

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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The Legislature sat at 2:00 p.m.

Matters of Privilege and Recognition of
Guests

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

Welcome to our colleagues here inside the rail and guests in the gallery and those watching on various platforms as we begin a further week of our spring sitting. I want to recognize Jason Woodbury who is here and has been here on a number of occasions as first responders and, in particular, his involvement with CUPE and I look forward to getting some of that business done today, Jason.

Today, or this week, is Aboriginal Awareness Week – dedicated to raising awareness and to honour First Nations, Métis, and Inuit cultures in Canada. This is something that started in 1992, initially within – about raising awareness in the public service; it's grown to be a much bigger thing and there are, in fact, events today, Wednesday, Thursday, and Friday at various locations in the Mi'kmaq community. This would be a great opportunity with some great weather to pursue that.

Tomorrow is the 21st annual awards gala for – and induction ceremonies for the Junior Achievement PEI Business Hall of Fame and there will be inductions this year of Jason Aspin, entrepreneur in the PEI technology and marine industries, Michael Cassidy for excellence in business and community leadership, and for Rita and Angus MacCormack, as entrepreneurs who've made a significant mark, along with their family, in real estate and construction here in the province.

I wouldn't normally use recognition to be reviewing the weekend papers, but it was noteworthy that in Saturday's *The Globe and Mail*, both Souris and Tyne Valley were singled out for recognition: Tyne Valley as a hidden gem as a destination to visit – great promotion and Souris for being right at the top of the happiness index. It's great from one end of the Island to the other.

Finally, speaking of recognition, we'd certainly, I'm sure, all want to recognize the achievement of Gerard "Turk" Gallant and Mike Kelly as the coaching team for the Las Vegas Golden Knights.

[Applause]

It's quite a thing for an expansion team to now be in the finals and, in fact, to be there early enough to have a few days to rest up until we figure out who's going to be playing against them because they took that series in five games and that's a great achievement and I'm sure all Islanders recognize it.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

It's an honor for me to rise as well and to bring greetings on behalf of the official opposition to anyone that may be tuning in today to watch the procedures; of course, to our faithful gallery that are here today. It's also wonderful to see Jason back and as the Premier said, hopefully we can come to a final conclusion on some of the work that has been done here in the House to support our, in particular, first responders here on Prince Edward Island and give them the necessary supports and resources that they so badly need with regards to PTSD.

I'd also like to acknowledge Aboriginal Awareness Week this week. I think it's a wonderful opportunity to get out and to learn more about what our Indigenous culture is all about. I know that the Premier said there's activities this week, unfortunately it sounds like we're going to have a little bit of rain this week, but passed that, there are all kinds of wonderful activities – powwows that take place throughout the summer, whether it be down at Confederation Landing Park or Panmure Island and various other activities throughout the summer. I know that I've been attending quite a few of those over the last number of years and it's extremely insightful and I encourage anyone that is available to get out and celebrate that as well.

Last, but not least, I'd also like to recognize the major accomplishment of the Las Vegas Golden Knights, in particular, Gerard "Turk" Gallant and Mike Kelly, of course, the assistant coach. I know that there's a certain faction of constituents in my area that are cheering for Tampa Bay and the reason for that, is that there's a certain connection to a Killorn family within that organization, but I feel right now that the best opportunity for PEI to have that Stanley Cup come to PEI, hopefully this summer, would be by supporting the Golden Knights.

So, as a Habs fan, I pledge my allegiance behind the Golden Knights.

Thank you very much, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

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

I would like to welcome everybody back for another week in the Legislature and particularly to some friends in the gallery today. Jason Woodbury, nice to see you again and Susan Hartley, the health and wellness critic from the Green Party, thank you for being here today, Susan.

I also would like to acknowledge that this is Aboriginal Awareness Week and as my hon. friends have already mentioned, there are many events happening, not only this week, but throughout the summer to celebrate Aboriginal culture here on Prince Edward Island. I would encourage all Islanders to get out to powwows or whatever the event is.

Summer may not be quite yet here, but the visitors are already starting to arrive on Prince Edward Island, both on terra firma, and we have the first sightings of right whales in the Gulf. I hope that we have a successful fishing season, not too much interrupted by the arrival of our friends from our friends from the south, but also that we give these wonderful creatures the protection that they need and deserve.

Thank you very much, Mr. Speaker.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. Henderson: Thank you, Mr. Speaker.

I, too, want to welcome those to the gallery, and in particular, we have Ellen Luxton-Boucher here today to the gallery today. Ellen is not a stranger to this Legislature. She was a former Page here. I don't know how many years back, but she did a great job, at that time. She's actually onto a stellar career as a French language teacher. I'm not sure what the exact school, I think, maybe Francois Buote, but I'm guessing that one – okay, I got that one wrong. Anyway, welcome to the gallery, Ellen.

Some Hon. Members: Hear, hear!

Leader of the Opposition: (Indistinct) perfect track record.

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

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

I, too, would like to welcome everyone to the gallery, and a special welcome to Jason Woodbury, who works tirelessly for his union. He is a first responder with EMS and he's also the fire chief of my local community, Miscouche. I thank you, Jason for all your hard work and dedication.

I'd also like to welcome Ellen Luxton to the gallery. It's nice to see you here today.

I wish everyone back in Evangeline-Miscouche a wonderful day.

Thank you, Mr. Speaker.

Statements by Members

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

The Fisherman's Daughter

Ms. Compton: Thank you, Mr. Speaker.

I'm pleased to rise today and recognize a new business in Murray River that celebrated its one year anniversary back on May 1st.

The Fishermans Daughter is an arts and crafts store located on Main Street in

Murray River. Owned and operated by Robbie Rafuse and John Gamble, they specialize in custom glass etching, artwork, and many one-of-a-kind creations.

They carry various Island-made products crafted by Island artisans and are happy to support local.

Small business is the backbone of our Island economy. These businesses supply thousands of jobs to Islanders and pump millions of dollars into our economy.

Owner Robbie Rafuse said part of the reason she wanted to start a new business with her partner John Gamble, was she was tired of always chasing to find enough hours to qualify for her EI. She felt starting a new business would take her out of that cycle and felt like it was the right thing to do.

The Fisherman's Daughter adds to the creative businesses already established in eastern PEI.

Renowned local artist, John Gamble, is known for his prestigious paintings and artwork and you can find all of his latest paintings at their shop.

The Fisherman's Daughter is also a proud member of Points East Tourism and the Eastern Chamber of Commerce.

I've had the opportunity to stop by the shop a number of times, and have been impressed by the artwork and the craftwork there and the friendliness of both Robbie and John. I would recommend you stop by if you haven't already and support local business.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Borden-Kinkora.

The Capes Ice Boat Festival

Mr. Fox: Thank you, Mr. Speaker.

I am pleased to rise and recognize the Capes Ice Boat Festival happening June 30th from 1-3 p.m.

I invited everyone to join the community of Cape Traverse to celebrate the rich history and the unveiling of the newly crafted ice

boat by Holland College for the National Parks monument.

I was pleased in the year 2016 as the MLA for Borden-Kinkora to submit a letter to Parks Canada asking that the ice boat be re-established and a replica be replaced.

An ice boat and traditional oars have been handcrafted by the students of Holland College in the Heritage Retrofit Carpentry Program. Students had accessed the old boat, that was onsite to use as a replica, so they can understand how it all fits together.

The ice boat will make its maiden voyage to the Cape Traverse wharf at 1:00 p.m. with an old fashioned parade to follow in traditional period costumes.

This promises to be an historic event filled with community spirit and old fashioned family fun. The ice boat committee, in partnership with Holland College and Parks Canada invite all to attend. I know I'll be attending the exciting festivities and hope to see you all there, too.

Thank you.

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

The Blue Knights

Mr. Dumville: Mr. Speaker, The Blue Knights is an international law enforcement motorcycle club; a non-profit fraternal organization consisting of active and retired law enforcement officers.

It began in 1974 in Bangor, Maine, and has become an international organization. It has contributed over \$18.3 million to various charities such as; the Cystic Fibrosis Foundation; Make-A-Wish Foundation; Toys for Tots; D.A.R.E, and Concerns of Police Survivors.

Locally, we supported Ride for Dad, and provided electronic readers for the blind. We also support, through fundraising rides, other bona fide community organizations.

The Blue Knights are recognized by wearing blue vests. The Blue Knights are the good guys, the 99 percent-ers. Knighthood, consists of sharing the common bond of a

career in law enforcement and the love of motorcycles; being able to visit Blue Knight members in other countries; recognizing there are no strangers in Blue Knights; only friends that you have never met; riding with families of other families; giving motorcycle rides to put smiles on the faces of kids in children's camps and raising funds for the less fortunate.

Being a Blue Knight is this and much more. Any law enforcement officer, or former law enforcement officer, wishing to join the Blue Knights should contact President Robert Thorne of PEI 1 Chapter.

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.

IIDI is one of the most powerful organizations in all of government. Much attention lately has been focused on its immigration and lending activities, but IIDI is a big player in the Island economy in other ways, as well.

IIDI and the private sector

Question to the economic development minister: Why is IIDI competing so heavily with the private sector?

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

Mr. Palmer: Thank you, Mr. Speaker.

IIDI does play an important role in the economy of PEI. We're a lender to a number of businesses across PEI, about 1,000 is the count now, and 60% of those in rural PEI. We continue to invest in business. And business in return has been doing tremendous things on PEI.

Our exports are the highest they've been in four years. Sorry, the fourth consecutive

year of growth. We're happy that IIDI can support small business across PEI.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

Government, through IIDI has assumed control of the Charlottetown Area Development Corporation, CADC.

Now, IIDI now owns and operates over 115,000 square feet of commercial real estate in Charlottetown and Stratford; 2,000 parking spaces in Charlottetown and 91 residential housing units on the Charlottetown waterfront.

Commercial landlord and government business

Question to the economic development minister: Why is being a commercial landlord now a core business function of government?

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

Mr. Palmer: Thank you, Mr. Speaker.

CADC is going through a transition now and IIDI and the province are in the process of making changes to that so that we can further respond to the needs of Islanders to further support small business across PEI. We are in the process of doing that now. It will take some time.

There are sizable assets that were held by CADC and we continue to work with that organization to better understand what those assets are and what we need to do with those in the future.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you.

Mr. Speaker, government, through IIDI has assumed control of the Summerside Regional Development Corporation, SRDC.

IIDI now owns and operates over 100,000 square feet of commercial real estate; the Holman Building that houses the education department, as well as developed and undeveloped land and properties on the Summerside waterfront.

Government control of economic development

Question to the economic development minister: Why does government need to control so much economic development potential?

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

Mr. Palmer: Thank you, Mr. Speaker.

This is an evolution of the business. SRDC had turned into a property manager over the years, not a development agency anymore. We really know that there's a lot of opportunity in Summerside, as an example. We are changing the model so that we can further respond to those needs.

The –

Mr. Trivers: Turning it all into affordable housing?

Mr. Palmer: – board of SRDC has been changed now, so that we can further respond to those needs, and move from a property management role back into a development role with the assistance of the Regional Economic Advisory Councils, as well.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

Government, through IIDI, has also assumed control of the Slemon Park Corporation. So, IIDI now owns and operates an airport and runway; 830,000 square feet of commercial real estate and 253 residential housing units.

Goals and objectives of IIDI

Question to the economic development minister: How is this growing corporate empire consistent with the goals and objectives of IIDI?

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

Mr. Palmer: Thank you, Mr. Speaker.

Slemon Park Corporation is a very important strategic asset of the province. We have a runway that we made significant investment in the last year or so. So much so, we made the improvements there that the Snowbirds, who are coming here this summer for an air show are going to be able to use the runway and they hadn't been able to use it for a number of years.

Mr. R. Brown: Great.

Mr. Palmer: It's those kinds of investments back into the community – now we have a fully functional airstrip that hadn't been operational for a number of years. We have lots of inventory there in manufacturing space and warehouse space and we have residential space.

I think it's a tremendous asset for us to have in Summerside, and happy that we have complete control over that, now.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

This corporate empire has been growing in the shadows because by law only deputy ministers can sit on the IIDI board.

Behind closed doors IIDI now has grown to include a loan portfolio of over \$157 million; management of provincial immigration programs; over one million square feet of commercial real estate; an airport and a runway, and 344 residential housing units.

This evening, the opposition, we will be calling Bill No. 106 forward for debate. Bill

No. 106 would allow members of the public to sit on the board of IIDI, thus strengthening public oversight for taxpayers.

Support of *An Act to Amend the Island Investment Development Act*

Question to the economic development minister: Will you be supporting this bill?

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

Mr. Palmer: Thank you, Mr. Speaker.

I'm in full support of this bill. We're happy to have more people on our board at IIDI, to help strengthen the decisions that we make there.

Our overall loan portfolio, which is managed by IIDI and Finance PEI is about \$355 million. There is about 1,000 businesses on PEI that have loans from IIDI and Finance PEI. The average loan is about \$340,000 and it supports 14,000 employees across PEI; 60% of those are in rural PEI.

We're very happy to be able to continue the growth, and support small business wherever we can.

Thank you, Mr. Speaker.

Mr. R. Brown: Great.

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

Mr. Myers: Thank you, Mr. Speaker.

As the Leader of the Opposition said: without the same level of public accountability as other boards, the IIDI board has pushed a few boundaries.

A whole chapter in the 2016 Auditor General's report looked at IIDI's business practices and found issues with them.

Deputies on IIDI board

Question to the minister: Do you think allowing only deputies on the IIDI board has made it more transparent and accountable?

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

Mr. Palmer: Thank you, Mr. Speaker.

We're supporting the bill that's going to come on this evening. We're happy to have more people involved in IIDI. As a part of that transparency, the IIDI report is available every year in September. We publish that to the website and if anyone needs a copy of it, they can certainly go there to find out all the details, Mr. Speaker.

Thank you.

Mr. R. Brown: Great.

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

Mr. Myers: Thank you, Mr. Speaker.

I look forward to having Bill No. 106 on the floor tonight. It'll be a couple of big weeks in a row for me getting bills passed. Maybe we should keep the House open for another few weeks.

Without –

Mr. R. Brown: (Indistinct)

Mr. Myers: – I love helping you. I love helping you making PEI better.

Without public oversight IIDI can get involved in politically-driven projects that can be risky to taxpayers –

Mr. R. Brown: (Indistinct)

Mr. Myers: Yes. In case part of the restructuring of \$38 million loan in 2014 government ended up providing – and I quote: \$1.2 million in new financing available for the borrower to start two new businesses that would be 100% financed by the province.

Financing to new startup businesses

Question to the minister: Do you think giving 100% financing to two new business startups is a good business decision?

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

Mr. Palmer: Thank you, Mr. Speaker.

Our loan portfolio, which I said is 60% held in rural PEI. That business line makes money; \$15 million in revenue comes in, we pay out about \$9 million in interest expense. We have an annual write-off of about \$1 million. We make \$5 million while we support Island business from tip-to-tip.

Thank you, Mr. Speaker.

Mr. R. Brown: That's a school every year.

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

Mr. Myers: Thank you, Mr. Speaker.

So last year you wrote off \$18 million, which is a school. The Minister of Communities, Land and Environment is right, you wrote off a school last year alone in loans and here we are talking about wanting the need for new schools all over the place.

That \$13 million loan refinancing was a tricky one and there was a lot of heat from the board and the Premier's office. The Member from Montague-Kilmuir and everyone else in the Cabinet at the time recalls what a political hot potato it was.

A question to the minister: Do you think that the IIDI board would have given 100% financing if members of the public had been sitting on the board?

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

Mr. Palmer: Thank you, Mr. Speaker.

Again, I'm happy to support the bill that's going to be on the floor this evening so that we can add further diversity to our IIDI board. That board is important. The loan portfolio that's managed by that board is very important to the small business right across PEI. It continues to grow and I think the average exports are \$1.3 billion in PEI, which IIDI and the funding that they provide to small business, is a very, very important part of that. So we're happy to have business to continue to grow on PEI and I don't know – the opposition seems to think that the economy is not doing well and that we don't have lots of great investment coming into

the province, we do, and we're happy to play a role in that as well.

Thank you, Mr. Speaker.

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

Mr. Myers: Thank you, Mr. Speaker.

I don't think anybody over here is questioning the economy. The root source of why the economy is healthy may not be steps the government have taken, it may be good potato prices, and good yields, and good fishing, and lots of things that Islanders are doing in spite of all the craziness that you guys are putting on their plate.

In 2016, IIDI lent \$8 million to the Summerside Regional Development Corporation. In February, 2018, the province took over the Summerside Regional Development Corporation.

Government handling of multi-million dollar loan

Question to the minister: How will your department be handling this multi-million dollar loan that you now owe to yourselves?

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

Mr. Palmer: Thank you, Mr. Speaker.

IIDI does play an important role in that and as part of the disclosures that we have with IIDI and Finance PEI, just today, actually, we are now disclosing on our website all approvals greater than \$1 million as a further transparency piece by Finance PEI and IIDI. As we go through the wrapping up of business exercises at SRDC, we will eventually be disposing of those assets, Mr. Speaker.

Thank you.

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

Mr. Myers: Thank you, Mr. Speaker.

In March, 2017, the province through IIDI, took ownership of Slemmon Park Corporation

which was created in 1992. In late summer and early fall of 2017, IIDI loaned over \$4 million to Slemmon Park, which it now owned.

Question to the minister: Did you find it odd that the first loans that IIDI made to Slemmon Park in 25 years came after your government bought it?

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

Mr. Palmer: Mr. Speaker, I'm very happy with the results of the loan portfolio that we have at IIDI and Finance PEI. As I said, we net \$5 million from that loan portfolio. There's no new government money that goes into that. That is self-funded from the proceeds of the loan payments, so it's not new government money at all and we continue to make money in that portfolio.

Mr. R. Brown: That's good.

Mr. Palmer: Thank you.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

The Auditor General's report e-gaming had this to say about illegally-destroyed records: We were not provided any emails or other government records for these individuals. We have received some records from the other public bodies and sources external to government. This should have been retained from these email accounts. Those records destroyed belonged to premier Robert Ghiz, former chief of staff, the deputy minister of tourism, and former chief clerk of the Executive Council.

Illegal destruction of records

Question to the Premier: How were the officials who ordered this illegal destruction of records sanctioned by your government?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, this has been looked into by the Auditor General. It's been dealt with extensively in this House. There was legislation brought in to ensure that there's a new regime for

handling records and, indeed, a very significant investment in additional resources to ensure that the requirements and the stipulations of that legislation is lived up to.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Mr. Speaker, former premier Ghiz and the current Deputy Minister of Finance ordered the illegal destruction of these records.

Question to the Premier: Along with purged email accounts, what other e-gaming records were illegally destroyed before they could be archived and reviewed by the Auditor General and other authorities?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I note that the member opposite is using terms of such as 'illegal' in the preamble to his questions and I want to draw to the attention of the House, as has been done before, that in April of this year – just last month – the RCMP indicated in a public way that they have, in fact, investigated this matter, conducted quite a number of interviews, and concluded that there was no criminal activity.

Thank you.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

I'll get to that investigation in a minute.

Both premier Ghiz and the current Deputy Minister of Finance have been named as defendants in the \$50 million e-gaming lawsuit, along with two of the officials whose records were illegally destroyed on the orders of premier Ghiz and the Deputy Minister of Finance.

Question to the Premier: Are you not at all concerned that laws were circumvented, ignored, and broken so brazenly.

Speaker: The hon. Premier.

Premier MacLauchlan: The Auditor General has looked into this matter and came back with her report and she spoke directly to the issue that the hon. member is raising.

The RCMP reported last month, after conducting on the order of 50 interviews, that there was no evidence of criminality, or any grounds for laying charges. The lawsuit that the hon. member is referring to is presumably before the courts. It seems to show up from time-to-time. But let me say that it's been talked about in this House before and I think the best approach for that lawsuit is to let it to proceed on its own merits.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

Dr. Kevin J. Arsenault has conducted an investigation and the review of the illegal destruction of e-gaming records.

Mr. R. Brown: Ah, come on.

Mr. Fox: In the course of the investigation, Dr. Arsenault was granted an interview with Sgt. Shaw of the RCMP investigative crimes unit, who said – and Sgt. Shaw stated: The provincial government have standard operating procedures and things that I'm not privy to. I don't know how government works.

Knowledge on record retention laws

Question to the Premier: Given the admitted lack of knowledge on record retention laws within the provincial government by the RCMP investigators, how would they be able to properly determine whether an attempt to commit mischief of data has taken place?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I don't have much to say about the source that was cited in the preamble to this question, but I will later table the report, the public report, of what the RCMP through staff Sgt. Kevin Bailey had to say about the RCMP's

investigation and the conclusion that they reached.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

Under the Ontario gas plant scandal, the Premier's former chief of staff, David Livingston, was found guilty of attempting to commit mischief to data in part because of what the judge referred to as a 'scorched Earth policy'. The PEI Auditor General confirmed that no e-gaming records were found for the three key senior government employees whose records were illegally destroyed, two of whom that had apparent conflicts of interest.

Attempt of data mischief

Question to the Premier: Do you agree that there are reasonable grounds to believe that Robert Ghiz and Neil Stewart committed the same crime as David Livingston was found guilty of?

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

Let me say, again, I have confidence in the RCMP. I have confidence in the Auditor General. Both of them arrived at a conclusion quite in contrary to the language that the member is using in the preamble to these questions. Neither the Auditor General nor the RCMP, in both cases after a thorough investigation, concluded that there was any reason to lay criminal charges.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

Dr. Arsenault's investigation sheds additional light on the questionable and potentially illegal practices that went on as part of this government's e-gaming cover up.

RCMP and OPP criminal investigation (further)

Question to the Premier: Would your government support asking the Ontario Provincial Police to undertake a further review of –

Mr. R. Brown: Oh, you don't think the RCMP is good enough?

Mr. Fox: – the destruction of e-gaming records to determine whether there are, in fact, criminal grounds to lay charges in this matter?

Ms. Biggar: (Indistinct)

Mr. R. Brown: (Indistinct) no good.

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, the Royal Canadian Mounted Police are our provincial police force. We've had a long relationship with the RCMP providing public safety, providing advice, conducting investigations, dealing with the public, which is what they've done in this situation and I am confident, based on what the RCMP has said through staff Sgt. Kevin Bailey's confidence, that this matter has been thoroughly investigated.

I have confidence in the RCMP, and I will repeat: I have confidence that we acted on the confidence in and we acted on the advice of the Auditor General and this matter has been thoroughly examined. It has been responded to through legislation, through resources, through implementing the recommendations of the Auditor General and I am confident that we have acted in the proper fashion and that this matter has been thoroughly investigated and that we know the answer. There is no basis for any further investigation into criminal activity.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

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

A few weeks ago during estimates, I asked the Minister of Education, Early Learning and Culture about a gentleman called Tony

Geraci from the United States. The minister was unfamiliar with his name.

An Hon. Member: (Indistinct) BC Tony.

Dr. Bevan-Baker: Mr. Geraci made a trip to PEI in 2016 when he met with the then minister of education, the then Minister of Agriculture and Fisheries, and had a meal with the Premier. On all three stops, the response to Mr. Geraci's proposal to establish a universal, free school lunch program across Prince Edward Island was met with enthusiasm.

It's been almost two years since that visit and despite some very modest pilot projects we are a long way from the shared vision of the PEI Home and School Federation, at least some government members, and Mr. Geraci himself.

Universal free school lunch program

A question to Minister of Education, Early Learning and Culture: Since our chat during estimates, have you familiarized yourself with the work and vision of Mr. Geraci?

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

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

Yes, I have a general awareness of Mr. Geraci and who he is. I don't think anybody had ever said that we were going to be adopting any plan that Mr. Geraci had, but what I will say is that what we have done is double the budget for the school food programs.

In the last year, and reaffirmed again for this year, we have hired on, with the great help from the Department of Agriculture and Fisheries, an individual to work at the public schools branch to help to develop a program of which the home and school has indicated on numerous occasions, not least of which at their last AGM, they were very proud.

We are proud to help do our part to continue this work.

Thank you.

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

Dr. Bevan-Baker: Thanks, Mr. Speaker.

Mr. Geraci has been involved in establishing programs in places with virtually none of the inherent ingredients necessary to make the program a success. Yet, he has managed to make it work there successfully. He described Prince Edward Island as the first place he had ever been where all of the necessary components for such a program are right here already at our fingertips.

Necessary components for lunch program

Minister, what is holding up the rolling out of such a program?

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

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

As I indicated during estimates, this is an initiative that you cannot just turn a switch on and you're off and going. What I will say further to that, and I think I did indicate it at that point in time, is it's a community initiative at its heart.

As the hon. member indicated, we do have the resources here on Prince Edward Island to pull off a great school food program, but to do that you need to engage the community and that's what we're setting out to do. That's what Morgan Palmer does every day in her work with the public schools branch and we hope that that will continue and build into something great.

Thank you, Mr. Speaker.

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

Substantial benefits of lunch program

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

With over 20% of children on Prince Edward Island living in food insecure households, and nutrition being a critical of health, of wellbeing, and of intellectual functioning, and the fact that these initiatives offer substantial economic benefits to local producers, why is such a program not a top priority for this government?

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

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

I'll indicate again, as I have on numerous occasions in here, that I think we are doing great work with our school food programs right now through the communities that are there to deliver them. As I indicated here previously, 40,000 is the number of meals and snacks that we deliver to Island students every week.

When I say 'we', it's not us. It's not the department. It's the communities that pull these together and I could point to a couple of great programs in my own district. That is what really makes these work; is that we have community involvement. The community comes together. It takes advantage of the resources that it has inherent in it, and it builds a great program that helps do much more than just feed the children.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

The PEI Home and School Federation recently invested in research to assess PEI schools and how they stack up against the public schools branch policy on school nutrition. There were some notable successes. East Wiltshire school, for example, where there is a great breakfast program and other novel initiatives. At Kinkora the students are in partnership with farmers in the area using locally-sourced ingredients and cook all the meals in the new culinary program. At Gulf Shore, where the students even grow some of the food served in their school.

Food programs in all Island schools

All of these ventures are happening as a result of visionary staff or volunteers. A question to the minister: When will all PEI schools enjoy similar programs?

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

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

Thank you, hon. member, for the question and the way in which it was put. As I indicated when I was responding to the hon. Leader of the Third Party's question, this is exactly what we're looking to have accomplished in Island schools; the communities to get involved and take ownership of the food programs within their schools.

We want to have families and community members that understand what it is to eat in a healthy way and what that does for students in our schools. That provides a much more holistic approach to healthy eating than if we were just to feed the student one meal a day.

Thank you, Mr. Speaker.

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

Ms. Bell: Thank you, Mr. Speaker.

I'm glad to hear the minister speaking about the importance of healthy eating, because in that same study the home and school federation assessed what percentage of schools were meeting the school board's nutrition policies and not a single one did. Zero per cent.

Implementation of nutrition policy

Minister, when are you going to properly implement the Public Schools Branch's nutrition policy?

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

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

As we have discussed numerous times in this House, it's not for me to implement the Public Schools Branch's policy. It's the Public Schools Branch that will implement their policies and us that direct them in respect of initiatives that we would like to that.

That's exactly what we're doing here. That's exactly why we have hired on an individual

that will guide the process to develop plans that will help to bring community members so that the programs that are developed in the communities are sustainable, are holistic and are the best programs possible for, not just the students, but the entire families in those communities.

Mr. R. Brown: Great.

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

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

Ms. Bell: Thank you, Mr. Speaker.

Minister, for an Island-wide program to be success, your leadership and vision is crucial.

Island-wide school lunch program

Minister, will you spearhead an Island-wide, free, universal school lunch program that focuses on sourcing local products, health eating and opportunities for learning? No or Yes?

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

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

We're on a trend here of getting alphabetically-listed questions, which we apparently appreciate.

In that spirit, I will note, again, that our department is looking to engage with communities; engage with the Prince Edward Island Home and School Federation. We have hired on a person to help with this engagement process. We are looking at them to come up with ideas and to enable a program that will be healthy; will be sustainable and will build communities as we go forward for their own good.

Thank you, Mr. Speaker.

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

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

My question is to the hon. Premier: A lot of us have been watching and listening about the NAFTA discussions that have been going on. I thought they were rolling along pretty well. We know all sides wanted to look at this agreement to see what may be able to be tweaked to make it better for all concerned.

Now, we hear comments about the US midterm elections coming up that may delay it. The Mexican elections are coming up, as well.

New NAFTA agreement

I'm wondering if the hon. Premier could tell us if he's heard anything further as to the timeframe and when this new NAFTA agreement may be settled.

Thank you very much, Mr. Speaker.

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, from early 2017 when this process started, Prince Edward Island has been actively engaged at the official's level. We have some very fine people, who've been involved with other officials.

There have been numerous discussions directly among the premiers and the prime minister to keep Prince Edward Islanders apprised of developments.

I think the most direct thing I can say, is we heard minister of foreign affairs, or global affairs, Chrystia Freeland say, last week, that she felt there was some further, I might say, wiggle room, I think that was her language.

The key issue, as I understand it, is that it's the focus of the negotiation are rules of origin in the auto sector. There are other issues that will be dealt with consequent or subsequent to that issue, but that's the one.

At this point, it would be well beyond my authority or insight to give any clear timelines for the likely resolution of this matter.

Thank you.

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

Mr. McIsaac: Thank you very much.

Looking at it then, from a provincial point of view, this is pretty important to all of us in the agricultural sector, for sure, because trade is – a trade agreement like this can be make or break for our exports.

I'm just wondering what is being done from the provincial end of things with regards to this negotiation?

Thank you very much, Mr. Speaker.

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

From the outset of these negotiations, which the objective is to get a better agreement, not just any agreement, our officials and our government has been in direct contact with the leading players in PEI industry, whether it's on the food side, our leading source of exports to the States; manufacturing, which has grown now, seven years in a row. Last year, we exceeded \$1 billion in our exports to the States.

We have great companies, who understand the situation, the relationships, and we're very directly in touch with them in terms of what they believe they have at stake, and how we can best serve their interest.

Thank you, Mr. Speaker.

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

Mr. McIsaac: Thank you, Mr. Speaker.

Again, I guess, it comes right back to those commodities, especially here on PEI with regards to supply management. I know twice in this House we had full discussion on supply management and had unanimous support for that.

Supply management re: NAFTA agreement

You're speaking about getting any agreement or getting an agreement, there's a

lot of give and take. I'm just wondering if you can give us a little head's up, or let us know that supply management will not be a key, or a make-or-break of this agreement because it means so, so much, as you know, to the Province of Prince Edward Island.

Thank you, Mr. Speaker.

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, first, of course, our government is fully supportive of supply management and the sectors that have prospered as a result of those arrangements now going back more than four decades.

This is something that has been in discussion. According to our information, at the table to develop an improved NAFTA. The United States has put forward a proposal on supply management. That has been in the public domain. From all of the discussions we have had with the federal government, and I can say I've had these discussions directly with the federal minister of agriculture and Agri-Food; the federal government has steadfastly refused to discuss any weakening of our supply management arrangements.

Thank you, Mr. Speaker.

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

Mr. Dumville: Mr. Speaker, as Islanders are aware, I am sitting as an independent member of this respected Legislative Assembly. There are many reasons for this, including my concern for the direction of the Liberal Party of PEI.

As I have indicated, the Premier's management style made it impossible for me, as an elected member of this House, to represent the people effectively and openly.

Exclusion of loyal Liberals re: future of party

Question to the Premier: Premier, it is known that loyal Liberals at large are also being excluded. How do you think this will affect the future of your party?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, let me call it our party. I'm happy to report, since the question has been asked, that as recently as last Wednesday, we had our annual leader's dinner, which had our best attendance that we've seen in many years. I'm happy to say that there was strong, strong enthusiasm in that room for the program and for the –

Mr. Myers: Heard they said they wished –

Premier MacLauchlan: – team –

Mr. Myers: – they'd had better speakers.

Premier MacLauchlan: – and for the leadership of our party.

Thank you, Mr. Speaker.

Speaker: The hon. Member from West Royalty-Springvale, first supplementary.

Mr. Dumville: Thank you, Mr. Speaker.

The Liberal Party has a rich history of establishing strong, relevant resolutions at the national level. It has been brought to my attention that the 30 resolutions coming forward from the national Liberal Party biannual in Halifax contained none from Prince Edward Island.

National policy resolutions

Mr. Premier: Does it not concern you that your priorities for Islanders are not in line with national policy resolutions going forward?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Premier, I'm not sure that Liberal Party affairs down at the national level would be the appropriate subject for Question Period.

Let me say that I was at that meeting – those meetings in Halifax and everybody I talked to was telling me how impressed they are by the activity; by the growth; by the success and by the achievements of our province and our government –

Mr. Myers: Who did you talk to (Indistinct)

Premier MacLauchlan: – and our party.

I was glad to be there and –

Mr. Myers: (Indistinct)

Premier MacLauchlan: – I can tell you, people all across the country know that PEI is doing well.

Thank you, Mr. Speaker.

Speaker: The hon. Member from West Royalty-Springvale, your second supplementary.

Mr. Dumville: Mr. Premier, it is common knowledge that you are on your fourth provincial policy committee chair, and that you have a strong hand in the committee's work.

Committee work and representation of Islanders

Do you feel this approach is representatives of Islanders' decisions, direction and wishes?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, our party has a number of committees. They are well led and, indeed, the people, who comprise those committees are great volunteers. They're great representatives of communities throughout the province.

I have full confidence in that committee and its current leadership and in those who have contributed. We just completed, at our recent annual general meeting, an extensive policy consultation process that was led by that policy committee.

I have no problem whatsoever with the work of our party or of our committees, and I think you can see the benefit of it in the work that is being brought forward to this Legislature and in how well our province is doing.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald.

Legal action re: federal funds for French language education

Mr. Trivers: *Merci, monsieur le Président.*

Thank you, Mr. Speaker.

Récemment, la province a reçu un avis d'une poursuite judiciaire potentielle en raison de gestion de fonds fédéraux pour l'éducation de langue française.

Recently, the province was served with a notice of potential legal action over how it manages federal funds for French language education.

Question au ministre de l'Éducation et procureur général: Comment se fait-il que les choses sont rendues à cet état?

Question for the minister of education and Attorney General: How have things been allowed to get to this state?

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

Mr. J. Brown: *Merci beaucoup, monsieur le Président.*

Thank you very much, Mr. Speaker.

Comme je l'ai dit, nous sommes très fiers de notre programme d'éducation en langue française. Nos investissements dans ce programme sont beaucoup meilleurs que dans notre programme anglais. Il y a une très grande différence dans le coût pour éduquer un étudiant en français qu'en anglais. C'est plus que 50 % dans la différence.

Like I said, we are very proud of our French first-language education program. Our investments in this program are much better than in our English program. There is a really big difference in the cost of educating a student in French compared to English. It's more than 50% in the difference.

In our capital budget, over the last 15 years, we have spent 20% of our capital budget on 5% of the students in this province. We are very proud of the investments we have made in French language education. It costs roughly \$17,000 a year to educate a student in our French as a first language system, a little under \$11,000 on the English side, and we are proud of the work that we've been able to do to invest in French as a first

language education and culture in this province.

Thank you, Mr. Speaker.

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

Averting potential legal battles

Mr. Trivers: *Merci, monsieur le Président.*

Thank you, Mr. Speaker.

It's true that the French community really has rallied and they do a fantastic job, and they have some really fantastic programs within their schools, but the community is claiming that the province repeatedly violated the Charter of Rights and Freedoms in how it managed federal dollars from a federal-provincial agreement for French language education.

Les fonds destinés à d'autres fins ont été utilisés pour des coûts opérationnels tels que les salaires.

Question pour le ministre: Quelles étapes entame la province afin d'échapper une autre poursuite judiciaire coûteuse et de longue durée?

Dollars earmarked for other purposes were used to cover operational costs like salaries.

Question for the Minister: What steps is the province taking to avert another – there is over 90 outstanding – another costly and lengthy legal battle?

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

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

As I have said previously on this subject, my door is always open to discussion and I will say –

Mr. Trivers: Well, they're suing you.

Mr. J. Brown: – that there is a long history of investment in French first language education in this province.

Mr. Trivers: *Écouter.*

Listen.

Mr. J. Brown: In respect of the particular agreement that the hon. member is speaking of, that agreement was drafted some number of years ago –

Mr. Trivers: (Indistinct)

Mr. J. Brown: – with consultation with the French Language School Board and is an agreement between this province and the federal government and they have indicated that they are content with the way in which we spend the money, and they do look at that every year.

So, we are happy with that and again, moving forward, we will work with the French Language School Board, provided they're willing to work with us and I will indicate that the very first meeting I had with them, they arrived with a stack of Supreme Court of Canada cases.

Mr. Trivers: *Nous travaillons ensemble.*

We work together.

Mr. J. Brown: Discussion goes two ways, and in order to have a discussion you have to be willing to talk.

Thank you very much.

Statements by Ministers

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

Energy Rebate

Mr. R. Brown: Thank you, Mr. Speaker. None of this will be in French.

Our government knows how important it is to use Island taxpayers' dollars responsibly. We are committed to living within our means while investing in areas that mean the most to Islanders. All Islanders should benefit from our strong provincial economy.

Our recent 2018 Budget included many supports intended to help Islanders with the cost of living. One of these supports is the PEI Energy Rebate, a made-in-PEI solution for climate change. With this 10% rebate,

we are making electricity cheaper and encouraging Islanders to switch to cleaner sources of energy and reduce greenhouse gas emissions.

The rebate on the first block of residential electricity will automatically be deducted from electricity bills starting July 16th, 2018. This will save Island households an average of \$120 a year. In addition, there will be rebates on low-emitting energy sources like propane and wood pellets for residential use beginning July 1st.

The fire wood rebate will be applied to purchases for residential heating purposes retroactive to May 14th, 2018. This will cover those who purchase wood in the spring for the following winter. Wood chip purchases for residential heating will also be eligible for the rebate by submitting an application.

This will build on Prince Edward Island's strong environmental stewardship and provide a clear price signal for a cleaner energy future. We are already a world leader in wind production with 25% of our electricity provided by wind. We are proud of our growing economy. We are pleased to reinvest in Islanders, while making smart energy choices to protect our environment.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

It is great to hear this government finally make an announcement about how they're going to encourage the use of clean energy in this province. Of course, this is something that was in the Progressive Conservative platform in the 2015 election campaign, so I'm glad they're not ashamed to steal ideas from over here because they're ideas that can help all Islanders. That's fantastic; we've got a lot more, so just please listen up. That's great.

Mr. MacEwen: Keep doing it.

Mr. Trivers: Keep doing it. Keep doing it for sure.

I'm glad they're coming clean with Islanders about clean energy because it really is a 10% rebate on the first block. When they first announced this during the budget, is talk about – we're taking the HST off electricity and that's not exactly what it is. So, thank you. The Minister of Communities, Land and Environment is being honest with Islanders, I think.

Mr. MacEwen: Today.

Mr. Trivers: Today, yes.

I'm really pleased to hear that the part of it will be retroactive May 14th for people who have purchased things like pellets so they can get that discount. That's fantastic.

An Hon. Member: (Indistinct)

Mr. Trivers: I just hope this continues. I hope that this government does support some other ideas we have in the official opposition here. For example, we have a private members bill that's still on the floor that's talking about allowing earlier adopters to get out and really produce energy locally and distribute it locally and just allowing people to actually put that application forward to IRAC so they can be approved to do that. If you're really serious about the future of the province – and renewable energies in the province – then please reconsider your position on that bill and perhaps pass it so that we can actually get some locally generated and locally distributed electricity.

Thank you, Mr. Speaker.

Ms. Biggar: (Indistinct)

Mr. Trivers: No.

Mr. Myers: Good try though.

Mr. MacEwen: Good question.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

It is great to see anything that puts money back in the pockets of Islanders, even if it's \$10 a month. For those who have their clean sources already in place, the electricity,

propane, and pellets, then this effectively coming in at July 1st gives us six months of those rebates at source.

It's important to note that for those who are doing the fire wood and wood chip rebates that they must be have more of a \$50 value to those rebates before they can apply. We know sometimes paperwork can be a bit of a barrier, so having some assistance on hand, whether that be at Access PEI or other spaces to assist people and ensuring they get that application would be critical to making sure it reaches people.

We also have great programs through efficiencyPEI in terms of looking at sort of replacing inefficient heating like oil. Some of the things that we can really do to sort of begin to bridge this gap is to provide more incentive for Islanders to make the shift from dirty energy to clean energy. So by increasing and expanding those programs, in addition with these rebates, we will really see a shift in terms of clean energy sources and, ideally, begin to sort of really focus on the areas that Islanders can benefit from the most.

Thank you, Mr. Speaker.

Presenting and Receiving Petitions

Tabling of Documents

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I beg leave to table documents – report from the CBC dated April 12th, 2018, entitled No Charges in PEI's E-gaming Initiative, RCMP say and I move, seconded by the Honourable Minister of Finance, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.
The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Mr. Speaker, by leave of the House, I beg leave to table documents related to the Public Schools Branch nutritional policy I cited during Question Period today and I move, seconded by the Honourable Kellys Cross-Cumberland, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Ms. Bell: I have another one.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Mr. Speaker, by leave of the House, I beg leave to table court decisions of relevance to the upcoming debate on the *Electoral System Referendum Act* and I move, seconded by the Honourable Member from Kellys Cross-Cumberland, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Ms. Bell: Thank you.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

By leave of the House, I beg leave to table an investigative report on the destruction of e-gaming records dated the 5th of May, 2018 and I move, seconded by the Honourable Member from Georgetown-St. Peters, 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 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 2018*, Bill No. 35, read a first time.

Speaker: Hon. minister, just a brief explanation.

Mr. MacDonald: It's amount of special warrants approved under the authority of the *Financial Administration Act*.

Speaker: Thank you, minister.

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

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

To be clear, I'm doing this in my other portfolio as hon. Minister of Justice and Public Safety, and the Attorney General.

I beg leave to introduce a bill to be intituled *An Act to Amend the Freedom of Information and Protection of Privacy Act* and I move, seconded by the Honourable Minister of Workforce and Advanced Learning, that the same be now received and read a first time.

Speaker: Shall it carry? Carried.

Clerk: *An Act to Amend the Freedom of Information and Protection of Privacy Act*, Bill No. 39, read a first time.

Speaker: Hon. minister, a brief explanation, please?

Mr. J. Brown: Mr. Speaker, these are amendments to include certain municipalities and post-secondary educational institutions in relation to the legislation.

Thank you.

Ms. Casey: Good work.

Ms. Biggar: Good minister.

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

Mr. Gallant: Thank you, Mr. Speaker.

I beg leave to introduce a bill to be intituled *Workman's Compensation Statutes Amendment Act* and I move, seconded by the Honourable Member from Charlottetown-Lewis Point, that the same be now received and read a first time.

Speaker: Shall it carry? Carried.

Clerk: *Workers Compensation Statutes Amendment Act*, Bill No. 34, read a first time.

Speaker: Hon. minister, just a brief explanation, please?

Mr. Gallant: Mr. Speaker, these are further amendments to the *Workers Compensation Act*. It will expand coverage to all trauma-related conditions incurred at work including PTSD.

These further amendments expand the great amendments put forward by opposition that were proclaimed by Lieutenant Governor in Council today.

These amendments expand the coverage to all trauma-related conditions incurred at work, including PTSD, but also conditions like anxiety and depression.

It also clarifies who will diagnose for the purpose of workman's compensation board coverage in their diagnostic criteria.

Thank you, Mr. Speaker.

Mr. Trivers: (Indistinct)

Government Motions

Orders of the Day (Government)

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

I asked the House for unanimous consent that Bill No. 34 be brought back for consideration, and that's seconded by the Honourable Minister of Workforce and Advanced Learning.

An Hon. Member: Yes.

Speaker: Do we have unanimous consent?

Ms. Biggar: Yes.

Some Hon. Members: Yes.

Speaker: Yes.

Mr. Mitchell: Mr. Speaker, I move, seconded by the Honourable Minister of

Workforce and Advanced Learning, that the said bill be now read a second time.

Speaker: Shall it carry? Carried.

Clerk: *Workers Compensation Statutes Amendment Act*, Bill No. 34, read a second time.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the Honourable Minister of Workforce and Advanced Learning, 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 *Workers Compensation Statutes Amendment Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

Mr. Fox: Just an overview, Chair.

Chair: Thank you.

Permission to bring a stranger to the floor.

Some Hon. Members: Granted.

Chair: Thank you.

We'll allow her to come and set-up.

Good afternoon, could you introduce yourself and your title for the record?

Kate Marshall Director: My name is Kate Marshall, and I'm the director of workplace services at the Workers Compensation Board.

Chair: Welcome.

The hon. Minister of Workforce and Advanced Learning, the floor is yours.

Mr. Gallant: Thank you, Madam Chair.

Mr. Fox: (Indistinct) I have a question (Indistinct)

Chair: The minister's –

Mr. Gallant: Okay, you want a question?

Mr. Fox: It's my understanding that Bill No. 102 has now been proclaimed, and that we're agreeing with these sections that bring in the PTSD in place?

Chair: Yes.

Mr. Gallant: Yes, the bill has been proclaimed (Indistinct)

Mr. Fox: Bill No. 102, has been proclaimed –

Mr. Gallant: And these amendments that we're bringing forward are to –

Mr. Fox: So, we're at the –

Mr. Gallant: – bring in –

Mr. Fox: – I totally understand the DSM, we're dropping DSM V, and DSM is in there now –

Mr. Gallant: Yes, the most recent.

Mr. Fox: – and we've dropped physicians and psychiatrists is in there. The third one is we're adding the stressors right?

Mr. Gallant: The third one is, yeah, all traumatic stress disorders.

Mr. Fox: So, Bill No. 102 is signed off by Cabinet this morning?

Mr. Gallant: It was proclaimed today, yeah.

Mr. Fox: Carry the bill.

Chair: Thank you.

Shall the bill carry? Carried.

We have a question from the hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

I'm delighted that clearly some work is being done on other sides of the House, but

this is the first time we've had an opportunity to see this. I just wanted to check on a couple of things because it was some quite strident concerns about the fact that physicians were going to be excluded from diagnosis last time.

I'm just wondering why that's – and anybody who is willing to respond to this, let me know why that's now considered to be fine by all – everybody else involved?

Kate Marshall Director: I can only answer for myself. We, always, at the Workers Compensation Board, always had concerns about physicians diagnosing –

Dr. Bevan-Baker: I remember our conversation from just a week ago. That's why I'm asking why the change?

Kate Marshall Director: There is no change. The health professionals that will be able to diagnose are psychologists and psychiatrists in the amended bill.

Dr. Bevan-Baker: Okay.

Mr. Fox: Chair.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Sorry, I think the Member from Borden-Kinkora had an intervention?

Mr. Fox: Yes.

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: It's my understanding with – talking with the minister and Workers Compensation Board and also the parties involved that the psychiatrist that Workers Compensation Board – and correct me if I'm wrong, it's my understanding – it's a psychiatrist that you have access to is – doesn't really follow the steps of Health PEI and that your wait times don't follow that same pattern. Is that not true?

Kate Marshall Director: What we propose to do is to create a network of psychologists and that will enable us to access services if we have a network of psychologists, we will do an RFP process. Within that RFP there will be some guidelines as far as wait times

and treatments that type of thing.

We will be looking for psychologists, who have a special interest in treating trauma and stress-related disorders and will be able to see people within a required timeframe.

Mr. Fox: Yes.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

I just want to check that it's psychiatrists and psychologists? It is –

Kate Marshall Director: Yeah.

Dr. Bevan-Baker: – I just don't see any reference in the document here to that.

Kate Marshall Director: It's because they were already there in the –

Dr. Bevan-Baker: In the original –

Kate Marshall Director: – original –

Dr. Bevan-Baker: – draft, okay.

Kate Marshall Director: – yes.

Dr. Bevan-Baker: That's fine.

Chair: Shall the bill carry? Carried.

Mr. Gallant: I move the title.

Chair: *Workers Compensation Statutes Amendment Act.*

Shall it carry? Carried.

Mr. Gallant: 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. Gallant: Madam Chair, I move the Speaker take the chair and that the Chair report the bill agreed to without amendment.

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intituled *Workers Compensation Statutes Amendment Act*. I beg leave to report that the committee has gone through the said bill and has agreed to same without amendment. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Education, Early Learning and Culture, that the 16th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant (E. Doiron): Order No. 16, *An Act to Amend the Election Expenses Act*, Bill No. 37, ordered for second reading.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the Honourable Minister of Education, Early Learning and Culture, that the said bill be now read a second time.

Speaker: Shall it carry? Carried.

Clerk Assistant: *An Act to Amend the Election Expenses Act*, Bill No. 37, read a second time.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the Honourable Minister of Education, Early Learning and Culture, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

Speaker: Shall it carry? Carried.

The hon. Member from Charlottetown-Lewis Point.

Chair (Casey): The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *An Act to Amend the Election Expenses Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

Some Hon. Members: (Indistinct)

Chair: Thank you.

Permission to bring a stranger onto the floor?

Some Hon. Members: Granted.

Chair: We'll allow him to come and be introduced and get settled.

Good afternoon. Could you introduce yourself and your title for the record?

Gary Demeulenaere Director: Sure.

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

Chair: Welcome.

Minister, do you have an opening statement?

Mr. J. Brown: Sure, thank you, Madam Chair.

This bill is both a stand-alone bill and it also ties in with the electoral reform referendum act. There are three kind of main purposes or pieces to this. It prohibits corporate and trade unions from making contributions to an individual candidate or to a registered party. It limits the aggregate amount that an individual can contribute to an individual candidate or registered party to \$3,000 for a 12-month period, and increases the reimbursement amount for eligible election expenses.

In particular, it also is important to the legislation related to the referendum as it gives some definition to the kinds of things that may be important in terms of involvement in that, and in particular we would look at different things like residency as being issues that might relate from one to the other.

Chair: I'll start with Section 1. I'll read the full section and then I'll open the floor for questions.

Section 1 of the of the *Election Expenses Act* R.S.P.E.I. 1988, Cap. E-2.01, is amended

(a) by the repeal of clause (d) and the substitution of the following:

(d) “contribution” includes

(i) any money donated to a political party or candidate or for the benefit of a political party or candidate,

(ii) any other property or services provided free of charge or at less than market value, when provided to a political party or candidate or for the benefit of a political party or candidate, and

(iii) any fees paid to a political party for membership in the political party, but does not include

(iv) any voluntary unpaid labour, and

(v) any money, other property or services solicited by or donated to a political party or candidate for purposes other than the purposes set out in section 7 or subsection 9(2), respectively;

(b) by the addition of the following after clause (m):

(m.1) “potential candidate” means a person who publicly puts himself or herself forward for nomination to become a candidate.

Shall the section carry?

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I first want to preface any questions I have by saying thank you for bringing this bill forward. I’m really happy to see what I consider to be some really major steps forward here that will, I think, give Islanders much greater faith and confidence in our electoral system, so thank you for that.

In 2015, the Liberal party of Newfoundland and Labrador got themselves in a lot of trouble when they made a deal with the banks to write off almost \$400,000 in debt that the party had accumulated when it was in opposition and because of the lax party financing laws, the fundraising rules that were in place that are not unlike the ones that we have here now, that wasn’t considered to be a contribution.

I’m just wondering whether this new definition of ‘contribution’ would cover debt write-offs.

Mr. J. Brown: What Gary is saying is that we’re not entirely sure of the context in which the Newfoundland issue came about or the mechanism in which it operated, so it’s hard to say for sure one way or another.

But, ‘contribution’ is defined in there and so the definition is outlined and I think we can all look at that for what it is.

Dr. Bevan-Baker: Okay, thank you.

I’m just wondering why the addition of the clause ‘potential candidate’ – is that because of an issue in the recent byelection where some expenses were incurred before the writ was dropped, or is there something else going on there?

Mr. J. Brown: I’m not going to say it’s in relation to any particular situation, but bear in mind this legislation is related to or can be linked back to a number of different contextual pieces, as most legislation would be, where we’ve basically determined that there needs to be a tightening of what was there to ensure a level playing field and that’s the purpose of both this and of the referendum legislation.

As I said, the two of them really kind of work together in that regard.

Dr. Bevan-Baker: I’m good for this section.

Thank you, Chair.

Chair: The hon. Minister of Economic Development and Tourism.

Mr. Palmer: Thank you, Chair.

I have a question on the second section of property or services provided free-of-charge or at less than market value. So, that is to be – who reports that? Is that the campaign or the candidate would allocate that we have a professional whatever here that worked for 10 hours and would they kind of determine that at whatever the going rate is for that function? Is that how that works?

Mr. J. Brown: Chair, the answer to that is effectively, yes. Ideally, I think would be the piece that you would add to that.

The way it should work is that you're going to have a reporting mechanism requiring timely reporting, and that would be completed in accordance with the legislation. If that did not find its way in there, there's a separate question and at that point in time it's really somewhat of a self-policing piece, or in other words somebody is going to have to recognize that that didn't get reported on and raise it.

Mr. Palmer: So would that be similar to what happens with campaigns now where the official agent would do a report at the conclusion of a campaign, and kind of list out all of the relevant expenses?

Mr. J. Brown: Yes, it would be exactly that process.

Mr. Palmer: I guess that kind of comes around to how would that be policed? I know I ran in a byelection here a couple of years ago in Summerside and there were folks from the Green Party that have determined or declared themselves to be professional campaigners.

In future, that would be an eligible election expense at whatever the going rate for a professional campaigner would be? Is that how that would work?

Mr. J. Brown: Gary, do you want to talk about these act mechanisms in (Indistinct)

Gary Demeulenaere Director: Yes, and I guess I tend to defer the example to my own background, which is as a private practice lawyer, so if that if I'm providing service to someone and my billable rate is \$200 an hour and I decide to give it to them at \$100, it's the difference in time is the discount. If I decide to give it to them entirely for free, it would be the contributions is the \$200, so I think, to your example, if the person – if it's not falling under the definition of voluntary, unpaid labour, it's essentially a professional service that's being provided that is caught by the definition of a contribution.

Chair: The hon. Minister of Economic Development and Tourism.

Mr. Palmer: Thank you.

How is that profession, I guess, determined? I understand accountants and lawyers are professional. There's a designation related to that, but as a professional campaigner, for example, I think there was – I just forget what his name is, but he came here from British Columbia and was working for the Green Party as a professional campaigner. So is it because he determines himself as a professional – is that kind of where the designation comes in and how is that rate calculated?

Gary Demeulenaere Director: The calculation is noted in the amendment as being the market value on the date that the service is provided, because you may not be reporting, or somebody investigating it for a number of months or potentially down the road.

As the minister said, part of it is a self-policing piece and then, I think, ultimately, it would be in the realm of the Chief Electoral Officer. If in your example, you were really wondering how exactly we were going to find out how much the service is actually worth, and frankly, worst case scenario, it would be up to a court to decide that if somebody was charged with mischief under the act.

Mr. Palmer: So it would be based on, I guess, whatever kind of charges – or financial compensation would have been provided to that profession in the past in another – say in another campaign, or another –

Gary Demeulenaere Director: Yes, you could use the example and forgive me if I interrupted you, but for a carpenter – I mean, lawyers, I guess, generally have more blocked hourly rates. When you think of a professional service, a carpenter, to me, is no less of a professional who gets paid by the hour in some ways, but to ultimately ascertain what that number actually is.

Mr. Palmer: Right. I think it's that kind of determination of what the value of that would be because I – and I could be wrong, but I think the introduction of professional campaigners, to my knowledge, is relatively new, so I don't really know what the going rate for that would be. I don't know if that's

\$50 an hour or \$100 an hour, so how do you find out what that is, just to make sure that it's being reported properly? And would that be an Elections PEI kind of –

Mr. J. Brown: Maybe I'll take a try at that. I think there's going to be a reporting process and the first piece would be: Okay, has the individual identified to the official agent that they are an accountant, a campaigner, a lawyer, whatever – you might most often see it with accountants in my experience to date, where you have an accountant that's basically providing a service to a party or whatever and they're doing it for a deal or whatever and their rate is fairly easy to determine because you can call down to whatever accounting firm and find out what's it going to cost me. So there's that piece of it.

If it's something that the rate may not be necessarily a widely kind of available piece, I think the way that it would have to – and it would be governed by the Chief Electoral Officer in the end to make that determination and if somebody's got a complaint, they would then have the ability to go through the typical complaints process as well.

Basically, the presumption would be that if somebody's setting out their rate that that rate would be a fair rate and it would be for somebody as a member of the public or an opposing camp or whatever to say: Ah, that doesn't pass the smell test. I want to put a complaint in. And then you'd go through the typical complaints process to take issue with whatever is outlined in the report. Most of us have been around long enough to at least be aware of complaints that have gone through that process over the course of time. It's similar to what's always occurred.

Mr. Palmer: So I guess the valuation of that rate then would be just some kind of current research that you could do of what's a professional campaigner charge. I recall not too long ago when there was questions of a shared database between two groups, there was a couple of people – I saw it on Facebook, actually – they both declared themselves to be professional campaigners, so I guess they'd be a cost related to them if they're involved in the campaign as professional campaigners, then it would be whatever number of hours times whatever

the going rate is – that you'd do some research and find out whatever that rate would be. That would be kind of the contribution?

Gary Demeulenaere Director: That's correct for how I would envision that definition of contribution being utilized, whether it's for a legal service or another professional service like that.

Mr. Palmer: Okay.

Mr. J. Brown: That's the other piece of it, too, that you'd identified is it's the hourly rate times the time – that's got to be accurate as well, but yes, overall, that would be the principle.

Mr. Palmer: Then, I guess, the only other part that I would have on this is that allocation of effort as a professional campaigner can they – I think it says something – we had volunteer in there is not included. So, is that – you can volunteer in something that's not your profession, would it be?

So, for example, I guess if your professional campaigners from British Columbia, or wherever they came from, were out putting up signs, would that be volunteer, but everything else that they would do related to the campaign as professional campaigners, would there be an allocation there? So is it dependent on the type of work, I guess?

Mr. J. Brown: Chair, I'll maybe start and if Gary's got anything to add in particular – so I think, I don't know what a campaigner would do, so I'll start by saying that, but to use a different – again, to use the same example as Gary had used: a lawyer, or an accountant, or one of those ones that you would most often see.

If I'm a lawyer and I'm volunteering on an election campaign and my volunteering's got nothing to do with being a lawyer, which most often it would not, then I wouldn't expect to have to put in a bill. And I think the acid test would typically be: if it wasn't for your relationship with whatever organization, is it something that you would normally render a bill for? And there are tests, probably, to determine that as well.

But if you look –

Section 1(d)(iv): Indicates it does not include any voluntary unpaid labour and, a

(v) any money, other property or services solicited by or donated to a political party or candidate for purposes other than the purposes set out in section 7 or subsection 9(2), respectively.

So you're basically at that point, saying it's not something that falls within what you'd normally do for your work, so it's something that you're donating, kind of, of your goodwill.

Mr. Palmer: Right.

Thank you, Chair.

Chair: Thank you.

The hon. Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: Thank you, Madam Chair.

I had some questions around 3(1).

Chair: We're not there yet.

Ms. Biggar: Okay. I thought we were just having a discussion.

Chair: No. We've been reading it section by –

Ms. Biggar: Okay.

Chair: Can you hold it until we get there?

Ms. Biggar: Absolutely. Please keep me on the list.

Chair: Thank you.

The hon. Minister of Communities, Land and Environment.

Mr. R. Brown: Thank you.

So if I have a buddy that owns a posthole digging company and he comes in with his truck and digs a posthole for me to put up my sign, would he have to bill me?

Mr. Roach: Or a crane truck (Indistinct)

Mr. R. Brown: Yes, we've used them.

Gary Demeulenaere Director: Yes. If he's providing a service to you that you would otherwise expect to pay for and that's in the line of his business, that generally would be captured by a contribution.

Unidentified Voice: If he gave campaign advice.

Mr. R. Brown: What?

Premier MacLauchlan: (Indistinct) up to 3000.

Mr. R. Brown: Oh, okay.

Mr. J. Brown: So, let's just say the federal legislation is not altogether different right now, so we'd all be used to what it would be in the federal legislation, in terms of definitions of contribution. It's fairly similar to what's there. Gary can probably speak more to that.

Mr. R. Brown: If I had a friend (Indistinct) posthole digger that he has in his garage and he dug my hole, would that be okay?

Mr. J. Brown: I'd say, by the sounds of it, probably, but you'd have to know exactly –

Mr. R. Brown: But see, anything that's included in here would also be included as an expense, too. You'd be getting to your limit pretty quick. That's what I worry about.

Some friend comes along and says, here I'll do that for you. Then, all of a sudden the Chief Electoral Officer comes by and says, no that's a \$2,000 bill.

Mr. J. Brown: Yeah.

Mr. R. Brown: Like, this stuff has to be clear because you don't – we're only allowed what, \$9,000 in a district election?

Ms. Casey: Yeah.

Mr. R. Brown: If somebody came in with an urn of coffee and 20 doughnuts, would he have to put in a bill?

Gary Demeulenaere Director: I would say, if it was Mr. Murphy and he was bringing it from his Tim Hortons franchise, he probably

would because that's the line of business that he's in –

Mr. R. Brown: Okay.

Gary Demeulenaere Director: – but the friend, who just decides to drop that off, I mean, you have, I think, a bit of a, probably, commonsense litmus test.

To your friend, if he's got a posthole digger and he's in the business of digging postholes, I think the intention is that he's captured by a contribution, but if it's a buddy of yours, who happens to own one of those, and it's in the barn and he happens to have a pickup truck, you're not quite so crystal clear there.

Mr. R. Brown: If I have a friend and he's a lawyer, and somebody asks him a legal question on the act, does he have to put in a bill?

Gary Demeulenaere Director: It's not that he has to put in a bill, but is he captured by providing a professional service? So, if it's something that he would otherwise expect to bill you for that should be something that's captured by contribution.

Mr. R. Brown: The contribution would be an election expense, too, then?

Mr. MacEwen: Of course.

Mr. R. Brown: We're getting to our limits pretty quick here.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I just –

An Hon. Member: (Indistinct) you have your ways (Indistinct)

Dr. Bevan-Baker: – I want to respond to a couple of things that were said the by minister of economic development there regarding the by-election in District 21.

Indeed, for the Green Party campaign, we paid our campaign manager and it was fully disclosed in our elections finance disclosure document at the end. If by professional, the idea is that somebody, who gets paid for

their work, then, indeed, he was a professional campaign manager, he was paid appropriately, and it was in our disclosure. I'm not quite sure where you were going with that.

I did note that in the Liberal Party election disclosure, there was nothing there under the wages category, at all. I'm assuming you don't pay your campaign managers in the Liberal Party. Is that correct?

Ms. Biggar: No.

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

Ms. Biggar: They like working for us (Indistinct)

Dr. Bevan-Baker: That's fine.

Chair: You're good?

Dr. Bevan-Baker: That's all, thanks.

I just wanted to be clear that that was fully disclosed.

Chair: Thank you.

The hon. Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: This is around – during the campaign, we do have a lot of people work on, you know, media for us, online; the lists and all those things.

If you have a volunteer who is not their normal – they're not an IT person or they're not a social media person, but you have them coming in during your campaign to operate your computer system and oversee that.

Would that be something you would have to claim, if they're volunteering it?

Mr. J. Brown: They're –

Ms. Biggar: Their time?

Mr. J. Brown: – not normally a professional –

Ms. Biggar: Correct.

Mr. J. Brown: – in that industry –

Ms. Biggar: Correct.

Mr. J. Brown: – no. Then, you wouldn't –

Ms. Biggar: Okay.

Mr. J. Brown: – I would just to be – on the hon. Leader of the Third Party's point, there are two ways that we need to be thinking about this.

One is to say that we're paying people. The other is to say that we're paying them their ordinary fair market value.

I would just because that seemed to slip through there. I'm not sure. I've not seen your disclosures. I've not engaged in whatever debate it is that you're having, but there are a couple of important elements that are there to that piece.

Chair: Thank you. You're good?

Ms. Biggar: I just was wanting further clarification around the – if you are a professional who makes, again, their living, whether it's a data person or a professional campaign person, and you're now going to be working on a campaign, I just want, for clarification, they have to be claiming that as a contribution towards whatever party's campaign it may be.

We know we have some people out there that are professional campaigners. I just want to be clear that that has to be – they can't just say, oh, I work at this in my daytime, but I'm going to volunteer in the evenings for A, B, C party and I don't have to claim it. I just want to be clear that they can't make that distinction.

Mr. J. Brown: Yeah. At the normal, sorry, Chair.

Chair: Go ahead.

Mr. J. Brown: At the normal daily or hourly rate is the –

Ms. Biggar: Yeah.

Mr. J. Brown: – it's not just to say, oh, we'll put something down on paper and then people are not going to ask any questions.

Ms. Biggar: Right.

Mr. J. Brown: It's supposed to be your normal –

Ms. Biggar: Okay.

I have another question when you get to it.

Chair: The hon. Premier.

Premier MacLauchlan: Chair, I just want to come back to the question that the third party leader raised about writing down a debt.

I think if the legislation is not clear, then we should consider that. I would say the purpose of this bill, or the purpose of these amendments, very clearly aimed at greater openness and transparency, in contributions as well as then, in terms of eligibility to give or the caps on giving.

I would have thought, and I'll put it more in the form of a question to the minister that writing down a debt on whatever scale, you start getting into six figures –

Mr. MacKay: (Indistinct)

Premier MacLauchlan: – would be considered providing a service at less than market value, would it not?

And if the market value should – of all the things we've talked about, if you owe, you know, six figures to a bank, there's not much doubt about its market value is there.

Mr. J. Brown: That would be the way I would see it, hon. Premier. Again, I don't know all the context and –

Premier MacLauchlan: All right, sure. Yeah.

Mr. J. Brown: The specific question was in relation to the Newfoundland debt and how that was written down. I have no idea. I don't – I think it's fair to say, Gary doesn't either.

Overall, we think we have created a web that's got enough –

Premier MacLauchlan: Mesh.

Mr. J. Brown: – strands on it to catch, you know, everything that we think should be caught, and that would be included, I would think. That’s really all I can tell you here, on the floor today.

Chair: Shall the section carry?

Mr. J. Brown: Did you get all the (Indistinct)

Chair: Yeah.

2. Clause 3(1)(h) of the Act is amended by the addition of the words “potential candidates” after the word “candidates”.

Shall the section carry? Carried.

3. (1) Subsection 11(1) of the Act is amended by the deletion of the words “persons individually, corporations and trade unions” and the substitution of the words “individuals who are ordinarily resident in the province”.

(2) Section 11 of the Act is amended by the addition of the following after subsection (2):

Anonymous contributions not permitted

(3) No one shall make an anonymous contribution under this Act.

(4) No one shall make a contribution under this Act if not permitted by this Act to make the contribution.

(5) Any contribution made to an association or organization of a political party is a contribution made to the political party.

(6) Nothing in this Act limits or prohibits a political party, an association or organization of the political party and a candidate affiliated with the political party from transferring to or accepting from each other, money, other property or services, including the undertaking of advertising as described in subsection 13(1), but these transfers shall be recorded and reported as election expenses if required by this Act.

(7) For the purposes of this Act, transfers described in subsection (6) shall not be considered to be contributions.

Shall the section carry? Carried.

Ms. Biggar: Question.

Mr. LaVie: Question.

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

Ms. Biggar: Thank you, Madam Chair.

I want to make sure that this covers a number of things. We know that in some other countries there has been outside forces that have, you know, made contributions in their best interest to make sure that things –

Mr. MacKay: (Indistinct) doesn’t (Indistinct)

Ms. Biggar: – go their way. I know I’ve had it mentioned before that some federal parties have made donations to provincial campaigns and it’s kind of an in and out piece, so I want to clarify that whether a federal party can make a donation to a provincial campaign, and whether or not unions – I know you took unions out, but I know some of the national unions have been involved in different elections on PEI and those, to me, are outside forces.

I think Islanders should have destiny of their own decision without outside forces interfering. I just want to make sure that clears that up because ultimately, it should be Islanders, not outside forces that are trying to persuade Islanders.

Mr. J. Brown: There are a few questions in there; we might take them one by one.

I think the first question you asked was in relation to –

Ms. Biggar: Federal parties –

Mr. J. Brown: – federal parties donating, so no.

Ms. Biggar: No, they’re not allowed under this section anymore?

Mr. J. Brown: That’s right, yeah.

Ms. Biggar: Okay.

Mr. J. Brown: No, they’re not allowed.

The same with unions; really, what it's now confined to is individuals who are ordinarily resident in the province and that's –

Ms. Biggar: Defined.

Mr. J. Brown: Well, it's defined and that's also the intent that's set out in the legislation.

Maybe, Gary, you want to give a more kind of technical explanation of that in terms of the different bodies and unions and stuff like that.

Gary Demeulenaere Director: I don't know if I can necessarily clarify that any further.

The draft is explicit that it's to be an individual ordinarily resident of the province.

Ms. Biggar: Okay, yeah.

Gary Demeulenaere Director: It's not to be a trade union, whether it's an internal or external. It's not to be a corporation, whether it's an internal or external corporation. So, whether you have a public interest group here or a corporation here or away, it doesn't make any difference. You have to be an individual ordinarily resident of the province.

Ms. Biggar: I just wanted to make sure that was clear.

Mr. J. Brown: I'll just add to that.

Section 11.11 says: For the purposes of section 11, the place where an individual is ordinarily resident is the place where the individual lives and to which, when absent, the individual intends to return.

Subsection 2: For the purposes of section 11 and subsection (1), an individual can have only one place of ordinary residence and it cannot be lost until another is gained.

So, basically what we're saying is Prince Edward Island residents – and it's not somebody who conveniently comes to PEI and then makes a donation and then they're back to wherever they were. It covers off the different things that we would often see here.

If you're an oil patch worker and really you're just out there and in a camp but you're coming back home, you could donate here in your home. Or, if you're in the foreign service or if you're in the military or different things like that, you could come – school would be another good one. Post-secondary education out-of-province, you're coming back home to your home, quote on quote, as we Prince Edward Islanders like to call it. That's kind of how that's cast. Probably a big piece is the anonymity in here as well.

So subsection 3: No one shall make an anonymous contribution under this Act.

Again, it has to be attached.

Basically, there's something there to catch everybody, I guess you might say, in terms of the questions that you had asked, I think.

Perhaps the other one, I guess, was;

Subsection 6: Nothing in this Act limits or prohibits a political party, an association or organization of the political party and a candidate affiliated with the political party from transferring to or accepting from each other, money, other property or services, including the undertaking of advertising as described in subsection 13(1), but these transfers shall be recorded and reported as election expenses if required by this Act.

So they can –

Ms. Biggar: So as long as they're in this province?

Mr. J. Brown: And you can – yeah. You can do it, but you can't – if you had a riding association and the provincial party, as an example, again, you can do it but it just needs to be accounted for when it's done.

Ms. Biggar: Okay.

Thank you.

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

Mr. R. Brown: Thank you.

I'm out there knocking on a door and somebody says: Geez, he's a pretty good fellow. He goes on Facebook or social media and he says: I just had the candidate for District 12 here; I'm going to be voting for him. Is that okay? Is that a contribution?

Mr. J. Brown: No, I don't think. That's not his (Indistinct)

Mr. R. Brown: Okay, let's say he pays for a Facebook ad that goes out to everybody. Is that a contribution? I don't know the person. He's not from Russia. But, if somebody puts on social media: I'm voting for such and such a candidate and spreads it all through social media.

Mr. J. Brown: To get into that technical – that's not really –

Mr. R. Brown: No, social media is a big thing today now.

Mr. J. Brown: I realize that, for sure.

Normally, if that's done during a campaign and it's something that the campaign has authorized, you would see 'authorized by the official agent for', and that got to be an issue during the last election. There was something that that had happened in relation to.

Gary, I don't know if you had anymore.

Gary Demeulenaere Director: No.

I think the short answer for yours would be: If that person is actively paying a third-party provider, Facebook or *The Guardian* for example, that's an expense. That's a contribution that he's inputting so whether it's a smaller amount (Indistinct) –

Mr. R. Brown: I didn't tell him to do it.

Gary Demeulenaere Director: Right.

Mr. R. Brown: So why – is it an expense on my expenses?

Gary Demeulenaere Director: Well, what I would suggest is that if that were to occur, that you could contact the Chief Electoral Officer and say: You should investigate why this person is paying a promotion for me; if you didn't want the person doing that.

Mr. R. Brown: I'm a little perplexed, but I'll get back to you.

Chair: Shall the section carry?

Some Hon. Members: No.

Premier MacLauchlan: (Indistinct) I'm sorry (Indistinct) on your list.

Chair: Oh, sorry.

I'd be happy to add you to the list.

The hon. Premier.

Premier MacLauchlan: I had a comment on 3(1) and a couple of questions.

It's to say, Chair, that I see this as being as consequential as any other element of the bill including the caps on contributions or the restriction to individuals to the extent that we are now requiring contributions to come from people who are ordinarily resident in the province and this is something that really builds on the previous question from the Minister of Communities, Land and Environment with the onset of social media or the growth of social media and the purposes for which we are increasingly aware social media platforms have been used in an electoral or other democratic processes, perhaps especially from outside the jurisdiction.

I have a couple of ways in which I'd be interested to hear the minister or Gary offer an opinion or a comment.

One is we saw even within the past week – and the Minister of Transportation, Infrastructure and Energy alluded to this – quite an overt contact between the Irish government and Facebook and perhaps one other platform that was – I think where both sides were alert to the way that outside forces could have an influence on the outcome of the referendum there in Ireland and this was something that I don't suppose any of us were thinking about, even as recently as a couple of years ago, or at least I wasn't.

Of course, we realize quite active investigation that is underway into the 2016 presidential elections, or perhaps other

levels of election in the United States, that comes to my question or the point on which it would be useful to hear some comment.

Would it be these words ‘ordinarily resident in the province’ that would provide Prince Edward Island, I’ll call, election officials with the ability to monitor and, I’ll say, police those sort of situations?

Mr. J. Brown: Yes, I think it would and I think this is something that certainly I’m aware of the situation in Ireland. I’ll start by saying we’ve all – and it’s actually interesting the – so I kind of first got on to this there was an article in *The Globe and Mail*, I think, on Saturday if memory serves – about it. And actually I have here right in front – I probably have that article somewhere, but I have here right in front of me one from CNN that’s talked about that as well.

We all kind of got a wake-up call in the US presidential election, I would say, on this sort of thing. We have a referendum going on in Ireland, I believe it’s on abortion rights, and I think – my recollection of the way this unfolded was the Irish government had reached out to Facebook and Google and they had both kind of preemptively indicated that they were going to constrain – and I think the wording that they used was ‘foreign groups’ from being involved on their platforms in that referendum on abortion rights in Ireland.

I’ll just give you an example. I can probably table it at some point in time, but – so this is an article: ‘Dark ads’ cast a shadow over Ireland’s referendum on abortion by Kara Fox of CNN, May 19th, 2018.

In it it says: Facebook announced it would ban all ads from foreign groups on May 8, writing, “We understand the sensitivity of this campaign and will be working hard to ensure neutrality at all stages. We are an open platform for people to express ideas and views on both sides of a debate. Our goal is simple: to help ensure a free, fair and transparent vote on this important issue.”

Google said likewise: “Following our update around election integrity efforts globally, we have decided to pause all ads related to the Irish referendum on the Eighth Amendment,” a statement read.

I don’t know, like I remember when the allegation was first made that Russia interfered with the US presidential election, I thought to myself: Jeepers, that seems pretty far-fetched, or however you want to put that, but I think it’s becoming – our Prime Minister had indicated that he had spoken, I think, with Facebook’s CEO or executive staff indicating that if they didn’t change the way they operated, the federal government was going to do something about it. It seems like it’s becoming increasingly an issue that we need to be live to.

There is that fine line between having an outside group dominate or take over the discussion in a place and having individual constituents have the ability to get on social media and to voice their thoughts and express their thoughts in relation to whatever it is that’s going on.

That is exactly, Premier, when we say in section 3(1): individuals who are ordinarily resident in the province, that’s the idea that you’re not going to have Russia setting up whatever they’re called – the fake Facebook accounts and inundating Prince Edward Islanders with push ads or whatever the case might be.

Premier MacLauchlan: Chair, I understand how that would work if someone were paying for that service, or if it was – I might say, advertising in that sense.

The part that has come to light, notably, through the investigations, I’ll call it, that have been done into the United States election in 2016, is the data gathering and research aspect of this. This has been referred to as information warfare and of course, these things can’t be done without resources. Maybe someone could find some way to describe it as volunteer, but the Internet Research Agency in Russia has been described as having an operation divided into departments including a data analysis department, graphic designers, finance department, and information technology flank.

Then we have a Canadian-based company, research analytical, their activities have been described in the public media. I’d like to hear from the table whether you feel that the

ordinarily resident in the province, in conjunction with the earlier language about in-kind services, would be sufficient to – to go back to your language of a web with sufficient mesh, I'll call it – to capture things. Do you feel that those two provisions would enable our electoral authorities to detect and prohibit that sort of research activity based on what evidence people may be finding in social media?

Mr. J. Brown: So I think the answer to that question would probably depend on why they were doing that, but if it's being done in the context of an election, or in the later context that we'll be dealing with here: a referendum, I think it would. If it was being done for some other reason, I'm not so sure that the answer would be the same.

In relation to this particular legislation, in any event – but maybe to take a different tack at it – what the Supreme Court of Canada got into in the Harper case, which really attacked this from the other way, which was to say: Individuals, in this case I think it was former prime minister Harper on behalf of the Canadian Taxpayers Federation who took the government to court saying: We should be able to contribute whatever we want. It's an infringement on our Charter of Rights to constrain us from being able to do that.

The court says that there a laudable objective there in leveling the playing field that would allow you to constrain that ability to donate so that everybody has the ability to make an informed choice. In other words, nobody's out there quote unquote buying the election.

To look at it from the other perspective, I think, again, what we have set out here – and Gary might have the more technical answer to this than me saying that we have a mesh that's got water on it that's tight enough to catch that activity, so long as it's related to the election. But that is certainly the intent and I think over the course of time, we have seen a very significant evolution in terms of the way electoral campaigns – whether they be related to a referendum or an election – are run – even in the last couple of years. I think it's something that we all need to have a level of awareness of, and particularly when we're here dealing with legislation that's related to

them; I think we need to understand the workings of them.

Gary, I don't know if you have technical thoughts as to answer that.

Gary Demeulenaere Director: Other than I agree, obviously, that it's the awareness piece. I guess the Minister of Communities, Land and Environment is elsewhere at the moment, but looking at the definition of contribution even back in his example, which could tie into yours as well, I think the key word there is probably being that it is for the benefit of the political party or candidate. So in his example where somebody, unbeknownst to him, was trying to push out something about him on social media, perhaps I would kind of change from where I thought that previously. I don't know if that necessarily would be caught if it's not something that's for his benefit.

Or in your example, if someone is data mining and they're providing the data mining to you, I think that is a service, right? If that's something you're professionally doing or certainly if there's a cost associated to it, but I agree that generally the makeup of the requirements (Indistinct) provincially resident and not allowing the anonymous donation or the anonymous contribution if it were captured in that type of information is what the design of this thing is trying to achieve.

Chair: Premier?

Premier MacLauchlan: Madam Chair, if I may, the particular point that I was underlining is that we now, I believe, with section 3(1), are drawing the line between such activity in the province and such activity from outside the province.

When I think about the issues or the public policy issues that our province has addressed if you go back to the nonresident land owners, or if you go to what we then coming into the 20th Century did with land ownership, to use those examples – but there are many others – Prince Edward Island has, perhaps by virtue of being an Island, but because of our scale, because of our sense of what we call the gift of jurisdiction, has been really addressing from a public policy perspective this question of our sovereignty for a couple of centuries.

It's interesting to me that we may well have started down this trail on election financing or election expenses with the question of who's giving or how much, and in the short span of time that we've been – you know, since in this current Legislature talking about it, the world has changed dramatically, or at least our appreciation of what those issues could be.

I believe that Prince Edward Islanders would feel very strongly that we should keep our electoral decision-making to ourselves; that we should have the issues presented fairly and openly and with a full debate. Prince Edward Islanders are great at turning out to participate, to vote, but there's probably nothing that would get them more excited than the suggestion that someone sitting at a computer, or going through some data or, you know, sending some kind of push-whatever, is trying to take over our democratic choice.

I'm saying that A, to congratulate and underline (Indistinct) congratulate the mover, or the minister and to underline the significance of that language in conjunction with the earlier language about in-kind or various ways in which things could become contributions.

It was drawn to my attention that, as recently as – it must have been around the time this legislative session started – there was a national organization that was undertaking to raise money using language such as; can you chip in now to hire a campaign organizer to ensure we win the PEI referendum?

Or to say; PEI is tiny with the money to hire a campaign organizer; PR supporters can literally knock on every door on PEI. Or to say; PEI has only 59,472 households. It takes only six hours to drive across all of PEI.

I think that kind of thing could get Prince Edward Islanders pretty excited. In terms of the purpose behind it, and the desire that Prince Edward Islanders would have, and that we in this Legislature should share now that we're dealing with this to ensure that that mesh is clear, and workable around the language of individuals, who are ordinarily residents in the province.

Mr. J. Brown: So yeah, I – you know, we think that that language in section 3 together with the definition of contribution in 1 (d) would cover off the situations, Premier that you had just enumerated there. Again, we've heard a lot more of this going on. Certainly, that's the purpose behind this amendment to the act.

Chair: Shall the section carry? Carried.

4. The Act is amended by the addition of the following after section 11:

11.1 Meaning of “ordinarily resident”

(1) For the purposes of section 11, the place where an individual is ordinarily resident is the place where the individual lives and to which, when absent, the individual intends to return.

(2) For the purposes of section 11 and subsection (1), an individual can have only one place of ordinary residence and it cannot be lost until another is gained.

Shall the section –

Dr. Bevan-Baker: Question.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

I know we've already had some discussion on residency related to section 3, but this is where that meaning of ordinary resident is spelled out.

I'm wondering why you didn't use the definition from the *Election Act*, which is much more thorough and robust than these two here. There are two whole sections in the *Election Act*.

Why did you not use that as your definition of resident?

Mr. J. Brown: Maybe, what I'll get – start with this. There are a lot of definitions that we could use and did look at. *Lands Protection Act, P.E.I.* is one that probably, arguably, has a more similar kind of a purpose.

What we – overall we wanted people to have a sense that if you're a Prince Edward

Islander and you call yourself a Prince Edward Islander and to get into the debate between yourself and the hon. Minister of Rural and Regional Development, that's something that Prince Edward Islanders really pride themselves on is a knowledge of sense of self and sense of place.

We think that that definition captures that. So, just to kind of put some finer points on that, you can get into any number of different complexities through the legislation that you have to deal with. Including, again, those cases that I mentioned before with service people or with students or people that go to work in the oil patch, but don't really have a fixed address out there.

What we did in the end, is we took the intent, I'm going to say, that's there and we pulled out the key wording and used that.

Gary can, maybe, give you a –

Gary Demeulenaere Director: The language that's in the draft bill does derive from the *Election Act* –

Dr. Bevan-Baker: Yeah, section 22.

Gary Demeulenaere Director: – it's not – yeah, exactly. It's not the entirety of the section. Part of that is that when you read through the full text of section 22 it is incredibly long, but much of it is intended to refer to people's polling location.

If you have a person who is in a hospital they're ordinarily a resident of Kilmuir, for example, but they're in the hospital in Charlottetown for a period of time that overlaps with the election. It's a question of where is their polling station supposed to be?

It deals with the same thing with students, persons in jail, for example. Like, where are they defined both to be ordinarily a resident, but what's important is where they actually are from in the province, not necessarily that they're from the PEI.

The students, for example, would be one that they're travelling to post-secondary education, for example.

Part of it, as well, is in discussion with the Chief Electoral Officer, essentially, the question that they ask people when this question of residency comes up, it is very basic: Do you have a power bill in your name at your residence? Do you pay a cable bill, for example, and have a bill attached to your residence?

Rather than trying to break down the parts of the section 22 that might work that don't always relate to the location, it seemed to be a better fit to have the more, frankly, a bit more generic, but it's intended to be just that; a person's choice right, where they identify themselves as belonging.

Part of the mischief would come from a strict residency requirement. Either that you had to be here for six months, or either file tax returns here like some other legislation requires. You could have someone, who legitimately moves here; they've been here for three or four months. They have bought a house. They have a power bill, and a job on PEI, but they've been excluded because they're here for a defined period of time, or they haven't paid a tax bill here yet.

Dr. Bevan-Baker: I understand what you're saying here. That you've taken this, sort of, very loose, and I think it's fair to say that. You both talked about self-identifying as an Islander. I mean that's all very lovely and fuzzy, but in legislation that doesn't work.

That's why we have all of these subsections in section 23. There are 13, 14 of them. Some of them do relate to very specific timeframes; absent for less than six months. Your material facts determine residency. There are a whole bunch of them in here.

There are some related to polls. I get the specificity of that and how it would not be appropriate in this act. But I do think that we need something; to me, this is really loose. Somebody who intends to return. I mean – I'm not sure how that would ever be tested in a court of law.

I'm wondering why, again, I find your answer not compelling. Why you didn't set some very, sort of, reasonable perimeters on what residency means?

Mr. J. Brown: Maybe, I'm going to take that on in defence, I guess of our staff member here.

I think, in terms of the reasonableness of it, and what the courts would likely do with that, I think they would look to all the sorts of things that you're talking about now, and they would try to make that determination.

But, let me very clear and say, if you are, as an example, somebody who has recently moved to Prince Edward Island. Say, I'll use a specific example. Say, you're my brother, who lived here. Grew up all your life and you went away to medical school. You were gone there for, whatever it is, a long time; six or seven years and then, you worked in BC for four years and then, you decided to come back.

Dr. Bevan-Baker: Yeah.

Mr. J. Brown: You know, are you going to say, a month after you get back, and you bought your house and you're here and you're living and you have a new daughter and you and your wife are working here in the health system, you can't make a donation here because you were gone away for a period of time?

I think that's, kind of, the central intent is that we're saying: no, if you're legitimately here and you intend to be here and to live here and you're demonstrating that, then — by in large, we not going to question the veracity of your intent to be here.

But, if you clearly, if you came on vacation and you stayed in a hotel room for a couple of weeks and you worked in the election while you were here. Then, you went back to wherever it is that you came from and you own a house there and you pay the power bill and you have your family, and all the rest of it, I think that's a very different set of circumstances. These are all very contextual.

Of course, I think, courts would look at that and they would say: well, in that circumstance you have an individual that's got an intent that is demonstrable to being in one place or in another place. You would go on the basis of that.

I think what, again, to be even clearer about this, what this does, is it sets an ability for a resident, for the purposes of this, to set out their intention presumptively and then for somebody else to have to come and to say:

Well look, you're not really a resident here. You have your house and your family in BC. You've got your plane ticket to go back in a month. All those things that go along with it.

What we're doing is we're trying to allow people the ability to participate in the democratic process. Basically, what we're doing is we're trying to ensure that we're not unduly restricting them in doing that.

I don't know. Do you have anything else to add to that (Indistinct)

Gary Demeulenaere Director: I don't think so, I mean the only thing is, I do recognize that there's choice, right? There are other options that are a bit more hard and hard and fast.

Dr. Bevan-Baker: I appreciate the, sort of, more fulsome explanation, minister.

I suppose my sense of this is that people, who would be contributing to political parties here on Prince Edward Island, should also be voters here on Prince Edward Island. If we have a definition of what it takes to be a voter on Prince Edward Island, they are the ones that should have that ability to influence political parties and political discourse by making contributions.

Clearly, at least to my eye, the definition there is not robust enough to capture those that will be here for a couple of months in the summer, and not actually live here, because they do intend to come back here next July for two weeks, maybe. But, they're not voters on Prince Edward Island.

That's why I think, simply moving, at least, the bits that would be applicable to this act from sections 22 and 23 from the *Election Act* would have made a lot of sense.

Mr. J. Brown: I'll say a few things here.

Chair: Okay.

Mr. J. Brown: One, if you are wanting to move an amendment, I would say, feel free to go ahead and do so.

Two, the example that you just utilized in respect of somebody who is here for the summer and then gone back, this catches them; this is not their home. They have their

home wherever they are to which they intend to return and then, they'll come back here as their summer place every summer.

I think that would be – and you would get – you know like, you can envision the kind of evidence. Gary has got something he's going to point you to again in a second. The kinds of evidence that you would get into: are you paying – you go to court on this, okay?

Say there's an issue and you're off to court to have it settled. A court is going to look at a whole host of different factors that went into that. Income tax, we just mentioned is one. Whether or not you're a resident for the purposes of the Prince Edward Island property tax act would, I'm sure, be another one. In other words, if you own property, are you a resident or are you a non-resident, which was the situation you had just brought up.

Likely, do you have a health card? We all know how complicated that got. I think we had some questions on –

Ms. Biggar: (Indistinct)

Mr. J. Brown: – you know, here earlier.

Mr. LaVie: (Indistinct)

Mr. J. Brown: You get into situations where you can have – you could literally have two health cards. There are individuals that do, as we all know here, have two health cards, or did, at one point in time, have two health cards.

Just to kind of put an exclamation point on that before we leave it, I think the other thing that we need to recognize here is that we have an election, roughly every four years, depending on what the circumstance is, whether it be municipal and federal elections aside, but you have election cycles.

Somebody can move here at any point throughout that cycle. There are obvious laws in relation to that election cycle. Certainly, we've all heard arguments one way or another as to whether they are too strict or not.

But this allows the individual to participate even if they're getting here just after an

election and they will be a resident by the time of the next election. Who they elect will be the one that will be impacting them at that point in time.

I appreciate what you're saying, but I guess what I'm saying is we looked at all those. We tried to be as open and inclusive as we possibly could while still delivering the intent that it be residents of Prince Edward Island that be dictating how – who gets donations and how that process would work.

Gary's got a piece on determination of the residency.

Gary Demeulenaere Director: I've not been on the floor before, so I don't know exactly how this is supposed to work. Do you have the *Election Act* language in front of you?

Dr. Bevan-Baker: I do.

There are two sections, which would be applicable here. One is section 22. The other is section 23. I only have it electronically.

Gary Demeulenaere Director: Sure. What I just mentioned to the minister, was the language that's in 23 (10) I'm just wondering if that provides any further comfort to you?

Dr. Bevan-Baker: Yes.

I'm afraid my legal skills are not sufficient, Gary, to give you a quick response to that. But, it strikes me that we're not going to race through this bill today so maybe I'll have a chance to prepare an amendment and bring that back to the floor.

Mr. J. Brown: I actually asked the Clerk before we came in; there is a procedure to do this in the Committee of the Whole House. If there's something that – if there's a section that we wish to kind of, I'm going to say, set aside to deal with later, we can do that if the committee agrees. We can set it aside and move on and come back to that later. I think that's what you need to ask, is for the agreement of the committee to do that.

Dr. Bevan-Baker: Thank you, minister. I appreciate that.

I would request that.

Chair: Thanks.

Hon. members, the Leader of the Third Party is requesting that we set Section 4 aside with the agreement of the minister and his stranger who is on the floor with him. Is everybody in agreement with that?

Some Hon. Members: Yes.

Chair: Thank you.

We'll move on to Section 5.

Ms. Biggar: Chair?

Chair: Sorry?

Ms. Biggar: Before we do that, could I just table a document?

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

Ms. Biggar: It was just in reference – I had made some questions about out-of-province forces, I'm going to say, so I just would like to table some documents in regard to that from Fair Vote Canada in Toronto.

Chair: Thank you.

Ms. Biggar: Thank you.

Chair: Section 5

The Act is amended by the addition of the following after section 12:

12.1 Definition related to contributions

(1) In this section, "limit" means \$3,000, as adjusted in accordance with section 12.2.

(2) For the purposes of this section and the application of the limit to an individual's contributions to a registered party, a contribution made to a registered candidate who is affiliated with a registered party is deemed to be a contribution to the registered party.

(3) The value of an individual's aggregate contributions, in any calendar year, to any single registered party or to any single

registered independent candidate shall not exceed the limit.

(4) For greater certainty, the limit applies separately to an individual's contributions to each registered party and to each registered independent candidate.

(5) Despite subsection (3), where an individual has contributed, prior to the coming into force of this section, aggregate contributions for the 2018 calendar year that, when calculated as provided in this section, exceed the limit, the limit for that individual for the 2018 calendar year is deemed to be the value of the aggregate contributions contributed by that individual before the date of the coming into force of this section.

(6) The value of a contribution of property or services referred to in subclause 1(d)(ii) is its market value when the contribution is made.

(7) Where property or services referred to in subclause 1(d)(ii) are provided at less than market value, the value of the contribution is the difference between the market value of the property or services when provided and the amount charged by the person providing the property or services.

12.2 (1) Effective January 1 after ordinary polling day of the first general election following the coming into force of this section, the Chief Electoral Officer shall adjust the \$3,000 amount referred to in subsection 12.1(1) by adding \$50 to the amount.

(2) Effective each January 1 after the January 1 referred to in subsection (1), the Chief Electoral Officer shall adjust the amount determined under this section for the previous January 1 by adding \$50 to the amount.

(3) The amount determined under subsection (1) or (2), as applicable, shall be the limit for the purposes of section 12.1 for the calendar year in which it is determined.

(4) The Chief Electoral Officer shall publish the amount determined under this section in the manner that the Chief Electoral Officer considers appropriate as

soon as reasonably possible after January 1 in each year.

Shall the section carry?

The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

There are contribution limits across the country that vary widely. There's \$100 in Quebec to up to \$5,000 in, I think, New Brunswick and Manitoba. Why did you select \$3,000 as the limit for PEI?

Mr. J. Brown: We did do a jurisdictional scan and I think, actually, Gary's got it right there in front of him, as to why, I guess.

A few things; \$3,000 is roughly in the middle; \$3,000 would be the combination of federal contribution allowances, so we know that it's something that Prince Edward Islanders are used to. Really, I think it would be as simple as that. Basically, it was trying to look at the spectrum and figure out: Okay, where is an appropriate spot while still allowing for a reasonable contribution and the ability for parties to carry on, reasonably, the operations that they would always have.

Ms. Bell: The most recent province to change their contributions was BC and they've taken theirs to \$1,200. So they've actually gone – it's a bit lower. But, you're saying that you think we need that higher contribution limit to be more in line with the federal expectation? Is that kind of the simplest short version?

Mr. J. Brown: What Gary is saying is that you have to take those that are more contextually related to you; BC is a very large province of course. If you look at New Brunswick and Nova Scotia, you're talking \$5,000 and \$6,000. I think New Brunswick intends to go down eventually, but the reality is we're not at the extreme end, on either end.

Ms. Bell: In subsection five you've got allowances for parties to keep donations that have already been made this year in excess of these limits so it's not – is there any consideration of looking at what has already been raised in terms of allowances for what

can then be raised when the *Election Act* comes into (Indistinct) of this year?

Mr. J. Brown: Sorry. I'm not sure I follow what you're asking.

Ms. Bell: Subsection five says that: Where there has already been contributions made. They are not being counted. You're basically going from the point of this being implemented, so has there been any – there's high potential that some individuals have already made contributions in excess of the limit. So is there –

Mr. J. Brown: That's not actually what the section says.

Ms. Bell: Okay.

Mr. J. Brown: What the section says is that if you've already made a contribution and your contribution has hit the existing limit, you've maxed your contribution for the year.

Ms. Bell: Right. I understand that. What I'm saying is what if somebody has exceeded the limit?

Mr. J. Brown: Then that's the maximum contribution for the year.

Ms. Bell: Okay, so you're not looking at anything retroactively? Not for this year?

Mr. J. Brown: No.

Ms. Bell: No? Okay.

Mr. J. Brown: Once the cows are out of the barn, they can't come back in.

Ms. Bell: Well, yeah.

Sorry, I'm just trying to get my head around where I'm at now.

With the changes coming in place in the middle of a fundraising year, we're looking at this coming in play in the middle of a year that looks like it could be a challenging and interesting one. If we go to an election this fall, how is this going to – what's the potential impact of this legislation?

Mr. J. Brown: Again, I'm not sure I follow what your question is.

Ms. Bell: Well, we should – usually when we have planning for elections we have large fundraising drives, and there has been a number of large fundraising drives by some parties held already in advance of this legislation coming forward.

That does put limitations on some parties that may not have had that opportunity to get ahead of the game, so are we hoping that we're not going to have an election this fall so we have a chance to get the rest of the year under our belt before we go into a new year?

Mr. J. Brown: I think what we're saying is that the legislation creates a level playing field; that this has been under discussion for a fairly significant period of time. I don't think it should really come as a surprise to anybody that this legislation is coming to the table.

I know, as an example with our party, we have had our normal fundraisers through the course of the year and we've carried on business as usual. Moving through the course of this year, we haven't gone out and said that this legislation is coming so we better get our donations in or anything like that.

What I will say in addition to that is that Prince Edward Islanders have a fairly traditional manner of donating to the political process and that would usually be through the attendance of funds – set fundraisers that would take place throughout the course of the year. Those have traditionally been done and they're usually fairly consistent from one year to the next. I'm not aware of any, I guess I'll say it this way, anything that I've been at or aware of in respect of our party was planned long in advance of anybody knowing that this legislation would be coming down.

I'm not sure, really, what you are asking. I'm going to be honest in saying – other than I appreciate that you're – I guess I can be blunt and direct with you. On the one hand we're saying: let's get a limit in there and then we're bringing a limit, and on the other hand you're saying: but wait a minute can we get the opportunity to catch up with the other guys going forward.

Ms. Bell: Chair, we don't have that challenge because we don't take corporate or union donations. But I just suppose sort of with (Indistinct) coming in partially through a year, it does create a little bit of a before and after. It will even out if we if we are following an election schedule and going into next year because everything kind of balances. If we were on a much more rushed schedule, it could make an unlevel playing field, perhaps, for the overall space. We're fine either way.

Mr. J. Brown: Well, I think we all know what the playing field is defined as and the parameters of it, so that's where we're at with all that.

Ms. Bell: Super.

Chair: Shall the section carry? Carried.

6. (1) Subsection 13(1) of the Act is repealed and the following substituted:

13. Advertising as contribution

(1) Where anyone, with the knowledge and consent of a registered party or registered candidate, promotes the registered party or the election of the registered candidate or opposes any other registered party or the election of any other registered candidate by advertising on the facilities of any broadcasting undertaking or by publishing an advertisement in any newspaper, magazine or other periodical publication or printed leaflets, pamphlets or other documents or through the use of the Internet or any outdoor advertising facility, the amount of the cost, if any, shall be considered to be a contribution and, if done during the election period, an election expense for the purposes of this Act of the registered party or registered candidate with whose knowledge and consent the political advertising was done.

Subsections (1) and (3) do not permit prohibited contributions

(1.1) For greater certainty, subsections (1) and (3) do not permit anyone who is not permitted to make a contribution under section 11 or a transfer referred to in subsection 11(6) to undertake advertising as described in subsection (1).

(2) Subsection 13(3) of the Act is amended by the addition of the words “the Internet or” after the words “the use of”.

Shall the section carry? Carried.

7. (1) Subsection 17(1) of the Act is amended

(a) in the words immediately preceding clause (a), by the deletion of the words “no person, corporation or trade union” and the substitution of the words “no one”; and

(b) in clause (b), by the addition of the words “the Internet or” after the words “the use of”.

(2) Section 17 of the Act is amended by the addition of the following after subsection (1):

(1.1) No political party, association or organization of a political party, candidate or potential candidate and no one acting with its, his or her knowledge and consent shall advertise as set out in clauses (1)(a) or (b) for the purpose of directly promoting a political party or the election of a candidate or potential candidate or opposing a political party or the election of a candidate or potential candidate before

(a) the political party that is being promoted or opposed becomes a registered party; or

(b) the candidate or potential candidate whose election is being promoted or opposed becomes a registered candidate.

The hon. Member from Charlottetown-Parkdale.

Ms. Bell: We know that in the process of candidates becoming potential candidates is they have nomination meetings and there’s a nomination. And those are – though there’s not often print advertising or formal advertising, those events themselves are advertised and in doing so, so are those potential candidates.

So, for example, we often see Facebook or social media posts around upcoming nomination meetings which will show who the candidate are or discuss the event. Is that going to be allowed? Is there going to be an exception for that kind of activity because it’s kind of the precursor to that

formalization of becoming a registered candidate – is the nomination process?

Mr. J. Brown: (Indistinct)

Ms. Bell: Do you want me to repeat it? Is that –

Mr. J. Brown: Yes, if you wouldn’t mind.

Ms. Bell: So, when we are preparing for an election or just preparing to have selected candidates, there are nominees, particularly on a contested nomination and even in not, the nominee is identified, usually, in social media right now.

We do Facebook events, that kind of thing and we also promoted the events – as ‘we’ generally as in all political spheres would promote the event where the nomination may be taking place. That is – promotion because that means it’s happening in the social space; it’s happening in social media. You need people to attend, but they are not going to attend if it’s not in that space, but those people are not yet candidates. They can’t be called candidates until they have been formally voted and approved as candidates by the party. So when they’re pre-candidates, would they be in breach of that registration piece because they are not formally – they’re expressing their intent.

Mr. J. Brown: I guess what I want, some clarification on from you in terms of how are you posing your question is: Who is the one putting the Facebook ad on or whatever exactly it is? Is it the riding association saying we are having a nomination, or is it a candidate saying I’m going to be in a nomination?

Ms. Bell: That’s a great question. It could be both. Certainly where there are formal ridings or associations in place, or up and running, but also social media – part of social media is people will also right now put their hand up and say: Hey, I’m doing this thing. That would need to be really clear so that people weren’t getting themselves in trouble before they even started.

If it needed to be formally stated that: In advance of you being declared a candidate, you cannot self promote in any way, then that would be a very clear way of putting a restriction in place. But right now that is the

case. It's pretty flexible, I think, in social media.

Mr. J. Brown: Gary is kind of flipping through here. I'll give you kind of my high level interpretation of things and perhaps Gary will have something to add.

Overall, the party would be subject to its normal reporting requirements in relation to money that it's taken in and the uses to which it's put that money. And then the nominee is not yet a candidate in the political process, so they would not currently be caught by that legislation, as the case might be.

So I would think, probably, in the example that you've given, no. And yet there's a whole lot that goes into that. It's not during a writ period. There's a lot of different examples where that becomes relevant or not and I know you've probably heard, or your situation was a little bit different, but you have to be very careful if you are going out with brochures or whatever not to put elect on them, or different things like that.

Ms. Bell: Exactly. This is very clear guidelines and rules on that, but certainly from that grassroots perspective of when people are inside a writ or not, or people are kind of preparing to prepare, the social sphere is one where people talk and share that information – from experience, it's very challenging to rein it in.

Mr. J. Brown: So, what Gary is saying is: Effectively, as long as you're outside of the campaign advertising which is – that's set out in the folders of the act – you're okay. But there's a dividing line there, which I'm not going to get into the to and from of right here on the floor today, but many of the members here that have run an election would probably have run into that.

I can just give you an example. I was nominated four days I think, or maybe five, before the 2015 election. So you had to be very careful when you were out around saying: Look, I'm going to put my name forward for a nomination; not to say I'm going to be the candidate for the Liberal party or not to say anything like that.

I think there's a difference there that you have to be very cognizant of, which is

people are going around to the members of their party saying: I'm putting my name forward for a nomination will you come support me for the nomination? Not to the general public saying: I'm the candidate going to be elected.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Yeah, and I definitely get that that nuance is there, and those rules are really clear with Elections PEI. Certainly you become a candidate or a potential candidate once you file papers and that place, but I think that kind of role of particularly where we have contested nominations where there's nominees, too, I think that that's the area where I'm looking at.

But I appreciate the clarification, Minister. It's just something – I think the social media space is one that will create some challenges here, and that may be something that could be from an education perspective for the parties as much to make sure that they can know what you said with examples, what is and is not in scope, would be the best route.

Thank you, Chair.

Chair: Shall the section carry? Carried.

Some Hon. Members: Carry the bill.

Chair: 8. Subsection 22(1) of the Act is amended

(a) by the deletion of the words “75 cents” and the substitution of the words “one dollar”;

(b) by the deletion of the words “\$1,500” and the substitution of the words “\$2,000”; and

(c) by the deletion of the words “\$3,000” and the substitution of the words “\$4,000”.

Shall the section carry? Carried.

Chair: I'm going to go to the hon. Leader of the Third Party.

Hon. Member, we've completed the reading of the bill. We've set section 4 aside at your request and with concurrence of all the members of the House so that you could maybe take a look at maybe making an

amendment to that section. Do you still wish to do that?

Dr. Bevan-Baker: Yes, but I think to do that properly it should go through Legislative Counsel and obviously that's not something that I've had an opportunity – I have contacted staff in my office to start that process, but it won't be done until tomorrow. So –

Chair: (Indistinct)

Dr. Bevan-Baker: – probably the indulgence of the House's –

Chair: Can you call the Speaker back?

Mr. J. Brown: I'm fine with that, yeah.

Chair: And report progress? Okay?

Everybody okay with that?

An Hon. Member: Yeah.

Chair: The minister's good with that.

Dr. Bevan-Baker: Thank you very much. I really appreciate that, Chair and Minister.

Chair: Minister, I'm going to get you to call the Speaker back.

Oh, sorry, Premier, did you have something (Indistinct) –

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

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intitled *An Act to Amend the Election Expenses 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 Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the Minister of Finance that the 15th order of the day now be read.

Speaker: Shall it carry? Carried.

Clerk Assistant (R. Reddin): Order No. 15, *An Act to Amend the Income Tax Act*, Bill No. 33, ordered for second reading.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the Minister of Finance, that the said bill be now read a second time.

Speaker: Shall it carry? Carried.

Clerk Assistant: *An Act to Amend the Income Tax Act*, Bill No. 33, read a second time.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the Minister of Finance, 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. Deputy Speaker to 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 Income Tax Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

An Hon. Member: No.

Chair: No? Okay.

Permission to bring a stranger to the floor?

Some Hon. Members: (Indistinct)

Chair: We'll allow him to get set up and introduce himself.

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

Chair: Good afternoon. Could you state your name and your title for the record?

Nigel Burns Director: Nigel Burns, director of the Department of Finance.

Chair: Welcome, Mr. Burns.

Minister, do you have an opening statement?

Mr. MacDonald: Basically, the legislation required to enact the commitments that – the changes we made in the most recent budget.

Chair: Great. Questions?

Shall the bill carry? Carried.

Thank you.

Mr. R. Brown: Great job Nigel.

Some Hon. Members: (Indistinct)

Mr. MacDonald: I move the title.

Chair: Shall it carry? Carried.

Some Hon. Members: (Indistinct)

Chair: *An Act to Amend the Income Tax Act.*

Shall it carry? Carried.

Mr. MacDonald: 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. MacDonald: Madam Chair, I move that the Speaker take the chair, and the Chair report the bill agreed to without amendment.

Chair: Shall it carry? Carried.

Thank you. That's a record.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intituled *An Act to Amend the Income Tax Act*, I beg leave to report that the committee has gone through the said bill and has agreed to same without

amendment. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

An Hon. Member: Call the hour.

Speaker: The hour has been called.

Hon. members, this House will recess until 7:00 p.m. this evening.

The Legislature recessed until 7:00 p.m.

Orders Other Than Government

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

Ms. Compton: Mr. Speaker, I move, seconded by the hon. Member from Georgetown-St. Peters, that the 27th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant (E. Doiron): Order No. 27, *An Act to Amend the Island Investment Development Act*, Bill No. 108, ordered for second reading.

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

Ms. Compton: Mr. Speaker, I move, seconded by the Honourable Member from Georgetown-St. Peters, that the said bill be now read a second time.

Speaker: Shall it carry? Carried.

Clerk Assistant: *An Act to Amend the Island Investment Development Act*, Bill No. 108, read as second time.

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

Ms. Compton: Thank you, Mr. Speaker.

I move, seconded by the Honourable Member from Belfast-Murray River, 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 Belfast-Murray River to chair this bill.

Chair (Compton): 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 Island Investment Development Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

An Hon. Member: (Indistinct) overview?

Chair: Yeah.

Mr. Myers: Sure. I have an amendment to make and then I'll make an overview.

This came back from leg counsel this afternoon, so it kind of came rushed. It's just where –

An Hon. Member: (Indistinct)

Mr. Myers: – I have copies for everyone, yeah.

Subsection 3 (1), we had subsection 3 in brackets and 1 in brackets. We're just removing the brackets from around the 3. It's pretty –

Ms. Biggar: (Indistinct) expert to bring to the floor, but I understand you're the expert –

Mr. Myers: I'm the expert –

Chair: He is the expert –

Ms. Biggar: – (Indistinct)

Mr. Myers: So, look out world.

Okay, so I'll give –

An Hon. Member: (Indistinct)

Mr. Myers: This is as good as it gets.

The basis of the bill is currently the IIDI board is made up entirely of internal government officials.

What we're looking at doing is making the board be made up of people from the business community so it's more reflective of the type of opportunities that would be taken by the business community versus – I mean it's certainly not a – nothing – it's not

a slight against any of the government people, but it's more of a – yeah – and really we asked some of the questions today and it was kind of a set-up for this, is that; would those decisions have been made if there were businesspeople on the ground? I don't know, maybe there was. Certainly, the perception is open for –

Leader of the Opposition: (Indistinct) Chair.

Mr. Myers: – this type of thing.

Anyway, so that's it.

Ms. Biggar: Can I ask a question?

Chair: Before we move the amendment.

Mr. Myers: Go ahead (Indistinct)

Chair: Okay, go ahead.

The hon. Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: Just about the makeup of the board.

Are you suggesting too, that we try to have equality on that board? We have a lot of smart female businesspeople across the province. I just want to put that out there to –

Mr. Myers: Sure.

I believe that that – so, we didn't put it in the act, but I think government needs to have their own policy on that would apply strictly right across the board.

Ms. Biggar: Yeah.

Mr. Myers: Like, I had said to the Premier here, I think it was last fall he had a bill on the floor, and I said: you know, I wonder if there could be a move towards removing some of that tight language out and making it – doing a lot more of that in government regulations –

Ms. Biggar: And we are working on that –

Mr. Myers: – so that – yeah, so you don't have to come back to the House.

Ms. Biggar: Yeah.

Mr. Myers: If we put it in then we'd have to come back to the House to make those amendments—

Ms. Biggar: Yeah, it gives (Indistinct)

Mr. Myers: – but, yeah, I agree 100% –

Ms. Biggar: Thank you.

Mr. Myers: – and the legislation allows for Cabinet to appoint –

Ms. Biggar: Oh.

Mr. Myers: – still – Cabinet will still appoint the people –

Ms. Biggar: Great.

Mr. Myers: – so we're not trying to take that power away.

Ms. Biggar: Thank you.

Chair: Move the amendment now?

Mr. Myers: Yeah.

This motion corrects the incorrect reference of Bill No. 108 to subsection bracket-three-bracket-one that should read: subsection 3 (1).

Mr. Palmer: Question. Just on the amendment.

Mr. Myers: Yeah, on the amendment.

Mr. Palmer: So we'll do the –

Mr. Myers: So, we'll just pass this –

Chair: Yeah, so –

Leader of the Opposition: Question first, though.

Mr. Myers: Yeah.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thanks, Chair.

I fully support this bill, of course, because we need to have more openness and

transparency, especially around a portfolio such as this.

How would you see the individuals? Would it go through Engage PEI or how would it be rolled out so people know that they can apply to be board members of this?

Mr. Myers: Chair, I'll take my stab at that.

I think that's the government's policy now, is that all these opportunities come out through Engage PEI. So I suspect that that would remain the same.

I might add, it might be beneficial for government to get some of the diversity that we talked about and get a diverse geographical representation, too, that may be there's an opportunity to cycle back through and promote that a little bit more than it had been.

When you first started doing it, there was a lot of promotion and people kind of knew that it was out there. Then, over time, I know I've heard less of it. I'm living inside the political bubble. If I'm hearing less of it, it's probably trickling out less. You may have another opportunity to go back to the well and promote this as a good opportunity.

Especially, if this is something new, you're going to be looking for new, four new people or a new board to kind of –

Ms. Biggar: (Indistinct)

Mr. Myers: Yeah, exactly.

Was it in the –

Chair: Shiny new brochure –

Mr. Myers: (Indistinct)

Chair: Shall the amendment carry?

Mr. R. Brown: We'll put this in the next tax bill.

Some Hon. Members: Carried.

Leader of the Opposition: The way you guys operate, there will probably be another tax bill coming out in a couple of months, anyway, so, carbon tax bill.

Mr. R. Brown: No.

Chair: The hon. Minister of Economic Development and Tourism.

Mr. Palmer: Chair, I'd like to make an amendment, as well to the board composition and I have copies here that I can pass around.

While, we're doing that, I can give you a short version, I guess, of – you can take those of what my amendments are, if that's okay?

An Hon. Member: Sure.

Mr. Palmer: It would be: the composition of the board would include the deputy minister of economic development and tourism, deputy minister of finance, and the executive director of IIDI, just so we have that business continuity there so we can continue the operation, and then the four remaining representatives from Engage PEI, and from those four a chair would be determined.

So those four representatives from the private sector, and they could include one rep from agriculture, one from fisheries, and one from tourism on that kind of diversity across our business sectors. So I'm passing that around. I think that covers it.

Mr. Myers: Yeah, I agree with the amendment.

I think from our perspective, when we brought this forward, it was the bodies that are external to government that we were looking for. So we wrote it in a way that it was entirely external to government. But I completely understand, having worked in government, the internal mechanism is important, particularly when you're talking about the sums of money that you would have, and the corporate knowledge of how it fits in with what government's overall economic plan is and stuff. I'm happy to see that you would leave the four private people, because I think that was the most important to us, was to have that.

Mr. Palmer: I agree with that.

I think we're glad to make these changes, and I'd call for a question on this amendment.

Mr. Myers: A lot of action over here, eh?

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: Question there, hon. Member from Georgetown-St. Peters.

Mr. Myers: Sure.

Mr. Fox: Who sits on the board right now?

Mr. Myers: It's all internal people.

Mr. Fox: It's totally internal?

Mr. Myers: I don't have them all – yeah, it's completely internal.

Mr. Fox: So the minister of tourism is asking that we add – who?

Mr. Myers: Well, they're there now, I think.

Mr. Fox: They are there?

Mr. Palmer: Just speaking to the bill that you have on the floor, which was all private sector, my amendments coming back are the deputy minister, economic development, deputy minister finance, and deputy minister of IIDI, who are currently on the board today, but based on the bill that's being proposed that we're talking about, they wouldn't be on the board so we're adding them back in with four private sector people who currently aren't there today.

Mr. Palmer: And one of those will be the chair.

Mr. Myers: Yeah.

Chair: The hon. Premier.

Premier MacLauchlan: Thank you, Chair.

My question has to do with the part of the amendment that refers to representatives from each of the following sectors. I don't have a problem with saying that these are important parts of our economy, but I have two points. One, we've just populated four

of those regional economic advisory councils and the more ways you specify, or for that matter even make someone there as if they're almost like a delegate from a particular sector, you take away from the overall perspective and, I might say, experience that you might get.

The second is a question. I guess it's for the minister, and that is: To what extent does specifying these three sectors replicate your current loan portfolio?

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

Mr. Myers: No, it's going to economic development.

Chair: Sorry. The hon. Minister of Economic Development and Tourism.

Mr. Myers: I'm just in the middle.

Mr. Palmer: The majority of the loan portfolios would be in those three sectors; agriculture, fisheries, and tourism. So that would be a good representation of our overall loan portfolio. There are some others in IT, but these would be the three major sectors.

Mr. Myers: Which, I guess, stands to reason. There are three major sectors, and it does leave one open spot to cover anything else, or all else.

Mr. Palmer: Yeah.

Mr. Myers: Or all of it.

Mr. Palmer: Yeah.

Mr. R. Brown: Question.

Mr. Myers: So I don't have a copy of this, but we just need to amend your amendment to make, (b) and (c) have to be (a) and (b), because (a) is struck on the first page, so just make an amendment to change (b) to (a), and (c) to (b).

Chair: Shall the amendment to the amendment carry? Carried.

Mr. R. Brown: Question.

Chair: Shall the bill pass?

Mr. Myers: We've got one over here.

Chair: Sorry.

The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you.

It's following on from the Premier's point, which is that with this sort of structure, as it's specified in here at the moment, it looks like it's very closely replicating what's already in place.

There are a couple of points on that. One of them is we know that in terms of innovation and growth and change we want to recognize and value the existing the portfolio, but we also want to make space for new voices into that portfolio. If we have the opportunity to look at future opportunities, which include things that we know are particularly important, like green tech, bioscience, the IT spaces, and so that having only one voice potentially in that one could be a challenge to kind of have this portfolio keep up with that change.

The other potential in here, if all those positions are voting positions, is that you need to ensure that there's enough flexibility in there in terms of roles to ensure that there is a really good strong debate, and really good representation in terms of good governance. So with a relatively small board, that can be quite challenging.

So I guess my question would be – this is a really exciting bill to see come forward, and think the amendment is also really exciting because it recognizes the importance of continuity when you're making changes in governance, but if you want to make a change in governance there needs to be enough space for there to be a change, and what may happen with this structure being so restricted in legislation is that the space isn't there later on for that flexibility.

Maybe, minister, it's something, or Chair, that you could consider would be being a bit more flexible in those remaining positions so is that if the positions are going to be filled through Engage PEI, you can make requirements for what those positions should be filled by – and you can say a preference would be given to those sectors, but maybe

not require them in legislation. That would give you the opportunity to sort of support those as they go forward.

Would that something you could consider, minister, amending the amendment?

Mr. Palmer: Sure.

Anything that can make this bill stronger is fine with me, and if we have good people out there that aren't in these particular sectors, there isn't any reason to exclude them from participation.

Mr. R. Brown: So we remove everything after 'and', including one representative from each of the following sectors (Indistinct) agriculture, fisheries, and tourism?

Ms. Bell: If I may make a recommendation, Chair (Indistinct) as the Minister of Transportation, Infrastructure and Energy and the status of Women mentioned, if these go through Engage PEI, then that also gives you that opportunity to ensure that we have gender diversity and inclusion, and they do that screening process.

So if the criteria for those positions are relatively clearly stated in terms of priority, you know like to have and nice to have, then what we could do in this case is label those three initial positions as per point 3(1) (a), but then remove the requirement to have that representative of those sectors, but say that those would be nice to have and put those in the Engage PEI description rather than in the legislation.

An Hon. Member: Sure.

Ms. Bell: If that would be acceptable.

Mr. Myers: Yeah, do you want to make that (Indistinct)

Ms. Bell: If I could move that as an amendment, Chair?

Chair: Okay.

Ms. Bell: That would be to strike the 'including one representative from each of following sectors from the legislation.

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

Ms. Biggar: I think that's a good idea, because I think, you don't have aerospace in here and some of the other really key economic drivers as well. So I just want to make that point.

Mr. R. Brown: Question.

Ms. Biggar: Question on the amendment.

Chair: So does the amended amendment –

Ms. Biggar: We already did an amendment.

Premier MacLauchlan: Friendly amendment.

Ms. Biggar: Friendly amendment.

Premier MacLauchlan: (Indistinct) the mover.

Chair: – the amended amendment to the amendment.

Mr. Myers: The amendment to the amendment.

Chair: Carried.

Some Hon. Members: Carried.

An Hon. Member: Question.

Chair: Shall the bill carry? Carried.

Mr. Myers: More complicated that I thought it was going to be.

Chair: So again, the whole amendment as amended?

Shall it carry? Carried.

Shall the bill carry? Carried.

Mr. Myers: I move the title.

Chair: *An Act to Amend the Island Investment Development Act.*

Shall it carry? Carried.

Mr. Myers: 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. Myers: Madam Chair, I move the Speaker take the chair and that the Chair report the bill agreed to with amendment.

Ms. Compton: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intituled *An Act to Amend the Island Investment Development 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.

Recognition of Guests (II)

The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Mr. Speaker.

With your indulgence, recognition of guests.

Speaker: Go ahead.

Mr. Roach: Mr. Speaker, I'd like to welcome Maureen Howlett and her daughter, Darlene into the Legislature this evening. They've come in to see what goes on in here and, I think, more importantly, they've come in to see how their granddaughter and niece, our Page Naomi Milner to see what she's doing in here.

I'd like to welcome (Indistinct)

An Hon. Member: She's great.

Some Hon. Members: Hear, hear!

Orders of the Day (Government) (II)

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

Mr. Gallant: Thank you, Mr. Speaker.

I move, seconded by the hon. Minister of Justice and Public Safety, and the Attorney General, that the Order No. 17 be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 17, *Electoral System Referendum Act*, Bill No. 38, ordered for second reading.

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

Mr. Gallant: Mr. Speaker, I move, seconded by the Honourable Minister of Justice and Public Safety, and the Attorney General, that the said bill be now read a second time.

Speaker: Shall it carry? Carried.

Dr. Bevan-Baker: I would like to initiative debate on the second reading of this bill, please (Indistinct) the principles of the bill.

Thank you.

Speaker: Go ahead.

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

I'm aware that it is unusual for a member to rise and initiate debate during this stage of a bill's passage through this House. Typically, the move to approve second reading is completed very quickly, and traditionally, in our Legislature at least, it almost never generates debate.

Some Hon. Members: Oh!

Dr. Bevan-Baker: So, I would like to explain why I have chosen –

Some Hon. Members: (Indistinct)

Dr. Bevan-Baker: Excuse me?

An Hon. Member: In the first and third (Indistinct)

Dr. Bevan-Baker: I would like to explain, Mr. Speaker, why I have chosen to stand and initiate debate on Bill No. 38, the *Electoral System Referendum Act* at second reading.

Firstly, the Premier has repeatedly assured members of this House, and indeed all Islanders, that they would have an opportunity to be included in the debate leading to the development of this bill, and that has not happened.

Mr. J. Brown: You're standing in the way now.

Dr. Bevan-Baker: In addition to that –

Some Hon. Members: (Indistinct)

Ms. Biggar: Go ahead.

Dr. Bevan-Baker: In addition to that, Motion No. 43 titled: Calling on the Legislative Assembly to adopt a clear question for the upcoming referendum on democratic renewal and which is currently in progress in this Chamber, has not received a fulsome debate, with only members of the government having had an opportunity so far to speak to it. It therefore appears that this may be the only chance that any of us in this House will have to fully present our opinions on Bill No. 38 and I am grateful for the opportunity that second reading provides for us all to do that.

Second reading is, according to the *Rules of the Legislative Assembly of Prince Edward Island*, on the general purpose of the legislation, and I quote, “Debate on the principle of the bill is permitted at this stage.” The principle of the bill refers to the overarching theme of the legislation. Sometimes the principle of the bill is clear and evident from its title: *An Act to Amend the Highway Traffic Act*, or *An Act to Amend the Provincial Emblem and Honours Act*, for example; but sometimes the principles of the bill are less clear.

With this piece of legislation before us today, Bill No. 38, *The Electoral System Referendum Act*, although the principles may not be immediately obvious from its title, those principles – the purpose – are very clearly laid out in section two of the legislation, entitled the purpose. And I quote:

“2. Purpose

“The purpose of this Act is to make the process for the referendum transparent and fair, by

“(a) establishing the referendum question;

“(b) providing for the appointment of a Referendum Commissioner who is an

officer of the Legislative Assembly and who will oversee related matters leading up to and after the referendum vote; and

“(c) establishing a level playing field for those who wish to publicly oppose or support a change to the voting system as set out in the referendum question, by providing for equal public funding for organizations who register as registered referendum advertisers and are opposing or supporting one or the other of the possible answers to the referendum question, and by limiting spending on paid advertising in a reasonable manner, for the public good, so that residents of the province have the opportunity to make a decision that is based on information from both points of view.”

So as we can see, there are three separate but interrelated purposes, or principles to this bill. Firstly, to establish the referendum question, secondly to appoint an independent Referendum Commissioner, and thirdly, to create, as the bill says “a level playing field” for those who wish to participate in the debate. I shall approach each of these three principles in turn, starting with the establishment of the referendum question.

Members of this House and all Islanders are aware that we have been discussing electoral reform for some time now – indeed, almost three years if we go back to the tabling of the Premier’s white paper entitled a White Paper on Democratic Renewal in July, 2015. It is critical that we establish some context for this bill before us, Bill No. 38, the *Electoral System Referendum Act*, in order to understand both its principles and the potential effects of the legislation. I want to start by quoting the foreword of the Premier’s white paper, it says this:

“Foreword

“Dear fellow Prince Edward Islanders,

“This *White Paper on Democratic Renewal* presents our province with an opportunity to make history in three significant ways:

“(i) to continue with exceptional and nation-leading rates of voter participation,

“(ii) to become the first Canadian jurisdiction to move beyond the “first past

the post” system in choosing our elected representatives, and

“(iii) to consider additional and timely measures to enhance our democratic process.

“Throughout our history, Prince Edward Island has benefited from democratic renewal and evolution. Significant milestones include the establishment of responsible government in (1851) and extending the right to vote in provincial elections to Roman Catholics in (1830), women in (1922) and aboriginal people in (1963).

“Other significant steps include the re-introduction of the secret ballot in (1913) and the move to single-member constituencies as recently as (1994).

“With two decades having passed since the electoral reforms of 1994 and with a legal requirement that electoral boundaries be redrawn before the next provincial election, it is timely for Prince Edward Islanders to engage in a further and historic renewal of our democratic institutions. This *White Paper* has been prepared with contributions and expert input from Dr. Edward MacDonald and senior public servants.

“The White Paper invites all Islanders to work together as we build on our traditions and context to put Prince Edward Island on the map for our democratic processes and rates of participation.

“Thank you for your consideration and input.

Sincerely,

H. Wade MacLauchlan
Premier”

The first thing to note on reading the Premier’s introduction is that he cites three ways in which we have an opportunity to make history – to make history. Clearly the Premier felt that democratic renewal presented an opportunity for our province to be leaders in electoral reform.

The first history-making opportunity identified was to continue with our exceptional and nation-leading rates of voter

participation. I shall have more to say on rates of participation later, but as we travel the long and winding road from the beginning to the first principle of Bill No. 38: establishing the referendum question, let us remember that it started with a goal of continuing with our exceptional rates of voter participation.

I’m not quite sure how history-making the continuation of a tradition really is, but we certainly made history when the apparently too low voter turnout for our first plebiscite became the first time that an Island government ignored the results of any plebiscite in this province’s history, and in so doing, did not honour the vote. That was indeed historic.

The second chance at making history that the white paper identified was to become the first Canadian jurisdiction to move beyond the first-past-the-post system. Should we choose to do that, and it looks like we will have another opportunity to express our desire for change just as we did in October, 2016, this time in conjunction with our next election in October, 2019, that truly would be truly historic. No other Canadian jurisdiction uses a system other than first-past-the-post, although Canadians were, of course, promised by a certain other Liberal government that the most recent federal election would be the last one held using this system.

Although I do not follow federal politics with the zeal that I once did, I find that provincial affairs more than occupy every moment of my political life; I am sufficiently in tune to know that that particular promise has, like the last remnants of Island mud in May, gone. And with events moving forward far faster in other parts of the country, British Columbia in particular, it seems increasingly unlikely that we will, indeed, become the first jurisdiction to move beyond first-past-the-post. That horse - and I recognize here that I am in danger of mixing my metaphors – that horse seems to have left the barn.

With British Columbia already actively investigating the adoption of proportional representation and our election still 16 months away, in October, 2019, it seems that the first past that particular post will not be Canada’s smallest province.

Now, this saddens me, not because I have any particular desire for our province to make history for history's sake, but because we have had a process, which we followed, sanctioned by an all-party special committee, and overseen by Elections PEI, which led to a vote where Islanders chose mixed-member proportional as their preferred voting system.

We chose to modernize our electoral system, and in so doing, we would have been first-past-the-post to proportional representation. I'm sorry if this is confusing. But as we all know, an executive decision was made not to honour that vote. In so doing, the Premier denied us both a fairer and more modern voting system, and also our place in Canadian history.

We would not have been making history from a global perspective, of course, not at all, as the vast majority of the democracies around the world already use some form of proportional representation. We would merely have been coming into line with the rest of the planet in abandoning first past the post.

The third history-making prospect in the Premier's white paper was to consider additional and timely measures to enhance our democratic process. Although that's a fairly ambiguous statement, think it's fair to say that one of those measures was election finance reform. Without going back along that convoluted road that this particular aspect of our electoral system has travelled, let me say that I am relieved and delighted that the Premier finally seems to have settled on a model that brings us more in line with other Canadian jurisdictions when it comes to finance rules. Indeed, a bill we read through this afternoon.

We have had debates recently on lowering the voting age; how best to encourage diversity in our legislature. Again, I quote from the Premier's white paper on electoral renewal, "A widely accepted guiding principle for electoral systems is that they should result in legislatures that mirror their society – reflecting demographic diversity and a rich range of ideas, interests, and perspectives. Such an achievement is seen as having..." many "...benefits. First and

foremost, it strengthens social cohesion and trust in democracy, as people from all walks of life feel that they are represented in their elected body. It also ensures that public policy is enriched with diverse viewpoints and new ideas, and is sensitive to the needs of all sectors of society.

"Our engagement on representation will consider ways to increase the participation of women, Aboriginal Islanders, Islanders with disabilities and visible and linguistic minorities as we seek the ideal of an elected body that it is truly reflective of Prince Edward Island society."

I'm just going to read that again, "... as we seek the ideal of an elected body that is truly reflective of Prince Edward Island society."

Representation by women – over half of society – in legislatures has long been a subject of public scrutiny and advocacy. Generally, in Prince Edward Island and elsewhere, women experience a greater disparity between their demographic weight and their democratic representation than any other group in society. While progress has been made, it has been slow and often halting.

"Since Island women gained the vote and the right to serve in elected office in..." 1992, in 1922, excuse me, "... only 26 women have sat in the Legislative Assembly, a small fraction in proportion to the hundreds of male representatives over that time and before. Currently, women hold a smaller number and share of seats than they did twenty years ago."

That's also another, to me, shocking statistic.

The White Paper on Democratic Renewal marked the beginning of a process, which brought us to this bill, but much has happened between those two memorable legislative events. In order to properly appreciate part one of the principles of this legislation, establishing the referendum question, it is useful to revisit the journey we have taken to get here.

I was privileged to have a front-row seat during most of that time as I said as one of the five members of this Assembly on the

Special Committee on Democratic Renewal. The white paper outlined the scope of our activities, which was very broad, but in reality virtually all of our time was spent on discussions surrounding electoral systems and preparing for the question for the plebiscite of October 2016.

The work of this special committee remains one the highlights of my short career as an MLA. As an all-party working committee, we quickly developed bonds between us, and a level of trust and comfort that I have found elusive in many other aspects of my legislative work. Our mandate came from a motion passed unanimously in this House on July the 9th, 2015.

Of particular, and of interest particularly in regards to the principles of the bill here before us today, bill 38, two of the conditional or pre-ambulatory clauses read as follows, "...Whereas engagement with the public and persons with expertise is of utmost importance when considering the topic of democratic renewal..." "And Whereas it is desirable to have considered advice and recommendations regarding changes to the current democratic or electoral processes;"

And it's just worth pausing here, momentarily, and fully absorbing the wording of those two clauses. I'll read them again, "...Whereas engagement with the public and persons with expertise is of utmost importance when considering the topic of democratic renewal..." "And Whereas it is desirable to have considered advice and recommendations regarding changes to the current democratic or electoral processes" therefore, he went on.

Less than three years ago, the Premier not only felt that public consultation and expert advice were useful when considering changes to our democratic or electoral processes, but that they were of utmost importance. Further, in the 2017 throne speech in reference to their proposed referendum, government committed to, and I quote, "...do everything within the scope of its responsibility to assure clarity, fairness and the inclusion of all voices during this process."

These principles were apparently so fundamental that the government repeated

them again in motion 43, calling on the Legislative Assembly to adopt a clear question for the upcoming referendum. So far, nobody other than government members have had an opportunity to speak to motion 43, and the Legislature, of course, has not yet voted on that motion.

Yet, here we are with bill 38 in front of us. Where has the steadfast belief in the importance of public education gone? Engagement gone? Excuse me. What about the necessity to consult with experts, to gain considered advice? How about all of those voices that have been excluded?

Now, I can understand gentle and gradual shifts in thinking and beliefs. In fact, I think that is absolutely crucial if we are to retain an open mind on all matters that come before us. We are able to adjust our positions and keep an open mind and as new evidence arrives, we can have a change of mind. But adopting such a dramatically oppositional position in such a short timeframe just boggles my mind. How can engaging Islanders in democratic renewal go from being of utmost importance to no importance of all in such a short timeframe?

The Special Committee on Democratic Renewal first met in September 2015. We discussed previous democratic changes, including spending a lot of time looking back at the 2005 plebiscite; why turnout was low, what government and sitting members did to aid or to inhibit the process; what might be done differently this time when it comes to public education, to public engagement, and to explaining the different systems and how they compare.

We had expert witnesses come and speak with us. Previous chairs of electoral reform committees, the Coalition for Women in Government; university professors; representatives from the council and status of women, several formers and current MLAs; the Cooper Institute, Citizens' Alliance, and dozens and dozens of ordinary Islanders.

We also looked at how other jurisdictions have navigated the process from first-past-the-post to mixed-member proportional or proportional representation. New Zealand and Scotland were two frequently cited examples of recent places where

proportional representation had been adopted, and what we might learn from their experiences.

In New Zealand, in 1992 they started the process with a two-part question. The first part of the question was: Do you want change? 85% of New Zealanders said yes. The second part of the question was: well, if you want change, which of these options would you like? There were four options; MMP, STV and PV and I can't remember the other one. 65% out of, with a choice of four, chose mixed member proportional; the same option that Islanders chose in October 2016, the vote that was not honoured by this Premier.

In 1993, the year, just one year later, they had a clarifying vote. This second question was: Do you want to move to mixed-member proportional system for your next election? It passed –

Mr. J. Brown: No/yes?

Dr. Bevan-Baker: – it passed. It was not no/yes, it was yes/no, in the typical traditional manner, minister.

Mr. J. Brown: Oh (Indistinct)

Ms. Casey: Except for the bridge.

Mr. J. Brown: (Indistinct)

Dr. Bevan-Baker: They also put a sunset clause in the New Zealand legislation saying; let's try a few rounds of this new voting system and see how you like it. We'll come back and we'll vote if we still want to keep it.

In 2011, they had a vote. They had another plebiscite on whether to keep mixed member proportional. It passed. Yes or no. Yes, with 58% of the vote.

In Scotland, mixed member proportional was the system that they used right from the beginning of that legislature when power was devolved from Westminster to the Scottish assembly in 1999, they used mixed member proportional right from the beginning. The first jurisdiction in the United Kingdom to do so. They have had five elections under their new system. Only in one of those elections did they vote a

majority government. You know what? That was because a majority of voters elected that party; voted for that party. That party earned their majority with over 50% of the vote.

One interesting note that I found on the Scottish Legislative Assembly website was that they chose a mixed-member proportional, proportional representation system specifically, and I quote: To encourage more collaborative debate in the legislature. That was the principle reason they chose a mixed-member proportional system.

There are other places that have made the transition from first past the post to mixed member. Close to home, several plebiscites have been held on electoral reform here in Canada, all ending in citizens' deciding to maintain the status quo. Here I need a little asterisk because the first plebiscite held in British Columbia required a super majority of 60%. The citizens of British Columbia voted 58%, I believe in favour, but because it did not reach that super majority, it was not implemented.

Because of these numerous failures, if you want to look at it that, of electoral reform in Ontario and British Columbia, PEI stood, as I stated earlier, and I've in the white paper, at the doorstep of history as the first province in Canada that could move past first past the post.

We looked at the other OECD countries, where over 80% of whom use some form of proportional representation and we acknowledged that every new democracy created since the Second World War has chosen to use some form of proportional representation, most of them, some form of mixed member.

Most importantly, after a number of meetings of after a number of meetings of solely committee members, we embarked on an extensive public engagement exercise. It was stated that public consultation would be a part of the development of the question, and we carried that out diligently and with vigor and perseverance.

We met with, and talked at length to Islanders from tip to tip, and we heard an enormous number of presentations on a wide variety of possible routes forward for our

electoral system. It was clear during our series of meetings that Islanders care deeply about democracy, and the future of our electoral system. It was of great concern to them. People spoke passionately about new systems, about existing systems, about hybrid systems, about novel systems, about old systems including a return to the dual-member districts, and about brand new systems including a return to dual-member districts.

People talked about voting age. They talked about creating a system that would encourage more women to get involved. They talked about the costs of plebiscites. They talked about single-question ballots. They talked about two-part questions. They talked about keeping the question or the questions, simple. They talked about the concerns that the process was too rushed, and they talked about making sure that the process engaged our First Nation community, and that a citizen's assembly be formed, and they talked about doing away with political parties altogether and governing by consensus, an idea that has recently resurfaced. They talked about the need to institute a recall option. They talked about the need or the option of making voting mandatory, of using electronic voting, of banning corporate donations – and thank you, Premier, for making that a reality today – and to make elections publicly funded, and on and on Islanders had ideas about how we could improve our electoral system.

My point is that we went out and we sat and we listened to Islanders, and they came and they talked. And they talked with passion, and knowledgeably and at length.

Overall attendance at public meetings and events totaled close to 1,000 people. And from all those discussions came the question on the first plebiscite. That is how we arrived at the first question in the plebiscite of 2016; a far different process from how we came to the question presented before us in bill 38, the *Electoral System Referendum Act*.

That question for the first plebiscite, the one which was developed over months of consequential consultation, and which was criticized by some as being too complex and had too many choices, and lauded by others

as being truly representative of the variety of views that brought forward to us by Islanders, was as follows, here was the question:

Rank the following electoral system options in your order of preference 1 through 5 (with 1 being your most preferred). Dual member proportional representation, first-past-the-post, and first-past-the-post plus leaders: mixed member proportional representation: and preferential voting.

I'm having flashbacks here reading those names for the first time.

Some Hon. Members: (Indistinct)

Dr. Bevan-Baker: As a new MLA, I found the whole exercise invigorating and highly educational.

I appreciated deeply the rigor and seriousness with which this process had been carried out, and met many Islanders who impressed me profoundly with the depth of their knowledge and passion when it came to the importance of the quality of democracy on Prince Edward Island and I note that some of them have joined us this evening in the gallery.

What impressed me most was the genuine effort made to listen to Islanders and to have their views reflected in the question that we drafted. This, to me, felt like real and meaningful engagement, where the voices of Islanders were heard and their ideas incorporated into the work of government. It felt inclusive. It felt sincere. It felt proper. And whether you felt that the question was good or bad, you certainly could not say that it was hatched on the fifth floor behind closed doors in secret and done in a hurry. It was measured, it was respectful and it was comprehensive. And then we voted.

What followed from government was an immediate and unrelenting move away from honouring that vote, and from that fork in the road with two distinct choices, one path which could, and many say should, have led straight to a new voting system put in place for this next election in October 2019, and the other towards the place where we now find ourselves: Debating a second question and embarking on a second plebiscite or

referendum, depending on what language you prefer.

I remember well the debate following that first vote, and the motions which were presented on the floor of this legislature; two motions simultaneously being debated. One urging this House to follow that first pathway and adopt proportional representation; the other, motion 80, a government motion, calling for, and I quote: A clear question and a binding referendum.

I remind the House that the first of three stated principles of this bill is in establishing the referendum question. That's what we're talking about here. This is debate on the principle of bill 38.

I spoke at some length on motion 80 on November the 22nd, 2016. Unfortunately, I did not get an opportunity to conclude my remarks as the hour was called and the motion was never brought back for debate on the floor, or for that matter, voted on or passed by the Legislative Assembly. It died on the order paper when the last session ended.

The next time this government seemed willing to initiate a conversation on its plans to move forward was a year later when the Premier asked the Electoral Boundaries Commission to draw up an electoral map for mixed-member proportional representation. At that point, government was not even willing to discuss with the public what the second choice would be on the ballot, only stating that mixed-member proportional would be one of the two choices.

Then this spring, government introduced motion 43 calling on the Legislative Assembly to adopt a clear question for the upcoming referendum on democratic renewal. But, of course we didn't have a full debate and we didn't vote on the motion. Instead, the process was so rushed that only three government MLAs were given the opportunity to speak to it at all. But since the motion touches on the essence of the first principle of bill 38, I think it would be worth reviewing the motion, and perhaps to offer the House a few things that I might have said if I had been allowed to speak to it.

I will quickly read the text of motion 43:

Calling on the Legislative Assembly to adopt a clear question for the upcoming referendum on democratic renewal.

WHEREAS the Provincial Government has committed to holding a referendum on democratic renewal in conjunction with the new General Election;

AND WHEREAS the 2017 Speech from the Throne said the following: "On a topic of such significance, Government takes its role very seriously – and must do everything within the scope of its responsibility to assure clarity, fairness and the inclusion of all voices during this process."

"To that end, Government will request the creation of a map that clearly lays out the geographic boundaries inherent in the mixed member proportional model considered in the 2016 plebiscite.

Furthermore, legislation will be developed to be debated in 2018 to permit all members to offer their input and advice. This legislation will include a clear referendum question - as well as the rules required for a fair and transparent process."

AND WHEREAS the mixed member proportional system has already been identified as an option during the upcoming referendum;

AND WHEREAS our current system of "first past the post" has served Prince Edward Island for well over a century – both provincially and nationally – and is fully understood by Islanders;

AND WHEREAS this Assembly will soon debate legislation governing the referendum on democratic options;

AND WHEREAS the question to be placed before Islanders during a referendum is of fundamental importance;

THEREFORE BE IT RESOLVED that this Assembly agree that the upcoming referendum on democratic renewal offer a clear choice as to whether Islanders wish to adopt the mixed member proportional system, no or yes.

I have to stumble over that every time.

When the motion was introduced, I thought, at long last, here is my opportunity to speak to this fundamental, dare I even echo the Premier's words and say historic, question that is facing our province.

Disappointingly, only three government members were allowed to speak to the motion. I must say I found it especially galling since the Premier had many times expressed his commitment that these issues will be presented and debated fulsomely within this House. But the reality I faced was that whenever I wanted to stand and speak to a government motion on electoral reform, the debate was shut down or it was never called back again.

Since the government members who were permitted to speak to motion 43 spent some of their time, much of their time, actually, discussing the relative merits of the two potential systems: mixed member proportional and first-past-the-post, I thought I should do the same.

Motion 43 states: "our current system of "first past the post" has served Prince Edward Island for well over a century – both provincially and nationally." By the way, I see what you did there and that was very smart; saying that it has served us for well over a century, rather than served us well for over a century. That was very clever. I like that.

But in response, I should point out that over 80% of countries in the Organization for Economic Co-operation and Development, the OECD countries, use some form of proportional representation, and of those countries, the majority use mixed member propositional. It is a tried and trusted system which has produced stable, effective governments in a long list of countries for many decades. Indeed, the top six nations on the most recent United Nations list of best countries in which to live all use proportional representation; the top six countries, best places in the world to live all use proportional representation.

We are not embarking on some wild and uncharted voyage into stormy democratic seas; we are following in a long tradition of countries which have adopted a popular and effective electoral system. And despite the inflammatory comments of some of my

colleagues, mixed member proportional is an incremental step. It is not an upheaval of our system.

As proposed in the white paper, the mixed-member proportional system would elect 18 members, or two thirds of our Legislative Assembly, by exactly the process that we currently use; exactly the same – first-past-the-post. It is worth noting here that if we were to expand the size of our current district boundaries by the roughly 50% required to reduce the number of districts, because we only have 18 districts now elected by first-past-the-post, we'd still have one of the lowest constituent-to-MLA ratios in Canada, and indeed of any Legislature in the world. Local representation on Prince Edward Island would be alive and well.

One of the more common criticisms leveled at mixed member proportional is that it would dilute rural representation. I heard that repeatedly on the other side of the floor.

An Hon. Member: (Indistinct)

Dr. Bevan-Baker: But that is not true. It's just not true.

By electing a number of province-wide MLAs, rural areas would be served by a multitude of representatives, not a solitary local one. Although, they still would have a solitary local one. If, as prescribed by the special committee, this House were to adopt the 18-to-9 split of local versus Island-wide MLAs, every rural district would have access to no fewer than 10 MLAs, all with the expressed mandate to protect and promote those constituents' desires and wishes and concerns. Far from creating a deficit in rural representation, mixed member proportional would greatly increase the options available for rural Islanders to have their concerns represented in this House.

These Island-wide MLAs would be voted in directly by Islanders, and they would create balance in this Legislature to reflect the popular vote across the province, adding more voices, creating a more inclusive, diverse Assembly.

We are not abandoning our traditions here; we are adapting them, as we have done so often in the past, and we are improving the

democracy in which we live. Everywhere across Prince Edward Island would receive better democracy. This is an evolution, not a revolution, as some of us on the other side of the House would have us believe, and we need to curtail the fear-mongering about what such a change will bring to Prince Edward Island, particularly in its rural areas.

Just today in *The Guardian*, there was a letter about just this subject from Stan MacPherson, and in it he says this, and I quote: At this point in time, not many Islanders could truthfully say they have a clear and complete understanding of how the Mixed Member Proportional Representation electoral system works. He then goes on to say: As I understand it, under mixed member proportional, approximately one third of the seats in the Legislature would be filled by individuals selected by their respective political parties; rather than elected by voters. Could this lead to the appointment of party hacks, representatives of special interest groups, significant donors, et cetera, to each party's list?

Well, clearly Mr. MacPherson is one of those people that he refers to as not having a clear and complete understanding of how mixed member proportional works. Each and every one of those province-wide candidates would be elected by Islanders from across this Island – that is their region; that is the constituency they represent. They are not appointed; they are elected by our neighbours and our friends, just like all of us who currently hold the privilege of sitting in this House. And woe betide the party who puts forward a slate of candidates on that list chosen democratically from within their party, just as nominees are today for district elections; woe betide the party that puts a list forward that is full of party hacks or significant donors or special interest groups.

It's worth spending a few minutes discussing the notion of minority governments. As I said earlier, in Scotland with five elections, four of those times they have elected a minority government, and specifically they chose that system in order to promote better, more democratic debate in the Legislature.

Minority governments: I'm a big fan of democracy, and one of the pillars of democracy – perhaps the central pillar – is

rule by the majority. You may not be on the side of most people on a particular issue, but you can accept that more people than not support that position, and you live with that: that's democracy. Our current provincial government was elected by 41% of the electorate. Almost 60% of Islanders did not vote for the Liberal Party, but despite that the government won 67% of the seats. Forty-one percent of the vote, 67% of the seats; and they now occupy, since last year's byelection in district 11, only 63% of the seats in this House, but it's still a clear majority – and with that clear majority they have 100% of the power. Forty-one percent of the vote, sixty something percent of the seats, 100% of the power.

We have, a false majority, or put another way, we have rule by the minority. Can you imagine the fuss if a piece of legislation came before this House which only received 40% support in this House: 60% of us voted against it, and yet it got passed into law? People would be, quite rightly, dismayed and outraged.

An Hon. Member: (Indistinct)

Dr. Bevan-Baker: There are some other very persuasive reasons –

Mr. J. Brown: (Indistinct)

Dr. Bevan-Baker: There are some other very persuasive reasons why we should ditch first-past-the-post.

If we cast our view south of the border to the political turmoil and anxiety that has been unleashed by the election of Donald Trump, we can see how with a majoritarian system like first-past-the-post, it's entirely possible for a well-organized and charismatic campaign to capture enough voters to elect somebody like Mr. Trump. It's worth noting that only 27% of Americans actually voted for him – 27% – but their country is now faced with leadership from a fringe populist who got a false majority thanks to first-past-the-post.

The election of Mr. Trump also illustrates to me just how deeply and passionately people are unhappy with conventional politics and conventional politicians. That a nation the size and sophistication of USA would vote for someone so patently unqualified to be

their president, is a measure of just how dismayed people have become with old-style politics. We have seen the rumblings of discontent here in Canada also and woe betide those old-style politicians and parties who do not recognize the depth and the determination of the growing number of Islanders who feel this way.

There is another parallel that is worth drawing here. Towards the end of the campaign, when the Donald was trailing in the polls, he was making a big fuss about the vote being rigged – How ironic is that? And he was threatening to not accept the results. Do you remember that time?

He made this infamous remark, and I quote: I have a breaking – I'm not going to do his, I can't do his voice – I have a breaking news announcement: I will accept the results of the election – and here he inserted a dramatic pause – as long as I win. Of course, he continued that way to the ecstasy of the gathered loyal supporters.

Well, I believe we have an analogous situation here on Prince Edward Island. No doubt the Premier would have been willing and happy to accept the results – just as Mr. Binns did enthusiastically back in 2005, with a lower voter turnout than the most recent plebiscite, I should add – if it had been what he expected and wanted: I will accept the results of the plebiscite – as long as I win.

Now the Premier is demanding a do-over, but this time he has done his homework and he has brought in a bill specifically designed to increase the probability that he and the old parties whose interests he represents will win.

There is much more that I could say about the advantages of mixed member proportional or the shameful handling of the 2016 plebiscite, but if I go on much longer on that topic, I may be accused of filibustering. So with that in mind, I would like to move now to the second principle of the *Electoral System Referendum Act* to be stated in Section 2(b) of the legislation, which is, and I quote: “providing for the appointment of a Referendum Commissioner who is an officer of the Legislative Assembly and who will oversee

related matters leading up to and after the referendum vote.”

According to the process set out in Section 5 (3) of this act, and I quote: “The Referendum Commissioner shall be appointed by the Legislative Assembly (a) on the recommendation of the Standing Committee on Legislative Management; and (b) following a resolution of the Legislative Assembly supported by at least two-thirds of the members.”

In the past we have had the opportunity to debate the importance of appointing independent officers of the Legislative Assembly. As anyone who has been following my career as an MLA would know, I'm really keen on the whole idea of government being held to account through the operation of independent officers of this Legislature.

Indeed, I think perhaps the only thing that matches my enthusiasm for independent oversight is the current Premier's lack of enthusiasm on the same issue. Indeed, if there is a single issue that the Premier and I have clashed swords on, so to speak, more than any other, it would be related to the proper role of independent bodies. Indeed, this ideological clash has led to some of my most interesting and memorable exchanges with the Premier over the last three years.

There are so many instances that I can't actually keep track of them all, but I offer the House a partial list. We'll start with the need for an independent ombudsperson, the only province who does not have one; the need for an independent child advocate – again, the only province that does not have one; the issue around placing whistleblower protections in legislation rather than policy – the Premier prefers policy, I prefer legislation, we've since moved on that; the process used to appoint the whistleblower commissioner; the failure to implement the recommendations of the Conflict of Interest Commissioner, and we're still working our way through that particular quagmire; and the need to appoint an independent lobbyist registrar.

All of these, the Premier and I are on opposite sides of the fence. And to my disappointment, these numerous exchanges with the Premier have, for the most part,

added up to just so many lost opportunities to truly improve openness and transparency in government.

I give, for example, the fairly obvious and universally acknowledged need for a child advocate on Prince Edward Island. At least it seems to be fairly obvious to everybody else in this House except our current Premier. The facts of the case are both tragic and well-known but still worth repeating.

In March of 2015, the inquest jury investigating the death of four-year-old Nash Campbell made 15 recommendations on how the province should handle high-risk custody cases. One of the primary recommendations was that Prince Edward Island should have an independent child advocate. This does not strike me as particularly controversial, as every other province has one and it's considered best-practice to have an independent oversight body to focus exclusively on the needs of children just as they do in every other province.

But as I said, the Premier prefers not to have independent oversight. I was profoundly puzzled by his reluctance to appoint this most basic safeguard to protect our children. But then in April, 2017, I asked the Premier about a child advocate in this Legislature and he provided this very revealing answer:

But let me say, I think there is a basic difference here. The government, as government, we believe in a professional public service that will give service and work together with the proper resources and the proper team to protect children in this province. I believe the opposition is more concerned about themselves because they want to – because they don't really expect to be in government and they just want somebody who's going to serve the opposition. End quote.

It was at that moment that I realized the Premier was more concerned about his government, and by extension himself, being immune to criticism, than he was about the welfare of our children. I was absolutely shocked that he would ascribe to me partisan motives when I was merely pressing government to follow the recommendation of an inquest jury – a jury I should note that came to their

recommendations after two days of testimony describing the most horrific details of a young child's death.

Of course I do not see the child advocate as an adversary of government at all, but as a valued partner, whose oversight and recommendations would help, rather than hinder the work of government.

For example, let's look at the Auditor General. The Auditor General provides exceptional service to Islanders and to this Legislature, to ensure that the province's finances are in good order and that government is quite open to her oversight and willing to implement her recommendations. A child advocate could provide similar oversight to protect our children.

I believe every civil servant who works with children is sincerely committed to the best interests of every child. But public servants often have to work in environments where policies are unclear, where public expectations are high, and when resources are limited. Within this environment, a children's advocate can provide guidance on new policies and approaches that will, in fact, enhance a public servant's ability to protect the well-being of every child.

In my mind, the greatest benefit of independent oversight, whether it comes from the Auditor General or a child advocate or an ombudsperson, is that it inspires and reinforces public confidence in the work of government. Citizens expect a high level of transparency and feel that it can be best achieved through this sort of independent oversight.

I know that the child advocate issue may seem, to some, to be a bit off topic, but before I discuss the principle of appointing the referendum commissioner and its processes, I feel it's really important to review how this government has handled calls for independent oversight in the past. I feel we can only judge the purpose of this legislation, bill 38, and the independence of this new independent legislative officer in light of this government's previous statements and actions regarding independent officers of the Legislature.

The Premier did, indeed, table all documents related to government's refusal to introduce an office of the child advocate, but there was very little in the tabled documents that supported government's position. It was what some civil servants bitterly call 'decision-based evidence-making' which is when bureaucrats are instructed to provide a document that justifies a decision that has already been made or is preferred by the fifth floor.

For example, the briefing document dated October 31, 2016, describes what a children's lawyer does and what a child advocate does, but it provides no analysis of why we don't need a child advocate or how one might fit in with the other services already being provided by government.

Indeed, the most telling aspect of the documents is that they treat the issue almost exclusively as a legal problem. I suppose this is almost understandable considering the documents were probably prepared in response to the Hennessey-Campbell Inquest, but it fails to acknowledge that there have been other calls for a child advocate in the past: from the Advisory Council on the Status of Women, from the Canadian Council of Child and Youth Advocates, and in the mental health and addiction strategy.

In fact, the government's own jurisdictional scan clearly shows that the lack of an advocate results in serious gaps in individual and systemic advocacy, complaints review, policy and advisory functions, public education, and investigations into deaths and critical injuries – in other words, the full range of functions that are generally carried out by a child advocate in all other provinces and jurisdictions around the world. In identifying those gaps and seeing how poorly Prince Edward Island is doing relative to other provinces, I was surprised that government could still dismiss the need for a child advocate.

But throughout the public discussion, the Premier stood by his position, stating that he was confident that PEI did not need a child advocate because it was not mentioned in the review of the *Child Protection Act*. However, what the Premier did not say is that according to a Guardian article, and I quote: Although the committee did hear

feedback from Islanders calling for a child advocate for Prince Edward Island, review chair Patsy MacLean says the committee felt it was better to focus on the services Islanders want as part of this request.

So in other words, government distorted the consultation process in order to ensure that the review did not include a call for a child advocate, and then they used that review as evidence that PEI does not need a child advocate.

If that is how government manipulates processes in order to achieve their preconceived preference, then how can we possibly trust them to oversee the development of something that is so fundamentally attached to the protection of the principles that underpin our very democracy?

The second purpose of the *Electoral System Referendum Act* is to appoint a referendum commissioner. According to section six of the act, the referendum commissioner has a broad range of powers and duties. And I quote:

“6.(1) The Referendum Commissioner shall

“(a) implement public education and information programs relating to the referendum and referendum advertising;

“(b) take the steps that he or she considers necessary to assist individuals and eligible organizations to organize to register as registered referendum advertisers;

“(c) take the steps that he or she considers necessary to register eligible referendum advertisers in a timely manner;

“(d) issue to the members and financial agents of registered referendum advertisers the instructions that he or she considers necessary to ensure the effective execution of the provisions of this Act;

“(e) announce the final result of the referendum, after the completion of the count under the *Election Act*, in a manner that the Referendum Commissioner considers will inform the public of that result;

“(f) provide a report to the Speaker of the Legislative Assembly as set out in section 7; and

“(g) perform such other duties as are assigned to him or her by this Act.”

At first glance, this would appear to be a really excellent way to ensure that the referendum is conducted in an open and a fair manner. However, Prince Edward Island already has an independent officer of the Legislative Assembly whose job it is to oversee the integrity of democratic votes in this province. That is, of course, our Chief Electoral Officer. In addition, that officer has the entire Elections PEI organization to help him. Indeed, there is universal agreement that Elections PEI did an excellent job overseeing PEI’s last plebiscite on Electoral Reform in October, 2016.

Now, I can appreciate that a plebiscite being held during a general election comes with some particular resource challenges. However, if the Chief Electoral Officer requires extra assistance to ensure the integrity of the plebiscite vote, shouldn’t he be the one to appoint the referendum commissioner, just as he appoints other staff to assist him during the duties of an election?

I am sure every member of this legislature shares my high opinion of the current Chief Electoral Officer, Mr. Tim Garrity. His intensions, his competency, and his non-partisan approach to serving this Legislature and fulfilling his duties has never been questioned by anybody in this House. I think we all hold him in the highest regard. The Chief Electoral Officer currently has the confidence of this Legislature, and as such, he would be a natural choice to oversee the administration of our plebiscite.

Yet, instead of simply allowing the Chief Electoral Officer to appoint and supervise someone, the Premier decided to appoint another officer of the Legislature, and this, in spite of the fact that he has a long-standing aversion to such a process.

As I said earlier, the act that is before us today, the *Electoral System Referendum Act*, states clearly:

“The Referendum Commissioner shall be appointed by the Legislative Assembly

“(a) on the recommendation of the Standing Committee on Legislative Management; and

“(b) following a resolution of the Legislative Assembly supported by at least two-thirds of the members.”

I acknowledge that often the appointment of independent officers of the Legislative Assembly falls to the Standing Committee on Legislative Management. However, I feel that this is a special case where partisan lines have clearly already been drawn, and that it will not be possible to achieve a truly unbiased appointment through the legislative management committee.

According to the Legislative Assembly website:

The Standing Committee on Legislative Management is composed of the Speaker as Chair; the Deputy Speaker or designate; the Government House Leader or designate; the Government Caucus Chair or designate; the Leader of the Official Opposition or designate; the Opposition Caucus Chair or designate; and the Leader of the Third Party or designate.

The Standing Committee on Legislative Management is charged with policies for the administration of the Legislative Assembly; the provision of security, facilities and services, including allocation to party caucuses and individual members; the appointment, supervision and management of the staff of the Legislative Assembly, other than the staff of caucus offices and the office of the Leader of the Opposition; review of the estimates of the expenditure for the Legislative Assembly, including the forecasts and analysis of expenditures and financial commitments of the Legislative Assembly; and other matters necessary for the efficient and effective operation and management of the Legislative Assembly.

Meetings of the Standing Committee on Legislative Management are normally held in camera.

So yes, from that description, it is clear that the appointment of an officer of the Legislative Assembly can fall under the

purview of this committee. However, as a member of that committee, I have had, on occasion, to raise concerns about how this committee operates. Meetings are, indeed, held in camera – in other words, behind closed doors and members are expected to maintain the confidentiality of those meetings. Anything that happens behind closed doors then requires everybody to be sworn to secrecy, is the opposite of an open and transparent process.

At this point, I will interrupt debate on this motion and adjourn debate on this motion, and pass to the House leader of the third party.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

I call motion 72.

Speaker: Shall it carry? Carried.

Clerk Assistant: The hon. Member from Charlottetown-Parkdale moves, seconded by the hon. Leader of the Third Party, the following motion:

WHEREAS government is committed to the principle of gender equality;

AND WHEREAS the results of efforts to achieve equality have been mixed over the past fifty years;

AND WHEREAS women face many systemic barriers throughout society;

AND WHEREAS jurisdictions that have more women in government are more likely to implement policies that support women's everyday lives;

AND WHEREAS in 2009 the PEI Coalition for Women in Government made seventeen recommendations to increase the number of women who seek public office;

AND WHEREAS those recommendations have yet to be implemented;

THEREFORE BE IT RESOLVED that all members of the Legislative Assembly work together to begin reviewing and implementing these recommendations and

actively seek to improve the gender balance in this legislature.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

I brought forward this motion with the hopes that we can have a broader discussion of the barriers that face women when it comes to seeking public office.

In the past few weeks, there were two events that made me ponder what it means to be a woman in the Legislature at this point in time. The first and most significant was our acknowledgment of the famous five. It has been 25 years since our province saw five women holding all of the major leadership roles in the legislative branch: Lieutenant governor Marion Reid, premier Catherine Callbeck, leader of the opposition Pat Mella, speaker of the House Nancy Guptill, and deputy speaker Libbe Hubley.

It was such an honour to stand in this House with three of these women in the Speaker's Gallery that day and acknowledge their accomplishments. These women were trailblazers, role models and an inspiration, not just to women in politics, but for all women who strive to break out our traditional roles. Role models are important, and not just for women. As wonderful as it is to celebrate the famous five, we have yet to have famous five leadership groups of indigenous members, visible minorities, or differently-abled. Women are just one group that has been marginalized through the expression of traditional male power in our political realm.

It amazes me that it has been 25 years. I think about what the world was like back in 1993. I was not in PEI to be inspired by the famous five, but I was pushing boundaries in my own way.

Back then, I was working as a sales manager for a major telecom firm in the UK, and apprenticing as a telecom engineer at night. I was the only woman apprentice and ended up being the first Guild qualified female telecoms engineer in the UK later that year. I was in my early 20s, and I thought I could take over the world. Of course, I may be

much older now, but that last part hasn't changed much.

In the 1990s there was so much hope and optimism. The battle for basic legal rights had ended, and many young women like me felt that it was just a matter of working hard and stepping forward to claim our rightful place as equal members of society. Of course, it has not been that simple. I look around the House today and we are still five, six including the current Lieutenant Governor.

Surely this is not the future we envisioned in 1993. Twenty-five years later, there are only two women serving in Cabinet, equal to the number of men with the surname Brown or the given name Robert. However, a woman does serve as Deputy Speaker, the member from Charlottetown-Lewis Point.

I was saddened last week to hear her decision to not seek reelection. The deputy speaker has served her constituents in this Legislature so well. She has conducted herself with dignity and has been extremely generous to all members of the Assembly, but most especially to the women of this House.

I remember when I was first elected; she reached out to me, not only to offer congratulations, but to reassure me that I could turn to her to seek guidance as I learned to navigate this complex and often challenging environment. I also know the amount of work that she does in the community, not only as a volunteer and advocate for community efforts, but as a mentor and a leader to inspire women, especially young women, to step forward and find their place as leaders, not only in politics, but just to find their voice; giving them that confidence that they have that capacity to step up.

I sincerely thank her for her years of service and I know that she will continue to use her skills and experience in the future to support women, young people, visible minorities, and other marginalized populations in the pursuit of public office and in various roles of leadership in the community here in PEI and beyond. And I thank you.

Just as a celebration of the famous five reminded me what a long, hard slog it has

been over the past two-and-a-half decades, our recent debate on extending the hours of the Legislature has reminded me just how far we still have to go. I have to say, it was one of the most discouraging debates that I have ever found myself participating in. The debate on motion 32 started out well, but it quickly degenerated into partisan bickering with the official opposition introducing amendments to ensure that their report on modernizing the house was mentioned in the text of the motion, with the mover speaking at length about her own party's efforts rather than actually addressing the content of the motion. Soon, the entire discussion became a battle of opposing motions to amend the amendment to the motion. By the end of it, I had no idea what I was supposed to be voting on.

That is not just an isolated instance in this Legislature. It seems to be a pattern of behaviour that I have witnessed over and over again. One party brings forward a motion and instead of simply debating the content of that motion, another party purposely stalls debate on the motion by bringing in trivial and self-serving amendments. There's a word to describe this process, but I have been told it's very unparliamentary.

When we talk about making the Legislature a more welcoming place, much would be accomplished if members could resist the impulse to play partisan games and show more respect during debate. Indeed, of all the innovations that might make this Legislature more comfortable for women and men alike, perhaps the simplest would be the elimination of heckling. This is a small improvement that we can all make at this very moment without a change of rules, a referendum or legislative amendments. We could simply stop heckling.

My third party colleague and I don't heckle. It's a conscious choice because we think it diminishes the quality of debate. And to be honest, it's not that difficult to sit quietly and let your colleague speak and listen with intent. That was one of the first things that most of us were taught in grade school.

Nothing would delight me more than if everyone in the House agreed today they would stop heckling for the rest of the sitting, long or short as it may be. I am not

being facetious. I really am laying down a very serious challenge to my fellow MLAs. We probably only have a few more days before the break for the summer. I'm not proposing a rule change or limiting members' right to express themselves; I'm simply suggesting that every member make a conscious effort to listen respectfully to what other members are saying for the remainder of the sitting. Surely, we have enough self-control to do that. It would be a very interesting experiment, and it might show if we can improve our ability to work together with a simple voluntary change in behaviour.

But back to motion 32; I'm still puzzled by why this particular motion has generated such controversy. It is just one of the 17 recommendations made by the coalition for PEI Coalition for Women in Government, in their document *Who's Job is it Anyway? The Life and Work of an MLA – Research and Recommendations on Work-Life Balance of PEI MLAs*. This document is a heavily evidence-based and research document that was done in 2009. It's probably one of the most referenced documents we've had in the House in recent time. All of the parties love referencing and speaking to it, but we haven't done a great job of actually putting any of it into action.

Much good work has been done by the coalition for women in government and other groups to define factors and barriers that contribute to this state of affairs. Within our first-past-the-post system parties tend to select the candidates that they see as most likely to win, and historically these have been male. Moreover, running for a party's nomination can be challenging for any candidate in terms of time and personal finances. But interestingly, data shows that once a man or woman are nominated and make it through the nomination, they are equally likely to be elected.

More recently, the coalition's research is indicating that when women run for office, they are at least as likely to be elected as their male counterparts, increasing the incentive for parties to recruit women and nominate them in winnable ridings. The key challenge identified by the coalition, however, is in having women seek the nomination in the first place.

While political parties play an important role in addressing this, research suggests several possible barriers that are within the scope of this white paper to address, including the following:

The heavy workload and high expectations that constituents place on their MLAs results in challenges to work-life balance, especially among members with care giving responsibilities, male or female. Legislative Assembly practices such as evening sittings may also create pressures on work-life balance and for some observers, the tone of the Legislative Assembly, which at best can be uncivil and many times be hostile and adversarial, is a deterrent for many.

The coalition for women in government has made a number of recommendations to promote gender balance and representatives of the House, some directed to government and others to political parties.

The recommendations for government included the following:

Establish a legislative special committee to review the role and responsibilities of Members of the Legislative Assembly; support MLAs' constituency responsibilities through creation of an ombudsperson position and regional staff constituency offices to assist MLAs with their duties; create more predictable and timely legislative processes through elimination of evening sittings and the creation of a legislative and committee annual calendar; provide professional development and training in areas such as chairing meetings, time management, work-life balance and available supports; and establish a caregiver benefit for MLAs with such responsibilities. Of all of these great recommendations, removing evening sittings is possibly the least controversial. So why has it generated so much debate here in the House?

As I pointed out earlier, there seems to be a certain partisan one-upmanship, or should that be one-upwomanship, associated with the motion. But, beyond that I find that there is profound reluctance to try something different no matter how innocuous. I'm beginning to believe it's based on the hypercompetitive nature of discourse here; we have been placed in an environment where if anyone makes a minor misstep or

other members pile on while they assume an innocent mistake is based on malice rather than simple human error.

There is something in the air here which sometimes leads us to assume the worst of our colleagues rather than the best. And I can see where that comes from.

We have all had to fight really hard for our positions here through the nomination process and election campaign. When your seat in the House could be lost over a minor misstep or even the toss of a coin, it is understandable that people may feel defensive, be unwilling to work cooperatively and be enormously resistant to change. It is shocking how quickly this petty partisanship can degenerate to the point where members inexplicitly find themselves trying to score cheap political points over a grade school civics project.

In all fairness, the members of this House do have reason to be concerned. Women are 51% of the population. And if they are encouraged to run for office and the rules are adjusted to make them feel more welcome, then there will definitely be more competition for the limited number of seats in this Legislature.

You may ask: Will changing the sitting hours in the Legislature immediately result in more women running for office? It won't. Of all the recommendations brought forward by the PEI Coalition for Women in Government, this is perhaps one of the most minor.

As a woman sitting here in this House, I would be much more excited by the possibility of implementing their recommendation to create an ombudsperson office or the recommendation to create a legislative and standing committee calendar with fixed dates, or their recommendation that MLAs be provided with a caregiver benefit to help with child and elder care responsibilities. Or, my very favourite recommendation, which is number 17; we recommend that government work together with all political parties and the electorate to explore and implement proportional representation for Prince Edward Island. But, we have all seen how that's going.

I would also point out that there's actually one recommendation that is conspicuously absent from the report by the PEI Coalition for Women in Government, and that is the need for fixed election dates. Fixed election dates are often mentioned in relation to creating rules that will help facilitate more women running for office. The reason it was neglected, of course, is that the coalition's report was written in 2009, one year after the Liberal government, led by Robert Ghiz, amended the *Election Act* to set fixed election date for every four years on the first Monday in October.

I would like to point out in 2006 fixed date elections were supported by the Advisory Council on the Status of Women. I'd like to quote from a press release from the advisory council dated February 3rd, 2006, when the council chairperson was Kirstin Lund, a good friend of mine and a good friend for women in PEI.

Quote: In research by the PEI Coalition for Women in Government, women candidates and party organizers reported that they need plenty of lead time prior to an election to prepare to run, says Lund. For women candidates more than for men, lead time means time to make arrangements for unpaid work as well as paid work. It means lining up child or elder care, finding ways to sustain new small businesses while they're campaigning or taking a leave of absence.

She continued: Too often, the time is just not there for women. It means that we're all losing out with a Legislature that does not represent the province's diversity. Time becomes an even bigger factor in women's decision to run when an election is called on short notice, says Lund. In the rush to the polls, party recruiters looking for candidates have less time to convince qualified women candidates to put their name forward for nomination. It is again another piece of really known data that says that women need to be asked multiple times to run for elected office or positions of leadership. About four to six times is actually the norm. I can confirm that I had to be asked multiple times before I stepped into this space.

Fixed election dates could also help restore public faith in the political system, according to Lund. Sadly we're also hearing from PEI women they are discouraged from

running for office. Politics is about winning a game, not about making a real difference. The public sometimes sees the process of setting election dates as a political game. If people believe the date has been manipulated for political purposes this can lead to cynicism. Fixed election dates are a practical way government can encourage the public's trust that the political system can work for them and include them too.

I find it hard to believe that the chairperson of the Advisory Council on the Status of Women said those words over 12 years ago now. They are equally relevant today as rumors swirl about the possibility the Premier will call a snap election. The Premier may like to dismiss this rumour mill, but he has nobody but himself to blame for these rumours, as he has consistently refused to answer straightforward questions on the issue. I would just like to repeat those last two sentences, and I would hope that everyone in the Legislature will take a moment to seriously consider what I being said and how their potential actions may impact the public perception of our roles as MLAs and as leaders: If people believe the date has been manipulated for political purposes, this can lead to cynicism. Fixed election dates are one practical way government can encourage the public's trust that the political system can work for them.

Now, I would like you to compare those words with what the Premier said in his year-end interview with Teresa Wright: "What I will say, and have said, is that this will be done in terms of and in a way that's consistent with the letter of the law and the spirit of the law, which is that Prince Edward Islanders should have a great general election at a time when they can best express their views." I can only assume that by a great general election at a time when they can best express their views, the Premier means a date chosen by him that has been manipulated for political purposes.

Just last week, I asked the Premier if he would confirm that there would be no election this fall, and his response was not entirely reassuring to Islanders still of this belief that this province has legislated fixed election dates. I said: On the question that led to the further piece that was asked here about the timing – sorry Premier said, "I would not describe it as a rush... I believe

there is a good reason, and it's evident on the face of things, and if you look at the experience we had in the plebiscite in 2016.

"When this bill becomes law, with whatever changes are made on the floor of this House, there's an obvious need to have a referendum commissioner and for the participants in the process of the referendum to proceed by the rules, and I took the third party to be in favour of that idea that there would be clear rules; that there would be a level playing field. That's exactly what this bill does..."

I find it truly astounding that this Premier does not feel bound to adhere to the fixed election date law. If the Premier disagrees with fixed-date elections, then surely he should try to amend the act here on the floor of the Legislature, rather than simply choosing to ignore it.

This is what an open and transparent government would do. I can't say for sure whether a refusal to play by the rules can be attributed to male privilege; Liberal privilege, or simply the Premier's sense of entitlement, or a combination of the three. But I am in agreement with the Advisory Council on the Status of Women that not having predictable fixed election dates places yet another barrier in the way for women who wish to seek public office.

I realize the discussion on fixed date elections may seem like a bit of a blind alley, but I bring it up to point out how reluctant this Legislature is to change, even when there is a clear law indicating that it is so.

As much as hon. members like to speak about how committed they are to gender balance, small or large partisan advantage all the rhetoric goes out the window, and we revert to the status quo. How can we as a Legislature move forward 25 years after the famous five and show our commitment to gender balance by implementing meaningful and permanent change?

In all honesty, I can see no better place than to return to those 17 recommendations written 12 years ago by the PEI Coalition for Women in Government in Whose Job is it Anyway? I can stand here and say the time has come. In all honestly, that time has long

passed. We cannot continue to pay lip service to the concept of gender parity offering up reassuring empty words about gender lenses and diversity and analysis, and professing solidarity while, at the same time, vigorously resisting change that makes us uncomfortable or inconveniences us.

I often hear that women's issues are referred to as special interests, which makes sense if you think that 51% of the population is a minority. Although women are, in fact, the majority, there is truth they are also a marginalized community. A community that both historically and currently is expected to make way for men. Women have worked too hard advocating for change for too long, and they have waited far too long for material action.

That is why I am standing today to call all hon. members of the Legislative Assembly that they work together to begin reviewing and implementing those 17 recommendations made by the PEI coalition for government and affect real and lasting change.

Thank you, Mr. Speaker.

Speaker: I'll now call on the seconder of the motion, the hon. Leader of the Third Party, to speak to the motion.

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

I'm a very lucky man. I'm a lucky man in all sorts of ways, but one of the ways in which I feel I am most fortunate is that I was born into a family with a long line – a long tradition of strong women. I was also born into a family with no brothers and four sisters.

And while I may not have appreciated it at the time, it has certainly allowed me to have a perspective on life that I'm very happy to have. When I went to school, the first essay I ever wrote went like this: I have four sisters. Kate is the worst. I have come a long way since then. Kate and I love each other very dearly now. There were moments in my childhood where I wished for a brother and some male companionship.

My mother was an extraordinary woman. My mother, born back in the 1930s, lived through the Second World War, was moved

away from her family. Her father was a sea captain involved D-Day, and she was moved to a very remote part of Wales, and taken away from her sister and had a pretty wretched time. She used to talk about that, lots of war stories.

She was an incredibly resilient woman, and she went on to attain a PhD in chemistry. There's a lovely picture of her, and I have it at home, from the Rowett Institute, which is a medical facility in Aberdeen. It's still there, actually, a research facility. There's a picture of all of the staff of the Rowett Institute standing outside on the grass in Scotland. It was probably raining, and there were about fifty people in this picture. My mother is the only woman, the only woman, in this research institute. She was not afraid to take on challenges, and she was just an extraordinary woman. I still miss her deeply.

Of the four sisters that I had, I was second in line, so I had one older sister and three younger sisters, and my older sister, Sarah, she wasn't the worst, but she was annoyingly brilliant. She was great at everything. She was athletic. She was brilliant. She was kind. She was a fantastic musician, still is, and she was beautiful. She was like one of those infuriatingly talented people. She was a hard act to follow. What that taught me, in my young age, was that women are capable of anything. Sarah was the class valedictorian. She was the athletic – she excelled in everything. I never imagined for a moment imagined that women could not accomplish everything that men could. It just was not even part of my life; my thinking.

My mother abandoned her research career to move up to the Highlands of Scotland with my dad, and there she raised five children. She didn't stop working. She was a pioneer in what was called then the play group association. It's still going. It was a young – a sort of – back in those days, it was a revolutionary idea of providing a place for young children and their mothers or fathers, although I have to admit back then in the 1960s and 1970s it was almost exclusively mothers, to play together

It was a first – it was a beautiful thing. I still have fond memories of was it – in fact, one of my very first memories is of an incident that happened in playschool; very lovely.

She was a teacher. She taught chemistry and she also taught special needs children in schools. She just remained a vibrant community-driven very inspiring person right up till her death, actually.

My mother's mother, my grandmother, whom I only sort of vaguely remember, she was a little tiny Scottish woman, Miriam Stewart, and she lived on the east coast of Scotland, and she was also a very talented musician. She was the only woman who used to play piano at the silent movies. You know, you go to the movies and there were no soundtracks back then, and the soundtrack was provided by pianist. She was the only pianist in Scotland, who was a woman, who was doing that, again a sort of pioneering, strong, outstanding woman who was not outside to step outside the conventional circles of what women were expected to do.

Her mother, my great-grandmother, whom I never met, was perhaps the most extraordinary woman in that long lineage. She actually lived in the north – very northeast of Scotland. She was widowed at a very young age. Her first husband was a fisherman, and they lived in a fishing port on the east coast of England. He was lost at sea as many, many fishermen were, and she was left with, I think, it was six or seven young children, very young children; a single mother.

Back then, of course, there was no social services. There was no safety net for a family in that sort of situation. My great grandmother used to get up very early in the morning, go down to the docks, buy fish, put it in a wheelbarrow and wheel that barrow around the streets of Hartlepool, where she grew up, and sell the fish. In that way, she managed to raise her young family.

Ultimately, she invented her own language as well. We still have the little notebooks where she kept the accounts. They're totally hieroglyphics. Nobody else could possibly decipher what this is. Obviously, to her, it meant something. She may have been illiterate, but she was smart enough to develop her own language. Those books still exist. They're a real treasure. She went on own two sea-going fishing boats; a woman entrepreneur from the late 19th Century: an

extraordinary story and just something that you don't expect.

The idea that women can and should be involved equally in everything we do has never been something that I never believed with all of my heart. With this motion, a commitment to improve gender balance in this legislature, I can see that we have made steps here. I'm very happy that we have come to this point where we are talking, at least, about some of the improvements that have been made here. The Minister Responsible for the Status of Women brought forward a motion. We have debated that a couple of times on this floor. I'm very glad for that, but we still have a long way to go.

As my colleague mentioned, we have less representation by women now in this Legislature than we did 20 years ago. In some respects we're making steps forward, but in other respects we're not, and that's –

Ms. Biggar: Call the hour.

Dr. Bevan-Baker: – and that's –

Mr. R. Brown: Extend the hour.

An Hon. Member: No.

Mr. R. Brown: Seriously, it's great.

Speaker: Do we have unanimous consent to extend the hour?

Some Hon. Members: No.

Mr. Perry: (Indistinct) floor to talk, here's your opportunity.

Ms. Biggar: (Indistinct) women talk (Indistinct)

Mr. Roach: (Indistinct)

Mr. Myers: I'll wait for you to talk.

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

Ms. Biggar: (Indistinct)

Mr. McIsaac: I move, seconded by the hon. Member from Montague-Kilmuir, that this

House adjourn until tomorrow, May 23rd at 2:00 p.m.

Speaker: Shall it carry? Carried.

The Legislature adjourned until tomorrow, Wednesday, at 2: 00 p.m.