

**Speaker:** The hon. Member from Charlottetown-Parkdale. Do you want to address?

**Mr. Myers:** (Indistinct) back and forth.

**Ms. Bell:** Super, thank you.

Thank you, Mr. Speaker.

I, too, must stand and argue that this House should not approve second reading of this bill. There's a lot to say about the potential benefits of moving to carbon neutrality, but I would first like to respond to some of the Minister of Communities, Land and Environment's comments in relation to my colleague's comments yesterday.

There is a lot to unpack as they say in the minister's comments, and there are many errors that need to be addressed. I'm afraid this response may take some time as the minister's passions somewhat stripped his coherence during the debate.

**An Hon. Member:** Ooh.

**Ms. Biggar:** Never mind the (Indistinct)

**Mr. R. Brown:** I don't have a disclosure statement with you.

**Ms. Bell:** First of all, I must address his assertion that my colleague, the Leader of the Third Party, is attacking Islanders. At no

time has he criticized Islanders for not doing enough.

In fact in his comments, he explicitly stated that today we have a generation longing to do the right thing, and looking to their government to provide leadership and direction and hearing silence.

We are criticizing the policy of the government, not the people of PEI for not caring about the environment.

**Dr. Bevan-Baker:** Hear, hear!

**Mr. R. Brown:** (Indistinct) who is the government? The people.

**Ms. Bell:** This minister has an unfortunate tendency to interpret any criticism against him or the current Liberal government as an attack on the people who elected them.

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

**Ms. Bell:** I saw this in his response to the Leader of the Third Party's criticism of the quality of debate last December that resulted in the leader's removal from this Chamber.

**Some Hon. Members:** (Indistinct)

**Speaker:** Order!

**Ms. Bell:** It is not only possible to criticize policy of government, it is healthy, and the actual role of opposition parties. It is absurd to interpret an unflattering analysis of government policy as an attack on Islanders. It shows a level of arrogance that is unbecoming to an elected representative of the people.

**Dr. Bevan-Baker:** Hear, hear!

**Ms. Bell:** It also fails to accurately reflect the comments of the Leader of the Third Party.

Indeed, he has made every effort to acknowledge the work of this and previous governments and all Islanders to reduce their emissions.

**Premier MacLauchlan:** Every effort. Come on. Sanctimonious.

**Ms. Bell:** He praised the investments in wind power, he acknowledged government's energy upgrade incentive programs, and commended government for working with the climate lab to develop the climate action plan.

To completely ignore those comments does not represent the debate in its fullness. I find it both ironic and rather sad that the Leader of the Third Party's call for us to conduct this debate with honesty, integrity and good faith has resulted in the minister presenting such a grotesquely distorted representation of our position.

**Dr. Bevan-Baker:** Hear, hear!

**Ms. Bell:** This response is indicative of this government's unwillingness to respond reasonably to any criticism. It is extraordinarily discouraging that this government consistently refuses to acknowledge that we can do better and that that is okay.

In spite of all of their grant funding announcements – some of which they feel compelled to repeat numerous times – they are not actually open to change.

When the opposition parties identify areas that could be improved, instead of engaging in meaningful debate, they simply list everything they've done on that file. For example, we discovered yesterday that PEI has the lowest vacancy rate in Canada.

**Mr. J. Brown:** (Indistinct)

**Ms. Bell:** We've been warning the government about this looming housing crisis for the past year, yet every time I bring it up in the House the Minister of Family and Human Services simply repeats the same old talking points. When that fails, the go-to response is: The economy is on a tear.

Yesterday the Premier took offense to the idea when I pointed out that people need places to live by reminding me that the economy is doing well. This is what he said: Mr. Speaker, it is most regrettable that the Member from Charlottetown-Parkdale is standing in the House and blaming our population action plan for the housing crisis. We have demand for housing. We have a supply that's being met on the order of

1,000 new units being built this year and 7,000 new fulltime jobs. That's where the demand is coming from – from prosperity, from an economy that's flourishing, and as the minister said, we should all be proud of that and work to keep up with it. That's what Islanders are doing.

**Mr. R. Brown:** (Indistinct) blame the immigrants.

**Ms. Bell:** When I suggested the government should not have been surprised by a \$75 million surplus a few months after predicting a \$1 million surplus, the Member from Montague-Kilmuir falsely claimed that I was attacking hardworking Islanders, when in fact I was pointing out the inadequacy of the government's accounting skills.

So let's put to bed forever this overtly theatrical false outrage when I and other opposition members do our job of holding government to account. We are not attacking Islanders. We are standing up for Islanders because no matter how much this government may think it is above criticism, Islanders do deserve better.

During his comments, the minister of the environment also repeated a number of myths about climate change. I'm concerned that these myths are not allowed to persist in the record.

Yesterday, my colleague laid out a number of statements that you can expect to hear from a climate action denier. These statements usually start with the phrase: I believe in climate change, but. The minister of the environment managed to pack five of those statements into his response, and I would like to look those.

Yesterday, the Leader of the Third Party said that one of the rationalizations often repeated goes like this: I believe in climate change, but you can't charge people more for necessities like gas and heating oil.

My colleague then explained that although it is true we are currently dependent on burning carbon fuels that does not mean they are themselves a necessity. Energy is a necessity. Burning gas and oil is just one way to obtain that energy. There are many other ways to achieve our energy needs without increasing our carbon emissions.

I will speak more about some of those exciting new technologies that will help us achieve an equal or better lifestyle and a carbon-neutral future. So yes, we need to find ways to help all Islanders transition to cleaner forms of energy so that people will no longer consider gas and heating oil as necessities.

A second argument made by the minister is that we are already doing enough, but that is simply not true. Government has invested in wind energy and heat pump rebate programs, but on the other hand, it has also been focused on keeping the price of gasoline and furnace oil affordable. It has shown no interest in expanding our capacity to produce solar energy. It has also done very little to expand infrastructure to make electric cars viable.

The hon. Minister of Transportation, Infrastructure and Energy had one proposal to implement charging stations rejected by our federal funding partners and only now is adding money to begin the work and start to catch up with the other provinces. At the time the announcement was made in the capital budget, an electric car owner on PEI was quoted on CBC as saying: PEI has been behind and is behind. We need what's being announced in the budget. We need this to keep up, and we're pretty far behind right now.

So, yes, we have made progress towards our carbon-neutral future, but we have not done enough. There is so much more untapped potential and the Intergovernmental Panel on Climate Change has made it clear that we only have a decade or so to make those changes before we will be faced with catastrophic climate change.

The third climate action denial that the minister presented was that carbon pricing doesn't work. He compared a carbon price with a rebate to being caught speeding, getting a ticket, and then having the ticket torn up; but that is not how it works, and I would like to think that he knows that.

If we are going to use this analogy, we must say that people are given an amount of money equal to the speeding ticket and then told to drive across the province. Those who are caught speeding again must pay the fine, while those who are careful and don't speed

get to keep the money. A system like that would be an effective disincentive to speed.

During his comments, the minister read from an economics textbook, trying to disprove the widely accepted economic theory that supports carbon pricing. Kevin Milligan, a professor at UBC Vancouver School of Economics, wrote a challenge to other economists to explain how carbon pricing works in 280 characters or less, a tweet.

These are a few of my favourites: Refunding carbon tax revenues is like getting the GST credit cheque. You can spend it on anything you want. People don't just buy things covered by GST.

I drive a gasoline car about 20,000 kilometres a year. My gasoline costs about \$2,760 a year. If I trade my car in for an electric vehicle, my fuel cost for electricity is only \$440. I pocket \$2,320 in fuel savings, avoiding the carbon tax, and I collect my \$500 carbon tax rebate as well.

**Mr. R. Brown:** So why don't you have an electric car? (Indistinct)

**Ms. Bell:** It's like a competition where each individual puts money in a pot, and all the money in the pot gets returned to the competitors, but your share of the pot gets bigger the less carbon you use.

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

**Ms. Bell:** Imagine the government gave you \$365 on New Year's Day. You can save it or spend it on anything you want. At the same time, the government taxes every coffee at Tim Horton's, \$1. Even though you have that extra \$365 this year, you're still going to want alternatives to that \$3.

**Mr. R. Brown:** I doubt it.

**Ms. Bell:** Consumers pay tax on carbon emitted from consumption. Consumers get refunds based on income, so the consumer tries to avoid carbon consumption before and after the refund.

I would also like to quote a local economist who teaches at the University of PEI, who tweeted on the day the government announced their climate-pricing plan on October 23rd. He said: I knew the

government didn't quite understand carbon taxes, but this is just stupid. Later he modified that tweet by stating: This is gratuitously stupid, it's as though they don't want people to think about cutting emissions. It doesn't have to be a burden. Use it cut other taxes. Lord knows there's lots to choose from.

**Dr. Bevan-Baker:** Yep.

**Ms. Bell:** Or up the HST rebates.

**Mr. R. Brown:** Is that the guy making \$120,000?

**Ms. Bell:** In other words, there are many ways to make a carbon price revenue-neutral and still create incentives for people to burn less carbon.

The minister also asserted that low and middle income Islanders can't afford to pay more tax and provided the example of an Islander driving from Montague to work. Throughout the whole example he forgot to mention that the worker would be getting rebates. Even if that worker found someone in the same company to carpool with, she would still be able to pay less carbon tax and keep the whole rebate and spend it on something else.

Expert research from around the world has shown that the amount of carbon used correlates directly to income. People with higher income generally have larger homes, more vehicles, use air travel more regularly, while lower and middle income Islanders use less carbon, therefore benefitting most from the rebate.

**Dr. Bevan-Baker:** Yeah.

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

**Ms. Bell:** Yesterday's debate was so disappointing –

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

**Ms. Bell:** Yesterday's debate was so disappointing because there are fewer issues more pressing than the impacts of climate change.

As my colleague pointed out, we have a mere dozen years to significantly reduce our

carbon emissions, or we will reach a point of no return. The minister of the environment keeps talking about the past. We're talking about a future.

So how do we achieve this? Often when we talk about reducing our emissions people focus on a – we might have to give up rather than what we can gain. There seems to be a broad misconception that if we stop obtaining energy from oil we will all have to renounce the comforts of modern living. I like the comforts of modern living, and I think we can maintain a comfortable lifestyle while achieving a carbon-neutral economy. Indeed, the reason I am so passionate about fighting climate change is so my daughter will also be able to enjoy the comforts of modern living.

So instead of focusing on what we are trying to avoid – the annihilation of most life on the planet, which quite obviously is pretty depressing – let's focus on what we're trying to achieve. When I envision the future, I see a vibrant, thriving economy in a post-carbon world.

Last week, we passed an amendment to the *Innovation PEI Act* that expanded the definition of renewable energy to also include clean tech. I brought forward this amendment and appreciate the support of all Members of the House because I passionately believe in PEI's potential to be a leader in the development of a new clean tech economy. I see a future where individuals produce and share electrical energy through a smart distribution grid. Using solar panels, small scale wind or hydroelectric energy production, every homeowner will contribute to and draw from that grid. We will no longer need massive centralized infrastructure to produce and distribute electricity or to fail when our weather turns against us.

**Dr. Bevan-Baker:** Yeah.

**Mr. R. Brown:** Going back to Graham Bell?

**Ms. Bell:** And more importantly, we will be able to predict the cost of energy. Did you know that in the 10 years between November 1998 and June 2008 the price of a barrel of oil went from \$17.27 to \$142.44? And those are inflation-adjusted dollars.

The cost of oil is incredibly volatile, and we can't protect vulnerable Islanders and businesses from these types of price fluctuations just by fiddling with excise taxes.

But here's the good news: The cost of wind, sun, and the tides doesn't change. In a carbon-neutral future, Islanders will never again face winter worrying that the price of oil might be unaffordable. Admittedly, renewables require a steeper up-front investment, but in the end they can provide a much more cost-efficient source of energy, one that we can rely on no matter what times bring us.

In my vision of the future we will have electric cars that we can recharge with the energy we are produce in our own homes. These cars may or may not operate with drivers, but if driverless technology takes off we will also prevent the majority of road deaths every year by removing the most common cause of accidents, human error. Instead of having manufactured items coming in giant container ships from China and being trucked across the country, we will be able to produce some goods with 3D printers.

Our basic human needs are constant: good food, shelter, and clean water, dependable sources of energy, meaningful work, economic stability, physical safety and community. All of these things can be ours in a post-carbon economy.

Many industries, though; however, will need to adapt. For example, agriculture: As our summers get hotter and dryer and as new pests begin to establish themselves, our farming practices will change. We may need to substitute current crops for new ones, shift from growing cheap commodities to value-added organic crops, reduce our use of pesticides and nitrates and adopt new practices to improve soil health. We may also explore novel ideas like agrivoltaics, which combine a traditional crop farm with a solar electric farm on the same land.

Farming is one of the most innovative industries that we have. Farmers are continually changing and adapting to improve yield, recover from bad weather or volatile prices and adjust to changing consumer demands. Farmers have done it in

the past – for example, when the market for tobacco collapsed – and they will continue to do so in the future. Government must assist farmers through those rough years as they make necessary transitions, and those rough years are likely coming.

Let us be perfectly clear. The cost of doing nothing is far from nothing. We are already starting to feel the impacts of climate change on our agricultural sector. Just today the agricultural minister announced crop insurance payouts of \$28.9 million.

I believe everyone in this Legislature agrees that climate change is a serious and immediate threat and that PEI must become a carbon neutral province. We may not share the same vision of what that may look like and we may not agree on a timeline to achieve neutrality or the best policies to get there, but at least we can agree on that one broad goal.

There's an old saying: the best time to plant a tree is 30 years ago, and the second best time is today. Moving to a post carbon economy will be disruptive, but the earlier we start the less difficult the transition will be.

To the credit of current and past governments, we have started. We are on the right path, but we are just travelling too slowly. We need to think beyond wind turbines and heat pumps, and invest more deeply in our green tech future. We also must begin to build the infrastructure of the future. That means investing less on 20<sup>th</sup> century projects like the Cornwall bypass, and investing more in future forward 21<sup>st</sup> century projects like electric charging stations and a smart distributed electrical grid.

**Mr. R. Brown:** And a monorail.

**Mr. Roach:** (Indistinct)

**Ms. Bell:** We must do more to encourage individuals and businesses to invest in solar panels and electric cars. We must set up pilot projects to explore new sustainable agricultural practices. We must start training students for the clean tech jobs of the future. We must commit to designing all new government buildings to be carbon efficient, so they can remain useful in 30 or 40 years.

I still strongly believe that a revenue neutral carbon price is the best way to jumpstart our transition. It is an efficient and fair system that places the cost of pollution on the producers of pollution and it has worked well in other jurisdictions around the globe. But it is just one part of the equation; there are other ways to achieve the same goals.

As my colleague said earlier, this is an issue that crosses party lines, an issue bigger than any of us individually and who we are or our parties. I believe we can work together to plan for a better future for all Islanders. I believe in achieving a better future for ourselves and for our children, but I do not think Bills 58 or 62 are sufficient to take us there in the very limited amount of time we have left.

Therefore, I hope all members in this House will join the Leader of the Third Party and I and vote to reject the motion to approve second reading.

Thank you.

**Dr. Bevan-Baker:** Good job.

**Speaker:** Thank you, member.

Are there any other – okay, we'll call on the hon. Member from Georgetown-St. Peters to speak to second reading.

**Mr. Myers:** Well, thank you, Mr. Speaker.

I didn't intend on speaking to this. I think it's pretty common knowledge that I think this government's doing a terrible job governing. I make it clear every single day.

I like the ability to have debates on the bills. I respect that this House, the government has a majority and at the end of the day it's government who will decide what bills get passed in this House and what doesn't. I've long resigned myself to that. That doesn't mean I come to the House with any less enthusiasm to debate bills or to try to hold government to account for the things that I think they're doing.

I'm against carbon tax, not because I'm a climate denier or any of the other accusations that were made here. Not because it's politically convenient, not because I'm trying to win the next election.

Quite frankly, I'm against it because I'm against it.

You know what? Every single person has the right to either be for or against anything. No one should be belittled; their opinion shouldn't be belittled especially by the Leader of the Third Party who said they were going to do things different. They're going to belittle points of view by name calling and calling them deniers and that type of stuff. It's ludicrous.

This is the party who wants to have a whole bunch of different voices in here, with a new voting system. You think that they're all going to agree with you? Are you going to give them all monikers and names too for the times that they don't agree with you? That's not who we are. That's not who Islanders are. That's not who we are as legislators.

I expect more from the Leader of the Third Party. He should be open to different ideas. He should be embracing the fact that people like me are willing to speak our minds too. Calling us names and callings us deniers is absolutely not what we should be doing in here.

It's not what you should be doing to the people that I represent out home who could be against carbon tax like myself. Who should represent them if suddenly my voice is silenced because people like the Leader of the Third Party who call us deniers or whatnot? That is completely, completely below the belt. Every Islander's opinion should be heard.

I listen to lots of voices that don't agree with mine too. I don't even tell them they're wrong. I silently listen and say thank you for sharing your opinion with me.

**Mr. LaVie:** (Indistinct) over there.

**Mr. Myers:** I've shared with this House before that there's times, since I've been elected, where I've had conversations that have led me to look at things much differently than what I looked at when I first started the conversation. I won't bother getting into what the things were, but there are several things that I look at vastly different than I did seven years ago.

It's because I spoke with people, it's because I didn't turn down any conversation, and even the people who don't agree with me get the same amount of listening as the people who do agree with me.

I don't mind debating, I don't mind being disagreed with, but I certainly don't like name calling when somebody looks at something differently than you. That's not what this is all about.

I often will bring things to this Assembly, and yeah come hard at the things I come hard at, but I never discount that there's another point of view. I never discount that government has a point of view. I will tell them that they're wrong or I will tell them that I don't agree with them and that's my job. It's not my job to put a title on every single person in the public – the general public of Prince Edward Island who doesn't agree with me and point out that every single time they have a reason why – that 'I believe in climate change, but'.

Well you know what? If you're a single parent and you're living out in rural Prince Edward Island and you travel to Charlottetown for work there is a 'but'. I don't care what anybody says, that person shouldn't have their voice belittled or that they think that they're stupid that they can't bring something like forward because they'll be coined as a denier. That's ridiculous. That is completely, completely ridiculous.

That's not what I came here for. I came here to defend those people. I came here so those people felt like they had a voice, not like they felt like they didn't have a voice. How is that different?

You can't just silence a whole group of people who don't agree with you. You should be out there talking to them and find out why they don't agree with you. Why they think differently than you. Why they're scared of a carbon tax. I will not be silenced. I will not be put down because I don't agree.

I am a Conservative, I am proud of that, and I will continue to represent Conservative values. For those out there who agree with me – great, you have a voice. For those that don't and want to talk to me about it – my door is always open to talk about it. I am

more than open to hearing points of view, and I am more than open to evaluating the points of view against mine, and I'm more than open to changing my mind if there's good debate had. You can't start a debate by calling me a denier and think you're going to convince me.

You want to debate people and get them onside? You do it in a respectful manner. You talk to them in a respectful way, and you treat them like their opinion matters. That's what we should be doing in here.

On the point of carbon tax, personally I think the whole discussion is a waste of time. I can't even believe that we're here. Any time the world has changed, any time that the technology of the world has changed when we move from coal to something cleaner, it wasn't because it was cleaner it was because it was cheaper. Making it more expensive isn't the answer, make the solution cheaper.

You want me on solar? Make it cheaper and it will be. You want in an electric car? Make it cheaper, and you know what? It will be, and the reason it will be is that every single technology that has been disruptive since I've been alive has eventually gotten cheaper. When it hits that point where it's cheap enough then we take it on.

I remember the first microwave I ever saw in my life – it was \$1,200. I was amazed at it. It could heat up a hotdog in 45 seconds. I was amazed by it. We didn't have it. It wasn't in our house. It was at a friend's house, and every time I went over I was like: You don't think we could cook a hotdog?

**Some Hon. Members:** [Laughter]

**Mr. Myers:** They were like: Go ahead, cook a hotdog. And in 45 seconds you had a hotdog.

**Mr. R. Brown:** And then you take the \$5 coupon for a beer.

**Mr. Myers:** Well they are near giving them away now. Go up to Wal-Mart and see what microwaves cost today; they start at like \$39 for a microwave. The disruptive technology got to the point where there was so much of it that it drives the price down.

Electric cars are going to be there. And not only are electric cars going to be there, there is a technology that is crossing over that is making them autonomous that is also coming at the exact same time. So, you're going to have a vehicle – you're going to move from a gas vehicle to an electric vehicle; and number one, what is going to happen is you're going to take the vehicle that has probably 18,000 moving parts, and have one that has 18. It's not going to break down as much; it's not going to be in the garage as much. You're going to get two million miles out of an electric car with very little maintenance.

With the autonomous technology piled on top of it – who knows if any of us will even have to own one? They'll just be on the road and you'll call it and it'll pick you up and they're predicting that it'll be as cheap as 10 cents a mile to take an autonomous vehicle, so why would we?

**Mr. R. Brown:** That's why (Indistinct)

**Mr. Myers:** Those things are going to drive our carbon footprint down anyways. It's not because I want to pollute the planet. I need the brainiacs of the world to bring it all together and make it so that it's something that I can adopt into my household. There is some way – someone told me there was like 30 different companies making electric cars this year – like Dyson its making an electric car.

That's going to make it disruptive, that's what's going to drive it down. When it's not GM anymore, when it's not Toyota – when they aren't able to control that anymore, when there's 30 different companies – go look at the microwaves. There are companies and you wouldn't even know the names from 20 years ago; there were two companies making microwaves when they were \$1,200. There is how many companies now making them for \$39? We are there.

All of this discussion that we're having, all of this arguing and all this drawing lines and forcing people to take sides on them, is all for not. The world is getting greener every single day.

I support green technology. I would love to have an electric car; I would love for there to be autonomous vehicles on the road.

Those things I think are fantastic. But, those things aren't here yet, for us—

**Mr. LaVie:** They're coming.

**Mr. Myers:** — places like California — they have them.

**Mr. LaVie:** It's coming.

**Mr. Myers:** It's not that far away.

I had a presentation and the Speaker was there too. It was a conference this summer that we were on and one of the Speakers talked about some of these very things. He did a slideshow and in the slideshow he had, I think it was, 1901 in downtown New York. The slide said: Can you spot the car in this picture? And there was probably like 700 horse and carriages and one car. He had a picture that was 10 years later, and it was flipped. There was one horse and carriage and 700 cars. In a matter of 10 years, that all changed.

Well, that's us — we're going it. That's where we are today with electric vehicles, that's where we are with solar, that's where we are with green technology. It's getting so cheap that it's going to be the better option for you anyways. It's getting so cheap that what we should be doing in here, is we should be helping people who have solar rays at home, so that their net metering is better; so they aren't not paying HST on electricity that they produced themselves. You know, we have no power here on Prince Edward Island today, how many people had a solar ray that could've created power for Prince Edward Island today and pumped it out on the grid? One, two? There are a few people —

**Some Hon. Members:** (Indistinct)

**Mr. R. Brown:** There's no sun.

**Mr. Myers:** The more people that have those, the less we have to rely on that line from the mainland. The more people that have those, the less we have to rely on Maritime Electric.

You know who is worried about all of this? The big corporations because they're not going to be able to control us anymore. When I get a solar ray and that line gets

snipped out, I don't need them anymore. I can be self-sufficient. That's what I want. My Conservative values tell me that I want that because it would be the most cost effective for me. That's no different than someone else wanting it for any other reason; it's going to be there, because everybody who wants it wants it for their reason.

Fighting about it, and creating divisions over it, is not leadership for this province. We can embrace this new technology. Government is going to change the bill — I don't agree necessarily with what they're doing; I'm going to vote to debate the bill because I would like to see the bill debated. But, government has — there are so many other things that they could be doing to help people embrace this technology. It doesn't even have to be monetary. It is things like the metering program making it better; making it better for all Islanders that will help.

If people knew that they could make money every year off their solar ray, they are much more likely to try to get into it, they are much more likely to finance it and go to the bank and borrow the money; if they knew that they were going to be able to pump it out, even at a moderate profit — or even if they could break even. It's not a bad business file to break even on your own power for 15 years while you're paying back a loan, and then have the next 15 years for 100% free; or, money in the bank. It's a really good model. We could be doing that.

**Mr. Trivers:** Or seeded businesses, giving more shares (Indistinct)

**Mr. Myers:** For years and years and years, we have been leaders.

The windmills here on Prince Edward Island; we were the technological leaders on windmills when we started them. I don't know where we are today, but the technologies are always shifting and there are always new opportunities and there are new technologies, and they are getting faster. If you look at what Elon Musk is doing and the thoughts that he isn't just putting on paper, he is putting into production.

It's amazing the way the world is going right now. I want a better world for my children, too. I don't want them to be strapped to a \$200 Maritime Electric bill every month if they don't have to be. That's \$200 they could put towards their own education, or their children's education, or any other number of things that cost you in your own household. I want what's best for my children, too. I want what's best for the future of all children in this province. I just don't think that fighting over this is one of those things that is best.

If we could put forward ideas for government to help us embrace these new technologies, we will all win. We will reduce our carbon footprint, we will maybe save the world, maybe we will be leaders, maybe we will lower costs in our own homes. Whatever those things are that are important, that's what we could be doing.

Let's find ways to do that. It's important to me, too – even though I'm against carbon tax.

Thank you, Mr. Speaker.

**Speaker:** Are there any other members who would like to address second reading?

Shall it carry? Carried.

**Clerk Assistant:** *An Act to Amend the Gasoline Tax Act*, Bill No. 58, read a second time.

**Speaker:** Hon. Minister of Workforce and Advanced Learning.

**Mr. Gallant:** Mr. Speaker, I move, seconded by the Honourable Member from Charlottetown-Lewis Point, that this House do now resolve itself into a Committee of the Whole House to take into consideration of said bill.

**Speaker:** Shall it carry? Carried.

I'll ask the hon. Member from Charlottetown-Lewis Point and the Deputy Speaker to please come and Chair this bill.

**Chair (Casey):** The House is now in a Committee of the Whole House to take into consideration a bill to be intituled, *An Act to Amend the Gasoline Tax Act*. Is it the

pleasure of the committee that the bill be now read clause by clause?

**An Hon. Member:** (Indistinct)

**Chair:** Thank you.

Permission to bring a stranger onto the floor?

**Some Hon. Members:** Granted.

**Chair:** Thank you.

We'll allow her to come to the floor and set up before we start.

Good evening. Could you introduce yourself and your title for the record?

**Beth Gaudet:** Beth Gaudet, Provincial Tax Commissioner.

**Chair:** Thank you, welcome to the table.

Minister, there was a request just for an overview of the bill.

**Mr. MacDonald:** Basically, it's a proposed amendment to the *Gasoline Tax Act* to reduce tax on gasoline and diesel.

**Chair:** Thank you.

Any further questions?

Shall the bill carry? Oh sorry, I was looking around for questions – do you have a question?

The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

One of the problems I have with the changes here with the *Gasoline Tax Act* is that you're actually changing the gas tax to reduce it by three cents in order to offset the carbon tax that you're imposing on the gas.

Basically, it takes away even the ability to test the theory that a higher tax price would reduce carbon tax.

That's why I was thinking if you're going to impose a carbon tax that you're going to give the money back in a different spot than the gas – I said personal basic tax amount,

which you did increase a little bit but you could increase it more – because now there’s absolutely no incentive to use less gas at all, you made sure you took that away.

That was the original intent of a carbon tax, so I’m just wondering why you chose to do it this way.

**Mr. MacDonald:** So basically the users of the fuel is we’re trying to recognize that we said it would be revenue neutral and it would not cost Islanders additional money for the use of gasoline and diesel.

So, when we were in negotiations with Ottawa at that time we felt that this was necessary along with some of the incentives that we’ve created: the personal tax exemption; the small business corporation tax; the \$10 million we put into reduce electricity; rebates on wood pellets, propane, and wood. Those are some of the things we did prior to, to ensure – and home heating fuel to be exempt – because we felt that it was necessary with 52% of Islanders heating their homes with home heating fuel.

Some of those Islanders, or maybe even a majority of those Islanders maybe being vulnerable Islanders, we felt that this would be the most appropriate way to recognize some of the accomplishments that we’ve already done. You heard the member earlier talking about taking it back to 2011 or prior to.

I think that there’s a lot that goes into this but I think we came to a conclusion that this may be the best way at this time and I know we’re talking about technology changes going forward – there’s all kind of things. I remember reading an article not too long ago about Elizabeth May was against smart meters in BC and that was 2011.

So we’ve come that far, where are we going to be in two years or three years so there’s advancements in technology and innovation and we have to be prepared to change but we also have to ensure that with the amount of money that carbon will raise, we have to be realistic in what we can do to give back to Islanders but we also have to ensure that we’re not penalizing them in any way.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** So when will Islanders see both the reduction in the gas tax and the increase of a carbon tax, exactly when will that happen?

**Mr. MacDonald:** January 1<sup>st</sup> 2019?

**Beth Gaudet:** January 1<sup>st</sup> to reduce the gas tax?

**Mr. MacDonald:** Yeah.

**Beth Gaudet:** April. 1<sup>st</sup> to (Indistinct)

**Mr. MacDonald:** That’s right.

So, January 1<sup>st</sup> we’ll reduce the gas tax and April 1<sup>st</sup> diesel –

**Beth Gaudet:** No, carbon.

**Mr. MacDonald:** No, carbon sorry.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Trivers:** Okay so is there a time limit on when the reductions and the carbon tax will be in effect for?

Is it essentially going to be in place until the legislation is amended, assuming this passes?

**Beth Gaudet:** Two years.

**Mr. MacDonald:** Say that again sorry –

**Mr. Trivers:** I just wondered if there’s a time limit as to how long these changes will be in effect, is it once this is legislated will they be in effect until the legislation changes –

**Mr. MacDonald:** That’s right.

**Mr. Trivers:** Or is it just until after the next election.

**Mr. MacDonald:** Legislation is legislation until the government comes in and decides to change it.

**Chair:** The hon. Member from Rustico-Emerald.

**Mr. Fox:** So this legislation will permanently reduce the gas tax by three cents per litre?

**Mr. MacDonald:** Yeah.

**Mr. Trivers:** Thank you, that's all for now.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thanks, and just before I get going here I just want to – the minister mentioned that Elizabeth May was against smart grids and that's not at all what she said.

She was concerned at that time that the meters were wireless meters and there were concerns about security and privacy issues. She was entirely in favour of a smart grid just to make sure –

**Mr. MacDonald:** Yeah all I read was she was waging war against smart meters and there was a reference to Health Canada said there was no issue with smart meters at the time –

**Dr. Bevan-Baker:** It wasn't a war against smart meters; it was against privacy and security concerns related to the wireless nature (Indistinct)

**Mr. MacDonald:** Well that's how it was phrased. What I was suggesting hon. member is that technology has changed that much since 2011 – it was changing already, do you understand? I guess that's what I'm trying to say and it's going to change next year and the year after and the hon. Member from Georgetown-St. Peters stressed that.

So I think we have to be prepared and we have to be flexible enough when we're doing this to ensure that we leave room for ourselves to make more room for ourselves to make more adjustments as we move forward.

**Leader of the Opposition:** I think she came around when Lisa Raitt explained it to her.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you.

I absolutely agree technology is moving fast, I talked about that I think yesterday, I was just left with the impression from your

comments that you were trying to create the impression that somehow a Green Party member was against a smart grid so I just wanted to make sure that was certainly not the case.

I think we have to look at this bill, bill No. 58 as part of a pair of bills. Clearly Bill 58 and Bill 62 work in concert there. They were brought forward as separate bills but really they're intertwined, they're interconnected so intimately.

The hon. member who preceded me asked some question about the implementation dates and they are different.

The Islanders will receive the reduction in gasoline tax of three cents on January 1<sup>st</sup> and then the carbon tax will be implemented on April 1<sup>st</sup> –

**Mr. MacDonald:** Federally, that's federally.

**Dr. Bevan-Baker:** – of next year.

I was just wondering if you could explain why there's that time lag, why the discrepancy between the two implementation dates.

**Mr. MacDonald:** Basically on April 1<sup>st</sup> that's when – the feds have backed up their dates and they did that in respect for allowing wholesalers to adapt to that. So they pushed this through and the wholesalers are coming back saying: I need more time to adjust.

So that's basically why, but we can do ours ASAP, January 1<sup>st</sup>.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** We have two policies here that are really in direct conflict with each other and let me say, we're debating these bills the wrong way around.

We should have been debating the *Climate Leadership Act* first, the one that implements the tax because that's the one that really has the meat – you can tell from the thickness of the bill which one of them is predominant – then debating this one later.

This government has chosen to recycle the revenue that comes from the carbon tax but you have chosen, for whatever reason, that we debate the *Gasoline Tax Act* first, which limits to a certain extent and there are references in this bill of course to the *Climate Leadership Act*, a bill that we have not passed yet.

Again, I want to make the point that the logical and sensible order of events should have been that we debate bill 62 before we debate bill 58.

Having said that, the two bills create policies that are in direct conflict with each other, one imposing a carbon tax to send a price signal, the other one removes that price signal – neuters it to a very large extent.

I'm wondering why you would create two bills that are at cross purposes like that.

**Mr. MacDonald:** Well, I think we've done this. We've set out right from the beginning. We feel that we have, the province has met, along with what we've done to date to reduce carbon on PEI, and we took this to Ottawa and we said: Look, here's what we have done recently and in the past with our wind regime.

We felt that we were already meeting the sum of the targets that they were setting out in year two and year three, and we wanted to enforce that this is where we are. We negotiated with Ottawa and this is what we came up with to ensure Islanders are not being penalized for the success that we have had the past number of years on reducing greenhouse gas emissions on PEI.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you.

This bill, of course, does not have a purpose or principle section because we're dealing with just reducing gas prices; but Bill No. 62 does, and it states in the purpose – and this is relevant, Chair, I understand it's a different bill, but it's relevant to the conversation, if I may: "The purpose of this Act is to provide for a price on carbon for purchasers and consumers of fuel in an effort to reduce greenhouse gas emissions in the province."

So clearly, in that statement, government believes that placing a price on carbon will reduce greenhouse gas emissions. Am I correct in stating that, minister?

**Mr. MacDonald:** I assume that's exactly what we're doing; but we're doing it in a way that recognizing what we've done in the past, what we've done in the past month, six weeks, since we've come to the House, and I think it's a price on carbon, but we're ensuring that we go about this in a cordial fashion to ensure that vulnerable Islanders are not affected by what's taking place from Ottawa to Prince Edward Island relevant to carbon.

**Dr. Bevan-Baker:** So do you feel, Minister, that a four cent rise – if you believe that a price on carbon does indeed incentivize individuals to reduce greenhouse gas emissions, do you think it's better to have four cent carbon price or a one cent? Which one will produce the greater incentive?

**Mr. MacDonald:** I think the way we've set this up, that when you're dealing with some of the incentives that we put forth, which I talked about, if you look at heat pumps, if you look at the electricity, the rebate programs that you see in Home Depot and places like that, it's getting very specific. Someone called me yesterday and relevant to a toilet having a \$75 rebate at Home Depot, a more efficient toilet.

Those are the types of things that if we can provide Islanders and continue to educate them with the amount of income that's coming through the carbon levy, then I think we're going in the right direction. Is it going to be the continuance and the same year after year? No, we have a two-year plan at this point in time that we've negotiated with Ottawa and we'll continue to build on that; and again, technology and innovation is going to play a major part in that. If it's electric cars or if it's solar or if it's whatever it is, then we'll be in a position to make those adjustments as we move forward.

**Dr. Bevan-Baker:** So just as these two bills are separate entities, separate statutes, so is the carbon tax and the rebate which is part of the federal backstop plan and was part of the Green Party plan that we brought forward last October.

I hear you talking a lot about punishing Islanders and the minister yesterday talked about sinners and being punished which seemed to me like incredibly unnecessarily flowery language.

**Some Hon. Members:** [Laughter]

**Dr. Bevan-Baker:** Were you, do you –

**Mr. R. Brown:** You called us all climate deniers.

**Dr. Bevan-Baker:** Do you understand, minister, that with the federal backstop plan and the Green Party plan that we presented here, the made in PEI for PEI plan, that with that taxation comes rebates that would have gone directly back to Islanders?

**Mr. MacDonald:** I don't know what the Green Party plan is, and I want to go back to your comments because I don't believe I called anybody sinners (Indistinct)

**Dr. Bevan-Baker:** No, you didn't.

**Mr. MacDonald:** Thank you.

**Dr. Bevan-Baker:** I was referring to the minister yesterday.

**Mr. MacDonald:** We have a plan that we presented to Ottawa that they accepted, and we feel that this plan at this time is the appropriate plan to start educating persons, to start rewarding people with incentives that take that extra step to make themselves more carbon free; and if we can do that with 150-some thousand people on Prince Edward Island, which we can, and we will, because we're seeing it already. You take 2,200 heat pumps already with an incentive of \$1,100, 2.2 million litres of fuel we're saving.

I mean, that shows you there are companies opening up that are delivering pellets to your door and filling your pellet stove? We're already there. We're starting. We can have an advancement on Prince Edward Island and I dare to say within 10 years, you and I will look back on this conversation and say: You know what, we're proud Islanders because look at what we've done. We have an opportunity and I sincerely believe that we will get to a level that every other

province in Canada, including BC, will envy us.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

Yeah, well, in 10 years' time when we look back, we'll know whether we did the right thing or not.

I think it's important that we understand that there are so many elements to tackling climate change. Carbon pricing, price signals, carbon taxing, carbon levy, whatever phrase you want to use, it's really critical we understand that's a very small portion of what we need to do.

I appreciate, minister, that you are talking about some of the other elements here. The hon. Member from Georgetown-St. Peters talked about electric vehicles and autonomous vehicles. You've mentioned a couple of times heat pumps and pellet stoves. All of those are part – there is no one solution to us tackling climate change. It's going to be a concerted effort of a number of different facets.

Before we get too hung up on this one small, important – critical, actually, and central – but small part of all of the things that we need to do, really what we're disagreeing on here is how we distribute the funds that are created with a carbon levy or tax or fee. This government is suggesting that we put them back, right back on fossil fuels to reduce the price of gasoline, entirely negating any benefit you could get from those price signals.

The other plans, the federal backstop plan, the Liberal federal backstop plan and the Green Party plan that we created here, said: Let's take that money and let's use it and give it back to Islanders and let them make the choices. But they would have made those choices with the price signals in the market and there would have been a great choice there. This government is taking away the choices of Islanders to spend that money as they wish. You're saying: We're going to take this money and whether you like it or not, we're putting it back on gasoline and diesel.

So there's a real reduction here in the forces of the market and that surprises me coming from the other parties here in this House, that they're not willing to let market forces play their job, do their job, and for this to work well.

So I guess a question: Why are you putting in a policy that counters the positive impacts of bill 62, the carbon tax act?

**Mr. MacDonald:** We think, you know what, and the Premier uses this term all the time, and it's carrot over sticks. There's an education component to all of this. There's only so much money that comes in through the carbon levy that we have to acknowledge; but I will say this to you, and I've been kind of waiting for us to have this discussion, hon. member, and it's relevant to emission impacts resulting from vehicle idle.

So many times in this House I've heard you say that we don't need any more new roads –

**Dr. Bevan-Baker:** (Indistinct)

**Mr. MacDonald:** – we don't need any roundabouts.

**Dr. Bevan-Baker:** No, that's – I have never, ever said that.

**Mr. MacDonald:** So let me read –

**Some Hon. Members:** (Indistinct)

**Ms. Biggar:** You said we don't need any more roads.

**Mr. MacDonald:** Let me read this to you.

**Dr. Bevan-Baker:** Did you – were you listening to the –

**Chair:** Hon. members, the minister has the floor.

**Mr. MacDonald:** Let me read this to you because I think this is important for everybody in this: If Canadian motorists avoided idling for just three minutes a day of the year, CO<sub>2</sub> emissions could be reduced by 1.4 million tonnes annually, saving 630 million litres of fuel, equivalent to taking 320,000 cars off the road a year. So every

time we get into the discussion about roundabouts or roads –

**Dr. Bevan-Baker:** No, those are –

**Mr. MacDonald:** – I think of this and say: Why are we always arguing over things that are actually going to help reduce carbon emissions?

**Dr. Bevan-Baker:** Roundabouts do and new roads don't.

**Mr. Henderson:** They shorten the distance.

**Mr. Trivers:** (Indistinct)

**Mr. Henderson:** (Indistinct)

**Mr. MacDonald:** So we have 1.4 billion in exports a year.

We live on an Island surrounded by water; we have to transport our goods to market. Majority of our goods are transported by tractor trailer – we don't have a choice. We have to continue to upgrade – whether it's Plan B. We've seen what was done there, and we've seen what good has come from that, as well. Relevant to the parks and surrounding areas – it's been phenomenal.

Hopefully, the same thing can happen with the arterial highway. I wish the government of the day at the time would have done something similar to the bypass, as opposed to the stopping and starting. Perhaps someday, before we're gone, that can happen as well where roundabouts – where those tractor trailers are not idling.

So, it's all learning, and I think part of this – this whole process is all learning, but I don't think – and the hon. member talked about someone living in Crapaud that are living from week-to-week or month-to-month, to provide them with a cheque. But if they call and say: well I need a new toilet and there's a \$75 rebate, I'm going to get that efficient toilet. Or, am I going to spend the cheque I get every year, which could be minimal, because we're not industrialized like Toronto or Montreal or Vancouver. The cheques aren't going to be that big, like there's got to be a give and take.

I know we disagree, but I mean that's kind of the theory. At this point, our first year

into this, I think we have to recognize all the good stuff that has happened on Prince Edward Island. I think you agree with that part of it.

**Dr. Bevan-Baker:** I absolutely do. –

**Ms. Bell:** You have said it many times.

**Dr. Bevan-Baker:** Yeah, I have said that many times.

**Chair:** Thank you.

Hon. Premier.

**Premier MacLauchlan:** Chair, let me come to that point that has been raised about why we're dealing with Bill 58 first. I believe the Leader of the Third Party fully misconceives why we have Bill 58. It's not that Bill 58 is a giving back of the carbon levy. We are going to have a carbon levy, and it's in the bill that's to follow.

**Mr. Trivers:** (Indistinct)

**Premier MacLauchlan:** What the three cents is about is recognizing that we currently have the fourth highest combined tax on gasoline, similar on diesel – fourth highest on diesel, fifth on gas in the country. If you go from Ontario west, everybody currently has a less tax. So this is not the rebate story.

It is creating some space in the national environment where Prince Edward Island would be in a position to put the carbon levy on gas and diesel in year one, and then gas and diesel in year two. So, we're asking this House for that space. If the House doesn't give us the space, then you might have a different deal with the carbon levy, but it's not distributing the carbon levy.

It's kind of like if you were trying to jump – do the high jump – something I used to do back in my younger days, you need to get a run at it. You don't just jump over the bar and then go back and have the run later. So that's exactly what we're doing here.

Let me point out that there is another part – a very important part of the run up – that is the whole effort or certainly the current combination of efforts about carbon pricing in our province. That was the \$10 million dollars that was left with Islanders. I was

asked a question last week where I think the third party leader didn't realize that we did that last spring, but in fact, we took the HST off electricity, propane and pellets last spring – \$10 million. Which became a very important part of our overall effort to meet up to, or to measure to, the federal effort to put in place a program across the country that Prince Edward Island would have it's made in PEI approach.

But these three cents on gas and then the further measure on diesel, is not more than recognizing that we would then, in the national context, have a carbon levy as is in our *Climate Leadership Act* that will make sense in a comparative sense in the national context.

Maybe I'll just turn it around and ask the minister: is that correct that when you go from Ontario west, currently every jurisdiction has lower taxes on gasoline and diesel?

**Mr. MacDonald:** Yes.

**Premier MacLauchlan:** Thank you.

**Chair:** Thank you.

Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

Thank you, Premier for those comments. I mean it somewhat helps clarify things to me a bit.

One thing I'm really curious about is the agreement that has been formed with the federal government, because, I mean, whether or not you're reducing the gas tax to offset the carbon tax, it does in effect do that.

I guess my question is: Was the federal government made aware of the gas tax reductions in the agreement that you made with them?

**Mr. MacDonald:** Do you want to answer, Premier?

**Chair:** Premier.

**Premier MacLauchlan:** Let me be clear that the federal government asked each of

the provinces to submit a plan. There were comments made yesterday about this somehow being shrouded in some mystery in the course of the summer or maybe some even more, whatever – accusatory words than that.

But when this was presented to this House in May and what was called the Climate Change Action Plan – and everybody had a chance to see then that we had an approach. I called it carrots, not sticks and that's what we've stuck to. Each province was to put in that submission. The federal government reacted to those submissions. We made a further submission that reflects what is in this bill tonight and in the *Climate Leadership Act*. As we heard, the federal government accepted the submissions of some provinces and did not accept the submission of other provinces.

So I wouldn't call it so much an agreement in the sense that it's been described here, as a process – an iterative process – where we were asked to respond to the framework of the federal legislation and to follow through on the 2016 Pan-Canadian Framework on Clean Growth and Climate Change.

**Chair:** Thank you.

Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

That's very interesting. I mean, first of all on the whole carrots versus stick – in fact, I think it was me who originally said that back in December 8<sup>th</sup>, 2016.

**An Hon. Member:** I don't think so, I don't think so.

**Some Hon. Members:** (Indistinct)

**Mr. Trivers:** Actually, it's right in Hansard. I think it was the day you announced that you'd signed the pan-Canadian framework. You didn't let the minister of the environment announce it – you were pretty proud of it. You got (Indistinct) and said it yourself. –

**Mr. Roach:** Don't break your arm patting yourself on the back.

**Mr. Trivers:** I said we would like to see the carrot offered, and not the stick.

Then of course, you've gone on and you've done good things like taking the tax off the PST off the electricity, which is another – you know – something that we campaigned on – we've lobbied for.

I mean your approach is heading in the right direction, but of course when you eventually did negotiate with federal government is something that's going to add a lot of – well, it's going to add a levy and overhead and new bills. I can see how maybe you had to do that to try and make it look like you were putting a carbon tax in to the federal government.

So, I'm still scratching my head as to how you were able to actually negotiate this deal with the federal government. One of the things you said, it wasn't a secret deal, but really, we still have no visibility into the details of the deal other than what we see in these acts here today – the ones that have been tabled so far. The carbon, I hesitate to say, leadership act – the tax act as Bill 62, but then also this one.

So I guess my next question is – well, I have two questions. One is: Will you actually table the agreement you have with the federal government, the details that this climate change action plan is one of the most high level documents I've ever seen a government come out with?

And the second thing is: How long does this agreement actually last with the federal government?

Because as far as I can tell, come 2020, it's out the door and we're back to scratch; so I'm just curious about those two things.

**Chair:** The hon. Premier.

**Premier MacLauchlan:** The provincial position submitted to the federal government, which is what you're calling a deal, but it was our position that was assessed to meet the requirements of the federal government by the federal government, comprises two documents, both of which are on public websites, and I don't know if we've tabled them in the House, but we certainly can. They're public documents. One is dated September 5<sup>th</sup> or 6<sup>th</sup> and one is dated sometime mid October or so.

The federal government is working with a five-year frame, but is going to do a review in 2020. So when you say about everything out the door in 2020, you must know something more than I do, but there's to be a review in 2020 to measure results and that's consistent with everything that's been said, whether people think seven cents or \$200 a tonne or nothing. Whatever people think is meant to get the results that we've committed to and that will be measured, our progress as of 2020 is to be assessed, including the various incentive programs that we believe, and as this Minister of Communities, Land and Environment has said, we are confident we'll meet our targets and we'll be in good standing when they look at this in 2020 and see how we're getting along.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you, Chair.

I think it's important that we do acknowledge – and again, I've done this, before, but I wanted to do it specifically, again, that the Climate Change Action Plan that the minister brought forward earlier this year is a great document; all kinds of good stuff in there.

There was one gaping hole in it and that there was nothing about pricing carbon. The energy strategy that was worked on over the last couple of years and was very well consulted with Islanders, fantastic document, all kinds of great stuff in there, and if it was fully implemented that would be an enormously important part of our action plan against climate change. So there are all kinds of good ideas out will. The gaping hole, again, is the lack of a carbon price.

You made an announcement earlier today, minister – a very welcome announcement – putting money in to public transportation; in reducing registration fees for electric – well, for all vehicles, actually. I wish it were just on electric and hybrids, but clearly that is a distribution of the carbon levy. Is that right? Are the funds that were earmarked today for public transport and various driving; was that a redistribution of the carbon levy?

**Mr. MacDonald:** Yes.

**Dr. Bevan-Baker:** Where is the rest of the carbon levy being redistributed?

**Mr. MacDonald:** So, basically we're taking in approximately 12 million; 9.4 million we lose, basically, on revenue and gas tax revenue. That's net 2.6 million. HST, which is included in the one cent is 260. So, you're total is 2.860 million for one year. So, that's –

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you.

So, that's the quarter, which is doing to fund the initiatives that you announced today and which the Auditor General is –

**Mr. MacDonald:** For one year.

**Dr. Bevan-Baker:** Pardon me?

**Mr. MacDonald:** For one year, yes.

**Dr. Bevan-Baker:** Yes, for one year.

Where are the other funds which will come back to this province from the carbon levy? Where are they being redistributed?

**Mr. MacDonald:** Which other funds?

**Dr. Bevan-Baker:** One cent of the four cents of the carbon levy is being dedicated to the programs you announced today. Where are the other three cents going? Where are they being redistributed?

**Mr. MacDonald:** We're not collecting it.

**Some Hon. Members:** (Indistinct)

**Mr. Trivers:** (Indistinct)

**Mr. MacDonald:** You're talking the 9.4?

**Dr. Bevan-Baker:** Yes.

**Mr. MacDonald:** That would go back in to general revenue (Indistinct)

**Dr. Bevan-Baker:** Where is it going though? Where is that money from the carbon tax being redistributed? How are you spending that money?

**Mr. MacDonald:** It could be health care, it could be education, it could be mental health. It could be almost anything.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** How are you paying for the three cent reduction in the gasoline tax?

**Mr. MacDonald:** I'm not sure what you mean.

**Chair:** The hon. Leader of the Third Party.

**Mr. MacDonald:** That is the three cent reduction, right?

**Dr. Bevan-Baker:** To reduce the cost of gasoline by three cents, the taxes on gasoline by three cents, that's going to have an impact on government revenues, correct?

**Mr. MacDonald:** 9.4 million.

**Dr. Bevan-Baker:** Yeah, so how are we recovering the cost of that?

**Mr. MacDonald:** We're not recovering the cost of that.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Let me try this another way.

The carbon levy is four cents at \$20 a tonne. We're using rounded numbers here – about four cents a litre on gasoline.

The programs that you announced today cost about one of those four cents, is what the government is spending to fund those programs. Where is the other three cents from the carbon levy going?

**Mr. MacDonald:** General revenue.

**An Hon. Member:** (Indistinct)

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** It's going to subsidize the cost of gasoline is where it's going. That's what Bill 58 is all about, it's taking that three cents and using it to reduce the cost of gasoline.

**Mr. MacDonald:** We just did \$10 million worth of reduction in electricity.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** I understand all of those other great initiatives that you've done.

I'm just trying to make sure that it's on the record here that the three of the four cents that your government is collecting from the carbon levy that you are imposing on Islanders is going back to subsidize the cost of gasoline.

**Chair:** The hon. Premier.

**Premier MacLauchlan:** Really what the Leader of the Third Party insists on calling a subsidy is not taxing in the first place.

What we're dealing with in Bill 58 is precisely what I described; creating that space that will ultimately produce an incremental one cent as a result of the carbon levy, but you're calling it a subsidy when we're calling it non-taxation now.

I think you probably – can't get in to a semantical argument about that, but it actually is an ideological argument.

With Bill 58, we're creating some space. Not to encourage people to use fuel, but to come through with a carbon levy that leaves Prince Edward Islanders in a position relative to others in the region and in the country that's comparable. But, that's not a subsidy.

**Chair:** The hon. Leader of the Third Party.

**Dr. Bevan-Baker:** Thanks.

So yes, semantics, perhaps, Premier.

I take it from that then that you're comfortable with the federal government imposing a four cent tax on fossil fuels here in PEI.

**Mr. MacDonald:** Are you asking me or –

**Dr. Bevan-Baker:** Either.

**Mr. MacDonald:** Are we comfortable with it?

**Dr. Bevan-Baker:** Yeah, well if we're making room, are you – if that was something that you think is a good idea to do anyway, are you, therefore, comfortable with the fact that Bill 62 is going to impose four cents a litre on gasoline and diesel?

**Mr. MacDonald:** Well, that's part of the federal government's initiative towards the Province and Prince Edward Island. What we've done is we've mitigated some of those to the average Islander to ensure that they're paying one cent. So, we reduced it.

**Chair:** Leader of the Third Party.

**Dr. Bevan-Baker:** You mitigated and you said you reduced the tax on gasoline, is that right?

**Mr. MacDonald:** Yeah.

**Dr. Bevan-Baker:** Thank you, thank you.

**Chair:** Leader of the Third Party.

**Dr. Bevan-Baker:** Thanks.

So, the Premier talked about the negotiations that went on with the federal government and the Climate Change Action Plan I believe was tabled in May of this year, I may be wrong on that. And you mentioned, Premier negotiations dated in September and October of this year. So, I'm wondering whether the submission that went along with the original climate action plan, is the same one that was accepted by the federal government. Is that the original submission?

**Chair:** Premier.

**Premier MacLauchlan:** There was a submission in early September, and the further submission in roughly the middle of October. And they're both public documents.

**Chair:** Leader of the Third Party.

**Dr. Bevan-Baker:** Thank you.

So, that suggests to me that there were some changes between those two dates. I will call again for the same thing Rustico-Emerald asked for; will you table those two agreements? You objected to the use of the word 'secret' and I'm not sure that was ever

used here. But, would you table those two agreements and see where we were in September and where we ended up?

**Chair:** Premier.

**Premier MacLauchlan:** Sure, I tabled them and as I said, they're government documents. They're actually on the government website.

**Mr. MacDonald:** They're on our site.

**Chair:** Thank you.

**Dr. Bevan-Baker:** Just for the record, we've (Indistinct) several times, that you tabled (Indistinct) find them. So they may be there, but their certainly not immediately obvious.

If we weren't, minister, using the \$10 million dollars or so – \$9 million dollars left over from the carbon levy to reduce the price of gas, what other things might you have spent that money on that would have offered those carrots to Islanders to do other things, rather than subsidizing (Indistinct) –

**Mr. MacDonald:** So, you're asking a personal opinion or are you asking –

**Dr. Bevan-Baker:** I'm wondering if government – okay, let me phrase that – thank you, thank you.

What other things did government consider spending that money on, rather than reducing the tax on gasoline? If carrots are good, and a two billion dollar bag of carrots is good – is a \$10 million bag of carrots better?

**Premier MacLauchlan:** (Indistinct) green.

**Dr. Bevan-Baker:** I'm just asking the question.

**Mr. MacDonald:** I think we've chosen some very effective items that, I think, are a very good lead into our first year of reducing carbon. And again, I say, as we move forward, we will continue to build on our list; perhaps the hon. member, you share with me what you would like?

**Chair:** Leader of the Third Party.

**Mr. Roach:** We've already heard that.

**Dr. Bevan-Baker:** I'd love to do that, minister. It was clearly laid out in our plan, and our plan was to return every dollar to the pockets of Islanders, so that they can –

**Ms. Biggar:** (Indistinct)

**Dr. Bevan-Baker:** – make the choice of how they spend that money. It's absolutely a public –

**An Hon. Member:** (Indistinct)

**Dr. Bevan-Baker:** – though it's been published. And, yeah –

**Ms. Biggar:** (Indistinct)

**Dr. Bevan-Baker:** – for a very long time.

**Ms. Biggar:** (Indistinct)

**Chair:** Hon. minister, Leader of the Third Party has the floor.

**Dr. Bevan-Baker:** I will send the minister a link as soon as I finish this line of questions, I will send her a link to the Office of the Third Party website, where it is clearly evident on the front page of our webpage.

**An Hon. Member:** (Indistinct)

**Dr. Bevan-Baker:** So, yeah. That's what we would've done, minister, we would've given Islanders the choice on how they spend that money. If we're going to tax Islanders through a carbon tax, let's give them the choice on how they can spend that money – let's not dictate to them how we use that money. And in reducing gasoline tax, negate any positive impacts that putting a carbon tax on there would have done.

Thank you, Chair.

**Chair:** Thank you.

Minister of Transportation, Infrastructure and Energy.

**Ms. Biggar:** Thank you, Madam Chair.

We were speaking a little earlier about roads and the Leader of the Third Party had mentioned not recalling, I'll say, his words

that he said about not adding more roads. So, I would like to refer and table the November 14<sup>th</sup> Hansard – 2018 November 14<sup>th</sup> – that specifically says the Leader of the Third Party saying: I believe that we should be looking after the roads we have, not adding more roads.

**An Hon. Member:** Yes.

**Ms. Biggar:** I'd be happy to table that to remind the member of his words.

**An Hon. Member:** Yes, yeah. That's good.

**Chair:** Thank you.

**Dr. Bevan-Baker:** Thank you for endorsing exactly what I said 10 minutes ago.

**Chair:** Thank you, Premier.

**Premier MacLauchlan:** Chair, I have the September carbon pricing plan submitted by Prince Edward Island –

**Chair:** Leader of the Third Party.

**Premier MacLauchlan:** – and the further communication between the Deputy Minister of Communities, Land and Environment and the Deputy Minister of Environment and Climate Change Canada, dated October 22<sup>nd</sup>, 2018. And I will table those two documents.

**Some Hon. Members:** Hear, hear!

**Premier MacLauchlan:** (Indistinct) quality of those documents (Indistinct) public service –

**Chair:** Thank you.

Member from Montague-Kilmuir.

**Mr. Roach:** Thank you, Chair.

Just this morning –

**Chair:** Member from Montague-Kilmuir, before you ask your question, would you mind standing up your microphone?

**Mr. Roach:** I thought you were going to ask me to stand up.

**Some Hon. Members:** [Laughter]

**Mr. Roach:** Thank you, Chair.

Earlier this morning, I know the weather was bad, but I took the opportunity this morning to go to the Montague food bank, just to see if there has been any people there that had gone to take advantage of the shelter that that's turned into. Certainly, there were people there. But, I did, as I left –

**Chair:** (Indistinct) she'll get some, she'll get some.

Sorry, hon. Member from Montague-Kilmuir.

We don't have any Pages and the member just came to the table saying he'd like a copy, so they were just dealing with that. But you have the floor now Montague-Kilmuir.

**Mr. Roach:** Thank you, Chair.

So as I left the Montague food bank, I did run into an individual that I knew and they were there, not only to get warm, but they were there also, to pick up some food. The individual started talking exactly about this piece of legislation that's on the floor right now, and expressed to me that he felt it was a good alternative. The fact that we were reducing a piece of the tax on that to kind of off-set what the federal government was doing and showed great appreciation for that. It's great to be able to speak exactly on behalf of a constituent, as to what they think.

I do believe that to tax it, and then try and find a way to give it back, but if you can avoid that right off the bat, it leaves the money instantly in the hands – in particular of low-income Islanders. I've always been concerned that that was going to be – that they were going to be the people that were going to be greatest impacted.

Now minister, you said we were going to be revisiting this bill in 2020? Or the agreement with the federal government?

**Mr. MacDonald:** It'll be a review with the federal government in 2020.

**Mr. Roach:** So we, from that, we – Chair?

**Chair:** Member from Montague-Kilmuir.

**Mr. Roach:** Thank you, Chair.

So, we still have many opportunities over the next few years to continue to develop the policy that we have now, and certainly, recognize, not only is it just the price on carbon, but the number of people that have gone to heat pumps, and the people that have taken advantage of taking their homes and putting in new windows and doors and better insulation – all those sorts of things that are certainly going to have a big impact.

I have spoken to a number of people who just can't believe the amount of money they've saved switching from oil to a heat pump.

And I guess just to try to drive home the point that we all – this is already making a difference. I know pretty much every oil guy that drives an oil truck down there, and I've had conversations with them; pretty much a couple of days a week you run into them. I am sure amazed when they said how much of a difference the last couple of years has made in the amount of oil that they are actually delivering to homes; that they, just in doing their business, noticed a big difference in a short period of time. So that gives me confidence that going forward, that will continue and I like the idea of that.

**Ms. Biggar:** Carry the bill.

**Mr. Roach:** Do you think minister, is your department looking forward to continuing this conversation with the federal government to find ways that, as the Leader of the Third Party likes to describe it: maybe move things along a little bit further over the next two years – with this being really, the first big year that legislation is coming into place to deal with it. This is really in its infancy with all governments across Canada.

Do you see this as the same way as I do and that there will be great opportunity and that this will encourage innovation and new technologies to come forward to help move this forward?

**Mr. MacDonald:** I think being a small province I think we certainly have the opportunity to really be aggressive in regards to the innovation and technologies.

I was doing quite a bit of reading on this and this is actually from the Green Party and I'll just read it because it does make sense and it kind of draws down the middle: beyond a carbon price, we need to aggressively reduce all GHG emissions through investments in infrastructure – so we can check that because that's exactly what we're doing – and through a focused plan of reducing the waste of energy –

**Ms. Biggar:** Check.

**Mr. MacDonald:** – we're doing that, that is literally built into our society.

Retrofitting buildings –

**Mr. Roach:** Check.

**Mr. MacDonald:** – residential and institutional –

**Some Hon. Members:** Check.

**Mr. MacDonald:** – could reduce emissions by 30% while creating employment across Canada –

**Some Hon. Members:** Check.

**Mr. MacDonald:** – we need to stop subsidizing fossil fuels –

**Some Hon. Members:** Check.

**Mr. MacDonald:** – and fund a public –

**Dr. Bevan-Baker:** No, it's not checked.

**Mr. MacDonald:** – investment required to support a wide variety of measures.

**Mr. Roach:** Check.

**Dr. Bevan-Baker:** Nice try.

**Some Hon. Members:** Nice try.

**Mr. MacDonald:** Well I wouldn't have read it, only there's a point to be made that this is an opportunity for us. Measures such as – and I'll finish – energy efficiency retrofits, energy efficient agriculture – which we talked about – investments in public transit and spurring innovation in the production of renewable energy.

**An Hon. Member:** Check.

**Mr. MacDonald:** And we may not always agree like the Member from Georgetown-St. Peters said, but we're going in the right direction and I think we're insuring that as we move forward, we're going to see some of these other initiatives that are going to take front and centre.

**Chair:** The hon. Member from Montague-Kilmuir.

**Mr. Roach:** I must say, that wasn't a set-up question –

**Mr. MacDonald:** No it wasn't.

**Mr. Roach:** – the question just came off the top of head, but I really liked the answer.

**Mr. MacDonald:** I was waiting for the Leader of the Third Party to ask me –

**Chair:** The hon. Member from Charlottetown-Parkdale.

**Ms. Bell:** Thank you, Chair.

The hon. Member from Montague-Kilmuir had mentioned this, that around the review part of the plan in two years time and how important it is for us to have an idea of what this plan is doing.

When we had had our briefing, we had discussed at that time, a concern around evaluation and measurement of the impact of the plan as it rolls out over those two years and the requirements that may be in place to meet that review in the two-year period.

Could you please speak to where we're at in terms of sort of what will be required for evaluation of measurement?

**Mr. MacDonald:** Basically it's based on what they're saying is GHG's at this time.

**Chair:** Member from Charlottetown-Parkdale.

**Ms. Bell:** Thank you.

A lot of this that we've also spoken about has been about not just about the actual measurement direct things like the GHG's

but also about the engagement with Islanders and ensuring that Islanders have many other options in terms of their personal responsibility and building on the good work that they've already done.

So we would expect that the evaluation measurement would not just be looking at plain usage numbers – or emission numbers, but how many Islanders are engaging with programs and services. What kind of impact does it have financially on Islanders and homes and particularly those who are vulnerable, given that the green plan had planned to give the money back to up to 80% low income Islanders, would like to know that that is being considered in terms of measurement.

**Mr. MacDonald:** I think education is part of this whole process and I think it's going to be extremely important if we're going to be successful in reducing carbon on Prince Edward Island and Canada as a whole.

I think when we start talking about transit subsidies and we start talking about incentives – and that will likely come, an incentive for actually buying an electric car, that's going to have to happen at some point.

I think all these things, the non plug in hybrid, the hybrid cars, people are starting to recognize that if it saves them money and reduces carbon then you're educating them. If you're going to affect somebody, you're going to do it in their wallet to some extent.

**Chair:** Member from Charlottetown-Parkdale.

**Ms. Bell:** I appreciate that's the point of things like price signals and responsive pricing, but my point is, that when we measure and evaluate, if we want to measure and evaluate the changing of aptitudes on a long-term basis we have to have a more balanced approach – a broader approach.

Which means, that we may not always like the data that we get, but if we're going to be responsive and review accurately to make a program better, we have to ensure that the data is not only good new stories. It has to reflect all the data and it has to be data that we can make informed decisions from.

Would your government commit to putting an evaluation plan in place that was prepared to look at all of the data to make informed decisions?

**Mr. MacDonald:** Certainly.

**Ms. Bell:** Thank you, Chair.

**Chair:** Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

In section seven, you have the schedule of rates of tax from 2019-2020. I just want to just clarify to make sure that this is 100% correct.

So, in 2021, the January 1<sup>st</sup> 2020 rates will still apply, is that correct?

**Mr. MacDonald:** Yeah sorry, I was lost for a sec, yes you're correct.

**Mr. Trivers:** And in 2022 and 2023, until the act is amended?

**Mr. MacDonald:** Right, in the Legislative Assembly.

**Chair:** Member from Rustico-Emerald.

**Mr. Trivers:** Thank you, Chair.

I did want to thank the Premier for tabling these documents but the Premier had mentioned that, in fact, they did talk about the gas tax reduction, I thought.

However, when I look at them I can't find it. It really sounds like maybe the federal government didn't realize you were going to cut the gas tax when they signed off on your plan.

I just wanted to see if that was the case.

**Premier MacLauchlan:** You're referring to the October 22<sup>nd</sup> letter I suppose.

**Mr. Trivers:** (Indistinct) as well as the carbon pricing (Indistinct) –

**Premier MacLauchlan:** It's probably not in language that the ordinary person uses, when I saw that I had somewhat the same reaction I said: it's covered is it?

In any case, the October 22<sup>nd</sup> letter does and commits to do exactly what is in these two bills and I do want to say that we've had a very good response and I think, respectful response, to the quality of those two submissions and of the fine work that our civil servants have done to put forward Prince Edward Island's position on this.

**Chair:** Member from Rustico-Emerald.

**Mr. Trivers:** I think I see the paragraph you might be referring to, Premier.

Legislated increases in stringency, PEI recognizes that mechanisms for revenue cycling and mitigating competitiveness must be sensitive to the requirement for legislative increases in stringency. PEI commits to a price increase in 2019 and 2020.

So I mean, if you read between the lines like really hard read between the lines you might say: we're going to cut gas taxes. If that's the case, I tell you, the bureaucrats did a fantastic job all right. You know, passing that off to the federal government, all credit to them.

I'm not entirely sure that – it really surprised me that the federal government signed off on a gas tax increase as well as bringing in the levy. I think it's becoming clearer and clearer to me that the provincial government and the bureaucrats did a fantastic job in negotiating –

**An Hon. Member:** Thank you.

**Mr. Trivers:** – with the federal government in order to get this and that's some fancy wording there.

**Chair:** Leader of the Third Party.

**Dr. Bevan-Baker:** I mean it's interesting and perhaps ironic that we began debate on the substance of this bill today, a day when I don't know what percentage of Islanders are sitting in dark homes –

**An Hon. Member:** Lots.

**Dr. Bevan-Baker:** – in the cold; an awful lot. It doesn't look good out there, I'm not sure how long it's going to take to restore power to all Islanders but it's not going to be

any time soon and that's the vulnerabilities of having a centralized grid.

If we had a distributed grid where Islanders could produce energy in their own homes and they could store it in their own homes, or they could use their electric cars, their storage battery, that's another way of doing this. The vulnerabilities to weather events like today and I'm not suggesting, by the way –

**Chair:** Does this have anything to do with this?

**Dr. Bevan-Baker:** Yes it does, it absolutely does. I'm not suggesting at all that today's weather event is an example of –

**Mr. R. Brown:** Divine intervention.

**Dr. Bevan-Baker:** – of climate change.

**Some Hon. Members:** [Laughter]

**Dr. Bevan-Baker:** But I am suggesting that if we had started work some time ago on creating a smart grid and a distributed energy network here, then we would not be in the situation we are in today.

**Ms. Biggar:** Call the hour.

**Chair:** The hour has been called.

**Mr. MacDonald:** Madam Chair, I move the Speaker take the chair and that the Chair report progress and beg leave to sit again.

**Chair:** Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intitled *An Act to Amend the Gasoline Tax Act*, I beg leave to report that the committee has made some progress and begs leave to sit again. I move that the report of the committee be adopted.

**Speaker:** Shall it carry? Carried.

The hon. Minister of Workforce and Advanced Learning.

**Mr. Gallant:** Mr. Speaker, I move, seconded by the hon. Member from Vernon River-Stratford, that this House adjourn –

**Some Hon. Members:** (Indistinct)

**Speaker:** Order!

Go ahead.

**Mr. Gallant:** – that this House adjourn until Friday, November 30<sup>th</sup> at 10:00 a.m.

**Speaker:** Shall it carry? Carried.

The Legislature adjourned