

JOURNAL OF THE LEGISLATIVE ASSEMBLY

TUESDAY, 20 NOVEMBER 2018

The House met at 2:00 p.m.

Prayers

Routine Proceedings

Journals

Journals for Thursday, 15 November 2018 were adopted by the House without amendment.

Doors were opened

Matters of Privilege

Hon. Mr. Speaker made the following ruling:

“Honourable Members,

I have reviewed points of orders raised last week by the Hon. Member for Charlottetown-Parkdale and the Hon. Minister of Education, Early Learning and Culture. In both cases, the Honourable Members objected to the use of the word “misleading” during Oral Question Period.

During our first fall sessional sitting week, the word “misleading” was used in debate. In some of these cases, use of the word was in reference to another Hon. Member.

I have spoken directly to this matter before in this House and will do so again, without singling out any one member today. As members know well, *Beauchesne’s Parliamentary Rules & Forms (6th Edition)*, Citation 491, states, in part as follows:

The Speaker has consistently ruled that language used in the House should be temperate and worthy of the place in which it is spoken. No language is, by virtue of any list, acceptable or unacceptable. A word which is parliamentary in one context may cause disorder in another context, and therefore be unparliamentary.

Use of the word ‘misleading’ in reference to other members in this House is causing disorder. As such, and in keeping with the parliamentary authority cited above, I must insist, as I have done in the past, that Members discontinue using the word “mislead”, or any of its variations, in reference to another Hon. Member. I will be monitoring this closely and will, if necessary, interrupt a member who uses this word in reference to another member in debate.

I trust all Hon. Members will respect this decision, and each other, in future debates in this Legislature.

Also, on Friday, November 16, the Minister of Education, Early Learning and Culture and Justice and Public Safety rose on a Point of Privilege to object to the Member’s Statement given by the

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Member for Charlottetown-Parkdale. The Minister asserted that the statement was “mean-spirited”, “unfair” and a breach of his privilege as a Member of the legislature.

When faced with a Point of Privilege the Speaker’s duty is to assess whether the point was made at the earliest opportunity and whether the matter involves, at face value, the privileges of the House collectively or its members individually.

The Minister raised his Point of Privilege immediately following the statement by the Member from Charlottetown-Parkdale, so I am satisfied that it was raised at the earliest opportunity.

Hon. Members, privilege may be defined as “the sum of certain rights enjoyed by [the] House collectively . . . and by Members of [the] House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals” (*House of Commons Procedure and Practice* (3rd Edition) Chapter 3, page 58). Privilege takes various forms, such as the freedom of speech in debate, the freedom from obstruction or interference, and the right of the House to regulate its own affairs.

I have reviewed the statement given by the Member for Charlottetown-Parkdale. The essence of the statement is to object to the short time period between the introduction of government bills and the commencement of debate after 2nd reading so far this sitting. I draw your attention to *Beauchesne’s Parliamentary Rules & Forms* (6th Edition) citation 69:

It is very important . . . to indicate that something can be inflammatory, can be disagreeable, can even be offensive, but it may not be a question of privilege unless the comment actually impinges upon the ability of [members] to do their job properly.

On review, Hon. Members, I do not find the statement made by the Member for Charlottetown-Parkdale’s interferes with the rights necessary for the Minister or any other member to carry out their functions. It may well be disagreeable, inflammatory and/or even offensive but it does not meet the test of parliamentary privilege.

Thank you, Hon. Members.”

Statements by Members

2:28 Alan McIsaac (Vernon River-Stratford) recognized Lawrence MacAulay’s accomplishments being Prince Edward Island’s longest serving Member of Parliament.

2:31 Jamie Fox (Borden-Kinkora) recognized the committee who organized the benefit for Maureen McMurrer.

2:33 Matthew MacKay (Kensington-Malpeque) congratulated Kensington Monaghan Farms on winning the Monctonian major midget hockey championship.

2:34

Questions by Members

Statements by Ministers

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3:19 Hon. Jordan Brown (Education, Early Learning and Culture) acknowledged National Child Day 2018.

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

3:25 Hon. Robert Mitchell (Health and Wellness) recognized today as the International Transgender Day of Remembrance.

3:29 Sidney MacEwen (Morell-Mermaid) and Leader of the Third Party added their comments.

3:33 Hon. Chris Palmer (Economic, Development and Tourism) announced tourism records for 2018 as being the fifth straight record season for total visitation.

3:36 Steve Myers (Georgetown-St. Peters) and Hannah Bell (Charlottetown-Parkdale) added their comments.

Presenting and Receiving Petitions

None

Tabling of Documents

Hon. Paula Biggar (Transportation, Infrastructure and Energy) tabled,

1st by leave, a Guardian article from November 17, 2018, Improvements to mental health;

2nd by leave, Hansard from November 13, 2018, speaking to Motion 55;

3rd by leave, Prince Edward Island Provincial Energy Strategy 2016/17.

Steven Myers (Georgetown-St. Peters) tabled, by leave, as referred to during oral question period, a princeedwardisland.ca website page stating; Page not found.

Hannah Bell (Charlottetown-Parkdale) tabled,

1st by leave, Innovation PEI Act: Proposed Amendments and a report from Canada's Economic Strategy titled Clean Technology;

2nd by leave, the Prince Edward Island Social Action Plan to Reduce Poverty, May 2012.

Reports by Committees

None

Introduction of Government Bills

Bills introduced and read a First Time:

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Appropriation Act (Capital Expenditures) 2019 (Bill No. 49) by Hon. Heath MacDonald (Finance).

Government Motions

None

Orders of the Day (Government)

The following Bill was further considered by a Committee of the Whole House:

AN ACT TO AMEND THE UNSIGHTLY PROPERTY ACT (Bill No. 30)

Promoter: Hon. Richard Brown
Chair: Alan McIsaac

During Committee of the Whole House, Hon. Richard Brown tabled the following document: Unightly Property complaint Process and Background on Case Management.

After some time spent therein, Hon. Mr. Speaker resumed the Chair and the Chairperson reported the Bill agreed to without amendment.

ORDERED that the report of the Committee be adopted.

The following Bill was further considered by a Committee of the Whole House:

AN ACT TO AMEND THE SECURITIES ACT (Bill No. 47)

Promoter: Hon. Jordan Brown
Chair: Alan McIsaac

After some time spent therein, Hon. Mr. Speaker resumed the Chair and the Chairperson reported the Bill agreed to without amendment.

ORDERED that the report of the Committee be adopted.

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

AN ACT TO AMEND THE REGULATED HEALTH PROFESSIONS ACT (NO. 2) (Bill No. 48)

Promoter: Hon. Robert Mitchell
Chair: Kathleen Casey

After some time spent therein, Hon. Mr. Speaker resumed the Chair and the Chairperson reported the Bill agreed to without amendment.

ORDERED that the report of the Committee be adopted.

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

AN ACT TO REPEAL THE PHYSIOTHERAPY ACT (Bill No. 51)

Promoter: Hon. Robert Mitchell
Chair: Kathleen Casey

After some time spent therein, Hon. Mr. Speaker resumed the Chair and the Chairperson reported the Bill agreed to without amendment.

ORDERED that the report of the Committee be adopted.

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

AN ACT TO REPEAL THE EMERGENCY MEDICAL TECHNICIANS ACT (Bill No. 52)

Promoter: Hon. Robert Mitchell
Chair: Alan McIsaac

After some time spent therein, Hon. Mr. Speaker resumed the Chair and the Chairperson reported the Bill agreed to without amendment.

ORDERED that the report of the Committee be adopted.

4:35 The following Bill was read a Second Time and referred to a Committee of the Whole House:

AN ACT TO AMEND THE HEALTH INFORMATION ACT (Bill No. 56)

Promoter: Hon. Robert Mitchell
Chair: Kathleen Casey

After some time spent therein, Hon. Mr. Speaker resumed the Chair and the Chairperson reported the Bill agreed to without amendment.

ORDERED that the report of the Committee be adopted.

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

AN ACT TO REPEAL THE TRUCK OPERATORS' RENUMERATION ACT (Bill No. 53)

Promoter: Hon. Jordan Brown
Chair: Alan McIssac

After some time spent therein, Hon. Mr. Speaker resumed the Chair and the Chairperson reported the Bill agreed to without amendment.

ORDERED that the report of the Committee be adopted.

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

AN ACT TO REPEAL THE UNIFORMITY COMMISSIONERS ACT (Bill No. 54)

Promoter: Hon. Jordan Brown
Chair: Alan McIsaac

After some time spent therein, Hon. Mr. Speaker resumed the Chair and the Chairperson reported the Bill agreed to without amendment.

ORDERED that the report of the Committee be adopted.

The following Bills were read a Third Time and passed:

AN ACT TO AMEND THE WORKERS COMPENSATION ACT (No. 3) (Bill No. 40)

AN ACT TO AMEND THE EMPLOYMENT STANDARDS ACT (No. 4) (Bill No. 32)

AN ACT TO AMEND THE HIGHWAY TRAFFIC ACT (No. 4) (Bill No. 44)

AN ACT TO AMEND THE PUBLIC DEPARTMENTS ACT (Bill No. 46)

AN ACT TO AMEND THE POLICE ACT (Bill No. 45)

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

7:00 p.m.

Hon. Paula Biggar (Transportation, Infrastructure and Energy), rising on a Point of Privilege, asserted that Steven Myers (Georgetown-St. Peters) used the words “broke the law” and “illegally” in reference to her during Oral Question Period on November 15, 2018. She then asserted that the words and phrases were unparliamentary and unbecoming of a for a member of the House to use in debate.

Steven Myers (Georgetown-St. Peters), clarified comments he made on November 15, 2018 and asserted that the comments were correct.

Hon. Mr. Speaker took the matter under advisement.

Motions Other Than Government

None

Orders Other Than Government

7:04 The following Bill was read a Second Time and referred to a Committee of the Whole House:

MENTAL HEALTH COURT ACT (Bill No. 117)

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Promoter: Jamie Fox
Chair: Steven Myers

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

ORDERED, that the Report of the Committee be adopted.

7:42 The following Bill was read a Second Time and referred to a Committee of the Whole House:

AN ACT TO AMEND THE MUNICIPAL GOVERNMENT ACT (NO. 5) (Bill No. 122)

Promoter: Brad Trivers
Chair: Steven Myers

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

ORDERED, that the Report of the Committee be adopted.

The House reverted to

Motions Other Than Government

Leader of the Third Party moved, seconded by Hannah Bell (Charlottetown-Lewis Pointn), the following Motion (No. 90):

WHEREAS the practice of conversion therapy attempts to change one's sexual orientation;

AND WHEREAS the Canadian Psychology Association affirms “[s]cientific research does not support the efficacy of conversion or reparative therapy”;

AND WHEREAS the Canadian Paediatric Association states “[c]onversion or reparative therapy, where attempts are made to turn gay males or lesbians into heterosexuals, are clearly unethical and should not be provided by physicians, nor should physicians refer patients for such therapy”;

AND WHEREAS it is widely accepted that conversion therapy has had damaging impacts on members of the LGBTQ+ community and youth;

AND WHEREAS jurisdictions across the country and continent have taken action to prohibit the provision of conversion therapy and referral to conversion therapy services;

THEREFORE BE IT RESOLVED that the Legislative Assembly urge government to prohibit the provision of conversion therapy on PEI;

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THEREFORE BE IT FURTHER RESOLVED that the Legislative Assembly urge government to prohibit referrals to conversion therapy services on PEI or in an out-of-province jurisdiction;

THEREFORE BE IT FURTHER RESOLVED that the Legislative Assembly urge government to prohibit the use of public funds to provide access to or otherwise support conversion therapy services on PEI or in an out-of-province jurisdiction.

Debate was commenced by the Mover (8:13); continued by the Seconder (8:20); Hon. Robert Mitchell (Health and Wellness) (8:20); Steven Myers (Georgetown-St. Peters) (8:25); Hon. Paula Biggar (Transportation, Infrastructure and Energy) (8:28); Brad Trivers (Rustico-Emerald) (8:30); Kathleen Casey (Charlottetown-Lewis Point) (8:31); Hon. Chris Palmer (Economic, Development and Tourism) (8:32); Tina Mundy (Family and Human Services) (8:34); and Hon. Leader of the Opposition (8:35).

8:38 There being no further speakers, the Mover then closed debate.

Hon. Mr. Speaker put the Question. A Recorded Division being sought, the names were recorded by the Clerk as follows:

Nays (0)

Yeas (22)

Hon. Richard Brown (Communities, Land and Environment)
Hon. Chris Palmer (Economic, Development and Tourism)
Hon. Paula Biggar (Transportation, Infrastructure and Energy)
Hon. Heath MacDonald (Finance)
Hon. Robert Henderson (Agriculture and Fisheries)
Hon. Robert Mitchell (Health and Wellness)
Allen Roach (Montague-Kilmuir)
Hon. Pat Murphy (Rural and Regional Development)
Hon. Tina Mundy (Family and Human Services)
Hon. Jordan Brown (Education, Early Learning and Culture)
Hon. Sonny Gallant (Workforce and Advanced Learning)
Kathleen Casey (Charlottetown-Lewis Point)
Hannah Bell (Charlottetown-Parkdale)
Leader of the Third Party
Hon. Leader of the Opposition
Darlene Compton (Belfast-Murray River)
Matthew MacKay (Kensington-Malpeque)
Bush Dumville (West Royalty-Springvale)
Hal Perry (Tignish-Palmer Road)
Brad Trivers (Rustico-Emerald)
Sidney MacEwen (Morell-Mermaid)
Steven Myers (Georgetown-St. Peters)

Motion was **CARRIED UNANIMOUSLY** and resolved accordingly.

Orders Other Than Government

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The following Bill was further considered by a Committee of the Whole House:

AN ACT TO AMEND THE INNOVATION PEI ACT (Bill No. 123)

Promoter: Hannah Bell
Chair: Kathleen Casey

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

ORDERED, that the Report of the Committee be adopted.

The House reverted to

Motions Other Than Government

Motion No. 74 (Recognizing those who help students and staff through traumatic events) being called again, debate was resumed by the Mover (Allen Roach, Montague-Kilmuir) (8:51); continued by the Seconder (Hal Perry, Tignish-Palmer Road) (8:57); and, on his Motion, debate was adjourned.

Adjournment

9:00 On Motion of Hon. Sonny Gallant (Workforce and Advanced Learning), seconded by Allen Roach (Montague-Kilmuir), the House adjourned until 2:00 p.m. on Wednesday, November 21, 2018.

Charles H. MacKay
Clerk of the Legislative Assembly