

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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The Legislature sat at 10:00 a.m.

Matters of Privilege and Recognition of
Guests

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

Welcome, everyone, back to our Friday of week three, and those viewing online or via EastLink, especially those in York-Oyster Bed.

It was a big day yesterday in the province and a lot of Islanders without power, and gradually or in some cases a little more than gradually getting the juice flowing again. There's been a tremendous effort by the Maritime Electric and associated teams, others coming in to help; communities that have opened up warming centres and lots of other ways Islanders have helped each other in response to this.

I was out on the shore on the north side this morning, and I expect that once we get the lights on, we'll find that the biggest work to do will be to give our shorelines a chance to build up again, and that's not a one-or-two-day thing, as you know well, Mr. Speaker.

The minister of environment and I had an opportunity to go over this morning to Phinley's in Stratford where they had extended an invitation all the Maritime Electric and other workers for a free breakfast and we had a chance to talk with a few of the workers there; and Mr. Speaker, I timed the return trip. It was four minutes and 17 seconds.

Some Hon. Members: [Laughter]

Ms. Biggar: With two red lights.

Premier MacLauchlan: Two red lights.

Some folks – and welcome to everyone in the gallery. I want to welcome in particular – I see some folks are here from Habitat for Humanity. I likely don't recognize everyone, but I see Aaron Brown is here, upping the number of Browns in the House today; Brian Gillis, Ken DesRoches and everyone who is here on that purpose.

I see Karen Lavers in the gallery, and Karen has a big party on this afternoon and had her last day of work with the city last Friday.

Some Hon. Members: Hear, hear!

Premier MacLauchlan: I say her last day of work for the city last Friday. I was at a reception on Tuesday that she seemed to be the main one making it happen. So Karen, you're going to be a – (Indistinct) your efforts are going to be missed at the city, and welcome in district nine. It's great to see you here.

I've got a nomination tonight in the district 22 in Summerside, which will be called Summerside-South Drive, another strong candidate sitting right behind me. We're looking forward to that as a chance to get together.

Finally, I mention that today is St. Andrew's Day. I wouldn't be surprised if we hear more about it from other members. Some have remembered to wear their tartans, and November 30th always kind of sneaks up on us, but it's a reminder that Christmas is coming. Here's a modest bit of information: In addition to celebrating St. Andrew's, November 30th also happens to be the birthday of Lucy Maud Montgomery and Winston Churchill, so it's a pretty big day.

Thank you, Mr. Speaker, and have a great weekend everyone.

Speaker: The hon. Leader of the Opposition.

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

I'd certainly like to rise today, as well, and thank the crews that are out there all across our great island working diligently to restore power to the many homes that are yet affected by the storm that we had over the last 36 hours.

I'd also like to recognize the Pownal Markan Woodmillers memorial hockey tournament that's taking place this weekend in Pownal, of course, consisted of 50 teams. Of course, the storm caused a lot of scrambling for the coaches, volunteers, players and families over the last little while, but they persevered and they're getting the

games in. I'd like to congratulate everyone and wish them a very great weekend as they move forward throughout the tournament.

I'd also like to recognize a good friend of mine, Ken DesRoches, who has joined us today. Ken, of course, was a candidate in the most recent Charlottetown municipal election as well. Great to see you here, Ken.

I know the Premier talked a little bit about the community outreach and the warming centres as well, and it's great that many of the communities have come forward and opened up warming centres for those residents that may have been affected by the power outage; but I'd also like to thank Islanders in general because I've been hearing just some heartfelt stories over the last 24 hours with regards to how neighbours are reaching out to neighbours and Islanders do what they do best; they're looking out for one another. So I'm always proud to call PEI my home, and that's the number one reason, because Islanders do look out for each other.

Just in closing, I'd also like to say that I look forward to attending a sold-out event this evening in district 23. It's a fundraising dinner for our nominated candidate up there, Hilton MacLennan. The hon. Member from Morell-Mermaid is the guest speaker.

Mr. LaVie: (Indistinct)

Ms. Biggar: (Indistinct)

Leader of the Opposition: It's going to be a wonderful event, and I'm sure that there's at least one Member who'll be probably driving by to see how many cars are there, because that individual did that when we had the nomination meeting.

Thank you very much, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

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

I'd like to welcome everybody to the gallery today, and I want to start out by thanking the Maritime Electric workers who have been – you know, many of them worked through the night last night in what must have been,

as always in a situation like this, pretty awful conditions. Although they didn't get to Hampton yet, I – by the way, I would be wearing my tartan if it weren't for the fact that I didn't go home last night. One day without a shower is okay, manageable. Two is not so great. So I decided to stay in town last night.

But, I will be donning my full regalia tonight because I will be giving the address to the haggis at the Caledonian dinner tonight at the Rodd Charlottetown event, so I'll be donning my regalia and my best Scottish accent and I will address the haggis. I'm very much looking forward to that.

I want to welcome Hannah Gehrels from PEERS Alliance; Brian Gillis and Aaron Brown from Habitat for Humanity; hi, Ken, Ken DesRoches; and Wayne MacKinnon, nice to see you; and Joe Byrne and Peter Meggs from the NDP. Peter Meggs, recently reelected councillor in Cornwall, so congratulations to you, Peter.

I hope we have another lovely collaborative day here in the Legislature.

Thank you, Mr. Speaker.

Speaker: The hon. Member from West Royalty-Springvale.

Mr. Dumville: Thank you, Mr. Speaker.

I, too, would like to welcome everybody here in the gallery today, and also to Joe Byrne and Peter Meggs, good to see you guys here; Ken, we've had some association in the past and we will in the future; and Karen, congratulations on a great career; and my great friend Brian Gillis there and his colleague, welcome here, great work for Habitat for Humanity.

What I'd like to do is we all thank the crewmen for Maritime Electric. They're just absolutely fantastic. And you know, listened to Kim Griffin on the radio this morning, she's just a fantastic spokesman for that company. That company, you hear something – well, they have a guaranteed rate of return and all that – but when the chips are down, that company is so professional; it came through for us. It came through, spared no expense, and, we just have to remember – like, they're bringing

people in from Fortis in Ontario. They're bringing in private contractors from New Brunswick to make sure the residents of this province get looked after. So it's a first-class company. It's great to see a business like Phinley's recognizing that.

Also, I had a visit to the hospital last night, and I'd like to compliment all the people like Dr. John Sampson out there. There were three – I got registered, I saw the first nurse, I saw the second nurse, had an x-ray, I saw the doctor. I was out of there within an hour; very professional, so let's not forget our people out there at the Queen Elizabeth Hospital. Must be a great minister of health, that's all I can say.

Thank you, Mr. Speaker.

Speaker: Thank you, hon. Member.

The hon. Minister of Education, Early Learning and Culture.

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

I, too, would like to welcome Brian Gillis, who's a constituent of mine and great advocate for Habitat for Humanity, and he applies his professional skills there very aptly. I'd also like to welcome Karen Lavers and congratulate her as a city MLA. Karen is somebody who's done a lot for the city and a lot really for a lot of people within the city. She's tremendously respected in that regard and certainly we congratulate her on a great first career and welcome to the second career.

Ken DesRoches – It was mentioned that Ken put his name forward for municipal council. It's always great to have community-minded folks like Ken, and welcome to the gallery.

Susan Myers – I'm not sure if we'll be getting questions on the Montague Consolidated School today or not, but –

Mr. Myers: You should. You will in the hallway.

Mr. J. Brown: Probably will, yeah.

She's also a great advocate for Montague Consolidated School and the community out there, Mr. Speaker.

Thank you.

Speaker: The hon. Member from Charlottetown-Lewis Point.

Ms. Casey: Good morning, Mr. Speaker.

It's a pleasure for me to rise and welcome Joey Jeffrey to the Clerk's Table. I think this is a perfect picture to see our Clerk and the successor at the Table together. He's been trained by one of the very best and most respected clerks in the Commonwealth, Charles MacKay, and I wish Joey nothing but a great success at the Table.

Thank you, Mr. Speaker.

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

Ms. Compton: Thank you, Mr. Speaker.

It's a pleasure to rise today and welcome everyone here in the gallery, those who are watching from district four – those who are able to watch from district four. There's still no power in South Pinette, or there wasn't when I left home. I want to thank the Maritime Electric crew, the H-Line workers; all of the crews that are helping restore power.

Someone mentioned to me this morning that we don't realize how much we rely on it. I think yesterday in the House was a prime example of that.

I am donning my tartan already. Today is St. Andrew's Day so Happy St. Andrew's Day to everyone. Tonight the Caledonia Club will be having their St. Andrew's Day dinner and I will get to respond to the toast to the lassies, so it's always a good tongue-in-cheek reply, so I look forward to that. I look forward to the hon. members addressing the haggis. It's usually very theatrical, so that should be great.

I just hope everyone has a wonderful day.

Thank you very much, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

It's a pleasure to rise today and welcome everyone to the gallery and welcome everyone back to the House, whether you've showered or not.

Some Hon. Members: [Laughter]

Mr. Trivers: I just want to say I'm wearing my tartan today. My mother was a Grant, so this is the Grant tartan.

Also, I wanted to send a shout out to all of those people who are working to get the power back on. Being a linesperson is a dangerous job and a very physical job, and they do fantastic work.

I just got a text message this morning from an old friend of mine in Northern Ontario where I'm from, up on the North Shore Lake Heron – their whole family, Ronnie Lamette and his sons, Bill Lemette, Travis Ouimette and Bert Ouimette, are all linesmen and Travis Ouimette is actually coming to Prince Edward Island from Northern Ontario to help get the power back on here. I wanted to extend a welcome to him and thank all the people who are coming to PEI to help us out.

Thank you, Mr. Speaker.

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

Mr. Myers: Thank you, Mr. Speaker.

It's great to get back here on another Friday in the fall session.

I, too, want to welcome my sister, Susie, and my nieces, Allie and Charley, to the gallery here today. I hope they enjoy the proceedings, and I hope they both behave themselves over there, especially Susie. I don't know if they have any power out in Montague yet. I certainly hope they didn't come here hoping it was a warming centre because it's about five degrees in here today. I hope they enjoy today.

I would also want to pass on my condolences to the family of Linda Gardener

who passed away yesterday. Linda is from my district in Georgetown – manned my campaign office in Georgetown for two elections every single day, a stalwart of the Tory party; has been a great help to me over the years. So, I'm definitely saddened with the news of Linda's passing this morning and I wanted to pass my condolences on to her daughter, Theresa, and everybody who is saddened by this loss.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Mr. Speaker.

It's a pleasure today to rise in the House. I want to welcome a constituent of mine, Susie Myers, her two beautiful children, Allie and Charley. I've had the opportunity to work with Susie through a number of professional work in through ACOA in my district and also, I've had the opportunity to work with her when we were having great discussions around the replacement of the Montague Consolidated School, and she's very professional and excellent to work with.

On the other side of it, I've also had the opportunity to socialize. I recall a mid-winter bonfire with Christmas trees, a social after, and Susie certainly does have a wonderful family so it's great to see her here today with her children.

Also, I'd note – and really pleased to see that we're getting some assistance from Ontario and New Brunswick with our power outage. Where I love, we don't expect to have power until sometime next week. But, I think we all really appreciate those people that are coming, and it's wonderful because I do recall our power company going to Ontario and there for weeks when they had their ice storms and they've done that on several occasions. I've also seen them up there during major snowstorms assisting those provinces as well. It's great to see them come back and return the favour, so all the best.

Thank you, Mr. Speaker, for the time.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

I want to say thank you to the House; thank you to the Premier; thank you to the Minister of Justice and Public Safety; thank you to the Green Party, and every member last night that helped us pass bill 110 on the floor of this Legislature. I think that makes a significant statement for this province and across this country, so thank you to all members in the House.

I'd like to also take time to say thank you to – I want to mention the line crews that work for Bell and Telus and EastLink. These guys are out there helping out with the power lines and getting phone cables back up and Internet service going in places across the Island. I have no Internet or telephone right now, and these guys, they're the guys putting the ladders up there –

Mr. LaVie: (Indistinct) on the good days.

Mr. Fox: – and climbing up poles with spurs on.

My father worked for (Indistinct) and my grandfather did – between the two of them they had over 80 years of service with Bell and these guys – I remember dad – I don't know how many times he fell out of telephone poles and broke ribs, working with spurs on their legs and ladders. I don't want to forget those guys.

But, thank you to all the crews who are out there working to get the Island back up and running, and the crews that are coming in. It's a great things to see.

Thank you.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

It's just to follow on from the greetings that we've already heard.

I'd extend a greeting to Doug Millington who joins us, and a welcome to Karen Lavers and how important it is to see women entering politics after already giving so much to your community, to see you making that next step. It's really fantastic so I just wanted to give a shout out for that.

Thank you, Mr. Speaker.

Statements by Members

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

Habitat for Humanity

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

With all of the discussion lately about the need for affordable housing, today I'm going to take a moment and recognize the Prince Edward Island Division of Habitat for Humanity. I'm glad to have Aaron Brown and Brian Gillis in the House here today.

I had the pleasure of serving on their board of directors for several years and also serving with Jim and Myrna Wicks, who spearheaded Habitat here on PEI.

Founded in 1996, Habitat for Humanity PEI is a non-profit organization working towards an Island where everyone has an opportunity to live in a safe, decent and affordable home.

Habitat PEI completed its first home in 1999. Since then, with the help of their generous volunteers, I know some of the members of this House have volunteered, the organization has provided 67 families with safe, decent and affordable housing throughout Prince Edward Island.

Habitat for Humanity PEI's mission of providing affordable homeownership opportunities to Island families is stronger than ever, and our government has been proud to support them in reaching that goal. Habitat has committed to building 25 new homes in the next three years. This includes five homes at the Lennox Island First Nation, and 20 homes with a focus on families living with disabilities, Canadian Forces veterans, and refugees.

I am encouraged by this government's action plan to address the current housing situation in the province. But, not one person or one level of government can venture on solving the pressures on their own. That is why I am proud to stand up today and thank Habitat for Humanity for their continued efforts on helping to achieve safe and modern housing for Islanders.

I ask this House to join me in thanking Habitat for their dedication to Prince Edward Island.

Thank you, Mister Speaker.

[Applause]

Speaker: The hon. Member from Tignish-Palmer Road.

Safe Drinking/Drinking and Driving

Mr. Perry: Thank you, Mr. Speaker.

Decorations, Christmas crackers, music, vegetarian option for your sister-in-law – you thought of everything you need to make the perfect Christmas party – or not.

How about a designated driver? If you haven't yet thought about your guests and how they will be getting home, don't wait until the party to sort it out. That might be too late.

Holidays, for the most part, have an increase in drinking because it's a time when people who normally don't go out drinking are called into a conference room or a punch bowl of heaven knows what mixture is waiting for them. Some of those people are not used to drinking or thinking about a designated driver.

So, to those who are hosting and have an alcoholic or holiday party, it's your responsibility to see that everyone has a way of getting home safely and this could mean promoting and ensure that guests walk or take a taxi or public transit; having people stay over if they are too drunk; offering food and non-alcoholic drinks; staying sober enough, to keep an eye on your guests; preventing an impaired guest from getting into a driver's seat; or a designated driver, someone who will not be drinking at all during the evening.

This also applies to those who find themselves dipping into that punch bowl a little bit too often. There are alternatives to drinking and driving, and it's your responsibility to make our island roads safe. If you drink, do not drive. Call a taxi, call a friend, or call your parents. Plan ahead. Or be a designated driver.

I have offered this service to my district for the past seven years and will be providing it again this year. This service gives me an opportunity to give back to my community and to help people get around in rural areas where a taxi service is not available. As well, it helps people because they don't have to worry about getting from one place to another.

I will continue this as long as I possibly can. I keep saying: It's driving home that message of planning ahead. If I can do my part in making the roads of PEI a little bit safer for everyone, then I take great, great pride in that.

Thank you.

[Applause]

Mr. Perry: Thank you.

Speaker: The hon. Member from Rustico-Emerald.

Rollie Larkin–Bub's Last

Mr. Trivers: Thank you, Mr. Speaker.

Roland Larkin of New Glasgow was a very successful Island entrepreneur, a community builder and long-time horseman.

Rollie was a fixture at Island tracks and actively involved as a trainer at the time of his passing over four years ago.

His amazing wife, Yvonne Larkin, still lives in New Glasgow.

Three days ago Rollie's granddaughter, Anna Simpson, also an avid horse lover, received a message containing heartbreaking news.

Her late grandfather's horse, Bub's Last, which was sold to the Amish in Pennsylvania days after her grandfather passed, had only a few days left before being sent to the slaughterhouse.

Anna's love for horses started at an early age and she grew up alongside Bub's Last. One might say that Bub's Last represents a living link to the passion for horses that she shared with her grandfather.

Upon receiving the message, Anna, along with her best friend Bridgette, jumped into action. They set up a GoFundMe page in the hopes of raising enough money to pay bail for Bub's Last, bring him home, and give him the medical treatment he required.

Together they found a woman who would welcome Bub's Last back to their home on PEI and even found someone to truck the horse back from Virginia. However, they still needed to reach their goal of \$2,000.

I'm glad to say within two days, thanks to the generosity of donors, they exceeded the required amount and raised \$2,280. Bub's Last is coming home.

The horse community is a close one, and I was moved by the love that Anna asked her friend had to save a horse to honour her late grandfather and her family. Soon, Bub's Last will be back home living a happy retirement and bringing joy once again to PEI.

I want to congratulate Anna and Bridgette and say happy trails to Bub's Last and rest in peace to Rollie Larkin.

Thank you, Mr. Speaker.

Responses to Questions Taken As Notice

Questions by Members

Speaker: The hon. Leader of the Opposition.

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

Yesterday, up to 58,000 customers of Maritime Electric and Summerside Electric woke up to no power due to the most recent winter storm. In fact, thousands are still without power this morning, despite the valiant efforts of power crews who worked throughout the night.

Restoration of power to Islanders

Question to the Premier: Premier, what is the latest update that you can share on when utilities may have power fully restored to Islanders?

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

We heard the public communications from Maritime Electric and the number of subscribers or the number of customers without power dropped quite dramatically between 6:00 a.m. this morning and 9:00 a.m.

We're aware that Maritime Electric is bringing in supplemental crews from Ontario and New Brunswick. There will be a further dedicated effort. We met some of the workers this morning.

I'm told that it could be in some rare cases, on into the weekend or even early next week for certain customers, but in the main the power is on, or coming on.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

Power disruptions in southeastern New Brunswick forced the province to depend on locally generated power through backup generator capacity.

Cost of producing backup power locally

Question to the Premier: Do you have any initial estimates on how it much may have cost our utilities to produce this backup power locally?

Speaker: The hon. Premier.

Premier MacLauchlan: The first question wasn't the out of pocket cost, but the fact that Maritime Electric does indeed have a system, a policy to respond – contingency plans – in a situation like this.

Yesterday, we had the double challenge. One, that the lines at Memramcook, New Brunswick, which is the main area, the main point in the system for transmitting power through to Prince Edward Island, fortunately we've got those extra cables. But the second piece was that yesterday, because of the high winds, we were not able to use our own windmills to generate on-Island power.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

Well, events like these cause many of us to step back and reevaluate things. So I'd like to ask a bigger picture question.

Security of energy grid on PEI

Question to the Premier: How secure is our energy grid here on PEI?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, let me start by saying that because of the good choices that Prince Edward Islanders are making to switch to electricity and away from other sources of energy – a commitment to a cleaner and a greener Prince Edward Island and to deal with climate change, we have – since 2015 – seen an increase in the peak demand, or the demand that you have to provide for, at the peak of approximately 15% in terms of electricity demand.

Indeed, that does lead to questions of how an on Island sense and then in a regional sense we can make provision for an increasingly electrified future.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Mr. Speaker, last summer was one of the hottest summers we had on PEI with record and major heat waves with high humidity.

Air conditioner in Premier's office

Question to the Premier: You installed an air conditioner in your office last summer; can you explain to me how much that air conditioner cost?

Mr. Myers: Good question.

Speaker: The hon. Premier.

Premier MacLauchlan: An air conditioner was offered, and I declined.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Well, thank you, Mr. Speaker.

Ms. Biggar: Get your facts straight.

Mr. LaVie: At one point, the humidex was above 30 degrees. Would you be surprised at this air conditioner installed in your office was \$73,000.

Mr. Myers: No. Really?

Speaker: The hon. Premier.

Premier MacLauchlan: I'm not sure what the hon. member is referring to.

There was some extensive work done on the roof of the Shaw Building to deal with the system for the entire building. I certainly heard the work being done, and there was some disruption during that time.

I was not aware – maybe the minister of public works could tell us more about that. It wouldn't in a normal course be something that would come across the Premier's desk, but I repeat what I said in response to the previous question. I want to be clear about this. There was an air conditioning unit offered for my office, and I declined because I think Prince Edward Islanders should – when they can – find ways to get some fresh air and not be putting up our energy consumption of getting too accustomed to cooling in the summertime.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

According to the project invoices, freedom of information, it cost more than \$73,000 to install an air conditioner at your office.

Tabling of invoices

Question to the Premier: Will you table all those documents?

Mr. Myers: Good question.

Pretty bad if you have to be saved by her.

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

Ms. Biggar: Thank you, Mr. Speaker.

As the Department of Transportation, Infrastructure and Energy are responsible for the public buildings right across government, part of that project was to refurbish the air system in that particular complex.

Mr. Fox: (Indistinct)

Ms. Biggar: I'll go back and get the information, and be happy to table it here.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

This summer, there was a problem at the Wedgewood Manor with air conditioning. Half the manor had no AC. The elderly patients were living in intensive heat, and this Premier installs a \$73,000 air conditioning at his office.

Seniors homes and AC

Why was there a budget for an AC, but none for the seniors that I've named?

Mr. Fox: That's right.

Mr. Myers: Good question.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

The hon. member is correct. This past summer we've reached record highs on many of the days over the summer months. This did cause some problems in some of our community care facilities, our long-term care facilities, and even in our hospitals in some cases.

Obviously these temperatures are not normal
—

Mr. Fox: Do you live here, minister?

Mr. Mitchell: — and they weren't all prepared for it earlier.

But in the case of Wedgewood Manor, we worked closely with the staff; we worked closely with transportation, infrastructure renewal and were able to come up with some used air conditioners that we were able to rush right out and get them installed to make it comfortable for, not only for the residents, but for the staff, because we want staff to be in comfortable areas working too.

We reached out — there was no air conditioners — new air conditioners — to be had anywhere in the Maritimes, and the minister of transportation found some used ones that we were able to put forward and to keep the area cool for those residents.

Some Hon. Members: Good job. Nice.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

These air conditioner were installed in evenings and weekends at an overtime rate of \$112 an hour.

Air conditioner in Premier's office (further)

Why were you in such a rush to have air conditioning put in your office, Premier?

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

Ms. Biggar: Mr. Speaker, as I noted to the members over there, they don't seem to know what the procurement process is within government. I shudder to think what would ever happen if they ever, ever have the opportunity to get into government because they don't know anything about procurement.

Some Hon. Members: (Indistinct)

Ms. Biggar: Any work that's done, we tender out the work. We have work that we have to do to keep our complexes up.

I can tell you, I've been in the Premier's office and he does not have an air conditioner.

An Hon. Member: (Indistinct).

Mr. Myers: We'll answer in French, yes we will.

Mr. Roach: All the civil servants (Indistinct)

Speaker: Okay, members. It's fairly cool out, let's just keep it cool.

Some Hon. Members: [Laughter]

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker. Well, I do know that people have no work, no money for Christmas. I do know our food banks are up right across PEI. I do know that seniors had no power last night.

Don't worry about us on this side, worry about the people outside.

To the Premier: Do you think it's fair to seniors in manors to have them sweat out the heat all summer while you installed an air conditioner at your office?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

As a result of record-high temperatures last summer we are looking at determining – to be preemptive this summer and to ensure that residence will have areas that are well cooled, and the new manors, they use a different method there that takes the moisture out of the air.

Often our seniors, they like the heat anyway but it's the staff that this will take the moisture out. We'll look at other measures on those types of things moving forward to ensure that our residents' cares are being well met.

It was very fortunate last summer that the Minister of Transportation, Infrastructure and Energy was able to come up with some refurbished units that we were able to install quickly; ran them up in the morning and they were working by lunchtime to ease those pressures in that facility.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

Well here's a government that's thinking about themselves not about the people of PEI, like they always talk about, people of PEI.

You install an air conditioner in your own office, that's thinking about yourself.

They talk about a budget surplus, what do they do? Install an air conditioner –

Mr. Myers: Premier's office.

Mr. LaVie: They don't fix the leaky roofs in senior's homes; they don't install a furnace where they'll have heat.

Mr. Myers: Grew up with a silver spoon in his mouth.

Mr. LaVie: I hear these stories daily.

Seniors homes and AC (further)

Question to the Premier: Doesn't jumping the line for AC over seniors in our manors reek of entitlement?

Mr. Myers: Good question.

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

Ms. Biggar: Mr. Speaker, again, as I noted it's my responsibility as the Minister of Transportation, Infrastructure and Energy to oversee the whole complex, the government buildings and I didn't see the Leader of the Opposition or opposition members refuse air conditioning in their offices on second floor here.

Some Hon. Members: Oh!

Mr. Myers: (Indistinct) \$73,000 (Indistinct)

Ms. Biggar: It's my responsibility to ensure if there are repairs that need to be done to government buildings that we ensure that it is done.

As a government, we are making sure that seniors are looked after; we just built a brand new \$8 million manor in Tyne Valley which has a state of the art facility and we'll continue to make sure that seniors are looked after.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

I'll let the Minister of Transportation, Infrastructure and Energy know I never spent one day this summer in my office in Charlottetown –

[Laughter]

Some Hon. Members: (Indistinct)

Mr. LaVie: I spend my time in district one –

Ms. Biggar: Wow.

Mr. LaVie: – with my people. That's where I spend my time.

Mr. Myers: That's it right there, you should try it sometime. You should try it sometime; go out from Charlottetown some night.

Mr. LaVie: Mr. Speaker, \$73,000 would have bought a lot of heat pumps for affordable housing.

Premier claims of climate leader

Question to the Premier: \$73,000 would have bought a lot of heat pumps for affordable housing. Is this what you mean when you call yourself a climate leader?

Mr. Myers: Good question. Good question. Climate leader indeed.

Premier MacLauchlan: Mr. Speaker, we introduced through Efficiency PEI last spring a program of rebates to encourage and support Prince Edward Islanders in the acquisition of heat pumps. At last count,

there were upwards of 4,200, it's likely higher now.

Islanders who stepped forward, who've been very busy and contractors have been busy and the people have been getting the rebates, they've been using less oil and they've been enjoying the comfort of heat pumps.

I was, I guess, surprised to hear that the member didn't come to town last summer but it's also my understanding that there's air conditioning at the access facilities in Souris.

Thank you, Mr. Speaker.

Ms. Biggar: That's where your office is.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

Prince Edward Island has made great strides in renewable energy over the last 20 years, most notably in wind energy. However, progress on the area of solar power has lagged behind.

Solar power incentives

Question to the Minister of Transportation, Infrastructure and Energy: What incentives currently exist to encourage the adoption of solar energy on Prince Edward Island?

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

Ms. Biggar: As I've mentioned here several times since the House opened, the incentives that we are offering to Islanders is helping them switch away –

Mr. Trivers: Solar energy.

Mr. R. Brown: – from oil, towards heat pumps.

We are offering incentives for people to insulate their homes, to convert from different sources of electricity and use wood, use propane. We are continuing to work on initiatives that we can expand as we go forward.

We're working with businesses so they can convert to other sources of energy and we

are continuing to work on different initiatives that will provide Islanders options.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

It was a simple question. It was about incentives for solar. I didn't hear anything about solar in that response.

A new study from the national energy board suggests that solar energy is an underdeveloped opportunity for Prince Edward Island to lower energy costs and carbon emissions. Prince Edward Island has some of the highest electricity costs in the country and as they say in the report –

An Hon. Member: (Indistinct) pipeline.

Mr. Trivers: – I quote: the reason that Prince Edward Island is right for solar development is that it depends more on local electricity prices, rather than the amount of sunlight received.

Question to the energy minister: Are there any tax incentives or rebates in place for Island home owners and businesses who have developed or want to use solar to develop net-zero buildings?

Mr. Myers: Good question.

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

Ms. Biggar: Mr. Speaker, we do have lots of incentives and one of them, in particular, is benefitting Islanders by \$10 million dollars by giving a rebate on the tax towards their electricity.

They get that on their bill –

Mr. R. Brown: Good point, good point.

Ms. Biggar: – month. We're continuing to invest in efficiency programs, in heat pumps and conversion to other sources of energy.

We are working with Islanders, we're working with low-income families, and we will continue to work with them to save them money every day in their pockets.

Mr. Roach: (Indistinct)

Mr. R. Brown: Got them on the ropes, you got them on the ropes; you got them on the ropes.

Mr. MacEwen: Keep flipping.

Mr. LaVie: Yeah but you never said what you're taking out of the other pocket though.

Mr. Myers: Next page, it's in the next page I'm sure it is.

Ms. Compton: Keep flipping, it's there.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

Taking the provincial portion of the PST off of electricity is a great initiative; it was something we campaigned on in the last election.

Thank you for doing that, implementing our policy.

Mr. Myers: Thanks for listening.

Mr. Trivers: But, those Islanders who've taken the initiative to install PV solar panels, still pay tax on the energy that they produce and they use.

An Hon. Member: No.

Some Hon. Members: Yes.

Mr. Trivers: The report I'm talking about, called The Economics of Solar Power in Canada said this about our province: Currently, residential solar break evens are less than residential electricity prices in most places in Prince Edward Island.

Question to the minister responsible for energy: Why aren't we doing more to encourage Islanders to take advantage of this opportunity?

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

Ms. Biggar: Mr. Speaker, I applaud those that are doing a lot in solar conversion, they

are using the grid, and they still use the grid when they need it but it's great that they can go to net zero when they don't need that extra opportunity.

There's a cost to maintaining that grid so that when they need it, they can switch to it but we are continuing to work with Islanders to convert to heat pumps, to convert to different sources of energy, to put money back in their pockets and to give them incentives to green their energy consumption.

Speaker: The hon. Member from Rustico-Emerald.

Mr. R. Brown: (Indistinct)

Mr. Trivers: Thank you, Mr. Speaker.

The National Energy Board's report came to a similar conclusion about commercial and community solar break even points right here on Prince Edward Island.

They said and I quote: This means that businesses in most places here on Prince Edward Island – they could expect to save money by installing solar.

Incentivizing local renewable energy

Question to the energy minister: why is government ignoring a chance for Island homeowners, businesses, and communities to save money by incentivizing more local, renewable energy?

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

Ms. Biggar: Mr. Speaker.

As a government we are partnering with communities who are developing solar systems. Down in Montague, there's a new system being put in place. I applaud that and

Mr. R. Brown: (Indistinct)

Ms. Biggar: – the initiative their doing. I applaud the City of Summerside, their heating at Credit Union Place –

Some Hon. Members: (Indistinct)

Ms. Biggar: – with their solar system.

Some Hon. Members: (Indistinct)

Ms. Biggar: I also want to applaud the community of Tignish for their initiative –

Mr. R. Brown: (Indistinct)

Ms. Biggar: – on a district heating system using biomass.

Some Hon. Members: (Indistinct)

Mr. Trivers: Solar. We're talking about solar.

Ms. Biggar: These are all initiatives –

An Hon. Member: Solar.

Some Hon. Members: (Indistinct)

Ms. Biggar: – that are renewable. You're talking about renewable – I'm talking about renewable.

Mr. Myers: Solar.

Some Hon. Members: Solar, Solar!

Ms. Biggar: And biomass is a renewable heating product.

Thank you.

Some Hon. Members: (Indistinct)

Mr. Myers: Solar. Solar.

Mr. R. Brown: Chips are solar.

Leader of the Opposition: Might want to get some air conditioning on that side of the room; you're getting a little hot.

Mr. Myers: So, is the boot polish (Indistinct) put in your hair (Indistinct).

Speaker: Okay, hon. members. I think we're going to have a question from the hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

So tempted to carry on that line of questioning, but I won't.

Some Hon. Members: (Indistinct)

Dr. Bevan-Baker: I was struck yesterday during debate on the gas tax amendments, how reluctant the Minister of Finance and the Premier were to tell this House that three quarters of the funds raised from the carbon tax are not going back into Islanders' pockets directly, as our plan would have done. But, they're going to be used to subsidize our continued use of fossil fuels.

I couldn't understand how a plan which should have been celebrated so much by this Premier, and the Minister of Finance, and everybody else on that side of the House, could make you feel so uncomfortable last night that you couldn't even talk about it openly.

Subsidizing of fuel costs

A question to the Premier: You have promoted the *Gas Tax Act* as a way to offset the costs of federally imposed carbon taxes, so why are you not enthusiastically telling Islanders how you are subsidizing their fuel costs?

Mr. Roach: We're not taking it out of their pockets in the first place.

Dr. Bevan-Baker: Yes, you are.

Speaker: Hon. Premier.

Premier MacLauchlan: Mr. Speaker.

There's obviously a wide gap between the Third Party and our government when it comes to this very question. Leaving three cents in Islanders pockets – we do not consider that to be a subsidy, neither do we consider it to be a subsidy encouraging bad behaviour, which is exactly what the Green Party thinks.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Third Party, your first supplementary question.

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

All the line of questioning from the opposition today was regarding climate change, whether it was air conditioning in

buildings, whether it was the stability of our grid, or whether it was the lack of incentives for solar powers – for solar power here on Prince Edward Island. We need to act on this, and we have two separate bills before this House to accomplish, apparently, government's plan to combat climate change: one to raise the cost of fossil fuels, and the other to reduce it back down again.

Debating of two bills

A question to the Premier: why are we debating two bills that are so clearly at cross purposes to each other?

Speaker: Hon. Premier.

Premier MacLauchlan: Mr. Speaker, yesterday evening, I used the analogy and we had the lights on in here, fortunately, but I don't think the Leader of the Third Party had his hearing aid turned up. So I'll say it again –

Some Hon. Members: Oh.

Premier MacLauchlan: – I used the analogy of the high jump. In order to execute a successful high jump, you have to have a decent run at it – it's something I've tried in my time – so what we're doing is lowering the upside tax on gasoline that's currently very high for Islanders.

Ms. Biggar: (Indistinct)

Premier MacLauchlan: Islanders currently pay 18% of their transportation costs, which is the highest among any other provinces in the country – so we're creating some space in order then to bring in the carbon levy and we'll have a chance to consider it now that the Leader of the Third Party has agreed that it's time to go to second reading.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Third Party, your second supplementary.

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

Bill No. 62, the deliciously ironically titled *Climate Leadership Act*, clearly states in the principle of that bill that by raising the cost of fossil fuels, the expectation is that carbon

emissions will be reduced – it says that in the purpose of the bill.

A question to the Premier: Do you agree with the bill's principle, that carbon pricing and using market forces actually does reduce carbon emissions? And if so, why are you intentionally sabotaging your own plan?

Speaker: Hon. Premier.

Mr. Roach: (Indistinct)

Premier MacLauchlan: Mr. Speaker, I believe all members of this House, and I believe a lot of Prince Edward Islanders are aware, that in fact there will be a carbon levy. It will be an increment of one cent in 2019, and a further increment of one cent in 2020. We believe that price is a factor and we say so, and we said it in the submission that was tabled here last night. I encourage the Leader of the Third Party to take a good look at it.

We also believe that Islanders will make the right choices, they will respond when the technologies are appropriate, they will drive electric cars when electric cars are available. They have done this for decades, and that's why we were able to put forward such a convincing case – a case that was accepted – that we have a carbon reduction plan; a plan to reduce greenhouse gas emissions that will meet our targets and that Islanders are supporting.

Thank you, Mr. Speaker.

Speaker: Question from the hon. Member from Tignish-Palmer Road.

Mr. Perry: Thank you, Mr. Speaker.

In the past, I have advocated to the Minister of Health and Wellness for coverage of ostomy supplies, which he has delivered and I thank him very much for that. I've also asked for support for Islanders seeking in vitro fertilization, and I look forward to delivering on that pretty soon.

Today, I have another important issue affecting the health of Islanders, and I'm hopeful the minister will deliver on.

Islanders paying for EpiPens

Will the Minister of Health and Wellness inform the House why Islanders must pay out of pocket for EpiPens when they are life saving devices?

Speaker: The hon. Minister of Health and Wellness.

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

The work we do every day at the Department of Health and Wellness is about saving lives and about keeping Islanders well. When it comes to coverage of EpiPens, as the hon. member asked, currently EpiPens are provided under several of our provincial programs. Our Financial Assistance Drug Program offers EpiPens to Islanders at no cost. As well, our Family Health Benefit Program, which is for low income families – I might add – it is a minimal fee, it just covers the dispensing fee, which at today's rate is at \$12.36, I believe. Our children in care program, it also covers those EpiPens at no cost, and as last, our Catastrophic Drug Program – if a family does fit into that program, those are no cost to them there as well.

Speaker: Hon. Member from Tignish-Palmer Road, your first supplementary.

Mr. Perry: Thank you, Mr. Speaker.

EpiPens are literally a life saving device. It's a parent's worst nightmare to have a sick child and not be able to help them.

Commitment of assistance for EpiPens

Something as simple as access to an EpiPen can make all the difference in the world. Will the minister of health commit to this House to developing a financial assistance plan for families with children who require EpiPens, by making them available for free?

Speaker: The hon. Minister of Health and Wellness.

Mr. LaVie: (Indistinct) first responders.

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

Obviously, if we could make all medications or all health devices on Prince Edward

Island free, we certainly would do that. We constantly work towards that, but there are financial aspects and pieces involved. I know my own son, my youngest son, he had a life-threatening allergy when he was young, so he always had to carry an EpiPen, so I'm very familiar with how these EpiPens work and how they're a part of – but as I said earlier, we do cover the cost of EpiPens under many of these programs.

But I might also add, many of our private plans – our health plans – will also provide coverage, which covers up to 80% of that drug. Leaving Islanders that have the coverage a 20% fee, which is still a number that is around \$25.00.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Tignish-Palmer Road, your second supplementary.

Mr. Perry: Thank you, Mr. Speaker.

EpiPens availability at public buildings

I support the initiative that was recently undertaken by government and by communities to provide more AEDs, which is another life saving device; which is in public buildings, in addition to the registry, so that Islanders can see where their devices are located. Will the minister of health work with municipalities to help make EpiPens available at public buildings, like AEDs?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Currently not aware of any type of practice in any jurisdiction that would have EpiPens, similar to AEDs, available. These EpiPens, they are somewhat dependant on the individual that is taking them. For instance, if it's a child or an adult, there are different dosages when they are needed. So, having a prescribed medication of this type in a public area would come with risk involved.

But having said that, though, if there's some way that the risk could be mitigated or controlled, that's something that we should take a look at and we'd be very open to have a look at that. But, there would be a lot of

process involved in there, but we'd start that process.

Speaker: The hon. Member from Charlottetown-Lewis Point.

Ms. Casey: Thank you, Mr. Speaker.

My question this morning is to the Minister of Health and Wellness.

Minister, during the spring session and the spring session before that, and possibly the spring session before that, I asked questions to various health ministers regarding midwifery.

Minister, the *Registered Health Professions Act* came in effect on October 13th, 2018, and during my questions in the spring I asked you about the appointment of a registrar.

Registrar position

Can you update the House on the registrar position?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Yes, thank you, Mr. Speaker.

And yes, that act did proceed through the House earlier this year and since that time, a registrar and a deputy registrar had to be assigned to the act and late in the summertime we did do the selection for those two positions.

Kevin Barnes and Corinne Rowsell – Corinne will be the deputy registrar and they are both staff and are employees of the Department of Health and Wellness because this act will be administered through the department for all of those professionals that come under the umbrella.

Speaker: The hon. Member from Charlottetown-Lewis Point, your first supplementary.

Status of midwives application

Ms. Casey: Thank you, Mr. Speaker.

Minister, what is the status of the association of midwives application and how long from

the time their application is approved until we see a midwife practising on Prince Edward Island?

Speaker: The hon. Minister of Health and Wellness.

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

I know that the application from the midwives' representative is forthcoming and I expect to see it in the very near future.

Discussions have been ongoing with them as well, but I think it's important to note that there is quite a number of health professions or entities that will come under this act and many of them have already applied, and they're being worked on. There will be some months involved before midwifery will be practiced in PEI, but they will be in the queue.

As part of that, as well, there will be many policies and processes that need to come into play with other health professionals that exist in PEI. There is some work that's needed to be done, but we look forward to receiving the application from the representative for midwifery in PEI.

Speaker: The hon. Member from Charlottetown-Lewis Point, your second supplementary.

Ms. Casey: Thank you, Mr. Speaker.

Minister, as you're aware, I announced that I will not be reoffering after this mandate and is there anything else that I can be doing before my departure to assist the midwives association to finally have midwives practicing on PEI?

Speaker: The hon. Minister of Health and Wellness.

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

It would be no secret to any member of the floor of this Legislature that this member has been a tireless advocate for midwifery in Prince Edward Island, as well as autism.

I think you can rest assured, hon. member, that you have done the yeoman's service on

both of those files and when you leave this Legislature, I think you can be very proud of the work you had done there and I think you will be very happy that in the coming months that you will see those that you have been involved with (Indistinct) midwifery be very happy with the work that you have done, hon. member.

Ms. Casey: Thank you.

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

Mr. Myers: Thank you, Mr. Speaker.

The province and their \$50 million e-gaming lawsuit continues to wind its way through the courts.

Legal fees in e-gaming lawsuit

Question to the Attorney General: How much has the province spent on legal fees to-date defending your \$50 million lawsuit?

Speaker: The hon. Minister of Justice and Public Safety and Attorney General.

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

I don't have that figure in front of me.

As I suspect, many of the members in this Chamber would be aware the figure would be changing over the course of time.

We just recently have come through a motion where the defendants were successful and there would be an order of cost, I would suspect, that would go along with that. So, the figure would evolve over time as the litigation progresses and we can do our best to see what we can provide in terms of that.

Thank you, Mr. Speaker.

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

Mr. Myers: Thank you, Mr. Speaker.

Oh no, we all know too well that whenever you have a lawyer on the clock that the bill just doesn't stop winding up and winding up, and I think that's why it's important.

A total of 14 people are being sued along with the province in this \$50 million e-gaming lawsuit. They include: current and former deputy ministers, civil servants, business people, lawyers, former premier chiefs of staff, and even a former premier himself.

Defendants having legal costs covered

Question to the minister: How many of these 14 defendants are having their legal costs covered by taxpayers' dollars?

Speaker: The hon. Minister of Justice and Public Safety.

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

I would have to actually get out and go through them and count them up. I don't have the number right off the top of my head.

But let me say this: I note that as a part of the requirement to proceed through the litigation, security for costs was required to be posted in relation to this matter and the litigation process will evolve over the course of time, but as it progresses, we would note that when we have folks that are acting in their capacity as agents of the government, there is a duty to defend them. That's done through a risk management insurance fund that is carried, and it has very specific requirements and parameters in terms of who is insured and for what and what defence will be provided for them.

Thank you, Mr. Speaker.

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

Mr. Myers: Thank you, Mr. Speaker.

If you listen to the minister talk about where this money comes from, it comes from this magic pot that no one put the money into, yet it's taxpayers' dollars. So, no matter where he's reaching over to grab the money to pay his lawyer friends, it's the taxpayers' money that's being used to pay it.

Province filing statement of claim

Question, again, to the minister: Has the province filed their response to the statement of claim in the courts yet?

Speaker: The hon. Minister of Justice and Public Safety.

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

As I've indicated previously, there are lawyers that are retained to deal with this matter. It's before the courts. It arises out of a complaint that is had by a private company. There has been extensive procedural litigation to-date and all of that is being handled by the insurer for the Government of Prince Edward Island, the risk management fund.

That's all being done according to procedures that have been set out and in place for decades in this province, and we're very happy to have them in place.

Thank you.

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

Mr. Myers: Thank you, Mr. Speaker.

So, the minister actually avoided answering my questions so the answer is no; that they haven't filed it in the court yet, which is very unusual for a defendant in a \$50 million lawsuit not to file their defense.

Question to the minister: Why hasn't the province filed their response yet to this lawsuit?

Speaker: The hon. Minister of Justice and Public Safety.

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

My father's father had a saying that there's not much sense in keeping dogs if you're going to be doing all the barking.

Some Hon. Members: (Indistinct)

Mr. J. Brown: So, I'm not going to sit here in this Chamber and purport to be able to dictate the strategy that would be employed

in terms of the defence of the claim that the hon. member is referring to.

But let me just say that this matter has involved a number of different procedural iterations. As I've indicated previously, there was a defence filed at one point in time in relation to the first claim that was filed. That claim was struck as a result of the defence that was originally filed. They came back again after an order to post nearly a million dollars in security for cost. There was another motion filed in relation to that, and on and on we go.

This is all a normal part of the litigation process and I suspect it will continue to move on.

Thank you very much.

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

Mr. Myers: Thank you, Mr. Speaker.

I guess on the topic of dogs, we know who was acting was like the Lil Bow Wow on the third floor yesterday.

One of the most recent defenses filed by the defendants disputed findings on the Auditor General report on the e-gaming scandal; they completely dispute the – it's been completely disputed by one of the defendants.

Government endorsement of defence

Question to the Premier: Does your government endorse this defence?

Speaker: The hon. Minister of Justice and Public Safety.

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

I had heard that the hon. member was cursing and swearing at civil servants yesterday on the third floor.

But let me just say that as I indicated previously, government has an insurer, the risk management fund. The risk management fund directs the defense of any claim against government in relation to this matter.

Mr. Myers: (Indistinct)

Mr. J. Brown: They have instructed legal counsel and will continue to provide them with instructions in relation to the defense of this matter.

Mr. Myers: (Indistinct)

Mr. MacEwen: Wouldn't talk to anybody else like that.

An Hon. Member: Disgrace.

Speaker: Order!

Mr. J. Brown: We expect that they will do so in a professional manner.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Georgetown-St. Peters, your final question.

An Hon. Member: (Indistinct)

Mr. LaVie: (Indistinct) now.

Mr. Myers: Thank you, Mr. Speaker.

Up on the third floor yesterday, the Attorney General spoke to people in very terse language himself. He spoke over a female up there; acted like a complete and utter misogynist on our floor the entire day, every time he came up.

Funny that he would up throwing barbs like that, considering he knows how he acted and everyone saw it.

Some Hon. Members: (Indistinct)

Ms. Compton: It was a disgrace.

Mr. Myers: He was a complete disgrace.

Mr. LaVie: Just listen now. Fire stones, you got to be (Indistinct)

Mr. Myers: The Attorney General was actually the vice chair of the Public Accounts committee, when the Auditor General reported her findings in the e-gaming scandal.

Minister support of findings of AG or legal defense

Question to the minister: Do you support the findings of the Auditor General or do you support the last legal defense that your government filed in the e-gaming lawsuit?

Speaker: The hon. Minister of Justice and Public Safety.

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

I will reiterate again that we have a self-defense insurance fund that directs the defense of this matter on behalf of government and that they do so through defense counsel that they have hired and instructed independent of government.

I will say that we do recognize and have indicated an acceptance of the report of the Auditor General. She did a report in a very professional manner, and we took the time at public accounts to listen to the findings of that report. We put a lot of credence into them, and government has made changes as a result of them. We have accepted them, and we are moving.

That's the way that this is meant to work. I would suggest that the hon. member and the official opposition do the same and recognize that that's how the process is meant to work.

Thank you very much.

Some Hon. Members: Hear, hear!

Statements by Members

Speaker: The hon. Minister of Health and Wellness.

Mental Health Walk-In Clinic in Montague

Mr. Mitchell: Today I'm pleased to announce that starting on Thursday, December 6th; a new mental health walk-in clinic will be available in Montague.

The walk-in clinic provides an opportunity to talk to somebody and receive immediate support from a mental health professional. No referral or no appointment needed. The new clinic will run every Thursday from 4:00 p.m. to 8:00 p.m. at the community

mental health office in Montague on Douses Road.

Staffed with a registered mental health therapist, the weekly walk-in clinic will offer timely access to mental health care and offer counselling support for youth, adults and seniors. Individuals typically see a therapist for 45 to 60 minutes.

Where appropriate, the therapist may also refer patients to more help offered by community mental health or to specific program such as The Strongest Families Program or Insight Youth Mental Health Day Treatment Program.

We are working to provide help at the community level, where people can easily access a professional to talk about any issue that is affecting their mental health such as family conflict, stress, grief, depression, anxiety, relationship issues or school concerns.

In 2017, more than 600 Islanders visited a mental health walk-in clinic. These clinics support individuals looking for help with a range of issues from anxiety and depression, to those more complex and high-risk mental health issues and concerns.

Clinics are also located in Charlottetown, Summerside, Lennox Island, O'Leary and West Isle High School.

No one should struggle alone. I encourage all Islanders, if you are struggling with your mental health, please reach out for support. We have professionals that are there to help you.

Thank you.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

The walk-ins are fine and dandy, but I talked to the frontline staff at Richmond Centre that wants the resources now. They are dealing with waitlists. They are going home everyday concerned that they can't deal with the workload.

The mental health therapists in our system can't deal with the workload. The

department is losing mental health therapists. They're going into the private sector, because they can't handle the stress of it.

We talked about the mobile crisis teams that we were supposed to start talking about them in 2017 and now here we are a year away. Health announcement after health announcement after health announcement. Let's some progress, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

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

I believe this is the third announcement this week on mental health services and supports. I really appreciate this government's focus in that area – an area of critical need here on Prince Edward Island.

While clearly every case of mental health challenges every situation is unique and requires individual particular help, there are two general areas in which we help people with mental health. One is in an acute crisis, somebody who has suicidal ideation or a psychotic incident or a situation like that, and then the other aspect of mental health is helping people to become well mentally, getting them well when they're not and then keeping them well – that sort of ongoing, more proactive, preventative, long-term approach.

These walk-in clinics I see as part of the former. The services that the province is offering people who are in that moment of crisis and none of us knows when that can arise. So it's really important that we have that available in a very timely manner, and geographically available to all Islanders. So expanding this into King's County, as you just announced, is really great. I very much appreciate that.

Again, I want to thank this government for its continued focus on mental health. I know this is not something that's easily fixed. It's certainly not a quick fix, but this ongoing sustained effort at producing a sort of integrated holistic system that we know Islanders need to become well mentally and stay that way is very much appreciated. Thank you, minister.

Thank you, Mr. Speaker.

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

Non-Binary Gender Options on Driver's Licenses

Ms. Biggar: Thank you, Mr. Speaker.

Islanders will now have more options to identify their gender on their driver's license. The Prince Edward Island government has added two new non-binary gender options: gender not listed and prefer not to say.

This adds to the existing male and female options. The selection will now appear on the license as an X, blank, M, and F respectively. While some other provinces in the federal government allow for an option to choose X or gender not listed on identification, Prince Edward Island is the first jurisdiction in Canada to allow for the option of prefer not to say or blank.

Adding non-binary gender options is an important step in advancing equal rights for everyone, no matter the gender identity or expression. While this may seem like a small step, our larger goal is to support the LGBTQ2S+ community, transgender people, those transitioning and anyone who does not identify as a male or female. All Islanders should feel included.

The PEI Human Rights Commission has expressed support for this move. The PEERS Alliance and Transgender Network is also applauding the change. I'd like to recognize Hannah Gehrels from the PEERS Alliance here today.

We know that it is important to formally acknowledge the reality of gender diversity. Providing non-binary gender options on provincial government IDs will better reflect the diverse identities of Island citizens.

Changes to the driver's license will become available starting Tuesday, December 4th at all Access PEI locations.

Thank you, Mr. Speaker.

Yes, free of charge in January, I might add.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

I'm not sure why we identify it at all on the licenses. I'm not really sure why, and we'll find out after.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

We have seen some really important statements made in the House with decisions about – whether they be motions or announcements like this – in the last few weeks that have really put PEI on the map in terms of being a place that is standing by and supporting all Islanders no matter how they identify, no matter how they choose to live their life. That is not a small thing. It is a very, very big thing. It's about protecting and recognizing the value of everyone no matter how they choose to identify and it is incredibly important.

So from the recognition of banning conversation therapy to us to be able to speak openly in the House about the fact that our queer community does have so many different ways that they identify and to recognize that formally through official government documents is really groundbreaking.

I am so proud to be a member of the House; to be able to stand and thank the government and the department for not only doing this, but making it happen right now.

Ms. Biggar: Thank you.

Ms. Bell: It is again – shout out as well to Hannah Gehrels – best name, shared name ever – but I am so proud for Hannah and her team for their advocacy and their persistence in their vision of how PEI could be this place that is one of welcoming and diversity and inclusion.

My best wishes to all. This is a very, very important small, but large change. Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Roach: Good government, great minister.

Speaker: Presenting and Receiving Petitions.

Tabling of Documents

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you.

Mr. Speaker, by leave of the House, I beg leave to table questions to the department of justice regarding 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. Member from Souris-Elmira.

Mr. LaVie: Mr. Speaker, by leave of the House, I beg leave to table all the invoices of the air conditioner that is installed at the Premier's office 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.

Reports by Committees

Introduction of Government Bills

Speaker: The hon. Minister of Finance.

Mr. MacDonald: Mr. Speaker, I beg leave to introduce a bill to be intituled *Supplementary Appropriation Act (No. 2) 2018* and I move, seconded by the Honourable Minister of Health and Wellness, that the same be now received and read a first time.

Speaker: Shall it carry? Carried.

Clerk: *Supplementary Appropriation Act (No. 2) 2018*, Bill No. 63, read a first time.

Speaker: A brief explanation please, Mr. Minister.

Mr. MacDonald: *Supplementary Appropriation Act (No. 2) 2018* contains the amount of special warrants approved under the authority of the *Financial Administration Act*.

Speaker: Thank you.

Government Motions

Orders of the Day Government

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

Mr. Gallant: Mr. Speaker, I move, seconded by the hon. Member from Tignish-Palmer Road, that the 9th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 9, *Justice of the Peace Act*, Bill No. 50, in Committee.

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

Mr. Gallant: Mr. Speaker, I move, seconded by the Honourable Member from Tignish-Palmer Road, 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'll call on the hon. Member from Vernon River-Stratford, if you wouldn't mind coming and continuing on chairing this bill.

Chair (McIsaac): The House is now in a Committee of the Whole House to take into consideration a bill to be intitled, *Justice of the Peace Act*. We have gone through this quite a bit, do you want to explain where we're at, minister?

Mr. J. Brown: Sure, so Chair, my recollection is we had actually gone through debate on the bill, exhausted questions. The Member from Borden-Kinkora had moved an amendment to section 16 – I think we'd exhausted questions on that and we were going to bring that back after the bill order 10 passed.

Chair: Member from Borden-Kinkora.

Mr. Fox: Thank you, Chair.

I have had discussions with the minister on this, and I support the bill as it sits. Just to make that statement – I support this bill as it sits right now.

Chair: Okay. Are there any other –

Mr. J. Brown: We have to move – we have to pass the amendment first.

Mr. Fox: You have to pass the amendment, yeah.

Mr. Myers: Hold on, the amendment or the whole bill?

Mr. J. Brown: No, no. The amendment, first.

Mr. Myers: Okay, we're going to discuss the bill.

Mr. Fox: Yeah.

Chair: Everyone has a copy of it.

Some Hon. Members: (Indistinct)

Chair: So this amendment will circulate.

Mr. Fox: Yes.

Chair: Okay, so is there any further discussion on this amendment?

Premier MacLauchlan: (Indistinct) I thought I heard the Member from Borden-Kinkora say he supported the bill, but is that with or without the amendment?

Mr. Fox: I support this bill with this amendment.

Mr. Trivers: We're voting on the amendment.

Mr. J. Brown: So, we need to carry the amendment first.

Mr. Fox: That's right.

Chair: Premier.

Premier MacLauchlan: As I read the amendment, it kind of slid into the realm of what would be considered misconduct for

the justices of the peace and I wonder if the Member from Borden-Kinkora could help us on the question of how that manages around those issues of judicial independence that we were discussing yesterday, please.

Chair: Can we bring strangers onto the floor, please.

Dr. Bevan-Baker: (Indistinct) copy of the amendment (Indistinct)

Chair: They're going to copy it, yes.

Dr. Bevan-Baker: Could you give us just a couple of minutes?

Chair: Yes.

Dr. Bevan-Baker: Thank you, apologizes (Indistinct)

Chair: Welcome, folks. Would you introduce yourselves and your titles, please?

Gary Demeulenaere: Gary Demeulenaere, Director of Legal and Policy Services with Justice and Public Safety.

Clare Henderson: Clare Henderson, Director of Family Wellness Court Services with the Department of Justice and Public Safety.

Chair: Thank you very much.

The Premier had a question, there.

Premier MacLauchlan: My question, it was directed to Member from Borden-Kinkora, but I'd be happy to hear from the Attorney General or staff on that question of how, in particular, the last words of the amendment that carries through to the disciplinary powers under the act. In particular, how some compliance or failure to comply with the education plan might lead to something to be considered as misconduct?

Clare Henderson: The amendment is contemplated in tandem with section 16(4) – sorry, 16(3) – in the act as drafted, which gives the Chief Judge of the court the discretionary ability to establish guidelines as to what conduct could constitute misconduct or incompetence for the purposes of the complaint section. The draft

as amended specifically allows the Chief Justice, in her discretion – you'll note the word 'may' is used – to set out that failure to comply with the continuing education plan would be grounds under the guidelines, to establish misconduct.

So, the amendment seeks to formally set out in the act that failure to comply with continuing education plans that may be established by the Judge may be included in the guidelines under section 16(3).

Premier MacLauchlan: So, it sounds to me like we're hanging a lot on the word 'may' here; we had an extensive conversation here yesterday about the relationship and the dynamic relationship between the Legislature and judicial branch.

Certainly, one element of the independence of the judiciary that is well understood is the administrative roll and the need for the administrative authority, and indeed, we're now talking about a section that is headed authority of the Chief Judge.

I'd like to hear from either the Attorney General or staff, as well as Borden-Kinkora, on this question of the Legislature – I know it's nice to say: she still has her discretion, or he – but, for us to go to the point of saying: this could, or would, be misconduct, is something that something that strikes me as being very, very close to the line.

Clare Henderson: Obviously, there is always the attempt to balance the important separation between the legislative branch and the judicial branch. The amendment was drafted with the contemplation that, obviously, the Chief Judge as the administrative direction of the court would be able to establish the specifics of what the conduct is.

Further, in looking at how the discipline process is set out, if the Chief Judge's discretion, in terms of the initial receipt of the complaint, she would be best positioned through the process to review, not only the context of the circumstance that may give rise to the complaint, but in the consideration of that context in draft (Indistinct) guidelines.

The legislation doesn't purport to set out what those guidelines are through

regulation. The legislative branch, in this instance, would not be attempting to make specific direction as to what those guidelines may be. But, the intent of the legislation is to provide a softer direction for the consideration of continuing education, in the hopes of balancing judicial independence with the important prospect of confidence in the administration of justice.

The intent of the legislation is to promote confidence in the administration of justice, with the understanding that the legislative branch is providing a softer direction than an educated – that the ongoing education of members of the judicial branch is an important part of the function of the administration of justice in the province.

The discretion of the Chief Judge in determining what specific circumstance would constitute a breach of any guidelines that the Chief Judge would draft.

The drafting of the legislation was thought to be an appropriate balance between the need for the confidence in the administration of justice and respecting the right of the Chief Judge to administer the court and provide guidance and in appropriate circumstances, discipline for individuals who want to come to the bench of the court.

Chair: The minister's going to comment, and then Member from Borden-Kinkora.

Mr. J. Brown: I should reference to by way of further context, Bill No. 110 originally included provisions related to justices of the peace and a more direct requirement and I would say a further treading across the line would be fair to say, Premier.

As I indicated yesterday when I spoke to that, this is a process that we've worked extensively with the hon. Member from Borden-Kinkora. As I indicated yesterday we would have, I guess I might say, some reservation about how far into that field we would wade.

Here we feel that we have considered all the possibilities and in light of the laudable objective that is sought to be achieved. As we debated in the house yesterday, we feel that it is an important objective and we feel that the discretion has truly been left in the

hands of the chief provincial court judge – I do want to highlight that part of it.

In particular, I do note that there was some reporting done out of the session yesterday; it is the chief provincial court judge, which is very different than the chief justice of the province that will actually both mandate and have the authority over these plans.

There was also some reporting about lawyers coming into the stream and all the rest of that. We need to be sure that we're all aware here that it is in fact the chief judge that sets this plan.

Really what's happening is there is an agreement that the chief judge will have the ability to do that and that the chief judge will have the ability to ensure that those that are coming on, lawyers, typically when they're appointed, are going to take the training that the chief judge sets out.

Also, that there's some teeth that if they don't the chief judge has the ability to preside over that training plan and create discipline if there's not an adherence to her, in this case plan – but whoever the chief judge may be at the time.

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Chair, and thank you, hon. Premier.

I think Clare explained it best, far better than I could ever explain it but I think that between the department and myself and everyone we've consulted with we've come up with the best, what we would say, balance to ensure that we're not going in to that judiciary or crossing the line that Jordan spoke about.

I think this is a fair way in doing that by: Here's the act and now the provincial court judge, the chief, has total sole authority and may, he or she has that power to deal with anything.

Chair: The hon. Premier.

Premier MacLauchlan: If I may, I just want and I think it's important that we have this on the record, it strikes me as the kind

of thing that people may come back and say: were we paying sufficient attention to this?

My particular concern is the use of the word “misconduct.” Misconduct takes you pretty well to the heavy end of the range of disciplinary powers that the chief judge would have.

In any disciplinary situation you’ve got a sort of a sliding scale depending on the severity of the departure from whatever the standard of conduct is. You typically have what is considered in most employment situations what might be called a: progressive approach, not to say you would get a normal course, a more serious treatment if it’s not the first offence.

My question then is – and the way the amendment is drafted, it says ‘may be grounds for misconduct’ – is that – I have to confess, I don’t have it in front of me, I had it when it was handed out first.

Would we be more comfortable or would we achieve any less if it says ‘may engage the disciplinary powers of the chief judge’, where it doesn’t sound quite like we’re pushing this to the full – misconduct could very well be tied to dismissal at the end of the disciplinary spectrum.

I just want to have this on the record; if it’s been all worked out and everybody’s happy about it then I’m not going to oppose it.

Chair: Clare.

Clare Henderson: In the consultation that occurred on the act, and perhaps I should address your second part first if that’s okay.

The inquiry procedure and the complaints procedure that is under the act is in circumstances where any member of the public brings forward a complaint about a judicial justice of the peace.

Nothing within the legislation purports to remove the ability of the chief judge as the administrative authority in the court per her entitlements independent to engage in direction and scheduling – administrative matters with the judicial justice of the peace, generally.

It’s not contemplated that if the chief judge had concerns about the conduct or actions of a judicial JP that she would be unable in her general authority to engage in discussion. Or to borrow your phrase: progressive discipline, in her role as the chief judge.

The inclusion of that provision relates to the conduct that may come forward in form of a formal complaint under the legislation that may lead to an inquiry or tribunal depending on the review of the investigation.

Relating to specifically the use of the word ‘misconduct’, the draft of the legislation was actually evolved over time and the inclusion of the word ‘misconduct’ was as a result of a consultation with the members of the provincial court. They requested that word be included as a result of discussions that have happened across the country in relation to concerns with judicial officers.

Premier MacLauchlan: I’m satisfied and I just wanted to be sure that we have that on the record, I appreciate the response.

Chair: Member from Charlottetown-Parkdale.

Ms. Bell: Are we still speaking to the amendment?

Chair: Yes, we are.

Ms. Bell: Okay so my question is actually around the original sections of the bill? Thank you, so I’ll wait.

Chair: The hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Chair.

So believe it or not, I have a tendency to lean towards the Premier on this one though.

What I would say is I like the ‘engage’, but I also think rather than ‘may’, we should say ‘shall’. We should be very clear what we want to happen.

When you hear a lot of the talk, it’s all about what do the lawyers want or what do the judges want. There is a clear separation between the judicial branch and the legislative branch. There’s no back and forth. The lawyers are telling us how to do

our jobs; we're not telling the lawyers how to do their jobs.

I think that – I like the 'engage' because it gives, it does give – the scope is set broad enough that you're not prescribing what punishment would come but the 'shall' makes it so they have to versus if we say 'may' and broaden the scope on how it would happen, you're really loosening the – I'm wondering what the thoughts are from the minister on that. The direction that the Premier's talking but 'shall' also prescribe it holy versus – it keeps it tight enough but it definitely loosens up the prescription at the final end of it.

Chair: The hon. Minister of Justice and Public Safety.

Mr. J. Brown: Thank you, Chair.

So I think actually, the Premier was saying the opposite if I understood him correctly –

Mr. Myers: Was he? That's not how I understood (Indistinct)

Mr. J. Brown: – the issue that you get into any time that you have the – this is what I was speaking about earlier as well.

When we as a Legislature try to, I guess I'll say overstep our prescriptive powers that have been set out in the constitution. We need to start out recognizing that our Canadian constitution enables three different branches of government: the legislative, the executive and the judiciary.

Each of them has very separate and distinct powers. The judiciary is meant to be separate and distinct, because to have a truly independent judicial system, which may hear complaints relating to any of the other two branches of government or we want to ensure that our people have confidence in a system that is truly separate and apart from government. That right is actually enshrined in section 11(d) of our Charter of Rights and Freedoms, as well as in our constitution.

We need to ensure that the legislative branch does not become overly prescriptive in how we prescribe the administration of justice.

So, a couple of examples of that would be there was a point in time back up until the

early-to-mid-90s that provincial government would have set compensation for our provincial court judges as an example. That, as a result of a reference that went to the Supreme Court of Canada, was changed and the compensation was set by a committee in a very similar way to our compensation being set. There are a number of other similar cases in Canadian jurisprudence that go along that same line of reasoning.

If we were to dictate by saying 'shall' that the chief provincial court judge 'shall do something' – in other words we take the discretion away from her. I would say to you that we would be crossing that line in the same way that our provincial government back in the 90s was found to be over the line because they were setting the pay.

We're telling them how they need to conduct themselves in the administration of justice. Both to a person – and there are two different ways in which the independence of the judiciary is protected, both personally and on an administrative level – I think that there would be a significant risk that an insertion of the word 'shall' at that point in the clause would cause a problem on both of those fronts.

Chair: Georgetown-St. Peters.

Mr. Myers: Thank you, Chair.

I guess for me, and I watched the debate from yesterday, and a lot of discussion around it, I still do think we're here to make the laws of our province.

I mean, why would we be scared to push the boundaries? Why would we be scared that something might get struck down? It would only get struck down if somebody challenges it.

When you take in the case of the member from Borden's case yesterday, who's going to challenge that? Why would you challenge that? It would make a mockery of our whole judicial system that you would challenge that. Right, because this is a true concern of the day.

So, while I respect what you're saying and I hear what you're saying clearly, I still think that we – I act everyday independent in here. It's probably quite obvious to most who sit

in here that I do. I'm not influenced by – I don't have outside influences. I think what I think and I read what I read and I apply my own life experiences to my job and I guess that's all I have. I guess that's probably what everybody does. I don't have experience in the judicial system, thankfully, because I'm not a lawyer, otherwise I'd have it for the wrong reasons.

I just see – we're scared that the courts are going to override us or make rules, and it's probably one of the biggest complaints that I've heard over my lifetime is that it looks like the courts are making the rules and what do we need politicians for? So I respect what you're saying, but I just think that there has to be some measure where we can be independent too, or we can apply thoughts independently.

If things get struck down – things get struck down all the time. The courts are full of – at the Supreme Court level things that are being struck down.

So my question would be why is – like what is your worry on that front – that it would actually happen or that you would be embarrassed that it would happen? I'm just trying to get a feel for where you're coming from is all.

Chair: Do you want to reply to that, minister?

Mr. J. Brown: Yeah, sure.

So there are a few things that you had packed in there that I think we do need to address.

The first part in terms of – and I think it's really the ultimate contextual response to the division of powers in terms of the way you had put it forward, with the greatest respect. It is not a 'we make the rules' and they decide that they're going to change them or something of that nature, it's we set out the laws that apply generally to our population and the courts interpret them and apply them through a procedure and an administration that they set out onto their own. It's when we start to tread into the administrative area of the court, which this clearly falls within, that's where we get into problems. That's where we start to lose our independence from the judiciary.

There's a significant body of case law in this regard and you know it sets out pretty clearly that even a focus on – and this is part of the issue that we run into here where there's a focus on – as an example sexual assault law and training – there is a possibility that an individual, an accused person, as an example, could say because there's a focus on that there's an indication that government wants the judiciary to have certain sensitivities or certain lens on the law that they are to apply that wouldn't necessarily be written into the law as it's set out.

The danger – to go back to that piece of your question, and I think you called it making a mockery of a judicial system – the danger gets to be – and we actually did experience this in the 90s – accused people coming into the court and saying: No I don't want a trail in front of you because you're an agent of the government. I want an independent judge that's going to hear my case. Because we have set out in our constitution and in the Charter of Rights, which is enshrined in our constitution, a right to trial by an independent judiciary, we have to be very, very careful that we don't do that. If that individual makes that application, and it's found that the judiciary is not truly independent, you have a huge reversal of perhaps findings by that judge. Whether they were sound or whether they weren't based on that one particular aspect of the complaint that's been brought forward by a particular accused person and that can a re-victimization of folks that were involved in the processes up to that point.

So that's the ultimate danger, is that inadvertently by taking that step you can do a lot of damage that you didn't intend to do by trying to put an honest kind of objective forward and to emphasize it.

So that's really – again, the difference here being the word 'may' versus 'shall' and the court having the discretion to set their own administration and their own procedure to deal with the things that we want to have them deal with.

Chair: I have one more intervention on the amendment, and that's from Borden-Kinkora.

Mr. Fox: Thanks, Chair.

I can understand the reasoning behind the department of the minister and I can understand your thoughts, hon. Member from Georgetown-St. Peters.

I think we are walking a very tight line here. I can remember back years ago when I was chief of police when you would have possibly people trying to influence you on charges or what the circumstances of an event are and you had to be very careful that – I don't believe that any police department or any member should ever divulge anything in regards to a case outside the department and only to the Crown Attorney's office and that's to ensure that independence and impartiality.

I understand what the member is saying about 'shall,' but I think with 'may' we're sending a very strong message to the stakeholders and to the lawyers and to the judiciary, that this 'may' happen. We're putting in front of the chief of provincial court judge and there's where the discretion lies. So, we're making sure, I believe, that we're separating the legislative branch from the judiciary at the max level of where we can. I guess we need a (Indistinct) word.

Chair: Okay, thank you.

Any further interventions, questions, comments, on the amendment?

Shall it carry? Carried.

Okay, we're not going to return to the bill. The first one of the list –

Mr. J. Brown: Chair, could I maybe move a further amendment to the bill?

Chair: Okay, alright.

Mr. J. Brown: So I have a housekeeping amendment here, as well.

I would like to move that clauses 38(1)(e) and 38(2)(c) of Bill No. 50 are amended by the deletion of the words subsection 16(2) and the substitution of the words subsection 16(3).

So, that just ends up being a typo or whatever, if you will, but we're one section behind as a result.

Chair: Okay, does anybody need a copy of that?

The hon. Member from Montague-Kilmuir.

Mr. Roach: Yes, with regards to – just to clarify, section 38 – is that both in one and two? Subsection one, subsection two? Both say 16(2) – is it just in 38(1)(e) or is it also in 38(2)(c)?

Chair: Does this one relate to that and that one relate to that?

Mr. J. Brown: Yeah, I know what he's saying.

Mr. Roach: I just want to clarify.

Clare Henderson: Both of them should refer to 16(3).

Mr. Roach: Both of them? 38(1) and (2)?

Clare Henderson: Um, 16(2) in the act refers to the code of conduct that may be established by the chief judge; the section in 38 refers to section three sub (3) –

Mr. Roach: Oh.

Clare Henderson: – which is the guidelines for both sections.

Mr. Roach: So both do?

Clare Henderson: Yes.

Mr. Roach: Okay, thank you.

Chair: Does anyone need a copy of that as a housekeeping item?

An Hon. Member: No.

Chair: Okay.

Shall it carry? Carried.

We're going back to the bill now. First intervention is from the hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you very much.

So are we doing section by section, Chair?

Chair: Yes, we are.

Ms. Bell: Okay, so my question was actually about section three, if we wanted to proceed directly to that or do we – how do you want to proceed?

Chair: We have gone through the entire (Indistinct)

Ms. Bell: Well my notes were, Chair, that we had gone directly to the amendment in section 16.

Chair: Okay, so, we're going section by section.

Was your question prior to section three?

Dr. Bevan-Baker: No, actually, it was not. It was to do with what I thought was a typo, so, that's been corrected.

Chair: Okay. We'll deal with Member from Charlottetown-Parkdale's –

Ms. Bell: On section three?

Chair: Sure.

Ms. Bell: Thank you.

Mr. Roach: Have we carried one and two, Chair?

Some Hon. Members: (Indistinct)

Chair: If there is no other questions on one and two, then.

Shall section one carry? Carried.

Shall section two carry? Carried.

Okay, questions on section three.

Ms. Bell: Thank you, Chair.

I noticed that the composition of the committee is smaller than the amendments proposed to the *Provincial Courts Act* in 2017. Could you just expand on why that is?

Mr. J. Brown: (Indistinct)

Clare Henderson: Are we in part three?

Mr. J. Brown: Section three.

Ms. Bell: Section three – part two, section 3(2).

Clare Henderson: I apologize.

I'm not specifically aware that there was actually an appointment committee that was established through the amendments in 2017. But, this advisory committee is put forward on the basis of review of legislation across the country and consultation with the court. You'll note that it has a nominee by the chief judge as representative of the judicial branch, a nominee of the law society, as is comparable to the appointment processes across the country, and one individual nominated by the minister.

In discussions with the court in relation to this matter, the discussion was that we are a smaller jurisdiction and having a larger committee with multiple appointments would not allow the process to be as nimble, and given the representative nature of the smaller committee, which is also comparable to the remuneration committee, under the later sections, which has withstood constitutional scrutiny in the past; this is the draft that was put forward.

Ms. Bell: Okay, thank you, Chair. That's good.

Chair: Okay, shall section three carry? Carried.

Are there any other questions?

Ms. Casey: (Indistinct). Carry the bill.

Ms. Bell: I had a question on section four.

Chair: Okay, the hon. Member from Charlottetown-Parkdale.

Ms. Bell: Section four, part two, with membership and law society.

This section reads: A candidate for appointment as a judicial justice of the peace shall have been, for at least five years, an active member in good standing of the law society.

It doesn't necessarily – there's that issue that appears in part two of the act, that seem to contradict the requirements for a judicial justice of the peace in part four section five

of the act on page 10. I just wanted to confirm that this requirement applies to a judicial justice of the peace, and not a member of the advisory committee?

Clare Henderson: Yes, that – you’ll note that the second says ‘a candidate for appointment’ so when we’re looking at sub. two, we are talking about the considerations that would apply to the advisory committee in determining what the nomination criteria where. It sets out that one of the mandatory criteria for the committee to consider is a minimum time period at the bar of a province. This is comparable to the language in the *Provincial Court Act*.

Chair: Okay.

Ms. Bell: But that is referring to a candidate for appointment to the committee –

Clare Henderson: No.

Ms. Bell: – in section four?

Clare Henderson: A candidate for appointment as a judicial justice of the peace.

Ms. Bell: As a judicial justice of the peace, okay. Not for the committee?

Clare Henderson: Yes, there was a fairly extensive and complicated discussion with Legislative Council about where that particular requirement should land in terms of the order of operations in the legislation.

This requires that any person, who wishes to put forward their name to be nominated as a judicial justice of the peace, would have five years at the bar. And since the nominating committee is responsible for the advertisement and other criteria that would impact the consideration for the selection of the committee, that lands in that particular provision.

Ms. Bell: Thank you, Chair.

That was a fairly substantial discussion in her office about the same thing, so that makes a lot of sense. Thank you, Chair. My next question isn’t until a farther section.

Chair: Any other questions on section four?

Mr. Roach: Carry the section.

Chair: Shall it carry? Carried.

Your next question?

Ms. Bell: Is on section 14.

Chair: 14? So, any other questions between four and 14?

Shall all those sections in between carry? Carried.

Okay, the hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you.

In part four, section 14(6), has a section around persons ineligible to serve.

This new list is much less restrictive than the former amendments, and again, we referenced regarding the *Provincial Court Act*. So for example, in the original amendments, no employee of municipal, provincial, or federal government or their spouse – or the spouse of now the government restrictions just apply to employees who work in corrections.

Why were the restrictions so extensive in the previous version instead of what the restrictions where like in other jurisdictions?

Clare Henderson: So the restrictions in the present draft are actually comparable to the previous draft because they have to be right in consort with the remainder of the legislation. So if you go to the provisions that talk about the eligibility of staff justice of the peace, no individual who is an employee of the department or a civil servant under the *Civil Service Act* can actually be appointed a justice of the peace.

Some of the eligibility criteria are specific to the types of appointments, so judicial justice of the peace, or staff justice of the peace; you’ll also note that in the sections relating to staff justice of the peace, it also talks about employees of municipal government may be appointed as staff justice of the peace. So, it achieves the same goals, but it just happens in different sections of the legislation because of the varying nature of the appointments.

Ms. Bell: Okay.

Chair: Okay?

Ms. Bell: So, I'm hearing that some of those

—

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

So some of the pieces that were identified in the original act, that previous thing have been (Indistinct) here, but they're being reallocated and sort of reflected in different ways.

Clare Henderson: They're done in substantive ways that are different. For example, the legislation itself contemplates that no person who is appointed under the *Civil Service Act* would be engaging in what is referred to as adjudicative decisions. Effectively, nobody who receives a paycheque from the government is going to be called upon to make adjudicative decisions related to anything that comes before the court, and that specifically to contemplate the necessary separation between the government and the judiciary.

Ms. Bell: Chair, another question.

Chair: Another question, Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

So in Section 14(8) regarding term of office they're referring those previous amendments the term of office was five years, but in this version the appointment is until retirement or the age of 70, which seems like quite a significant change.

Could you explain that decision to move to that difference of qualification — of term?

Clare Henderson: One of the fundamental principles of judicial independence — so there's multiple principles relating to judicial independence. One of that is something called security of tenure. In order for a member of the judiciary to be truly independent, their position has to be secure. So there can't be a suggestion that if I don't

make a decision that the government likes, they could fire me three years from now.

You'll note that this act has a fairly comprehensive process for discipline through the action of the Chief Judge as we discussed in the previous amendments. So the appointment itself is secure through the change in the term of office, but the judicial justice of the peace would be subject to the availability of a complaints process if there was concern with either misconduct, incompetence, and the general authoritative direction of the Chief Judge who would have the administrative responsibility of assigning tasks and setting out guidelines of conduct.

Again, given some of the litigation that's happened across the country, and given the government's commitment to having an independent and constitutionally robust regime, this is the approach that was presented.

Chair: Minister.

Mr. J. Brown: I'd mention too, that you may want to just look at that in contrast with Section 22, subsection 2, which is staff justices of the peace. Again, look at the roles of the two different justices and the judicative functions of them as Clare had mentioned previously and those have to do with kind of the constitutionality of the terms. There's a whole analysis that ties in with that.

Chair: Charlottetown-Parkdale.

Ms. Bell: Thank you, minister, and for the explanation. It's really helpful to get that context of how the decisions are made, because we're not judicial experts so it's sort of to be able to understand and interpret in that way is really helpful.

The last question I have on that section is during our discussions of the amendments of the *Provincial Court Act*, the Premier had indicated that it's quite likely the people who would be interested in this position and qualified would be semi-retired or even retired.

Is that still how you envision the types of people who may be interested in these

positions or has that changed again slightly just with the restructuring?

Clare Henderson: We anticipate that there is going to be a broad range of interest in the new appointments. I would anticipate that there will be interest from individuals that are retired and individuals that are presently active in the law society. We are hopeful to have a robust panel, and look forward to what I expect is going to be a very interesting appointment process.

Ms. Bell: You know what they say about interesting.

Mr. J. Brown: So the other thing to mention here too, is that in clearly delineating the different functions of – effectively there's different types of justices of the peace at this point in time. You've created situations where there will be different qualifications, and therefore a different skill set, a different interest level and all that goes along with that, as well, whereas before it was more just a general your justice of the peace and a different kind of qualification criteria.

Ms. Bell: Thank you, minister.

Chair: Any further questions?

Ms. Bell: I'm good there, thank you.

Chair: Shall Section 14 carry? Carried.

Further questions on the bill?

An Hon. Member: Carry the bill.

Ms. Bell: Question on Section 4.6, which is fitness to serve as judicial justice of the peace.

Chair: What section is that?

Mr. J. Brown: Twenty-four it starts at.

Ms. Bell: It begins at 24.

Chair: Okay, shall all the sections between 14 and 42 carry? Carried.

Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

As you mentioned previously, the new act provides the robust complaints and appeal process, though I was not here at the time of the conversation, I've been advised that before in the House the Premier had been questioned on the fact that the appointment process of provincial court judges wasn't spelt out in the legislation, while the judicial justices of the peace – that's really a tongue twister – had the appointment process spelled out clearly in the legislation and there's a similar situation with the complaint process.

So the process of provincial court judges seems a bit less robust and doesn't have that appeal provision. Are there any plans to update the complaint process for provincial judges, because you have spoken about that separation happening?

Mr. J. Brown: I think overall we've been – Bill 110 was just another piece. We're looking at the *Provincial Court Act* in a more fulsome way. It is a major piece of legislation. It's not something that you just decide we're going to make a bunch of changes. There's significant consultation that needs to go into those changes, as well.

So, there are pieces of it that we have obviously highlighted as being areas that we should pay attention to as quick as we possibly can and through the course of a further consultation process I would expect to see further changes. Exactly how fulsome they are, it's tough to say at this point in time, but we certainly have been meeting with the chief provincial court judge and others to review the *Provincial Court Act* and what may need to be done with it.

Ms. Bell: Thank you, minister.

Chair: Further questions on 24?

Ms. Bell: No, Chair. Thank you.

Chair: Shall it carry? Carried.

Further questions on the bill?

Shall the bill carry? Carried.

Mr. J. Brown: Mr. Chair, I move the title.

Chair: *Justice of the Peace Act.*

Shall it carry? Carried.

Mr. J. Brown: 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. J. Brown: 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 intitled *Justice of the Peace 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.

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 17th order of the day be now read.

Speaker: Shall it carry? Carried.

Committee Clerk: *An Act to Amend the Gasoline Tax Act*, Bill No. 58, in Committee.

Speaker: The 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 the said bill.

Speaker: Shall it carry? Carried.

I will ask the hon. Member from Charlottetown-Lewis Point 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 intitled *An Act to Amend the Gasoline Tax Act*. Is it the pleasure of the committee that the bill now be read clause by clause?

An Hon. Member: Section by section.

Chair: Permission to bring a stranger to the floor? We'll allow her to come to the floor and set up before we get started.

Mr. LaVie: We'll get some answers now.

Mr. Myers: Thankfully he took someone with him.

Mr. MacDonald: (Indistinct)

Chair: Good afternoon.

Could you introduce yourself and your title for the record?

Beth Gaudet: Beth Gaudet, Provincial Tax Commissioner.

Chair: Welcome to the table.

Hon. members, we were having some discussion on the bill yesterday and minister, do you have anything to add before we get started?

Mr. MacDonald: I don't think so.

Chair: Okay, any questions?

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Yeah, when debate was interrupted last night I was asking about the redistribution of funds which are created through the carbon levy.

It's interesting, there was a great line of questioning earlier today from the Member from Rustico-Emerald on supports for solar power here and I realized that that's in the carbon action plan and it's in the energy plan as well but, I was wondering why you didn't consider using any of the funds which accrue from the carbon levy to specifically subsidize solar power here on PEI because it is a big hole in our plan.

Mr. MacDonald: I don't necessarily disagree with you as far as solar.

I think it's something that we'll have to look at in the future and I think at this point in time the expense of solar is somewhat cost prohibitive to the average person but there are programs and we were actually just having this discussion that if I could have an intervention – go ahead.

Chair: The hon. Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: Thank you.

We just announced in the House the \$7.5 million from Finance PEI which will be administered through Efficiency PEI. One of the things we are going to explore is whether or not opening that up to financing for solar panels.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: I'm really glad to hear that and minister you mentioned that the issue with solar is that it's: cost prohibitive, is the phrase you used. That's quickly not becoming as true and like the microwave that the hon. Member from Georgetown-St. Peters used as his example yesterday, the cost of solar panels has plummeted and really the issue to getting people to shift from dirty forms of collecting energy or using energy to clean green forms is overcoming that price barrier.

We're really close with a number of technologies specifically here on PEI. We do a lot of great work with wind here and there's a tremendous amount of research and innovation and money being put into developing wind power here and as we should because it's a fantastic resource that we have here on Prince Edward Island.

Again, I think it was the Member from Rustico-Emerald mentioned in his line of questioning today, solar is something that we're underutilizing here. So, I'm glad to hear that, minister, that some of that \$7 million will be specifically ear marked for that. At least, I think that's what you said – because I think that's one part of the energy mix that we're really not harnessing as well as we might.

Minister, I think part of the reason that it wasn't feasible with your plan to subsidize something like solar power and putting a raise in whether it's public buildings or individuals' home, is the that the amount of money that's left over once you give three quarters of it back in reducing gasoline prices, is so small. It's \$2.5 million for the whole province. So, we're not going to be able to do an awful lot of solar arrays example, if we chose to do that.

However, if we had quadrupled that money, was it possible that we could have used some of that money directly on to incentivize solar installations?

Mr. MacDonald: Again, we set out, we had a plan in place, we had the plan accepted from Ottawa and as we move forward with this plan and after the two year review, solar may play a big part in what stands next for Prince Edward Island.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thanks, Chair.

I think in my comments yesterday and today I've tried to demonstrate that this plan, it doesn't make any sense economically and it doesn't make any sense environmentally, and the only way that this plan may make sense is politically.

It's a two year plan, it gets us through the next election cycle and I sense that the real motivation behind these two bills is political and for me, that's never a good primary rationale for any government policy.

Chair: The hon. Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: Thank you, Madam Chair.

Part of the whole carbon plan that we have for Prince Edward Island, the low carbon economy fund is also helping to implement programs and funding and the overall is to generate clean growth and reduce gas emissions and that's part of what we're doing thorough our efficiency PEI spending.

We have multiplied that spending by tenfold, we are again, you've heard me say it here: the initiatives we are putting forward to Islanders to save them money by

conversion from oil to whether it be a heat pump, whether it be – a lot of Islanders still use propane, they're using wood, they're using wood chips.

As a government we're converting our buildings from oil to biomass, we're using the energy from waste, we're investing in the new wind sites through the PEI Energy Corporation. We invested \$142 million in a new cable for this Island to open up the door to be able to handle that.

So it all ties together with what the minister's plan is, what the low carbon economy fund is, what our whole Island carbon pricing is, our energy strategy, it all ties together.

Thank you.

Chair: The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Chair.

I guess I have to revisit the question that I asked last night when you answered and you went through I believe it was the Green Party, what they had said they wanted and I think we had an awful lot of the same boxes checked off.

It appears that unless – the one key area is the dollars that would be paid extra, as the way the Green Party wants it, I'm glad that we've chosen instead of taking the money and trying to figure out how you get it back to them, the money doesn't come out of everybody's pocket in the first place – especially low-income Islanders.

I think that, you can talk about this generally but it always comes back – at least the questions that come from the other side of the house to here: what about low-income Islanders.

I think that while we're doing that, I think it's a great focus on income Islanders and with the number of programs that are coming out of the agreement that we have with the federal government, I think it provides great opportunity for Islanders who have the dollars in their pocket. Look at all the programs that are available to move to a more low-carbon way of living.

I think the proof is in the pudding. I think we have seen a lot of Islanders and businesses, communities that are taken advantage of. So I do support the program that's in place and hearing from my constituents. I'm getting strong feedback on the fact that we're not taking and putting the tax on, that we're leaving the money in their pockets to begin with.

Minister, I'd like to hear just a little bit more about the availability as we go down the road for solar because I too like the idea of solar.

In the past I've worked on files with respect to solar, where the pitch has come but it was so expensive, at least it was four or five years ago. As the Member from Georgetown-St. Peters correctly pointed out yesterday: microwaves were \$1,200-\$1,400 but as technology goes down the road, that microwave is available to low-income Islanders because they can afford it.

I think that when we get to the price-point where it is – and it's not often that I agree with the Member from Georgetown-St. Peters.

Mr. Myers: You always do, you just don't admit it.

Mr. Roach: I do see that's going to be a change. I'd like to know, I guess my direct question is: Have we looked at the cost of solar where it was, say five years ago, where it is today and when might we expect just in terms of how that's looking year over year, solar may be more affordable to the average Islander?

I want to see those programs that support all Islanders, but, I certainly want to see that low-income Islanders and middle-income earners can do this. That's the same thing – we can offer all of the money we want for people to go to electric cars, but the majority of people middle and low-income Islanders can't afford them.

Mr. MacDonald: I think we talked about innovation and going forward. I don't think anybody is going to argue that solar is getting cheaper. I think it's something, and I've said this, and I've had the discussion with the hon. Member from Rustico-Emerald, several times on solar and his

knowledge as well. Solar is getting cheaper. I think in the last five years they were talking about 30%, but it still is expensive.

In my own riding, we've done samples at Elliot River School on solar panels on the roof. It is expensive, but it was a great educational tool for the students to be able to walk into the front lobby and actually look at the television and find out how much they're getting back from those solar panels on the roof.

One thing that did stand out was the damage of the solar panels on the roof and what had to be replaced. It's not just the solar panels, it's the installation and the maintenance of the solar panels too, that have to be considered when all of this is being said and done, and it could be on a lot larger scale. But then again, if you look at where we've come from with heat pumps – seven years ago, heat pumps, they were there, but people were nervous of them, they were afraid of them, and now we've got upwards of 4,000 people interested in buying heat pumps. Every heat pump we put in is a reduction in carbon emissions.

Solar will likely go the same way. We put a plan in place, we're recognizing that innovation and technology is going to continue to change at a rapid pace. As a government, you have to be prepared to keep up to it; 60% of our power right now is clean power.

Mr. Roach: (Indistinct) 5% (Indistinct)

Mr. MacDonald: But, the other thing we must remember, too, is we do have the highest taxes and gas in Canada. We're third highest in the country right now – third highest. But, we're a rural province, so we have to pay attention to that aspect, as well. You can talk about it being political or whatever you want, but when you talk about people that are living from week to week or cheque to cheque, or month to month – as a good government, you have to take that into consideration.

I don't think anybody is disputing the fact about carbon emissions; I think it's our future, it's my children's future, and hopefully if they're blessed, their children's future. But, I think we have to do it in an orderly fashion that we're not going to put

harm's way to those individuals that are on that borderline.

Chair: Member from Montague-Kilmuir.

Mr. Roach: Thank you, Chair.

I do have an individual in my constituency that is completely off the grid. I've gone to look at the system that's there; it's a very expensive battery that only has a certain amount of shelf life. It's extremely expensive; all of that is supplemented with wood heat and they are completely off the grid. At no time will they turn on and take power from the grid.

Looking at that and the return that they're getting, it's very, very expensive. Now, my question is, and I know that the minister of infrastructure was part of it, there is a large solar array that's going into the community of Montague, it's a significant amount of investment.

I would like to see – and we do have a company in district 2, right on the border between districts 2 and 3 that have put up an array of solar panels for their business. There is an array of solar panels in Summerside. I'd like to see us – this government – have a look to see how those systems – the cost of those systems that were put in, and see the value of return. I think it's very important before we start investing huge in solar, that we ensure that the dollar is there, the return is there, so that the medium or low-income Islander is able to – if they have to – either through a government program, or borrowing money from a bank, that there is a guarantee that they'll get their return and I think that would go a long way.

But I think we need to look at it closer before those decisions. And we have a great opportunity to do that with the array of solar that we currently have on PEI to assess it.

Chair: Thank you.

Minister of Communities, Land and Environment.

Mr. R. Brown: Thank you.

Here goes the Green Party again – political, political, political – that's all they're talking

about. I know where the Leader of the Green Party is going. Again, he's the political savior that's coming to PEI – I'm going to save PEI, here. The government plan is no good. This is a political plan to get them over the election.

We've been working on this for a number of years; we've had the Dunskey Report that outlines what we should be doing over the number of years. These are professionals that have put together – that have been in the energy business for years. For him to call the Dunskey Report, and the people that work for Dunskey a part of a political process or just playing political games, Madam Chairman, is again disrespect for the people that put these plans together; disrespect for the consultants that put these plans together – accusing them of being political.

Now, he talks about – it's only a two-year program – so therefore, it's a political program. Well, we just signed a climate change agreement with the federal government – \$77 million in this program to help Islanders transition from carbon to a low carbon economy; to get rid of oil, to get rid of the carbon and the CO₂ we're putting in the air. This plan goes from a five-year plan, we're already two years in, we're going to increase the price on carbon, first 2019, and then we're going to increase it in 2020. Then the plan is up for review – it's up for review at that time – are we working right? Can we adjust the plan? What can we adjust, here? Do we put more money into the low carbon economy fund, or do we adjust the price again?

For him to accuse us of being political when we have a document that has a review period in place – so we're saying, we will put our carbon pricing levy until the review is done. And then at the review time, we'll see. Are we meeting our targets? Are we winning our targets? Because if we're not meeting our targets, we may have to increase the price more on the levy and put more money back into the programs.

It is not political, there is a review period. I can assure the member, the Leader of the Green Party, there is a review period, we are following the review period, and that's why we put our pricing in for two years. After two years – really, we're three years in, after

two years – the review will be done, and then we'll make our adjustments on that. Maybe at that time, we'll probably be really close to our targets, at that time, and we may be able to ratchet it back a bit. Or, if the federal government says: you're doing so good, you're a leader in the country, we like your examples, continue to do it, and here's some more funds in order to make it go even faster.

So for him to accuse us over here of being just political, trying to get over an election is absolutely unequivocally, imperatively, everything wrong, because it's not. It's about providing home owners, it's providing Islanders – which he has no respect for because he calls them 'climate deniers' if they buy a heat pump, or if they put a little gas in their car – or, what his plan is, the person from Montague will hitchhike to town. I don't agree with that – hitchhike into town. It disappoints me so much – I know what he's trying to do – I know what he's trying to do. He's trying to set it up as if to tell the people on PEI: this is all politics – this is all politics – this is about trying to get re-election. No, it isn't. But for him, it's all about politics; because his plan is, I'm going to give you a big cheque back; I'm going to give you the 'Peter Bevan Government Cheque', if you'll let me.

Chair: Hon. Member, could you –

Mr. R. Brown: Well he called it the MacLauchlan government, he called it the MacLauchlan –

Chair: Not under my Chair–

Mr. R. Brown: (Indistinct)

Chair: Thank you.

If you could refer to him as the Leader of the Third Party, I'd appreciate it.

Mr. R. Brown: Anyway, okay, the Leader of the Third Party, if he's government, he's going to try to go into the next election saying: I'm going to give you a big cheque, you know? The government is against climate – they're wrong, I'm right – and you're going to get a cheque from me.

Well, with us, you're going to get better efficiency in your house, lower heating

costs, and you're going to do your part for the environment.

Nowhere in his plan – nowhere in his plan – did he show what he's going to do to lower his GST. All he's going to is tax it.

Now, it's a very low return on a tax – on carbon, if you look at the numbers. We are taking the highest – and then he talks about solar panels. Our plan says: the best dollar right now is to get rid of oil. If you can get rid of oil that's for every litre of oil you save three kilograms of carbon. So why wouldn't we go after the best first and lower our greenhouse gases the most we can, then go after a technology that, as the member from Georgetown rightfully said, is still in development? It will get there. It will get there.

Why don't we go after the low fruit first, make sure that works, and lower the carbon footprint faster that way? But he wants it to go another way so we don't meet our targets. Well we're going to meet our targets, because we're going to go from the one – from dirty oil to clean oil. I know companies in my own district changing over. Great things.

So it is not a political document. The documentation and the flow of information over the last number of years have shown that we've been consistent in lowering our carbon footprint, and we'll continue to be consistent in lowering our carbon footprint.

An election doesn't matter with us. What matters with us is lowering GHGs and making it affordable for Islanders to live.

Thank you.

Chair: The hon. Minister of Rural and Regional Development.

Mr. Murphy: Thank you, Madam Chair.

I'm a little hoarse there today. If the Greens ever get in, I might have to be riding a horse but anyway.

Some Hon. Members: [Laughter]

Mr. Murphy: Living on rural Prince Edward Island, there's 20% of the Canadian population live in rural PEI, and PEI being

one of the most rural provinces. I mean, we rely on transportation, not as something for recreational value, but we need – we rely on transportation to get to our doctor's appointments, the urban centres, and to move our products to market.

I think it was quite evident yesterday when the power outage happened across the province. There were lineups at most service stations for people to get gas for generators.

I just find it hard to believe that somebody would be opposed to a bill that's going to satisfy our carbon commitments here in this province and at the same time not take money out of Islanders pockets that a lot of them can't really afford to have it taken out.

One statistic here is out of Canadians disposable income there's 19.4% of it is spent on transportation and 14.3% on food. So I mean, we're spending more in the country on transportation than we are on food.

If we can pass this bill –

Ms. Biggar: When we pass this bill.

Mr. Murphy: – and we're going to satisfy our carbon commitments, and at the same time with the least amount of pain to Islanders, I can't understand why any member of this House would be opposed to such a thing.

Can you explain to me, minister, why this bill is better than others that have been proposed?

Mr. MacDonald: Well, I think this bill is an accumulation over the past number of years to lead us to this point. I think we have a good trend going. Our trajectory is in the – We've seen the carbon emissions being reduced. Our investment in Islanders as far as the heat pumps, that's the one we keep using – the one that I consider to be very good is the electricity – the 10% on electricity.

We're going in the right direction here. I think we can be leaders in reducing carbon emissions, and we can be a leader in Canada. You know, a lot of people make reference to British Columbia. Well British Columbia, depends who you talk to and

what side of the value we're on, some are saying that the carbon emissions have actually increased.

I think we have something good here. I think it's a realistic approach for all Islanders. I think if we do a review in years, I think we'll be sitting here and as I said to the hon. Leader of the Third Party that I think we'd be pretty pleased in two years where Islanders land on carbon emissions.

An Hon. Member: Carry the bill.

Mr. LaVie: We'll put them on the right track.

Chair: Thank you.

The hon. Premier.

Premier MacLauchlan: I heard some suggestion to carry the bill, but I just want to make two quick comments.

One was the suggestion that there was something political about the two year review. The two year review is actually included in and is an essential part of the text of the pan-Canadian framework that we agreed to in December of 2016 in the section about pricing carbon pollution when all the provinces and territories and the federal government – possible question around Saskatchewan – agreed that there would be a pan-Canadian framework that includes pricing carbon pollution.

One of the points of discussion among the first ministers at the time was how to determine that (a) that all of the jurisdictions were achieving their targets and (b) that there was some; I'll call it, equivalents across jurisdictions. At the time, one of the – I would say probably the province that was most openly concerned about that was British Columbia given that they already have and have had for some time a carbon tax.

We actually wrote an amendment into what was at the time a draft framework agreement, and I have clear recollection of this because I was the one who grabbed the pen to ensure that all of the parties were satisfied of the terms on which we were moving forward. It made explicit provision for a review in 2020, more or less a midterm review of the framework.

This is the highest level of the commitment that was made nationally. It is in the text of the framework. It is reflected in the approach that Prince Edward Island has taken here. I have to say I find it deeply offensive, and probably more than that that the Leader of the Third Party just throws around the word 'politics' as if everything can be just labeled as politics when in fact we're trying to meet our climate commitments that were made in the first part in Paris at the treaty.

This is very much part of the national, the Canadian framework and all provinces and territories and the federal government will conduct a review in 2020. There's nothing underhanded about this, although I'm sure the people who say they do politics differently do indeed do them differently. They do politics and only politics all the time.

The second thing is about this particular measure and the question that was asked oh well why don't you raise some more money because you could spend it on this or that. We've been very clear about this measure. It's a fiscal measure. This is a measure to create some tax room for Prince Edward Island. It's not more than that.

We've been very clear that in approaching the price of carbon, we would not be using that money to fund programs. We went from calling it fiscal neutrality to calling it revenue neutrality, with the very clear commitment that Islanders would understand and see in their own case that the revenue has not been raised for spending purposes.

Although I hear the Third Party now suggesting that we should have raised for money because we could spend more. That seems to be the whole basis of their view of this, to the point where they were saying that by not taking these three cents, we're subsidizing Islanders. Well that's, I would say, an extreme case of entitlement that any member of this Legislature would say that by leaving taxes in taxpayers we're subsidizing them. They can do what they want with the money.

We heard on the news this morning that by giving them a break, which actually is very

clear that the revenue stays with them on their driver's licenses we could have taken that money and created something called a rebate – whatever that would be. I can be sure it would cost an awful lot more to administer and to create and likely to get to Islanders in a timely fashion then what we're doing on the driver's licenses.

So this is really an attempt to (a) confuse, (b) to take what is a very simple purpose of this legislation that's in front of us, which is to reduce the tax, and to try to make everything that is done in this House and by Islanders to achieve our commitment to deal with climate change and to reduce our emissions as in some way political and therefore, not worthy.

Islanders are reducing their greenhouse gases. We are dealing with this very simple revenue measure here today, which is why the finance minister is on the floor with it, and Madam Chair, I don't see anything to be achieved by much more discussion about this. I think we should carry the bill.

Some Hon. Members: Carry the bill.

Chair: Thank you.

Hon. members, we have two amendments that the minister is going to be proposing in sections four and five, so I have –

Some Hon. Members: (Indistinct)

Chair: Here is what I have. I have the hon. Minister of Transportation, Infrastructure and Energy, I have the Leader of the Third Party and then I had the hon. Member from Rustico-Emerald, and the minister has two amendments that he would like to propose for sections four and five.

How would you like me to proceed?

Mr. Roach: (Indistinct)

Premier MacLauchlan: (Indistinct)

Ms. Biggar: (Indistinct) the amendments.

Chair: Do you want to do the amendments or –

An Hon. Member: (Indistinct)

Chair: Are you okay with that? The people on the waiting list, I think it's been agreed to that we're going to go to the amendments. So, we have amendments in sections four and five that are going to be –

An Hon. Member: (Indistinct)

Chair: Sure.

So, sections one, two and three, there were no amendments and it looks like they are just housekeeping items.

Shall sections one, two, and three carry?
Carried.

Thank you.

Mr. Trivers: (Indistinct)

Chair: Sure.

I'm actually going to read the amendment, if you don't mind.

Some Hon. Members: (Indistinct)

Chair: Let's have some order.

The minister is going to read the amendment to section – the minister is going to read the –

Mr. MacDonald: I move that section four of Bill No. 58 is amended by the deletion of the proposed section 7.3 and 7.4 and the substitution of the following:

7.3 Administration and enforcement of levy

Subject to the regulations under the *Climate Leadership Act*, the levy payable by inter-jurisdictional road carrier under the *Climate Leadership Act* shall be administered and enforced in accordance with this Act and the regulations as if the levy were a tax imposed under this Act.

7.4 Adjustment of levy

Subject to the regulations under the *Climate Leadership Act*, any levy paid by an inter-jurisdictional road carrier under a *Climate Leadership Act* shall be adjusted by the commissioner in accordance with the terms and conditions of the international fuel tax

agreement and any resolutions made pursuant to that Agreement.

Chair: Thank you.

Hon. members, I will now open the floor for discussion on the amendment to section four.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

The word ‘semantics’ was brought up last night in debate by the Premier, and as far as I can see, the only change in these two amendments is to delete the word ‘tax’ and insert the word ‘levy’. Is that correct?

Beth Gaudet: That’s correct.

Chair: Can you say it a little louder?

Beth Gaudet: That is correct.

Dr. Bevan-Baker: Could you explain to the House what substantive difference that makes to the act?

Beth Gaudet: The term ‘levy’ has been used throughout the *Climate Leadership Act* and therefore, the gasoline tax amendments were tabled prior to that term ‘levy’ being finalized in the *Climate Leadership Act* so we needed to adjust that after the fact. So, that’s what we’re doing here.

We also feel that there is already a tax on fuel and just for clarity purposes for our stakeholders and our wholesalers, that this will be referred to as a levy as opposed to a tax, the carbon (Indistinct)

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

Could you explain the difference between a levy and a tax?

Beth Gaudet: Under the *Revenue Administration Act*, the term ‘levy’ is part of the definition of tax.

Chair: The hon. Leader of the Third Party.

Ms. Biggar: So they’re synonymous?

Beth Gaudet: Under the *Revenue Administration Act*, they are one in the same, yes.

Dr. Bevan-Baker: Okay.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

So, I’m not quite sure why we’re going through the time and expense and paper of doing this if it does not change anything other than bring us into accord with the bill, which we will be debating, not later today, I understand, but perhaps next week.

At what point was the decision made to – clearly this bill was written and presented before the *Climate Leadership Act*. At some point, presumably, since they would have been in accord back then, the word in the *Climate Leadership Act* would have been ‘tax’. When was that changed to ‘levy’?

Chair: Hon. Minister of Communities, Land and Environment, do you have an intervention to this question?

Mr. R. Brown: Yes.

We’re lowering the price of tax on fuel, in order to make our fuel tax equivalent to the others as a base before we go to the levy. The levy, which I disagree with the commissioner, is a fee on carbon that is going to be used to lower carbon. That’s what it’s about.

That money is specific for a specific thing. If it were a tax, it could be used for anything. This levy is going to be used, as the Premier said, to go back – 100% of it to go back under the *Climate Leadership Act*. That’s what the levy is. It’s to go back.

A tax can be used for anything. It could be used for health care. It could be used for roads. But, a levy is specific to the thing that we’re doing here, which is carbon reduction.

Some Hon. Members: (Indistinct)

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you. I’d really like the minister to table – or maybe it’s in the economics book that he

was brandishing the other day – that definition where the distinction between a levy being used for a specific purpose and a tax being a general.

Some Hon. Members: (Indistinct)

Ms. Biggar: Look it up on Google.

An Hon. Member: Just Google it.

Dr. Bevan-Baker: I'd love to see that.

Chair: Order!

Mr. R. Brown: Madam Chair?

Chair: The hon. Minister of Communities, Land and Environment.

Mr. LaVie: I'll Google it.

Mr. R. Brown: There's been a lot of – I'm going to table a document today, that all carbon in Canada is recorded on spreadsheets and PEI is a leader when it comes to it.

Do you know right now residentially, from the 2005 figure, we have saved 213 tonnes of carbon – 43% reduction already working with this. So I'm going to table this document and hopefully the Leader of the Third Party will read it and he'll understand, from that document, where we're going here because these are the targets we have to meet, and if he's got suggestions on where we can go in other areas to reduce it, put them forward.

Let's not play politics with this. Let's get greenhouse gases reduced. So, I'll table the document.

Chair: Thank you.

Mr. R. Brown: Let's not play politics.

Chair: The hon. Leader of the Third Party, are you done?

Dr. Bevan-Baker: (Indistinct) be good.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

Chair: On the amendment, right?

Mr. Trivers: On the amendment, yeah.

I was just curious: Who put forward the amendment to change from 'tax' to 'levy'? Did that come from the bureaucrats in the civil service or was that something you pushed for yourself, minister?

Mr. MacDonald: Well, I think part of it, if you read – take for example Alberta. All they use is the word 'levy'. It's a tax on gas, but when you distinguish what they're doing as far as the hon. Minister of Communities, Land and Environment discussed about separating it out – it's to give it a more precise for wholesalers –

An Hon. Member: (Indistinct)

Mr. MacDonald: It's a word. It's got very, very similar, if not the same, definition, but it is a separate carbon – so it's basically a word.

Mr. Fox: (Indistinct)

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: So I assume it's the minister that pushed for this change then.

Mr. MacEwen: Ask him. Ask him if it was.

Mr. R. Brown: (Indistinct)

Mr. Trivers: I asked that. I didn't get an answer to my question, Chair.

Chair: Order!

Mr. Trivers: I didn't really get an answer to my question.

Did the minister push for this or was it recommended to him by the civil service?

Mr. MacDonald: No, I think it was our government made the change based on what came back from the federal government, based on what other provinces are calling this. I don't see any big issue with this. If we did, we likely wouldn't have brought it forth.

Chair: You finished?

Mr. Trivers: No.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I'm just trying to figure out, similar to the Leader of the Third Party, why –

Ms. Biggar: Carry the amendment.

Mr. Trivers: – you brought forward this change at all.

Are you trying to line up with other jurisdictions, it sounds like you're saying?

Mr. MacDonald: I think –

Mr. Trivers: Was it you that brought this (Indistinct) –

Mr. MacDonald: I think that's important. We have industries that travel from province to province to province that are going to be looking at – whether it's gas tax in New Brunswick or Nova Scotia, or Alberta or wherever it may be, and I think the more consistent that we can be, is the better we're going to be. It's going to define what it is. It is a price on carbon.

Mr. LaVie: Google it.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: So, how much will this levy cost tax – or take out of government revenue in 2019 and how much will it take out in 2020?

Mr. MacDonald: 9.4 in 2019 and 12.7 in 2020.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: So, why is it that you chose – and I should say, like yesterday when we talked and the Premier said that this decrease in gas tax was not to offset the carbon tax that the federal government had to go on.

I was looking at an article in CBC from yesterday as well, it says: The province

announced in October it's being forced by Ottawa to implement a provincial carbon tax on motor fuels but said it would mostly offset that tax by reducing its own provincial excise on tax fuels.

My question is: Since you already had a bill on the floor where you raised the basic personal tax amount, why didn't you just raise the basic personal tax amount further to use that as an offset instead of having to introduce another bill and here we have tax and levies?

Plus, it would actually be in many ways more fair because right now, it's only people that use gas that actually get to have the benefit of this – whereas a basic personal tax amount includes everybody whether they walk to work, bike to work, whatever – hitchhike to work.

Why did you choose a reduction in the gas tax to offset the carbon tax instead of just taking your existing bill and raising personal tax amount more?

Mr. MacDonald: We've actually just reduced taxes I think it was five times since we've been elected.

We've increased the basic personal income tax I think from 2005 it was at \$7,000, today we're at over \$9,000, we've done it twice. We reduced the corporation tax for small businesses, we put programs in place with heat pumps, we reduced 10% on electricity. All of these things are important to Islanders and personal tax exemption is one of them and we've done it twice in the last year.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: All of those things are good, what I'd like to know is how come you decided to lower the gas tax as opposed to just increasing the basic personal tax amount by more?

It would have been a lot simpler, less administration, the bill would already be passed and we would've been moving on. I don't know why you chose to do it this way, it doesn't make sense to me.

Mr. MacDonald: I think the whole part of all of this is, we negotiated this deal, we

ended up with an exemption on home heating fuel.

There are a lot of low-income Islanders that we felt that we needed to ensure that vulnerable Islanders are looked after. We have over 5,200 people because of the personal tax exemption that are no longer paying tax on Prince Edward Island –

Mr. Trivers: Could be 6,000.

Mr. MacDonald: – and we'll continue to build on that.

I think we have to look at creating as many incentives as possible to reduce carbon. We're utilizing the funds that are coming back in to reduce carbon.

Chair: Leader of the Third Party.

Dr. Bevan-Baker: So when the Premier signed the Pan-Canadian agreement, the rationale for making a Pan-Canadian agreement was so there was, to a very large extent, consistency between the provinces so that provinces would not be able to have a competitive advantage over their neighbours.

I heard in the minister's defense of changing the word 'tax' to 'levy' that we're doing that in order to be consistent with the other provinces.

Language is – it may be nice to be consistent when it comes to language but for me, it's far more important that we're consistent in terms of the outcomes of imposing a carbon tax, or carbon levy, whatever you want to call it.

My question to the minister is: Are there any other provinces that have a climate change plan that includes carbon pricing as we do here in Prince Edward Island that resembles what you have negotiated with the federal government?

Some Hon. Members: (Indistinct)

Mr. MacDonald: I don't believe there's any exact the same.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: You see, for me that's where consistency between the provinces is so much more important in the implementation of this than it is in whatever words we choose to use to describe it.

I'm wondering whether we have a consistent plan with what happens in BC is less important than whether we have a consistent plan with what's happening in Nova Scotia and New Brunswick.

So, I'm wondering whether if the negotiations that went on between the September agreement that was presented to the federal government and rejected, and the October agreement which was accepted, whether you spoke to our neighbouring provinces here to make sure that there was a consistency when these plans, these various plans, are implemented so that there was no competitive disadvantage or advantage between the provinces.

Chair: The hon. Premier.

Premier MacLauchlan: There were discussions on a continuing basis, and have been going back before September with the provinces in the region. I think anyone who was half informed on this would know that Nova Scotia and Newfoundland and Labrador have a plan and have an approach on pricing that's substantially similar to Prince Edward Island. We got a break on home heating because –

Some Hon. Members: Call the hour.

Chair: Hon. Members, the hour has been called.

Some Hon. Members: (Indistinct)

Mr. MacDonald: Madam Chair, I move that the Speaker take the Chair and that the Chair report progress, and beg leave to sit again.

Chair: Shall it carry? Carried.

Some Hon. Members: (Indistinct)

Speaker: Order!

Mr. LaVie: Thank you, Mr. Speaker.

Chair: Mr. Speaker, as Chair of a Committee of the Whole House having under consideration a bill to be intituled *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: I move, seconded by the hon. Member from Vernon River-Stratford, that this House adjourn until Tuesday, December 4th, at 2:00 p.m.

The Legislature adjourned