

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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The Legislature sat at 2:00 p.m.

Royal Assent

Speaker: Hon. members, I wish to advise that Her Honour the Lieutenant Governor was pleased to receive representatives of this Legislative Assembly this morning at Government House and has granted Royal Assent to *Workers Compensation Statutes Amendment Act*, Bill No. 34. It was passed in this House on the 29th of May.

Thank you.

Some Hon. Members: Hear, hear!

Matters of Privilege and Recognition of Guests

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

Good afternoon everyone, this is our, Wednesday, the final day of our eighth week of the sitting and by good measure, the warmest day we've had since we started in early April.

Of course, greetings to everyone here in the Chamber, those watching and especially those in the gallery. We've got Kevin Clory, Jerry Laird, Perry Williams, Bethany Collicutt-McNabb and Eddie Lund; people representing a good part of the geography of our province. I expect a good part of the political landscape of our province, too. It's great to be here and to continue to do our good work.

Last night, I attended an event at the PEI Humane Society, which was to invite the public and the community to reveal or to a reception to know more about a project to expand that great facility. It was interesting and certainly uplifting to see the people, who are there and the various ways they're connected to the good work that that shelter and the Humane Society do throughout our province. Indeed, it does serve the entire province.

While I was there, when there were some remarks made by the president of this initiative, one of the first things that she said was: Now, that we have our new *Animal*

Welfare Act we are in a position to expand our services and there's a greater, I might say, coverage that we're able to offer.

It was a reminder, and this is the reason I bring it up, because that *Animal Welfare Act* was a couple of years ago – that, we do things here that matter to people, that matter to animals. And, for each of the things that we do, there's a constituency and I expect that of all the things we've done in the past several years that *Animal Welfare Act* may have mattered the most to those folks, to those folks and animals.

This weekend will be the IWK Telethon, 34th annual. There are a lot of locations where people can be involved in that here on Prince Edward Island, starting here at Murphy's Community Centre across the street from us. A great opportunity to gather together and to support a cause that many Islanders care deeply about.

Thank you, Mr. Speaker.

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

Ms. Compton: Thank you, Mr. Speaker.

It's a pleasure to rise today. I'd like to welcome everyone watching online, especially those from District 4. Welcome to everyone in the gallery. A special welcome to Perry Williams. I've known Perry for a long time. He comes from a great family down in Beach Point.

I just want to make a reminder to everyone that the arthritis walk is on Sunday. You can register online. It's at UPEI, I think, at 1:00 p.m.

Also, I'd like to mention that there was standing room only last night at the Kensington Legion. The hon. member to my left here –

Ms. Biggar: (Indistinct)

Ms. Compton: – was nominated – and we checked their IDs. They were all from the district.

Mr. LaVie: (Indistinct) PEI health cards.

Ms. Compton: The wonderful nomination for the PC Part in District 20.

Also, online, I'd like to mention that Aspin Kemp is hiring; a wonderful company in Eastern PEI and really across the Island. They do great work. And across the world they do great work. There was a posting online saying that they're looking for workers. That's always good news.

Another really interesting post on Facebook was from Saltscapes Magazine: Mona's Newfoundland Fish Cakes. Mona Ryan is from south Pinette. She is a Newfoundlander, but they've lived here for a long time. I can't wait to try the recipe. She's a wonderful constituent; a wonderful community member and I just want to give a shout-out to Mona.

Also, to Justin Campbell. He did a GoFundMe page for the ball diamond in Murray River. They need it to do some work. They were denied. So, couldn't find funding anywhere so he did a GoFundMe page and they've raised, I think, almost \$2,500, so they're going to fix the ball diamond.

All good news, Mr. Speaker. I hope everyone has a wonderful day.

Thank you.

Speaker: The hon. Leader of the Third Party.

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

I, too, would like to welcome everybody to the gallery today; to Eddie Lund, to Bethany Collicutt-McNabb and to my dear friend Perry Williams. I don't know if I've seen Perry in the gallery before, so it's great that you're here Perry from District 17.

Speaking of District 17, I don't want to make a daily habit of this, but I'm sorry to say a young constituent in Victoria-by-the-Sea just passed away, Renee La Grange her name was. She was 22-years-old. She died in Calgary, actually. My deepest condolences go out to her family; her mom and dad, Wendy and Richard and her sister, Alyssa. A real loss to the community of Victoria; again, it's just a real sad day. Thank you, Mr. Speaker.

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

Mr. Dumville: Thank you, Mr. Speaker.

I, too, would like to welcome everybody here. It's good to see Eddie here today with us. It's such a wonderful day out.

I was out in the district this morning and I can't believe what a little bit of temperature does. Everybody is out and just enjoying Prince Edward Island. They're all out in their pursuits, whether it's fixing their houses or tinkering with their hobbies. It's so great to see Prince Edward Island come alive.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

It's a pleasure to rise today and welcome everyone watching online, especially those from District 18 Rustico-Emerald. It's a pleasure to welcome everyone to the gallery, but especially I wanted to welcome, of course, my friend Kevin Clory. He's always out and about and he's got his finger on the pulse of what's going on around Charlottetown, that's for sure. If you want to know what's going on, ask Kevin. Also I wanted to welcome my constituent Jerry Laird. It's great to see him in the gallery today. Jerry may be known to you. He's quite a musician – played bass for many years and now is exploring the acoustic guitar and doing some original songwriting.

Unidentified Voice: (Indistinct)

Mr. Trivers: A little bit. And you're not done doing that anymore?

Unidentified Voice: (Indistinct)

Mr. Trivers: Anyway, I've had a chance to jam with him a few times, Mr. Speaker, and he's an excellent musician. If you get a chance to hear Jerry, take that opportunity.

Finally I wanted to wish all the students in at the Gulf Shore drama club – I was going to say good luck, but to break a leg today in their afternoon performance and their

evening performance of *The Big Bad Musical*. So it should be a very good – a lot of singing and dancing and, of course, my daughter Annika is there, so I especially want to wish her a break-a-leg.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

It's a pleasure to rise here today on this beautiful, sunny day. First off, I haven't got up too often, so I would like to recognize Grant Mann from my district. He's an avid watcher, a follower every day and anytime I run into him, he always loves to talk politics, so I just want to give a shout-out to Grant Mann.

As well, I'd like to thank all my constituents and my volunteers that helped put on a great evening for me last night. I had a good evening and I certainly am grateful for everything that my volunteers and my constituents do for me, Mr. Speaker.

Last, but not least, I want to say hello to my mother. I haven't said hello to my mom this session and I just want to give her a shout-out at home.

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

This is an addendum to my earlier greetings.

At the time, the media had not been present and I want to, of course, welcome all of them and in particular, to acknowledge the first time in the Chamber for Stuart Neatby as the new political reporter for *The Guardian* and to say that we all look forward to your contributions and to working with you and welcome.

Thank you, Mr. Speaker.

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

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

I want to stand and rise today to recognize a lot of people in downtown Charlottetown (Indistinct) been walking the streets lately. I want to thank all the city workers that are out – Joey Farrell and his crew and that; they're doing an excellent job on the sidewalks.

I'm just going on to say one little thing here: I was picking up some clothes at the dry cleaners today and an individual came in and he dropped his clothes off and he said: By the way, I don't want a plastic bag on it when you return it to me. So I think the message is getting out and I must say the hon. Member from Montague-Kilmuir is doing a great job.

Thank you.

Statements by Members

Speaker: The hon. Member from Montague-Kilmuir.

Kings County Construction

Mr. Roach: Thank you, Mr. Speaker.

I would like to take the time today to recognize a great company in eastern Prince Edward Island. Kings County Construction has been a well managed machine for many years now and continues to contribute an incredible amount to the community and Island. They are a family operated business and have been doing so since 1957.

Kings County Construction specialize in many construction activities including, commercial site work, demolition, septic systems, road construction, landscaping, brick work, pools, and many others. They provide hundreds of jobs for the area and truly a power house when it comes to the construction industry. They continue to have a great impact on the economy and provide support for many local communities.

Kings County Construction is owned by Harry Annear and his son Mike and they have been in the family business for the past 40 years. Father and son have a great team behind them and contribute this success to them.

We talk about how and why our economy is doing so well; Kings County Construction is

a terrific example of this. They provide a service to many Islanders and create pivotal jobs along with helping their community through various donations and activities.

I want to reiterate what I mentioned earlier and recognize Kings County Construction for their contribution to business in Eastern PEI. Businesses similar to theirs are just one of the reasons Prince Edward Island's economy is doing better than ever.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Borden-Kinkora.

Confederation Bridge 21st Anniversary

Mr. Fox: Thank you, Mr. Speaker.

Today marks the 21st anniversary since the Confederation Bridge connecting the Island to the mainland as the permanent fixed link. Confederation Bridge has made travel throughout the Maritime Provinces convenient and easy.

The current 12.9 kilometre long bridge is the longest in the world across ice covered waters and continues to endure as one of Canada's top engineering achievements in the 20th century.

The idea of the bridge was a heated issue in the 1980s and eventually it settled at the polls with 59.4% of Islanders voting 'yes' for the fixed link. The bridge took four years to build and some-5,000 workers were involved in the construction of the bridge and on May 31st, 1997, the bridge officially opened to traffic.

Not only has the Confederation Bridge been recognized in the industry for its remarkable design, but the bridge designers have also been recognized for their sensitivity and concerns for the preservation of the environment.

They worked with marine scientists to protect the sensitive Maritime environment and for their exceptional Maritime management of the Confederation Bridge project.

The Canadian Construction Association awarded SCDI the 1994 Environmental

Achievement Award. The Confederation Bridge handles about 1.5 million vehicles making the cross each year. The bridge has contributed significantly to the PEI economy over its 21-year life span.

Also, I will say something since we are talking about the Confederation Bridge; I thought it was an appropriate time to bring up the jetty, which local residents still don't have access to. However, I do know and have confidence that this minister says he is working on it and he's going to get it done. Local residents are simply asking to have access to the jetty and fish like they always have.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Charlottetown-Parkdale.

Sarah Benetto O'Brien-The Handpie Company

Ms. Bell: Thank you, Mr. Speaker.

Today I am pleased to recognize and congratulate Sarah Benetto O'Brien, owner and head chef of The Hand Pie Company in Albany, which opened for business in their new location on Monday.

Sarah is a Red Seal Chef who put her focus and passion for great food into growing an authentically local rural business and a unique PEI culinary experience.

If you haven't had the pleasure of hand pies, you are missing out on something amazing. Sarah and her local culinary crew produce local-ingredients savoury individual sized pies for delicious sustainable and pure PEI. All flavours, including vegetarian, are available frozen for at-home baking and a rotating selection of flavours are available hot through the day.

Sarah and her team have spent the past four years in Borden-Carleton, first as Scapes PEI and then rebranding as The Hand Pie Company, who are now open for business in the new and expanded location in the old Scotiabank in Albany on Route 115. They remain, as always, committed to supporting a cast of excellent Island farmers and producers.

Their suppliers include Larkins; ADL for cheese and butter, Sheldon MacQuarrie and his free-range Highland beef, Cerettis Butcher Shop in Borden-Carleton, Crystal Green Organic Farm in Bedeque for their amazing organic Red Fife wheat which they grow and mill.

I'd also like to recognize Lori Robinson, a leader in PEI agriculture farming, barley, potatoes and soy, who lives directly across the road from the new The Hand Pie HQ, and is therefore the most local of suppliers.

This is her year of 50, which I'd like to celebrate with her. I've known Lori all my life and this is her 25th year of farming in PEI.

Operating year-around and open 10:00 a.m. to 6:00 p.m. every day, The Hand Pie Company is currently the only retail and manufacturing location for authentic PEI Hand Pies. Look for that giant sign painted by Starla and Ryan Wilson of the Montague-based Shiny Paint Company and find your way.

Thank you, Mr. Speaker.

Responses to Questions Taken as Notice

Questions by Members

Speaker: The hon. Leader of the Opposition.

Christmas card photo pose

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

A question to the Minister of Communities, Land and Environment: Minister, is it true while posing for a Christmas card photo in 2016 that you gave the finger to a member of the public who shouted 'honour the vote!'

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

Mr. R. Brown: Yes Mr. Speaker.

Yes, I did it and I shouldn't have done it. It is regrettable and I know it is an important topic we're debating in this House, and I look forward to continuing the debate.

Thank you.

Speaker: The hon. Leader of the Opposition.

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

Fairness of referendum bill and Islanders

A question to the Premier: Premier, do you still believe that your referendum bill is fair to all when a senior Cabinet minister holds the views of ordinary Islanders with such disdain?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, our commitment in the fall of 2016, and our commitment today, was to provide a moment and an occasion and a fair playing field with a clear question for Islanders to determine this very important question about our electoral future. I do indeed take all of this in the greatest seriousness and respect, and I believe that's exactly why we are spending the time we are to get this referendum bill correct, so that Islanders will have that opportunity.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

Disciplinary action for minister

Question to the Premier: Premier, what disciplinary action will you be taking with this minister for this incident?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I don't know all the circumstances of this event, but let me say, I believe we are together here, and I hope it's with discipline and with collaboration and with real sense of responsibility to the bill that we have before us, the referendum that lies ahead of us, and the opportunity for Prince Edward Islanders to signal, to reach a conclusion, as a number of people have said on all sides of this House, on this important question and to get

to a result that will be clear and free from ambiguity.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

Apparently, there are no consequences.

Question to the Premier: Premier, do you consider it acceptable behaviour to have that minister's action cheered on by the rest of your Cabinet?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I think the minister has already spoken for himself on this matter and let me go back to what I said about the purpose that we have here together on all sides of this House to consider and to work together and to be sure that we're putting before Islanders an opportunity to deal with this question.

I don't believe that going back a couple of years to come back with the questions that are being asked here are helping in terms of going forward before Islanders to give them the opportunity, and there are a lot of serious questions that are being raised here and we take them seriously.

I think this is something that we need to keep working on and that we need Islanders to have confidence in and that they will know that when we have that referendum, that we will have decided this question.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

The Premier doesn't want to answer my questions, nor does he want to go back two years to address a very serious incident that happened on the very steps of this Legislative Assembly.

Unfortunately, the reason I want to go back to it is because it's become a pattern of this government.

Opponents and forced amalgamation

A question to the Premier: Can the opponents of forced amalgamation expect the same treatment from this minister?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, as I've said, the minister has spoken in response and very directly in response to the question that was asked, and the question of municipal restructuring, the question of our electoral future – these are all questions that require us in this Legislature to make sure that the people are having the opportunity to be engaged, to be clear, to understand where we're going with our future, and that is exactly where that matter now lies before the regulatory appeals commission. I believe that's exactly how it will move forward.

But, I want to say, back on the question that was being raised previously, I encourage the official opposition to ask questions about this referendum bill that we've got on the floor, and will have on the floor again likely before too long, because it's important that all sides of the House engage and collaborate and ensure that they've got the best possible product that we can.

Thank you, Mr. Speaker.

Speaker: The hon. –

Mr. Myers: I asked (Indistinct)

Leader of the Opposition: (Indistinct)

Premier MacLauchlan: You did (Indistinct)

Mr. Myers: (Indistinct) stay in your seat (Indistinct)

Ms. Biggar: You asked good questions.

Speaker: The hon. Leader of the Opposition.

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

Relieving of CLE minister re: actions

A question to the Premier: Premier, will you relieve the Minister of Communities, Land and Environment from his duties for showing such disrespect to Islanders with his actions?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, the minister is a man of passion, as we've seen here on this floor, and he's also a man of honour. He's forthright, and he already responded to the question today.

I think it's important for us to realize that we're here in the spring, well into heading to summer of 2018 and it's really the point of being here in this House is to put forward, to consider, to do what we can to move forward and perfect an opportunity for Prince Edward Islanders to engage on a very fundamental and central question for our future, and that's exactly what I want to have our team and everybody in this House focused on.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

To the Premier's comments, this minister has had well over a year and a half to apologize for his actions and he's failed to do so until I raised the issue here in the Legislative Assembly today. I wouldn't call those actions very honourable.

As Theo Fleury told us when he was on the floor of this very Legislature, true leadership doesn't come from a place of ego. It comes from a place of humility.

Disrespect for Islanders

Question to the Premier: Why are you so comfortable with showing such disrespect to the people who elected you?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, let me pursue the point about humility because

it gets to a point about where I am as Premier and where I believe we all need to be on this important question of preparing a referendum that will enable Islanders to make a sovereign choice about an important point about their future. While there may be other political parties in the province that have a party line on this, our Liberal party is aiming and committed to providing Prince Edward Islanders with an opportunity to make a sovereign choice, on a clear question, and one where we, as a Liberal party, and those who I hope are throughout this House and intending to come back here and act on this after an election, will indeed respect the sovereign will of Prince Edward Islanders.

Thank you, Mr. Speaker.

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

Mr. Myers: Thank you, Mr. Speaker.

Yesterday in this House, the immigration minister said that your government appointed 12 intermediaries and that they were going to be doing lots of immigration. Prior to this RFP process, there were seven. The RFP was going to bring it up to 10, but this government chose to make it 12. Based on that logic, we must have all kinds of people coming in.

Appointment of intermediaries and immigration numbers

A question to the minister: Did appointing the two extra intermediaries in the fall increase our immigration numbers by much?

Mr. MacEwen: That's a good question.

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

Mr. Palmer: Thank you, Mr. Speaker.

I'll tell you what the additional agents have done; it's created some hustle amongst them. We're now working to get the very best immigrants here to PEI and we do that through community engagement –

Mr. Trivers: (Indistinct)

Mr. Palmer: – and we have a scoring system that the agents all work within in the expression of interest model and we have agents working right across PEI to continue to grow the population, and bring new ideas and new skills to PEI.

Thank you, Mr. Speaker.

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

Mr. Myers: Thank you, Mr. Speaker.

Through your RFP process you were projecting to bring in 300 PNP immigrants through the business stream. We're a third of the way through the year and there's only been 33 so far approved, which means you're actually on track for 100.

Expression of interest model re: immigrants

Question to the minister: Is your new expression of interest model really working if you're only on pace to get one-third of the intended immigrants in a year processed?

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

Mr. Palmer: Thank you, Mr. Speaker.

Our immigration program continues to evolve. We're getting better at it all the time. We have agents engaged right across PEI to give us the very best newcomers coming to PEI that we can get.

It's not the same as the old model. It's not first-in-first-out; we're taking the very best that want to come to PEI, and will settle on PEI and will settle in rural PEI so they can continue to help with the economy right across the province.

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

Mr. Myers: Thank you, Mr. Speaker.

It's an interesting answer because the website indicates that no immigrants were approved under the business impact stream of PNP in May.

It's kind of ironic that that's the exact month

that we learn that 566 immigrants were using the Sherwood motel as their address to get into this country and then nine days later there's a freeze on approving these files.

Business PNP files in May

Question to the minister: Why were there no business impact PNP files drawn in the month of May?

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

Mr. Palmer: Thank you, Mr. Speaker.

We don't have a quota system that we will continue to invite newcomers to the province if they don't meet our high expectations.

As new applicants come into the system, we will evaluate those and we will pick the very best. We have, actually, 74% of our newcomers last year, or immigrants to this program, were employer driven to fill gaps in our labour, in PEI.

We're very glad to continue to have the very best come here. Whether they're coming through the business impact category or one of the other categories, we'll continue to invite the very best of newcomers here to PEI.

Thank you, Mr. Speaker.

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

Mr. Myers: Thank you, Mr. Speaker.

I recall very well that you did have a quota because the RFP said you wanted to bring in 300 people through the business stream.

The website also states that the range of scores of the 33 immigrants that you've selected so far this year in the business stream under the new program scored in a range of 117 to 140. The immigrants, who have been – these are immigrants, who have been nominated under your new program.

Question to the minister: Were there no files in the immigration pool in May that had a score of 117 or above that could have been approved?

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

Mr. Palmer: Thank you, Mr. Speaker.

The quota I talked about is not a monthly quota. We didn't say we need to have this many come into the system right now. We continue to have intake in through the agents to identify the very best that can come into PEI.

We'll draw those as time allows and as the opportunities exist through the agents and through our staff time.

We continue to drive through the employer-driven side of the business, we continue to invite quite a number of newcomers. I don't have the number with me now, but I think it's well over 200 or 300.

Thank you, Mr. Speaker.

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

Mr. Myers: Thank you, Mr. Speaker.

It seems really odd that the immigration process was really just flowing along smooth and then, all of a sudden, we find out that there's a whole bunch of people staying at the Sherwood Motel that aren't actually staying there and bam, the whole thing goes to a crawling halt. It seems like this program may have been shut down.

Shut down in May of PNP program

Question to the minister: Who shut the program down in May, you or the federal government?

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

Mr. Palmer: Thank you, Mr. Speaker.

I can't tell if the member opposite likes the program or doesn't like the program. A couple of days ago he thought it was terrible and what are we doing with it –

Ms. Biggar: (Indistinct)

Mr. Palmer: – now, he's complaining because we didn't bring enough people in. I

really don't know where he's going with that, but that really doesn't matter. We don't manage the business on what he seems to think. We manage the business on what happens here on PEI; the agents that have really good immigrants that are in the system and we continue to do that.

The business impact piece is a smaller part of our overall immigration program and we continue to invite those that can fill key labour gaps here on PEI.

Thank you, Mr. Speaker.

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

Mr. Myers: Thank you, Mr. Speaker.

It's too bad that the minister spends more time worrying about what my position is on PNP and doesn't spend that time actually managing the PNP file because it's the management of the PNP file that is the issue and has always been the issue.

If this program hasn't been shut down by the feds, we're all wondering what has happened to it.

You approved two extra intermediaries, so you're up to 12. You were going to do lots and lots of immigration, you told this House. Thirty-three files you processed so far this year, so you're on track for 100. This is all slowed down since the Sherwood motel scandal broke.

You keep saying: new and improved. But, it's your government that keeps mismanaging this file. There is nothing new and improved about you guys over there. The whole bunch of you aren't new and improved; you're old and tired and the mismanagement of this file is embarrassing.

Expression of interest model re: immigrants (further)

Question to the minister: Will you finally admit that your new expression of interest PNP program simply is not working?

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

Mr. Palmer: Thank you, Mr. Speaker.

Our expression of interest model is working. It's working terrific. I saw on the news that Kensington has 55 applications going to come to their community.

Mr. McIsaac: That's right.

Mr. Palmer: We're moving newcomers right across PEI. We're filling key labour gaps and we're continuing to bring new newcomers to PEI –

Some Hon. Members: (Indistinct)

Mr. Palmer: – and we're very happy to continue with that. I'm very proud of the program and it is working great.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

Hedgerows have played an important part on Prince Edward Island for many, many decades. A number of people have approached me, and I'm sure other MLAs, about the removal of hedgerows that, in particular, are causing really, soil erosion to happen more easily; run-off going into plugged ditches, and particularly along government clay roads you can see the water running onto the clay road and then gathering the soil and it's getting into Island waterways

Regulating removal of hedgerows/erosion

Question to the Minister of Communities, Land and Environment: Minister, what are you doing to regulate removal of hedgerows and prevent erosion of soil into Island waterways?

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

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

I thank the member for this question; it is an important question. We are getting a lot of comments from residents, especially around these fields.

Residents are concerned about removal of hedgerows, as the hon. member has said: it

causes more erosion and leaching, I guess, into streams. We are working with the potato growers; the Federation of Agriculture.

We prefer to work with the farmers to identify these issues and look for corrective action.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

I think the minister hit on the key word, here: action. In Mayfield in District 18 at the Houston Road, we've had ditches that have been plugged since mid-April.

Talking to area residents, this has been going on for almost 50 years. It's an annual occurrence. We've engaged the watershed groups; we've engaged the agricultural outreach in the minister's department, but we still haven't seen any action.

We're worried that in the next heavy rain, the soil in these ditches may be released into waterways, yet, once again. It may even go down into some lots and businesses nearby and ruin their gravel in their lots.

Unplugging of ditches and annual erosion

Question to the minister: Will you commit to getting these ditches unplugged immediately and taking long-term action to prevent this annual erosion?

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

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

The member is right. The watershed area groups across Prince Edward Island do a tremendous job, not only for the areas, but the whole ecosystem here on Prince Edward Island.

We are working with the watershed groups to see what we can do here. That's one of the reasons I've initiated, I asked IRAC to review the land ownership here on Prince Edward Island. That's the beginning here of a discussion we're going to have about rural PEI and PEI in general.

I know farmland, as everybody in this Legislature knows, farmland is crucial to Prince Edward Island and to its agriculture community and to the economy. We want to work with our agriculture community to do the best for our environment and good for the economy.

Thank you, Mr. Speaker.

Ms. Biggar: Tell him to (Indistinct)

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

In some parts of the Island, particularly out in Kensington-Malpeque area, we're seeing that really low-capacity wells on properties are being combined together through piping the water to holding ponds or out to fields. This government is actually giving permits to allow these pipes to be put underneath roads and that way they can effectively combine low-capacity wells.

In the new *Water Act*, there's a limit on the daily rate in section 40 of 25 cubic metres a day and there's also legislation that talks about multiple sources and it says that a combination of multiple wells must not exceed this 25 cubic metre per day limit, of course, if doing so is required by the regulations.

Monitoring of flow rate of low-capacity wells

Question to the minister: Is the combined flow rate of the piped water from these low-capacity wells being monitored to ensure it doesn't exceed 25 cubic metres per day as per the new *Water Act*?

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

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

I thank the member for the question.

As it currently stands, agriculture producers can have one well per PID number. They are unregulated. That's one of the reasons we are working on the regulations as fast as we can. These regulations will be sent back to the communities and lands committee for

review and hopefully we can get this issue resolved quicker.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

The minister admits we know it's potentially an issue. We know we've got legislation that's going to monitor it, so I don't know why his department is issuing permits. There should be a moratorium on this sort of activity.

Review of *Water Act* draft regulations

Question to the minister: When will a draft of the *Water Act* regulations be released to the general public for a review?

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

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

I had an update from the department on it and they were working on the regulations and as soon as we have them, we'll be sending them on to the committee for review. Because there was a commitment made by the government that regulations and changes in the *Water Act* will be reviewed by the committee. That is the most and transparent process available.

Mr. Trivers: When? When is it going to happen?

Mr. R. Brown: We hope we can work with the committee to ensure that regulations meet both the needs of the agriculture of the community –

Mr. Trivers: We need it now.

Mr. R. Brown: – and the needs of the environment.

Thank you.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

The current seniors' housing program provides subsidized housing for those whose housing needs may have changed or who no longer have the ability to stay in their own home. Eligible applicants must be over 60 or 55 or older with a disability with eligibility based on need via a rating system that includes income, assets, health, age, and present housing circumstances. The date of application does not relate to the position on the priority list – i.e. it is not a first come, first serve type of arrangement.

Priority of subsidized housing list/emergency cases

A question to the Minister of Family and Human Services: How is priority on that list determined objectively and how are emergency cases handled?

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

Ms. Mundy: Thank you, Mr. Speaker.

Again, any time I can get to my feet and talk about housing on Prince Edward Island and the housing needs and how this government's committed to making sure that Islanders' –

Mr. Trivers: On your feet, provide some answers.

Ms. Mundy: – housing needs are met.

I have actually sat through one of our assessment processes. One of the first things I did was to see how it's done and I'm very happy to stand here and say that just because you've been on there, maybe, for six months or three months, if somebody does come in with an emergency and their needs are more than that person who was sitting there first on the list, their needs will be met.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Charlottetown-Parkdale.

Wait time for seniors' housing list

Ms. Bell: Thank you, Mr. Speaker.

Question for the Minister of Family and Human Services: Is the minister aware that

the current list has a one and a half to two year wait time for non-emergency cases and that there are currently over 300 seniors on that list?

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

Ms. Mundy: Thank you, Mr. Speaker.

Again, our staff is in contact with the people both in the family housing list and the seniors' housing list almost on a daily basis, so we are very aware of the number of people that are on that waitlist. That is why this government has committed to over \$17 million in this budget that we will implement over the next two years to ensure that Islanders' housing needs are met. Not only now, but with our housing action plan, we will make sure that those needs are met into the future as well.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

When there's a natural disaster like the flooding recently in New Brunswick, we implement creative and immediate solutions for the people affected through an emergency measurement plan.

Emergency management plan for seniors

A question for the Minister of Family and Human Services: We know that there is a housing strategy and action plan, but given that any new housing arising from that plan will not be available until 2019 at the earliest and that there is a waiting list now of up to two years for community-based housing, what is the emergency management plan for seniors in housing crises right now?

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

Ms. Mundy: Thank you, Mr. Speaker.

The reality is that each and every day our staff deals with Islanders who are in emergency situations – when it comes to mental health, when it comes to our social

programs and we are committed to helping them one-on-one.

As for housing, if you're not mistaken, in addition to the \$17 million that we have committed over the next two years, we have also said that we will create 1,000 new affordable housing units – 275 of those this year alone.

Mr. LaVie: (Indistinct) Charlottetown.

Ms. Mundy: – So we are aware of the need; we are dealing with Islanders as they present themselves to us; and we are trying to help them navigate in any way we can.

Thank you, Mr. Speaker.

Mr. LaVie: (Indistinct) Summerside.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: In the newly released provincial action plan for seniors, there's reference to the higher than average percentage of seniors in PEI – currently at 19.4% – and the expectation that this demographic will only increase over time.

There is a priority for developing and implementing home-first, age-in-place initiatives including home, community, and long-term services and supports. One of the key areas for investment is accessible housing for people with disabilities and an aging population so they can remain healthy, happy, and safe in their community.

Accessible housing for seniors

Question for the Minister of Family and Human Services: How much of the new housing investment announced in the 2018 budget will be allocated specifically for fully accessible, community-based seniors' housing?

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

Ms. Mundy: Thank you, Mr. Speaker.

Again, we have a housing action plan. We have engaged community in this conversation; we have engaged seniors in this conversation; we have engaged

community partners in this conversation. They are all sitting around the table and are helping government develop our housing action plan, which, as I've said before, will roll out in June.

But let's talk about other seniors' programs that we have initiated, this government. Back in November, we rolled out the Seniors Independence Initiative.

Mr. LaVie: (Indistinct) talk about your wait list.

Ms. Mundy: That program is servicing well over 200 Islanders right now – allowing them to remain in their homes by helping them with practical needs that they need to stay in their homes. That's just one of the many new programs. We have several across government that help seniors remain in their homes –

Mr. LaVie: In Charlottetown.

Ms. Mundy: – and help them with the needs that they need to stay in their homes.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Charlottetown-Parkdale.

Mr. LaVie: (Indistinct) Summerside (Indistinct) that seat too.

Ms. Bell: Mr. Speaker, the provincial action plan for seniors includes three year action plan items to promote the health and well-being of Island seniors. These include, and I quote: Exploring innovative housing options for seniors in the context of Prince Edward Island's housing action plan.

Options for emergency seniors' housing

As we have a critical shortage of housing right now, what innovative and immediate options has the minister considered – emergency funding, temporary housing, or even motels?

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

Ms. Mundy: Thank you, Mr. Speaker.

I don't know about the hon. member, but when I speak to seniors in my community, and I speak to seniors across Prince Edward Island, they want to stay in their homes. We, just in this budget, announced an additional \$1 million that we would be investing into our home renovation programs to help seniors that want to stay in their homes.

We have also, in addition to the seniors' independence program; we have across government implemented many programs that help reduce the costs for seniors so that they can stay in their homes, in their communities, where they want to be.

Thank you, Mr. Speaker.

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

Ms. Bell: Thank you, Mr. Speaker.

I, too, have spoken to a number of seniors and their families in my district who are truly in crisis. They are aging, and some are disabled, but they are not sick. They want to stay in their community, but they are now homeowners and they cannot afford market rent. Some families are genuinely afraid that their loved ones will die before they find a safe place to live, and that stress is huge.

Minister, we cannot continue to deal with this on a case-by-case basis.

Seniors' housing crisis

What can you and your department do to address this real and immediate crisis?

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

Ms. Mundy: Thank you, Mr. Speaker.

June is a mere one day away. We will have a housing action plan rolling out within the month. That may answer some of the questions that the hon. member is asking here today.

Let's talk again about the importance about the Home Renovation Program and that \$1 million that we are investing. That will take every Islander that applied for that program

this year and that qualifies, they will get their renovation done.

That could mean life or death for some of these seniors, who want to stay in their communities in their homes. That will allow them to do it. Whereas, they might have had to sell their home and move on and try to find other accommodations.

To say \$1 million into a Home Renovation Program is not dealing with it and cleaning up the backlog of people, who have been applying year after year; they are now going to be receiving –

Speaker: Okay –

Ms. Mundy: – they are now going to be receiving the help that they need and stay in the communities and their homes.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Mr. Speaker.

My question today is for the Minister of Finance: Minister, there are three separate bond raters that are used here on PEI. Bond raters are those, who assess the credit worthiness on PEI and we use their expertise to make sure our finances are up to par.

Bond raters assess and review budget and estimates

How important is it that we use bond raters to assess and review things such as our budget and capital estimates?

Speaker: The hon. Minister of Finance.

Mr. MacDonald: Thank you, Mr. Speaker.

Bond rating is a grade that indicates bonds credit equality. I believe it's extremely important to have third parties come in and evaluate the economic value of Prince Edward Island. You can always learn something by these bond raters. They acknowledge many trends across the country that are affecting other provinces, and it allows us to learn and move forward with a good fiscal management plan.

Thank you, Mr. Speaker.

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

Determining Prince Edward Island's bond rating

Mr. Roach: Thank you, Mr. Speaker, and thank you, minister.

Minister: Can you give us an explanation of what it is of what it is that their in depth reviews are comprised of an analysis exercises that they complete in determining Prince Edward Island's bond rating?

Speaker: The hon. Minister of Finance.

Mr. MacDonald: The evaluation is against a wide range of predetermined economic and financial metrics; historical data projections; data from banks; stats can.

Mr. Myers: (Indistinct)

Mr. MacDonald: They compare them to other jurisdictions.

Today, actually, the Canadian Federation of Independent Business released their numbers for the month. I'm proud to say, the business barometer on Prince Edward Island is leading the country.

There are other ones. The Premier and I actually had the opportunity to meet with the vice president and deputy economist of Scotia Bank this morning. Like I said, every time you meet with these people or read an article, you're learning something that you can, maybe, apply to Prince Edward Island and the economy of Prince Edward Island.

Thank you, Mr. Speaker.

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

Role of bond rating in growing economy

Mr. Roach: Thank you, Mr. Speaker.

Minister, what role does bond rating play in the financial world and especially for a growing economy like ours on Prince Edward Island?

Speaker: The hon. Minister of Finance.

Mr. MacDonald: Well, Mr. Speaker, it's – a stable bond rating states a good financial management, but it also credits investors that are looking to invest and that shows that Prince Edward Island is a good investment.

But, our economy, and as I have stated before, and I think everybody in this House and across the Island is seeing growth. We've heard Aspin Kemp looking for employees today.

There are jobs in the construction association. Our employment is up 2.6%. Average weekly wages are up 2.6%. Seasonally-adjusted retail sales are up 5.3%. I could go on and on. We should be proud of it.

Again, back to the bond raters; I think it's an integral part of adjusting our forecasts on where we should be spending money and what we should be doing on the Island as far as our exports, our manufacturing, and our investments.

Thank you.

Speaker: The hon. Member from Borden-Kinkora.

Disposal of used industrial belts

Mr. Fox: Thank you, Mr. Speaker.

Question to the minister of transportation: How do we dispose of used industrial belts from the farm industry on Prince Edward Island?

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

Mr. MacKay: It's not like you to now know something.

Ms. Biggar: Excuse me, Mr. Speaker. I didn't hear the exact question. Could you speak –

Mr. LaVie: You heard everything else.

Speaker: I'll get the hon. member to repeat the question.

Mr. Fox: I hope I don't lose any time.

Thank you, Mr. Speaker.

Question to the transportation minister –

Ms. Biggar: I heard that.

Mr. Fox: – how do we dispose of used industrial belts, rubber belts –

Ms. Biggar: Oh, belts.

An Hon. Member: Belts.

Mr. Fox: – used in the farming industry in the Province of Prince Edward Island?

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

Ms. Biggar: Thank you, Mr. Speaker.

I'll go back to Island waste watch management and get that answer and bring it back to the member.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

Industrial belts are widely used across PEI and also in the fishing industry.

Recycling used industrial rubber belts

Question to the transportation minister: Do we recycle these used industrial belts?

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

Ms. Biggar: Thank you, Mr. Speaker.

We have a great Island waste watch management system here on PEI. We lead the country in it. We're very conscientious of how we dispose of a number of different types of waste.

As I indicated, I'll go back to Island waste watch management and see what the process is that they have in place for handling those types of disposable products.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

I'm glad to hear the minister say we have a very conscientious waste watch system and it's a great system. But, I have, minister, a local shop in my district that brought forth an issue to my attention this morning.

They want to do right –

Ms. Biggar: You should have called me.

Mr. Fox: – by the environment and dispose of –

Mr. LaVie: You won't answer the phone.

Mr. Fox: – reuse these belts properly –

Mr. LaVie: You don't answer your phone.

Mr. Fox: IWMC currently doesn't have a recyclable used industrial belt, so the solution for companies in PEI is to pay to have these belts trucked to Wellington and, wait for it, buried –

Some Hon. Members: Oh!

Leader of the Opposition: Oh my God.

Mr. Fox: – in the ground at a cost of \$100 a tonne.

Leader of the Opposition: Wow.

Mr. LaVie: No.

Industrial rubber belts buried in landfill

Mr. Fox: Question to the transportation minister: Creating more carbon emissions to truck used belts to bury them in a landfill –

Mr. LaVie: No.

Mr. Fox: – does that seem like an environmentally progressive approach to you?

Mr. Myers: Good question.

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

Ms. Biggar: Thank you, Mr. Speaker.

As I noted, we do have a lot of products that we are able to recycle through our program through Island waste watch management.

However, there is some waste. If you drive by there, I'm sure you will see that there are a number of different types of products that are put into the landfill site. That's why we have a number of different cells there.

Those particular cells are protected with membranes so that nothing leaches out into the groundwater. Then, they are covered up to protect any other dispersal of items.

We are very conscious of the fact that there are new innovative ways that we need to look at disposal of other products. We are always looking for those kinds of opportunities.

Again, I will go back and see what other options that there might be available through the Island waste watch management.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank, Mr. Speaker.

I have some lovely photographs here that I'll table after.

I'm against the bearing of any industrial waste that we can recycle.

Mr. LaVie: (Indistinct)

Mr. Fox: The government talks about their climate plan to reduce emissions, but here we are trucking used industrial belts all over the Island to have them buried at a landfill. I understand that they're all (Indistinct) to this unfriendly environmental approach.

Mr. LaVie: (Indistinct)

Mr. Fox: There are companies on the mainland that recycle this product, the same as they do tires that are being shipped off.

Recycling industrial rubber belts

Question to the transportation minister: Will you commit today to having IWMC find a more environmentally-responsible method to handle these waste items, and specifically, industrial belts, rubber belts, used in the fishing and in the farming industry?

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

Ms. Biggar: Thank you, Mr. Speaker.

Actually, as you will note, I mentioned before that Island waste watch has a partnership with the – what do you call it? Over on – the recycling and the burning of materials. We burned a lot of those materials here at energy from waste around plastic. I have certainly directed – actually I just had a meeting with Island waste watch management director and asked him to go out and look at what other innovative, environmental practices are out there so that we can, again, continue to reduce, and reduce, and reduce those kinds of materials. It's always something I'm very conscientious of as minister and we will continue to work towards that.

Speaker: The hon. Member from Borden-Kinkora, your final question.

Mr. Fox: Thank you, Mr. Speaker.

I'm actually quite shocked to hear that we're burning industrial waste and then carbons are emitting – they're going up into the atmosphere. To me, that's not right.

Disposal of hazard materials/asbestos (further)

Question to the minister: Last week we talked about industrial waste from TOSH being stockpiled and buried up in Miscouche. Within hours of us asking questions in this House, bulldozers were on the ground burying it and covering up. Can you confirm that there were no particles of asbestos or any other hazardous material bulldozed and put in the ground when that was taking place last week?

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

Ms. Biggar: Thank you.

Just to correct the member over there, we don't burn industrial waste at the energy from waste. I was referring to the compile of plastic that we were not able to transport off PEI. So, I want to clarify that.

Also, in regard to the site on the Kinsman Road in Miscouche, last week, actually, before the member even asked me that

question, we had environmental officers out there inspecting the site.

Again, to reiterate, anything that is on site at the Three Oaks project that has any kind of contamination is bagged, put separately, and hauled away to Island waste watch management. Those particular products that were put on the field in Miscouche are clear and clean, brick and blocks, and yes, they are cleaned up. Again, department of environment was out there and inspected the site before any work was allowed to be done.

Speaker: Thank you, minister.

Statements by Ministers

Speaker: The hon. Minister of Health and Wellness.

COACH Program Expansion

Mr. Mitchell: Mr. Speaker, last week I rose in this House and announced our historic new provincial action plan for seniors, near seniors, and caregivers: Promoting Wellness, Preserving Health. Today I'm pleased to highlight one area of the plan where we are taking immediate action. It is our government's commitment to improve access to care for frail seniors with complex needs and support individuals to remain in their communities.

My department is investing \$140,000 in government's balanced 2018-2019 operating budget to enhance in-home and in-community care for frail seniors. Our COACH program – which stands for Caring for Older Adults in Community and at Home – first began in 2015 as a pilot project in Montague. It has since expanded to Souris, Summerside, and O'Leary areas and it now supports a total of 60 Island seniors.

Today, through this \$140,000 investment, we will hire an additional nurse practitioner for the COACH program and expand –

Mr. Mitchell: – 2015 as a pilot project in Montague. It has since expanded to Souris, Summerside and O'Leary areas and it now supports a total of 60 Island seniors.

Today, through this \$140,000 investment, we will hire an additional nurse practitioner

for the COACH program and expand services into Queens County.

The COACH program is a partnership with home care, primary care, and the provincial geriatric programs. It provides much-needed support for frail seniors living in community, and seniors can access it through a referral from their primary care provider, a geriatrician, a geriatric program nurse practitioner, or a home care coordinator.

An evaluation of the initial pilot program revealed that the program was successful, keeping frail seniors at home quite safely. Clients of the program have been able to self-manage and make informed decisions. Their quality of life has improved, and when necessary, they are experiencing a smoother transition to and from acute care. COACH clients have experienced 66% fewer hospital emissions, 33% fewer emergency department visits, and 50% fewer primary care appointments.

We are so proud of our provincial action plan for seniors and this is the first of many announcements I will make on projects we will be undertaking to improve the life of Prince Edward Island seniors.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

It's not hard to see that the minister has had a rough week or two here. Now we're breaking down his announcements into mini announcements, so that we can get up and announce \$140,000 park projects every week. So we look forward to the next one tomorrow and other \$80,000 tomorrow, 25 the next day, maybe another 100 after that.

Of course it's a great thing that this program is hiring a nurse practitioner and the money is going there in the budget – any additional dollars for that type of thing is wonderful to keep people in their homes longer, if that's what they want, seniors.

We waited for the seniors' action plan for ever. I guess we'll just wait for the details to be drawn out forever, too.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

Minister, it is great to even, in small pieces, to hear about how the action plan is being implemented in reality. So the hiring of staff and the extension of programming is fantastic.

I would like to sort of reiterate that for those seniors in rental accommodations which are not suitable as they age in place, the access to things like renovation programs don't work for them because they can't renovate rental places and they have nowhere else they go. So for someone in my district at the moment, he physically can't get out of his own home to get to his doctor, to be assessed. And there, we have a problem.

We hope that the integration of the lessons learned and the experiences that come from the expansion of the program into the other great work that's happening around strategy and action will reflect some of those needs, in terms of cross-departmental work.

Thank you, minister. Thank you, Mr. Speaker.

Speaker: The hon. Minister Responsible for the Status of Women.

Mr. LaVie: (Indistinct) only two today (Indistinct)

Training for Members of the Legislative Assembly

Ms. Biggar: Thank you, Mr. Speaker.

I'm happy to rise today as Minister Responsible for the Status of Women. As minister, I continually work with my caucus colleagues to ensure that women's voices and perspectives are heard in government policy and programming.

I'd like to thank the MLA for District 7 Morell-Mermaid for his recent inquiry about gender bias training for Cabinet or government.

Gender bias can be conscious or unconscious, and can manifest in many ways. It actually is a very timely question that was posed by the Member from Morell-Mermaid, as I have been working on something ever since my meetings at the United Nations Commission on the Status of Women in March.

The theme of the 2018 United Nations Commission on the Status of Women's work focused on challenges and opportunities in achieving gender equality and the empowerment of rural women and girls.

At the UN, I was able to participate in a number of valuable forums and sessions that were delivered from all across the world. From these learnings, I am coordinating a training program that will be offered to all Members of the Legislative Assembly.

The training session will cover four topics. The first one is using a gender and diversity lens. This presentation provides tips on how to incorporate a gender and diversity lens on a deliberate, consistent basis. Treating everyone the same doesn't mean that everyone will have the same outcome. Globally, the importance of gender and diversity analysis for revealing problems with the one-size-fits-all approach has become increasingly apparent.

The second topic is diversity on boards. Research shows that decision-making bodies with diversity can drive innovation because members have different ways of approaching challenges and finding solutions. This presentation will provide tools and resources about the value of equality and inclusion.

The third topic will be impacts of family violence in the workplace. This presentation will provide an overview of the dynamics of abusive relationships and the multiple impacts that violence has on family members and their workplace.

And finally, the final topic is workplace harassment. The #MeToo movement has shone a bright light on a variety of inappropriate, at times illegal, behaviours that has been a part of the fabric of many workplace cultures for too long, including on PEI. This presentation will focus on positive and active steps to ensure that all

members and staff of the Legislative Assembly, as well as staff and volunteers who support the political life of this province are safe from harassment in all its forms.

These educational training sessions are one of the many steps needed to bridge the gender equity gap.

I look forward to all honourable members in this House joining to take this training. I'll be reaching out to all caucuses to coordinate dates for this training.

Thank you, Mr. Speaker.

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

Ms. Compton: Thank you, Mr. Speaker.

It's great to hear that announcement, minister. It's important that we all realize the time we're living in in this world, and that we all need to raise each other up, and I think that's very important that we stress that, regardless of what gender you are.

Diversity on board is something we talked about a number of times with a lot of the different panels we've had. And we know just for the female members in the Legislature, we bring a different perspective and that's very apparent. We need to work together to ensure that that happens.

I want to mention that we had Mr. Theo Fleury here and the bill that was brought forward by the Member from Georgetown-St. Peters about family violence and the impact that we have and I think that went a long way, to not only ensure that people have the opportunity to get the help they need, but it was a great opportunity to have a male here talking about the impacts on him. I think a lot of times men don't speak out. It leads to a lot of issues. I think Mr. Fleury was wonderful to talk about that; great advocate for what we need; and workplace harassment goes without saying in this day and age.

We all need to be very aware of that and I look forward to the details on the training.

Thank you.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

I am really excited to hear about this opportunity for training. I'd also like to take the opportunity to address some comments and things that have been made in the space outside of the House, but which I feel should be addressed here in this space while I have the opportunity.

I regret making the comments that have caused so much concern and distress. I fully appreciate how inappropriate they sound out of context. It was never my intention to personally disparage any of the current members in this House.

I was merely trying to point out that working to create a more inclusive and welcoming political system overall would unleash the talents of women, persons of colour, persons with disabilities and others who feel currently excluded, and would expand the talent pool and raise standards for all.

It is a hard reminder for me and for others that one should never say anything that you don't wish repeated, even if it is a quote about diversity on boards to an internationally recognized research journal like the *Harvard Business Review*.

However, I realize that I expressed myself poorly and I regret any hurt my remarks may have caused.

That one unfortunate phrase has subsequently been used out of context to attack me personally and to further partisan agendas. The issue with this comment or any other that causes pause of concern is that it can and should be addressed in a way that sparks meaningful conversation and learning.

After all that was the overall intent of the conference Organize to Lead. Instead, public social media posts and conversations are creating a space where truly sexist and hateful comments are flourishing. Because when we provide spaces that give permission for this kind of response, we are encouraging this behaviour to escalate and be the norm.

I truly do not believe that it was the intent of any colleague to create a conversation that has now led to direct threats to my and family's physical safety, but that is now where we found ourselves.

It is this type of behaviour that drives passionate and compassionate women out of politics, and that is exactly where we need them the most.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Presenting and Receiving Petitions

Tabling of Documents

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

By leave of the House, I beg leave to table three photographs of used rubber belts from farming sector that are to be buried and I move, seconded by the Honourable Member from Rustico-Emerald, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Member from Rustico-Emerald.

Mr. Trivers: Mr. Speaker, by leave of the House, I beg leave to table pictures of erosion in Mayfield, Prince Edward Island and I move, seconded by the Honourable Member from Borden-Kinkora, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Mr. Speaker.

By leave of the House, I beg leave to table a document that has outlined that Chile has become the first country of the Americas to ban plastic bags and that happened just today, Mr. Speaker.

Some Hon. Members: Hear, hear!

An Hon. Member: (Indistinct)

Mr. Roach: It started off –

Ms. Biggar: They beat us to it.

Mr. Roach: – with one of their states or one of the provinces, Patagonia –

An Hon. Member: (Indistinct)

Mr. Roach: – trying to do it and –

Mr. Trivers: Who taught you him how to use Google anyway?

Mr. Roach: – it was approved. Then, the country itself, through their President Sebastián Piñera, made the announcement today and I move, seconded by the Honourable Minister of Economic Development and Tourism, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Reports by Committees

Introduction of Government Bills

Motions Other than Government

Orders Other Than Government

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

Ms. Compton: Mr. Speaker, I move, seconded by the hon. Member from Kensington-Malpeque, that the 23rd order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 23, *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.

Clerk: It has been.

Speaker: Yeah, it has –

Ms. Compton: Oh, sorry.

Speaker: It's in committee.

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 ask the hon. Member from Borden-Kinkora if he wouldn't mind coming and chairing this bill.

Chair (Fox): The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *An Act to Amend the Municipal Government Act (No. 2)*, Bill No. 111. Is it the pleasure of the committee that the bill be now read clause by clause?

Just to remind everybody to please introduce yourself into the mic before you say – make your comments.

I believe that the promoter of the bill wants to address a statement by the Premier that was made.

Mr. Trivers: Thank you, Chair.

The other day, in Question Period, the Premier said that the purpose of this bill was to, I believe it was something along like: tell people in communities across Prince Edward Island especially on the North Shore how they should – what they should do and straighten them out.

In fact, that's actually the opposite of the intent of the bill. The intent of the bill is to give people in unincorporated areas a voice so that throughout the process of municipal restructuring, which includes annexation and amalgamation, their wishes can be taken into account. It would go through a democratic process so that we can actually have better communities, better amalgamation and be more successful across the board.

Chair: Do you have any comment on that, Premier.

Premier MacLauchlan: Chair, my comment was in response to an exchange on the floor when this was last in committee when the Member from Rustico-Emerald was asked, as I recall, I maybe not 100% correct in my recollection. When this bill passes would this be an occasion to go and approach the communities that had proposed amalgamation out in the North Shore area to see if they might want to, I don't know, reconsider or to, kind of, take a new look at the thing. The Member from Rustico-Emerald said that might not be a bad idea or might have a shot at that, whatever –

Mr. Trivers: Okay, that's what you meant.

Premier MacLauchlan: – and so it was in that context that I made my remarks. I did take part in some of those meetings.

Those three communities all incorporated with good leadership and with an open process did raise the issues and present what they did have in mind. It was, I think, a great example of how communities under the *Municipal Government Act* can, with an appropriate initiative on their part, engage their communities and then come forward through the restructuring process with a proposal. It was in that context that I made that comment.

Mr. Trivers: Thank you, Premier.

Chair: Thank you.

We've completed section number one, so I'll ask the question for section number one.

Shall section one carry?

Mr. R. Brown: No. Say 'yea' or 'nay.'

Chair: 'Yea' or 'nay?'

Some Hon. Members: Nay.

Chair: Section 1 is defeated.

Mr. MacKay: Do you just want to vote on it?

Mr. MacEwen: Chair?

Chair: We'll vote on the whole bill.

All in favour of Bill No. 111, please signify by saying 'yea.'

Some Hon. Members: Yea!

Chair: All contrary minded against Bill No. 111, 'nay.'

Some Hon. Members: Nay!

Mr. MacEwen: That was four people.

Ms. Biggar: Show of hands.

Chair: Show of hands. Against the bill: show of hands?

Mr. R. Brown: (Indistinct)

Mr. Trivers: Looks like a whipped vote to me.

Chair: All in favour of Bill No. 111, signify by raising your hands.

Bill is defeated.

Ms. Biggar: I thought you were going to abstain. Looks you were going to abstain there (Indistinct)

Mr. Trivers: Mr. Chair, I move that the Speaker take the chair, and the Chair report the bill not recommended.

Chair: Shall it carry? Carried.

Ms. Biggar: Carry that.

Chair: Mr. Speaker, as Chair of the Committee of the Whole House, having had under consideration a bill to be intitled *An Act to Amend the Municipal Government Act (No. 2)* Bill No. 111, I beg leave to report that the committee has gone through the said bill and does not recommend the same to the Legislative Assembly. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

Sergeant-at-Arms, a recorded division has been requested. You can ring the bell.

[The bells were rung]

Mr. Trivers: Mr. Speaker, the official opposition is ready for the vote.

Speaker: Thank you.

Ms. Bell: Mr. Speaker, the third party is ready for the vote.

Speaker: Thank you.

Mr. R. Brown: Can you read the motion again?

Speaker: (Indistinct) of the Committee of the Whole House that the bill not be recommended.

Ms. Casey: Yes.

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

Speaker: Hon. members, all those not supporting the bill, please stand.

Mr. Trivers: We're voting on the motion, right? Not on the bill?

Speaker: All those – hon. members, all those not supporting the motion please stand.

Clerk: The hon. Member from Charlottetown-Parkdale, the hon. Leader of the Third Party, the hon. Leader of the Opposition, the hon. Member from Belfast-Murray River, the hon. Member from Kensington-Malpeque, the hon. Member from Borden-Kinkora, the hon. Member from West Royalty-Springvale, 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: All those supporting the motion, please stand.

Mr. LaVie: Oh (Indistinct)

Clerk: The hon. Minister of Communities, Land and the hon. Minister of Economic Development and Tourism, the hon. Minister of Transportation, Infrastructure and Energy, the hon. Premier, the hon. Minister of Finance, the hon. Minister of Health and Wellness, the hon. Member from Montague-Kilmuir, the Minister of Rural and Regional Development, the hon.

Minister of Family and Human Services, the hon. Minister of Education, Early Learning and Culture, the hon. Minister of Workforce and Advanced Learning and the hon. Member from Charlottetown-Lewis Point.

Mr. LaVie: Can we have a recount?

Speaker: Hon. members, the motion is carried.

The hon. Member from Borden-Kinkora, for recognition.

Recognition of Guests (II)

Mr. Fox: Thank you, Mr. Speaker.

I'd like to recognize Russell Compton. Russell – I'm very interested in Russell's work. He's doing great work in an industry promoting the NorCan 222, which is a uniquely equipped platform for the marine industry, which would provide an extremely high speed, extremely low-emission vessel capable of operating in all climates in the world.

I would like to welcome Russ to the gallery today.

Thank you.

Some Hon. Members: Hear, hear!

Ms. Biggar: What about disposable belts?

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

Orders Other Than Government

Ms. Compton: Thank you, Mr. Speaker –

He has a plan for that, too.

Mr. Speaker, I move, seconded by the hon. Member from Kensington-Malpeque, that the 28th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 28, *An Act to Amend the Water Act*, Bill No. 115, ordered for second reading.

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

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 –

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.

Clerk: *An Act to Amend the Water Act*, Bill No. 115, read a second time.

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 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 call on the hon. Member from Georgetown-St. Peters, you want to come and chair this bill?

Chair (Myers): The House is now in a Committee of the Whole House to take into consideration a bill to be intituled –

Before I star, I'd like to give way to the Premier for recognition.

Recognition of Guests (III)

Premier MacLauchlan: Thank you, Chair.

It's an honour to rise, and on behalf of the House, and as Premier to recognize the presence in the Chamber of the ambassador from the Czech Republic to Canada, Mr. Pavel Hrnčíř. He has, sitting beside him a person that we are pleased to hear about having a new role as the Honourary Counsel for Prince Edward Island and New Brunswick from the Czech Republic, John Steinsky.

I'm pleased to say that Mr. Steinsky is a resident of Gaspereaux. He's going to represent these two provinces from the big

east of Prince Edward Island, so that's great news.

With them are officials from the Ministry of Foreign Affairs, Martin Smolek; David Nový, Katerina Vovková, and from the – as the deputy chief of mission from the Czech Republic to Canada, Jirí Borcel. So, welcome to all of you.

Some Hon. Members: Hear, hear!

Chair: I'd also like to give way to the hon. Member from Charlottetown-Lewis Point.

Ms. Casey: Thank you, Mr. Chair.

I, too, would like to welcome on behalf of the House the delegation from the Czech Republic. I'm pleased to say that our son attended St. Francis Xavier University in Nova Scotia and was recruited to play soccer by one of the longest-serving coaches in the Canadian sport league, Lou Bilek from the Czech Republic.

Three of his great friends – Mira Novak, Michael Marusak and Martin Vilc – also have been visitors to Prince Edward Island. They're all from the Czech Republic. We've had some great friendships. Our son has had a return visit to visit the Czech Republic and said that Sean and I should go there as well. Nastravi.

Chair: All right. Is it the pleasure of the committee that the bill be now read clause by clause?

Some Hon. Members: Yeah.

Chair: Do you want to do an overview first?

The Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

As we know, the *Water Act* was passed last fall and I voted for the *Water Act*, because I wanted to see the act put in place as soon as possible to protect our Island water. And I wanted to thank the government for bringing this *Water Act* forward, the former minister, in particular, for his work on that.

But as we, on the floor, we all discussed at length, we did feel there were many

shortcomings to the *Water Act*. And it was my preference to get it passed and then amend it.

So this is really a set of mostly simple amendments that I wanted to bring forward that I feel really improve the act and they are pretty straightforward for the most part. The first section really, adds a bunch of new definitions; domestic purpose, cautionary principle, intergenerational equity, irrigation purposes, greywater and then amends the definition of groundwater, water resources and wells.

These changes were really changes that were brought forward by the Coalition for the Protection of PEI Water. So, I wanted to thank Catherine, in particular, for her input in on this. And these were things that I really had to scratch my head as to why they weren't included in the first version of the act anyhow.

And then the second part, really it amends the act to add conservation of water resources and a focus on that. Because I didn't feel that – and many people approached me – didn't feel that the act really focused on conservation of water. It looked at water use without that emphasis.

I believe – and the people that have approached me, believe that conservation of water really is where we need to be going in the future. We have to keep that top of mind whenever we're dealing with water use.

Then, of course, it amends the act to use some of the definitions that have been added, like precautionary principle and intergenerational equity, too, ones that most of the proponents for water on PEI, including the Coalition for the Protection of PEI Water really, really wanted in there.

Now one of the reasons it was important to add in some of these new definitions that aren't necessarily used in the current act, because I believe the act will be amended in the future, possibly, to use them. As well, the act relies very, very heavily on regulations. And, of course, asked about that in Question Period today when those regulations are coming forward and the government has committed to a public consultation process for them, which as far

as I can tell, really isn't very far along and we need to get that going.

But it's important to have these definitions in the act, because they will be used in the regulations. And I fully intend to weigh in on the regulations and make sure that these definitions are used.

So that's the overview, Chair.

Chair: I'm going to read the entire section first and take questions at the end, so there's two sections. I'll read the first one first.

1. Section 1 of the *Water Act* S.P.E.I. 2017, Cap. 17, is amended

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

(h) "domestic purpose", with respect to water, means the use of water for household purposes, including drinking, food preparation and sanitation, and to meet other basic household requirements as specified in the regulations;

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

(n.1) "greywater" means water that has been used for domestic purposes and commercial or industrial processes that does not contain fecal contamination and is safe for reuse in non-potable applications such as toilet flushing, irrigation, fire suppression or geothermal or other purposes specified in the regulations;

(c) in clause (o), by the deletion of the word "water" and the substitution of the words "fresh water";

(d) by the addition of the following after clause (p):

(p.1) "intergenerational equity" means passing on water resources to future generations that are equal to or better than the ones inherited;

(p.2) "irrigation purposes", with respect to water, means the storage and use of water, including storage in holding ponds, for application to plants at needed intervals, to help grow agricultural crops, maintain landscapes, revegetate disturbed soils in dry

areas or periods of less than average rainfall, for frost protection, to suppress weed growth, prevent soil consolidation, cool livestock and suppress dust and for use in mining or other purposes specified in the regulations;

(e) by the addition of the following after clause (w):

(w.1) "precautionary principle" means

(i) that, where there is a threat of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason to postpone the adoption of effective measures to prevent environmental degradation, and

(ii) preventing an activity that raises a potential threat of harm to human health or the environment if cause and effect relationships related to the threat are not fully established scientifically;

(f) in clause (ee) by the addition of the words "salt water," after the words "groundwater,";

(g) in clause (gg) by the addition of the words ", irrigation purposes" after the words "geothermal purposes"; and

(h) by the repeal of clause (jj) and the substitution of the following:

(jj) "well" means an artificial opening in the ground (i) from which salt water or groundwater is obtained,

(ii) made for the purpose of exploring for or obtaining groundwater or salt water, or

(iii) made for the purpose of disposing of salt water or groundwater;

Shall the section carry?

The hon. Minister of Communities, Land and Environment

Mr. R. Brown: I want to say that a tremendous amount of work has been put into this *Water Act* up to this point. This is the first *Water Act* ever on Prince Edward Island.

One of the most important clauses of the *Water Act* was the first clause, or second

clause, where it has made water a public asset. Public asset; so the people of Prince Edward Island owns the water and that right has been proclaimed in this act. Most all of the rest of the act is about conservation and about the protection of water and a number of people have come forward and worked very, very hard on this *Water Act*. There were public consultations on it. The environmental advisory committee did an excellent report on it and with their recommendations, helped out the committee to develop the act and are now, you know, working with the regulations.

Department staff are spending many, many hours working on regulations now that will be going back to the committee. I feel that we will take these recommendations – I'll be voting against them – but we'll take the bill down as a part of our review process and we will see where these definitions can fit, or if they fit and if there's any bill amendments that have to be – or regulation amendments that have to fit to these and changes have to be made, at that point in time we'll come back to this Legislature and make the proper changes.

I don't want the tremendous amount of work that has gone on by the staff to this point in time to be looking at these new regulations and have to review all of the regulations that they are working on, in context of this. So I'll be voting against it, but I will be taking the information and the definitions and the work that you'd done in this back to the department and ask them to consider it and to see what they, as a department, think should be done. After all, they're the ones doing up the bill; it will go back to the committee and you guys can have an excellent debate at committee.

Thank you.

Chair: (Indistinct) answer.

Mr. Trivers: Thank you, minister.

So the definitions that were added in here were all – I'd say all of them were actually debated when the *Water Act* was on the floor. In particular, two of them were brought up again and again at every public consultation. That was the definition of intergenerational equity and the precautionary principle.

Again, this is really not to undermine any of the work that went into this act, but in fact, to support the public consultations that went into the act and then make it more complete. I do appreciate what the minister is saying. As far as I know, the regulations are still in flux; they haven't been written yet, we haven't seen a draft, I haven't heard about any consultations that have been made on the regulations.

I think now is the time to amend the *Water Act* and let's get these regulations right, right off the top and actually meet the needs of the people. When you talk about the hard working people, the people like the people from the Coalition for the Protection of PEI Water and groups like that who have worked really hard and are passionate and really care about water on our Island, let's see their recommendations brought forward in the *Water Act* and the regulations. That's why I think it's important we actually make these changes now before the regulations are made. Otherwise, if we use that excuse about waiting for the regulations, it'll be really tough to get any amendments into the *Water Act* to improve.

Also, this is one of the things about regulations of course, is regulations can be changed at any time without having to come to the floor of the Legislative Assembly; they do have to go to committee which is a great clause that's in the *Water Act*, but that is a much less onerous process than changing legislation and it can happen quickly.

With all due respect, minister, I think that's a very poor reason for not voting for the bill.

Chair: Leader of the Third Party.

Dr. Bevan-Baker: Let me first thank the member for bringing this forward and the work that he's done to the industry and passion that he's shown for these sorts of issues, not just water, but many other environmental issues on Prince Edward Island. I really appreciate that.

I also want to pass on my thanks to the current Minister of Communities, Land and Environment, but also the previous minister now sits as health and wellness. Of course, we did a lot of work together and attended many of those community meetings and it

was indeed, it was a great inclusive process. I think Islanders felt that they were truly engaged and listened to. Many of the ideas that were brought forward, whether it be from the Coalition for the Protection of PEI Water, or many of the other groups or individuals that came forward, found their way into the legislation and that's the way public consultation should work. I appreciate that very much.

I also appreciate the fact – and I'll go back to a comment the Premier actually made in Question Period today about perfecting legislation – legislation is always a living document and that we don't always get it right first time and we have to be aware and open to suggestions from wherever they come.

He was talking, of course, about the referendum act. But I think that's too, also, for the *Municipal Government Act* that we just had on the floor and also the *Water Act*. I appreciate the fact that these are fairly new pieces of legislation just being passed in this House, and already we have a member who's proactively bringing forward what he considers to be improvements, and of course that's what the debate is about: are we making this better or not.

I particularly want to thank him for bringing up the ideas; the two that you focused on there, hon. member, the intergenerational equity and the second idea that kept coming back in the public consultations of the precaution in principle.

I've always, and I've talked frequently in this House, about governance being in a sense about succession planning and that we need to leave things in as good or better condition as we found them for the next generation. That's whether you're talking about water, or whether you're talking about soil, whether we're talking about the economy or infrastructure or a climate or anything else, that we have a solemn job to do here to make sure that all of those things are protected in a way that we can pass them on. That's what intergenerational equity is about; it's making sure that we look after things and pass laws and bills here and do the work required to make sure that those are protected for our children and their children and their grandchildren.

The inclusion of that, in particular, really warms my heart and I thank you for that.

The precautionary principle, I feel similarly strong about the idea that we need to be careful, there are too many examples in the past of recklessness and it was conscious, oftentimes it was unconscious. I think of the hole in the ozone layer, for example. Who knew that spraying deodorant on your armpits was going to create a hole over the Arctic. Nobody recognized that that was a threat.

Yet, we almost, you know, luckily it was – we understood what was going on. It was a fairly simple fix. That's just one example of unintended very serious consequences that we sometimes create for ourselves.

I really appreciate you bringing this forward. I expected a few more questions, I must say, from the government side, rather than an immediate refusal as you just got –

Mr. Trivers: – day's not over, yet.

Dr. Bevan-Baker: Exactly.

I just wanted to make that comment and thank you for the work you've done and also for the work that has been done prior to this.

Thank you, Chair.

Mr. Trivers: Thank you, member, much appreciated.

Indeed, I think that some of these definitions really reflect the core values of Islanders. I know that intergenerational equity, I was able to take the definitions of that, and hopefully, I'm not shooting myself in the foot here, but directly out of the Progressive Conservative Party constitution and our values for stewardship.

I'm right on the same page with you. I think Islanders really –

Ms. Biggar: (Indistinct)

Mr. Trivers: – care about that. Whether it be the Green Party, Progressive Conservative Party, if I could find the value statement for the Liberal Party, it might be in there, too.

Chair: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Chair.

Thank you member for bringing this bill to the floor.

It's not surprise, I guess, that government members aren't going to support it after witnessing what I'm seeing in my district now. This is a government that's actually issuing the permits to dig under the road for miles for these wells to pump irrigation to other fields.

I know it's not sitting well with the people in my district at the moment and I think it certainly needs to be addressed.

One thing that has come up to me numerous times, and I'm wondering if you had done any consultation with them, is the well drillers themselves.

Have you spoken to any well drillers that do this for a living, and get any feedback on their thoughts?

Mr. Trivers: Thank you, member.

First, thank you for bringing up that point about irrigation. That is something, a lot of feedback, that I'm hearing is that we need to include a definition of what irrigation purposes are in the *Water Act* because it is such a key use of our water. That's why we made the amendments we did.

Irrigation, as you can see in the definition that we want to add here includes storage and holding ponds amongst many, many other things.

In terms of any consultations I had with well drillers themselves, I've talked more on an informal basis with some well drillers. I have to say, I really don't have a lot of information in that regard.

Did you have any specific questions about how they feel?

Mr. MacKay: I've had, to date; three well drillers have contacted me on the bill itself and have said that government has had not consultation with them, at all.

I'm thinking the obvious, that you could think a well driller that would specialize and do this for a living that they would be the first people, probably, to have some feedback and, maybe, some suggestions.

I was just wondering if you had any consultation. I obviously know the government hasn't, by the sounds of it when they were working on the bill. I was just wondering if you took the proactive approach and reached out to any of the well drillers. If not, I suggest you do so.

They are a fountain full of knowledge. Some of the information I've had from the well drillers is truly shocking. I really think they need to be discussed and informed on some of these decisions that are going to be made.

Mr. Trivers: Thank you, member.

Indeed, as the Premier has said in the past, the Leader of the Third Party, and I know within our caucus and our party and our leader, legislation is living and we should consult with the well drillers.

I'll tell you, I'll make a commitment to you here, today to ask well drillers to come to Standing Committee on Communities, Land and Environment to see if an additional set of amendments is need to the *Water Act* to improve it further.

Thank you very much for bringing that forward.

Mr. LaVie: (Indistinct) plan.

Chair: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thanks very much.

I'd like to take a couple, or make a couple of comments on it.

Thank you for bringing it forward some things that are on your mind in regards to the *Water Act*.

Obviously, the process that got us this far, I will say, has received many accolades from all Islanders. The very open, transparent process that was put in place where cross-Island meetings were held for Islanders to

come and have their say; many hon. members of the Legislature did attend.

First of all, as former minister, I'd like to thank you for those, who took out time to come and listen and I know, hon. member, you were at a lot of them.

What you're bringing forward today was discussed on many occasions at those meetings. To the point of, who had opportunity to voice their opinions; we had a number of openings, but there were a number of private meetings if that suited people better to come.

I'm just going by recall; Federation of Agriculture; potato board; NFU; water coalition; the council of Canadians. I don't remember if well drillers came. They, as everybody else, had their opportunity to come and voice their concerns.

I can't even remember the number of presenters that we had, but it was, I'll call, astronomical. I think it was in the 400 range, or 500 range of people who came and put forward their ideas, which to the Leader of the Third Party's reference there earlier, I will say, is quite well reflected in the act that we passed on the floor of the Legislature. I know you stood in support of that, as well.

When you look at regulation, and I know the commitment was made to go out and talk to Islanders again about regulation – I think a lot of the changes or amendments that you brought forward will, again, be topics of those discussions on amendments are in regulation.

But, to me, I know a lot of people, depends on your view, regulations are a good process of strengthening legislation. I know, it depends if you look at the glass half empty, half full, people say, oh well, you can weaken them, as well. Traditionally, regulations strengthen legislation and when changes are made in regulation it is to strengthen further the same piece of legislation.

The way I see it, input for the first process was phenomenal. I don't see it being any less for the second process when we get back out to Islanders on the regs; there are a lot of people passionate, and should be, and concerned about water quality and quantity

and preserving it on Prince Edward Island. And, things that you mentioned there, irrigation will be one of the topics of discussion.

The precautionary principle, in my opinion, is reflected throughout the whole act itself, from early days, beginnings on, what was brought forward with open ears, changes were made based on precautionary measures; based on comments by Islanders; based on those, who have a knowledge of it.

I, kind of, see the precautionary principle has been reflected upon as we were developing the original act, as well.

To the minister's point; staff is very engaged in this. They have a good handle on it. They went out and listened and adapted, and changed where, you know, the new vision brought forward made perfect sense and only aided to the process.

I know not, and I know this for a fact, the leader of the Green Party said it himself. He said: It is a good piece of work. I'm not 100% with it back when we passed it, but it's a good piece of work and I stand by that as the person, who sat in the chair that night as it was passed on the floor of the Legislature, and made those commitments, which have been followed on by the existing minister today, to go out and embrace views, concerns, thoughts from Islanders in regards to how the regulation should look.

I'm not 100% sure what position they are on that. It takes a while to amass that information to get going. I'm sure they're probably getting ready to move it out the door. The hon. minister will be going all over the Island, I'm sure, looking for input on that.

Again, I see regulations from a perspective of strengthening a piece of legislation, not weakening it in any way shape or form, but that it's transparent and it's open and all Islanders have their say on it.

Mr. Trivers: Thank you, minister, of course, former minister of communities, land and environment.

I'm glad you see eye-to-eye with me that, indeed, these amendments should actually

strengthen the legislation, as well. I expect your support for that.

As well, I wanted to thank, as well, Chris Ortenburger for her input on this. I didn't mention her name earlier. I wanted to thank the Native Council of PEI, who I had also had met with. They had put in specifically, they were concerned that wells did not differentiate between saltwater and groundwater and they wanted to make sure that that part was in there.

Also, I wanted to comment on how great a job the staff does in the Department of Communities, Land and Environment, because they really are excellent there. They're experts in their own right and some of the changes, like for domestic purpose, in my consultations, just felt it was a little too broad, and that's not a reflection on the staff at all.

I think when you're looking at a huge act like this; small changes like what I'm proposing here would be needed. In fact, with domestic purpose, really the change here is to add 'as specified in the regulations'. So, instead of leaving it open it allows for more control in the regulations when it domestic purposes, so that there's no loophole there; I'm watering my driveway that's another basic household requirement, but in regulations you can say: You're not allowed to water your driveway; that sort of thing.

I think we're really on the same page here, and so I do look forward to your support on this. I look forward to your support and thanks for your commitment on that.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Member, the definition for irrigation purposes, what was your intention of putting that in? I guess turning it backwards, what were you scared of if you didn't have those types of things in the definition?

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

As we talked about in Question Period today, in fact and the Member from

Kensington-Malpeque really has a lot of activity in his district that's going on with multiple low-capacity wells that are feeding holding ponds and that holding pond is then being piped out to many field for irrigation, or multiple low-capacity wells are being piped directly from multiple properties to one property for irrigation.

Really, the *Water Act* didn't address irrigation specifically, and that is a main use of water on Prince Edward Island. If you look at the definition of irrigation purpose, it talks about the storage and use of water including storage and holding ponds for applications to plants at needed intervals to help grow agricultural crops and maintain landscapes et cetera.

I really have a feeling, and I'll definitely make sure that it's there, that in the regulations there will be specific regulations based on irrigation. And without having the definition in the *Water Act* of what irrigation purposes covers and what the scope is, then we wouldn't be able to, as easily, make those regulations.

I think it's important because it supports the people who are doing the irrigating as well, right? Because if you need to have specific rules for irrigation, for farmers, for example, you need to specifically address what irrigation is and what irrigation purposes are. That's really why I wanted it in there, so it could be referred to in the regulations.

Mr. MacEwen: I don't have the full act in front of me. I just have your amendment.

Mr. R. Brown: Bring it up on your computer (Indistinct)

Mr. MacEwen: It is, yeah.

Thanks for that.

Mr. R. Brown: Yeah (Indistinct)

Mr. MacEwen: Thank you.

The irrigation –

Mr. R. Brown: I got mine.

Mr. MacEwen: Do you? Are you going to ask more questions?

Mr. R. Brown: (Indistinct)

Mr. LaVie: Send the link.

Mr. R. Brown: Yeah.

Mr. MacEwen: I thought you checked out, because you said you were just going to vote against it.

Chair: Do you have a question, Member from Morell-Mermaid?

Mr. MacEwen: Yes I do, Chair.

Chair: Thank you.

Mr. MacEwen: I appreciate you trying to get things under control here. I know it's probably one of your first times doing this.

An Hon. Member: (Indistinct)

Mr. LaVie: Usually he's on the other end.

Mr. MacEwen: In the act, I guess I was saying we talked about that in Question Period today about low-capacity wells feeding off each other or joining together.

Mr. LaVie: (Indistinct) referee today.

Mr. MacEwen: In the act, does it actually refer to irrigation or do we have to deal with all this in the regulations?

Mr. Trivers: That's a great question, and in fact, in the act as it is written right now – I've got it open on my computer here. I'm going to do a quick search, but no, it does not refer to irrigation at all. It talks in very general terms.

For example, in part five, it talks about water withdrawals. It talks about a daily rate of 25 cubic metres per day. Then there is a clause that talks about multiple sources but like I said, I think it's important to look at why the water is being withdrawn and if it's being withdrawn for irrigation purposes, there may be different rules needed than being withdrawn for another purpose.

Mr. MacEwen: I think you raise a good point.

The purpose of putting in this definition isn't to stomp all over irrigation.

Mr. Trivers: No.

Mr. MacEwen: It's to clarify.

Where did you get this definition?

Mr. Trivers: All right, that's a really good question.

It's encapsulated in my conversations with many people, as well as searching the Internet, as well as just working with this caucus and the PC caucus, as well as, I did give the bill to the third party a little late on in the game here, and the minister said he'd had no worries and he'd be able to get it online.

Really, it was coming up with the wording; working with some of the staff in the official opposition office.

Mr. MacEwen: Was it something you heard from the coalition about irrigation purposes in general?

Mr. Trivers: Yes, as a matter of fact, I believe it was Catherine O'Brien who said: You should have something in there about irrigation. I'd have to double check that one.

Mr. MacEwen: Is this in other places? Have you heard about intergenerational equity or irrigation purposes?

Mr. Trivers: Yes, and that's another good point you bring up.

Mr. MacEwen: Thank you.

Mr. Trivers: The *Water Act* really is something that's pretty unique to Prince Edward Island in many ways.

I did find definitions of cautionary principle, in particular, elsewhere, and they were quite varied. Also, irrigation purposes, I think this is of an amalgamation probably of three to five different definitions I found on the Internet, based on input from Islanders as well.

Intergenerational equity, that was something I was able to lift almost completely, directly from the PC constitution because our definition –

Mr. MacEwen: Which one was that?

Mr. Trivers: The stewardship value.

Mr. MacEwen: That would be impressive if that made it in.

Mr. Trivers: I don't know if that's answering your question or not, but that's how we came up with it.

Mr. MacEwen: To suppress weed growth; give me an example of that.

Mr. Trivers: My understanding there, is when you apply water it lets the plants that you want to grow use the water and grow, and beat out the weeds, but if you don't provide irrigation, in fact, the weeds, which are heartier and able to thrive in dryer climates, are able to overtake the plants that you actually want to grow.

So, you irrigate and it actually suppresses the weed growth by – the nutrients in the water going to the plant you want (Indistinct), that's my understanding.

Mr. MacEwen: Thank you, Chair.

Mr. LaVie: Impressive.

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Chair.

I'm interested in greywater and I'm wondering how that would apply to a company like Cavendish Farms who uses high volumes of water to clean potatoes and wash potatoes and then that water is actually pumped or discharged out into Malpeque Bay. Would that apply to that?

Mr. Trivers: Thank you for your question.

I believe that it could, and again if you look at the definition: does include commercial or industrial processes as long as it doesn't contain fecal contamination and is safe for reuse in non-potable applications, then I would say it would definitely – the term greywater would apply to the water coming out an industrial plant like the Cavendish plant.

Mr. Fox: So it's my understanding that it's an unbelievable amount of water that's used in the plant and it's discharged out into

Malpeque Bay, and it's cleaned and treated which would have to be because of environmental standards.

My question then goes to P2, irrigation purposes, and I'm wondering if there's a way that the bill could reflect or allow for, and maybe it already does, but if we could take water that is treated that is going out into Malpeque Bay or whatever, and it could be reversed to be used in irrigation purposes.

Can you comment on that?

Mr. Trivers: I mean, that's a fantastic idea and that's one of, probably dozens and dozens of great ideas of how greywater could be used to really conserve water, and that's the whole point is; you define greywater here, you define irrigation purposes and then in the regulations, which are going to be (Indistinct) – that's where you can put in a clause like that, saying: Greywater may be used or, greywater from Cavendish may be used for irrigation purposes if it contains low enough levels of – and then you could give different elements or chemicals, and then actually specify those thresholds in the regulations.

It's kind of interesting in a related note. The Northern Pulp project, what they're doing there is of course they are cleaning the water as well, but it's not actually – the greywater that's results – is not actually good enough to be reused within their plants because it contains some heavy metals, is the way I understand it.

That's an example, again, where in the regulation you can get down to that detail level. You can say: What is the actual parts per million of a given metal that's allowed in the water for it to be used for irrigation purposes? That sort of thing.

Mr. Fox: Can you comment on – in going with domestic use for irrigation purposes – I'm interested in – we know that the fibre content in the soil is key to holding water. It's good for the environment. It provides a filter.

I'm curious on your thoughts on how we can increase the fibre content in our farmland to hold more moisture and water, to either help irrigation or lessen irrigation, on the land.

Mr. Trivers: Well, that's an interesting idea; I mean at the Standing Committee on Communities, Land and Environment, of course, we discuss the issue a lot about organic matter content in soil and how it's able to hold water.

I have to admit, that was beyond the scope of any amendments I considered for the *Water Act* at this time, but there may be something there, something to be discussed. I think probably increasing the organic matter in soil is not so much related to water as it is to things like cover crops, for example, and fall plowing versus spring plowing and those sorts of things; and maybe the application of manure and these sorts of things.

It's something to consider. It doesn't jump out at me, and again just speaking to these amendments, these are meant to be a first step, some relatively simple amendments to help improve the *Water Act*; nothing too onerous, nothing I really should throw off the department in creating the regulations.

That's why I expect the House to support it.

Mr. Fox: Sticking with the fibre content and irrigation, I was thinking the other day; I was watching the farmers out working on the fields next to me and up the road we do have irrigation.

I was thinking to hold – to either lessen irrigation or to increase the efficiencies of irrigation, the possibility of taking woodchips and spreading it on the ground, the same in some way we do cover crops or hay, and that the test be done to see in the sprinkling of woodchips would actually hold the moisture content in the ground if it rains or from irrigation.

Would you have any thoughts on that?

Mr. Trivers: Again, that's beyond the scope of this bill, but, I mean, that would be fantastic.

The Leader of the Third Party might have an intervention on that.

Chair: Go ahead, hon. Leader of the Third Party.

Dr. Bevan-Baker: Thanks, Chair.

Soil organic matter is not just one thing, it's a whole spectrum of things from large particle, typically straw or stuff like that and I heard woodchips is a possibility, to the micro-organic matter and it's the micro-organic matter, which is the really critical stuff.

I've read many reports that suggest with soil organic matter content of 4% or above, irrigation essentially becomes unnecessary. It's absolutely a related topic.

Mr. Trivers: Okay.

Dr. Bevan-Baker: I appreciate you bringing it up.

Mr. Fox: Intervention.

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: Did you just say, a second ago that – what did your comment about saying, about irrigation is not required or required?

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thanks, Chair.

I've read studies where if the soil has an organic matter, this is micro-organic matter above 4%, I can't remember exactly the details, then, irrigation becomes pretty much unnecessary because the water – the soil will hold that moisture so much better.

Now, of course it depends on the crop, and the season and weather and all sorts of stuff, but it's a really important factor.

Chair: The hon. Member from Borden-Kinkora, the minister is still on floor here, or he's on the list. If we could –

Mr. Fox: Two quick ones and I'll be done.

Chair: Okay, perfect.

Mr. Fox: With that, Leader of the Third Party, what about though with the change in weather patterns we're seeing and the lessening of water, you know, rainfall?

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: (Indistinct)

Mr. Trivers: (Indistinct) I'm all about working together here.

Dr. Bevan-Baker: Yeah.

All that means is it's even more important to make sure that we maintain the soil organic matter because when the rain falls, not only do we not need irrigation, but it holds the water much better.

The problems that we had last year with that drought, saved by that one rainfall in September, otherwise it would have been a disastrous year for the potato crops. If we had better organic matter that would have been, probably, a much less serious situation than it was. It's not only good because we probably won't need irrigation, but it's also great because it holds the moisture that we do have.

Absolutely, with changing weather patterns, it's increasingly important.

Mr. Fox: Final question, Chair.

If this bill is accepted; it's great. I think it does take us down a better path, maybe. If this bill were to not be considered, would you be in favour of it going before a standing committee and have relevant groups come in and talk about the different aspects of the bill?

Mr. Trivers: Thank you, member.

That was a similar suggestion, I think, that the Minister of Communities, Land and Environment was making.

I feel that these changes are already based on extensive consultation. I mean, really, I don't see a lot of barriers for them putting in, right now. I don't feel that we would gain a whole lot by bringing these smaller changes to committee.

I'd rather see them made, and then, really, it's the discussion on the regulations –

Mr. Fox: Yes.

Mr. Trivers: – that's going to be key –

Mr. Fox: That's why I raised that question (Indistinct)

Mr. Trivers: Yeah.

Mr. Fox: Okay, thank you.

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

Mr. R. Brown: Thank you.

I just want to repeat again section 3 that is, I consider one of the most important parts of this legislation.

“The control of the water resources within the jurisdiction of the province is declared to be, and to have always been, vested in Her Majesty in right of the province...”

That has never been in – never been defined before. We've taken ownership as a province of the water. We've taken the stewardship of the water.

There are other sections here. Regulations can have their own definitions. When we're going through the regulations, we can put definitions into the regulations. Maybe, some of these definitions that are in the legislation before us today will be considered in the regulations.

I did hear some concerns today about the Cavendish Farms plant from the member from Kensington and the member from Borden, potentially about polluting the rivers and streams on Prince Edward Island.

What I would commit to do is, I will call Mr. Irving –

Mr. Trivers: Hold on a second here –

Mr. R. Brown: – I will call Mr. Irving –

Mr. Trivers: – we never said a single thing about that –

Mr. R. Brown: (Indistinct) I'm talking (Indistinct)

Chair: (Indistinct) you have the –

Mr. Trivers: – no, I'm upset. He can't go on and say things that aren't true here.

Chair: (Indistinct) you can –

Mr. R. Brown: The member from Borden –

Mr. Trivers: – simply not (Indistinct)

Chair: You can answer (Indistinct)

Mr. R. Brown: The member from Borden –

Mr. Trivers: (Indistinct) that is untrue –

Chair: You can –

Mr. R. Brown: (Indistinct) Borden.

Chair: – answer. You could have all kinds of time –

Ms. Biggar: (Indistinct)

Chair: – to answer him when he's done.

Mr. R. Brown: So, what I will do –

Mr. Trivers: He doesn't even have the member right, he said the member from Kensington for (Indistinct)

Chair: Just wait. Let him go.

Ms. Biggar: (Indistinct)

Mr. R. Brown: I will arrange a meeting –

Chair: (Indistinct) orders.

An Hon. Member: (Indistinct) stickers.

Mr. R. Brown: Yeah.

Ms. Biggar: You don't (Indistinct)

Mr. R. Brown: I'll arrange a meeting with Mr. Irving. We will, you know, I'll see if we can meet at his plant. Maybe, he can give us an update of the concerns that were raised from some of the members over there. We can work with him and we can see what comes out of that.

Chair: (Indistinct)

Mr. Trivers: I'll let the Member from Kensington-Malpeque –

Chair: Intervention from the Member from Kensington-Malpeque.

Mr. MacKay: Just in case I heard that wrong, Chair. I just want to clarify what the

minister had just said about myself as a Member from Kensington-Malpeque –

Mr. R. Brown: And the member from Borden.

Mr. MacKay: Said what? Accused somebody of polluting rivers?

Mr. R. Brown: He said the water –

Mr. MacKay: He said –

Mr. R. Brown: (Indistinct)

Mr. MacKay: – that, so did I say that?

Mr. R. Brown: I said the two of you had concern and I –

Mr. MacKay: No. That's not what you just said.

Mr. R. Brown: Let's bring it up with Mr. Irving.

Mr. MacKay: No –

Ms. Biggar: Check the (Indistinct)

Mr. MacKay: – you just said.

Minister, you're known for this: to be putting words in people's mouths. I give a great, tremendous job of doing it, but it's not right. I would appreciate you taking your statement back because it was untrue what you just said.

Mr. R. Brown: Will you meet with Mr. Irving?

Mr. MacKay: I'll meet with anybody at any given time.

Will you please take your statement back?

Mr. R. Brown: Borden member said (Indistinct)

Mr. MacKay: I'm the member from Kensington! Will you take your statement back?

Ms. Biggar: (Indistinct)

Chair: (Indistinct)

Mr. Trivers: Yeah. The question we were talking about was the use of greywater from Cavendish plant and whether it could be used for irrigation purposes. We thought, that was probably a very acceptable thing to do –

Mr. Fox: Chair.

Mr. Trivers: – and we thought it would be good to have in regulations of what level of different chemicals or elements or substances that are in the greywater be allowed to be used for irrigation.

Mr. Fox: Swearing here in a minute.

An Hon. Member: (Indistinct)

Mr. Trivers: And it had nothing to do with talking about water from Cavendish plant contaminating our waterways because that – I don't know where he got that from.

Mr. Fox: Chair?

Chair: Do you have an intervention on this topic, Borden-Kinkora.

Mr. Fox: I want to know exactly what the Minister of Communities, Land and Environment just accused me of.

Ms. Biggar: Check the Hansard.

Mr. LaVie: Check Hansard.

An Hon. Member: Check Hansard.

Mr. Fox: Repeat what you said.

Ms. Biggar: Check the Hansard.

Chair: Okay.

Mr. R. Brown: (Indistinct)

Chair: Pardon me? Yes, well. We're supposed to go through the chair –

Mr. Fox: Chair, I want the minister to repeat what he said.

Chair: Okay, I'll ask him if he's willing to.

An Hon. Member: (Indistinct)

Mr. R. Brown: (Indistinct) talking about (Indistinct)

Chair: Minister, would you like to –

Mr. R. Brown: He was talking about –

Ms. Compton: I thought we were doing the bill.

Mr. R. Brown: – water.

Ms. Compton: I thought we were doing the bill.

Mr. R. Brown: He was talking about water, Mr. Chair. Then, he went on and was talking about Cavendish Farms plant and the water coming from the plant. Then, he went into the pulp mill in Nova Scotia and said –

Mr. Fox: I never said one thing –

Chair: (Indistinct) hold on just (Indistinct)

Mr. R. Brown: Did you say –

Mr. Fox: (Indistinct)

Mr. R. Brown: – did you talk about the Northern Pulp mill?

Ms. Biggar: No, that was the –

Chair: (Indistinct) order for a moment–

Ms. Biggar: – member at the table.

Chair: – I understand everyone is excited here, but if we could have a little bit of order.

Mr. Palmer: Nice, good job, Chair.

An Hon. Member: (Indistinct)

Mr. Palmer: Good job, Chair. Good job.

Chair: I'm going to move onto the hon. Leader of the Third Party while everybody cools down. Go ahead.

Mr. LaVie: (Indistinct) five minute recess.

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

Ms. Biggar: (Indistinct) step outside.

Dr. Bevan-Baker: I'd like to ask the member presenting this bill, it was my understanding that in developing the regulations for the *Water Act* that it would go to the public first, but I think I heard the Minister of Communities, Land and Environment say that it would go to a standing committee.

Was it your understanding it was going to go to the public first?

Mr. Trivers: Yes, that was definitely my understanding that I would have expected public consultations to have started by now.

Dr. Bevan-Baker: Sure.

Mr. Trivers: That was what – where I was going with some of my questions in Question Period today.

The *Water Act* itself, what it does say is that any regulations do have to go to the committee for communities, land and environment, but I don't believe it has any order specified. I can double check that here for you here.

Dr. Bevan-Baker: Chair, (Indistinct) question. I don't know if the minister wants to clarify that?

Chair: Would you like an intervention, the Minister of Communities, Land and Environment on this topic?

Mr. R. Brown: My preference would be to go through the committee and then the committee can hold the public meetings –

Ms. Biggar: Yeah (Indistinct)

Mr. R. Brown: That's what – he's involved in talking about it. Which way do you want to do it?

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Yes, sorry. Maybe, I misunderstood. It was my impression that by sending it to committee you said: It would be discussed within the committee. But, you're saying the committee can go out and do public meetings. Is that correct?

An Hon. Member: (Indistinct)

Ms. Biggar: On the regulations.

Dr. Bevan-Baker: Okay. I would have no problem with that.

Mr. Trivers: Maybe you remember, former minister?

Chair: Do you want an intervention, minister of health?

Mr. Mitchell: Yeah, I'll just make a quick intervention in regards to –

An Hon. Member: (Indistinct)

Mr. Mitchell: – obviously, the minister of the day is the minister of the day, obviously. He will have the best judgment of how it would go forward. The fact of the regulation and I'm assuming there is some regulation that is being worked on because a lot of the regulation pieces were brought forward at those public meetings earlier; were recorded; were suggested that would be brought forward for people to see.

I'm sure there's already recommendations, I'm sure, on, ready to go, kind of, out. Whether they go out and people want to adjust them; that would be the purpose of public meetings going forward. Whether it's a standing committee or a standalone public committee, the result would be the same in my perspective.

Those regulations, those pieces that people want to have as part of it, some of it would already be put in a document form or they're working on them, anyway.

There was a lot put forward so there's a lot of information to go through to get it ready. As we did with the *Water Act*. We went out with a draft act. Then, it looked significantly different when it was done. I envision that the same with the regulation: go out with a draft regulation piece and Islanders will have their say to, you know, I don't think that's correct; it should look like this. That was the way it was envisioned and left.

The committee part, well, that's up the minister of the day, as far as I'm concerned.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I think the key thing here is we get started on the regulations. We get that draft done. We get that out there. We move forward as quickly as we can and do a great job.

I did want to refer to the *Water Act*. It's section 76, subsection 5. It's entitled Public Input Required, "Before... new regulations are made under this Act; or ... substantial amendments are made to the regulations, the Minister shall"

"(c) seek public input with respect to the new regulations or amendments in the manner that the Minister considers appropriate; and

(d) refer in writing the new regulations or amendments to the appropriate Standing Committee of the Legislative Assembly, not less than 90 days prior to enactment."

In fact, there is, it's (a), (b), (c) and (d). But, I suppose the minister probably could do the two things concurrently. Or, he could, in part of (c) send it to the standing committee, which I would be very happy with.

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

Mr. Dumville: Chair, just a clarification. Did the minister say that the province owned the water? It's my understanding the province doesn't own the water.

Chair: The hon. Minister –

Mr. R. Brown: The first paragraph is (Indistinct) in the province (Indistinct)

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

Mr. Dumville: What did he say?

Chair: Minister of Communities, Land and Environment.

Mr. R. Brown: It's in the law.

Ms. Biggar: (Indistinct)

Mr. R. Brown: First ever.

An Hon. Member: (Indistinct)

Mr. R. Brown: Yeah, I'm bringing it up.

An Hon. Member: (Indistinct)

Chair: Member from Rustico-Emerald.

Mr. Trivers: It's section 3, Control of water resources vested in the province. In my mind, the key word here is 'control' as opposed to ownership. But, that's really outside the scope of this bill, Chair, if we could get back on track, I'd really appreciate that.

An Hon. Member: That's the Chair's job, anyway.

Chair: We have Borden-Kinkora and then, I'm going to try on with the reading of this.

Mr. Fox: Thank you, Mr. Speaker.

I just want to be clear –

Mr. LaVie: (Indistinct)

Mr. Fox: – to the promoter of the bill. We discussed greywater and I asked a question if the greywater would also take into account the water that comes out of Cavendish Farms and that it's all clean and is treated; or it's made sure it's clean, and then that goes into the Malpeque Bay.

I then went on to say and make a comment about irrigation purposes in that if that water was suitable, could that same water be used for an irrigation purpose?

Is that the way you understood what I said promoter?

Mr. Trivers: Yes.

Mr. Fox: That's what you – thank you.

Chair: Are you done?

Mr. Fox: That's it. Fine, thank you.

Chair: The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Chair.

My question has to do –

Mr. Trivers: No, I didn't consider putting plastic bags in here.

Mr. R. Brown: That's no joke. Plastic bags are a big polluter (Indistinct)

Mr. Roach: My question specific –

Mr. R. Brown: (Indistinct)

Mr. Roach: – to section 1 –

Mr. R. Brown: – jealous of him

Mr. Roach: – (b) (n.1) when you're talking about greywater.

I'm just curious as to what you had in mind when you were talking about commercial purposes. If you could define that for me, 'commercial purposes'?

Mr. Trivers: Commercial or industrial is the phrase. Really, it's when you're looking at water that has been used and it has an output that's making money.

For example, if you were using it in a cooling process and then you were selling a product, for example, that would be commercial. It's related to making money, commercial, selling.

Mr. Roach: I guess that's why I was asking you the question: What would you think the difference would be between commercial versus industrial?

Would that have to do what was being used with the water?

Mr. Trivers: Yeah, so in my mind anyhow, the difference between commercial and industrial; commercial means it's being used to make money. Industrial means you're actually creating something and water is being used in the creation process, like manufacturing.

Mr. Roach: Chair, if I can just use the – just a question. I'm just trying to clarify the difference between the two, Chair.

Chair: Sure.

Mr. Roach: So, if you owned a wash plant where you were washing potatoes, washing the dirt off to get them cleaned up, would

that be commercial or would that be industrial? You're not adding anything to it. It's just you're washing a potato.

Mr. Trivers: To me, that would be more of a commercial process, I would think. I'm not sure what you're getting at here, but yeah.

Mr. Roach: (Indistinct)

Chair: The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Chair.

So if I owned a car wash, and in that car wash there are soaps and there are waxes, and we've all gone through the car wash to see what's in there; would you consider that to be commercial or industrial?

Mr. Trivers: I would have to study more, but right now here on the floor I'm going to go say I'll go with commercial for that.

Mr. Roach: Okay, and so we have two different, I guess I'm going to say, products, that are the end result of those two businesses.

What's coming out might be dirty water with PEI soil on it, and what's coming out of the other has got soap and it's got wax and it's got whatever, perhaps is coming off the bottom of a car, whether it's rust particles, or a lot of cars are undercoated and there are certain products that are used in undercoating, so we're not getting, in my view the same (Indistinct)

Again, I'm trying to clarify the difference between the two because I think they are quite different.

Chair: Go ahead, member.

Mr. Trivers: Indeed, and that's why the definition for greywater includes both.

Mr. Roach: Well, if water is being used to wash potatoes and the dirt ends up in the ground and the water that's going away is pure, clear water, versus water that's coming out of a car wash has got a whole lot of other things in it, and it's not pure, clear water, it's other things, I don't see that the two would be the same.

You can please correct me if I'm not right there.

Mr. Trivers: I'm not saying they are the same, member. I'm not sure what you're getting at.

The definition of greywater includes both of them, but in both cases it also goes on to say whether it's for domestic purposes and commercial or industrial processes; that does not contain fecal contamination and is safe to reuse in non-potable applications.

That's where you would get into all the different things I think you're talking about. I'm not sure where you have an issue here.

Mr. Roach: I think we are getting down to it and I'll try and draw it down more for you. I apologize if I'm confusing you here.

It seems to me that when we drink water, it comes out of our PEI soil and then we drink it. If it's being used to wash potatoes and the only thing on it is soil, then I could see that that's water that we could drink again. But I certainly wouldn't want to drink the water that came out of my car wash.

Chair: Do you have more, Member from Montague-Kilmuir?

Mr. Roach: That was just a question. It's not answered, but I'm all done.

Thank you, Chair.

Mr. Trivers: I didn't hear a question. That was a statement, to me.

Mr. Roach: Well, I will rephrase it for you then.

Do you see, in that situation that I just described, do you now see that they are the same or do you see it different?

Mr. Trivers: I still don't understand his question.

Mr. Roach: Chair, can I repeat it one more time.

Chair: Absolutely.

Mr. Roach: Okay.

When you turn your tap on, when you live in the country at least, for those of us who have a well, water comes out of the ground and I drink it and it's great. If you wash the potato and the dirt falls off the potato over here and the water comes out over here, in theory you should be able to drink that water because there hasn't been anything else been using it.

However, if it's a car wash, and that's where I think perhaps the difference may come between commercial and industrial, with your definition of commercial. I'm not going to raise my glass and put it underneath what comes out of a car wash and drink it, like I would, because it simply doesn't come out of the PEI ground.

There is a lot of other things in there.

I'm asking you, do you see – my question is: You defined to me what you thought commercial was when I talked about washing potatoes. So my comparison is I have a well at my house – pay attention now.

I have a well at my house –

Mr. Trivers: Ask me a question.

Mr. Roach: I'm getting there. I want you to pay attention so you'll get it.

Mr. MacEwen: (Indistinct) drink water (Indistinct)

Mr. J. Brown: (Indistinct) too busy laughing.

Mr. Roach: If you wash potatoes and the soil falls off over here, and the water comes out over here, it's basically the same as what comes out of your well.

But if it's coming out of a car wash it's not the same. Do you see a difference between those two processes?

Mr. Trivers: Yes. I already answered that. Yeah, they're different but they are both commercial in my opinion.

Mr. Roach: Okay.

Do you feel that the water that comes off the potato is potable?

Mr. Trivers: Yeah, I'd say most cases; it would be, probably, yeah.

It depends on the potato. It depends on a lot of different things, but yeah, for the most part, yeah.

Mr. Roach: I think that says it because in that section it says it's not. It says it's not non-potable. I'm all done, Chair.

Chair: Shall the section carry?

Some Hon. Members: Carried.

An Hon. Member: No.

Ms. Biggar: No.

Chair: Can I do a show of hands on shall the section carry?

All those in favour of carrying the section, raise their hands.

One, two, three, four, five, six – do I have you?

An Hon. Member: (Indistinct)

Chair: All those against carrying it?

Okay, the section is not carried.

Is it the wishes of the members that I continue on or vote on the bill?

An Hon. Member: (Indistinct)

Chair: Can your bill be enacted without the section 1?

An Hon. Member: (Indistinct) great chair.

Some Hon. Members: (Indistinct)

Chair: Shall the bill carry?

Some Hon. Members: No.

Some Hon. Members: Carried.

Ms. Biggar: No.

Chair: All those voting in favour of the bill, raise your hands.

Thank you.

All those voting against the bill, raise your hands.

The bill has been defeated.

An Hon. Member: (Indistinct)

Ms. Biggar: Good discussion.

Mr. Trivers: Mr. Chair, I move the Speaker take the chair and report the bill not recommended.

Chair: Shall it carry? Carried.

Thank you.

Mr. Speaker, as Chair of the Committee of the Whole House, having under consideration a bill to be intituled *An Act to Amend the Water Act*, I beg leave to report that the committee has gone through the said bill and does not recommend same to the Legislative Assembly. I move the report of the committee be adopted.

Speaker: Shall it carry? Carried.

Mr. Trivers: Recorded division.

Speaker: Sergeant-at-Arms, a recorded division has been requested.

[The bells were rung]

Mr. Trivers: The opposition is ready for the vote.

Speaker: Thank you.

Ms. Bell: Mr. Speaker, the third party is ready for the vote.

Speaker: Thank you.

Mr. Perry: Mr. Speaker, government members are ready for the vote.

Speaker: Thank you.

Hon. members, the report of the committee says that the bill not be recommended.

All those voting against that, please stand.

Clerk Assistant (R. Reddin): The hon. Member from Charlottetown-Parkdale, the hon. Leader of the Third Party, the hon.

Opposition House Leader, the hon. Member from Borden-Kinkora, the hon. Member from West Royalty-Springvale, the hon. Member from Rustico-Emerald, the hon. Member from Morell-Mermaid, the hon. Member from Georgetown-St. Peters, the hon. Member from Souris-Elmira.

Speaker: All those supporting the recommendation, 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, the hon. Premier, the hon. Minister of Finance, the hon. Minister of Health and Wellness, the hon. Member from Montague-Kilmuir, the hon. Minister of Rural and Regional Development, the hon. Minister of Family and Human Services, the hon. Minister of Education, Early Learning and Culture, the hon. Minister of Workforce and Advanced Learning, the hon. Member from Charlottetown-Lewis Point, the hon. Member from Tignish-Palmer Road.

Speaker: Thank you.

The committee report is carried.

The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Mr. Speaker, I request that Motion No. 73 be now read.

Speaker: Shall it carry? Carried.

That has been read the previous time. The hon. Leader of the Third Party was speaking to the motion, so hon. leader, continue speaking to the motion.

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

Indeed, I was, I was speaking last week very briefly to this issue in the last couple of minutes before the hour was called.

Previously, when I did speak to this motion, I explored the concept of peace order and good government and how important that is to Canadians. I also touched on Canada's approach to achieving independence and resolving our internal conflicts which,

historically of course, has been more evolutionary than revolutionary.

I put out the thought that we have in Canada as our loan star peace, order, and good government and that we have been making incremental progress in that direction over several centuries. But, of course, the concept of good government is an evolving thing and it's changing enormously over the centuries.

For the purposes of this motion and my remarks today, I want to focus on what good government can mean at this point in time and within our own provincial jurisdiction. What does good government mean to Islanders here today in 2018? What conditions would build public trust in good government and how can we nourish that we all have, whether we're inside this rail or outside this rail, to constantly improve government? Also, what is the relationship between those being governed and those in government? All of these are critical elements of the idea of good governance.

I have spent much of my time as an MLA debating matters that relate to government and governance, and I sometimes feel like I have come to this Legislature with a different vision perhaps of how government can and should work. I suppose some of that comes from being aligned with a party that has not traditionally had much power or influence. That gives you a different perspective on the uses and abuses of power that you see. What simply may seem expedient and efficient from inside the halls of power can appear from elsewhere to be unfair or even undemocratic when you look at the same issue from the perspective of the powerless.

And in my mind, the biggest threat to good governance is the consolidation of too much power in one party, in one office, or in one individual. As we have all been told, power corrupts and absolute power corrupts absolutely. I suppose the most obvious example of this dangerous consolidation of power is the first-past-the-post electoral system. Indeed, as a means of electing a government, it is incredibly expedient and efficient. It rarely produces an unclear result, with the exception, of course, of the occasional coin flip, and for the most part, it gives parties a clear majority so that they can implement their campaign promises, or

not, as they choose, without having to negotiate or to compromise with any of the other parties in the House.

If you're accustomed to passing the baton back and forth between two dominate parties over a century-and-a-half, it looks both very fair and very efficient. PEI is the perfect place to practice ping-pong politics. But once you look beyond that two-party system, it quickly becomes apparent that the first-past-the-post system often gives us a false majority; a false majority to a party that many times will receive less than 50% of the vote, and that's the current situation we have here in this House.

Government received 41% of the vote, has now 63% of the seats in this House. But, they have 100% of the power. We find ourselves with first-past-the-post in a Parliament where the vast majority of voters wanted a party other than the one that is in power. But that's not what we got. And yet, even within a lopsided electoral system there are still a number of checks and balances. At the risk of turning the debate on this motion into a civics lesson, I want to assert that the first principles of good governance within our own parliamentary tradition, the first principle is the division between the legislative branch, all of us in this House, and the executive branch of government.

For some, that idea is both very simple and also very complex. When sitting in the House or on legislative committees, all private MLAs, and that would be those who are not Cabinet members, have a responsibility to hold government to account. I know that phrase 'holding government to account' is most often assumed to be the responsibility of opposition MLAs, those sitting to my left, and my partner to the right. But really in truth, the responsibility to hold government to account is from all private members including those who are elected under the Liberal banner.

That is why government members, it happened today, are allocated questions in Question Period every day. It's their time to hold government to account, although considering the MLAs' frequent preference on that side for softball questions; it's easy for us to assume that they are there simply to highlight the accomplishments of the

executive branch. That's certainly how it appears on most days.

Some Hon. Members: (Indistinct)

Ms. Biggar: (Indistinct)

Ms. Casey: (Indistinct)

Mr. Perry: Check the Hansard, every question comes from my district.

Some Hon. Members: (Indistinct)

Mr. Perry: But that wouldn't be good enough for you, because you're above everybody else.

Mr. Trivers: What happened to good-natured?

Dr. Bevan-Baker: I didn't say that all questions – I said some questions.

Some Hon. Members: (Indistinct)

Dr. Bevan-Baker: We saw, Mr. Speaker, a particularly egregious example of this government using its majority to shut down meaningful debate in the Legislature just last week with the passing of Bill 114, the *Plastic Bag Reduction Act*.

Now, I want to make clear that it's not the bill that I object to, but it was the process that was used to pass it. In the midst of debate on the bill on this floor, the Chair of the committee of the whole called for a vote to pass the bill in spite of the fact that many MLAs still had questions, myself included. It was a truly shocking abuse of power. And it seems that recently governments' attempts to push the boundaries of democratic norms have become more blatant and more common.

The issue could also be seen in the functioning of committees. The primary function of legislative committees such as Public Accounts is to hold government to account; however, because committee composition is designed to reflect the overall composition of this Legislature, in any majority government, committees are controlled by government members. So, currently every legislative committee has a majority of members who are Liberal MLAs and that makes it impossible for those

committees to hold government to account credibly.

An Hon. Member: Consensus government.

Dr. Bevan-Baker: We have seen many examples of a government majority overruling attempts to hold government to account in committee.

For example: by overriding motions to call certain witnesses to the Standing Committee on Public Accounts. And to make the issue even more complicated, convention prior to last fall was that Cabinet members did not sit on standing committees, but now they do.

Part of the reason Cabinet members are on committees now, of course, is because of the small number of government private members and the need to distribute the membership – and this is a quote from the rule book, “...in generally the same proportion as that of the recognized political parties in the House...”

Yet, how can the public believe that legislative committees of the legislative branch of government can, in fact, hold government to account – the executive branch to account – when actual Cabinet members are sitting there in those committees?

The fact that this change has been made without question just shows how far we have strayed from the democratic ideals as set out in our parliamentary traditions.

To address this issue, the office of the third party recently submitted a document to the rules, regulations, private bills and privileges committee in which we suggested that that committee explore the possibility that committee members be allocated according to the proportion of private members, rather than the proportion of party representatives in the House. This would result in committees where government would generally not have a majority.

Some advantages of this arrangement would be that the increased independence of those committees; it would improve their ability to hold government to account; it would more evenly allocate the committee workload among private members; it would not burden already busy Cabinet members with

additional work; and it would remove the conflict of interest that exists for Cabinet members trying to hold the executive branch to account. I’m hoping that when the rules committee starts to meet again, that we can discuss this proposal in greater detail.

Yet another way of looking at how we can achieve better governance is to look at the relationship between constituents and their elected representatives. Here on Prince Edward Island, we emphasize the importance of the individual MLA being accountable to her or his constituents. Yet, inevitably, all MLAs at some point in their careers, find themselves in a position where they have to choose between loyalty to their party and loyalty to their constituents.

The most obvious flaw – the most obvious example of this flaw in our representative democracy was demonstrated in the fall of 2016 with the vote on my motion to honour the plebiscite vote on electoral reform.

Although mixed member proportional was the preferred option in 22 of 27 districts, every single government member voted against my motion to honour the vote. Only three of the 17 government members at the time voted in line with the clearly expressed democratic wishes of their constituents. There’s a fundamental risk to democracy when the elected representatives of the people put the interests of their own political party above the interests of the people that they are supposed to represent.

During my time in this Legislature, I have been discouraged by the frequency that government members vote as a unified block. In my mind, it’s inconceivable that every government member consistently draws the exact same conclusions on the exact same issues. When that is the case, it’s only natural when they vote in a block – it’s only natural to speculate that their behaviour is being centrally controlled – either from the fifth floor or from the back rooms of the Liberal Party.

The PEI Green Party has, as one of its principle core beliefs, their every elected MLA’s first loyalty should be to the constituents that elected her or him. Therefore, if my party were ever to form government, votes would be free votes, just as they should be. I believe very strongly

that there should not be only diversity of opinion among parties, there also needs to be diversity of opinion within parties. That's what healthy democracy all about.

Now, it would be naïve, of course, for me to suggest there will never be a conflict between the needs of one's constituents and one's party, or that it's always easy to determine how to respond when these conflicts do occur, because they will occur and they have occurred. That's part of the complexity of being an MLA. That's part of the special responsibility that we bear as representatives of the people.

Whether we're talking about the role of the Legislature to hold government to account, or the individual MLA's responsibility to place constituents ahead of their party, these issues lead to a consolidation of power within Cabinet.

And of course appointment to Cabinet is solely at the Premier's discretion, so it is ultimately the Premier's office that becomes the apex of power. Placing too much power in the office of one individual is never, ever in the best interest of a thriving democracy. Indeed, at times, it can resemble a benign dictatorship with the voters having a choice every four years and often it feels like the voters are just given the choice between two parties – at least traditionally over the last several decades that's been the case here. For the most part – and this has been said by members of both the red team and the blue team – that for the most part, they're essentially the same, save for the colour of their jerseys.

Many of the reforms that I have advocated over the past three years relate to the mechanisms for government oversight. And to give credit where credit is due, much has actually been accomplished by this government. The current government has brought in a number of significant reforms, including the introduction of whistleblower policy, which then became whistleblower legislation; passing legislation to establish a lobbyist registry; and just last week passing an act to implement election campaign finance reform. Bravo. Those are all significant steps forward in accountability.

All of these improvements work towards developing an accountability framework in

Prince Edward Island that is similar to other Canadian jurisdictions. Although I may quibble with aspects of some of these legislative initiatives, for example, I still think that the lobbyist registrar should be an independent office of the Legislature; I have to commend government for your efforts.

Ms. Biggar: Call the hour.

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.

Recognition of Guests (IV)

Speaker: You may all relax.

Ms. Bell: Speaker, permission to recognize guests?

Speaker: Yes, of course. Go ahead.

Ms. Bell: Thank you, Mr. Speaker.

I'd like to recognize Sue and John Whitaker to the gallery this evening and John is my stepfather and Sue is a dear friend. It's lovely to have them both here this evening.

Thank you, Mr. Speaker.

Government Motions

Orders of the Day (Government)

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Education, Early Learning and Culture, that the 15th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant: Order No. 15, *Electoral System Referendum Act*, Bill No. 38, in committee.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the Honourable Minister of Education, Early Learning and Culture, that

this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

Speaker: Shall it carry? Carried.

I will ask the hon. Member from Charlottetown-Lewis Point and the Deputy Speaker to come and chair this bill.

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

Some Hon. Members: Yes.

Chair: Thank you.

Permission to bring a stranger to the floor?

Some Hon. Members: Granted.

Chair: Thank you.

We'll allow him to come in and get set up.

Mr. Myers: You getting overtime for this?

Chair: Good evening. Could you introduce yourself and your title for the record?

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

Chair: Welcome. Hon. members, when we last left this bill, we were discussing section number one and there was an amendment on the floor and I'm now going to turn it over to the minister for a statement.

Mr. J. Brown: Thank you, Madam Chair.

A couple of things before we get going in earnest tonight, Madam Chair, if I can beg your indulgence; the first is that it is our plan – or mine – to introduce a series of amendments to the bill and if I might explain them – and I'll say upfront that we have, obviously, begun work to see if they can be made in this fashion and to start the drafting process, but we have not – working together with Legislative Counsel – had time to actually get them fully drafted at this point in time.

Our plan would be, in having listened to the third party and some of their concerns and some of the concerns expressed by constituents over the recent past – and also having the opportunity to see the BC AG's report, which was recommended to Cabinet out there yesterday, I believe it was, and to see a number of similar concerns expressed through that and some steps that they propose to take out there.

We would propose to introduce amendments that would do the following:

One, in respect of the time frame, what we would look to do would be to amend the provisions of the legislation to stipulate that the referendum period itself would commence upon a proclamation of Executive Council. And that would indicate that the referendum date would not be more than eight months from the date of the proclamation – and I'm not even sure if proclamation is the right word to use there, but from the date that Executive Council says go, the referendum would not be more than eight months – it could be less.

Prior to that, and starting fairly quickly, perhaps July 1st or right after the bill is proclaimed here, a registration period would start. And the theory behind the registration period would be that parties would have the opportunity to determine whether they would seek to be on the proponent or opponent side and whether it would be their intent to spend more than – looks like we're heading in the direction of \$1,000 over the course of the – we'll say effective date of the legislation, which would be from proclamation until the referendum date.

There would also be an ability for Prince Edward Island residents only to – individuals from Prince Edward Island to expend those funds and, in other words: corporations, unions, and other entities in particular, those from outside Prince Edward Island and individuals from outside Prince Edward Island would be precluded from either making a contribution or an expenditure in relation to the referendum – and including, again, during the registration period.,

There would also be the ability to have contributions during that registration period, but still the \$1,000 limit would continue to

exist throughout the course of the – we'll say the active period from the legislation coming into force until the referendum date.

So that is our intention. I have expressed this to the third party. I did not have time, unfortunately, to get to the official opposition as we're kind of just feverishly working on this and have just come to the conclusion that it's likely doable over the supper hour.

Mr. LaVie: You going to make a backroom deal?

Mr. J. Brown: No, I would not say that's the case. In fact, I think we're being pretty clear that we're doing all the dealing right here on the floor of the Legislature.

Mr. LaVie: You just said you were talking to them.

Mr. J. Brown: So we would propose to proceed. There will be some amendments that we would propose to make to section one of the legislation, in that grouping. And there will be some others, but we would propose to proceed with the consideration of this bill, and in particular, I don't think any of the amendments would impact certainly sections two, three, and four, beyond those amendments that are already proposed to those sections. So we feel that we can make at least progress into those sections this evening if members of this House are willing to go along and proceed in that regard and we'd certainly, as soon as we're able to provide them, provide the amendments for everybody's consideration.

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

Mr. Myers: With the greatest amount of respect, the Leader of the Third Party has an amendment on the floor.

Chair: Yes, we're getting to that.

Mr. Myers: No, but we have not voted on. Now we're talking about other amendments and how we should proceed through, even though we don't have them because you haven't been able to get them ready, even though you've known for two years you were going to pull this stunt. If you're not

ready for this bill, there's other bills to be passed. Why don't you take it off the floor and we'll debate a bill that you've actually spent some time preparing properly.

Chair: The hon. Leader of the Third Party, it's your amendment that we're discussing and with your conversation with the minister, would you be agreeable if we took your amendment off the floor and then came back to section one, or would you like to continue to discuss it, as per what the minister has just said?

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

Just a couple of things; just to clarify that, the discussion that the minister and myself had happened here two minutes before we sat down.

Chair: Yes, absolutely.

Dr. Bevan-Baker: So this was all – there was nothing happening in any backroom or anything. I want to be clear about that. The second thing is I think Georgetown-St. Peters was asking, not that we skip the section or my amendment, but rather that we bring another bill forward that is ready for debate. And I have to say, I kind of agree with that suggestion.

Mr. J. Brown: Certainly, I'm open to that, if that's the desire here. As I say, we are quite prepared to proceed with section – in particular two, three, and four. We do not have any planned amendments other than those that have been on the floor – or the on the table, I guess I should say, for quite some time now. So if members wish to continue to discuss this bill, we're quite prepared to proceed with that discussion this evening. And I will say at the rate we've been going, we would be lucky to get through that part of it, but, certainly, I know I have other legislation and there's some on the order paper.

Chair: But Gary's here, so –

Mr. J. Brown: Yes, we have –

Chair: We have the staff person here for this bill so could I ask if we – would you be agreeable to set section one aside and then

we continue on with the two, three, and four and we'd come back to section one in your amendment, hon. leader?

Dr. Bevan-Baker: Can I just ask one question on – I know we don't have the wording of the amendment, we don't have it before us, but if we are going to make a proclamation, I think is the word that you used in – yes, sure – have our decision in Cabinet to proclaim that the referendum period will start and that therefore, the referendum will happen no later than eight months from the date of that proclamation. Am I interpreting that correctly?

Mr. J. Brown: Yes.

Dr. Bevan-Baker: Are you comfortable with how that sort of restricts the prerogative of the Lieutenant Governor in Council when it comes to calling an election?

Mr. J. Brown: It still can be shorter. So in other words, as I say, it will not be longer than eight months. It still can be shorter. So the Lieutenant Governor could say the day after: We're going to have an election – and I think it's got to be 26 to 32 days, if memory serves – from now, but it can't be longer than eight months. So just to be clear, the issue you had expressed yesterday was in relation to the time. And as we have indicated, we recognize that that's an issue as well. So in other words, if you're going to do anything to restrict Islanders' ability to participate in a process, time is always going to be a concern. You can't have infinite time or there's more than likely going to be a question. So a question gets to be – are the measures you're taking reasonable given the amount of time over which you're setting that restriction in place?

We see, as an example, that the BC Office of the Attorney General out there, they went through a lengthy consultation process. One of the things that came back out of that was – there are a few things, really, that are probably relevant here – but that a good period of time needs to be in play and in place over which the discussion can fully unfold and British Columbians, in that case, can make sense out of things. I think, like us, they have a municipal election in the fall, if I recall correctly, so they were playing around with dates they had to use to get

around that and were figuring that was going to suck up a lot of the air time during that period of time. So they were concerned about that as well. But a big piece of it is we need adequate time; we need time to allow people to organize and to set out their plans, if you will, but they also indicated that they need to ensure the integrity of the process over that period of time.

So it will be our thought that this closes that last window so that any group that's there knows that: Okay, from this point in time, the end date is going to be near. It won't be more than eight months, but it could be less. And so the ability is there to –

Okay, so Gary's got some wording that they had been working on there, if you wish to have him –

Dr. Bevan-Baker: Sure.

Gary Demeulenaere Director: Effectively, I think to your question, is what if the writ is dropped, after this thing is enacted, before there's a turn on on this particular clause and the way that the language would envision that is it's – there's this clause dealing with timing and then the follow-up would say: However, if the writ is dropped, that would commence the timeframe right away. Because I think to your point, it would have to address the fact that a Lieutenant Governor in Council has to be able to dissolve and proceed whenever he wants.

Dr. Bevan-Baker: Exactly.

Gary Demeulenaere Director: She, sorry.

Dr. Bevan-Baker: (Indistinct)

So I think in BC the referendum period is five months. Is that correct? Yes. So I'm wondering why you chose eight – or up to eight as your timeframe?

Mr. J. Brown: That's essentially it, it's to take away – we didn't want to get into a situation – theirs is a set five months.

Dr. Bevan-Baker: Yes.

Mr. J. Brown: I think it's a set five months, actually, from a certain date, but, we'll be frank and forward in saying – it's not really my place to say this or not, but we would

recognize that there's a prerogative there to be able to exercise section four of the *Election Act*. And so, we don't want to have a situation where that's actually a defined date that that's going to happen because you're effectively – just to your point a few minutes ago – taking that section and overwriting it with something else. So what we're saying is: that in mind, we put in an eight-month window and that allows the flexibility for both to work simultaneously (Indistinct)

Dr. Bevan-Baker: Part of the concern – and I have to tell you, in our office we contemplated a similar type of amendment and gave up on it because we realized that when you set a date or a prescribed period like that, you're really tipping your hat as to when the election is coming. Like the election has to come within eight months and that's why we couldn't proceed with an amendment along these lines. So I'm wondering – the influence that this will have on the registered – oh, gosh, I'm losing my –

Ms. Bell: Organizations.

Dr. Bevan-Baker: – the organizations who will be registered to use the money, if they – so the period will start. You will dictate the date of the period, but they don't know whether the money they have is to be spent over a month or eight months, so how are they going to organize their campaigns given that we have this incredibly diverse set of parameters?

Mr. J. Brown: This is what got me thinking about this was the discussion that we had yesterday.

Your point yesterday was the same, except in relation to a more expansive period of time. So what we're saying is we recognize that and we recognize that the time is an issue and we're willing to compress that time, but we still need to enable a few different things.

One, we need to enable the ability for those groups to get – like, literally ramped up and so they don't know until the day, and so this goes back to the BC report – they don't know until the day of the writ, by virtue of the way that the writ period would work as defined in the legislation. The max they're going to have is 32 days to do their work.

Appreciating that these people are going to be volunteers, when you say 32 days is all you have to do your work, it's even harder to – you could give them years and years and years to plan but if you say go, and they have to drop whatever they're going to do and then do the most they can in 32 days, that becomes a more onerous piece, and so we recognize that. So take it the other way: We're saying there will be a tip of the hat; this will not be more than eight months.

Generally within that you'd have to look at it in its context and it would be recognized there will be an election that will be not more than eight months away. I'm sure the way the discourse goes with these things, everybody would have a general sense at that point in time that, you know, look, we're looking at it, there's a number of days in the year that we know elections generally aren't going to be, Christmas and New Year's and all those kinds of things, so the window I'm sure starts to get more and more confined as you start to narrow it down. The way the cycles work around here, we usually have a half decent sense of those sort of things.

The idea would be you deal with the time period as much as you possibly can, but you still allow for the ability for an expansive referendum period that will allow for a good solid debate. It will allow people for time to – not just educate themselves, because that can happen pretty quickly; but the reality often is, like you look at the dancing man theory of adoption as an example. You got one fellow dancing in a field and he's just out there like an idiot and then two, still maybe; three and more, it starts to look like a crowd and people start to join and that all takes time.

So you need to have a period of time and certainly we've recognized that from the outset for this to build and the process to work. We think this eight months, to be clear about it, was chosen because we feel that that's a happy medium between the tip of the hat and still allowing for that process to occur over a significant enough period of time that will work.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

Of course, the main distinction between the BC referendum and ours is that theirs is not attached to an election and the result is binding because it is on the same government, and that's fine. The problem with this – well, one of the many problems with this one is that being attached to an election, it's not necessarily the result is not necessarily going to impact the same government. It'll be a different government, in fact. Inevitably it will be.

So I'm wondering what – given that we have elections in the fall and in the spring always, six months would seem like – or – I mean, eight is, as you know from our discussions before, 60 days has been challenged successfully under the charter. So I'm wondering why you think eight months is – and I asked you yesterday, I think, whether you felt 16 months was defensible as a charter period and you said yes. I'm wondering whether you – presumably you feel the same way about eight.

Mr. J. Brown: More than twice as defensible, yes. Again, to be clear – I'll be clear about a few things. One is that the 60-day provisions you're talking about are in relation to election spending or related to an election period. Again, I've been using the analogy of the basket. We're only talking about a small portion of rights that or things that we're saying that folks would not be able to do, so a referendum is – and again, this was something that was discussed in the BC report – materially different.

And you know, I think you've only to look at the report that came out of BC. It speaks for itself in response to that question where they're saying five months is, I think, the minimum. If you look at the reports out of there, they're saying five months would be the minimum you'd look to have to do this. I think it's the same thing here. The process is going to be the same, so I think we need to recognize that and you need to have reasonable time put in place to enable a proper process to unfold.

Dr. Bevan-Baker: I still must say that I prefer the approach suggested by Georgetown-St. Peters, that we go to a different bill; but I want to make sure that if the will of the House is to stay on this bill, that if we go to a different section, that the

amendment that comes forward will still be debatable –

Chair: Absolutely.

Dr. Bevan-Baker: – when we come back.

Ms. Biggar: Yeah.

Mr. J. Brown: I have no issue with that.

Dr. Bevan-Baker: Just a follow-up to that: Because this is the definitions section of the bill, many of the other clauses that follow and the ones that we'll be debating, if we stay on this bill, make reference to those definitions. If we haven't passed that definitions section, is that going to be problematic as we go through the other sections?

Mr. J. Brown: I think in those – in the next few sections, I think we're going to be, more or less – I don't foresee any issues, I guess I'd put it to you that way; but certainly, you know if – recognizing that the amendments haven't been drafted in full yet, I think and it would stand to reason that we're not passing section 1, we have the ability to come back to it. Your amendments would be the first thing we would deal with and then we would go from there; but I'm not the Chair.

Chair: Sure; and hon. member, if we get to a section and there's some discrepancy with regards to a definition, we may be able to put that part of the section aside as well and come back to that until we pass the first section. I don't see it being an issue. I looked at the sections coming up. So I don't see that being an issue, but by all means if there is an issue, please raise them with me and we'll deal with them at that point. All right?

Dr. Bevan-Baker: Okay.

Chair: Georgetown-St. Peters, you had a comment as well.

Mr. Myers: Yeah. Thank you, Chair.

I just want to go back to what I said. So the Leader of the Third Party has circulated a number of amendments, and I have them kicking around here somewhere; but there's been other amendments made by other members of this House that deal with other parts of the bill and it appears like other

people have done their due diligence and their homework ahead of this bill and they're prepared to move forward.

My concern is that, so, we're in the middle of debate and the Leader of the Third Party's amendment that he put forward, so in order to move forward he has to pull it off the floor or we have to vote on it. So anyways, it's either get voted for or against. Then you guys take amendments to the floor, which we don't know what we are yet, because you haven't written them, and the Leader of the Third Party is not happy with them. Then you've taken away his opportunity to have his amendments debated and you'll pass yours and then his won't matter anymore.

I think we're in a real – I think we have ourselves in a real quagmire here where, like I – tomorrow's June. I am fully aware that I would like to move on to other components of being a politician, but not at the expense of everybody feeling like they have had their opportunity to debate this to the fullest, including the Leader of the Green Party who obviously has put a lot of work into this.

I still believe, in the fairness to all members here, if you came back to this House on another day ready to go with your homework done like the Leader of the Third Party has done, you could meet with him beforehand and say here's what I'm putting forward and if it satisfies the issues that he has raised through his amendment, then we can deal with it all in one day.

I don't know how we're going to deal with it down the road if he feels like – and I'm not trying to speak for you but I'm speaking as a –

An Hon. Member: Doing a good job.

An Hon. Member: (Indistinct)

Mr. Myers: I'm looking at it and saying; what happens if we do all of this work and somebody who has done their homework isn't happy? How does he get to have his voice heard after you have made this move?

There are other bills. Unless you don't want the other bills passed; unless, the other bills are only on the floor.

The other thing is and this is the part that kind of bothers me is that the appearance, just from here, is that you took a bill to the floor that you knew he wouldn't agree with, and it's an old lawyers' trick; and then what you're going to do is make him to something that he wouldn't have agreed with if it was the main bill, so if you had brought the bill to him in the format that you're going to amend, he wouldn't have agreed to it, but because you made it so terrible you're going to bring amendments and you're going to make him agree to something that he wouldn't have agreed with initially if it had been the initial bill. It's a lawyers' thing –

Dr. Bevan-Baker: (Indistinct) we are speaking for.

Mr. Myers: Well –

Ms. Biggar: (Indistinct)

Mr. Myers: – I'm only – I'm speaking for him, actually. I'm saying this – it's a lawyer – it appears to be – so it's only an appearance, so I don't know if that's the case and I don't know if we can come to an agreement, but if we're going to spend another month and a half debating this bill because everybody is trying to out-maneuver everyone, why don't we just go to something that we can debate and come back to this bill another time is this because it's not like we're not coming back next week?

My thoughts. I don't mean to speak for you but I think that it looks –

Mr. LaVie: You're doing pretty good (Indistinct)

Mr. Myers: It looks like trickery to me and I'm not comfortable with that.

Chair: The hon. Minister of Justice and Public Safety has a comment.

Mr. J. Brown: I will say that that's absolutely fine with me, if we do wish to move on to another bill. I am fine to do that. And we can make that move.

I want to be perfectly clear about things, though. Yesterday afternoon there was a discussion on the floor of the Legislature, the two members from the third party were

engaged and indicated that timing was an issue to them, a significant concern that they had.

The line of questioning that ensued was: What if we had a registration period and then a separate referendum period? I asked the question at the time, this is my recollection, we can all go back and check the video or Hansard. I asked the question at the time: Would that be tied to something along the lines of election expenses, which we have just taken through second reading here?

I think the hon. leader said he would be fine with those kinds of amendments. And I think the Member from Charlottetown-Parkdale had a slightly different thought, but was thinking about it as well.

After we left the floor last night, I got on the horn right away to some of our staff and Legislative Counsel and said: Can we do that? Is it something that we can do? It looks like it is. We just found that out literally 15 minutes before we started at 7 o'clock tonight.

I'm putting it on the table, and as far as I'm aware, that's how this place is supposed to work. And in the intervening time, BC came down with their package, and you always learn something every time you see somebody else doing it as well, particularly given that it's the exact same exercise.

I would add to all that that it looks like one of the Leader of the Third Party's amendments likely will be integral to the suite of amendments that we would be proposing. Anyway, I thought, in the spirit of keeping the debate going on this issue, we would look to bring them forward and see if folks wanted to continue the bill working along and recognizing that there are sections with amendments that, I suspect, will likely see some significant debate, but if we wish to move something else, that's fine.

We plan on putting our program forward and there's still lots to do. We have no problem starting with something else.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

We have actually addressed the concern regarding that stage. I would reiterate the comments from my colleague which are, we appreciate that the minister and his staff have taken the time and considered that some potential alternatives.

We also recognize the comments from my hon. colleague for Georgetown about the haste that's here. Whilst we would like to be moving through with this bill, we also feel having that without having that amendment on the table for us to be able to consider them in sequence we would not be able to proceed comfortably with the bill as it stands. We would ask that we wait until the – your amendment is prepared and then when we can bring this back to the floor that we do so starting with the amendment that we're currently in discussion on, and then move to the amendment that you'll bring forward at that time, which will allow us to move forward from section 1 with the confidence that we have considered accurately; these critical pieces which involve definitions that we do feel are critical to the remaining sections of the bill.

Mr. J. Brown: I do, Madam Chair, if I can I want to make one more comment or address one further issue.

Before I leave here tonight I do want to express, and I feel that there has been some media and in particular social media, I'm going to say, concern or inaccuracy over some of the discussion that had occurred here the other evening.

In particular, it surrounds what would happen to businesses that are doing something in the normal course of their business. There were a number of different scenarios that the hon. Leader of the Third Party had given me the other night. I thought that I was clear in stating if you're carrying on in the normal course of your business, you shouldn't have a concern. There was one or two particular pieces where there were examples that started to get pretty far, I thought, from the normal course of business.

I want to confirm or reaffirm that if you have a business that's out there, carries on every day doing a particular function, such as a newspaper that would have an editorial in it, you'll be fine doing that. This is not something to fear from this legislation.

The legislation is there to create a fair and even playing field. My expectation would be that it would take something egregious that runs contrary to that principle to trigger anything other than that happening.

I just want to make sure everybody is 100% clear on, at least, my interpretation of that, and that we're all going forward on that same principle.

Chair: Thank you.

Mr. J. Brown: Thank you, Madam Chair.

Chair: Minister, are you pulling your bill off the floor?

Mr. J. Brown: Sure.

Chair: We'll do this.

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

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intitled *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.

The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Education, Early Learning and Culture, that the 4th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant: Order No. 4, *Business Corporations Act*, Bill No. 12, ordered for second reading.

Speaker: The hon. Minister of Health and Wellness.

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

Speaker: Shall it carry? Carried.

Clerk Assistant: *Business Corporations Act*, Bill No. 12, read a second time.

Speaker: The hon. Minister of Health and Wellness.

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

Speaker: Shall it carry? Carried.

I will call on 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 intitled *Business Corporations Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

Mr. Myers: Yes. Can we start with an overview?

Chair: Thank you.

Permission to bring a stranger to the floor?

Some Hon. Members: Granted.

Chair: Thank you.

We'll allow him to come on the floor and get set-up.

Mr. J. Brown: He's been chomping at the bit, though. We've holding them over there in the gallery for quite a while now. This is probably good to get the jitters out of him.

First time too, is it, Curtis?

Curtis Toombs Solicitor: This is it.

Mr. J. Brown: This is it, yes.

Chair: Good evening, could you introduce yourself and your title for the record?

Curtis Toombs Solicitor: Sure, it's Curtis Toombs and I'm a solicitor in the Consumer,

Corporate and Financial Services Division, justice and public safety.

Chair: Welcome to you first time at the table.

Curtis Toombs Solicitor: This is.

Chair: Perfect.

Do you have an opening statement? Then, do you have handouts or anything?

Mr. J. Brown: No handouts, no.

Chair: The hon. Minister of Justice and Public Safety will open with a statement.

Mr. J. Brown: Thank you, Madam Chair.

Business Corporations Act will replace part 1 of the *Companies Act* dealing with for-profit companies.

This legislation is modelled on the *Canada Business Corporations Act* and similar legislation in other provinces. The act provides for incorporation of companies to pass the powers of companies; corporate finance; governance and shareholder rights and remedies.

I note that this legislation actually comes along as really a suite of legislation, together with the *Securities Transfer Act* and *An Act to Amend the Extra-provincial Corporations Registration Act* and is part of a larger, we'll say, package that is intended to reduce red tape; make the conduct of business by local businesses much simpler; to streamline the process to incorporate a company and to go through a lot of the processes that a company would go through with and interacting with consumer and corporate affairs on a regular basis, as required by the legislation.

That would include a new online corporate registry, which is waiting for the go to have this legislation put in place. I think that's it. Curtis, anything else that I missed out of there?

Curtis Toombs Solicitor: No.

Chair: Perfect.

Hon. members, I will, again, start with

section 1. I'll read the full section. Then, I'll open the floor for discussion on section 1.

If, at anytime, that you feel that I don't need to read section by section –

Mr. MacEwen: Chair, I would like to suggest you don't read the definitions out word-by-word for all (Indistinct) pages of it.

Chair: I would appreciate that, thank you.

Do I have unanimous consent just to read the title –

An Hon. Member: Yes.

Chair: – of the section? For the title of all the sections or just the first section?

An Hon. Member: (Indistinct)

Chair: Thank you.

Definitions.

Shall the section carry? Carried.

The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you.

It's just a quick clarification regarding –

Chair: Sorry, hon. Member from Charlottetown-Parkdale.

Minister?

Mr. J. Brown: Maybe, we could just to give everybody the comfort that this isn't totally come out of left field aside from it being based on the CBCA. There has been fairly extensive consultations done through the community over the last three years, Curtis on this?

Curtis Toombs Solicitor: (Indistinct)

Mr. J. Brown: Including a couple of runs through with the chambers – the Charlottetown chamber of commerce and –

Curtis Toombs Solicitor: The chamber of commerce was involved in it. That involved folks from the Law Society, as well as folks from the accounting community, as well.

Mr. J. Brown: They've each been consulted directly twice.

Curtis Toombs Solicitor: That's right. There was public consultations in 2014. Then, there was an updated public consultation in 2016.

Mr. J. Brown: It's been reviewed and a fair degree of depth, just so everybody is aware of that.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

This is a question of qualification. Only that when we talk about body corporate, and corporation, which are (h) and (i), I think, in the definitions, can you just confirm that those are including, as they have previously under those definitions, non-profit organizations – and no, you're saying no?

Mr. J. Brown: That's part two of the act.

I'm not sure if the definition would necessarily –

Ms. Bell: Okay.

Mr. J. Brown: – apply.

Ms. Bell: So, it wasn't necessary.

Mr. J. Brown: (Indistinct) know the answer to that?

Curtis Toombs Solicitor: No. The non-profit corporation. The act doesn't apply to non-profit, I guess, is the simple answer is they'll still be governed by part two of the *Companies Act*. This will gradually replace part one of the *Companies Act*. You have *Companies Act* part one: for-profit company. Part two: non-profit company. This act only deals with for-profit corporations. Non-profits aren't dealt with under this at all.

Mr. J. Brown: The only thing I'd say, in addition to that is, I don't know whether the definition is the same in each of them. (Indistinct) you know that (Indistinct)

Curtis Toombs Solicitor: I don't, off the top of my head.

Mr. J. Brown: I don't know whether that matters to you, hon. member, or not.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: The reason for asking is just if we have a new act coming into place in that period of transition or the crossing over in the previous act, it did cover; whether it was meant to through legislation or through convention, that a non-profit has to be an incorporated company and is subject to the same guidelines and requirements for incorporation, plus some additional ones.

Mr. J. Brown: Sure.

Ms. Bell: So, if it is not included in this piece and this comes into force, is there an aspect in there where we have a gap in the transition?

Curtis Toombs Solicitor: In relation to a non-profit?

Ms. Bell: Yes.

Curtis Toombs Solicitor: For purposes of this act there wouldn't be, because this act only deals with – non-profits are not covered by this act at all.

Mr. J. Brown: So there's still part two of the *Companies Act*, which will –

Curtis Toombs Solicitor: They will continue to be –

Mr. J. Brown: – continue to –

Curtis Toombs Solicitor: – governed under the existing *Companies Act*. This isn't repealing the *Companies Act*. It continues in place.

There's a period of transition that will happen. There's a three-year transition period when this act comes into play, and again that only deals with for-profit companies, so all non-profit governance continues under part two of the *Companies Act*.

Ms. Bell: I appreciate the complexity of it and the qualifications.

I know that we've all been very busy, but we had hoped for a briefing and this is what I would have asked in a briefing so I apologize for having to get into this at this point but this is something that has been complex in the past and it will remain complex if we don't understand how it's being addressed. And often, those kind of things are the things that do fall through – or can fall through in transition periods. And so without having had that opportunity to go into the sort of esoteric details, it is a concern.

To be clear then, we have two sections. This is modifying and expanding through section one of the existing body corporate and the existing regulations and qualifications around non-profit corporations remain in place?

Curtis Toombs Solicitor: That's correct.

Ms. Bell: Then, in section two, that will address in that transitional period which is up to three years?

Curtis Toombs Solicitor: Yeah, for a for-profit company.

Now, a company under the *Companies Act*, for-profit, I'm referring to, would transition under this act. So, they would go through the transition process, and then that brings them under this act so a non-profit organization wouldn't be able to do that, because they're not covered by this legislation, so they will continue as is without any impact whatsoever.

Ms. Bell: Without having been able to track that in this as it stands now, is that going to be dealt with at a future separate time.

Curtis Toombs Solicitor: In not-profit organizations?

Ms. Bell: Yes.

Curtis Toombs Solicitor: The intention from the department perspective, my understanding, was that would be something that would be looked at as the next phase in business reform process.

It hasn't been specifically addressed at this point, but that's the intention going forward,

is to look at that once this package of legislation has been put in place.

Ms. Bell: That's great, thank you very much.

Thank you, Chair.

Chair: Thank you.

Shall the section carry?

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

In section (u) it makes mention of the minister designated in LGIC, and I'm wondering which minister you imagine or have in mind, if you have one, for that?

Curtis Toombs Solicitor: The intention would be the Minister of Justice and Public Safety.

Dr. Bevan-Baker: Would there be an ability to change that if – is that why it's written in this manner, so that you could?

Curtis Toombs Solicitor: That's my understanding. That's correct.

If that was something going forward, there was intended to be a change that there would be flexibility, I guess, in that regard.

Mr. J. Brown: And you would see that every time a department name would change. You would have seen that historically in any event.

Dr. Bevan-Baker: Thank you.

In section (bb), resident Canadian, it talks about there; I'm wondering, the newcomers who come – the new Islanders who come here through the PNP, how will they fit into that definition because many of them, of course, set up corporations or businesses here on PEI?

Mr. J. Brown: I'm not totally clear on what the question is.

Dr. Bevan-Baker: The resident – there's a definition of a resident Canadian there. It means an individual who is a Canadian resident, and the definition is there.

So, I'm wondering how the new Islanders who are coming here, particularly those who are involved in businesses, and there are many of them, how this act impacts – would they be part of this act?

Curtis Toombs Solicitor: There's no residency requirement for individuals to incorporate under this act.

In the federal Canada business corporations act there's a requirement that 25% be covered by that. In terms of this act, there's no residency requirement, similar to the *Companies Act*. There's no residency require, that's one of the items in this that's continuing.

That definition is for items in the act which address certain aspects where resident Canadian terminology is referenced in a public company if they wanted to have a certain threshold of resident Canadian. That's essentially why that definition is there. Other aspects of the act confirm there's no residency requirement to incorporate.

Dr. Bevan-Baker: (Indistinct) okay. I get that. Thank you.

Thank you, Chair.

Chair: Shall section 1 carry? Carried.

Thank you.

Do you still require me to read line by line or section by section –

Mr. MacEwen: I would move that we go section by section.

Chair: Are we in unanimous consent to do that?

Some Hon. Members: Agreed.

Chair: Gracious, thank you.

Section 2 Application

Non-Application

Shall the section carry? Carried.

Section 3 Incorporation

Shall the section carry? Carried.

Section 4 Articles of Incorporation

Shall the section carry? Carried.

Section 5 Delivery of Articles of Incorporation

Shall the section carry? Carried.

Section 6 Certificate of Incorporation

Shall the section carry?

The hon. Member from Charlottetown-Parkdale.

Ms. Bell: A quick question, again, Chair, regarding – you had mentioned about streamlining – and a lot of the requirements for incorporation in PEI are hardcopies, paper, and fax, which as you know, is quite a challenge for those of us who don't remember how to use a fax machine, and there's the alignment where you could incorporate online federally.

Does this allow – the delivery of articles, for example, and that kind of thing, does this allow later on for that to happen electronically, or does it still require that in-paper original signature?

Mr. J. Brown: Pretty well right away we'll have this – basically the plan is September 1st, I think (Indistinct) roughly?

Curtis Toombs Solicitor: Fall.

Mr. J. Brown: We'll say, as soon as they can get the online system up and running. So, speaking of your transition question, that's really the thing, is once we say this is a go, there is software that's now prepared that literally has to be put into place, installed, whatever, it will virtually be identical in terms of the – I shouldn't say identical, perhaps – but the process will be very similar to the federal incorporation process.

Ms. Bell: That alignment with the industry Canada piece that we already have through (Indistinct) and the name registration will carry across in that creation of documentation? Is that the intent?

Mr. J. Brown: It'll be a, we'll say, a sister process.

Ms. Bell: Okay, that's very (Indistinct)

Mr. J. Brown: In other words, it doesn't use their platform if that's what you're asking. I'm not sure if that's what you're asking (Indistinct)

Ms. Bell: No, I think anything that doesn't involve the original signatures and fax machines is an improvement at this point, minister.

It may come up later on, in which case it means we can zip through the section, but we do see a crossover between federal registration and provincial incorporation, and one of those is the requirement for multiple incorporations for the provinces that you do business in. Is that something that is going to be addressed later on or is that something you've considered in this transition, that the challenges for companies to have to register in multiple different jurisdictions, because the systems are different? Or that we can't cross over, it's not –

Mr. J. Brown: That's actually not why.

Ms. Bell: Okay.

Mr. J. Brown: The companies have to register extra-provincially and as I say, that's the third piece of legislation that we'll be looking at here.

And really, you go back to a constitutional piece in relation to that, so each province has under the constitution, the ability to regulate property and civil rights within the province, and a corporation and their ability to carry on business in that province is part of that.

Basically, if you intend to carry on business in that province, for all kinds of reasons which it doesn't take a lot to kind of imagine, the provincial registration process is there to enable, basically: Hello, we're doing business within the laws of your province. A lot of times you'd need a business number that connects through to a tax number that integrates within to a system that would enable that.

Now, and Curtis could probably do more justice to this than I can, but there's a red tape reduction piece to this that –

Ms. Bell: (Indistinct) wondering about, minister, is that it lays the groundwork for something down the road that we hope to see with that kind of change in the ability to do business on a cross-jurisdictional basis, whether that's sharing of data or whether that's sharing of the opening of potential restrictions for business to happen, even within jurisdictions and across jurisdictions.

Curtis Toombs Solicitor: It won't eliminate the registration requirement to do, for example, in PEI, to do business if you were out in another province.

But, you'll be able to do it online and you'll be able to do it – for example, now business wants to file registration you have to still go through the process you described, and this will enable doing that almost the same way the federal situation – almost instantly, like a day or two at the most. So, it will at least streamline the process from that perspective and to make it much faster.

Ms. Bell: Okay, I'll leave it for there.

Thank you, Chair.

Chair: Shall section 6 carry? Carried.

Section 7 Effective Certificate

Shall the section carry? Carried.

Section 8 Name of Corporation

Shall the section carry? Carried.

Section 9 Reserving Name

Shall the section carry? Carried.

The hon. Member from Morell-Mermaid.

Mr. MacEwen: Sorry, Chair.

Chair, there's –

Chair: 159.

Mr. MacEwen: Oh, I'm on 200.

Chair: Oh, are you? Okay.

Mr. MacEwen: There are over 230 sections.

Chair: Yes.

Mr. MacEwen: I know there are a number of parts – would anybody have any objection to going part by part?

Chair: Thank you.

Do we have unanimous consent to carry part by part? Carried.

Awesome, thank you.

Okay, so shall part 2 carry? Carried.

Part 3 Unlimited Liability Corporations

Shall part 3 carry?

The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you.

Minister in this bill, as far as disclosure or what companies have to do, I guess does this bill limit disclosure in any way? Is there –

Mr. J. Brown: What are you – can you maybe be a little more specific?

Mr. MacEwen: Does it change anything that corporations have to disclose publicly? Like, different from what they already have to do now?

Mr. J. Brown: So this is the same as the federal system right now in terms of all the information that's available, if it makes sense to you.

So, shareholder information is not available. Director information is available. Corporate head office information would be available. I think agent information – there's an official agent that's available.

Curtis Toombs Solicitor: (Indistinct)

Mr. J. Brown: Curtis is saying any changes of directions would have to be filed within 15 days, which would actually be an improvement from what we have previously had where it's annually. I think it was annually.

Curtis Toombs Solicitor: Yes (Indistinct)

Mr. J. Brown: It's the practice, anyway, yeah.

Mr. MacEwen: Minister, as you say, it's mimicking the federal legislation or the rules. Is there anything as a province that concerned you that you had to change or put in?

Mr. J. Brown: No. I don't think there would be.

This is all very common practice in the legal world, and having done a lot of incorporations over the course of my private sector career – I'm sure the same would be the case for Curtis – this is all very standard in terms of the way –

Mr. MacEwen: And I guess that's my question.

Like, nothing has stood out to you as far as changes in the typical way of doing –

Mr. J. Brown: No, and I don't think anything was identified by the law society or –

Curtis Toombs Solicitor: No, the law society – the Chamber had set up a committee that dealt with this in terms of the folks from law firms, accounting firms and businesses.

Mr. J. Brown: Policy (Indistinct)

Mr. MacEwen: Sorry, Curtis, when you say the Chamber, you mean the –

Curtis Toombs Solicitor: The Charlottetown Chamber of Commerce, sorry.

One of the themes that came from the consultation process was that businesses, in particular, were looking for more consistency between the regulation, between the federal regime which applies in PEI now, and the provincial requirements. Basing the legislation on the federal act, and essentially adopting the same regulatory requirements as that, is very much what was supported, and I would say, strongly supported in terms of bringing consistency, if you will, to that.

Regardless of whether a business is incorporated provincially or federally, you'll have, for all intents and purposes, the same regulatory requirements. In terms of any changes between that, I think there was nothing that I was aware of in terms of the consultation process that was identified as concerning, from that regard.

Mr. J. Brown: I should just note, perhaps, in addition to that, too, the importance of that perhaps for those that don't have a legal background; if you're into – sometimes if you end up in court, which does happen from time to time, where we had the *Companies Act* there was always a big question, and it had been in existence for 110 years, or 100 –

Curtis Toombs Solicitor: 1888.

Mr. J. Brown: 1888, so there you go; 130 years.

So, over time some case law had built up, but we're, in reality a small jurisdiction and so with the CBCA, which is the Canada Business Corporations Act, and I think now we will be the ninth of 10 provinces to effectively adopt similar legislation.

You have that whole body of case law that goes along with the legislation, so that that if there is a question, it's quicker and easier to determine what an answer might be, and that can get quite relevant when you're dealing with all sorts of different disputes between shareholders or shareholders and directors, or if somebody's looking to buy out a company or whatever the case might be.

So there is some – beyond just saying it's good to have things that are consistent from one to the next, there's actually a legal reason to do it, and I'd maybe mentioned, too, there may be legal reasons to do it differently as well. In the US, you'd see, as an example, Nevada would be a jurisdiction that would stand out as doing things very differently from the rest of the country. Delaware has – more than 50% of the corporations in North America domiciled in Delaware. They have really made a mark with having consistent legislation; a good core process that goes along with it, and a lot of precedent build up to figure that stuff out.

So that does get to be an important factor, is really all I have to say.

Mr. MacEwen: We're talking corporation; is there any tax considerations as part of this bill?

Mr. J. Brown: Maybe if you can clarify that, I don't think there are, but –

Mr. MacEwen: Just as a corporation filing taxes, I guess, is there anything to do with that in this bill? Or is this just about the incorporation?

Mr. J. Brown: Yeah, the process to get a number will be facilitated through the new system that we have, but other than that –

Curtis Toombs Solicitor: Yeah, the tax implications for a corporation would be same under the existing *Companies Act* as they would be under this, because it's going to be incorporated under PEI law. There wouldn't be any –

Mr. MacEwen: There is no change?

Curtis Toombs Solicitor: – change in the tax for that purpose.

Mr. J. Brown: And they're the same provincially and federally. There's no difference in tax between a provincial and a federal corporation.

Mr. MacEwen: Thank you, Chair.

Chair: Thank you.

The hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Chair.

There was a number of concerns, and the member from Rustico has brought them up, but to go back and tell the whole story, and I do recall it quite well and it was during the initial PNP scandal, the government had – basically their corporate registry database was exposed externally, though they didn't know it was, and Peter Rukavina was able to take all the information and make it searchable by name.

There are a few concerns. One, is the Premier has talked about having a common

registry in Atlantic Canada. I don't know if that means we would own it or have access to it, or if somebody else would if we'd shared it. So, that's kind of the part one of it is that.

Part two is that I really agree with what the member from Rustico has been saying in the House here in recent days about, number one, removing the CAPTCHA because if you go to search a business, which I do a lot of times and I'll be honest with you, what I do it with is when your Orders in Council are posted. Albeit, you don't post them as frequently as you probably should; when they finally do get posted weeks after the meeting, when I see some of the things I look at it and I'm like: Who is that?

Especially the numbered companies – the named companies I can put together relatively easy, but when you get a numbered company, you like to look it up and see if it has any matching, corresponding owner information that would make you think that the government might be trying to pull a fast one. I know we shouldn't have to look at it like that, but we do.

And the concern is that with the corporations – your corporate registry – is that in order to do that, I actually have to know what that number is and I'm fortunate that I can find out some of them simply by transaction that go through Cabinet. But I have no ability to search and say: What businesses does XYZ own? And I do think it's important because if you're requiring them to register with you, it's public information, so it's published in the gazette when somebody becomes a corporation – you have more information on this than I am, you're a lawyer.

You've probably done thousands of them, but I wonder – so it's kind of a three-pronged question, is: One, by moving to an Atlantic common registry, are you further limiting our ability to find out that type of information?

Two, are you going to keep the CAPTCHA on the one that you have because it's limiting for anybody who's trying to find out relevant information about business.

And, three, why are you so afraid to move to the ability to search by any of the components of data on a business? Because it is public; only by your own legislation is there a requirement for you to do it. So if you didn't have a requirement for somebody to be a registered business, then there would be no need for me to look because it wouldn't be a public document, but in this case, it actually is. So if you could you answer those three, I'd appreciate it.

Curtis Toombs Solicitor: In terms of the Atlantic Canadian registry aspect, I can't really speak to that, just because this – I'm not involved on what that item would be, but in terms of the other two questions: The CAPTCHA – my understanding is that the new online registry – when you do a search on the new online system, there won't be a CAPTCHA when you do the search. There will be when you input information. So when someone logs into their account to update their information – because that's the type of thing that you'd be able to do in the new system – there will be CAPTCHA for that and then that's necessary to ensure that that person isn't a robot, I guess, for all intents and purposes. But in terms of searching in the new system, again, my understanding at this point is the system isn't intending to have a CAPTCHA on it.

With regard to your third question, the enabling searching by an individual name, the system isn't designed to do that and I guess the main policy reason in that sense is that there are privacy – and I know the information's public that goes with a corporation or a business registration, but when you're collecting it for the purpose of that – its corporate information to register a business – if you're enabling searching by the name – individual name – you're changing the use for which you collected the information and there are potential privacy issues that have been flagged in that regard before. You're essentially then providing a listing of individuals by their position in various businesses, as opposed to a registry of registered businesses.

To my understanding, the other registries across Canada don't enable searching by individual, or position name in a company or business. So that's essentially why the system is not designed to do that either.

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

Mr. Myers: Thank you, Chair.

I guess, in your opinion, if I put in a freedom of information and privacy request through the freedoms office to give me a list of all the corporations on PEI and their directors and shareholders, would I get it?

Curtis Toombs Solicitor: Well, if you went on the registry and typed in a corporation name, you're going to get the information. I can't speak to what, I guess, the FOIPP request wouldn't necessarily provide in that regard, but if you go online and type in the corporate name right now, you'll get the information associated with that corporation. But, again, you won't be able to search by individual name, the same way you can't now.

Mr. Myers: So to answer my own question, I would with 99% assuredness, I would get the list and the reason that I would get it – because we've got it through other things. We've gotten rulings from the privacy commissioner where she's basically said that releasing this information doesn't impact on any trademarks or inside information. So to know the directors of a company really would have no impact on anyone. I would be extremely confident in saying if I put this request in, I would get it. And I guess the only reason I think that is important for this debate is it quells the – so I know what you're saying. It's not the reason you're collecting it, but – and I know different times through different bills on this floor and different ministers, I've asked things like: Have you asked the privacy commissioner? Is this okay?

So when the former minister of education, not this one, was on the floor and he was responsible for the archiving of records – remember when we had the bill that allowed the change in archiving emails and it had to do with the e-gaming scandal and deleted e-mails and stuff. And I had said: Did you ask the privacy commissioner if this was something that was okay for you to collect and store? Which, of course, I didn't get an answer to, but it didn't invalidate the question because I do think the question was important. So the question in this case is still: Do you check with the privacy

commissioner and ask if it's okay to store this type of information in your database about a business, corporation, and people?

Mr. J. Brown: I don't know that we've actually asked that question or not. We can store the information however we wish. It's a question of whether if you put in a FOIPP request, you get the information back. And you obviously know the answer to that question better than I do, but – off the top of my head anyway, but it sounds like you have the answer in your own mind, at least.

Mr. Myers: I'll give it an attempt.

I don't have the answer, but I'm not actually convinced that government can store those details about people without a ruling anymore because there is a lot of data, information, issues around the world, so it's not limited to anything. Probably – there's been some rather big ones with banks recently, but there was some big ones in relation to the American presidential election. There's been some all over the world. So I'm no longer convinced – with my background in information technology and building systems that store that information – I'm not actually convinced that government is free to do this stuff without each time checking with the privacy commissioner to making sure it's okay, because if what you say is true, then it's also true on the collection side.

So if the issue is: in order for you to make it searchable by a different component, that it changes the use that you intend, which I don't dispute at all, but I'd also question whether or not you could actually store it in a manner that could expose their privacy because of some of the things that I'm –

I know it's a convoluted way to look at it, and it probably just doesn't apply to this, but what I do think that it may be a worthwhile conversation with the privacy commissioner to look at creating a policy around how you yourself collect information on the off chance that it gets exposed on the other end.

Mr. J. Brown: I'm not 100% sure what your question was in the end, but the legislation does allow the collection of data for that – at least that singular purpose and obviously a broader purpose than that and there may also be federal legislation that

would apply to that. I don't specifically know the answer to that, but I can take a guess. I think there may be.

But a piece that you haven't mentioned yet that I think is very relevant, particularly in this day and age, and, in fact, a lot of transactions that Curtis and I have historically been involved in in our private-sector practices, actually now involve typically mandatory insurance to cover off against fraud in a lot of cases where corporate or personal information has essentially been taken from any number of locations, really. It can be as simple as somebody stealing your wallet or your credit card and getting your information that way and taking your data.

But I'll just give you one example of a situation I ran into as a lawyer that – this is one of many that I ultimately reported to the RCMP: An individual that was from the US – I think Georgia – that was contacting our office, and myself in particular, looking for specific legal services to have been performed. And that individual, through the course of our interactions, sent a passport; a driver's licence; ultimately, a bank draft; documentation from an existing US incorporated law firm signed off by one of their partners. The bank draft was a Royal Bank of Canada bank draft, including their address and all their transit numbers and the whole deal. Basically everything was ripped off to a T, to the point where the only way that you would know that – or have a suspicion – would be that you had some idea of the patterns that these kinds of people might use to do that kind of work.

So on a suspicion I kept sending more and more e-mails back and forth to get more and more information and I'd eventually had enough suspicion and sent it to the RCMP and they were able to confirm, through the bank, that this was a fraudulently produced bank draft. But that's what they came back and said was that: somebody would have taken information from a certain spot and then once you – you think of how it happens – you go, you have enough to, say, get a driver's licence or get a certificate of incorporation or get whatever, and then you're off to the next step. I've got this, now I've got that, now I can open a bank account, now I can do all these different things, and then the next thing you know

you're on the doorstep with all of somebody else's information basically looking to steal their money.

So you have to be – and the reality is: in today's world – and I had a few situations where property transactions, literally somebody's identity was stolen and we've seen this now a couple of times on Prince Edward Island, although I don't think it's ever successfully gone through to a sale as in Ontario – that I know of. Somebody's identity is stolen, or a corporate identity would be stolen, and their property actually sold out from under them, perhaps even with them living right in it.

So there's a reason to have that CAPTCHA on there and it's to prevent, essentially, that kind of data mining until somebody gets to something where they can cross-reference it easily with another something that enables them to then steal somebody's identity.

Or do other things, too. It could be just as simple as: I'm going to start sending you mass-mailings, or I'm going to start calling you every night, or I'm going to start whatever. There are all kinds of different things –

Mr. Myers: Just one last question on the topic. I'm wondering – obviously it won't impede this bill, but if you could report back to the House at some point, even intersessionally; I'm wondering if you could go to the privacy commissioner and ask for her advice on exactly that. So the discussion is: I understand what you're saying fully. And if you could ask if she has any concern about a search by name, or search (Indistinct) because it may put the issue to rest. If she's the one that's saying: No, we need to protect this, then it's not you saying it, it's the – it's not that you don't have authority, but it's somebody who has a specific privacy authority in Prince Edward Island. Is that something you would mind doing? I could write a letter, but I think –

Mr. MacEwen: They'd just ignore you.

Mr. J. Brown: I'll if you to you this way: I'll take it under advisement, and feel free to follow up.

Mr. Myers: Okay, thanks.

Chair: Shall section three carry? Carried.

Part IV - Capacity and Powers

Shall Part IV carry? Carried.

Part V – Registered Office and Records

Shall Part V carry? Carried.

Did I hear carry the bill? Did you say that?

Ms. Biggar: Carry the bill.

An Hon. Member: Carry the bill.

Chair: Shall the bill carry? Carried.

Thank you.

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

Chair: Shall it carry? Carried.

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

Speaker: Shall it carry? Carried.

The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Education, Early Learning and Culture, that the 5th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant: Order No. 5, *Securities Transfer Act*, Bill No. 16, ordered for second reading.

Speaker: The hon. Minister of Health and Wellness.

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

Speaker: Shall it carry? Carried.

Clerk: *Securities Transfer Act*, Bill No.16, read a second time.

Speaker: The hon. Minister of Health and Wellness.

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

Speaker: Shall it carry? Carried.

I will as the Deputy Speaker to please come and chair this bill.

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

Mr. Myers: Can we start with (Indistinct)

Chair: We sure can.

Permission to bring a stranger to the floor?

Some Hon. Members: Granted.

Chair: We'll allow him to come back to the floor and introduce himself.

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

Curtis Toombs Solicitor: Curtis Toombs, Solicitor, Consumer Corporate Financial Services Division, Justice and Public Safety.

Chair: Welcome back to the table.

Minister, do you have an opening statement?

Mr. J. Brown: Yes sure, Madam Chair.

Thank you.

So, Madam Chair, we're on the *Securities Transfer Act* now. The *Securities Transfer Act* governs the transfer of corporate shares and other securities in the same manner that has been adopted by other Canadian

jurisdictions. The legislation is intended to offer a concurrently with the proposed *Business Corporations Act*.

Chair: Okay.

Would you, would you like me to continue to read line by line?

Mr. MacEwen: Carry the bill.

Chair: Carry the bill? Thank you.

Shall the bill carry? Carried.

Mr. J. Brown: Madam Chair, I move the Speaker take the chair –

Chair: Oh, sorry.

I move the title.

Mr. J. Brown: Wait now. Securities –

Chair: No, you do that, sorry.

Mr. J. Brown: I move the title.

Chair: *Securities Transfer Act*.

Shall it carry? Carried.

Mr. J. Brown: I move the enacting clause.

Chair: Be it enacted by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows.

Shall it carry? Carried.

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

Chair: Shall it carry? Carried.

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

Speaker: Shall it carry? Carried.

The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Education, Early Learning and Culture, that the 6th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant: Order No. 6, *An Act to Amend the Extra-provincial Corporations Registration Act*, Bill No. 18, ordered for second reading.

Speaker: The hon. Minister of Health and Wellness.

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

Speaker: Shall it carry? Carried.

Clerk Assistant: *An Act to Amend the Extra-provincial Corporations Registration Act*, Bill No. 18, read a second time.

Speaker: The hon. Minister of Health and Wellness.

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

Speaker: Shall it carry? Carried.

I'll ask the hon. Member from Charlottetown-Lewis Point to 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 *An Act to Amend the Extra-provincial Corporations Registration Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

Mr. Roach: Carry the bill.

An Hon. Member: Yeah (Indistinct) start with the overview (Indistinct)

Chair: Thank you.

Permission to bring a stranger to the floor?

Some Hon. Members: Granted.

Chair: Thank you. We'll allow him to come to the floor and set-up.

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

Mr. J. Brown: (Indistinct)

Chair: Yeah, sure.

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

Curtis Toombs Solicitor: Curtis Toombs, Solicitor Consumer, Corporate and Financial Services Division, Justice and Public Safety.

Chair: Welcome back to the table.

Curtis Toombs Solicitor: Thank you.

Chair: Minister, do you have an opening statement?

Mr. J. Brown: Yes, I do, Madam Chair.

This is *An Act to Amend the Extra-provincial Corporations Registration Act*. It's the third piece of legislation required to renew our corporation's suite of legislation in order to enable the new registration and corporation's management database that we have developed here.

This bill amends the *An Act to Amend the Extra-provincial Corporations Registration Act* to repeal specified exemptions from the requirement for an extra-provincial corporation to be registered in this province.

Chair: Questions?

Mr. Myers: Just a quick question.

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

Mr. Myers: With this act passed, along with the ones that have gone through, what is your plan now for implementation and having it move into the phase? Do you have a period of time where you have to write regs or is it all in the legislation?

Mr. J. Brown: I'll let the expert, perhaps, give you the full overview the –

Curtis Toombs Solicitor: There will be regulations drafted under the *Business Corporations Act*. Those regulations are in the process. We've started working on them.

They would be, I guess, for reference purposes, comparable in some respect to what is under the federal cannabis incorporation act regulations. There would, probably, similar to the *Companies Act* now, there's a fee-schedule regulations. Then, there will be forms set out by regulations, like the type of prescribed forms. Those are in development now. We don't have a specific date as to when those would be ready.

The timeline on the registration system being ready, we've been working towards being in position sometime last fall, was, essentially, the timeline. The regulations would have to be drafted and completed before that, obviously.

Mr. Myers: The regulations part of it; is that something that has any public component to it, or is all an internal execution?

Curtis Toombs Solicitor: There wouldn't be any public consultation process or period typically, I guess, in terms of developing regulation, not to my understanding. There would be, generally, anything contemplated on these regulations either.

Mr. Myers: What's probably a broader issue than just you two, but I do wonder, because everything we do is a matter of public policy, at the end of the day, wherever, however internal a piece of legislation it may be.

I know the business community on Prince Edward Island, in particular, has become more and more active in defining their own role, if you were. There are a lot of business associations and chambers and the CFIBs are active, so there's a lot business component out there kind of talking for themselves.

But not just, not just business – and I know it's probably more than I can ask you two, and it might be better suited for the Premier, but do you think it's time that, with legislation, there is a public component of public consultation for regulations for any

act that would be broadly applied publicly, which this one is, albeit not in a great detractive manner, but it is, nonetheless?

Do you think that's something that could be looked at as a broader government policy, not just for yourselves?

Mr. J. Brown: I'll maybe save the conjecture on this overall policy piece, and indicate that there has been very significant consultations with the community at large in relation to the changes that being made here right from start to finish

They weren't necessarily confined to the legislation that's prepared. The regulations that go along with the legislation are very innocuous in terms of, substantively, what they're doing.

We feel that none of this is going to come as a shock to the business community; the legal community; the accounting or professional community, that would deal with this legislation. There has been a very significant consultation process on it already. I don't think there's any need for a further engagement process on it.

In fact, it would probably raise the question as to, you know, why are you back with this? Let's just get it in place. I don't want to say that too broadly for everybody, but we think we've done a lot of consultation on this legislation already, and it's a fairly – the group that will utilize this legislation is, as you indicate, fairly used to this kind of legislation. They know what they want to see, and they've expressed that, as far as I can tell to this point.

Mr. Myers: No, and that's fine. That's (Indistinct) satisfied.

Mr. J. Brown: Okay.

Chair: You're good?

Shall the bill carry? Carried.

Mr. J. Brown: I move the title.

Chair: *An Act to Amend the Extra-provincial Corporations Registration Act.*

Shall it carry? Carried.

Mr. J. Brown: I move the enacting clause.

Chair: Be it enacted by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows.

Shall it carry? Carried.

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

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intitled *An Act to Amend the Extra-provincial Corporations Registration Act*, I beg leave to report that the committee has gone through the said bill and has agreed to same without amendment. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Communities, Land and Environment, that the 1st Order of the Day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant: Order No. 1, *Registered Professional Planners Act*, Bill No. 20, in committee.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the Honourable Minister of Communities, Land and Environment, that the said bill be now read a second time.

Speaker: Shall it carry? Carried.

Mr. Mitchell: Seconded by the Honourable Minister of Communities, Land and Environment, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

Speaker: Shall it carry? Carried.

The hon. Member from Charlottetown-Lewis Point.

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

Mr. Myers: (Indistinct) just to remind me where (Indistinct)

Chair: Hon. members, the last time –

Mr. MacEwen: (Indistinct)

Chair: – the last time this bill was on the floor was our first day, April 5th –

Mr. MacEwen: The minister (Indistinct)

Chair: – 2018 –

Mr. R. Brown: Not doing that again.

Chair: – and we had finished the first 17 sections.

So we're on page 10, and we were on section 18, and it hasn't been read, so that is where we are right now.

Mr. Myers: Can we just start off (Indistinct) because I need to refresh my own memory where we actually, what we were talking about –

Chair: Sure. Minister, would you like to make a statement to refresh everybody's mind about this bill?

Mr. R. Brown: Okay. This is the registered planners act. I understand that Alex, who's the promoter of this bill, he's setting up the registered professional planners. It's one of the very few left organizations that have no association to the professional planning under – or due to their professional development under or to do their registration in order to do their discipline.

I understand Alex met with both caucuses – Did he meet with your caucus? – and he went over the bill, so it's really a bill to set up an association for the registered planners so they can develop their trade and develop their skills and with so much planning going

on – so much work going on in the province nowadays in terms of building permits and subdivisions, it's important that we get a professional organization out there to proceed further, and especially with the reviews that are going to be coming up on just land policy in Prince Edward Island, so it would be a good time to get these people organized.

Chair: Thank you.

Hon. members, you'll recall that the first night we were here all the planners from the province were here and were quite enthusiastic about this bill.

The hon. Member from Georgetown-St. Peters.

Mr. Myers: Just a couple of quick questions, then, on it. One is do you plan to proclaim it rather swiftly on passing?

Mr. R. Brown: Yes. There are some regulations that have to be done, but it's –

Mr. Myers: That was my second question.

Mr. R. Brown: We will work with the – they have an unincorporated association now, so we will work with the unassociated if you put this through pretty quick. It's a standard piece of legislation that's done across the country for associations, and it will be proclaimed, because we do have to get this up and running in order for to have professional planners in place with the amount of development and redevelopment that's going on in the province.

Mr. Myers: So the unofficial planners association that exists now or however we want to address them –

Mr. R. Brown: Yeah.

Mr. Myers: – is they have a pretty good grasp on what they're looking for regs to make this –

Mr. R. Brown: Yeah.

Mr. Myers: – come in fully?

Mr. R. Brown: Yeah.

Mr. Myers: Okay, thanks.

Mr. R. Brown: They're all ready to go.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

I just wanted to mention that I really appreciated Alex when he came and gave us the brief.

Mr. R. Brown: Yeah.

Dr. Bevan-Baker: We didn't have any problems with the bill anyway, but he explained things. We had a great chat, and he talked about all kind of things and how important this act was to making the job of planning in this province even better. So, yeah, no problems with this bill.

Thank you, Chair.

Chair: Shall the bill carry? Carried.

Mr. R. Brown: Thank you.

I move the title.

Chair: *Registered Professional Planners Act.*

Shall it carry? Carried.

Mr. R. Brown: I move the enacting clause.

Chair: Be it enacted by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows.

Shall it carry? Carried.

Mr. R. Brown: I move the Speaker take the chair and that the Chair report the bill agreed to without amendment.

Chair: Shall it carry? Carried.

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

Speaker: Shall it carry? Carried.

The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the Minister of Economic Development and Tourism, that the 9th order of the day now be read.

Speaker: Shall it carry? Carried.

Clerk Assistant: Order No. 9, *An Act to Amend the Tourism PEI Act*, Bill No. 27, ordered for second reading.

Speaker: The hon. Minister of Health and Wellness.

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

Speaker: Shall it carry? Carried.

Clerk Assistant: *An Act to Amend the Tourism PEI Act*, Bill No. 27, read a second time.

Mr. Mitchell: Mr. Speaker, I move, seconded by the Minister of Economic Development and Tourism, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

Speaker: Shall it carry? Carried.

I will ask the hon. Member from Tignish-Palmer Road, would you come and chair this bill?

Mr. Myers: Oh, here we go.

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

An Hon. Member: I need an overview.

Mr. MacEwen: Chair?

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: I'd like to go section by section.

An Hon. Member: Could we have an overview?

Mr. Palmer: (Indistinct) provide an overview.

Chair: We'll start with an overview and then – do we have consensus to go section by section?

An Hon. Member: Yeah.

Chair: Thank you.

Minister.

Mr. Palmer: Thank you, chair.

This is an act to change the *Tourism PEI Act*. Ultimately, it's going to create a board of private sector members of not less than seven operators through the province that will give direction on industry matters.

This came from the report that was engaged by TIAPEI, Vision 2021, which is setting out a framework for us for the next number of years in the industry. So this board, this private sector-driven board was created, or the idea was created through consultation with industry and with TIAPEI. If folks remember a couple of days ago we had the TIAPEI members in and this is something that they're really looking forward to, to get some of our private sector folks onto the board, giving us the direction that we need because they're the ones on the ground that know best.

Chair: Okay, section one.

Mr. Myers: Chair?

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

Mr. Myers: Thank you.

Just kind of – it's a broadly related question, so I understand what you're doing and I support it – some of the questions that I would wonder on is, obviously, I believe that the people that are best suited to direct our tourism are the people who are in tourism, because they know, they'd have the people coming through the door that know why they're here, what they're looking for, what they want to do, how long they're

staying for, you know, those types of things; and a lot of – I talked the other day about the Points East Coastal Drive. A lot of the smaller organizations already know their target audience and how they're piecing it all together. I have no doubt at the larger level they also do, so this is directed by a report that was brought by TIAPEI, so they kind of have a vision for what they see as a whole product for Prince Edward Island.

The question is, when you look at other industries, a lot of them are very self-directed, though I know aerospace kind of falls under you but it kind of doesn't. They kind of direct their own ship, but they look to you when they need you, and they you help, and you have money that can invest into bringing business here, grow the ones that are here and that's all good stuff.

Will this help government move away from tourism being governmentalized and tourism becoming more of a product of the people who basically own and benefit from it the best? Will this bill help kind of move government in that direction?

Mr. Palmer: I think the more private-sector people that we have involved with giving us advice on policy and how we can make directions can only help to do that. So I think there would be that.

Now, having said that, we also do need the department there to kind of do some of the data gathering and all those other kind of management pieces that need to happen, but certainly take that direction from the folks on the ground, the ones that are talking to our tourists every day. That – and I think it will make us more nimble as well because we'll be able to respond to some of those things. The more good advice we get, the better off we're going to be.

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

Mr. Myers: Thank you.

One of the things that I see in the bill that I like is the geographic make-up. You having the three counties represented, by individuals from the county. Part of the reason why I believe that's important is, we are a small jurisdiction and anybody who would look at us from the outside would be,

like: You're one town. But we know the people, that there's vast differences when you move from place to place.

There also is, when you're in any other jurisdiction, if you drove for an hour in any direction from Toronto, what you'll find at the end of an hour is much different from where you started an hour before. Any country in the world you will find that exact same thing. There's a whole different ring to where you are, and what you can do while you're there, and I think that's why that's important.

I'm going to compliment you on it, because I think it's something that government has overlooked far too often for way too long. It's not a political thing. It's a government thing. The government has overlooked the fact that, yes, we have a wonderful province and we have a beautiful product to offer tourism, but there are huge differences between being in East Point and being in downtown Charlottetown, or if you're spending the weekend in Brudenell, what your experience is going to be versus if you spend your weekend in Summerside.

Mr. Palmer: Yeah.

Mr. Myers: Neither is a bad product, but they are not the same thing.

Mr. Palmer: Yes.

Mr. Myers: I want to commend you on that, because I think that those people should be able to bring you a lot more broadness to your – I'm not necessarily saying you're making any bad decisions; it's just more broadness to your decision making that helps PEI have a better product and incorporate the strengths of everywhere. I think we have a strong tourism product in each of our small locales as well as our larger market.

Mr. Palmer: Yeah. I agree 100%.

Mr. Myers: Thank you.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Those are quite nice comments, Georgetown-St. Peters.

Mr. Myers: Thank you.

Mr. MacEwen: I'm not going to take quite the same tact.

Mr. Palmer: (Indistinct)

Mr. MacEwen: So, minister, who had absolute decision making before or now, who has it?

Mr. Palmer: There was a board, and it's another bill that's not – that is related to this, but it's not connected here, but it was a tourism advisory council, which have hasn't been active for a number of years, and that's a different bill.

I just forget what the name of it is, but after we get this board in place, then we can disband that other one, but in actual reality they haven't been active for a number of years. We haven't been getting that – as rich of advice from industry in a formal way.

We certainly get opinions from industry all the time, but this will give us more of a structured way to identify particular challenges and then give that feedback.

Mr. MacEwen: Would it be safe – or fair to say that the tourism advisory council has bit of a bone of contention or almost controversial over the past few, since it was incorporated and then – even like, when you say not active the last few years, do you mean not listened to, or just not active?

Mr. Palmer: From what I understand when the TAC, tourism advisory council, was initiated I think there were high expectations, and I think they were delivering on a lot of those. After a while – and I don't – after a while, I think, some of that fire went away. I don't even know if there were people on that board for last year or two.

It wasn't that they were providing advice or not listened to. I think that there just weren't people there out doing the work because of the model or the structure. It just wasn't there, which was a great part of this Vision 2021; identified that as a huge opportunity for us to put private sector back into the

driver's seat and really give us the direction that we need.

Mr. MacEwen: It's ironic, minister, that you say you want them to give the direction that you need for them to give it to you, because it sounds like we're doing the same thing at that we did in education and in health and in here, because what you've got here is an appointed board. We had a board that we're getting rid of, or an advisory council, and we're appointing a board.

The way I read this is, it says: The policy direction, "The Minister may issue policy direction to the Board where, in the opinion of the Minister, it is in the public interest to do so, and the Board shall comply with the Minister's policy direction."

It certainly doesn't sound like the board is giving you direction. It actually states here that you're giving them direction.

Mr. Palmer: We are – we're really trying to, again, based on an output of the 2021 and consultation through TIAPEI, and with the number of folks in the industry are very pleased with the direction that we're taking on this. We know that, or they know and we know that more private-sector engagement into this will certainly get us to where we need to be, back to – out of boots on the ground and being able to feed that back in, and having that diversity across the Island, so –

Mr. MacEwen: Chair?

Mr. Palmer: – the TIAPEI and the industry have been very excited about this, and they're happy with the model.

Mr. MacEwen: I was lucky enough to do a few projects with TIAPEI back in the day, and the predecessor, the former minister of tourism, knows this fairly well, too. I have no doubt that TIAPEI is happy about the private sector involvement. I'm surprised that they're extremely excited that you as the minister – I'm surprised that they would be happy with this wording; "...the Board shall comply with the Minister's policy direction."

You say they're excited by that? I would think they would be excited by the private industry driving the direction. I'm –

Mr. Palmer: I can tell you –

Mr. MacEwen: TIAPEI is happy that you're driving their agenda?

Mr. Palmer: I can tell you that the president of TIAPEI was here a day or two ago and was really eager to get this bill passed.

Mr. MacEwen: Really?

Mr. Palmer: Really.

Mr. MacEwen: I'd like to hear the former minister of tourism, his thoughts. He's got a lot of experience in this, in his former past life –

Ms. Compton: (Indistinct) intervention (Indistinct)

Mr. MacEwen: – do you – can we have an intervention? I would like to know if he thinks that everybody on TIAPEI would be thrilled that it's the minister driving the direction of the board and not the board driving the direction.

Chair: The hon. Minister of Finance.

Mr. MacDonald: I think you have an advocacy group in the Tourism Industry Association. You have six regional tourism associations, which will likely be the individuals that will be sitting on the boards from across the province.

I don't think you'd be able to say that the minister will be driving the bus in this regard –

Mr. MacEwen: (Indistinct) says there, 7.1.

Mr. MacDonald: I think the –

Mr. MacEwen: "...the Board shall comply with the Minister's policy direction."

Mr. MacDonald: – 2020 vision outlined in what they've chosen to do is say they want to take the bull by the horns and gain some traction relevant to consistent marketing and consistent delivery of their programs. I think they're pretty passionate about this, actually.

Chair: More questions?

Mr. MacEwen: Chair?

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you.

It just seems like a pattern, with education, and now health and now tourism. It's creating an appointed board that is told what to do by the minister.

I have no doubt they'll come up with good ideas. The private sector is involved here. But at the end of the day, it's you that says: No, not listening to you.

Who else did you consult with on this other than TIAPEI?

Mr. Palmer: A number of industry players. We actually had the president of TIAPEI and a couple of operators to come down and help us with that final board alignment piece. It's been widely shopped across the industry; lots of feedback. I know from the RTAs and DMOs are interested to have this happening and TIAPEI.

Mr. MacEwen: If this was to pass, what's your timeline for implementation?

Mr. Palmer: I assume that it would – there would be, there may be a little bit of time, because, as you know, our operators are all extremely busy now getting ready for our tourists to come here.

We'd go through a process of Engage PEI, but I don't know if I would be in a wild tear to get it done right now. I might wait until early in the fall when things settle down because I wouldn't want to have some of our good operators miss out on this just because they're really busy getting ready for their season.

Mr. MacEwen: I think that's a good idea, too.

They do most of this work, obviously, in the wintertime. Some of these key –

Mr. Palmer: Right.

Mr. MacEwen: – volunteers and everything, too. I wouldn't mind talking to a few contacts in the industry, too to see if the vision 2020 actually outlines this, or if they would prefer to have a bit more say.

I'm good for right now, Chair.

Chair: The hon. Member from Charlottetown-Parkdale.

An Hon. Member: (Indistinct)

Chair: The hon. Member from Charlottetown-Parkdale?

Ms. Bell: No, sorry.

Chair: Okay.

Mr. LaVie: Call the hour.

Chair: The bill – before that the bill was called, the bill was carried?

Shall it carry?

Some Hon. Members: No.

Chair: Okay.

No. Someone had called it. I had no one else on my list.

Mr. MacEwen: We didn't – we said section by section. We didn't even –

Chair: Someone called the bill –

Mr. MacEwen: (Indistinct)

Chair: – so I'm just asking –

Mr. MacEwen: No.

Chair: – if it's okay to carry –

Mr. MacEwen: No.

Some Hon. Members: (Indistinct)

Chair: – so that's all I asked.

Okay, the hour has been called –

Mr. Palmer: Extend the hour.

Mr. 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 intituled *An Act to Amend the Tourism PEI Act*, I beg leave to report that the committee has made some progress and begs leave to sit again. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

The hon. Minister of Workforce and Advanced Learning.

Mr. Gallant: I move, seconded by the hon. Member from Tignish-Palmer Road, that this House adjourn until Friday, June 1st, at 10:00 a.m.

Speaker: Shall it carry? Carried.

The Legislature adjourned until tomorrow, Friday, at 10:00 a.m.