

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 colleagues here inside the rail and onto yourself and to staff as we commence and embark on our eighth week; this being the eighth Thursday that we're here in the spring sitting.

Of course, those in the gallery; those watching from other points on the Internet. We've got a number of folks joining us today in the gallery. I want to welcome a group, who are here, who are, I'll call them, seniors advocates. A lot of the different ways in which they do that good work; Olive Bryanton; Constance Auld; Viola Murley; Kirsten Conner.

I see we got a group from the Fort Augustus Irish Descendants group, I want to welcome them from as far away as County Monaghan, and as close as Fort Augustus. There will be an opportunity from someone more fully descendant from County Monaghan inside the rail to welcome and introduce you.

Je tiens à souhaiter bienvenue à Jacinthe Lemire, présidente du comité consultatif de la communauté acadienne et francophone.

I would like to welcome Jacinthe Lemire, President of the advisory committee of the Acadian and Francophone community.

And we've got some others, who are joining. Of course, Eddie Lund is the stalwart. It's all to the good.

I wanted to acknowledge and I'm sure others in the Chamber would join me in acknowledging the participation and success of Prince Edward Island students at the Canada Wide Science Fair; Sophie MacDonald received a silver medal. Sophie is a grade 10 student at Bluefield for her project, drug discovery. Joe Moak and Davis Nicholson from Gulf Shore Consolidated; grade 7 students, who got silver medals in

the junior division for A Picture is Worth a Million Words. And, the others, who participated from the Island, all three that I mentioned, received entrance scholarships to university. It'd be a few years in the future for some of them. That science fair that took place at Waterloo university, is a great opportunity for our students to show how talented they are. Indeed, as we've seen in other opportunities to measure their success, we know that it's very promising for our province's future.

One event, closer to home, on Saturday of this week, the North Shore community; great area and lot of opportunities to work together, will have an annual dinner and do with some amateur theatrical performances and a good feed. Most of all, a chance for the community to get together.

It's all great as we get towards the end of May. I might add, one last word, I was looking out over the north side this morning and I saw the lobster fishing boats got out and it was a rough day with that north or northwest wind. It's remarkable to admire and just see the amount of (a) effort, a lot of us not, perhaps, some not in this Chamber, but there are a lot of people, I think, would probably come back with a pretty shaky stomach if they were out there fishing their gear this morning. We recognize the great work they do and anybody who is questioning the price of a pound of lobster, might want to go out and try to catch one.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

It's also a pleasure for me to rise and to bring greetings on behalf of the official opposition to anyone that may be tuning in today via the Internet or Eastlink.

I'd like to take this opportunity as well to wish a very Happy Birthday to, truly the backbone, and the brain trust behind the opposition caucus and that would be Joanne Callaghan. She's celebrating a birthday today. There was a great cake and celebration upstairs at lunchtime.

I would also be remiss if I didn't wish my sister Ann Vessey a very Happy Birthday. She's actually visiting from Oakfield this week. She recently graduated – graduated? She'd like to hear that. She recently retired from Dalhousie University after a very successful career with that wonderful institution. It's so wonderful to have her on PEI this week and providing a little bit of assistance on the home front. Happy Birthday to my sister, Ann.

It's also great to recognize the wonderful event that took place next door – that's actually still taking place. Of course, that's the PEI senior's federation annual general meeting. We have some very familiar faces here with us today. Of course, Kirsten Conner, Vi Murley, Olive Bryanton – I see Earl Proctor there in the background as well.

I'd also like to bring greetings to those individuals that are joining us today in celebration of the upcoming Irish settler days from County Monaghan. If you were here yesterday, I basically recited the full agenda for the weekend and I'm looking forward to partaking in as many of those activities as I can and I think they're still cleaning up the BIS in preparation for your visit.

Just in closing, I had the occasion to be in Summerside last night in District 23 for a nomination meeting and I just wanted to say how wonderful it was to have a full house. There were over 250 people in the room. We had a tremendous nomination convention between two individuals: Paul Walsh and Hilton MacLennan. It was a very close vote, but Hilton came out as the successful nominee and I welcome him to the PC team in the upcoming election.

Thank you very much, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

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

I'd like to welcome everybody to the gallery today. I see some familiar faces: Kirsten Lund – sorry, of course, Kirsten Connor, my apologies and Earl and Margaret Proctor. Earl and Margaret are the parents of Gerald Proctor, who worked as a hygienist in my

office. I hope things are okay. I see you're sitting on opposite sides of the room here, but last time I thought you were still together – I trust you still are.

Also, Shirley Jay I see here and the justice critic from the Green Party, Matthew MacFarlane is here today – nice to see you, Matt and welcome.

Thank you very much, Mr. Speaker.

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

Mr. Dumville: Thank you, Mr. Speaker.

I, too, would like to welcome everybody here today and a special welcome to Olive Bryanton, she's becoming a regular – I welcome you and your ladies here today. It's good to see you all.

Thank you, Mr. Speaker.

Speaker: The hon. Minister of Health and Wellness.

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

Certainly, it's my pleasure to rise and welcome everybody to the public gallery, but certainly today as one member of three that currently sit in the Legislature with very, very strong roots to the area – the community of Fort Augustus on Prince Edward Island. I would like to recognize and welcome the group from the Fort Augustus Irish descendants group that are with us today.

Namely, I would like to welcome: Cathy Bennett, Mayor of County Monaghan who is with us in the gallery today; as well, Chief Executive Officer for County Monaghan, Eamonn O'Sullivan, it's great to have you both here from Ireland. I know you'll be shown the very best time from the group from Fort Augustus and I, hopefully, will be able to spend some time, at least on Sunday morning at the church service, but we'll see how Saturday night goes as well.

Also with those folks today: Earl and Margaret Proctor, Leona Beagan, and Mary Leah Trainor, driving forces, of course, with the Irish descendants and how this weekend

will shape up. It's great to have them in the room today.

As well, I would like to recognize some other very important people that are in the room today and are waiting for something that I'll be pleased and proud to present a little later on in our action plan for our seniors' strategy, but with us as well today is – some were already mentioned: Viola Murley, Olive Bryanton, Constance Auld, and Kirsten Connor – it's great to have you all in the room today and I think you'll be very pleased with how the day's events unfold for you as well.

Great to have everybody in the room and thank you for that, Mr. Speaker.

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

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

I, too, in my capacity as minister responsible for culture would like to welcome the Fort Augustus Irish descendents group. I'll not go through and name them name by name, as they've received some recognition already.

I'd also like to welcome constituent Kirsten Connor and Viola Evans-Murley who ran in my former constituency. I'd like to welcome Viola and I also went to school with your daughter Bonnie through my schooling career. It's always great to see Viola here as well. Shirley Smedley-Jay is the executive director of the PEI Home and School Federation and always great to see Shirley here too.

Thank you, Mr. Speaker.

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

Ms. Mundy: Thank you, Mr. Speaker.

It gives me great pleasure to rise again today and welcome all those in the gallery. We do a little back and forth on both sides of the House with French. Although I don't speak any French, I'm going to give a little try with some Gaelic here today since we have some visitors from Ireland.

C'ead Mile Failte.

100,000 welcomes.

We would like to welcome you to Prince Edward Island.

I'd also like to welcome someone who holds a very soft spot in my heart. I talk about her a lot in the Legislature, and I'm glad that she's finally here today. Olive Bryanton is here and I'd like to welcome her thank her for all the advice she gives me, and for helping steer the seniors' independence initiative that we have now on Prince Edward Island.

Thank you, Mr. Speaker.

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

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

I want to put a big welcome to everyone from Vernon River-Stratford that may be watching this, but I welcome a lot of people in the gallery too; some of them very close to me. Earl and Margaret Proctor; Earl kind of grew up at our place. I always considered him my big brother, and his wife who he met when he was that area, Margaret, was my grade 5 teacher; now, because of marriages, their great-granddaughters are my great-grandnieces, so we're related once again.

But, I want to say hello to Viola Murley and all the Irish settlers and those who are hosting them, like Mary Leah Trainor and Leona Beagan, just an awesome group. They're going to have a great weekend and I'm going to miss it because I'm going to be down visiting my granddaughters myself, but I want to wish you 1,000 welcomes from people in PEI and wish you all the best. I hope you enjoy this session this afternoon.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

I'd also like to welcome the Irish delegation here, and to Earl and Margaret Proctor as well; great community leaders.

Last night, the Mt. Stewart school had their spring variety concert and it was awesome. It was well attended. There were 14 buckets out in the middle of the gym floor all through the audience. Unfortunately, there was a lot of heavy rain. I know some staff went out there trying to patch things, but we're looking forward to the minister of education fixing that up. It certainly was disappointing.

I should mention, too, that they're having a lot of ventilation problems out there. A lot of students and staff have been out sick, so I know they're trying to look into that and I have no doubt that that ventilation system will be fixed up around the same time this summer.

Speaking of concerts, the Morell Consolidated School has its spring concert tonight. Now, I know we're in the Legislature here this evening and I'm hearing rumours that we're going to be talking about the referendum legislation. So, hopefully, maybe, the Leader of the Third Party here will give myself a bit of a heads up if we're going to be eloquently talking about a filibuster or something like that, I might slip out to the concert. But, if we're actually going to be debating the bill, I might stay in, too. So we'll see what happens. It's a pretty good political move and let's hope we get it tipped off so I can know what to do tonight.

Thank you, Mr. Speaker.

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

Ms. Biggar: Thank you, Mr. Speaker.

It's a pleasure to be back here today, and a beautiful day, and welcome all of our visitors from far and wide, and near and wide, I should say, near and far.

But, I'm looking forward this evening to addressing the symposium for women in government and it's open to the public from 6:00 p.m. to 8:00 p.m. at UPEI and I invite anyone who is able to go to that this evening. The PEI Coalition for Women in

Government are putting on further, Friday and Saturday, a two-day session for any interested candidates or anyone interested in helping in campaigns. I encourage anyone out there to take in those events, if possible.

I had a great evening last night at the South Shore Chamber of Commerce in Crapaud. We had a great turnout and great conversation and it's always a pleasure to be invited there and it was a great opportunity to get our message out of what great things that this government is doing for Islanders.

Thank you.

Statements by Members

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

Kathleen Casey, MLA

Ms. Casey: Thank you, Mr. Speaker.

Since announcing to the House last week that I will not be seeking re-election at the end of this term in Charlottetown-Lewis Point, I can honestly say that the support for my decision to lead in the renewal of Charlottetown-Lewis Point has been very humbling.

The most prominent question I have been asked has been: What have been your fondest memories of your years spent in office? It caused me to reflect on many experiences, like the rush of sitting in the Speaker's chair my first time in the House; being the only female Speaker in the country for four years, or sitting on panels provincially, nationally and internationally promoting more women to elected office.

Of course, there was being the master of ceremonies for the visit of the Duke and Duchess of Cambridge, their tour of Province House and all the protocols surrounding their visit. A private conversation with Her Majesty The Queen at Marlborough House while I was attending a seminar in London.

Also representing Canada on the Commonwealth Parliamentary Association. And, after three years on the board, standing in a room in Tanzania, giving a five-minute election speech to the executive committee,

who represented nine regions and 53 countries, asking their support to be their new vice-chair. I won.

Being the only North American woman to wear a sari to the president of India's palace and her tugging at my shoulder asking where I had the sari made and who helped me put it on, we ended up on the front page of their newspaper.

Another fond memory was chairing the executive committee meeting in Swaziland. I must say that was an interesting experience.

Another memory is sitting in the Speaker's chair to break a rare tie in the House to allow Sunday shopping.

There have been too many memories for this statement, but I will say, the memories that will stay with me forever, are right from Charlottetown-Lewis Point. Like when the oldest seniors home on the Island was replaced; Charlotte Court, on the opening day of their new building, when a woman in her 70s, with tears in her eyes came up to me and said: Thank you. I have never lived in a new place before.

Or, the lady in subsidized housing, whose husband passed unexpectedly. She was having a hard time making ends meet, and she was introduced to the many drug programs offered by the province. I ran into her a while later. She came up to me in Victoria Park to say the drug program had made a difference in her life. This time, I had tears in my eyes.

My fondest memories will always be of the people I've come in contact with in my constituency for them giving me the privilege to be their voice and I will never forget them.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

QEH Eastlink Telethon

Mr. MacEwen: Thank you, Mr. Speaker.

The 22nd annual QEH/Eastlink Telethon will be broadcast live on Eastlink t.v. channels 10 and 610 on Saturday, May 26th from 12:00 p.m. to 9:00 p.m. and will continue on Sunday, May 27th from 9:00 a.m. to 6:00 p.m.

All proceeds raised throughout the weekend will be used to fund priority medical equipment for the QEH. This year's funds raised will support equipment for provincial stroke care; provincial lab, operating rooms, mental health initiatives, as well as many other areas around the hospital.

One of the valuable pieces of equipment the telethon will support this year is a Mass Spectrometer. This device will allow for the quality testing of prescription medications and illegal substances and offer timely test results. It has the potential to save lives.

Funds will also go towards the purchase of a state-of-the-art urology laser, which aids in the breakdown of large kidney stones. Utilizing this equipment lessens the discomfort for patients often dealing with excruciating pain.

The QEH Telethon brings the community together for an important cause and a need in the community. Having state-of-the-art equipment is crucial to the delivery of quality care to our patients.

I want to thank the QEH Foundation, and the volunteers for the time and work they put into ensuring the QEH and medical professionals have the equipment they need when they need it.

I'm sure they will surpass last year's total of \$540,000. The foundation raises some \$5 million per year, and the telethon is just one part of it.

I encourage Islanders and businesses to donate to the QEH telethon and make this year a resounding success.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Borden-Kinkora.

Noah Dobson

Mr. Fox: Thank you, Mr. Speaker.

Noah Dobson, a six foot three, 178 lb. blue-liner continues to impress. He has booked himself a one-way ticket to the Memorial Cup final.

Noah is the son of Andrew and Jenny Dobson. Acadie-Bathurst capital, Jeffrey Truchon-Viel, never ceased to be amazed by his teammate, Noah Dobson, "I've been playing with him for two years now. He's so mature, how he acts, how he prepares himself for a game or even for a practice. It's just great to have him around. He's a great leader for us."

Dobson, a defenseman from Summerside, PEI, ranks fifth among North American skaters. There are nine ranked players participating in the Memorial Cup tournament, and Dobson is far the most acclaimed.

Dobson says: I have learned how to play defensive against the high-end guys without having to throw the big hits or be that physical.

Where his game has made the biggest leap is in the offensive end. A combination of countless reps to improve his shot, and a role in the power play sparked a 17-goal 69-point campaign this season. That total was good for second in scoring among the defensive men, among one of his teammates and marked a 43-point improvement over last year, alone. Dobson also had 13 points in a 20-point season during games the Titan championship run.

I want to congratulate Noah on his achievements and making it to the Memorial Cup final. I am sure we will be watching Noah play in the NHL in the very near future.

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.

Questions continue to swirl about the future of health care here on PEI following the mass resignation of the Health PEI board.

One of the biggest unanswered questions continues to be the involvement and the independence of the Health PEI board.

Political interference of Health PEI board

Question to the minister of health: What safeguards are in place to preserve the independence of the Health PEI board and prevent political interference?

Speaker: The hon. Minister of Health and Wellness.

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

Certainly, I stressed yesterday that I was deeply disappointed in the actions of the entire board. And even more disappointing, the actions of the former board chair yesterday as he talked to media outlets in Charlottetown.

Obviously, comments, and I want to make some points of clarity in regards to some of the statements. One of the statements was that the minister stopped the management plan. I did see a management plan for certain, and a management plan that indicated to me there was a primary focus on getting sick Islanders out of the hospital beds three days early, closing those beds, and then laying off staff. That is not a path that I, as minister, would have any interest in moving down today. I don't think it was the mandate that the Islanders of our wonderful province gave us the mandate to do in the last previous election.

Speaker: The hon. Leader of the Opposition.

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

In media interviews yesterday, the former board chair mentioned the potential of political interference as a factor in the board's mass resignation.

Question to the minister of health: Why would the board members your government recruited, and your government appointed,

be so concerned about political interference that they all felt compelled to resign?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Yes, comments yesterday were often nature of that kind; another comment that was made that the minister politically interfered with the selection of the CEO.

I want to assure this House that I met with representatives from Boyden, who was the recruiting agencies, the day prior to final interviews. That individual was apologetic to me that the across Canada search only provided one individual. It was apologetic and it was underwhelming.

I asked what, in this case, for a recommendation for you: What would you recommendation I do? He said: Continue the search.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thanks, Mr. Speaker.

Yesterday, the minister said that a new board will be recruited through Engage PEI and appointed by Cabinet sometime over the next few months.

The board that just resigned en masse after they lost their confidence in this government was also recruited through Engage PEI and appointed by your Cabinet.

Board members recruited through Engage PEI

Question to the minister of health: How do you expect the same process to give you a different result?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

My involvement, thus far, with the board in regards to their management plan and suggesting to them to look at other options; do not look at this option of closing beds, laying off staff and putting Islanders out of

facilities across PEI sooner than they need to be.

That, coupled with the result on continuing the search for the CEO, under a recommendation, then which I did, are all responsibilities of the minister under the former – or under the existing act, the old act, that clearly indicates that those are the roles as minister as involvement.

I know that I, as minister, everything I do is with the best interest of all Islanders. I know that across Prince Edward Island there are likeminded Islanders who will step up to the plate, put their names forward for a new board and we can do some collaborative, cooperative work together to bring the best possible health care to Islanders, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

Let's look at the track record of this government over just the last two years with the health file. We've had three ministers of health; four CEOs, and now a mass resignation by the very Health PEI board that this government recruited and appointed.

Confidence in leadership of health care system

Question to the minister of health: How is this revolving door of executive upheaval instilling public confidence in the leadership and direction of the Island's health care system?

Speaker: The hon. Minister of Health and Wellness.

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

Certainly, I've indicated in the past that I want to work collectively, collaboratively with the board. I want to work collectively and collaboratively with the CEO of Health PEI.

Those sentiments haven't changed for me. I'm sincere in that. I think there is some

great work that can be done. Obviously, under the new legislation that we expect to get passed in the very near future, mandating and operational plan is something that does not exist today within the premise of Health PEI will give a full roadmap of how we should move forward.

Up until this time, Health PEI and the board of Health PEI have been running cost overruns in the vicinity of \$20 million to \$24 million over the last several cycles.

It's time; Islanders expect accountability. They expect transparency and myself, with a collaborative board, will get there. I know we have the ability. I know we can do it. I'm looking very excitedly to having that happen, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

Certainly, the public has been asking for accountability and transparency, something this government has promised day in and day out, but continue to fail to deliver.

There are many complex and important projects underway at Health PEI. One of those that we've been championing on this side of the floor for a very long time now is the creation of a new mental health campus to improve access to inpatient and community mental health services.

Impact on mental health campus progress

Question to the minister of health: How will the mass resignation and the complete upheaval within the health department of your own health board, again, resigning, impact progress on the mental health campus that we so desperately need here on PEI?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Certainly, Mr. Speaker, I am also very excited about the new mental health campus, as I am about all the work that we are currently doing.

This work does not change. This work does continue. I can assure you that as minister of Health PEI that has over 5,000 employees, I value the work. I value the work of each and every frontline member of staff that is there. I am not on a path of laying people off. I am not on a path of closing beds in any facility on Prince Edward Island. I will continue to enhance access to medical care for each and every one of our Islanders. I will work diligently on that in the future, Mr. Speaker.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

It's good to hear the minister is going to stop these closures because we certainly all know about the ER in Montague, what has been going on the last couple of months. Yesterday, the Leader of the Opposition spoke about the important core functions of the Health PEI board. One of those functions is the development of Health PEI's strategic plan.

Development of strategic plan for Health PEI

How will public engagement with the board on that strategic plan work now that the minister of health's entire board has resigned?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Currently, as I mentioned, referenced many times, we do have a couple of great community engagement committees going, east and west on Prince Edward Island. They will have a strong part and a strong influence on how the future of health care on Prince Edward Island will look.

Other Islanders have already expressed interest that they would like to have their input, as well. I look forward to that. I think there's great things that we can do in the very near future here on Prince Edward Island. I don't expect that it will take too long for a new board to get up, running, dedicated to providing and enhancing health care service for all Islanders of Prince

Edward Island and I will stand firmly behind them on that.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

I have no doubt he'll stand firmly behind because now he will be able to tell them what to do because he has the final say.

Another important role, and this is one that I worked hard on, is the public engagement of Health PEI.

Public board meetings

Question to the minister of health: How will the public board meetings work now that there's no longer a board to meet?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

As with any change, that will be something that will be coming out in the very near future. We expect those public portions in the meetings will be enhanced as the new act indicates in its entirety and I look forward to having public pick parts of that and being available to have those discussions with Islanders because in my travels over the last four months, health care is the foremost concern of Islanders on Prince Edward Island and I, as minister, want to do the absolute best job to ensure that health care needs are being met by all Islanders. I'll continue to work on that, Mr. Speaker. The transition will be short. We expect to have the board up and running very soon.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

These all sound like recycled speaking notes from the school reorganization process. According to media interviews, one of the sticking points was a multi-year budget plan that government rejected.

Board's budget plan rejected

Question to the minister of health: What was in the board's budget plan that you found objectionable?

Speaker: The hon. Minister of Health and Wellness.

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

I do appreciate the opportunity to indicate again that the budget management plan for the board of Health PEI included transferring patients three days out of beds early, ultimately closing those beds, and ultimately laying off staff. This is not a path that I, as minister, or we, as government, were given a mandate to do. I had a lot of concerns about that.

I, as minister, am looking at enhancing access; I'm looking at improving access; and this is not a path that I was comfortable going down and I asked the board of Health PEI to look at other options, see where you can improve and obviously there are a lot of other options – close to 700 million of them.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

I certainly would like to know what some of these types of efficiencies that perhaps that the board might have come up with might have been.

Health PEI recently secured accreditation for its facilities, but proper oversight is important criteria in maintaining that accreditation status.

Accreditation standards of Health PEI

A question to the minister of health: How will the board maintain accreditation standards if the board no longer exists?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

All those parts of an existing board will be in transition as we move to a new board. But I think it's important to understand that the \$710 million budget that this board was in

charge of administering and running our deficits in the vicinity of \$20 million has seen increases over the last two years of 5 and 6%, so it is imperative that we take action towards controls there and I believe there are lots of credible individuals across Prince Edward Island with lots of great background that will come forward and help to achieve this.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

This is very interesting. Yesterday, the Health PEI board threw the minister under the bus. Today, the minister's throwing Health PEI under the bus. We're not really sure what's going on.

Issues of Health PEI board

Minister: If you were really sticking up for Islanders, why didn't you just come out and say it at the first – all the issues with the Health PEI board? What other issues of the Health PEI board are we going to find out today?

Mr. Myers: Good question.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Today, I am simply making matter of fact statements. Obviously, as I said, health concerns of Islanders is my top priority as minister and I will continue to work on that. It is our top priority as a government on Prince Edward Island. There's no topic that we hear more about at doorsteps, coffee shops, no matter, functions where we go. We will continue to provide the best supports for Islanders when it comes to their health care system right from one end of our Island to the other. I, as minister, will lead that with a very dedicated new board on Prince Edward Island to make sure that our health care system is the best it can be, the most efficient it could be, and provide the best services for all Islanders.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

In the summer of 2015, government held a meeting at the Bedeque United Church hall. At this meeting, government staff showed a video called: reasons why to amalgamate.

Amalgamation efforts in PEI

Question to the Minister of Communities, Land and Environment: Why do you continue to tell Islanders that amalgamation efforts are a grassroots effort when your own staff – as far back as 2015 – were out across PEI selling your plan with a cheap propaganda video?

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

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

It's a good question from the chief. I have two letters in front of me today, again: rural municipalities; the municipalities of Ellerslie, Bideford, and Lady Slipper have applied to amalgamate. The municipalities of the north shore: Pleasant Grove and Grand Tracadie sent letters to IRAC wanting to amalgamate.

Mr. Myers: Did they see your video?

Mr. R. Brown: I can't understand why the opposition cannot see the success in this program.

Thank you.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

Amalgamation promo video

Minister: Why is your amalgamation promo video not publicly available on the government website today?

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

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

It's probably on bradtrivers.com.

Mr. Myers: There is one there.

Mr. R. Brown: We are open to public discussions. IRAC has currently got five amalgamations in front of it. Island communities want to work together and want to make their communities better and that's something this government wants to see across Prince Edward Island because if Prince Edward Island's doing good, Islanders are doing good.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

This video confirms that government has been behind amalgamation efforts right from the start.

Dollars spent on promo video

Question to the minister: How many staff hours, how many consultants, and how much public money did this government spend on your amalgamation promo video?

Mr. Myers: Good question.

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

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

This Legislature's behind the *Municipal Government Act*. It was passed in this Legislature – passed by some of the members of the opposition.

Some Hon. Members: (Indistinct)

Mr. R. Brown: We want to see communities on Prince Edward Island survive – go forward. We want a better Prince Edward Island and that's what we're doing here with this amalgamation issue and as it's already shown: five municipalities are looking to get together and work together. That's what makes Prince Edward Island great, Islanders want to work together and that's what makes PEI the great place and the great place many new newcomers to Prince Edward Island honour and cherish.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Well, Mr. Speaker, let's be very clear: the official opposition voted against the amalgamation bill. The Liberal Party and the Green Party voted for the bill. In Bedeque, local residents found out that this government created a scheme called champion residents. Its purpose was to identify and undermine neighbors who were coming together against amalgamation.

Efforts against citizens and communities

Question to the minister: How in this day in age can this government be so organized in its efforts against the citizens and communities of Prince Edward Island?

Mr. Myers: Good question.

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

An Hon. Member: (Indistinct)

Mr. R. Brown: I'm not – I'm extremely disappointed in the member's accusations there. What he is saying – the people that came together in Three Rivers – the committee that came together, they worked very hard. They see a vision for their area. They want to see their area improve and they came together and worked together.

For this member to get up and to accuse those people that want better communities in Prince Edward Island of doing something sinister is not the way I want to be heard in this Legislature. Good people come forward; good people want good things done and that should be the role of this Legislature, not to demine or put down the people that want to make their communities better on Prince Edward Island. I'm ashamed of it. I don't feel that way and if people want to come together and discuss the issues on Prince Edward Island, they should be allowed to – and not with being accused of being sinister.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Let's be very clear, Mr. Speaker, thousands of people are against the amalgamation in Three Rivers. Thousands of people have put in letters of opposition to IRAC.

Mr. Myers: Thousands.

Mr. Fox: The minister admitted that he has spent over \$140,000 in public dollars in Three Rivers alone.

Given that government has spent so much money to push their agenda, here's another question: What did you use to pay the champion residents to do your bidding? Was it money or was it special favours?

Mr. Myers: Good question.

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

Mr. R. Brown: None of the above, Mr. Speaker.

Ms. Biggar: Got a leak over there, by the way. You've got a leak.

Speaker: The hon. Member from Borden-Kinkora.

Ms. Biggar: (Indistinct) over there?

An Hon. Member: (Indistinct) or what?

Ms. Biggar: Yeah, he's got a leak over there.

Mr. Fox: Thank you, Mr. Speaker.

The minister of health was running the amalgamation-mowing machine when this took place in Bedeque.

An Hon. Member: (Indistinct)

Apologies to residents re: amalgamation

Mr. Fox: Will the now Minister of Communities, Land and Environment apologize to the residents of PEI for this government acting against the public will like a communist country rather than a democracy here in Canada?

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

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

Now he's accusing IRAC and the people that are in front of IRAC of being communists or Russians. I want no part of that discussion.
Thank you.

Mr. Myers: Of course you don't (Indistinct)

Speaker: Next question will be from the hon. –

Mr. Myers: Racketeering, bribery, you've got it all over there.

Ms. Biggar: (Indistinct)

Ms. Casey: (Indistinct)

An Hon. Member: (Indistinct) Mr. Speaker.

An Hon. Member: Get outside the rail.

Mr. Myers: Call me on it big guy.

An Hon. Member: (Indistinct)

Speaker: Order! Stop acting like kids.

The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

I was pleased to see government table *An Act to Amend the Freedom of Information and Protection of Privacy Act*. However, at first glance it would seem the amendments do the bare minimum.

Considering this is the first major update to the act since it was proclaimed 15 years ago, I was somewhat disappointed, especially in light of the amount of hype government put into promoting this as a major modernization of the act.

Amendments to FOIPP act

A question to the Minister of Justice and Public Safety: Can you name a single amendment included in your bill that was not the result of your five-year-old internal review of the FOIPP commissioner's recommendations?

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

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

What I will do is explain the process that we did go through. There was a review from the commissioner and beyond that, our

government did commit to a fulsome review of this legislation. In fact, we went out to a consultation process. We had a great number of consultations and they were some very in-depth consultations with the community at large in respect of the legislation that we do have.

We have to remember what the purpose of this legislation is and there's a lot of concentration, when we're talking about this legislation on freedom of information. The political panel this morning was another great example of it, but, almost none on protection of privacy. This is something that we need to be very aware of in this province and through all the work that we do, whether it be in our municipalities and our post-secondary institutions, or in the way government conducts itself, including here. Thank you, Mr. Speaker.

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

Ms. Bell: Thank you, Mr. Speaker.

In response to government's request for input, the Office of the Third Party actually submitted a 20-page document with 21 recommendations, but it's practically impossible to see our input reflected in the bill.

Submissions re: FOIPP act

To the same minister: How many submissions did you receive as a result of your public consultations on modernizing the FOIPP act?

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

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

The direct answer to that question was over 40 submissions and my recollection is that the good portion of them were similar or greater in length to the submission that was received by the third party. They were received from a broad specter of community actors that would have an interaction with this legislation, and we were very happy to receive that level of thought and engagement from the community.

Yes, I will say that we did not holus-bolus adopt the recommendations of the third party. We looked at the recommendations of all of those that made submissions through our consultation process and that's something that we're proud of. We, as government, need to listen to the community and balance the interest of all Prince Edward Islanders, not just the third party's interests.

Thank you, Mr. Speaker.

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

Tabling of submitted recommendations

Ms. Bell: Well, it's great to hear that there were so many submissions, including ours, and to that same minister then: Will you table all of those submissions that you received during your public consultation so we can all see what other recommendations you chose to include, or ignore?

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

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

I will say the very legislation that we're talking about here today might prevail over whether or not we can table those submissions, but we will look at what we can do and we'll bring back what we can.

Again, what I will say is that the public will be there to judge the input that they gave and what we see here on the floor and I expect that every member of this House will be speaking to their constituents and the constituent organizations that are impacted and affected by this legislation, and we'll have a debate right here on the floor. If we think that there are some amendments that are required, as the hon. Leader of the Third Party has pointed out previously, that's what we're here to do and we look forward to that opportunity when we get that opportunity here on the floor.

Thank you.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

Earlier this session when I asked about the destruction of government records that are contained in Blackberry instant messages, the Minister of Justice and Public Safety informed the House that it would be too expensive to implement a technical solution that would archive those messages on government servers.

Although I can appreciate the minister's budgetary concerns, doing nothing does not resolve the issue that government records are not being retained as required under archives and records management act.

Removal of Blackberry messaging from government devices

A question to the Minister of Justice and Public Safety: In light of the fact that you are unable or unwilling to archive these records with technical means, have you considered simply removing Blackberry messaging capability from government devices?

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

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

As I had indicated previously, there is an expense that's associated with this. We had looked into it. The hon. member had come and said that it was as simple as flipping a switch. We had the folks from ITSS, which is not within my department, but I take them at their word, look into the cost of it and there was a very significant cost attached to that. As I said previously in the House, the implementation costs were 725,000 initially on the software side with annual renewal costs of 475,000, and the storage costs were 150,000 and annual costs of 75,000.

What we have done is we've invested in new staff in the PARO office that will identify issues, develop policy; and we've hired those staff as of the end of last year, and they are currently working to do that and we're looking to go forward with those policies.

Thank you, Mr. Speaker.

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

Ms. Bell: Thank you, Mr. Speaker.

I would point out to the minister that it costs absolutely nothing to turn off a feature.

In the Office of the Third Party submission on modernizing the FOIPP act, we included a recommendation to legislate an active duty to document decisions made by all public bodies.

Duty to document

To the same minister: Wouldn't a duty to document also help address the issue that we've previously pointed out?

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

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

This is really what we're getting down to here, is that the hon. member first said it would cost nothing to flip the switch, quote on quote; now we're saying it costs nothing to turn off BBM. I don't know one way or another, I'll be honest in saying, what it would or it would not cost.

What I am saying is we're developing policies around the retention of documents, and we're training our staff as to what's required of them in relation to those policies. That's what we've committed to. We've spent a great deal of money doing that already. That's the overall purpose of this legislation and the overall intent of it, and we have committed to that and we've committed to the process of being open and transparent through those policies and through that staff provision.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Montague-Kilmuir.

Ms. Bell: Oh, Mr. Speaker, is there a second supplementary?

Speaker: Oh, I thought I did – okay, go ahead.

Ms. Bell: Thank you, Mr. Speaker.

In order to be affective, the duty to document must be accompanied by independent oversight with sanctions for non-compliance. I was disappointed that the duty to document was not included in the act to amend the freedom of information act.

Rejection of recommendations

Question to the same minister: What were the reasons that the recommendation was rejected?

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

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

Again, you know, we got to – we heard the premier of Nova Scotia address this issue previously where we're going to have to start to take verbatim notes from every conversation that we have.

Again, that's clearly, I don't think the expectation that we would have, of our employees and of our elected officials that they document everything that they do in the run of a day.

There are umpteen different social media services in terms of messengers and whatever else that we could spend those same costs putting storage and other services in place in relation to.

What we're doing is we're putting policies in place. We're training our staff as to what is required of them. We've invested tremendously in that already. We think that we're going to get great value for that investment.

Thank you very much.

Speaker: The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Mr. Speaker.

My question today is directed to the Minister of Health and Wellness.

The Kings County Memorial Hospital is a vital part of our provincial health care

system, and critical for eastern PEI and certainly the district that I represent.

In recent weeks, we have seen an increase in the number of closures at the ER at Kings County Memorial Hospital, and have seen its affects on those in the surrounding areas.

While we realize we can't fix an issue like this overnight, or work and some adjustments may be required to deal with ER patients.

Closures at KCMH emergency room (further)

Minister: Can you give us an update on the current situation at the emergency room at the Kings County Memorial Hospital?

Speaker: The hon. Minister of Health and Wellness.

Leader of the Opposition: Great questions. I've been there several times.

Mr. Mitchell: Thank you, Mr. Speaker.

Obviously, the emergency department at Kings County Memorial Hospital, it's a cornerstone of providing emergency care for the residents of Kings County.

We are very fortunate, in that region, to have such skilled physicians, frontline nurses, nurse practitioners, and all hospital staff in that region providing this wonderful health care to those individuals from that region.

The reality is with long hours that physicians have to work and stretched into early morning, we run the risk of physician burnout. These are conversations we're having with the physicians in that area. We're working with them to find a workable solution that we can come up with that will reduce emergency room closures down there.

We want to have good, well-rested staff working in that emergency room in Kings County, Mr. Speaker.

Speaker: The hon. Member from Montague-Kilmuir, your first supplementary.

Mr. Roach: Thank you, Mr. Speaker.

Minister, certainly, the residents in the area do appreciate the efforts that have been made over the last number of months in ensuring that we are up to full staff of doctors in the areas. Now, it's been that way for a little while.

Minister: Can you tell the House what initiatives are being implemented to ensure that the increase in closures at Kings County Memorial Hospital ceases?

Speaker: The hon. Minister of Health and Wellness.

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

We've, as a department, we've been working very closely with the physicians from that area, as well as representatives from Health PEI.

We're looking to maintain that ER room as a stable facility that Kings County residents can expect to show up and be served for their health care needs.

I had the great privilege of going down last Friday night, as minister, to have discussions with a room full of engaged community residents about their concerns to maintain and have sustainable emergency room care there.

The new policy that we've brought forward and introduced to the residents, last week, includes the ability for physicians and the nursing staff to triage patients if it doesn't like they're going to be able to be met within the timeframe of the open hours of the ER, that they can have the ability to triage those particular patients; indicate to them to come back at another time, so that the doctor can see the patients that are in the room and can end their shift at the proper time.

As well, we are looking at alternating physician shifts rather than a 14 or 16-hour day, we'll look at two shifts for physicians so that it is a reasonable timeframe; they don't get burned out, and people that are showing up can expect safe care when they get there, Mr. Speaker.

Speaker: The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Mr. Speaker.

Minister, that certainly sounds like that you already have engaged with the community and the medical staff down there, as well as the doctors.

Residents informed of KCMH ER

Minister: Going forward and as this, how you described the way that things are going to take place and the changes that are going to be made, how will you engage the residents of Kings County to ensure that they are informed of the latest development and the work that's being done, going forward, to ensure that the ER at Kings County Memorial Hospital is fully staffed. How are you going to engage in going forward so that they're kept up-to-date?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Certainly, as I said, the start was the other night as we engaged a room full of Kings County residents, to inform them of this new policy, which I think was readily accepted.

Obviously, when residents show up with health care concerns, they want to know that the ER is open. We are looking to maintain a sustainable ER system in that area with doctors that, you know, are not burned out; are not working extended long shifts. We will continue to embrace the community.

The roll-out of the new policy won't be until July 1st. There will be postings in the ER. There will be some kind of public information out through Health PEI, so that Islanders can become informed.

I'm not even sure, but there may even be a piece in the local newspaper, Mr. Speaker.

Mr. Roach: Thank you, minister.

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

Mr. Dumville: Mr. Speaker, when we were kids, we read about rubbing the genie lamp and getting three wishes.

Well, today, I want to take that image and

use it on three granted wishes that this Premier and his secretive backroom government gave to Mr. Don MacDougall in the 2017 Mill River deal.

Don MacDougall has been an insider friend of the Premier's since his days at UPEI. Mr. MacDougall gave \$2 million to the university in 2008 and became chancellor in 2014.

The Premier granted him three wishes. For \$500,000 Mr. MacDougall got the following; 400 acres-plus of public land without proper duty to consult with First Nations, not least, but titled ownership; a campground; a hotel; a water park; conference facility, and hundreds of thousands of dollars worth of site equipment.

The treasure chest he gave Mr. MacDougall: Islanders' hard-earned tax dollars. He guaranteed –

Ms. Biggar: (Indistinct)

Mr. Dumville: – him a pre-deal in 2016 by giving him \$400,000 operating dollars, slashed unionized employees, and the authority to recoup income from sales.

Then, in 2007 –

An Hon. Member: (Indistinct) question.

Mr. Dumville: – he approved him for nearly two million –

Speaker: Hon. member, do you have a question?

Mr. Dumville: Yes, I have a question.

Speaker: Well, you'd better ask it.

Mr. Dumville: Thank you.

– that never had to be repaid, and going forward on a zero-risk clause agreement. Business owners and the public know this is a bad deal for the Islanders.

Rewarding of government dollars

Question to the Premier: Why did you reward your rich, UPEI friend with such a

deal? A \$500,000 investment to obtain a guarantee of multi-millions?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, for people, who have travelled in the western part of the province lately, you'd have an opportunity to see the investment that the new ownership have made in that facility. Great improvements; big capital investment; great work running the golf course; won the Burger Love last year.

I think if you were to ask –

Mr. Myers: What'd he call that (Indistinct)

Premier MacLauchlan: – people in that area, they'd say that this was a great investment –

An Hon. Member: (Indistinct)

Mr. Myers: (Indistinct) \$5 million (Indistinct)

Premier MacLauchlan: – and a commitment by Mr. MacDougall –

Mr. LaVie: (Indistinct)

Premier MacLauchlan: – in rural Prince Edward Island.

Thank you, Mr. Speaker.

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

Mr. Myers: What'd he call it? The Hambugar?

Mr. Dumville: Thank you, Mr. Speaker.

I have here 86 pages worth of material that I will be tabling that played Islanders as fools.

You have the 2016 operating agreement, title of deeds, ownership transfer agreements, and the millions of free money for Mr. McDougall. We now learn that, also making this deal even sweeter, I have a copy of *The Guardian* article of March, 2018 where it makes clear the Premier's Treasury Board members approved an early advance

of the millions in the McDougall Mill River Experience treasure chest.

Mr. LaVie: It's coming. The question's coming.

Ms. Biggar: What's your question?

Mr. Dumville: Mr. Speaker, business operators would love those unbelievable terms. They are still waiting for the golden knock on their door. This Premier has created an unfair business environment for all other operators trying to compete.

Confidence in fairness of government

Question to the Premier: Are you not worried that Island business owners and investors from out of province are losing confidence in the fairness of this provincial government?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, the hon. member should have read yesterday's *The Guardian*. They were talking about Island at boom and there are investments coming in from some of the major people that can see what's going on in this province

Mr. LaVie: PEI on a tear.

Dr. Bevan-Baker: – in growth in employment; 4,000 new jobs in two years, 3,500 of them full-time. You go to West Prince, there was a growth in tourism last year and people in that area are very enthusiastic about the investments that are being made, about the business leadership that is being shown, and about the growth and prosperity in West Prince and throughout the province.

Thank you, Mr. Speaker.

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

Mr. Dumville: Mr. Speaker, Islanders' intelligence is being tested by this Premier. He uses 'tear' a lot. Well, in this context, Premier, I will say Islanders want you to tear up this agreement and get to the bottom of this elite deal. Let's let the real genie of this deal come out of the lamp.

Review of Mill River deal

Premier: Will you immediately call for a full independent audit and investigation into this fiasco by appointing a non-political, retired member of the judiciary to look into this Mill River deal and report back to the Public Accounts committee?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I think I'd invite the hon. member to get on his motorcycle and go up to West Prince where he came from and have a look around and see how well things are going up there. Don't stop at Mill River, go to Tignish, go to Miminegash, go to the Skinners Pond, go out fishing, see what's going on up there because I'll tell you, you're not going to find people in West Prince telling you that they want to tear up that deal. They're going forward, they're prospering, and are looking to grow further on the strength of the investments and the leadership and the promotion of our government.

Thank you, Mr. Speaker.

An Hon. Member: (Indistinct)

Speaker: Hon. members, some time ago I set out some rules regarding the length of asking questions, the length of answering questions, and in particular, the supplementary questions. Because a number of members here today have had complete disregard for me and this chair, then I will take the liberty of extending Question Period today so that the hon. Member from Belfast-Murray River can ask all of her six or seven questions, whatever you have.

Leader of the Opposition: Actually she had 10.

Mr. LaVie: I have three.

Ms. Compton: Thank you, Mr. Speaker.

And I will be brief, but they're important questions.

Mr. LaVie: Oh, take your time.

Keeping/closing bridge structures

Ms. Compton: There are hundreds of bridge structures across this province – small bridge structures – and I would like to know from the minister of transportation what makes government decide whether those bridge structures are kept open, or are just closed?

Mr. Myers: Good question.

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

Ms. Biggar: Thank you, Mr. Speaker.

I think we have an air leak across the way there, so, but I'll try and talk over that air leak.

Mr. Myers: We've got lots of leaks, don't we?

Ms. Biggar: For the member's information – I don't know if the rest want to hear it – but our department goes out and we investigate. We review the condition of different bridges. If there's concern about safety of that bridge, that is one factor that goes into it.

We do have a number of bridges – 10, in fact – that are closed in different areas across PEI and we look at the number of traffic that's on that bridge; the detour that is a factor in getting to where you want to go around that area. Those are all played into the decision that we make.

Mr. R. Brown: Great answer.

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

Ms. Compton: Thank you, Mr. Speaker.

One of those small bridge structures is close to Murray River. It's the floating bridge and it has been closed for some time. I would like for the minister of transportation to tell us really how long that bridge has been closed.

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

Ms. Biggar: Mr. Speaker, a number of those bridge closures go back before my tenure. As you probably know, we have reviewed

and had great discussion with a number of members of the community on that. We have looked at the detour –

An Hon. Member: (Indistinct)

Ms. Biggar: – around that area. It's still accessible on that road. Yes, you have to drive around, a short detour –

Mr. LaVie: Who would want (Indistinct)

Ms. Biggar: – but you can still access both sides of that road if you need to go in that area to do something.

Mr. Myers: Where did he go?

Mr. LaVie: Was he fired?

Ms. Biggar: We have looked at the costs associated of replacing those bridges and I'll just leave it at that for now.

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

Ms. Compton: Thank you, Mr. Speaker.

The floating bridge, it's on MacLures Pond and it's a beautiful recreation spot for anglers, snowmobilers, walkers. It's a beautiful part of the district and of the province.

I'll be tabling a petition that some of the residents have put forward because they're concerned that they're not able to access that in the way that they'd like to. They don't like to see a –

Mr. LaVie: (Indistinct)

Ms. Compton: – road closed because of a bridge that needs to be repaired.

Repairs to floating bridge at MacLures Pond

When, minister, will that bridge, the floating bridge, be repaired?

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

Ms. Biggar: Thank you, Mr. Speaker.

Yes, it is a beautiful area that people can still access along the river and get out there in nature and do fishing and ski-dooing, and everything in the winter. That's not preventing people from doing anything of that regard.

Mr. Myers: Pretty well sums –

Ms. Biggar: When you're talking about –

Mr. Myers: – up everything –

Ms. Biggar: – replacing some of these small bridges, compared to the work, also, that we have to invest in our connector highways, you're talking about a \$4 million budget, at least, to replace some of these smaller bridges.

We have to weigh that off –

Mr. LaVie: (Indistinct)

Mr. Fox: (Indistinct)

Ms. Biggar: – with the work. We're investing \$8 million just – and in that member's own community –

Mr. LaVie: (Indistinct) bridge (Indistinct)

Ms. Biggar: – we're doing a brand new bridge –

Speaker: Thank you.

Ms. Biggar: – so we want to make sure that those priorities are maintained.

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

Mr. LaVie: (Indistinct) bridge.

Ms. Compton: Thank you very much, Mr. Speaker.

I do appreciate the fact that Murray Harbour bridge is being replaced. But that's one bridge. We have a number of bridges. We have a number of roads across PEI. They all need work. Maybe we should look at the budget and where we are placing those dollars like the bypass in Cornwall and how we're going to –

Mr. Fox: (Indistinct)

Ms. Compton: – maybe reallocate some of the money that we have to roads and bridges that already exist instead of making more roads.

McLures Pond, it's a beautiful spot. It's the largest, fresh water body on Prince Edward Island. It's costing residents time, money and inconvenience to detour around that.

We know the hon. Member from Vernon River-Stratford has the Settlement Road bridge in his district and he stood up and asked questions about that: another bridge that needs to be repaired.

Mr. LaVie: North Lake.

Mr. Fox: I have two.

Mr. LaVie: North Lake bridge.

Ms. Compton: There we go. Two, and North Lake.

An Hon. Member: Four (Indistinct)

Plans for repairing of bridges

Ms. Compton: What is this government's plan, and minister, your plan –

Mr. LaVie: No plan.

Ms. Compton: – for all of these bridges –

Mr. LaVie: They've got no plan.

Ms. Compton: – that need to be repaired across communities of PEI?

Mr. LaVie: No plan.

An Hon. Member: Minister of (Indistinct)

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

Ms. Biggar: I can tell you one plan for this year –

Mr. Fox: Cornwall.

An Hon. Member: There's no plan –

Ms. Biggar: – in Kings County there's six brand new bridges being done down there.

Mr. R. Brown: Great.

Some Hon. Members: Hear, hear!

Ms. Biggar: Six!

On highways where there's farming and fishing exports; business. We are working on a corridor around Cornwall.

There are 25,000 cars goes through the middle of a small community. That is a safety factor. We are exporting everyday across PEI –

Mr. LaVie: Minister of detours.

Ms. Biggar: – we're investing in that community. We're investing in the member from Malpeque, Kensington -

Mr. LaVie: Minister of detours.

Ms. Biggar: – we're investing in Souris. We're going down to Souris! Tomorrow!

Mr. Fox: I've got two –

Mr. LaVie: (Indistinct)

Ms. Biggar: There's a brand new school!

Mr. Fox: (Indistinct) bridges (Indistinct)

Ms. Biggar: So we will continue to –

Speaker: Thank you.

Ms. Biggar: – make investments.

Thank you.

Speaker: The hon. Member from –

Ms. Biggar: You not getting nothing in (Indistinct)

Speaker: – Belfast-Murray River, your final question.

Ms. Compton: Thank you, Mr. Speaker.

It's great to hear. We always here the investments that are happening in the opposition so that's great. We like to hear that. You can also share the investments that you're providing for government members, as well.

Ms. Biggar: (Indistinct)

Mr. R. Brown: None in my district.

Ms. Compton: I have one final question.

Investigation at Sherwood Motel

Can you tell me how the investigation is going with the Sherwood Motel?

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

Mr. Palmer: Thank you, Mr. Speaker.

This was a federal offence. It's being investigated by the federal government and if we are called upon to provide any evidence –

Mr. Myers: Testify in court (Indistinct)

Mr. Palmer: – or do anything to help with that investigation by the federal government, we'll be happy to do it.

Thank you, Mr. Speaker.

Some Hon. Members: (Indistinct)

Mr. Myers: Summons to appear.

Statements by Ministers

Speaker: The hon. Premier.

French Language Services Act-Annual Report 2016-2017

Premier MacLauchlan: *Monsieur le président.*

Mr. Speaker.

Thank you, Mr. Speaker.

Monsieur le Président, nous avons avec nous aujourd'hui, j'ai déjà indiqué, Jacinthe Lemire, présidente du comité consultatif, Isabelle Dasyva-Gill, directrice générale de La Société Saint-Thomas-d'Aquin, aussi Rachel Lapointe de services de langue française.

Mr. Speaker, we have with us today, I have already indicated, Jacinthe Lemire, President of the advisory committee, Isabelle Dasyva-

Gill, Director General of the St. Thomas Aquinas Society, and also Rachel Lapointe of French-language services.

Depuis 2013, lorsque la Loi sur les services en français a été adoptée et promulguée par le gouvernement de l'Île-du-Prince-Édouard, les Insulaires de la communauté acadienne et francophone ont pu observer que le gouvernement travaille à offrir de plus en plus de services en français.

Since December 2013, when the government proclaimed the *French Language Services Act*, members of the Acadian and Francophone community have seen the government increase the number of French services offered.

Notre gouvernement poursuit la mise en oeuvre de la Loi en fonction de nos capacités à mettre en place des services qui correspondent aux priorités identifiées par la communauté acadienne et francophone.

C'est donc avec plaisir que je dépose le rapport annuel 2016-2017 sur la Loi sur les services en français. Ce rapport offre une vue d'ensemble des activités et du progrès du dernier exercice financier.

J'aimerais souligner certaines activités qui promeuvent ce travail important.

We continue to work diligently and to the best of our government's ability to address the priority areas identified by the Acadian and Francophone community.

I am pleased to table today the *French Language Services Act 2016-2017 Annual Report*. The report outlines the fiscal year's activities and progress.

I would like to share with the House highlights of the year that advance this important work.

Through the Canada-PEI Agreement with *Patrimoine canadien/Canadian Heritage*, the federal government's annual investment of \$1.2 million continues to support French language initiatives for our Island.

With this funding, French language capacities across government departments have increased.

We have seen a rise in the number of permanent designated positions and bilingual employees year over year and we continue to work to increase our French language capacities across government departments through the implementation of the targeted recruitment for designated bilingual positions strategy.

Designated services have increased by 50% since the 2016-2017 fiscal year, to bring our total today to nine.

The investment in our new website has increased our capacity to offer French language services to members of the Acadian and francophone community. Services have more than doubled, from 13 in 2016-2017 to 50 in 2017-2018.

As of December 2017, we have also added three additional designated services, and this is important. These include 811, our telehealth information service; all information related to permanent and temporary exhibits at the Acadian Museum; and all services offered in person at the Acadian Museum, including visitor, interpretation, research support services, and interpretation and education programs.

We will continue to work to the best of our capacities to offer French speaking Islanders services available in the language of their choice.

These activities, among others, will continue to nurture our shared vision to the continued development of the Acadian and Francophone community of Prince Edward Island.

Ces activités, parmi d'autres, nous permettent d'atteindre un avenir commun; de nourrir la vision partagée axée sur l'épanouissement continu de la communauté acadienne et francophone de l'Île-du-Prince-Édouard.

Merci monsieur le président.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: *Merci monsieur le président.*

Thank you, Mr. Speaker.

Bienvenue à tous les membres dans la galerie, en particulier pour les membres de la communauté acadienne et francophone.

Welcome to all members in the gallery, in particular to the members of the Acadian and Francophone community.

It's great to hear that this report has been released and we now have the 2016-2017 report. Of course, one of the reasons that the complaints commissioner, Jean-Paul Aresnault, had resigned really during the time of this report was because the scope of the French services act had not been expanded, at least at the rate that he wished it would.

It's good to hear that it is expanding and you're including more things. Hopefully they are significant things.

La langue française est très important pour l'Île du Prince Édouard.

The French language is very important to Prince Edward Island.

It's very important that we support the *communauté acadienne et francophone*.

Merci pour le rapport.

Thank you for the report.

I look forward to reading it in detail.

Merci beaucoup.

Thank you very much.

Speaker: The hon. Leader of the Third Party.

Dr. Bevan-Baker: *Merci monsieur le président.*

Thank you, Mr. Speaker.

I was really happy to hear earlier during this sitting, during debates on the estimates when the Premier was at the table, that after years of stasis we were adding some new French services on Prince Edward Island and as the hon. member who preceded me mentioned, there were many years during which no

services were added, which led ultimately to the resignation of Jean-Paul Arsenault who was the previous French language complaints officer.

He identified a number of possible, what he called, low-hanging fruit. The Premier has just announced that a couple of them have been added as French language services, two of them, ironically, at the Miscouche Acadian museum. One would have imagined that that would have already had French language services, but obviously entirely appropriate and probably way beyond time that that's there; that that is now in place; also, the 811 services.

But, Jean-Paul Arsenault also suggested that there were many other holes, many other services to Francophones and Acadians here on Prince Edward Island that needed to be expanded. If I remember right, he particularly mentioned services to seniors to allow them to have access to their culture and the language that is familiar to them as they age, and also speech pathology for Island children who are Francophones.

I absolutely welcome this expansion and I hope that in years to come, that we continue to add French language services across the Island.

Merci monsieur le président.

Thank you, Mr. Speaker.

Speaker: The hon. Minister of Health and Wellness.

Provincial Action Plan for Seniors

Mr. Mitchell: Mr. Speaker, when we work to make life better for Prince Edward Island's seniors, all Islanders benefit.

More than 19% of Islanders are 65 years or older, and by 2025 that number will be close to 25%. We need to ensure that all areas of the province, government and non-government are making decisions through the lens of what is best for our seniors.

Over the past year my department, in collaboration with the Department of Family and Human Services, has been working on a provincial action plan.

We brought together over 250 Islanders, through consultation and also through an advisory network, to learn about their experiences, and to hear their vision on what would help enhance the social and health outcomes for our aging Islanders.

The way forward begins with understanding where we are and then determining where we need to be. We heard a lot of positive feedback that there are tremendous programs and services available right now to support seniors, programs such the LEAP program, the Seniors Drug Program, the new palliative care center and our paramedics providing palliative care at home, the Senior's Home Repair Program, the Seniors College, free emergency ambulance services, expanded flu shot coverage at pharmacies, and the list goes on and on.

We do have many successful initiatives supporting seniors. However, we also heard that there are still areas that we can improve on as a government, and areas where we can encourage all Islanders to step-in and provide additional support for seniors.

After thorough consultations, research, jurisdictional reviews, and best practice assessment, today it is my pleasure to table PEI's first ever, Provincial Action Plan for Seniors, Near Seniors and Caregivers. This is titled Promotion Wellness, Preserving Health.

This action plan outlines four priority pillars for change, as well as 38 subsequent action items to be implemented over the next three years. The priority areas of the strategy build on existing strengths and partnerships. The result will be a better, more efficient continuum of programs and services to meet the needs of Island seniors, present and future.

I am proud of the collaboration and work which has gone into this action plan and with your indulgence, Mr. Speaker; I'd like to recognize some of the people in the gallery today who contributed to this work: Dr. Michael Corman; Jennifer Burgees; Olive Bryanton; Viola Evans-Murley; Aly Inman; and Hailey Arsenault. Thank you all for your contributions.

As a government, we are extremely committed to moving forward, and to taking

action to support seniors today and into the future.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

Thank you, to the minister, for the statement.

Welcome to all those that were involved in the gallery today and it's a long-time coming but an important step. I hope to see things like a dementia strategy, education in Alzheimer's – there are so many things we could talk about. So I look forward to reading it.

I also want to point out that often, when we talk about a seniors' strategy, we always talk about cost drivers or drains and that kind of thing. There's incredible opportunity for PEI as well, for those of us who live near (Indistinct) developments. We have so many early retirees that are coming back, living healthy, active lives that are contributing so much to our communities.

I think about Morell and all those surrounding communities now that are involved in our development corporation involved in our committees, and I hope the strategy talks about that and using that resource as such a positive as well. I look forward to reading it, and again I thank you all for your hard work on this.

Thanks, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

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

I, too, welcome this announcement. I know there was a widespread consultation process last year that led to this first-ever strategy here on Prince Edward Island and it's lovely when community comes together, input is sought, Islanders are listened to and we end up with – I, of course, haven't read the strategy, I'm not even sure what the four pillars are yet – but I'm really glad that this

has come to fruition and we have this first strategy here.

Of course, seniors are not only the fastest growing segment of the population here on Prince Edward Island, but I think they are often overlooked as an incredible resource of wisdom for the rest of us. I'm not quite a senior yet. I'm getting there.

I've always really appreciated how in indigenous communities the elders, as they call them, are revered. They're respected above all else in the community, and they're looked up to and their accumulated wisdom of their lifetimes' experience is something which is absolutely valued enormously; and I think we have a lot to learn from that.

I think, unfortunately, we tend to separate the generations in our culture and put the kids here and put the seniors there, and we miss that intergenerational mix which can be so valuable in all kinds of ways, and perhaps the most enjoyable part of listening to CBC, and there are many, is Dutch Thompson's little segment that comes on now and again where he interviews older Islanders. My history and knowledge of Prince Edward Island is, not exclusively, but largely drawn from some of those really beautiful conversations.

I hope in this strategy we have really good access in their communities for seniors to health care services. I hope we have access to educational services – and I know UPEI does a fantastic seniors' program. And of course the community schools programs across the Island where seniors not only receive education, but often are the ones giving those courses, that's a really wonderful asset that we have in our rural communities, and in the cities.

I also hope there are recreational aspects to this strategy, and also transportation. That's one of the big issues, particularly for rural – all Islanders, never mind your age, and having access to transportation in order – particularly when you get, for whatever reason, you're unable to drive yourself.

I really welcome this announcement, minister, and I look forward to seeing the details.

Thank you very much, Mr. Speaker.

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

CareWorx

Mr. Palmer: Thank you, Mr. Speaker.

It's been a big day in Summerside and there's very much to discuss, so Mr. Speaker, I beg your indulgence for the following statement.

Speaker: Okay.

Mr. R. Brown: Big day, big.

Mr. Palmer: Mr. Speaker, earlier today I had the pleasure of attending an event in the Holman Building in Summerside hosted by CareWorx. CareWorx is an IT company working in the health field. Today, they announced an expansion to the company's workforce that will see it grow from 80 employees today to 100 employees by the end of 2018.

Mr. R. Brown: Ah, great! Great!

Some Hon. Members: Hear, hear!

Mr. R. Brown: Jobs, jobs, jobs!

Mr. Palmer: This is incredible news –

An Hon. Member: It's huge!

Mr. Palmer: – not only for Summerside, but for the whole province.

An Hon. Member: (Indistinct)

Mr. Palmer: These are highly trained workers who will bring benefit to scores of local businesses and the wider community.

Mr. R. Brown: Great.

Mr. Palmer: But what is most impressive about today's announcement is how highly the management team of CareWorx spoke about the quality of the workers they've been able to source on Prince Edward Island.

Some Hon. Members: Hear, hear!

Mr. Palmer: They said the high quality of their employees was the major reason for their company's success.

An Hon. Member: Yep.

Mr. Palmer: We have been very supportive of this company over the years, and that support appears to be paying off.

I was also in Summerside this morning to meet with Peter Turner, the President of Airlines & Fleets with StandardAero. As you know, StandardAero recently purchased the second-largest private sector employer on PEI –

An Hon. Member: All good news today.

Mr. Palmer: – and the anchor of our aerospace industry –

Mr. R. Brown: Guess what?

Mr. Palmer: – Vector Aerospace.

Mr. R. Brown: Be ready.

Mr. Palmer: Well, I'm extremely happy to report that StandardAero has named Slemon Park location as one of the three centres of excellence for its Canadian operations.

Mr. R. Brown: Great!

Some Hon. Members: Hear, hear!

Mr. R. Brown: Excellent workers, excellent (Indistinct)

Mr. Palmer: The company announced today that it would be once again expanding the workforce in Slemon Park and will move certain types of engine work to that location.

Mr. R. Brown: Oh!

Ms. Biggar: Great.

Mr. Palmer: The hon. Premier and the Minister of Finance met StandardAero CEO Russell Ford the moment he stepped off the plane at the Charlottetown airport on his first visit to the Slemon Park facility.

Ms. Biggar: (Indistinct)

Mr. R. Brown: Great.

An Hon. Member: (Indistinct)

Ms. Biggar: Is that okay?

Mr. Palmer: The Premier and the minister emphasized the many advantages of doing businesses here on PEI, and if today's announcement is any indication, Mr. Forbes was impressed with what he heard.

Mr. R. Brown: Yes!

Some Hon. Members: Hear, hear!

Mr. R. Brown: Optimism.

Mr. Palmer: It's also clear that he was impressed with the superior quality of the workforce his company inherited with Vector Aerospace. The company says the expansion will result into 80 new jobs in the coming months.

Some Hon. Members: Hear, hear!

Mr. R. Brown: Liberal times are good times.

Mr. Palmer: This is incredible news for Summerside, for the province and for our aerospace industry, and I thank StandardAero for making such a good decision.

Ms. Biggar: Yes.

Mr. Trivers: Tell them to put it on their website. (Indistinct)

Mr. Palmer: Mr. Speaker, the strength of the provincial economy is putting Islanders to work like never before.

An Hon. Member: Why don't you tell them?

Mr. Palmer: In 2017, we added 2800 fulltime jobs.

Mr. R. Brown: Fulltime!

Some Hon. Members: Hear, hear!

Mr. Palmer: Our population is growing for the first time, and for the first time in my life, it's getting younger.

Mr. R. Brown: Yeah.

Some Hon. Members: (Indistinct)

Mr. R. Brown: Great.

Some Hon. Members: (Indistinct)

Mr. R. Brown: I feel younger!

Mr. Palmer: And I think that's happening because people see there is opportunity in PEI –

An Hon. Member: (Indistinct) Liberal.

Some Hon. Members: (Indistinct)

Mr. Palmer: – where ambitious, hardworking Islanders are working together –

Mr. Myers: Two hundred thousand overnight stays at the Sherwood Motel.

Mr. Palmer: – to make big things happen –

An Hon. Member: You can't get a jetty open.

Mr. Palmer: – on our small but mighty Island.

Mr. R. Brown: Yeah.

Mr. Palmer: There are good jobs available, and entrepreneurs are in the better position to succeed than ever before, and we are doing everything we can to maintain that momentum. Our government's balanced 2018 –

Mr. R. Brown: Three times.

Mr. Palmer: – 2019 budget –

Mr. Fox: How many are (Indistinct) –

Mr. Palmer: – cuts taxes for small business –

Mr. Fox: (Indistinct)

Mr. Palmer: – and adds a small business investment grant –

Some Hon. Members: (Indistinct)

Mr. Palmer: – both of which will put more money back into the pockets of entrepreneurs to reinvest, grow and add jobs.

Mr. J. Brown: Every motel will be full.

Mr. Palmer: It's a great day in Summerside, Mr. Speaker.

Thank you.

Mr. R. Brown: Every hotel is full!

Some Hon. Members: Hear, hear!

An Hon. Member: Here comes the truth!

Mr. R. Brown: Every hotel is full!

An Hon. Member: Here comes the truth!

Mr. Trivers: Not even on that.

Premier MacLauchlan: (Indistinct)

Mr. R. Brown: I feel young.

Mr. Myers: You're not.

Mr. J. Brown: (Indistinct) he's smiling already.

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

Mr. Myers: Thank you, Mr. Speaker.

I've got to admire the minister of economic development for his enthusiasm (Indistinct) –

Some Hon. Members: Hear, hear!

Mr. Myers: – after drinking his big glass of Liberal Kool-Aid.

Some Hon. Members: [Laughter]

Mr. Myers: He's the only one who believes the stuff that he's saying.

Mr. Palmer: Don't be scared of prosperity.

Mr. Myers: The next thing he'll be doing is taking credit for "Turk" Gallant going to the Stanley Cup finals.

Some Hon. Members: Hear, hear!

An Hon. Member: So true.

Mr. Myers: So he takes the opportunity to take up time in the Legislature today to talk about 100 jobs that somebody else created and made it sound like maybe he had something to do with it. I need to remind the minister when Mike Currie was the minister responsible for economic development, he brought 30,000 jobs to this province.

Some Hon. Members: Hear, hear!

Some Hon. Members: [Laughter]

Mr. R. Brown: One-day jobs!

Some Hon. Members: (Indistinct)

Mr. Myers: With your hundred today you have a long way to go with your hundred today.

It's funny the way we great bigwigs that we'd meet them and get off the plane, but local Islanders can't even get a meeting with either one of these men here –

Mr. Trivers: Shame!

An Hon. Member: Oh!

Mr. Myers: – but the Premier –

Ms. Biggar: (Indistinct)

Mr. Myers: – and the Minister of Finance can meet somebody at the airport, who is not even from PEI and do whatever they can to bend over backwards to make them happy so he'll say good things about us, but a local Islander doesn't have five seconds in front of either one of these men. How shameful that is.

Mr. Trivers: Shame.

Some Hon. Members: (Indistinct)

Mr. Myers: – what a shame in this province that you have to come from somewhere else to get any amount of respect. If you don't come from somewhere else, this government won't even –

Ms. Biggar: (Indistinct)

Mr. Myers: – look at you. They won't even look at you. We have local entrepreneurs right here on Prince Edward Island trying to do great things and they can't get a meeting with anyone –

Mr. Trivers: Skip the Waiting Room.

Mr. Myers: – there is never a chance for them to be spoke about in this Legislature. There is never a chance for the local entrepreneurs, who are mucking it out every day here on Prince Edward Island to be spoken about by this minister because they can't get an audience with anybody over there because this Premier only wants to take the mucky-mucks in from someplace else.

Some Hon. Members: Hear, hear!

Mr. Myers: StandardAero cares too much about us that we're not even on the map on their webpage. StandardAero doesn't even have PEI pinned as a location for their – StandardAero doesn't even have us pinned as a location.

Mr. Palmer: (Indistinct) call them up and ask them.

Mr. Myers: They don't even have us pinned as a location on the map.

But here we are expelling the virtues of meeting them at the airport. They were so impressed that the Premier of Prince Edward Island met them at the airport and drove them to Summerside and said: thank you, thank you for creating a handful of jobs –

An Hon. Member: Eighty.

Mr. Myers: This is the –

Mr. Trivers: (Indistinct)

Mr. Myers: – this is the kind of government– this is why people are sick of this man. This is why people are sick of the Premier. Well, we haven't seen you in Kings County since you were scared out by the school debacle –

An Hon. Member: (Indistinct)

Mr. Myers: – you didn't even get out of your car in Launching, they were laughing at

you. You wouldn't even get out of your car. You were petrified of them.

An Hon. Member: (Indistinct)

Mr. Myers: You can't talk to ordinary people. You can't talk to ordinary people because your head is way up here. You think you're better than all of us –

An Hon. Member: Oh yeah.

Mr. Myers: – I see it every day. I watch you every single day. It's what I do the most –

Ms. Biggar: (Indistinct)

Mr. Myers: – you think you're better than all of us. You think you're better than everyone that's here –

Mr. Roach: Keep going.

Ms. Biggar: (Indistinct)

Mr. Myers: – that's your biggest problem.

Mr. Roach: Keep going.

Ms. Biggar: (Indistinct) Speaker.

Mr. Myers: We know what you're polling –

Mr. Roach: Yeah.

Mr. Myers: – we know what your internal numbers say –

Mr. Roach: Where are your jobs?

Mr. Myers: We know – where's our jobs? Mike Currie created 30,000 jobs.

Some Hon. Members: [Laughter]

Ms. Biggar: (Indistinct) near that (Indistinct)

Mr. Roach: (Indistinct) you believed him.

Mr. Henderson: That's because he fired 30,000.

Mr. Myers: I'm not sure. Like, I'm not sure –

Mr. J. Brown: (Indistinct) Tory (Indistinct)

Mr. Myers: – government's head is at. I'm not sure where this government's head it at.

I reminds me of when they used to meet Richard Homburg at the airport. It's quite similar to how they used to meet Richard Homburg at the airport and fawn over him and make a big fuss over him. Getting off the first class, getting out of the first class seats of an airport straight into the arms of a Premier: what could we do for you? Where could we give you money? How can we bend over backwards to make you happy? How can we give Island taxpayers' dollars to you instead of investing in local entrepreneurs.

An Hon. Member: (Indistinct) 30,000.

Mr. Myers: This is what people are sick of with you guys. You can't seem to understand how to invest into local businesses –

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

Mr. Myers: – I could bring you countless businesses. I could bring you countless people, who have been insulted by you guys; countless people, who have been insulted that they can't get –

Mr. J. Brown: (Indistinct) you guys –

Mr. Myers: – an audience –

Mr. J. Brown: (Indistinct)

Mr. Myers: – that they can't get five cents; that they can't – that you guys can't see fit –

An Hon. Member: How many people (Indistinct)

Mr. Myers: – to put any money into –

An Hon. Member: (Indistinct)

Mr. Myers: – local companies –

Mr. Trivers: How people would love that?

Mr. Myers: – if you're not a Murphy; if you don't get off a first class flight in Charlottetown and into the –

Ms. Biggar: (Indistinct) tour (Indistinct)

Mr. Trivers: (Indistinct)

Mr. Myers: – open arms of the Premier, you can't five cents from this government. You can't get five cents from this government –

Ms. Biggar: Come and take a tour.

Mr. Myers: You know what? Day after day there – this minister finds a reason to get up and take credit for work that he didn't do. But, I'm glad that he finally admitted today that the Premier is an elitist. That the only people that he'll get out of his chair for are the mucky-mucks that get off a first class airplane in the airport in Charlottetown and right into the backseat of his limousine.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Roach: (Indistinct) the door's open (Indistinct)

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

The original announcement was around CareWorx and perhaps a little bit of information that's perhaps a bit on topic is it's an Ottawa based management service provider for the IT industry. They are recently closed around a \$17 million in equity finance funding which allows them to do some expansion in their services and we are benefitting from that expansion and that's super.

They're here in PEI because in 2013 they acquired a previous IT call centre and, effectively, this organization is an organization that provides managed IT services. They are managed IT cloud solutions and tech professional services. For the regular non-tech – for those of us that – those are call centre jobs. They're good call centre jobs, but it's a call centre. So we need to be really clear that when you have specialized people providing services, one of the things that helps those jobs retain here are labour development and equipment credits. And with this company having been here since 2013, I think the question that

would great to maybe follow up on next week with the minister is: How much of those tax credits has that organization received from our government to ensure –

Mr. Trivers: Ask him to clarify right now.

Ms. Bell: – and what is the return on that investment of those tax credits that the government has put into that company for the 20 jobs that we're now getting with this growth announcement? Great to see jobs coming to Summerside, but we need to look at what's the actual sunk cost in ensuring those jobs are here.

Thank you, Mr. Speaker.

Ms. Biggar: We know your tire is leaking. We can hear the air coming out now.

An Hon. Member: That's a big leak there.

Presenting and Receiving Petitions

Tabling of Documents

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, by leave of the House, I beg leave to table the Rapport Annuel/Annual Report 2016-2017 of the Acadian and Francophone Affairs *French Language Services Act/Rapport Annuel des Affaires acadiennes et francophones Loi sur les services en français* and I move, seconded by the Honourable Minister of Workforce and Advanced Learning, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Minister of Communities, Land and Environment.

Mr. R. Brown: Mr. Speaker, by leave of the House, I beg to table an amendment to Bill No. 38, an act to amend – the motion is to have more than 50% of the recorded electors must vote in the same way on the question in the referendum, and in at least 60% of the districts, more than 50% of the people must vote for a ballot to be cast 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.

The hon. Premier.

Premier MacLauchlan: Mr. Speaker, by leave of the House, I beg leave to table a four letter subject of some discussion yesterday around the Northern Pulp project. The first being my letter to Premier McNeil and the federal minister of the environment, January 23rd, 2018; response from Premier McNeil, April 5th, 2018; response from the hon. Catherine McKenna, Federal Environment Minister, May 9th, 2018; and a letter from the hon. Minister of Agriculture and Fisheries to the hon. Keith Colwell, Minister of Fisheries and Aquaculture Nova Scotia, November 14th, 2017, and I move, seconded by the Honourable Minister of Agriculture and Fisheries, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Member from Belfast-Murray River.

Ms. Compton: Thank you, Mr. Speaker.

By leave of the House, I beg leave to table a petition on the floating bridge from residents – property owners and users of the floating bridge that requests that the closed bridge be repaired and made usable. Since the closure, they've been greatly inconvenienced with extra travel and access to (Indistinct) properties and to drive to destination. This closure has meant extra time to travel and substantial extra fuel cost. Floating bridge is a scenic destination for recreational anglers, users of MacLure's Pond, the dock next to the bridge is used by boaters and anglers. The nearby boat launch is very important to fishers and recreational users. MacLure's Pond is the largest body of fresh water in PEI and this resource is being hurt by this closure and I move, seconded by the Honourable Member from Georgetown-St. Peters, that this document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

You have another one? Okay, hon. Member from Belfast-Murray River.

Ms. Compton: Thank you, Mr. Speaker.

By leave of the House, I beg leave to table photos of the floating bridge and some of the scenic views and the work that needs to be done 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.

The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

By leave of the House, I beg leave to table two written questions to the hon. Minister of Finance and I move, seconded by the Honourable Member from Rustico-Emerald, that the said documents be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Member from West Royalty-Springvale.

Mr. Dumville: Thank you, Mr. Speaker.

By leave of the House, I beg leave to table the 86 pages of the Mill River agreement and the March 25th, 2018 *The Guardian* article and I move, seconded by the Honourable Leader of the Third Party, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Minister of Communities, Land and Environment.

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

By leave of the House, I beg leave to table a letter that I sent to the IRAC today for IRAC to study the amalgamation of the North Shore rural community: Pleasant Grove and Grand Tracadie and I move, seconded by the Honourable Member from Montague-Kilmuir, that the said documents be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Minister of Communities, Land and Environment.

Premier MacLauchlan: Put my name on that, then. (Indistinct)

Mr. R. Brown: Mr. Speaker, by leave of the House, I beg leave to table a letter I sent to the chairman of IRAC today re: the restructuring proposal for the rural municipalities of Elnora, Bideford and the Lady Slipper and I move, seconded by the Honourable Premier, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Mr. R. Brown: Just one more, Mr. Speaker.

Speaker: Yes. Go ahead.

The hon. Minister of Communities, Land and Environment.

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

I just want the documents on the table for the debate later on today that all the facts are on the table.

By leave of the House, I beg leave to table the municipal government's MGA restructuring process and I move, seconded by the Honourable Premier, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Mr. R. Brown: Now we can get on with the debate.

Mr. MacEwen: Cancelled. No it's cancelled.

Reports by Committees

Speaker: Member from Charlottetown-Lewis Point.

Ms. Casey: Mr. Speaker, as Chair of the Standing Committee on Minister of Communities, Land and Environment, I beg leave to introduce the report of the said committee regarding appointments to the Prince Edward Island Human Rights Commission and I move, seconded by the hon. Member from Tignish-Palmer Road, that the same be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Ms. Casey: Mr. Speaker, I know when you ask, and as a result of consultations with house leaders, you will see that I have unanimous consent of the House to proceed with the motion of adoption with this report today.

Speaker: Okay. We do have unanimous consent?

Some Hon. Members: Yes.

Go ahead.

Ms. Casey: Mr. Speaker, I move, seconded by the Honourable Member from Tignish-Palmer Road, that the report of the Committee be adopted.

Your committee is pleased to present its report, making recommendations regarding appointment to the Prince Edward Island Human Rights Commission and as a result of its deliberation on this matter, your committee is pleased to recommend to the Legislative Assembly that Ms. Carolyn Francis be appointed to the Prince Edward Island Human Rights Commission for a term of three years starting July 9th, 2018 and to expire on July 9th, 2021; and that Ms. Deborah Gross be appointed to the Prince Edward Island Human Rights Commission for a term of three years starting July 9th, 2018 and to expire July 9th, 2021.

Your committee would like to take this opportunity to formally thank all individuals who expressed an interest in serving as a commissioner of the Prince Edward Island Human Rights Commission. We applaud their interest in serving their communities.

Your committee would also like to thank the members of the Prince Edward Island Human Rights Commission for their continued role in upholding human rights in our province.

We would also like to thank outgoing Commissioners Mr. George Lyle and Mr. Maurice Rio for their dedicated service on the commission.

Before I conclude my remarks today, I would like to welcome to the gallery our two

new recommended appointees: Ms. Carolyn Francis and Ms. Deborah Gross.

Also from the PEI Human Rights Commission we have Brenda Picard, Executive Director and Ms. Lorraine Buell, Mediator and Intake Officer. I would like to, on behalf of all hon. members of the House, welcome them to the Legislative Assembly.

Thank you, Mr. Speaker.

Speaker: Shall it carry? Carried.

Ms. Casey: I have another one, Mr. Speaker.

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

Ms. Casey: As Chair of the Standing Committee on Communities, Land and Environment, I beg leave to introduce the report of said committee on its committee activities and I move, seconded by the hon. Member from Vernon River-Stratford, that the same be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Member from Tignish-Palmer Road.

Mr. Perry: I move, seconded by the hon. Member from Charlottetown-Lewis Point, that the report of the Standing Committee on Health and Wellness tabled May 23rd, 2018, be adopted.

The report is an account of the committee's activities since last reporting to the Assembly. The committee met on four occasions since its last report and puts forward the following recommendations.

1) That a catastrophic drug plan be renamed to be more accurately reflective of the function of the program.

2) That the Department of Health and Wellness and the Medical Society of PEI review its records, retention and management policies with a view to ensuring security and accessibility of health records.

3) That the Department of Health and Wellness review its current coverage for certain medical expenses and supplies.

4) That the government direct the appropriate departments to undertake a comprehensive review of the Social Assistance Program to ensure clients can access to the food bank while receiving supports.

5) Encouraging government to continue developing best practices in school food programs with the food environment officer.

6) That the government research and report back to the Legislative Assembly the requirements to implement a basic income guarantee program.

7) Encourage government to engage with private entities, in addition to its current utilization of resources to facilitate health professional recruitment in Prince Edward Island.

In conclusion, your committee acknowledges and thanks the witnesses, who provided information and advice on health and wellness matters in Prince Edward Island.

I would also like to thank the clerk, Joey Jeffrey for all his help and professionalism, and support to the committee.

Thank you.

Speaker: Are there any hon. members, who would like to respond to the committee report?

Shall it carry? Carried.

The hon. Minister of Communities, Land and Environment.

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

I would like the House to return to Tabling of Documents. I forget a document that I should table.

Do I have consent?

Some Hon. Members: Yes.

Mr. R. Brown: Thank you very much.

Mr. Speaker, by leave of the House, I beg leave to table a letter that I sent to the hon. Catherine McKenna, the Minister of Environment and Climate Change of Canada. The letter is wanting a federal review of the pulp mill redevelopment in Nova Scotia, and I move, seconded by the Honourable Member from Vernon River-Stratford, that the said document be now received and do lie on the Table.

I hope that the opposition brings back their motion on this facility so we can get a vote and sent that on, too.

Thank you.

Speaker: Shall it carry? Carried.

The hon. Member from Vernon River-Stratford for recognition.

Recognition of Guests (II)

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

I'd like to recognize Corrine Hendricken-Eldershaw, who is here today. As well as, Sarah MacLean, who was a Page with us, way back when we began here just after our first election.

Thank you very much, Mr. Speaker.

Introduction of Government Bills

Motions Other than Government

Orders Other Than Government

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

Mr. Myers: Thank you, Mr. Speaker.

Mr. Speaker, I move, seconded by the hon. Member from Souris-Elmira, that the 34th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 34, *An Act to Amend the Employment Standards Act (No. 3)*, Bill No. 116, ordered for third reading.

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

Mr. Myers: Thank you, Mr. Speaker.

I move, seconded by the Honourable Member from Souris-Elmira, that the said bill be now read a third time.

Speaker: Shall it carry? Carried.

Clerk: *An Act to Amend the Employment Standards Act (No. 3)*, Bill No. 116, read a third time.

Mr. Myers: I think that's it for me, is it?

Speaker: Yeah.

Mr. Myers: Okay.

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

Mr. Myers: I don't have it in my book.

Ms. Casey: (Indistinct)

Mr. Myers: I move, seconded by – okay, it is. It's on a different page.

I move, seconded by the Honourable Member from Souris-Elmira, that the said bill do now pass.

Mr. Trivers: Carried.

Mr. Myers: Only give politicians one page.

Speaker: This is a bill introduced by leave of the House, read a first time, read a second time, committed to a Committee of the Whole House, reported agreed to with amendment, read a third time and it is now moved that the bill do pass.

All those in favour, signify by saying 'aye.'

Some Hon. Members: Aye!

Speaker: Contrary, 'nay,'

Carried.

Ms. Biggar: There you go.

Mr. R. Brown: Unanimously.

Speaker: I will, once again, call on the hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Mr. Speaker.

I move, seconded by the hon. Member from Souris-Elmira, that the 30th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 30, *An Act to Amend the Island Investment Development Act*, Bill No. 108, ordered for third reading.

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

Mr. Myers: Thank you, Mr. Speaker.

I move, seconded by the Honourable Member from Souris-Elmira, that the said bill be now read a third time.

Speaker: Shall it carry? Carried.

Clerk: *An Act to Amend the Island Investment Development Act*, Bill No. 108, read a third time.

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

Mr. Myers: Thank you, Mr. Speaker.

I move, seconded by the Honourable Member from Souris-Elmira, that the said bill do now pass.

Speaker: This is a bill introduced by leave of the House, read a first time, read a second time, committed to a Committee of the Whole House, reported agreed to with amendment, read a third time and it is now moved that the bill do pass.

All those in favour, signify by saying 'aye.'

Some Hon. Members: Aye!

Speaker: Contrary, 'nay.'

The bill is carried.

Some Hon. Members: Hear, hear!

Mr. R. Brown: Cooperation (Indistinct)

Ms. Biggar: And they say we can't go cooperate.

Mr. R. Brown: (Indistinct)

Mr. LaVie: Trying to be a resident of Georgetown.

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

Ms. Compton: Mr. Speaker, I move, seconded by the hon. Member from Kensington-Malpeque, that the 26th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 26, *An Act to Amend the Municipal Government Act (No. 2)*, Bill No. 111, in committee.

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

Ms. Compton: Thank you, Mr. Speaker.

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

Speaker: Shall it carry? Carried.

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

Speaker: Shall it carry? Carried.

I will now ask the hon. Member from Belfast-Murray River to please and come 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 Municipal Government Act (No. 2)*. Is it the pleasure of the committee that the bill be now read clause by clause?

Ms. Biggar: Yes.

Chair: We're at the end of section 1. Can we carry the section?

Ms. Biggar: No.

Mr. Trivers: Do you have any questions (Indistinct)

Mr. MacEwen: (Indistinct)

Mr. Trivers: Carry the section.

Ms. Biggar: (Indistinct)

Mr. R. Brown: Call the question.

Ms. Biggar: Question.

Ms. Compton: Question has been called, on the bill?

Ms. Biggar: The bill.

Mr. R. Brown: (Indistinct) the bill?

Mr. Trivers: Yeah. Call for the bill.

Chair: Call for the bill, yeah.

An Hon. Member: Recorded division.

Chair: Can the question be asked on the bill?

Ms. Biggar: (Indistinct)

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: My question is on section 2.

Chair: Okay –

Ms. Biggar: (Indistinct)

Chair: – can we carry section 1?

Mr. R. Brown: (Indistinct) question.

Mr. MacKay: We've got a couple of questions before the vote.

Chair: Okay.

Mr. MacKay: I just have (Indistinct)

Chair: The hon. Member from Charlottetown-Parkdale, could we wait until section 2?

Ms. Bell: Absolutely.

Chair: Thank you very much.

The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Chair.

Member, it's a while since we took this to the floor, can you just give us a brief explanation of the amendments on this bill?

Mr. Trivers: Yeah. Thank you, member. Thank you, Chair.

Really, the whole idea here is we wanted to improve the *Municipal Government Act*, and really give the unincorporated areas a voice. Right now, really the process as illustrated by the flow chart I think all hon. members received; the existing process really doesn't give unincorporated areas a voice until quite a ways down in the process and then, it's not mandatory. It starts off and it goes through. When a proposal is submitted, unincorporated areas don't have to be consulted, unless, of course, they are the ones presenting the proposal.

The commission receives the proposal. IRAC, again, unincorporated areas don't have to be consulted. It goes all the way through, and the commission, finally, once they've received the proposal and accepted it, they just post it in the local newspaper once, three conspicuous places with the date of notice, and any other method that's deemed appropriate. Hopefully, that means publishing to a website or the social media.

Then, finally, that that's the sort of notification of any person in the public including unincorporated areas. They can file an objection to the proposal. Then, of course, after the objections are received, and they have a – so that 30 days, which is, again, published in the local newspaper and posted in conspicuous places, but after any objections are received –

Chair: Order! Excuse me, the member has the floor.

Mr. Trivers: After any objections are received, really that's when the commission decides whether or not they will hold a public hearing. The key thing is 'may'

instead of 'shall' unless the minister gets involved.

Really, what this bill is trying to do is it's trying to use standard tools of democracy to allow the public to have a voice right from the beginning. When the proposal is being prepared, it says that there should be a petition, whether it's initiated by the minister, a municipality, or an unincorporated area.

Then, it goes through and it says if there is any objection at all there must be a public hearing, right? Then, it continues on and it gives the minister an option, if there's a lot of public interest, to hold a plebiscite; another tool that used to gauge how the general public agrees with the proposal put forward.

Finally, I think this is the most important point. Because unincorporated areas are represented by only really one elected representative, and that's their Member of the Legislative Assembly, the minister would be compelled to bring the proposal to the floor of the Legislature for debate, as a motion. Then, use the will – bring the will of the Legislative Assembly the result of the vote on that motion, in their recommendation to the Lieutenant Governor in Council.

It uses a number of democratic methods. It gives the public a voice from the beginning. I think it doesn't undermine the amalgamation process, it just makes sure that all public, especially unincorporated areas, have a voice during the process.

Chair: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Chair.

Thank you, member, for your explanation. Member, do you think any of the government members actually read the bill?

Mr. Trivers: Well, I have to say, hon. Member from Kensington-Malpeque, I haven't received a lot of discussion outside of the floor of the Legislature.

I think it's quite possible that the Minister of Communities, Land and Environment has scanned the bill, but other than that –

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

Mr. Trivers: – other than that –

Mr. MacEwen: Strong language.

Mr. Trivers: – it's – I really, it's hard to say.

Mr. R. Brown: I've got a question: Did you read the bill?

Chair: The hon. Member from Kensington-Malpeque, has the floor.

Mr. Trivers: I wrote the bill.

Mr. MacKay: Thank you, Chair.

Mr. R. Brown: Oh, this bill?

An Hon. Member: Did you read it after you wrote it?

An Hon. Member: (Indistinct) on the list.

Chair: On the list?

Mr. MacKay: Do you want on the list?

Member, I know you've made comments that you felt a lot of the government members haven't even read the bill. Do you think government is forcing amalgamation on Islanders, member in your own opinion?

Mr. Trivers: In my opinion, given the current legislation, the MGA, the current MGA, it really does – there's nothing in the legislation that stops government from forcing amalgamation on Islanders.

Mr. MacKay: In Question Period today, I heard, in a question set from one of my fellow colleagues about a video that government has been promoting for amalgamation. Member, have you seen that video?

Mr. Trivers: I'm not sure I've seen the exact one the Member from Borden-Kinkora was referring to during Question Period. Although, I did, I saw a slide presentation at the Federation of Agriculture AGM, back in, it would have been summer of 2016.

That slide presentation, when I requested it, I was refused by the then Minister of Communities, Land and Environment. In fact, I issued a freedom of information request to get the presentation. Then, at that point, the minister capitulated, and said: you know, we're going to put a video together. They did provide a video. You can find that bradtrivers.com.

Mr. MacKay: Thank you, Chair. I'm good.

Chair: The hon. Member from Morell-Mermaid.

Mr. R. Brown: Is that a Russian site?

Mr. MacEwen: Thank you, Chair.

Member, we talked about this bill quite a bit before in this House. It seemed like – well, I want to thank you because – I want to reiterate a couple of things. It does give unincorporated areas a voice. It really does help those that want to amalgamate. It helps the process. It doesn't take anybody by surprise. It helps get the word out.

I felt, when we debated this bill before that there was a couple of ministers, one in particular, that was really trying to paint those that were bringing this bill forward; those that might support this bill, as being against amalgamation.

I want to reiterate that point again that this bill simply helps the process. It's not a for-or-against amalgamation bill. I know the Minister of Communities, Land and Environment, before was trying to paint yourself; trying to paint anybody that might support this bill as – they kept talking about the virtues of amalgamation all the positives, that very well may be true, and the minister tabled a couple of letters there today about communities that want to amalgamation. That's fantastic, if those communities are in favour of it and it goes through, and all that process.

But, this bill isn't against amalgamation. It's simply giving a voice to those that might not have a voice. It's allowing it to be much more in the open. It's helping, I think, the amalgamation process and I really want to commend you for that. I know you put in a lot of hard work into this. I wanted to make that point again to anybody that might be

considering voting against it, because they think it's against amalgamation. It certainly isn't. It would help the process.

I want to commend you and thank you for doing that. That's all I wanted to say, Chair.

Mr. Trivers: Thank you, hon. Member from Morell-Mermaid.

That is an extremely good point. And maybe, also in response to the Member from Kensington-Malpeque, if this bill passes, and I really hope it does, bill 111; in fact, forced amalgamation is still possible because the Lieutenant Governor in Council still receives only a recommendation and still has the option to do what they want when it comes to a proposal that is put forward.

This bill is, as the Member from Morell-Mermaid said, is an attempt to improve the process and, in fact, it still not only does it allow amalgamation; it does not remove the ability of a government, especially a majority government to force amalgamation.

In fact, I received criticism because of that because it doesn't remove the right – the ability for a government to have forced amalgamations. I really believe this bill does improve the *Municipal Government Act*. I think it gives unincorporated areas a voice and I don't understand – and I would like to hear from any members that might be considering voting against this bill – I'd like to understand why you might want to vote against it.

The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

I want to point that out too. You raise a great point about it's still possible to force it because I know in our caucus, we have those debates, we have those discussions. I'm proud to be part of a caucus that just isn't told what to do because that was the point that has been raised; maybe you should have went all the way, maybe we shouldn't be allowed to do that. I think that's a really good point to make.

You heard the minister talk about the two proposals going to IRAC about amalgamation. Do you think in those two

cases that your bill would help them? Help that process?

Mr. Trivers: Yes.

The first part that this bill puts forward, the amendments they put forward to the MGA require a signed petition by 30% of the area impacted. So, the proposals the minister talked about are already at a stage where that part would have passed. But, I really believe it would have helped at that point.

But yes, the rest of the amendments that are being suggested by this bill I think would really help with that process a lot. I think it would help get the unincorporated areas on side so that they are not left out until, sort of, D-day comes and they are forced to stand up in opposition. It allows them to be part of the process from the beginning.

I do hope that we are here to have a fulsome debate on this bill. A lot of the debate has been talking about amalgamation and whether it's good or whether it's bad outside of the actual bill itself, so I would love to hear, especially the Minister of Communities, Land and Environment, his thoughts on the actual contents of the bill here and the amendments I'm making, as opposed to whether amalgamation is good or bad.

Chair: We'll get to him.

The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

You're right minister. I would like to hear him talk about the actual bill, too, because that was my first point, was that they kept turning into a debate on amalgamation, which is it certainly isn't.

I know he is reviewing it over there now so that's why I'm trying to ask a few extra questions, so he can get through the whole thing. It's only been a month.

Member, the minister was kind of looking for a quick vote on this, and I hope that wasn't to vote against it, but to vote in favour of it. If it bill didn't pass, would you consider reaching out to those two groups that are putting proposals forward to share what your bill would do? And perhaps they

would just do it on their own? Because I think it is a good suggestion for those communities to maybe use your process – if it didn't pass.

Mr. Trivers: Yes.

Thank you, Member from Morell-Mermaid.

I really do hope this bill does pass. I think that the vast majority of this bill could help those two potentially, and that's a really interesting idea. I would definitely reach out to them.

We've already had one group that held their own plebiscite, and so if these groups decided they want to hold a plebiscite to engage unincorporated areas, that would be a good suggestion. Of course, it's the commission that decides whether there is going to be a public hearing or not. So that part, of course, wouldn't be – they could hold their own public hearing of course and then in terms of having a debate here on the floor of the Legislature so that the elected MLA maybe it would – maybe they could even stage an actual forum where they invited MLAs to come forward and talk about the proposal.

Mr. MacEwen: True, a motion, maybe.

Mr. Trivers: So it's an interesting idea and I'll definitely consider doing that; fantastic idea.

Mr. MacEwen: Thank you.

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

Mr. R. Brown: No, I thought the third party had a question.

Chair: Are we carrying the first section?

Ms. Biggar: No (Indistinct)

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

Mr. R. Brown: Thank you.

I'll talk then if you want.

We set up a process. The process is in place. We have seen the – we're all talking about

democracy when it comes around this bill. Well, we have seen democracy in action. The Three Rivers group have filed, what, over a thousand names to IRAC?

Leader of the Opposition: 2,000, actually.

Mr. R. Brown: Okay, 2,000.

Some municipalities had filed an objection to it. But yet, the proposal is still on the table. IRAC has an opportunity now to review what has come in to date. This talk about no democracy, they filed with IRAC and IRAC is looking at it right now.

Now that Montague and Georgetown has filed an objection, an arbitrator or mediator will be selected. That mediator will work with the groups; an independent mediator will work with the groups out there. The promoter is talking about working with the groups. Well, a mediator now will be working with the groups. Not –

Chair: Minister, do you have a question?

Mr. R. Brown: Yeah, I do.

I'm not going to vote for the bill then.

Thanks.

Chair: Thank you.

The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Chair.

Member, can you – in the original municipalities act, one thing that really concerned me was – and nobody seemed to talk of the real, clear need for a complete consultation, and that's something that I never saw, really, in that original bill.

Can you explain how we could better that system?

Some Hon. Members: (Indistinct)

Mr. Fox: Want me to repeat that.

Mr. Trivers: Maybe the last part there.

Mr. Fox: In the original municipalities act, something that I – and then with all the conversations that took place down in Three

Rivers, and even up in Bedeque and Albany, and Borden-Kinkora, there seemed to be no clear talk of a complete consultation or a new way to consult with people to make sure everybody was informed. Your bill would help in that process, will it not?

Mr. Trivers: Thank you, Member from Borden-Kinkora.

Yes, I believe so. I think introduction of a petition at the beginning of the process will ensure that the unincorporated areas are engaged right off the bat before the proposal is even put together when they just have a draft. I think that by requiring a public hearing, it will allow more people to get engaged and then by giving the ability for the minister to call a plebiscite, obviously that engages everyone in the area.

Finally, having a debate on the floor I think it really allows the MLA to go out, and an incentive to go out and say: Okay, what do you believe in this area about this proposal? And so yeah, I would agree, yes.

Mr. Fox: So, Chair?

Chair: Sorry.

At this time, I'm asking if there'll be a vote on the first section. Is there any interest in voting on the section or on the bill?

Mr. Trivers: He's voting it down.

An Hon. Member: (Indistinct) vote on the bill.

Mr. Trivers: Vote on the bill.

Ms. Biggar: (Indistinct) go to the next (Indistinct)

Chair: The floor has to be turned over, so –

An Hon. Member: (Indistinct)

Chair: Twenty after.

Ms. Biggar: (Indistinct)

Chair: Twenty after.

An Hon. Member: No, 25 (Indistinct)

Ms. Biggar: (Indistinct)

Mr. Trivers: You guys were okay with voting on the bill itself, though, right?

An Hon. Member: (Indistinct)

Ms. Biggar: We'll have a vote on it.

Mr. Trivers: Yeah, they'll vote on the bill.

Did you guys have any questions?

Some Hon. Members: (Indistinct)

Mr. Trivers: You're okay with the question

—

Dr. Bevan-Baker: (Indistinct)

Chair: Can I call the question?

Some Hon. Members: (Indistinct)

Mr. Fox: (Indistinct) standing vote.

Some Hon. Members: (Indistinct)

Chair: Will we report progress?

An Hon. Member: Sure.

Some Hon. Members: (Indistinct)

Ms. Biggar: Sure (Indistinct)

Mr. R. Brown: (Indistinct) bring it back in July.

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

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of the Committee of the Whole House having had under consideration a bill to be intituled *An Act to Amend the Municipalities 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. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Mr. Speaker.

I move, seconded by the hon. Member from Vernon River-Stratford, that the 32nd Order of the Day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant (R. Reddin): Order No. 32, *Plastic Bag Reduction Act*, Bill No. 114, in committee.

Speaker: The hon. Member from Montague-Kilmuir.

Mr. Roach: Mr. Speaker, I move, seconded by the hon. Member from Vernon River-Stratford, 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 and Deputy Speaker.

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

The hon. Minister of Communities, Land and Environment.

Mr. R. Brown: Thank you, Madam Chairman.

The department has read the bill. We think the member has done an excellent job in both his research and his writing of the bill, and in his consultation with both the industry association.

We just have a little bit of a concern on the timing of it, so I'd like to move an amendment.

Section 9 commencement;

Section 1 subject to subsection 2, the act come into a force on:

remove July 1st, 2018, and amend it to January 1st, 2019.

Section 2, Section 6 and 8 of this act come into force on;

remove January 1st, 2019, and add July 1st, 2019.

I'll give those amendments and I have copies.

Chair: You have copies, hon. member?

Mr. R. Brown: Yeah.

Chair: Thank you.

Hon. members there is an amendment on the floor. They are being distributed now.

Mr. R. Brown: While it's being distributed, we've just had some conversation on the timing of it and this allows stores and companies to get rid of the bags that they currently have in stock and to transition over. This gives a little bit more time for this to happen.

Thank you.

Chair: Any questions on the amendment?

The hon. Member from Georgetown-St. Peters.

Mr. Myers: So just on the timing of it, do you feel that's enough time? I mean, some of the bigger stores, in particular, do you know what type of inventory they keep in stock?

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

Mr. R. Brown: Thank you.

On the big chain stores, they would be able to transfer that stock to other stores that don't have such a bylaw – or such a law. All across the country, municipalities are looking at it, but the best one of all is the minister's – as put on the floor there, Nova Scotia – City of Halifax was looking at it and the recommendation from the city was – and from the retail council itself was that a provincial law is the best way to go here, so I commend the member for doing it. We believe that the big chain stores will have an opportunity to transfer what stock is left over next year into another location.

Mr. Myers: So you think the big stores are covered off by the date change. For some of

the smaller ones, what do you do if they are left with an investment because maybe they had an – and I don't know because I don't haven't had anybody that had said this to me – but maybe they had an opportunity to buy in large quantities, you know how – anybody who's been in retail, the salespeople come and they may be like: We can give you this deal right now if you buy a lot and you store it.

Mr. MacEwen: Or they're locked in under contract.

Mr. Myers: Yes, or they're already locked into a contract.

What provisions will be in place to ensure that those businesses don't lose money for either a locked in contract, or their big buy that they did if that were the case?

Chair: The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Chair.

I was aware that this was coming and I've had conversation with Jim Cormier from the Retail Council of Canada and he feels and supports that this time frame that's been changed in this amendment would allow time for that change over to take place.

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

Mr. Myers: Thank you, Chair. That wasn't my question, however.

Mr. Roach: I'm sorry.

Mr. Myers: My question was: What provisions are in place for businesses who do get struck with – you're talking about a broad body, the retail council. I'm talking about a store, a business, a vendor who may have had an opportunity to buy in large quantities or as the member from Morell says – has a contract, and maybe the contract is three years and they're in year one.

Chair: The hon. Member from Montague-Kilmuir.

Mr. Roach: Well, I think, certainly in the broader picture, the information I've

received back was that this would provide ample time for businesses to deal with this. However, I would certainly suggest that if anybody finds themselves in that position, that it would be a good opportunity to have conversation – should the bill pass – with the department to see what changes might be able to make if you find a one-off or a two-off on that.

This isn't a matter of trying to make anybody lose money, or prevent anybody from doing business, this is just a matter of trying to get these plastic bags out of the environment and I would hope that the minister would support that – if we have situations like that, one-off, that they would be considered.

Mr. Myers: So I wonder: can the minister confirm he'll support that?

Mr. R. Brown: Yes, we will (Indistinct). If a person's stuck with inventory after this time (Indistinct)

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

Mr. R. Brown: But not (Indistinct).

Mr. Myers: I'm looking for a little bit more firmer commitment than that. You say: We will look at it. If somebody feels like they're being stuck with a big bill here and you're looking at it and say: No, it's okay. It's only \$300, or it's okay, it's only \$800, that might be a lot to a small retailer. It really could be. It could mean a lot to smaller retailer to have that kind of –

I'm wondering if you can create – it's an interim regulation. All we are looking for – once a period of time passes, it doesn't matter anymore because no one – once the change over happens, whoever is stuck with inventory is stuck with inventory and then it never happens again, right? So I'm wondering – I'm looking for firm commitment. And I don't think it's going to be a huge percentage, but we don't want to see businesses losing loads of money because –

Mr. Roach: I agree.

Mr. R. Brown: I think the important thing today is to pass a bill with the amended

dates because that sends a clear signal to all the retailers out there that we are, as a Legislature, agreeing and making into the law the banning of plastic – single-use plastic bags. There is several months between now and the actual – execution of this legislation. We see over next several months that there is an issue with some of the owners, and the Legislature comes back in November; if we see that there's store owners that are saying: I have a problem here – and we would work with those store owners and I think the member would be – this House – I would come back to this House for an amendment extending the time a little bit more.

We want to send a clear signal today in this Legislature that this Legislature's agreeing to banning single-use plastic bags. Otherwise, if we don't pass it and you go out and start talking to the individuals that are knowing that it's law now – they say: Well, this will never be passed so I'm not going to do anything. This bill will send a clear signal – a definite signal. If there are issues with it before the execution date we may be back to the Legislature with minor changes to it. Or, if it's \$300 for a store owner, we have the *Beverage Containers Act* that brings in quite a bit of money that I think we could tap into that fund.

Mr. Myers: Okay. That's all I'm looking for was commitment.

There's another component to it that I want to talk about, but it's not inside your amendment, so I'll wait until we come out of the amendment to talk about it. But I do want to talk about the cost.

Do we know the cost differential for a business to move away from plastic to paper? Do we know – will it cost a retailer more money, or is it less money, or is it the same.

Chair: Can we hold that question until we finish with the – because we are discussing, I think, dates right now and then I'll come back to you.

Mr. Myers: But, Chair, the reason it's important is that if it's more money, I have a question, again, for the minister with that.

Chair: Okay, perfect. Thanks.

The hon. Member from Montague-Kilmuir, do you have an answer to that?

Mr. Roach: I think the question was directed to the minister.

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

Mr. R. Brown: I guess the big part of it is what's the cost of helping the environment? You just look at any documentary that's done nowadays on our oceans and the effect of plastic on our oceans, it's devastating. You see places in the world that the whole beaches are full with plastic. We have to deal with this issue. You have United Kingdom – Britain putting similar legislation through there. It's, I think, time for plastic – there is a use for plastic and if we can't recycle it, and we're just going to throw it into the ocean, we have to do something here because life depends on the ocean. Jobs are created in the oceans.

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

Mr. Myers: Thank you, chair.

I don't know that it necessarily answered if there was going to be a cost differential for people, but I do want to comment because now we are talking about the oceans. I support what you are saying. I'm not even disputing any of that part of it – that we need to be – I'm not at all. There are many facets that need to be addressed. You talked about the pollution of the ocean. Well, I was down in Boughton River on the weekend and there was a lot of plastic on the beach – none of it was plastic bags and a lot of it came from the mussel leases that were there. There was a really bad stretch. I could take you there any time you'd like. I would like for you to see it.

I want everybody to have – I want everybody to be brought in to line as far as protection of the environment. So I'm not going to slide off this bill, but I think it's something that you and I should talk about at a different time. I want a confirmation if there is a cost differential between plastic and paper. I don't know the answer.

Mr. Roach: I'll take that.

I don't have that exact answer either, member, other than to tell you with – in the conversation that I had with the retail council, they felt that if it was stretched out until July, 2019, that that would provide ample time for businesses to get rid of their one-use plastic bags and they also agreed that they're seeing a lot of change take place already, particularly on PEI, even since this has come up, where people are looking to alternatives already and the use of plastic bags has already dropped on the Island.

But to give you a specific number, I don't have that. I've relied on the retail council that said this should allow the transfer – transformation. As I understand, and I will tell you here and now, I've had a conversation with the Minister of Communities, Land and Environment and the Minister of Finance and they have agreed to enter into a marketing campaign for reusable bags to work with all Island businesses to try and get reusable bags in there to help them get started.

Mr. Myers: Okay. I'm good.

Chair: The hon. Member from Borden-Kinkora, speaking to the amendment.

Mr. Fox: What have we got in it for a provision on education to all retail stores – corner and gas and that kind of thing?

Mr. Roach: Yes, I have developed a small document here. Where it talks about what – it's for business and it's also for customers that clearly shows what a recyclable bag is, what a reusable bag, a non-reusable bag is, and those sorts of things. I have found excellent programs that have been used in places like Fort McMurray and Victoria or Vancouver Island that have programs and we're going to look at those and do the education portion starting immediately after the bill is passed – if it's passed.

Chair: Hon. members, I just want to draw your attention: the amendment that's been put on the floor is just a date change. Can we do our discussion on the date change and then we can get into open discussion once we get this amendment dealt with?

Mr. Myers: I'm okay with that.

Chair: You're okay with that? Thank you.

The hon. Member from Borden-Kinkora.

Mr. Fox: I'm actually having a chat with back and forth with a retail owner right here and this gentleman says that he has – and we're talking about this date – this gentleman here says he has in – keeps 5,000 to 8,000 bags on hand at any time. He's a small corner store. He's telling me that he goes through, on average, 400 or 500 on a busy day at around four cents a bag. So I'm wondering, is that date – now he is a busy little store – so I'm wondering about other little corner stores or gas stations and I'm wondering if the date of January 1st, 2019 shouldn't actually be July 1st 2019. Think about it here now because we're only – we're six months out, right? Six months out to get complete advertising –

Mr. Roach: I've got your answer.

Mr. Fox: Yes.

Mr. Roach: If moving that date out further – an additional six months is going to help to get this – what I believe to be a very important bill through this legislation, I'm prepared – member? I'm prepared to entertain pushing that out another six months – if we get the bill through the legislation because I believe it's important.

Mr. Fox: Yes.

Mr. Roach: I'm acceptable to an amendment to the amendment.

Mr. Fox: Yes.

Mr. Roach: Just to move forward.

Chair: Do you have copies of your amendment to the amendment?

Mr. Fox: No, I don't because I just thought about it after he contacted me a second ago because he's watching this debate online so he just brought it forth to me. Could we make that amendment which is only amending January 1st to make it July 1st, 2019?

Some Hon. Members: Agreed.

Chair: Hon. members, are we agreeable that we can have a friendly amendment to change the date from the original date that was in the amendment to January 1st, 2019 to July 1st, 2019?

Some Hon. Members: Agreed.

Mr. Fox: Thank you.

Dr. Bevan-Baker: We're getting close to agreement on this.

Mr. Roach: Okay. Thank you.

Chair: Thank you.

Shall it carry? Carried.

An Hon. Member: Carry the bill.

Chair: No, just the amendment to the amendment.

Dr. Bevan-Baker: Yes, I know but (Indistinct) two dates in this, the original amendment –

Mr. Roach: We'll push both of those dates out six months.

Dr. Bevan-Baker: That was my point.

Mr. Roach: Both those dates go out again another six months.

Ms. Biggar: Carry the bill.

Dr. Bevan-Baker: (Indistinct) 2020.

Mr. R. Brown: How much does that give you in all (Indistinct)

Mr. Roach: That gives them about a year, almost two years from now.

Chair?

The Member from Rustico-Emerald.

An Hon. Member: Carry the bill.

Ms. Biggar: Carry the bill.

Mr. Roach: No, I think Rustico-Emerald is there.

Chair: Hon. members, I just want to make sure we're getting clarification. On the first

date change it's going from January 1st, 2019, to July 1st, 2019.

And on the second one where it was going from July 1st, 2019, you want that moved out six months further –

Mr. Roach: Yes.

Chair: – right?

Mr. Roach: That's correct.

An Hon. Member: (Indistinct)

Chair: And – sorry?

Mr. Roach: It's 2020 –

Mr. R. Brown: (Indistinct)

Chair: January 1st, 2020.

Mr. Roach: Good with that.

Chair: All those in favour of the friendly amendment?

Some Hon. Members: Aye!

Chair: Great, okay.

Ms. Bell: (Indistinct) amendment now?

Chair: Yes.

Hon. members, I'm told that the amendment as amended has to be voted on.

All those in favour, signify by saying 'aye.'

Some Hon. Members: Aye!

Chair: Contrary minded?

Thank you. It's carried.

Now, we're going to move on to the bill as amended.

An Hon. Member: Chair.

Chair: Thank you. I'll add you to the list.

I've got the hon. Member from West Royalty-Springvale and then the hon. Leader of the Third Party.

Mr. Dumville: Thank you, Madam Chair. Thank you, member for bringing this forward.

I think this is a great bill. I came from an industry where every time a change was made like this, we were always considered – we were always: well, what is this going to do to us?

In fact, I can remember we changed, we usually changed every six months, something came up, and it was from a marketing point of view. I can remember having Whopper paper in at half a cent. Then, they wanted to put boxes in to up our image at five or six cents. So, you know what I did? I ordered a six month supply. I ordered every piece of Whopper paper that I could get to keep that extra six cents.

I think this is plenty of time, member. I think that you take a wonderful approach. You got to the bag that's causing the most trouble that everybody can agree on. This is timely. I think it's a very balanced and fair approach to the industry. I thank you for that.

You're getting the industry all on the same page. You're giving them time to get on the same page.

Chair: Great.

Mr. Dumville: I thank you for this bill and I will –

Chair: Thank you –

Mr. Dumville: – wholly – I support it wholeheartedly –

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

While I want to echo some of the comments just made by the hon. colleague behind me, however, we just made an amendment and then an amendment to an amendment to give ourselves or to give Islanders and retail stores enough time to do this properly.

I'm concerned that we're similarly rushing this bill through. I really love the purpose of this bill, as you might imagine. But, I've had several communications from retailers. I

have some questions on the bill about why the fee for the reusable bag is going up, for example. Will the paper bags that we get in the liquor store, for our bottle of wine, are we going to have to start paying 25 cents for them?

Why we don't have a tax and fee structure? A fee to cover the cost of the bag and then the rest going to – there are a whole bunch of things that I would love to nail down before I would vote in favour of the bill.

I know that we're getting close to the end of time. My proposal is that we send this to committee, to communities, land and environment to do a proper study and get all of these loose ends tied up so that we don't pass a bill in haste, and then regret it later.

Chair: The hon. Member from Montague-Kilmuir.

Mr. Roach: I will say that the whole reason for agreeing to the amendments was that we would have something in place for the worst scourge around our Island in our environment. We've pushed this out until 2020 and that's quite a distance out.

If this bill is passed, the bill then goes to communities, land and environment. At least we have the bill in place. If it then goes to communities, land and environment, I also believe it gives ample time for anybody who wants to change or make amendments to that bill. If this goes, it's been my experience in my research that if it starts going to committee, as it did in Halifax, it dragged on for another 3.5 years and nothing is done yet.

We have little towns and communities and cities in Montreal and in Victoria. We have small communities that are struggling with bylaws and they're saying the province has got to step up. I agree with that. That's certainly going to up to the members of the Legislature. I think to delay it is for us to really turn our backs on what the purpose of this bill is all about.

An Hon. Member: Carry the bill.

Ms. Biggar: Carry the bill.

Chair: Thank you. Hon. members, as the hon. Leader of the Third Party requested that this be sent to committee.

Hon. member, as you know it needs notice. It requires notice to send it to committee and it can't be done in the Committee of the Whole House. That would have to be – we'd have to come out of the Committee of the Whole House and make a motion to that effect. You would need unanimous consent to send the motion to committee. I just wanted to raise that.

Dr. Bevan-Baker: I appreciate that, Chair.

Chair: Thank you.

Ms. Biggar: Carry the bill.

Chair: The hon. Member from Rustico-Emerald.

Mr. MacEwen: Chair, (Indistinct) time here.

Chair: We are, but they said, we're almost close so they said they gave us some time to do that.

Mr. MacEwen: Well –

Mr. Trivers: Thank you, Chair.

Chair: (Indistinct)

Mr. Trivers: I'd like to propose two amendments to the bill, as well.

Chair: Okay.

Mr. Trivers: I have a copy –

Chair: Copies?

Mr. Trivers: – versions to make copies.

Mr. MacEwen: I don't feel we're close Chair.

Mr. Trivers: I'd like to move that the bill be amended as follows:

that section 1 (c) be replaced with the following substitution:

(c) paper bag means a bag made out of paper that is recyclable.

section 5 (1) (b) be amended to add the additional clause after (xi), after 11, clause 12 (xii): protect tires that cannot easily fit in a reusable bag.

Ms. Biggar: Tires?

Mr. Roach: Yeah.

Mr. R. Brown: Tires (Indistinct)

Mr. Trivers: Tires.

Mr. Roach: Big car tires –

Mr. Trivers: I can speak to what these mean and what they –

Chair: Great, thanks. Do you have –

Mr. Roach: I'm okay (Indistinct)

Chair: You're okay?

Mr. Roach: Yes.

Chair: Hon. members, I've been told that there has been a conversation and that the Member from Montague-Kilmuir agrees with those amendments.

Does anybody else have any questions–

An Hon. Member: (Indistinct)

Chair: Sorry?

An Hon. Member: I'd like to see them –

Chair: You'd like to see them, okay. We'll wait.

Mr. Trivers: That's fair.

Chair: Okay.

Mr. Roach: Do you have the amendments –

Chair: Yeah, they're just being photocopied.

Mr. MacEwen: (Indistinct)

Mr. Trivers: I can explain them if you want, or if you need to adjourn –

Mr. Roach: Go ahead, while we're –

Chair: Sure, while we're waiting. You can explain.

The hon. Member from Rustico-Emerald.

Mr. Trivers: The first one – they really they come out of concerns from the Retail Council of Canada.

Right now, the bill reads that the paper bags contain at least 40% post-consumer recycled content. Apparently, in other jurisdictions where this has been implemented, there has been a real trouble sourcing paper bags that have 40% post-consumer recycled content.

It's a valiant goal to that, but we don't want to be in a situation where retailers can't actually source paper bags because we don't make enough of them. That's the point of the first part of the amendment.

The second part has to do with –

Mr. Roach: I have no issue with that.

Mr. Trivers: – great. The second part has to do with giving it an additional exemption for bags that are used when you either purchase tires or you have tires removed from your vehicle in the spring or in the fall. Put in one of those reusable bags that protects the tires, but more or less protects the environment from the dirt on the tires.

Of course, it's not really a one-use bag in that sense. It's used for at least six months, and then can be reused. That's what the second amendment is all about. Again, that came from the Retail Council of Canada.

Mr. Roach: I have no issue with that.

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

Mr. R. Brown: Just a quick note. I know we're cutting into the Green Party time. If I may make a proposal then. We're close so we would – I ask for the unanimous consent of the House to extend the time that the Green Party is losing because of this debate today, up to 20 minutes. Is that –

An Hon. Member: Extend the hour.

Ms. Biggar: Extend the hour.

Mr. R. Brown: Extend the hour.

Mr. Trivers: And bring back Bill No. 111.

Ms. Biggar: No. Finish –

Chair: Ha. No.

Ms. Biggar: – this bill and give them their 20 minutes.

Mr. R. Brown: Okay.

Mr. Myers: No (Indistinct) be here until nine o'clock tonight. I want to eat supper.

Ms. Biggar: It's only 20 minutes.

Mr. R. Brown: – 20 minutes (Indistinct)

An Hon. Member: Excellent (Indistinct)

Mr. Trivers: Only if you bring back Bill No. 111 and vote on it.

Chair: Yeah, come on. Be reasonable.

Ms. Biggar: (Indistinct)

Mr. Trivers: That's reasonable (Indistinct)

Chair: Okay, all right –

Ms. Biggar: We tried.

Mr. Roach: We don't have unanimous consent so – we'll give it. I'll give it back you.

Chair: (Indistinct)

Mr. Roach: I appreciate the time you gave it. I appreciate the time the opposition gave. If we can finish up with that, the two motions and I'll get out of your way.

Chair: Did we get the copies? Did we get the –

Ms. Biggar: (Indistinct)

Chair: The hon. Member from Charlottetown-Parkdale would like to see the motions that Rustico-Emerald just explained to the House –

Ms. Biggar: The amendments?

An Hon. Member: The amendments, right.

Chair: The amendments, yeah.

Ms. Bell: Yeah (Indistinct)

Chair: You asked to wait, so we're waiting.

Ms. Biggar: You wanted to see it. We'll wait.

Mr. Trivers: We can bring it back (Indistinct)

Mr. R. Brown: (Indistinct) can come back at 5:30 (Indistinct)

Chair: If you could give it to the hon. Member from Charlottetown-Parkdale.

You can keep all these amendments.

All those in favour of the amendment signify by saying 'aye.'

Some Hon. Members: Aye!

Chair: Contrary minded, 'nay.'

An Hon. Member: Nay.

Chair: The amendments are carried.

Hon. members, shall the bill carry?

Some Hon. Members: Carried.

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

Mr. Myers: Thank you.

So back on the broader topic and I didn't weigh into it during that first amendment but there is a lot of different plastic pollution on Prince Edward Island and bags is one of them –

Chair: Hon. members, sorry. We're going to respectfully give back the time to the Green Party. If you can hold that question until the next time it comes to the floor?

Mr. Myers: Sure.

Chair: Thank you.

Mr. Myers: I've been holding it all day.

Chair: Thank you.

Mr. Roach: 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 *Plastic Bag Reduction 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. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

Mr. Speaker, I beg leave to introduce a bill to be intitled Bill No. 110, *Mandatory Sexual Assault Law Education Act* and I move, seconded by the Honourable Member from Morell-Mermaid, that the same be now received and read a first time.

Speaker: Shall it carry? Carried.

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

Speaker: Hon. members, we do have consent for this bill to be read, do we?

Dr. Bevan-Baker: Yes.

Speaker: Okay.

Thank you.

Mr. Fox: Thank you, Mr. Speaker.

Speaker: Hon. Member from Borden-Kinkora, give us a brief explanation of –

Mr. Fox: Mr. Speaker, I will be very brief.

Basically, this bill would require any – before anybody can be appointed a provincial court judge within the province by – recommended by the bar society that they would have to complete mandatory training in sexual education and violence, that type of training.

Any, also, any retired judge that is called back before the bench that has completely retired would require also this training.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

I request that Order No. 73 be now called.

Speaker: Shall it carry? Carried.

Clerk Assistant (E. Doiron): Motion No. 73. The hon. Leader of the Third Party moves, seconded by the hon. Member from Charlottetown-Parkdale, the following motion:

WHEREAS Canadians are committed to the principles of “Peace, Order and Good Government”;

AND WHEREAS good government is an ever evolving concept;

AND WHEREAS government has recently introduced amendments to the Election Expenses Act with the support of all three political parties;

AND WHEREAS these amendments will significantly increase public confidence in government;

AND WHEREAS every member of this legislature is committed to improving how Islanders are governed;

THEREFORE BE IT RESOLVED that the members of the Legislative Assembly will continue to work together to implement reforms to improve the governance of Prince Edward Island.

Speaker: Thank you.

I will call on the mover of this motion to please speak to the motion.

The hon. Leader of the Third Party.

Mr. R. Brown: Two minutes and 30 seconds.

Dr. Bevan-Baker: Yeah.

Thank you very much, Mr. Speaker.

I want to start today's motion with the concept – as is included in the motion's body – of peace, order and good government which, of course, is a phrase that appears in section 91 of the *British North America Act* which established the authority of the federal government to make laws in relation to the provincial government.

Now, I have a particular fondness for the *British North America Act* because my great, great-grandfather was one of the authors of that act, George Brown. So the history of that act is something that means an awful lot to me and it has played more than a significant role in the history of this country and this province.

However, in today's context it is not my intention to debate that touchy issue of jurisdictional wrangling between the federal and provincial governments here in Canada; instead, I want to consider it in the broader sense of how it has become a touchstone for Canadian identity, the northern equivalent of life, liberty and the pursuit of happiness, or *liberté, égalité, fraternité*.

As a slogan, peace, order and good government is, I would suggest, somewhat anemic and perhaps even uninspiring. It would not make a very good battle cry; but I suppose if one already enjoys peace, order and good government, it dampens one's revolutionary fervor.

But then again we are not a country prone to taking up arms. Our road to national independence was long and slow and mostly non-violent. Just last weekend, we celebrated Victoria Day, a uniquely Canadian holiday – and for those who were willing to get up early on Saturday morning, you were even treated to a royal wedding.

Just as we did not forge our nation in revolution, neither did we test it with a civil war. I've heard the Minister of Communities, Land and Environment speak passionately about how that distinguishes our country from our neighbour to the south. In many countries, the co-existence of distinct French and English communities would have, and has resulted, in full scale

war such as the civil war which bitterly divided the United States and still leaves deep wounds and divisions 150 years later.

Sorry, I said the United States. It was America back then. A very disunited states –

An Hon. Member: Yes.

Dr. Bevan-Baker: – at that point in time.

An Hon. Member: Yeah.

Dr. Bevan-Baker: But instead of war –

An Hon. Member: Just like today.

Dr. Bevan-Baker: – Canada – well, maybe – Canada and Quebec tried to resolve our divisions through the Royal Commission on Bilingualism and Biculturalism, the ultimate triumph of, I would suggest, bureaucracy over bloodshed.

The mandate of that commission was to, and I quote, "...inquire into and report upon the existing state of bilingualism and biculturalism in Canada and to recommend what steps should be taken to develop the Canadian Confederation on the basis of an equal partnership between the two founding races, taking into account the contribution made by the other ethnic groups to the cultural enrichment of Canada and the measures that should be taken to safeguard that Contribution."

Clearly the royal commission did not resolve all of our problems, but so far –

Ms. Biggar: Call the hour.

Dr. Bevan-Baker: – we have managed.

Speaker: The hour has been called.

This House will recess until 7:00 p.m. this evening.

The Legislature recessed until 7:00 p.m.

Orders of the Day (Government)

Speaker: You may all be seated.

Mr. LaVie: Thank you, Mr. Speaker.

Speaker: You're very welcome.

The hon. Minister of Workforce and Advanced Learning.

Mr. Gallant: Thank you, Mr. Speaker.

I move, seconded by the hon. Member from Charlottetown-Lewis Point, that the 17th Order of the Day be now read.

Speaker: Shall it carry? Carried.

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

Debate was adjourned by the hon. Leader of the Third Party on the motion that the bill be read a second time.

Speaker: I will call on the –

Recognition of Guests (III)

Ms. Casey: Can I indulge you for recognition before we start?

Speaker: Go ahead, hon. member.

Ms. Casey: Thank you, hon. members.

Thank you, Mr. Speaker.

I just want to draw your attention to the gallery. I'd like you to welcome one of my constituents whose home from Dalhousie University, Zack Moran is here and he just completed his third year kinesiology.

Welcome home Zack.

[Applause]

Speaker: I'll now call on the hon. Leader of the Third Party to speak to the motion, to second Order No. 17.

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

On Tuesday evening I began debate at second reading on the principles of Bill 38, the Electoral System Referendum Act. Since that time, several people have asked me why I choose to use this seldom used legislative opportunity to initiate debate. Indeed, some political pundits have even characterized my actions as wasting time, and, quite bizarrely, avoiding debate.

Let's first set the record straight on that particular count. I am not avoiding or holding up debate, as some would have these events twisted. I'm using a perfectly normal and legitimate means of expanding the debate we typically have in this House to include discussions on the principles of this bill. This is debate. This is nothing but debate. To suggest that I am somehow holding something up or circumventing or preventing debate, is absolute nonsense and political spinning of the most egregious kind.

As for time wasting, I have been loudly and repeatedly criticized in the past for the brevity of some of my speeches, indeed by the Premier himself. He seems to equate the length of one's speech with the importance that one gives to the topic. The complaint, if I remember right, was that I spoke for only seven minutes on a particular motion on a related topic, so clearly that issue could not have been of great or significant concern to me.

By that measure, I think the Premier and indeed all Islanders, will learn by the end of my contribution to this debate just how critical I feel the problems with the principle of this legislation is.

Dr. Bevan-Baker: I shall speak for no less and no more time, than I need in order to fully alluminate what I feel to be serious concerns with this bill, Bill No. 38. I am not going to stray from discussion on the principles of this bill, indeed, I have strenuously avoided taking any side roads, though I have to say there were many available to me and many of them were very attractive, but I have avoided anything superfluous that might unnecessarily lengthen my remarks.

I shall speak for exactly as long as I feel I need to express fully the concerns that I have and to suggest a pathway that we might take to avoid what I fear will be some deep and potentially very expensive constitutional trouble should this bill pass in its current state. I am still talking because I need to make a statement on behalf of Islanders.

Normally in this House we make a statement through the words that we use in debate, but sometimes we also make a statement by the

timing and the manner in which those words are spoken. I hope my words alone from Tuesday and tonight are, by themselves, a loud and clear statement.

I made the unusual step of initiating debate on second reading of Bill No. 38, because this matters. This is important, not just for MLAs, but for all Islanders. I believe that the well-being of our democracy in our province is at stake. I don't think it's hyperbolic to say that this bill in its current form threatens some of the fundamental democratic principles that we, as Islanders and Canadians, hold so dearly.

I am still talking because I have grave concerns about Bill No. 38. I am still talking because I have heard that there are serious constitutional issues with this bill as it is currently drafted and that it probably would not survive a charter challenge. Indeed because of this specific concern, I have repeatedly asked government to provide me with a legal opinion on the bills constitutionality as it is currently drafted. I've asked three times, and so far they have refused to share that, which leads me to believe that the bill is not ready to be debated on the floor of this House and committee of the whole. It is not ready.

I am still talking because during the lead up to the first plebiscite, there were broad public consultations as part of an open and a transparent process. The Premier promised the same thing for the second plebiscite, but instead, bill 38 was drafted in secrecy. By speaking on the principles of this bill at second reading, I am in part trying to provide some of the public input that this bill is utterly lacking.

I am still talking because I am very concerned about the haste of this process. The bill was introduced by the minister on May 10th, and we started second reading on May 22nd, and it legislates that the referendum commissioner be in place by June 1st and that all eligible referendum advertisers be registered by July 1st. There is absolutely no reason to rush through this without taking time for meaningful public debate. This false sense of urgency has been manufactured by government, because as we all know, the next election is not until October 2019.

I am still talking because we have all kinds of time to debate this crucial bill fully and properly. And I invite all members of this House to do so after I sit down.

On Tuesday I finished up talking about the work of the Legislative Management Committee and why I feel that this body is not ideally suited to choosing the independent referendum commissioner. I spoke briefly about how Legislative Management Committee operates and of my experiences in the committee making prior decisions regarding other independent officers of this House.

I finished up on Tuesday by saying the following: Meetings are 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 and then requires everyone to be sworn to secrecy is the opposite of an open and transparent process.

However, I have been assured by the clerks of this House that as a result of Parliamentary privilege within this rail, I am in fact allowed to speak to past deliberations that have occurred, as long as I only discuss these matters inside these rails. As you can appreciate, I also have to be very careful about what I say, however, I feel obliged to speak up about one particular instance where the committee derailed the work of an independent officer of the Legislature.

In 2015 the Conflict of Interest Commissioner issued an annual report in which he made numerous recommendations to improve the accountability of MLAs. In his report, the Commissioner stated:

“This Act – and he was talking about the *Conflict of Interest Act* – has been in place since 1999. It is modeled on the legislation in Ontario. While the legislation in Ontario, as well as that in other Provinces and in the House of Commons, has evolved since 1999, the Act on Prince Edward Island has never been amended.

With this in mind I undertook a review of the legislation in other Canadian jurisdictions. In my opinion the operation and administration of the Act could be improved with the inclusion of some

specific provisions that have been adopted in other jurisdictions.”

Following from that discussion and that thought, the Commissioner offered up a total of five major recommendations which included: more clearly defining private interests; lowering the threshold of allowable gifts to MLAs from \$500 to \$200; allowing private citizens to make a complaint to the Commissioner; extending the cooling off period for ministers from six months to 12 months; and implementing a mandatory review of the act after each general election. Approximately every four years, or at least that’s the way it should be.

In addition he provided minor clarifications on issues such as the reimbursement for Costs of Establishing a Blind Trust, Disclosure of corporate interests, and a member’s pension plans. It was a comprehensive and it was a timely report and it was full of robust and strong recommendations; again, five major recommendations.

The report then went to the Standing Committee on Legislative Management and two years later the Minister of Justice and Public Safety and the Attorney General presented legislation that implemented only three of those five recommendations. The two most important recommendations in my opinion; that the public be allowed to make a complaint of a suspected conflict of interest directly to the commissioner and to extend the cooling off period for ministers from six months to 12 months were omitted from the minister’s bill.

If anyone is wondering about the importance of the cooling off period, I should point out that the former Education Minister publicly announced his new job as Vice President of Government Relations for an Educational Publishing Company exactly four days after the end of his six month cooling off period. I also should point out that at six months Prince Edward Island has the shortest cooling off period in the country with other jurisdictions requiring 12, or as much as 24 months.

My colleague from Charlottetown-Parkdale, stood in Question Period the other day and asked the Justice Minister, and I quote: Minister, did you really bring forward these

amendments without first inquiring as to why the Legislative Management Committee rejected those two recommendations, or even checking to see if all parties were in agreement?

In other words, her question was whether the Minister of Justice and Public Safety and Attorney General actually knew why he was introducing the legislation. His response was less than inspiring.

And I quote: I am a bit troubled, I will say, by this line of questioning. The reason behind that is that my understanding is that the hon. Leader of the Third Party is on that committee. The official opposition is on that committee. We often would hear the hon. Leader of the Third Party in here saying that we need to collaborate and we need to work together.

In the spirit of respecting those committees, we took the bill; I took that bill, as Minister of Justice and Public Safety and the Attorney General that was put forward to my office. I sponsored it, as it often would happen to get it to the floor so that it might be debated here in this Chamber by all the members of this Chamber. I think, out of respect for that committee, that’s the proper process in this situation.

When my colleague pressed him even further, he continued along this line, addressing the speaker.

Again, I am troubled by this line of questioning. As you would well know, and out of respect for yourself, as chair of that committee, I am not considering myself to be in a position to question yourself and the authority that you had to send that letter to me asking me to advance the bill on behalf of the committee.

Well, with all due respect, I am also troubled. I find it inconceivable that the Attorney General does not see the potential conflict inherent in a group of MLAs meeting behind closed doors and deciding that they should not be subject to more rigorous oversight.

I sat on that committee and objected to the committee’s decision to disregard what I considered to be the two most important recommendations of the Conflict of Interest

Commissioner. Indeed, I was so unhappy with this process that I began work on my own Private Members Bill covering all the amendments, all five of them, including those two most important ones.

So when I read the Premier's draft referendum act, that the Legislative Management Committee will recommend the referendum commissioner, I do indeed have concerns. These concerns are even further amplified, when I read that the commissioner is to be in place by June 1, 2018. That would leave the committee no time to advertise, no time to review applications, no time to interview applicants, and debate options and to select the commissioner.

Indeed, given that we are less than two weeks away from June 1st, I don't think we would even have time for the Standing Committee on Legislative Management to meet, vote in the Premier's handpicked candidate, report back to the Legislature, hold a vote in the Assembly and have the commissioner in place by June 1st; just not possible.

And as we know, if the commissioner is not in place, then eligible referendum advertisers will be unable to register by the July 1st, 2018 deadline. Which by the way, happens to be a Sunday and is a statutory holiday, but I guess you could not resist the irony of forcing through this potentially unconstitutional process on a national holiday when we celebrate this amazing country and its democratic institutions.

Considering that the next general election is not scheduled until October 2019, or possibly April 2020, depending on the federal election, government has to acknowledge that there is actually no urgency here whatsoever, to appoint the commissioner. We have all kinds of time to undertake a proper process to solicit applications and for this House to identify the best candidate.

But beyond my recent experience with the quality of decisions of the Legislative Management Committee, I am puzzled why the selection of the referendum commissioner would not fall to the Special Committee on Democratic Renewal. As I said earlier in my remarks on Tuesday, the

work I did with the Special Committee was amongst the most congenial that I have experienced since being elected in 2015. The committee would strike me as the obvious choice to assign the role of choosing a referendum commissioner.

Of course we know that the current status of the committee is, what you might say, up in the air. I have been writing to the Chair of the committee requesting that he reconvene our group so that we can continue the work that is not complete from our original mandate in the White Paper on Democratic Renewal. I have written twice and I have yet to hear back. I have even addressed the matter on two occasions in Question Period.

In the fall of 2017, I asked the Premier about why I was having difficulty in eliciting a response from the Chair of the Special Committee on Democratic Renewal, the current Minister of Justice and Public Safety. I was told that the Premier could not speak for the Chair. A few weeks ago, I addressed the same question to the minister himself.

Sadly, I may have once again offended his sensibilities with my indelicate approach to seeking a straight answer. Indeed, based on the forcefulness of his response, I fear that I may have scandalized him when I suggested that the Premier has shut down the committee.

The minister of justice said this: Again, this is a totally improper question. The hon. Leader of the Third Party would know that this is something outside the purview of this Chamber in terms of answers as to what would have gone on at that committee. It's something that's outside of my purview as a minister, not proper to be asked during Question Period.

Well, that whole exchange reminded me of a similar one I had with the then Minister of Workforce and Advanced Learning, who is the currently Minister of Community, Lands and Environment back in the fall of 2016. When I asked him if he would honour the electoral plebiscite vote of his constituents in District 12, who voted overwhelmingly in support of mixed member proportional.

He responded like this: This member comes to the Legislature and he talks about the

rules of the Legislature and how we should follow the rules of the Legislature. He stands over there sanctimoniously –

An Hon. Member: (Indistinct)

Dr. Bevan-Baker: – talking about how he represents the people of Prince Edward Island.

Some Hon. Members: (Indistinct)

Mr. Myers: It sounds just as good when you say it.

Mr. Trivers: (Indistinct) shut down Brown one and shut down Brown two.

Mr. Murphy: They never asked me (Indistinct)

Dr. Bevan-Baker: I represent my district and the people of Prince Edward Island, but we have a set of rules here in this Legislature that questions to ministers must be relative to their department. You will have ample opportunity to hear what I feel in the debate when the debate comes up. For someone who talks about the rules of the Legislature and how we're not following the rules of the Legislature, his first question to me is about breaking the rules of the Legislature.

Thank you very much.

Approximately, that was not bad.

Mr. R. Brown: (Indistinct) thank you very much.

Dr. Bevan-Baker: At the time, I thought one of us was clearly misinterpreting the rules of this Legislature so I raised a point of privilege later that day with the Speaker, and I stated: During Question Period today I asked a series of questions to the Minister of Workforce and Advanced Learning, who is the most seasoned MLA in this House.

An Hon. Member: (Indistinct)

Mr. LaVie: (Indistinct) showing it.

Dr. Bevan-Baker: – I imagine that he would have a better knowledge of the rules of this House than myself –

Mr. Myers: But he doesn't.

Dr. Bevan-Baker: – who is one of the newest MLAs –

Mr. R. Brown: (Indistinct) any way you want (Indistinct)

Dr. Bevan-Baker: – but it turns out that that is not the case.

Mr. LaVie: He knows the rules.

Dr. Bevan-Baker: Instead of answers I got an angry tirade and accusations of not following the rules.

I would draw your attention to chapter –

Mr. J. Brown: No, not you. You always follow (Indistinct)

Mr. R. Brown: You always follow (Indistinct)

Mr. J. Brown: Are you following them now?

An Hon. Member: Yeah.

Dr. Bevan-Baker: Absolutely, I am.

Mr. J. Brown: This is debate on the bill (Indistinct)

Dr. Bevan-Baker: Principles of the bill.

An Hon. Member: (Indistinct)

Mr. J. Brown: (Indistinct)

Dr. Bevan-Baker: I would draw your attention to the still Minister of Workforce and Advanced Learning's words –

Mr. J. Brown: (Indistinct)

Dr. Bevan-Baker: Oh sorry, no. These are my words in my point of privilege:

I would draw your attention, Mr. Speaker, to Chapter 13 on questions, Rule number 62:

(1) Upon the order of business "questions by members" being called, oral questions of an urgent nature relating to public affairs may be put without notice to ministers of the Crown.

I said: I put it to you, Mr. Speaker, that in every respect the series of questions I asked the Minister of Workforce and Advanced Learning fits under that criterion absolutely.

The next day, Mr. Speaker, you pointed out that this was not actually a point of privilege but rather a point of order, but you also ruled that the questions I asked were indeed in order. I would argue that my questions to the minister on the status of the democratic renewal committee would also be considered an 'oral question of an urgent nature relating to public affairs'. I only bring that up because I am unconvinced that it was improper for me to ask the minister of justice the question that I did.

Mr. J. Brown: (Indistinct) point of order.

Dr. Bevan-Baker: However, regardless of whether my question regarding the status of the special committee was proper or improper, the minister did not provide a response as to whether the committee had indeed been shut down.

However, barring any announcement to the contrary, and I have yet to receive one, I have to assume that the Special Committee on Democratic Renewal has not been disbanded and that it would make an appropriate home for the appointing of the referendum commissioner.

There, we got back to the point, minister.

An Hon. Member: (Indistinct)

Dr. Bevan-Baker: The committee has been involved in the process of democratic renewal ever since it was formed.

Mr. J. Brown: (Indistinct) but he doesn't like to (Indistinct)

Dr. Bevan-Baker: If the Chair would respond to letters sent to him, I am sure that we could reconvene quickly and begin the process of advertising for the referendum commissioner, conducting those interviews and would have a recommendation ready for this House to vote in due course.

Of course, it will probably not be possible for the special committee, or any other committee for that matter, to have a

recommendation in place by June the 1st of 2018, but you know what? I don't see that as an impediment at all, actually, since the date is a complete fabrication of the Premier's, and I can only assume that it's related to his reluctance to commit to adhering to the fixed date election laws that this Liberal government put in place in 2009 and has only ever adhered to once since then.

Like most Islanders, I am also somewhat baffled at the point of a fixed date election if the Premier claims that the dates don't actually mean anything.

The Premier is quite fond of quoting Section 4.1 of the *Election Act* that state that the powers of the Lieutenant Governor are not affected by fixed-date elections.

I quote: Nothing in this section affects the powers of the Lieutenant Governor, including the power to dissolve the Legislative Assembly, by proclamation in Her Majesty's name, when the Lieutenant Governor sees fit.

As we all know, the Lieutenant Governor as the Queen's Representative, solely has the power to dissolve the Legislative Assembly and its proper and correct that those powers should not be limited.

However, we also all know that in practice the decision to call an election is made on the advice of the Premier and Cabinet.

Other jurisdictions with fixed-date election laws also don't limit the powers of the Lieutenant Governor. However, that has perhaps not been as much of an issue for them as their premiers have not treated this clause as a get-out-of-jail-free card to be played with impunity.

For me, this raises an interesting question: If the Premier cannot be trusted to adhere to the spirit of the act as well as the letter of the law, should there be criteria, either set out in law or within our understanding of democratic norms, for when the Premier can in fact override the fixed dates in the *Election Act* and advise the Lieutenant Governor to dissolve the Assembly?

In other words, under what circumstances would it be considered legitimate for the Premier to force an early election, and under

what circumstances would it be considered a blatant abuse of power?

I am trying to consider circumstances where an early election could be legitimately called, and of course the most obvious one is if the government has lost the confidence of the Legislature.

An Hon. Member: (Indistinct) lost your confidence (Indistinct)

Dr. Bevan-Baker: Many months ago.

In those circumstances, the Lieutenant Governor would have very few options other than to call a general election. But surely there must also other examples that are less extreme.

An Hon. Member: (Indistinct)

Dr. Bevan-Baker: The last time the Premier decided to overrule the fixed-date election laws, there was some validity to his decision.

The resignation of the former premier and the appointment of the current Premier presented a significant material change, and some would argue that the new Premier needed a new mandate from the people to begin his work.

Indeed, I believe in Newfoundland and Labrador's Elections Act it states: that if the Premier steps down, a general election has to be called within 12 months. Now on Prince Edward Island, we actually did have a fixed-election date scheduled within twelve months of premier Ghiz's resignation. So it could be argued that even under those circumstances it wasn't necessary for the Premier to call the PEI election in the spring of 2015. However, given the impact of a premier's resignation on government, I personally would not characterize that particular decision as an abuse of power.

Another example of when a snap election might be considered legitimate is when there are extraordinary issues facing government that would go beyond the generally-accepted mandate of the current administration.

For example, if there was a truly weighty decision such as the need to declare

conscripted military service, for example – I can't imagine that the Premier is contemplating that – other examples I could imagine; that there is an economic crisis, that the government proposes radical new austerity measures that were not part of its original mandate, reasonable. Or perhaps if there was a major scandal that shook public confidence in the government, a snap election would be probably in the best interests of the province. But if there is anything like that looming on the horizon on Prince Edward Island, the Premier and Cabinet have certainly keeping it well to themselves.

An Hon. Member: (Indistinct) election.

Dr. Bevan-Baker: Of course, it's much easier to conjure up reasons that are not legitimate.

A few immediately spring to mind, like you see an advantage for your party in the most recent polling numbers; or you must introduce a carbon price at the end of the year and you really don't want to talk about it; or you're trying to sabotage a referendum by rushing through legislation without public consultation.

An Hon. Member: (Indistinct) implemented in 2016.

Dr. Bevan-Baker: When we can get an answer from the Premier on whether he plans to violate PEI's fixed-election dates, he likes to muse vaguely on the potential conflict with the federal election in the fall of 2019.

Last week, my colleague from Charlottetown-Parkdale pressed the Premier on this very issue, and all he was willing to offer was this:

I will also remind the House, as we have before, that our *Elections Act* offers a number of options when it comes to when the next election may take place, and that includes retaining the constitutional ability of the Lieutenant Governor to act to initiate an election, and our *Election Act* did not take that away, nor have any other election acts across the country – as I mentioned earlier – I think most of us can see that in the fall of 2019, there's another election taking place – he was talking of course of

the federal election – and I hope that all of us will have that in mind.

In his fondness for quoting Section 4.1 of the *Election Act*, our Premier seems to have forgotten to read section 4.2 which states quite clearly:

If the writ period for a general election to be held in accordance with clause (2)(b), a regular election, overlaps with the writ period for a general federal election to be held pursuant to subsection 56, the general election shall be held on the fourth Monday in April, in the calendar year following the calendar year mentioned in clause (2)(b).

In other words, our fixed-election date is in October, but if we have a federal election that coincides with that, our election will get pushed forward to the spring of April in 2020.

So, contrary to what the Premier tries to imply, our *Election Act* is not silent at all on the issue of what should happen if the provincial election overlaps a federal election. Indeed it is quite explicit, “the general election shall be held on the fourth Monday in April in the calendar year following.” It doesn’t say it ‘may’ be held, it says it ‘shall’ be held. And it certainly doesn’t say that the date of the election is up to the discretion of the Premier or the Lieutenant Governor in Council.

So you know what? The Premier can stop worrying about that, when the next election should be, the answer was right in front of him all along for the entire time. If there is a federal election in the fall of 2019, our provincial election shall be on Monday, April 27th, 2020.

So, now that I have been able to clear up that little mystery, perhaps the Premier can focus his attention on some much more pressing matters of state, such as what type of carbon pricing model will be compliant with federal requirements and, at the same time, best serve the people of Prince Edward Island, especially the economically disadvantaged. Or perhaps he can seek public input on his *Electoral System Referendum Act*, Bill No. 38, so it will actually create the level playing field, that he seems so fond of referencing.

Of course, as obsessed as the Premier is on the federal election in 2019, he seems equally oblivious to the municipal elections in the fall of this year, 2018. If the Premier is actually contemplating an early election call, he should think seriously about how a fall 2018 election would impact the municipal elections here on PEI.

Already, Charlottetown councillor Melissa Hilton and Cornwall councillor Peter Meggs have expressed publicly their concerns about the impact of a provincial election running alongside a municipal election, and the Charlottetown council’s intergovernmental affairs committee has agreed to bring the matter to the PEI Federation of Municipalities. Of course it’s not only an impact on the municipalities themselves that I’m concerned about, but the strain of resources on Elections PEI to run simultaneous or very adjacent municipal and provincial elections.

I believe that the process for appointing the referendum commissioner is deeply flawed and needs to be reviewed. In addition, the dates attached to the legislation have been artificially generated to create a false sense of urgency for passing this bill. It reminds me somewhat of those cagey salespeople, who insist that you must sign a contract today or the special deal you are being offered is not going to be available tomorrow.

I make it a policy to never sign a contract, and this one, by the way, is a doozy, without reading all the small print. The people of Prince Edward Island deserve the same from their elected representatives.

Now, the third purpose of the bill: to create a level playing field, and to me and many others, this is truly the most problematic part of the stated principles of this bill. To understand this principle we need to fully explore the idea of what a level playing field is, as described under section 2.(c) of bill 38 and I quote:

“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.”

It all sounds very reasonable, doesn't it? But the term 'level playing field' is an interesting one and it allows us all to draw comparisons as to what we may think it means. To some, when you mention a level playing field, sports immediately come to mind. So that, to play the game fairly, the actual physical playing field must be level, not sloped one way or the other so that, in the case of, for example, soccer, the ball does not roll more easily to one end and therefore give an advantage to one team over the other. But as is the case when nature does not allow for a level field, it is customary for teams to swap ends at half time so that that advantage is balanced out.

Other examples of using the term 'a level playing field': A metaphorical field is said to be level if no external influences or interferences affect the ability of the players to compete fairly.

Some government regulations are intended to provide such fairness, since all participants must abide by the same rules. However, they can actually have the opposite effect, for example if larger firms, larger companies, corporations find it easier to pay for the fixed costs of meeting some regulations. It may be – then, that may not be, indeed, fair. It may be added that if the rules affect different participants differently, then they are, indeed, not the same and it is not fair.

I'm reminded of a picture. I believe it's the Coalition for Women in Government of three people standing behind a fence, only the tallest one can actually see over the fence. The caption is: the difference between equality and equity. Equality is you give them all a raised platform of the same height. It's good for the tallest guy can already see over, the middle one can now see over, but the smallest ones still cannot.

Equity is different. Equity means giving a bigger platform to the smaller person so they can see over. The big guy doesn't need a

platform at all. The middle person needs a small one. That's the difference between equality and equity.

A level playing field may not mean giving same resources to two different parties if they are of different scale.

So when we apply the idea of a level playing field to this bill we must consider a few things.

Firstly, we have to consider the timing of the next election, which I have already, of course, discussed at length. But I just want to add that regardless of how perfectly flat the playing field is, the game is decidedly rigged if only one team knows when that game is actually scheduled.

Secondly, we must consider the idea that the status quo always has the home team advantage. It takes a lot more time and a lot more energy to explain a new system to voters than it does to describe the virtues of a system that they are already entirely familiar with.

Ensuring that both sides get equal amounts of money, with no option to spend above and beyond that amount does not necessarily make the playing field level.

Thirdly, we have to consider the issue around proponents being allowed to raise money. More than once in this House, it has been implied by both opposition and government members that I am in favour of finance rules for political parties, but not for proponents of electoral change. The accusation is unfounded and it's ridiculous, but it does raise the question on what would be fair rules that we could apply to all.

Let's muse on that for a moment. Would the government or the opposition members be comfortable if instead of being allowed to raise money for the next election, they were told that all registered parties would be given \$400,000 to run their campaigns?

Now, you might imagine that I would personally be very happy with that model because it would certainly level the playing field for the Greens, who have never, of course, had the advantage of accepting union or corporate donations.

But I would also acknowledge that it would put far too many limitations on our ability as citizens to participate in democracy.

Instead of having fixed set amounts, why not have referendum campaign finance rules similar to the ones that this government has recently proposed for political parties? Your idea. No off-Island money; no corporate or union donations, and a fixed maximum donation per person. I have never opposed having rules around funding the referendum campaign, but I think they should be fair and somewhat equivalent to the ones that we envision for other forms of political campaigning.

Fourthly, we must consider the necessity for a piece of legislation that just covers this one particular, precise, singular referendum. To return to the soccer analogy briefly; how fair would it be if during the world cup finals if one team was allowed to decide that a completely different set of rules should apply in the final round. Right up until that moment, I'm sorry, right up until the moment the Attorney General came to our office the other day to brief us on the bill, the third party had no idea whether or not government was proposing a referendum bill that would apply to all referendums ever held on PEI forever going forward, or whether it would apply specifically to the electoral reform system. It turns out that it is the latter. This bill is specifically designed for this one singular referendum.

Now, you could make excellent arguments for or against either approach, but when it comes to levelness of the playing field, I would certainly feel more comfortable with this legislation if we were told that the same rules would apply in all future referendums.

I wonder would the government be so fond of this act if they knew that future referendums would all be run in this way.

When you read the rules around who is eligible to register as a referendum advertiser, it is hard not to believe that they were created with the sole focus of restricting the activities of the main proponent that won the last plebiscite.

I would just like to read out the relevant sections of the Act:

“Who is eligible to be a registered referendum advertiser

(3) Subject to subsection (4), a referendum advertiser is eligible to be registered as a registered referendum advertiser if all of the following apply:

- (a) the referendum advertiser is an organization with no fewer than five members;
- (b) the organization is not for profit;
- (c) the members and any directors of the organization are not compensated for being members or directors of the organization;
- (d) membership in the organization is voluntary and open to all;
- (e) the organization has a bona fide interest in the outcome of the referendum;
- (f) at least two-thirds of the principal members of the organization have been ordinarily resident in the province for at least six months immediately before July 1, 2018.

Who is not eligible to be a registered referendum advertiser

8.(4) An organization is not eligible to be registered as a registered referendum advertiser if

- (a) the organization is a political party or an organization or association of a political party;
- (b) any of the principle members of the organization
 - (i) is a candidate in the general election, intends to be a candidate in the general election or is the official agent of a candidate in the general election,
 - (ii) is an election officer or a member of the staff of the Chief Electoral Officer, or
 - (iii) is the Referendum commissioner or a member of the staff of the Referendum commissioner; or

(c) more than one-third of the members of the organization are not ordinarily resident in the province.”

Again, I would be much more confident that we have a level playing field if government were willing to commit to having these rules apply in all future referendums rather than just this one, where government has already expressed a clear preference on the outcome and already knows the composition of its main adversary.

The fifth thing we have to consider when discussing the levelness of the playing field is whether this – and this, to me, is the absolute crux of this whole thing. The fifth thing we have to consider when discussing the levelness of the playing field is whether this legislation could withstand a charter challenge, since any legislation that violates our Charter of Rights and Freedoms cannot, by definition, produce a level playing field.

I am not a lawyer, but I have been hearing from many of my constituents, and many of them, including some lawyers, do not think this Act would withstand a charter challenge. There are concerns above and beyond the issue of parliamentary sovereignty, where a government cannot bind a future government to pursue a particular course of action.

The concerns I have been hearing relate to potential violations of section 2 (b) of the Canadian Charter of Rights and Freedoms which states that everyone has the fundamental, “...freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.”

I have also been inundated with links to case-law on the Canadian Legal Information Institute where the issue of Section 2 rights have been tested in court. Earlier this week I tabled copies of four of these court decisions.

I am not in a position to argue the constitutionality of Bill No. 38, so during Question Period I have turned to the lawyers who sit on the government side of this House to provide clarity on the issue.

People say that getting a straight answer from a minister during Question Period is a

bit like pulling teeth, and as someone who has done both, I can confirm the aptness of the comparison.

Although in the case of Question Period, it may be the visitors in the public gallery, of course, who are most in need of anaesthesia. This dental metaphor came to mind recently as I have been trying to obtain a written legal opinion from government on the constitutionality of the Premier’s referendum act.

On Friday, May 18th, less than a week ago, I asked the Premier to table any written legal opinions that he has that would indicate that this referendum act would survive a charter challenge.

The Premier’s response was less than reassuring. This is what he said,

“Mr. Speaker, let me be very clear.

“We are, and have been saying now for two years and going back to the white paper that was presented in this House in July of 2015 on a course that has been engaged with Prince Edward Islanders, we said in the fall of 2016 that we would respect what took place in that plebiscite by giving Islanders an opportunity to have a clear question, to give a clear answer, and that is the foundation on which this bill is brought forward and it is in that principle and in that spirit, and in the interest of allowing Islanders to have their say, that we are presenting this bill and we’ll have an opportunity to consider it here in this House.

“That’s the ultimate constitutional principle on which we are here. It’s democracy.

“Thank you, Mr. Speaker.”

The Premier’s words.

So, on Tuesday, May 22nd, I tried to ask the Premier once again and the Minister of Justice and Public Safety and the Attorney General stood to respond on behalf of the Premier. But, instead of answering my question requesting the legal opinion, the minister said this,

“Thank you very much, Mr. Speaker.

We have heard kind of time and again from the opposition member in relation to this legislation.” Indeed you did. “We have numerous examples of his coalition that has written in *The Guardian*.

We were around to numerous consultations throughout the course of about 14 months on democratic renewal. Out of all that we’ve put a bill together that will be debated on the floor of this Legislature and everybody will have their opportunity to provide the input they’ve heard from their constituents – Prince Edward Islanders, and if they have legal issues they’d like to bring to the floor, we’d certainly like to hear about them... thank you very much.”

I would suggest that the floor of the Legislature is actually not at all the appropriate venue to debate complex legal issues relating to the constitutionality of a proposed piece of legislation. It is the responsibility of the Attorney General to ensure that any proposed legislation is consistent with the Constitution, and most especially with the Charter of Rights and Freedoms, before it comes to the floor of this Legislature. That’s not something to debate on the floor, that’s something to be assured of before the legislation is tabled.

As I said, I am not a lawyer, I am a dentist, and after years of practice I learned that a successful extraction requires both skill and patience. So I asked to see a legal opinion for a third time, and the Attorney General once again refused to answer.

This is what he said: Mr. Speaker, I find this question a little bit ironic, in that the hon. member is asking if we sought an outside legal opinion in relation to this matter. I think here about three weeks ago he was saying we shouldn’t be going outside for anything. What I have said, and what I will continue to reiterate, is that we’ve put a bill forward. As the hon. member, has indicated, in the past we would expect that the hon. members of this House will participate in a fulsome debate of that legislation. We’ve put considerable effort into preparing that bill. We think it speaks for itself. We’d certainly be open to any commentary as we go forward in the spirit of every debate that we have in this House. Thank you.

Well, third time, still no legal opinion as to the constitutionality of bill 38. First of all, I have to respond to the minister’s characterization of my position on outside legal services. At no time did I ever suggest that government should not be seeking outside legal opinions. However, what I have repeatedly expressed, with shock and dismay, is that government exempts the procurement of legal services from Treasury Board policy and I have persistently asked government to implement a policy – like the one they have in Nova Scotia, I even gave them the policy as a template – a policy that would require the Attorney General to oversee the hiring of outside legal counsel and to take full responsibility for the cost and the quality of that advice. I’m very disappointed the hon. minister would twist the intent of my words and so blatantly mischaracterize my position.

The other thing that I must question in the minister’s comment is when he stated: We’ve put considerable effort into preparing that bill. We think it speaks for itself. While I’m very glad to hear that government has put considerable effort into preparing the bill, although a little more public consultation would not have been amiss. Now I have to assume part of that ‘considerable effort’, as stated by the minister, included seeking a legal opinion on the constitutionality of this incredibly important act. And by a legal opinion, I mean a lawyer with some degree of specialized expertise in that area of law reviewing the legislation in detail, writing up her or his opinion on the matter of its constitutionality, laying out the reasoning behind that opinion, and citing relevant case law.

I really don’t care whether the opinion comes from outside or from an on-staff attorney with the department, but I do care if none was sought. And based on the Premier and the Attorney General’s reluctance to table the document, I can only assume that either opinion wasn’t sought, or that they have an opinion, but that it does not support the legislation. I have grave concerns that without confirmation, that the law governing this so-called referendum is, in fact, constitutional, we will find ourselves in a state of even greater uncertainty. So far, the Premier has failed miserably every step of the way on our journey towards democratic

renewal and I fear he is leading us into yet another dead-end.

First the Premier assured that he was open to electoral reform and initiated a broad, open, and even successful public consultation on the issue. He, and everyone in this Legislature, endorsed a process to conduct a plebiscite. But when the results didn't suit him, he made an executive decision to reject the results – to overturn the will of Islanders. He then rashly promised a binding referendum during the next general election, even though he knows that that violates the principle of parliamentary sovereignty. He has to know that; he's a constitutional lawyer. He next stayed as silent as possible on the whole issue, arrogantly batting away serious questions during Question Period. And then, suddenly, out of the blue, with no consultation, no public input, and not even a proper debate on motion 43 in the Legislature, the Attorney General tables bill 38.

We are now almost two weeks later. My third party colleague and I have asked a total of 18 questions in this House, including supplementals, to both the Premier and the Attorney General and they have been unable, or perhaps unwilling, to provide a serious answer to any of them, yet they continue to move forward with this profoundly flawed piece of legislation.

Let's pause for a moment and think what might happen if government does manage to force through this legislation without fully addressing the issue around the constitutionality of the *Electoral System Referendum Act*. The legislation will pass; the process to appoint a referendum commissioner will be rushed, secretive and it will undermine public confidence. Individuals and organizations who question the legitimacy of the referendum act may seek a judicial injunction or even begin the process of a charter challenge.

At some point that is convenient to the Premier, an election will be called, but we can be pretty sure that it won't be when the *Election Act* dictates that it should be – shall be – has to be. A vote may, or may not be had during the general election, depending on whether the court injunction, I mentioned earlier, has been successful. Assuming the vote actually goes ahead and the proponents

of proportional representation win this vote with a majority of referendum votes cast, but not the majority of electoral votes cast – and I'm not going to get into that rabbit hole – the next government will have to decide whether or not to honour the results of the plebiscite because the rules around whether to honour the vote – whether or not it would be binding are both bizarre and almost certainly unconstitutional.

So, we will be left with a premier, whomever she or he is once again having to make an executive decision on whether or not to honor the vote. If those who favour first-past-the-post have a clear majority, there will still be no electoral certainty, as the charter challenge will continue to work its way through the courts. What a mess – a continued mess. Two years of mess and it's not getting any better.

Once again, a huge amount of taxpayers' money will be expended with no clear result in the end. There is a word to describe that process, but I've already been told that it's very unparliamentary.

What makes this situation especially worrying is the current Premier's discouraging track record when it comes to winning court cases, especially one's around the issue of human rights. When the Premier was president at the University of Prince Edward Island, he became involved in a protracted legal battle with staff and faculty who claimed that the university's mandatory retirement policy discriminated against them by reason of their age. The Human Rights Commission agreed that it did constitute age discrimination, but the university, under the current Premier's leadership, sought a judicial review. Six years –

Ms. Casey: Relevance?

Dr. Bevan-Baker: – after the original complaint, the university finally admitted defeat.

It's entirely relevant because we're dealing with a situation where the Premier pursued something that ended in a court challenge that cost the taxpayers of Prince Edward Island \$1 million. We're about to embark on a piece of legislation which is unconstitutional and could also cost the taxpayers of this province a huge amount of

money. This is entirely relevant, hon. member.

Six years after the original complaint, the university finally admitted defeat, changed its retirement policy and terminated any ongoing litigation. In the end, UPEI stated that the whole proceeding cost the university over \$1 million, which, ironically, is approximately how much the government spent on the original plebiscite, which, of course, the Premier then decided to ignore – dishonor the vote. There seems to be no boundaries to the Premier’s willingness to litigate with other people’s money.

More recently, the government has been involved in litigation related to whether persons disabled as a result of mental illness could participate in the Disability Support Program. The matter was taken to the Human Rights Commission by Millie King on behalf of her daughter Laura. The Human Rights panel concluded that in denying Laura the right to apply, government was indeed discriminating against her and they ordered damages and partial indemnity costs.

The government decided to appeal the decision – this government, under the leadership of Premier MacLauchlan decided to appeal the decision and applied to the Supreme Court of Prince Edward Island for a judicial review. The Supreme Court agreed with government, at which point Millie King and her daughter appealed the decision to the Prince Edward Island Court of Appeal. The appeal court set aside the judicial review and left the panel decision intact. So in other words, Millie King and her daughter won the appeal.

This time it only took five years, not six years, it took five years for the case to make its way through the various panels and appeals. Upon completion, Millie King was quoted in a CBC story saying this about her daughter, “My hope for her is that she lives as independently as possible,” King said. “That she lives with dignity, that she’s happy where she lives, that she has supports where she requires them and yet she can do everything possible that she can for herself. She’s a very independent person.”

Now, what is unusual about this case is that months before the court of appeal final

decision, government decided to change its policy to allow people with disabilities as a result of mental illness to apply to the program, and they stated quite adamantly that the decision had nothing to do with the court case. An article written in *The Guardian*, by Teresa Wright put it this way: But government says the human rights ruling and judicial review have nothing to do with the changes announced on Thursday. Family and human services minister Tina Mundy says there was always a plan to extend disability benefits to those with mental illness. There was always a plan to extend disability benefits to those with mental illness when the Disability Support Program was first introduced 16 years ago. This phase two of the program simply never happened: It was something that was planned anyway, the minister said.

In fact, just last week, I was asking the Minister of Family and Human Services about the Disability Support Program when we were going through estimates here and she went out of her way to assert that any changes made to the program to include people with disabilities based on mental illness had, again, nothing to do with the court case. In fact, she was very passionate about the subject.

For me, her insistence raises a somewhat disturbing question: If it was your plan all along to include people with mental health disabilities, then why on Earth would you fight in that decision in court for five years? Why send the original panel decision to judicial review? I find it hard to imagine that it was a personal vendetta against Millie King and her daughter. I believe that the minister truly cares about her clients – and all of her clients in her social services programs. And no matter how much I accuse the government of throwing money at lawyers who donate to the Liberal Party, I doubt they actually seek out unnecessary litigation just to generate more work. So what lies behind government’s original appeal and subsequent about face? Some might speculate that the entire drama was orchestrated from the fifth floor since the essence of the Disability Support Program echoes the mandatory retirement case at UPEI.

It really concerns me that the Premier has a long history of participating in long, drawn

out, and essentially and ultimately futile litigation. If this bill passes as it is – as it is currently drafted, the province could be trapped in years of claims, counterclaims and appeals. And for what benefit? Sadly, the only benefit goes to the Liberal Party of Prince Edward Island. It is the two traditional parties, the liberals and conservatives, who reap the rewards of the first-past-the-post-system. They are the ones most likely to end up with a false majority government with a minority of votes – as it happened very recently here on the Island. So of course, they have the most to benefit from ignoring the results of the original plebiscite and they are the ones who want to create conditions around the second referendum that will favour a first-past-the-post victory.

From the tight advertising rules, to the formation of the question, to the calculation created to determine if the vote is binding, it looks like bill 38 was designed in the backrooms of the Liberal Party to protect their own privilege. But if the bill has been written to maximize the benefit to the Liberal Party, shouldn't it then be the Liberal Party that takes on the financial and moral risk of defending this bill in court?

The Premier may have been unfazed by spending a million dollars of UPEI's money – including a whole bunch of taxpayers' money in that – to litigate against his own staff and faculty, and then another million dollars of Island taxpayers' dollars on the plebiscite whose result didn't please him; how much longer should we be able and expected to keep paying to clean up the legal and financial messes that the Premier creates?

Yet, in spite of all this, the Attorney General smiles and chuckles and ducks questions and refuses to tell us whether or not government has obtained a legal opinion on the constitutionality of his own legislation. I find this the least amusing matter that I have almost ever encountered in this House.

There is so much more that I could say about this bill, however, I fear that I may have already tested the patience of some in this Chamber. I believe my comments over the past couple of days have provided ample proof that bill 38 is simply not ready for debate on the floor of this House. Therefore,

I recommend the bill be sent to the Special Committee on Democratic Renewal for further study and public consultation.

I would now also like to point out that an editorial in *The Guardian* just this last weekend came to an identical conclusion. With the indulgence of the Speaker I would like to read the editorial in its entirety, so these words will remain in the records of Hansard for generations to come. When future political scientists and historians look back on this debate, they can fully appreciate the context within which these momentous – or historic, to use the Premier's words – issues were viewed by the local press. This is what the editorial in *The Guardian* said on Saturday:

There are serious problems with the *Electoral System Referendum Act* tabled in Prince Edward Island Legislature last week. Government has turned this process into an adversarial exercise when it should be an open, bi-partisan, and collegial effort at renewing the way we elect members of the Legislative Assembly. Instead, we have restrictions, threats of fines and controls which limit public engagement in this important step at reforming the method used to select our MLAs. The bill restricts public debate and curbs a vital element of our democratic process – freedom of speech. The bill creates two opposing factions on this landmark question, instead of allowing citizens to make an informed decision without the distraction of party loyalties and interference of partisan agendas.

When citizens enter the voting booth in the next provincial election, they will likely, thanks to the flaws in this bill, cast a second partisan vote. One vote will be for an MLA in their district while a second ballot will ask citizens if they prefer mixed-member proportional representation over the current first past the post. It's a question that an informed electorate should decide without party interference – whether they be liberals, greens, PCs or NDPs. The second question should not, and need not, be a partisan issue.

Problems with this legislation were clearly outlined in opinion submissions to this newspaper on three occasions this last week. Islanders should take time to review these articles from Marie Burge, Anna Keenan and Brenda Oslawsky – all members of the

PEI Coalition for Proportional Representation, a group which includes supporters from all political parties.

There are serious flaws in this bill which should have been tabled by the Special Committee on Democratic Renewal – an all-party group which held Island-wide meetings and heard from more than 1,000 submissions from Islanders throughout 2015 on the renewal process. This committee approved the plebiscite questions presented to Islanders in November 2016, but since then, has been ignored.

“Once Premier Wade MacLauchlan rejected the plebiscite winner...” – mixed member proportional, as we all would remember – “...and instead supported a “binding” referendum tied to the next election, the matter should have been passed back to the special committee. The all-party group should have decided on referendum legislation and regulations.

“Why did this government veer away from its lofty goals in the June 3, 2015, speech from the throne which outlined a commitment to review ways to strengthen the electoral system, representation and the role of the Legislative Assembly? The white paper on democratic renewal and the hard work of the special committee seems like wasted efforts.

“The coalition’s goal is to inform the public on the benefits of PR and let Islanders make an informed decision. Its mission is not to oust this or any government but to make elections more representative of the will of the people, ensure that every vote counts and strengthen our democratic institutions. Who can stand in opposition to these ideals?”

“There is still time to bring in major amendments to [Bill No. 38], purge the legislation of partisanship and cast off unnecessary fetters placed on this historic legislation.” That’s where the editorial ends, Mr. Speaker.

And on that note, I would like to once again reiterate my call for this House to refer Bill No. 38 back to the Special Committee on Democratic Renewal for further study and for public input with direction to report back to the Legislature in the fall of 2018.

An Hon. Member: Great.

Dr. Bevan-Baker: I hope that every Member of this House will join me in voting against approval of second reading of this bill at this time.

Thank you very much, Mr. Speaker.

Speaker: Hon. members, are there any members who would like to speak?

Some Hon. Members: No.

Some Hon. Members: (Indistinct)

An Hon. Member: We’re going into second reading?

An Hon. Member: Question.

Chair: Nobody?

An Hon. Member: Question.

Some Hon. Members: (Indistinct)

Dr. Bevan-Baker: Standing division, Mr. Speaker.

Some Hon. Members: (Indistinct)

Ms. Biggar: There’s no vote. (Indistinct)

Mr. R. Brown: Yeah, he moved the motion.

Ms. Biggar: (Indistinct)

Speaker: Yeah, the –

Some Hon. Members: (Indistinct)

Ms. Biggar: He made a motion? Okay.

Mr. R. Brown: Yeah.

Speaker: Sergeant-at-Arms, a recorded division has been asked for. You can ring the bell.

[The bells were rung]

Mr. MacEwen: Mr. Speaker? Can I get clarification on the motion, please?

Speaker: The motion, the question is, should the bill come for second reading?

Mr. MacEwen: Okay. Thank you.

Speaker: That's it.

Some Hon. Members: (Indistinct)

Ms. Biggar: That's not –

Some Hon. Members: (Indistinct)

Ms. Biggar: I thought (Indistinct) sent to committee.

Dr. Bevan-Baker: I can't do that. Only a minister can do that. So I can't – we are (Indistinct) a motion. We are approving second reading of the bill, and that's a (Indistinct).

Ms. Biggar: So we're voting on whether or not –

Speaker: Whether or not we're going to have –

Ms. Biggar: (Indistinct) – allowed to go to second.

Speaker: Yeah, that's right.

Ms. Biggar: Thank you.

Mr. MacEwen: Thank you, Mr. Speaker.

Mr. Perry: Mr. Speaker, Government Members are ready for the vote.

Speaker: Thank you, Government Whip.

Ms. Bell: Mr. Speaker, the Third Party is ready for the vote.

Speaker: Thank you, House Leader.

Some Hon. Members: (Indistinct)

Mr. Trivers: Mr. Speaker, the official opposition are ready for the vote.

Speaker: Thank you, Opposition Whip.

Okay, hon. members, all those voting against second reading of Bill No. 38, please stand.

Clerk Assistant: The hon. Member from Charlottetown-Parkdale, the hon. Leader of the Third Party.

Speaker: All those voting in support of second reading of Bill No. 38, please stand.

Clerk Assistant: The hon. Minister of Communities, Land and Environment, the hon. Minister of Economic Development and Tourism, the hon. Minister of Transportation, Infrastructure and Energy and the Status of Women, the hon. Premier, the hon. Minister of Finance, the hon. Minister of Agriculture and Fisheries, the hon. Minister of Health and Wellness, the hon. Member from Montague-Kilmuir, the hon. Minister of Rural and Regional Development, the hon. Government House Leader, the hon. Minister of Family and Human Services, the hon. Minister of Education, Early Learning and Culture and Justice and Public Safety, the hon. Minister of Workforce and Advanced Learning, the hon. Member from Charlottetown-Lewis Point, the hon. Opposition House Leader, hon. Member from West Royalty-Springvale, the hon. Member from Tignish-Palmer Road, the hon. Member from Rustico-Emerald, the hon. Member from Morell-Mermaid, the hon. Member from Georgetown-St. Peters and the hon. Member from Souris-Elmira.

Speaker: Hon. members, the motion has been defeated, so Bill No. 38 will go to second reading.

The hon. Minister of Workforce and Advanced Learning.

Mr. Gallant: Thank you, Mr. Speaker.

I move, seconded by the hon. Member from Charlottetown-Lewis Point, that the said bill be now read a second time.

Speaker: Shall it carry? Carried.

Clerk Assistant: Bill No. 38, *Electoral System Referendum Act*, read a second time.

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

Mr. Gallant: Thank you, Mr. Speaker.

I move, seconded by the hon. Member from Charlottetown-Lewis Point, that this House do now resolve itself into a Committee of

the Whole House to take into consideration the said bill.

Speaker: Shall it carry? Carried.

The hon. Member from Charlottetown-Lewis Point 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 intituled *Electoral System Referendum Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

Dr. Bevan-Baker: Yeah, can we have an overview first, Chair?

Chair: Yes, thank you.

Ms. Biggar: (Indistinct) section by section.

Chair: Minister, would you like to give us an overview of the bill, please?

Mr. J. Brown: I would have figured we would have had one by now. We'll see what we can do.

Ms. Biggar: (Indistinct)

Chair: Yeah, he's getting ready to do that.

Ms. Biggar: Oh (Indistinct)

Chair: No he's – the minister is going to open with a statement.

If you could give an opening statement, it would be great.

Mr. J. Brown: Okay, so an overview; there are a number of different purposes to this legislation, but the legislation – the primary purposes of the legislation are to make a process for the referendum transparent by establishing a clear referendum question and process to enable the expression of a sovereign decision representing the collective will of Prince Edward Islanders as to their preferred electoral system.

The bill provides for the appointment of a referendum commissioner who is an officer of the Legislative Assembly and who will oversee matters leading up to and after the referendum vote. It establishes public funding for organizations who register as

referendum advertisers and are opposing or supporting a change in our electoral system, and limits spending on paid advertising in a reasonable manner to 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.

I should note that the intent, as we have indicated previously, is that this referendum set out a process that follows along with what the Supreme Court of Canada has said is the intent of this sort of a question, and really, we want to get to a point where we have an expression of the democratic will that is free of ambiguity both in terms of the question asked and in terms of the support that it achieves.

We also want to ensure that that support is broadly based, and is sovereign amongst Prince Edward Islanders. So we feel that, again, the Supreme Court of Canada's wording would be that we would like to set out a bill that establishes a fair and level playing field for Prince Edward Islanders to educate themselves in a responsible way and to participate as they would see fit in this referendum that will take place in concert with the next election.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Minister, when I was reading the schedules and the descriptions of the proposed mixed-member proportional system, is the system that you're proposing here, is that identical to the one our committee proposed?

Mr. J. Brown: It is. The wording is taken almost verbatim from the – I was going to say the Chief Electoral Officer, but the group that went around promoting the plebiscite; the wording is taken almost verbatim from that.

I should say, before we get too far into the questions, when we brought this bill forward, myself and staff members went around to each of the two caucuses, plus the member of the fourth realm there and were very clear to indicate that we were putting forward a bill that had been comprised and compiled after a great deal of consideration of the evidence that was given before the

special committee of what occurred, including, what we would have seen in local media or social media through the plebiscite process, what would have occurred following that, the responses to motions in this House, and all of, basically, the body that has been built up from that point until we took ourselves through until – whatever it is, I guess, now, two weeks ago.

And, that we hope to have a good debate in relation to this legislation here on the floor, and I certainly recognize, hon. member, you were on the committee, and we have others here that were as well, and there will be insight and perspective that I'm sure you will bring on behalf of your constituents and Islanders, and we would hope that that be brought to bear for a good, fulsome debate on this legislation.

At that time, I as well asked for your respect and collaboration in terms of amendments that you might propose to the legislation and indicated that we'd certainly be open to receiving them in advance of the bill coming to the floor. I haven't received any yet, but I presume that doesn't mean there aren't any that are going to be proposed.

And, again, I would indicate as we did in relation to the election expenses amendments, that we would appreciate what I'm going to call the patience of this Chamber in terms of amendments that are being proposed, particularly where they're complex and may result in consequential amendments in the legislation being forwarded and some contemplation being given that, if we don't have an immediate consensus to adopt them, that we be able to move on and come back to that at a future point. So I just maybe start out with that and certainly would indicate that.

The other piece, hon. member, that I would have in the back of my mind is that at our committee meetings, we had discussed all along a likelihood of a requirement of a further process in relation to any system that was ultimately chosen and we remain conscious of that. But in spite of that, there was an indication after the plebiscite that what we had was the desire of, particularly, a number of folks in here, so we're (Indistinct) to that as well.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Thank you, minister.

I didn't make any secret of the fact I do like a proportional system. I wasn't a big fan of the mixed member proportional system, and I know at our committee – I think all of us really were in favour of putting the mixed-member proposal system on the ballot that was an open system versus a closed system.

There's still a lot of confusion out there and I know that some education and all that will be happening. But I'm wondering about in schedule 1, if we shouldn't be making reference to the fact that it's an open mixed member. Like, there's a ton of mixed-member proportional systems out there, and certainly not everybody is going to go through all the details and being a member of the committee, you go through and look at all of this; it's going to be difficult to understand, but I wondered about – because I've explained it a number of times so far, that the typical thing against MMP is if you're number one on the party list, the top (Indistinct) on the party list is going to be immediately be put into the Legislature.

But there's actually a vote on that list, and that's called an open, mixed-member proportional system, if I'm not correct. I'm wondering if we shouldn't have that into the question in the schedule 1: Should PEI change its voting system to an open, mixed-member proportional system versus, there's open and closed. Maybe that would spur on debate that at least there's – keeping in mind I'm still not in favour of the whole list system, but at least it shows you that you get to pick the partisan person off that list.

Was there any talk about that with the question?

Mr. J. Brown: So maybe what I will do, I can tell you there was a very significant amount of time spent on arriving at what is there, despite the fact that I'm saying that it was derived almost verbatim from what Elections Prince Edward Island used during the plebiscite process.

You'll see it's actually a schedule 2 that it's contained in right now, and what you get into if you – most of the parts that are in schedule 2, you could make that same argument for it and if you pick them out, you end up with a question that's contained in schedule 1. I think it's also contained at the first part of the act in one of the sections, it might be section 3.

You end up – section 3, subsection 2 – you end up running the risk of conflating the actual question and when I say that; I made no bones about the plebiscite question, and I don't think anybody has that was on the committee in saying that it was too confusing. I think most would acknowledge, at this point in time, whether the result was something that you were a fan of or not, the question was confusing and that's something that we understood when we were going into it and I think the purpose was pretty clear. That was to identify if folks wanted change, what they may wish to change to, and that there would be more work to be done.

But now, again, to go back to what the Supreme Court of Canada has said; when you're making a decision like this, you want a clear answer to a clear question.

So, the question that is there, and you'll recall this, hon. member, if you go back to – I think he was called the single-member commissioner, but it was former chief justice Norman Carruthers, who was constituted back in 2003 to study this issue.

He recommended, and the question was ultimately by, I can't remember what the group was called right off the top of my head. It was a group that was formed of a number of citizens to ultimately delineate the question and educate Prince Edward Islanders on it. They adopted his question verbatim.

It was, ostensibly the same as the question that we have, including the 'no' and 'yes' part. That's how, you know, I would say, for my part, that's how you want to have a question. A nice, clear, crisp question that people can read and they get the sense of what the question is right off. If they want more detail, then there is ability to turn the page for more detail.

That was the rationale behind it when it was done in 2005, and it's the same rationale this time.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair. Thank you, minister.

I'll have to think of that. I like the thought of making – I understand what you're saying; you go down the road, you could put, you know, open, mixed-member proportional system where there are nine seats that are listed. I get how you can keep adding and adding to it. I still might be partial to putting open on there.

The mixed-member proportional system that the committee put on the – or recommended to go on the ballot for the plebiscite. I think it's fair to say that we were focused on all the systems. We felt that putting this open system as the type of – for mixed member.

When you were coming up with this legislation, did you give any thought to putting it out there for public consultation on what type of mixed-member system? If the committee had focused on just MMP systems, we could have gotten more into the details of all the different types of mixed member systems that were out there versus just being mixed member is one of the five options on the plebiscite.

Was there any thought to opening this back up to say maybe we should look at all these? Because, as you say, there are a lot of details to the system. To say: Okay, we've chosen mixed member, maybe we should review the type of mixed member system that Islanders chose.

Mr. J. Brown: I guess the way I would answer that, and again, this is why we're bringing this to the floor in this way, would be, if it were left to me, and you would know this, because you were at the meetings where we discussed this and I said the same thing then, and I'll say it again now: I truly think that would have been the best result for Islanders if we had a further discussion beyond what was on the ballot back in October, 2016. I don't think we ever intended that that was not going to be the case.

But, there is a pretty strong voice on Prince Edward Island now that's indicated that there was a vote, that that's the system that was chosen. And that we honour the vote, or that we do justice by that system.

We said, back at the time, and I would reiterate now, that this is our way honouring that vote. It's to clearly take that system that was brought to Islanders back in, we'll say, July through October of 2016, and say to Islanders: Okay, this is the system you indicated that you wanted. Here it is to have adopted by Islanders en masse as the system that they want to have going forward or not.

Mr. MacEwen: That was one option to do it. That's what your government has decided to do. Another one would have been to say Islanders decided so let's look at the mixed-member system that we're going to go forward with. Then, open that consultation up and then everybody had their say in what the mixed member system would look like, and then implement that system, too. It would have been another way to do it, too.

If this passes are we rock solid on this type of mixed member system then? There is zero room for consultation or changing it going forward?

Mr. J. Brown: There are a couple of things, I guess, that I'll say in response to that question. That is why we're bringing it to the floor.

I don't think there are any foregone conclusions in this legislation, as far as I'm concerned.

Mr. MacEwen: Yeah.

Mr. J. Brown: If you're hearing, or you want to make a motion to amend.

I think, and certainly I know from having had this discussion with our caucus, I think we're here and we're open to hearing what folks have to say. I do think we also need to be careful to recognize that when we set those options, the five options on the ballot in 2016, whether right or wrong at the time that was the option – that was the mixed member system that we chose. I think, it would be fair to say, remembering back to

the time, it wasn't something that just came off the cuff. There was a –

Mr. MacEwen: There was –

Mr. J. Brown: – quite a bit of consideration that was put into it at the time. There was also quite a bit of consideration put into the ballot.

We all know, you know, kind of, the lay out, in terms, of how Islanders voted on that. But that, the preferential voting ballot was chosen kind of for that purpose, to say, okay we got down to these five options out of, probably literally, thousands of options. And this is the one that ended up getting picked as the possible that we might chose to.

That's the starting point, I guess, for us. That's, as we said back in November of 2016, that that is our honouring the vote.

Mr. MacEwen: Thank you, Chair.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Speaker. Thank you, Chair, sorry.

Minister, many of our issues with this bill stem from the lack of clarity on the timing of the referendum and the concurrent general election.

We have many questions and several amendments that are prepared to deal with the problems that we have identified stemming from that obscurity. I would like to ask upfront if government can save us all the grief and trouble and just tell us when the referendum and the election will take place.

However, given that I have asked a number of times and haven't had an answer, in the absence of that, we will not be able to support the bill and would recommend that no other member of the House support the bill, unless government can produce and table a legal opinion on the constitutionality of the bill as drafted.

Mr. J. Brown: Is there a question –

Ms. Bell: Would you be –

Mr. J. Brown: (Indistinct) Chair?

Ms. Bell: – willing to identify when, whether there is a date in mind for this to take effect?

Alternatively, can you provide us with a legal opinion on whether this has been checked for constitutionality?

Mr. J. Brown: What are you asking, in terms of when it will take effect?

Ms. Bell: We would like to ask upfront if government can save us the grief and trouble and tell us when the referendum and election will take place so we have a fixed date to work from. Otherwise, we have amendments, which we have to address that challenge that comes with that obscurity. That's one part.

The second part is, as it is currently drafted, we do not feel it's constitutional. Can you advise us whether there has been any legal opinion that validates the constitutionality of this as it currently drafted?

Mr. J. Brown: What I can say, are a couple of different things, as you know and as your colleague went on at length about this evening. We do have fixed date election legislation in this province. The legislation is pretty clear in terms of who has the ability to do what and when an election may be called.

We have indicated that this legislation will have a referendum coinciding with the next election. We would recognize that there is a window of time in which that may occur. Going forward, we have put this legislation forward to coincide with that window.

If you have an opinion that indicates that there is something unconstitutional in the legislation, I'd be more than open to having it reviewed and coming back to take a look at it.

Ms. Bell: Minister, can I clarify; does that mean that you have not currently sought a legal opinion on this constitutionality on this bill as it's currently drafted?

Mr. J. Brown: We certainly would have a number of different folks with capabilities that have spent considerable time looking at

this legislation; preparing it. We were very deliberate in setting out the legislation.

As I said, when I was speaking about the purpose of it to coincide with the objectives of the legislation. We feel that it achieves its purpose. That when it's passed it will, again as I said before, and as the hon. member repeated earlier tonight, it will speak for itself in the full context. That's what the constitution is all about.

Ms. Bell: In terms of a legal opinion, how you feel about it is not appropriate. We would need a formal legal opinion, so would you be able to provide a formal legal opinion on the constitutionality of the bill as it is currently drafted? Rather than just how you feel about it.

Mr. J. Brown: You're free to get your own legal opinion on it.

As I said, if you feel that you have one that indicates that it's not constitutional. We would be happy to review it.

Ms. Bell: I absolutely appreciate the permission to get my own opinion on it, but what I'm asking, minister, is that I am extremely concerned that you have not sought a legal opinion on the constitutionality of the bill as it is currently drafted and that you are presenting this bill without that confirmation and that validation that this is actually constitutional.

Mr. J. Brown: I take your concern to heart. If you'd like to put your opinion forward, like I say, we'd be happy to review it, and provide any thoughts that we might have. Got amendments? I'm more than happy to look at them and consider them, as I'm sure are the other 26 members in this House, or 25, and that's what we're all here for.

Ms. Bell: Thank you, Chair, good for the moment.

Chair: Are you – oh, she's done.

Ms. Bell: Yes, Thank you, Chair, for the moment.

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

Ms. Biggar: Thank you, Madam Chair.

Minister, I have spoken to a lot of people, who are concerned that there be no outside influences in the upcoming referendum. Just with the indulgence of the Chair, I'd just like to read something; a scenario, I'm going to say for – it's about Internet research agency.

It was an operation that was divided into departments that included data analysis; graphic designers; finance department, and information technology flank. The job of that research agency was to research information and to look at political landscapes and how it played out on social media, then, to engage a grassroots political organization. It was all to – actually this is, and I'll table it, it's in regard to the Russian interference in the 2016 US election.

Now, we've had professional campaigners in this province gathering data during the previous plebiscite. What I'm hearing from constituents is, they want to be assured that there's not going to be any kind of that outside influence or that type of data sharing with political parties. I don't care what political party it is.

My question is: Does this bill ensure that it's going to be Islanders that are having the say and not being influenced, whether it by outside corporations; outside unions; outside individuals that are hired to do specific things or collect data or professional campaigners? That's my concern; protecting the integrity of the referendum.

I would ask, and I will table this information, but: Does this referendum act, as it is, solidify and protect Islanders in regard to making a choice?

Mr. J. Brown: What I will say, hon. member, about it is this: that is one of the primary intents of the legislation. It is something that is a concern and really, maybe, to clarify a little bit further. The concern is mainly that Islanders are the ones that are sorting this out on their own.

When I say, on their own, there will be an education process that will be guided by the referendum commissioner. Each of the proponent and opponent designated campaigns will have public funds to lead their advocacy campaigns. There will be

ability for individuals that wish to become involved on a proponent or opponent group to sign up to do that, and there will be an ability for individuals to do just about everything that they would normally be able to do to educate or advocate for something that they feel appropriate in their community.

Really, the only – there are a few restrictions, I guess you might say, on those abilities. They are in relation to referendum advertising, and that's defined in the definitions section of the legislation. An extension of that is that there is not the ability to go out and to raise funds, to contribute towards an opponent or a proponent group for the purposes of referendum advertising.

Also that, you know, there are restrictions on corporations and trade unions and those sorts of entities being involved in this and that was a piece of the expenses legislation.

Really, we've confined it to Prince Edward Island residents for the most part, although there is an ability if you're involved in an organization that is part of the proponent or opponent groups, to have a defined number of your constituent members that would be from out of province at any given time.

Beyond that, I think the other piece of that is there would be very kind of defined tracking of that sort of information in terms of what you have spent your money on, what – if you're a proponent or opponent group, and, again, through the expenses act, how that interaction would be characterized, I guess we'll say. So if you're in the business of collecting data and utilizing it for that kind of a purpose, you will have to put a value on that and characterize it as part of your campaign and report it.

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

Ms. Biggar: I'll table those documents, Madam Chair. There's also a document here, sorry, in reference to the vote that's going on in Ireland today, which is a very important vote, a referendum on abortion, and how Ireland has dealt with concerns in regard to any kind of outside influences on that outcome today. So I'll table those documents.

Chair: Thank you.

Ms. Biggar: Thank you, Minister.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

One of the things, and the reason I ask this in the overview section of our debate here today is looking at the choice of a referendum in general and how it relates to Parliamentary sovereignty and within the jurisdiction of Prince Edward Island, maybe you can answer how a referendum does relate to the Parliamentary sovereignty we have within our jurisdiction here.

Mr. J. Brown: I'm not totally sure I follow your question.

Mr. Trivers: I guess what I'm saying is any government that's elected, that doesn't necessarily – they're not bound by the legislation that comes before; in other words, they can change the legislation that has come before. So if there's a referendum under this government, whether it's at a general election or not, although it's a little confusing to me because of course during a writ period, the government ceases to exist, so that's why I'm asking the question. I'm wondering how Parliamentary sovereignty applies – like, is the referendum still binding after the election?

Chair: Premier, do you have an intervention?

Premier MacLauchlan: If I may, Chair: This whole question of Parliamentary sovereignty I believe has been – I'll say overblown, and to a certain extent flipped on its head. The idea of Parliamentary sovereignty is that the legislative branch has the ultimate voice, and the legislative branch gets its voice from what takes place in an election or, in this case, an election in conjunction with a referendum.

Let's say some of us, let's say you're here after an election that includes this referendum, and there's a result in that referendum that meets the threshold that's being talked about, and I would expect we'll have some further discussion about how best

to talk about that threshold. I think anyone who comes to this Legislature, whether you're on the government side or in some other capacity would have a tough time to arrive here and say: Well, there's Parliamentary sovereignty, so let's forget that we had a referendum or an election.

That's what this is all set out to do. With a proper procedure, with a clear question, we're – we've said before that it's clearer whatever we do, it'll be clearer than a plebiscite with the participation that comes with the kind of turnout that we're used to getting in Prince Edward Island at an election, with the clarity that will take place with a yes or a no option, and then the 27 legislators who are here following the election and following the referendum will come here with burdens, burdens of other commitments that have been made that got the support of the voters.

To that extent, that is – Parliament will be sovereign, or the Legislature will be sovereign, but some of what's been said by the leader of the Third Party about Parliamentary sovereignty, it's almost as if Parliamentary sovereignty means that you should ignore the fact that we've had elections. Ultimately, what we come here to this Legislature to do is to act on and to do our best to make democracy healthy and sustainable.

So it's a kind of a long way around to say that while in some world it can be said that we can't bind a Parliament that's going to be here 10 years or 20 years from now, some Parliament will come along in 10 years or 20 years, and we can likely expect will be the case, and change or take to another stage, for example, the freedom of information legislation that we've got on the table here now. That's the normal course of things.

But when we are setting out as we are here in bill 38 to have a referendum in conjunction with the legislation around a question that people have been sort of paying a lot of attention to, then the rule that we would be bound by, those that come here after the election, will be the mandate that arises from the combination of the referendum and the election.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Premier, for that interpretation; and indeed, it's still – it sounds to me like it is an interpretation, and it's not an absolute rule that, given a referendum, whether it be during a general election or otherwise, a future government, a future legislative branch, really, they do have Parliamentary sovereignty and they can change or repeal any previous legislation. They're not bound by the executive or judicial branches, even.

And so it sounds to me like you're saying probably and most likely it would be a bad idea if they didn't adhere to the referendum, but legally and constitutionally, in fact, it would not be binding. It's kind of like what we've argued on many different acts: Yes, the minister does have the power and then the various ministers say: Well of course the minister probably wouldn't use it, it wouldn't be in their best interests. But the fact is by the letter of the law the power is there. That's what it sounds like to me you're saying.

After a general election and a referendum and a referendum result, the government that's formed the legislative branch could decide to overturn that legislation and decide indeed that this very legislation we're debating today, if it was passed, they could decide to change it. So it's still a little confusing to me because – I mean, this legislation in fact says that the referendum is binding when, if you look at Parliamentary sovereignty, at least by the definition that I've seen of Parliamentary sovereignty –

Mr. Roach: Call the hour.

Mr. Trivers: – it's not actually binding.

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

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

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of the Committee of the Whole House, having under consideration a bill to be intituled *Electoral System Referendum 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.

Hon. Government House Leader.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Member from West Royalty-Springvale, that this House adjourn until tomorrow, Friday May 25th at 10:00 a.m.

Speaker: Shall it carry? Carried.

The Legislature adjourned until tomorrow, Friday, May 25th, at 10:00 a.m.