

JOURNAL OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY, 5 DECEMBER 2018

The House met at 2:00 p.m.

Prayers

Routine Proceedings

Journals

Journals for Friday, 30 November 2018 were adopted by the House without amendment.

Doors were opened

Matters of Privilege

Hon. Mr. Speaker made the following ruling:

“Hon. Members,

Following last evening’s recorded division on the Motion that Bill No. 128 (An Act to Amend the Election Act) be read a Second Time, I would like to clarify the rules and procedures of this House for recorded divisions. The procedure for a recorded division is outlined in Rule 42 of the *Rules of the Legislative Assembly of Prince Edward Island*.

During the recorded division, the Hon. Minister of Education, Early Learning and Culture sought clarification regarding the Hon. Member for Borden-Kinkora entering the Chamber in the middle of the recorded division. During the intervention, I asked the Honourable Member for Borden-Kinkora if he was here, and he then indicated that he would abstain from voting.

Hon. Members, according to Rule 42 of the *Rules*, the Speaker will call upon those voting in the negative to rise, followed by those voting in the affirmative. The order of consideration begins with the front row to the left of the Speaker, followed by the back row to the left of the Speaker. Next, the front row to the right of the Speaker, followed by the back row to the right of the Speaker.

I will direct Hon. Members to a ruling made by former Speaker Casey who responded to a similar inquiry on November 25, 2010, whose ruling reads, in part, as follows:

“I wish to advise that during any future divisions in this House, and subject to any further direction on the subject that may be given by the House itself, after both whips have advised that all members are present, and after the Clerk has commenced the calling of the recorded division, a member returning to their seat after the seat has been considered during the recorded division, will not be recorded in the division.”

A member returning to their seat after the seat has been considered shall not be recorded; however, to clarify for future reference, a Member whose seat has not yet been considered, may return to the Chamber and may be recorded in the division.

JOURNAL OF THE LEGISLATIVE ASSEMBLY

The Hon. Member for Borden-Kinkora's seat had not yet been considered when he entered the Chamber, and could have voted on the Motion. In this case, the member voluntarily abstained.

With respect to the interjections that took place during division, I direct your attention to *Beauchesne* (6th edition), citation 308, which states: "When the Speaker's attention has been called to a breach of order during a division, the division will proceed and the Speaker will deal with the matter when the division is completed." In the future, I insist that if a Member has a point of order or a matter of privilege to raise, the appropriate time to do so is following the conclusion of the recorded division.

Thank you for the opportunity to clarify these matters."

Statements by Members

2:25 Kathleen Casey (Charlottetown-Lewis Point) recognized Charles MacKay, on his retirement from the Legislative Assembly and thanked him for his service.

2:26 Hon. Leader of the Opposition recognized the Reach Foundation and the aid it provides young adults recovering from mental health and addiction issues.

2:28 Hannah Bell (Charlottetown-Parkdale) recognized civil society organizations.

2:30

Questions by Members

Statements by Ministers

3:13 Hon. Premier made a statement on the French Language Services Act Annual Report.

3:19 Brad Trivers (Rustico-Emerald) and Leader of the Third Party added their comments.

3:24 Hon. Premier recognized the John J. Sark 2018 scholarship recipients.

3:27 Hon. Leader of the Opposition and Leader of the Third Party added their comments.

Hon. Robert Mitchell (Health and Wellness) announced new student well-being teams to help students build strength in mental, social and physical health.

Presenting and Receiving Petitions

None

Tabling of Documents

Hon. Premier tabled, by Command, the Acadian and Francophone Affairs *French Language Services Act* Annual Report 2017-2018.

Hon. Robert Mitchell (Health and Wellness) tabled, by leave, information pamphlets on student well-being teams.

JOURNAL OF THE LEGISLATIVE ASSEMBLY

Hon. Paula Biggar (Transportation, Infrastructure and Energy) tabled, by leave, the November 2, 2018 interim report of the Parliamentary Precinct Master Plan for the Legislative Assembly of Prince Edward Island.

Brad Trivers (Rustico-Emerald) tabled, by leave, written questions to the Minister of Transportation, Infrastructure and Energy.

Hon. Leader of the Opposition tabled, by leave, written questions to the Minister of Transportation, Infrastructure and Energy.

Brad Trivers (Rustico-Emerald) tabled, by leave, a written question to the Minister of Justice and Public Safety.

Reports by Committees

None

Introduction of Government Bills

None

Government Motions

None

Orders Of The Day (Government)

3:36 The following Bill was read a Second Time and referred to a Committee of the Whole House:

CLIMATE LEADERSHIP ACT (Bill No. 62)

Promoter: Hon. Heath MacDonald

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 Order of the Day being read for the consideration of the Supplementary Estimates in Committee, Kathleen Casey (Charlottetown-Lewis Point) took the Chair of the Committee, which considered the Supplementary Estimates which were required to carry on the public services of the Province of Prince Edward Island for the fiscal year ending 31 March, 2018.

After some time spent therein, Hon. Mr. Speaker resumed the Chair and the Chairperson reported that the

JOURNAL OF THE LEGISLATIVE ASSEMBLY

Committee had gone into the Supplementary Supply to be granted to Her Majesty and had come to certain resolutions thereon, which said resolutions he was directed to report to the House whenever it should be pleased to receive the same.

ORDERED, that the Report of the Committee be now received.

The said Resolutions were severally read at the Clerk's Table and are as follows:

RESOLVED, that the following sums be granted and placed at the disposal of the Crown.

[Appendix ??? – Supplementary Estimates of Expenditures – Page ???]

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:

APPROPRIATION ACT (CAPITAL EXPENDITURES) 2019 (Bill No. 49)

Promoter: Hon. Heath MacDonald
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:

SUPPLEMENTARY APPROPRIATION ACT (NO. 2) 2018 (Bill No. 63)

Promoter: Hon. Heath MacDonald
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 Bills were read a Third Time and Passed, with unanimous consent where required:

POST-SECONDARY INSTITUTIONS SEXUAL VIOLENCE POLICIES ACT (Bill No. 41)

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

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

JOURNAL OF THE LEGISLATIVE ASSEMBLY

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

JUSTICE OF THE PEACE ACT (Bill No. 50)

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

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

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

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

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

APPROPRIATION ACT (CAPITAL EXPENDITURES) 2019 (Bill No. 49)

AN ACT TO AMEND THE INCOME TAX ACT (NO. 2) (Bill No. 57)

AN ACT TO AMEND THE PERSONAL PROPERTY SECURITY ACT (Bill No. 59)

AN ACT TO AMEND THE JUDICATURE ACT (Bill No. 55)

AN ACT TO AMEND THE ENVIRONMENTAL PROTECTION ACT (Bill No. 60)

SUPPLEMENTARY APPROPRIATION ACT (NO. 2) 2018 (Bill No. 63)

The Order was read for the Third Reading of the following Bill:

An Act to Amend the Gasoline Tax Act (Bill No. 58)

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

(Nays 2)

Hannah Bell (Charlottetown-Parkdale)
Leader of the Third Party

(Yeas 20)

Hon. Richard Brown (Communities, Land and Environment)
Hon. Chris Palmer (Economic Development and Tourism)
Hon. Paula Biggar (Transportation Infrastructure and Energy)
Hon. Premier
Hon. Heath MacDonald (Finance)
Hon. Robert Henderson (Agriculture and Fisheries)
Hon. Robert Mitchell (Health and Wellness)

JOURNAL OF THE LEGISLATIVE ASSEMBLY

Hon. Pat Murphy (Rural and Regional Development)
Hon. Jordan Brown (Education, Early Learning and Culture)
Hon. Sonny Gallant (Workforce and Advanced Learning)
Kathleen Casey (Charlottetown-Lewis Point)
Hon. Leader of the Opposition
Darlene Compton (Belfast-Murray River)
Matthew MacKay (Kensington-Malpeque)
Jamie Fox (Borden-Kinkora)
Bush Dumville (West Royalty-Springvale)
Hal Perry (Tignish-Palmer Road)
Brad Trivers (Rustico-Emerald)
Sidney MacEwen (Morell-Mermaid)
Steven Myers (Georgetown-St. Peters)

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

The following Bill was read a Third Time and Passed:

AN ACT TO AMEND THE GASOLINE TAX ACT (Bill No. 58)

The Order was read for the Third Reading of the following Bill:

CLIMATE LEADERSHIP ACT (Bill No. 62)

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

(Nays 9)

Hannah Bell (Charlottetown-Parkdale)
Leader of the Third Party
Hon. Leader of the Opposition
Darlene Compton (Belfast-Murray River)
Matthew MacKay (Kensington-Malpeque)
Jamie Fox (Borden-Kinkora)
Brad Trivers (Rustico-Emerald)
Sidney MacEwen (Morell-Mermaid)
Steven Myers (Georgetown-St. Peters)

(Yeas 13)

Hon. Richard Brown (Communities, Land and Environment)
Hon. Chris Palmer (Economic Development and Tourism)
Hon. Paula Biggar (Transportation Infrastructure and Energy)
Hon. Premier
Hon. Heath MacDonald (Finance)
Hon. Robert Henderson (Agriculture and Fisheries)
Hon. Robert Mitchell (Health and Wellness)

JOURNAL OF THE LEGISLATIVE ASSEMBLY

Hon. Pat Murphy (Rural and Regional Development)
Hon. Jordan Brown (Education, Early Learning and Culture)
Hon. Sonny Gallant (Workforce and Advanced Learning)
Kathleen Casey (Charlottetown-Lewis Point)
Bush Dumville (West Royalty-Springvale)
Hal Perry (Tignish-Palmer Road)

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

The following Bill was read a Third Time and Passed:

CLIMATE LEADERSHIP ACT (Bill No. 62)

With unanimous consent, the House moved to

Orders Other Than Government

The following Private Members Bills were read a Third Time and Passed:

AUTISM COORDINATION ACT (Bill No. 127)

MANDATORY SEXUAL ASSUALT LAW EDUCATION ACT (Bill No. 110)

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

Hon. Sonny Gallant (Workforce and Advanced Learning) then advised that Government had concluded the business it wished to conduct during the fall sitting.

Hon. Mr. Speaker advised the House that Her Honour, the Lieutenant Governor of Prince Edward Island had arrived at the Hon. George Coles Building for the purpose of granting Royal Assent to Bills passed during this, the fall sitting of the Third Session of the Sixty-fifth General Assembly. Hon. Mr. Speaker then left the Chair in anticipation of Her Honour's arrival in the Chamber.

Her Honour the Lieutenant-Governor then proceeded to the Legislative Chamber and was seated. Hon. Mr. Speaker having returned to the Chamber, the Clerk advised the House as follows:

“May it please Your Honour:

The Legislative Assembly has passed certain additional Bills during this the Third Session of the Sixty-fifth General Assembly, and now begs Your Honour's consideration of the grant of Royal Assent for the following Bills:

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

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

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

JOURNAL OF THE LEGISLATIVE ASSEMBLY

POST-SECONDARY INSTITUTIONS SEXUAL VIOLENCE POLICIES ACT (Bill No. 41)

ERIC DONOVAN ACT (AN ACT TO AMEND THE OCCUPATIONAL HEALTH AND SAFETY ACT) (Bill No. 42)

AN ACT TO AMEND THE HIGHWAY TRAFFIC ACT (NO. 3) (Bill No. 43)

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

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

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

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

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

JUSTICE OF THE PEACE ACT (Bill No. 50)

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

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

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

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

AN ACT TO AMEND THE JUDICATURE ACT (Bill No. 55)

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

AN ACT TO AMEND THE INCOME TAX ACT (NO. 2) (Bill No. 57)

AN ACT TO AMEND THE GASOLINE TAX ACT (Bill No. 58)

AN ACT TO AMEND THE PERSONAL PROPERTY SECURITY ACT (Bill No. 59)

AN ACT TO AMEND THE ENVIRONMENTAL PROTECTION ACT (Bill No. 60)

CLIMATE LEADERSHIP ACT (Bill No. 62)

SUPPLEMENTARY APPROPRIATION ACT (NO. 2) 2018 (Bill No. 63)

MANDATORY SEXUAL ASSAULT LAW EDUCATION ACT (Bill No. 110)

JOURNAL OF THE LEGISLATIVE ASSEMBLY

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

AUTISM COORDINATION ACT (Bill No. 127)."

Royal Assent was announced by the Hon. Lieutenant-Governor in the following words:

"In Her Majesty's name, I assent to these Bills."

Hon. Mr. Speaker then said:

"May it please Your Honour,

We, Her Majesty's loyal and dutiful subjects of the Legislative Assembly of Prince Edward Island in session assembled, approach your Honour at the close of our labours with sentiments of unfeigned devotion and loyalty to Her Majesty's person and Government. We do humbly beg for Your Honour's acceptance of a Bill to be intituled

APPROPRIATION ACT (CAPITAL EXPENDITURES) 2019 (Bill No. 49)

Thus placing at the disposal of the Crown the means by which Government can be made efficient for the service and welfare of the Province."

To this Bill, Royal Assent was announced by the Clerk in the following words:

"The Honourable Lieutenant-Governor doth thank Her Majesty's loyal and dutiful subjects, accepts their benevolence and assents to this Bill in Her Majesty's name."

[Appendix ??? – Progress of Bills – Page ???]

Her Honour was then pleased to address the House and commend all Hon. Members for the conscientious manner in which deliberations were conducted during this continuation of the Third Session of the Sixty-fifth General Assembly, wished all Members good health and prosperity and that peace and freedom for all people shall be more nearly achieved.

At the conclusion of the Address, Her Honour retired from the Chamber.

Hon. Mr. Speaker resumed the Chair and, prior to adjournment, thanked all Hon. Members, Legislative Assembly staff and media for their work during the session and wished everyone a Merry Christmas.

Hon. Mr. Speaker made special recognition of the retirement of Charles MacKay, Clerk of the Legislative Assembly, and thanked him for his 33 years of service to the Legislative Assembly.

Adjournment

5:20 On Motion of Hon. Sonny Gallant (Workforce and Advanced Learning), seconded by Hon. Premier, the House adjourned until the call of the Speaker.

JOURNAL OF THE LEGISLATIVE ASSEMBLY

Charles H. MacKay
Clerk of the Legislative Assembly