

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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The Legislature sat at 2:00 p.m.

Matters of Privilege and Recognition of
Guests

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

Welcome colleagues here and visitors in the gallery; those watching on various platforms to a further week. Now, getting into the month of June, might not know it by the temperature over the weekend or today.

We're proceeding with our work here. We're honoured to have, among our guests in the gallery today; Chief Brian Francis of the Abegweit First Nation. He's accompanied by Kindra Bernard (Indistinct) we have Estelle Dowling and her daughter Kinley –

Some Hon. Members: Hear, hear!

Premier MacLauchlan: We know Kinley for her great success with her work, both in singing/songwriting and *Microphone*, most recently recognized and the video, as well. A further video released just recently with the title *Golden Days*. For anybody, who is tempted to get out in your bare feet and kick some sand, this would further inspire you or bring you home.

Barbara Dylla is here with us. A resident of Charlottetown; welcome her and welcome to Eddie Lund; Kevin Clory, and to Jamie Larkin. We're certainly honoured that people are coming in here and encouraging us to keep going forward with our work.

Let me mention several things that are taking place in the province over this month. The month of June is honoured as Indigenous history month. Time to observe, celebrate and acknowledge the contributions of First Nations, Inuit and Métis peoples in Canada, notably here in our own province.

It's also known as LGBT Pride Month in Canada. A time to celebrate our diversity and, in conjunction with others around the world, to take a positive stance against discrimination or violence against or towards lesbian; gay; bisexual; or

transgendered people, and in the spirit of diversity here on Prince Edward Island, we're not limited to that month, of course. We had, in Summerside, Pride festivities in the month of May. We have a whole week set aside from the latter part of July, the 22nd to the 29th, for the PEI Pride Festival; lots of room there.

Small halls kicking off this weekend, its 10th anniversary for 50 events showcasing music, dance and storytelling, other performance, through until the 24th of June. It's seems like a lot going on in the whole cultural domain, and in a lot of different, I'd say, disciplines or ways of sharing culture.

In particular, small halls is an opportunity to share and to embrace first rate entertainment, as well as a sense of Island hospitality and community.

Finally, we are, this week, for the first time Prince Edward Island is host to a major convention for Canada's filmmaking industry. It goes by the name Show Canada. They are having their main events down at the Delta and Convention Centre. I encourage everyone to go and simply see the displays there. As a reminder of how Prince Edward Island continues to stand out in many ways in that field.

I mentioned earlier the new film *Golden Days* with a message and performance that we should all embrace. And, the local host for Show Canada to be here is in my own district, Bobby Boyle, who runs the Brackley Drive-in. It's not every place that has a drive-in anymore. So, lots of ways Prince Edward Island continues to be great and others want to get in on it.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

It's certainly a pleasure for me to rise, as well and bring greetings on behalf of the official opposition.

It was certainly a busy weekend with activities from one end of the Island to the other. I won't go into the whole list of them.

I would like to, in particular, congratulate Freeman and Joyce Simmons on the celebration of their 60th wedding anniversary that I had the honour of attending on Saturday afternoon in Malpeque.

Of course, I'd also like to recognize Chief Brian Francis, who is here with us today, as well, Kindra Bernard; Jamie Larkin; Kevin Clory. I don't think there's an event or a spot that I've been in the last several weeks that I actually haven't seen this dynamic duo together at. I keep reminding Jamie that he might want to get back to Charlottetown because that's where the votes are. Anyway, he is putting the miles on and certainly having great conversations everywhere he goes.

Also, I'd like to recognize Estelle Dowling and Kinley as well. Being a lover of music – and I used to work in the industry myself – I've got to follow this young lady's career over the years and I've very honoured that she's joining us here today and I applaud you for your great work.

Thank you very much, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

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

I'd like to welcome everybody back for another week and everybody in the gallery here today: Chief Brian Francis, who lives in District 17 – really nice to see you, Brian. And Kindra Bernard accompanying him and beside Kindra is Barbara Dylla – nice to see you Barbara in the House – and Eddie Lund and, of course, Kinley and Estelle Dowling, whom I know through the music community here on Prince Edward Island. Kinley used to play in a Newfoundland band, Hey Rosetta! Kinley actually replaced my daughter in that band so we have a very close relationship in that regard – of course, Jamie and Kevin as well – nice to see you as well.

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 today. Being fourth, I'm probably going to welcome all the same people, but it's great to see Chief Brian Francis here and Kindra Bernard. It's also nice to see the Dowlings here today with us. I enjoy your music as well. Jamie Larkin and Kevin Clory, it's good to see you guys here today. I hope everybody has a wonderful day, Mr. Speaker.

Thank you.

Speaker: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Mr. Speaker.

I won't be very long. I'll say hello to Chief Francis and, of course, Jamie and Kevin. I also want to just step outside the box for a minute and say hello to all the businesses in the Borden-Carleton area, and Victoria, and Crapaud, and Kinkora that are starting to open for the summer season. It's great to see them out, cleaning the places up and getting ready for the upcoming tourist season – and tourists – I'm starting to notice a little bit of an increase, so all the best to all these new business.

I also want to say hello to Don Reid in Summerside. I understand he's paying very close attention to what's going on and following the proceedings and the action very closely.

Thank you.

Mr. LaVie: Not doing your job. (Indistinct)

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

It's a pleasure to rise in the House today and welcome everybody watching from District 18 Rustico-Emerald, especially Eileen Peters who turned 80 this weekend. She had a great gathering in Kensington at the legion and she's just a fantastic lady.

Also, wanted to welcome everybody to the gallery; of course everyone that has already done so, but it's good to see you Kinley Dowling and Jamie Larkin, who's campaigning full-time for the mayoral job.

He's dedicated. He's going to make it happen. Kevin Clory, great to see you here. Chief Brian Francis, of course, great to see you and Marie Burge I see has joined us from the Cooper Institute and many other things, but it's great to see you here as well.

Mr. Speaker, with your indulgence, I just wanted to wish congratulations to my Daughter Annika who was first in the province for grade four, five, and six girls in the high jump. She jumped higher than everybody else this weekend.

I also wanted to thank everybody who came out to my nomination last night at the Barnone Brewery and wanted to thank Don Campbell, a great entrepreneur and business person and it's an excellent microbrewery and I'm happy to say that I managed to win the nomination.

An Hon. Member: And free beer.

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

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

It's also my pleasure to rise and recognize that it is culture week and to recognize Kinley Dowling who's in the gallery here today. She's had a lot of success lately and I think her latest video is going to be the video of the summer and also the video that defines Prince Edward Island summers. We're super proud of her. Glad to see her mom, Estelle, here with her today. She was a teacher at Glen Stewart when I was going through there. I don't think I ever was in her class, but she's a great lady.

Also to Chief Francis and Kindra as well. There's a great project that our department has partnered in and there'll be an announcement on that later today. We're very proud of what we're doing here on Prince Edward Island and Tara MacLean, who's not able to be here today, is a great example of the kind of things that that does for Prince Edward Islanders. I'm proud to say that she will be, not only a friend, but a neighbor this summer and she's bringing her family back here with her. Her husband is the franchisor for a local yoga studio, too, so we're bringing them in as quick as we can.

Thank you very much.

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

Ms. Biggar: Thank you, Mr. Speaker.

I want to welcome everyone back today and say hello to my constituents of Tyne Valley-Linkletter and welcome Chief Brian and Kindra there, and I would be very remiss if I didn't acknowledge Kinley being with us today and thank her for all the great work that she's done to bring forward a lot of issues and to also highlight the great province that we have through her music, so thank you, Kinley, and welcome.

Thank you, Mr. Speaker.

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

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

I, too, would like to rise and welcome everyone to the galley and say a special hello to everyone back in my District of Evangeline-Miscouche; a special welcome to Chief Brian Francis, and a very, very special welcome – I think I'm probably the eighth one now, but to Kinley and her mom Estelle. It's certainly nice to have you here and I look forward to doing a ministerial statement shortly.

Thank you very much; welcome.

Speaker: Hon. members, I'm going to take the opportunity too, being as a lot of people were welcoming guests today, I'll take the opportunity to welcome everybody here, especially Kinley, a nice, great star – the rising star, and everybody.

Also, to Chief Brian and to Kindra; I certainly want to welcome you here and I also want to say, Chief Brian, that you've been a pleasure to work with and I represented your district, the Scotchfort reserve, and it's been an ultimate pleasure to work with you, Chief, and you are nothing but the finest gentleman, I think, that I ever worked with so I just want to say that.

[Applause]

Statements by Members

Speaker: The hon. Member from Kensington-Malpeque.

QMHJL Draft

Mr. MacKay: Thank you, Mr. Speaker.

I'm happy to rise today and recognize nine Islanders who have recently been selected in the first year of player draft of the Quebec Major Junior Hockey League, three of whom played minor hockey in my district for the Kensington Wild Midget AAA Squad this past season.

Marc Richard was selected by the Cape Breton Screaming Eagles. William Proud was selected by the Drummondville Voltigeurs, and Chad Arseneault was selected by our very own Charlottetown Islanders.

I would also like to take a moment and recognize the others that were also selected. Jordan Spence to the Moncton Wildcats, Charlie DesRoches to the Saint John Sea Dogs, Cole Larkin to the Halifax Mooseheads, Erik MacInnis to the Victoriaville Tigers, Ed MacNeill to the Blainville Armada, and Kieran Gallant who also happened to be selected by our own Charlottetown Islanders. Well done, gentlemen.

It is a tremendous achievement to be selected to the highest level of junior hockey in Canada. These young men should be very proud of what they've been able to accomplish. Their dedication and commitment to the sport of hockey has not gone unnoticed. I have no doubt they will represent the Island well as they move forward to the next level in their respective hockey careers.

I would like to wish all Prince Edward Islanders selected in the QMHJL draft continued success and the best of luck in the future.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

Harry Baglole

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

Last evening I joined hundreds of Islanders in Spring Park United Church to celebrate the life of Harry Baglole. There was music and poetry, there were tears and laughter, there was food and drink – all of those essential elements of the man who was being remembered.

Much has been said about Harry since he died last week: that he was a relentlessly quiet and fierce Island rebel and patriot; that he inspired, and I have to admit, occasionally gently coerced, people to step outside their comfort zone and to contribute their gifts, as Harry shrewdly identified them to be, to making Prince Edward Island a better place; and that he was an individual almost devoid of ego, never, ever seeking the limelight.

Almost all his work was done quietly behind the scenes, orchestrating others to carry out his grand and occasionally preposterous schemes. At one point last night, Harry was described lovingly as the patron saint of lost causes. And it was his unwavering belief in the inherent vigor and beauty of our province that it could rise up and carry itself in proud independence on the strength of its character and on the people who call Prince Edward Island home; that endeared him to so many of us who share that conviction.

But Harry's view was anything but insular, he saw the Island as a microcosm of the world itself. As one friend put it: this was the essence of Harry. His heart was anchored in his beloved Prince Edward Island, but his mind and spirit soared above horizons of time and space, always seeking connections of insight, meaning, and beauty. And many of us were blessed to share in that exhilarating ride.

Love is a potent and often deeply misunderstood word, so when I say that Harry Baglole loved PEI, I think I need to explain what I mean by that. Love for me is not a word that simply conveys feeling, but of action. If you love something—whether that be your family, your community, your garden or your dog, and Harry loved his dog, that love becomes meaningful only with actions that

demonstrate your affection in practical ways.

That Harry loved PEI is evident in all of the concrete ways that he has left his mark on this province; in the Institute of Island Studies, the Island Magazine, the PEI Association of Community School, the Vinland Society, the Brothers and Sisters of Cornelius Howatt, the Bonshaw Community Hall, the Macphail Homestead, the Belfast Historical Society, Ragweed Press, Theatre PEI, Farmers Helping Farmers and on and on and on.

His love for this Island for its land and its possibilities were almost boundless. Much has been written about Harry over the last few days.

His lifelong friend David Weale said this last night: In a word, Harry was a champion of this Island and I can honestly say I know of no one more resolutely and indefatigably committed to the well-being of his beloved Island than he.

And chatting last evening one of his longest friends said this to me: We think of public servants as politicians and bureaucrats, those who are paid to carry out the work of the civil service, but in my mind, Harry was the ultimate public servant. He was always concerned about the good and the betterment of Prince Edward Island and doing that work with absolutely no expectation of remuneration. That, to me, is the essence of public service.

So, thank you Harry, for your life well-lived and for all your loving contributions to this little Island that we are blessed to call home.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Borden-Kinkora.

Kinkora New Food Establishments

Mr. Fox: Thank you, Mr. Speaker.

There are three new food establishments opening for business around my district of Borden-Kinkora: Tastee Dawgs, a Canadian-owned and operated franchise is

now ready to serve hungry customers out of their takeout location in Gateway Village. Rudy and Denise Perrin established their first Tastee Dawgs in Calgary, Alberta and decided to relocate to Prince Edward Island and to pick up where they left off and we are happy to have you here and welcome to both of you.

We also have a planned new dairy bar in the process that's setting up in Kinkora. Harrison Duffy, who is only 17-years-old is opening a new business venture called the Somerset Ice Cream Bar. It's planning to be open for business at some point this month and this is a great addition to the community of Kinkora.

We also have Jennifer Murrays Blueberry U-pick located in Tryon, which is ready to serve Islanders and the tourists this season coming up.

I encourage all members of my district to support local small businesses and check out what these vendors have to offer. These small businesses are vital to the success of our Island economy and employ hundreds of people across Prince Edward Island.

Congratulations to these individuals for having new incentive ideas and moving forward with them.

It's clear that Canada's food Island is on a tear in Borden Carleton, District 19, but it's certainly has nothing to do with government, but private businesses taking the initiative. I would like to wish all of those working in the service and hospitality industries in my district and across Prince Edward Island a busy and profitable summer season.

Thank you, Mr. Speaker.

Responses to Questions Taken As Notice

Questions by Members

Speaker: The hon. Leader of the Opposition.

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

Obscene gesture on video from CLE minister

A question to the Premier: Premier, have you seen the video posted this weekend of your Minister of Communities, Land and Environment making an obscene gesture to a member of the public while you and your caucus watched?

Speaker: The hon. Premier.

Premier MacLauchlan: No, Mr. Speaker, I have not seen the video.

Speaker: The hon. Leader of the Opposition.

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

To the Premier again: Last week, when I asked you about this, you said that you didn't know all the circumstances of the event. The video of the incident shows right there, that you, the rest of your caucus were all gathered together.

So, I guess I ask you: What circumstances are you not aware of?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, the main circumstances that we were gathered for; our annual photograph to prepare for our Christmas card, Mr. Speaker.

Thank you.

Speaker: The hon. Leader of the Opposition.

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

Again to the Premier: Premier, last week, when I asked you about this incident, you described the minister's action as honourable and forthright. The minister still hasn't apologized for his actions.

What's honourable about that?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I believe the minister was taken to have taken ownership of the circumstances. It was, as far as I understood, considered to be an

apology; an acknowledgement that it was something that he shouldn't have done.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

Video a disrespect to Islanders

Question again to the Premier: Premier, thousands of Islanders, who watched this video felt insulted that you and your caucus have such disrespect for Islanders.

Do you consider that acceptable conduct for a minister of the Crown?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, the minister spoke about this on the floor last week. The minister was clear in saying that it was something that he regrets and should not have done. In another way, I'm sure he's saying that he does not, in retrospect, see it as acceptable. What I said here, on the floor last week, is that we now, together, have an opportunity to put in place the framework and the ability and the moment for Prince Edward Islanders to offer, let me say, a considered, discerning and serene response to the question of our electoral future.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

Consequences for actions of two ministers

Again to the Premier: Premier, the Attorney General and the chair of the democratic renewal committee actually celebrated in the video after the minister's rude gesture.

Why are there no consequences for the actions of these two ministers?

Speaker: The hon. Premier.

Premier MacLauchlan: (Indistinct)

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

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

Certainly, I would acknowledge that I laughed at the interaction that occurred between the minister at the time. There was an exchange between the two of them. Certainly, I'd recognize that it's not appropriate any time you're, you know, making that kind of a salute to a constituent, and would apologize for any part that I played in that, and certainly recognize it as something that would be out of character for myself and something that I would recognize as not something I would intend to do again.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Mr. Speaker, this government is running radio ads about their drug program.

Cost of radio ads to Islanders

Premier: Can you tell Islanders how much these radio ads are costing Islanders?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I don't have that information at hand. I'm certainly happy to bring it back to the House.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

Well, Premier, I'll let you know. Executive Council spends \$130,000 on radio ads. One hundred and thirty thousand dollars, while there is a mother of three children fighting for her life; bravely fighting for her life, Premier.

Drug coverage for cancer drug Vectibix

Question to the health minister: Why doesn't the province cover the cancer drug Vectibix?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Certainly, I, as many Islanders saw a Facebook post last night from the young lady that the hon. member refers to.

Obviously, I had a lot of reposts send to me last night, as well. In regards to Vectibix and its access on Prince Edward Island, currently, it is not on our provincial formulary. There are a number of drugs that we are looking at to be part of the formulary.

We will be investing upwards – between 1.3 and \$1.5 million on our formulary this very year. It's not myself that says what goes on formulary. I have no clinical experience. I am not a physician. We do have a PEI Provincial Drugs and Therapeutics Committee that review the process; prioritize what drugs should be on there; what are new drugs that can replace old drugs and that's the work that they do.

I'm sure they will be doing that work further this year. Vectibix will probably be one that they will be looking at, Mr. Speaker.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

If the minister saw that post, he would see that this is the only mother that is looking for this drug. She is fighting for her life. For those, that don't know, Vectibix is a drug used when chemo treatments are no long effective.

This drug cost \$6,000 a month. What value do we put on a life, Mr. Speaker? What value do we put on a life?

Coverage through Catastrophic Drug Program

Why isn't this drug covered through the Catastrophic Drug Program, minister?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Certainly, making life changing and lifesaving medications available and affordable for all Islanders is certainly a government priority.

As I said, we remain committed to increasing a number of drugs that are on the formulary. We do have the PEI Provincial Drugs and Therapeutics Committee looking at that formulary currently. This is a process that they do continuously.

Obviously, the concern of Ms. Fraser is quite important to all of us on the government side of the House. We will continue to work to see if Vectibix can be something that we can look at, Mr. Speaker.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

This mother of three is going through a process, too. But her process is coming to an end without this drug, a mother of three.

How could anyone afford a drug for \$6,000? What kind of a message are we sending to Islanders?

I went through this before with the last minister of health with a gentleman. He didn't make it. This is a mother of three. How can we not help this mother? She's the only one looking for this drug on PEI. If the minister read her post, he would know what I'm talking about.

I would have read it in my statement today, but it was too long of a statement. But, I will be tabling it because it's a heartfelt letter that she wrote.

Why can't your government help this mother of three with the cost of this drug, minister?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Certainly, I guess, the first time I became aware of this was last evening as a result of those Facebook posts. I know the young lady contacted my office back in mid-May. She was transferred up to our provincial pharmacist for a discussion there.

Certainly, I would commit to asking this young lady to come into my office so that we could have a further chat on this at any time.

Obviously, we work very hard at providing the best formulary that we can provide. Currently, we have 27 public drug programs that we work with everyday. We have assisted over 50,000 Islanders on this. Certainly, drug coverage for Islanders is a paramount priority to the department. It is a paramount priority to me, as minister and I would be willing to sit down and talk to this young lady at any time, Mr. Speaker.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Mr. Speaker, this just shows how out of touch this government is. You spend \$130,000 on radio ads to promote your drugs. This mother of three is bravely fighting for her life. Bravely fighting for her life, over \$6,000, and that's not right. This mother is fighting for her life.

Why are you making her fight your government for this drug, minister?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Obviously, as I said earlier, this is not a process that I, as minister, would normally be involved in. We have a committee that looks at these drugs; they prioritize what needs to be on; they prioritize what new technologies are out that need to be looked at in regards to all types of illness. Currently we have a number of programs that are in place: our catastrophic program, our low-cost drug program, our seniors' programs that are all working very well. We will continue to work on all of those programs. We will continue to add drugs to our formulary where they've been prioritized by the provincial drug committee and we'll continue to work on that.

Obviously, to ensure that Islanders have the best access to the drugs they need for the health care services they need is a priority of our government.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

Now there's no Health PEI, you're in full control, minister of health. You're in full control. There's no Health PEI – nobody to bail you out.

Drug coverage for cancer drug Vectibix (further)

Will you commit today to paying \$6,000 for that mother of three so she can live on and see her children grow?

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

What I will commit to today is to work with any Islander that needs further health care services, whether it be physician services; whether it be pharmaceutical services; that's the role that I signed up for as minister – or the Premier allowed me to do as minister of health. I receive calls every day of similar natures and I take it to heart and I try to do the absolute best I can do as minister of health to ensure that Islanders are receiving the best quality health care they can on Prince Edward Island. That includes all facets of health, whether it's physician care; whether it's drugs; whatever their needs may be and that's what I'm committed to do as minister.

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

Ms. Compton: Thank you, Mr. Speaker.

Question to the health minister: Yesterday was the 14th closure at the Kings County Memorial Hospital ER in the last several months.

Closures at KCMH emergency room (further)

Minister: How many closures does it take for you to realize that you have a crisis on your hands?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Certainly, the recent ER closures in Kings County Memorial are definitely unfortunate. As of last week, one of our physicians went out on mat leave as of Friday and we have another physician who is out on now extended sick leave. That created some vacancies in the upcoming rotation. We are working with the existing physicians to see who can cover any of those positions, as well as reaching out to other physicians across the Island to see if we can fill the needs there.

Obviously, maintaining a sustainable, functioning ER in the Kings County region to provide health care for all residents of that area is another priority of ours. We will work and have conversations with the doctors in such things as what other solutions are possible. Should it be a walk in clinic? Nurse practitioners or even an ER doctor if we can figure out something there. So we are working on it very diligently.

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

Ms. Compton: Thank you, Mr. Speaker.

We've raised this question now, I think, it's six months. Leader of the Opposition has raised questions about the ER at Kings County Memorial Hospital. It's good to hear you're working on it. It's not the fault of the physicians or the nurses there. They're doing their very best – doing their very best and it's going to lead to burnout.

Minister: Why do these concerns seem to have fallen on deaf ears at Health PEI?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

When it comes to health care in Kings County, our primary care services are extremely healthy. We have – for a first time in a long time – a full complement of doctors in the area. We now have three nurse practitioners that are working out of the Kings County region. Our primary care

is working well. It's just our ER closures that we're experiencing these times due to vacancies in the rotation list, but we are looking for ways to overcome those to find permanent solutions moving forward.

As I said, all options are up in the air and we'll be having continued discussion with those, with physicians and people from the area to find out what would best serve the needs and how can we best do that, Mr. Speaker.

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

Ms. Compton: Thank you, Mr. Speaker.

On Friday, the Member from Morell-Mermaid pointed out and revealed that the ER Kings County would be close for 13 days in June – 13 days, starting this past weekend. In response, the health minister said: but those are out the road, down into the future.

Question to the health minister: We've had two closures in the last four days. Does that seem out the road and into the future for you?

Speaker: The hon. Minister of Health and Wellness.

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

As I said, it's regrettable that one of our physicians went on extended leave just as of last week and the other went on maternity leave as of Friday – created some vacancies in those – in the rotation, but we do now have a locum located to come and work in place of the doctor that's on maternity leave and we do hope that the other physician will be back from their leave very shortly.

We are working with all physicians in the area to try to fill those vacancies in the ER roles. Obviously, some of those will be out for some time because when you're in the rotation that follows through over several weeks and into months. So yes, there are some holes there from the two docs that are out. We'll continuously work to find other physicians to fill those and the locum will play a big role in that as well.

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

Ms. Compton: Thank you, Mr. Speaker.

It's great to hear we have a full complement of doctors, but the problem is how many patients are still without a doctor in the area? I raised the question, I think six weeks ago, about a health clinic in Murray River. We're paying for a facility there. We've been renting the space for seven years.

Commitment to open clinic in Murray River (further)

Question to the health minister: What progress has been made in getting the service up and running to help alleviate the pressure at the ER at Kings County Memorial?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

I'm very pleased to say that the patient registry list from people from the Kings County region is in the 300 range and that should be tidied up by the summer. The locum coming will take some of the patients; Dr. Thomson is taking some of the patients; the new nurse practitioner will have some of the patients, so at just over 300-list will be cleaned up by the summer period.

In regard to – the hon. member spoke about the Murray River and that possible clinic there, currently our focus is on maintaining sustainable ER coverage out of Kings County. We are working with doctors to provide that service. If, down the road, when things go well there – and then there's other areas to look at – certainly I'd be able to look at clinics in Murray River, Crapaud, Alberton, Tignish – anywhere that they're required.

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

Ms. Compton: Obviously if your focus is on maintaining the ER at the Kings County Memorial, you're failing at that. Thirteen days, I think, in June, we've got no ER. Family doctor's access is spotty – no health clinic in Murray River. There are no walk in

clinics in Montague, no evening clinics in Kings County at all.

Mr. LaVie: That's a shame. (Indistinct)

Pressure on doctors and nurses at KCMH (further)

Ms. Compton: Question to the health minister: Why has there been no progress from your government on addressing the gaps in walk in clinic access that are adding pressure to the ER?

Mr. LaVie: You're in charge now.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

It's just about two weeks ago that I attended a meeting at the residence of Kings County area and a couple of the local physicians who were at the meeting to lay out how a new process would be out of the Kings County ER room. June 1st of this year there was a new program put in place where they would triage patients for the severity of their illness. There were also going to be changes in the split shift of two seven hour shifts. There was an indication that this would prove to solve most of the problems. Obviously we're four days in and we already had two closures, so this is going to need more conversation, more discussion, more thought on how we can resolve this and part of that discussion at that meeting was about walk in clinics, was about nurse practitioners, was about designated ER docs coverage. These are all things that we are currently looking at as options and we will find a sustainable solution for Montague ER.

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

Ms. Compton: Thank you, Mr. Speaker.

Extending scope of practice for pharmacists and RNs

Throughout this session, we have called for a greater scope of practice for pharmacists and nurses to help alleviate the pressure at Kings County and all other facilities.

Question to the health minister: What work, if any, has been done on that?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

I have had discussions with pharmacists and nurses about extending the scope of work, or least having them work to their full scope of practice. Conversations are early-day conversations, but I am hopeful that we can come up to something that works for everybody, and those conversations will continue as soon as possible and see if we can find anything there that will help any kind of a health situation across PEI.

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

Ms. Compton: Thank you, Mr. Speaker.

Well, we know the doctors and nurses are working very hard at the ER, going above and beyond to try and sustain the service that Islanders expect. They're pulling double shifts and are risking burnout. Unfortunately, they aren't getting much support.

Government has been too busy purging the Health PEI board it appointed and ceasing power. You're ceasing the power, minister.

ER shortage crisis

Question to the health minister: When can Islanders expect you to work as hard to fix this crisis as doctors pulling double shifts to try and keep the ER open?

Speaker: The hon. Minister of Health and Wellness.

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

As minister, I am trying to work very closely with physicians so that they're not reaching burnout. A lot of cases that present today are very complex cases. It takes a physician quite some time to see somebody in the ER these days with the complex needs. I'm trying to work with doctors to find out what reasonable solutions could we put in place.

These are ongoing conversations. They've been going since I've taken the chair some four, five, four-and-a-half months ago and they will continue well into the future until we can figure out exactly what's the best solution, Mr. Speaker.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

Last week, we saw an escalation of the trade dispute between our country and the United States with a whole range of new tariffs being applied on both sides. This is in the middle of protracted and seemingly intractable disagreements and negotiations on the North American Free Trade Agreement. This government has, for many years, been devoting quite a bit of emphasis and public financing towards encouraging Island companies to grow their exports. Data from the Government of Canada shows that 73.6% of PEI exports went to the United States last year.

Disagreements with US re: NAFTA

A question to the Minister of Economic Development and Tourism: Are you concerned that your government's export development policies are putting all of our export eggs in one US basket?

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

Mr. Palmer: Thank you, Mr. Speaker.

US is our largest trading partner and we're very happy to have them as the wonderful partner they are, and as everybody knows, the situation at NAFTA is very fluid right now.

We continue to work with a lot of our exporters here on PEI. We stay very engaged in the NAFTA discussions and in all relationships with US and all of our trading partners. But, we do have staff that is dedicated towards that and they're working with many of our exporters here on PEI to keep them up to date so that we are able to adjust our tactics as the situation unfolds.

Thank you, Mr. Speaker.

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

Ms. Bell: Thank you, Mr. Speaker.

The value of exports going to the United States has been rising from \$804 million in 2015 to just over \$1 billion in 2017. However, in that same time, the value going to other countries has fallen from \$498 million to \$365 million. Our export destinations are getting smaller.

Diversifying PEI's export markets

Could the minister explain why this government's many export diversification policies are failing to actually diversify PEI export markets?

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

Mr. Palmer: Thank you, Mr. Speaker.

The business is moving along fine. We continue to find new markets; some years that we won't sell quite as much in one particular market, but we're finding other markets in other places, with US being a very important piece of that. We continue to work through trade missions. We work with visiting delegations to help identify opportunities. We actually had a delegation here last week who were here looking at opportunities within our province of products that they could buy, and we're very happy to continue to do that, and we'll continue to work out deals.

Thank you, Mr. Speaker.

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

Ms. Bell: Thank you, Mr. Speaker.

Our over-reliance on exports to the United States makes PEI economy vulnerable to trade disruptions, especially given the unpredictability of the current leadership there. What if next the Americans decide to put a tariff on potatoes and lobster, both of which compete with our American counterparts?

Government's plan in trade negotiations

Does this government have a plan to deal with further escalations in this trade war?

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

Mr. Palmer: Thank you, Mr. Speaker.

We continue to evaluate and watch what the US is doing. It would be foolhardy for us to think that we should ignore the US, which is our largest trading partner, who have a lot of wealth and demand our wonderful products that are coming from PEI.

We will continue to work on those; continue to find more opportunities and we will watch that situation as it unfolds, as it is very dynamic and we want to stay on top of that for sure.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

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

Ministers in many departments love to talk about how Prince Edward Island's economy is, as you like to say, on a tear. There seems to be an unspoken belief on that side of the House, and perhaps in some quarters of this side also, that as long as our Island economy is growing, government is achieving its primary objective and that there's nothing but good things will flow from meeting that foremost goal.

PEI annual economic growth rate

A question to the Minister of Economic Development and Tourism: Are you confident that if we could achieve an annual growth rate of, let's say, 3% or even 4%, that the tear would continue and that all Islanders would benefit?

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

Mr. Palmer: Mr. Speaker, we continue to grow the economy and we know that that helps Islanders. All Islanders are being impacted by great tourist seasons, by increased exports, by job growth. It gives

Islanders a lot of pride in the work that they do, that shows that our products are second to none, and we are able to find new markets right around the world that will continue to employ Islanders and give them great satisfaction in the work that they're doing as we export those products.

Thank you, Mr. Speaker.

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

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

Mr. LaVie: Get him on the ropes.

Dr. Bevan-Baker: Well, it would be lovely if all Islanders were benefitting from this, but as we all know, the wages in Prince Edward Island are stubbornly low. We continue to have the lowest average wage in Canada, and last month things got even worse; the gap between us and the next lowest one grew.

Islanders and GDP growth rate

Minister, if you were to take a random sampling of Islanders, how many of them do you imagine would tell you that the number one goal that they want from their government is to achieve a GDP growth rate of 3%?

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

Mr. Palmer: Thank you, Mr. Speaker.

In my travels throughout PEI, people are talking about jobs and were able to help private sector to create jobs. There were over 4,000 jobs created; 3,500 of those are full-time –

Mr. LaVie: Fishing season started.

Mr. Palmer: – and we know that people are interested to get to work, to do the things that they do well, and create new markets for us right across –

Mr. LaVie: (Indistinct)

Mr. Palmer: – the world.

Our products here, and services, are second to none. We've got excellent workforce that are continuing to respond to needs right around the world and that will continue because of the work ethic of our Islanders.

Thank you, Mr. Speaker.

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

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

When Islanders are asked what really matters to them, these are the sorts of things they say: Fairness, community, meaningful relationships, steady employment, a clean environment, democratic engagement, work/life balance, good health; those sorts of things.

Government and matters of Islanders

Minister, do you think your government could help Islanders achieve many of those desires without us being on a tear?

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

Mr. Palmer: Thank you, Mr. Speaker.

I'm happy that the hon. member is actually interested in the economy, because this is the first I've heard of it in this session of maybe nine weeks that we've been here. It's very interesting that it is something that is important in his district, because it certainly is in mine and right across PEI.

There are opportunities for us to continue to grow the economy, to put more money back into circulation, which will help people. It gives them a focus as they continue to make new products and new services, and as we continue to find new opportunities right around the world.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Tignish-Palmer Road.

Mr. Perry: Thank you, Mr. Speaker.

My question today is to the Minister of Education, Early Learning and Culture.

Minister, M.E. Callaghan school is used by many in West Prince obviously as a school, but also as a community centre. I had recently been approached by several constituents to have something done with the parking lot. The parking lot, they say, is a hazard and actually an embarrassment to them because of the disrepair that it's in. The administration has been told by the Public Schools Branch that there are more urgent repairs required at other schools.

Repairs to parking lot at M.E. Callaghan school

Minister, I will ask what they have already asked: Is there any chance of funding to fix the parking lot at their school?

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

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

As I have indicated previously in this House, and in particularly in this session, the Public Schools Branch determines its capital priorities and moves them forward to us. We make an envelope available to deal with those capital priorities. Then, they indicate which priorities move forward, in terms of, the expenditure of the resources.

I'm advised by the Public Schools Branch that this summer in West Prince; M.E. Callaghan will be getting a water filtration and plumbing system, which is estimated to cost \$75,000. St. Louis will be getting an oil tank, which is estimated to cost \$55,000. Bloomfield will be getting an oil tank, which is estimated to cost \$65,000. Hernewood will be getting a roof replacement, which is estimated to cost \$115,000.

Depending on how those things go, if there is additional resources, they continue to look at the next project down the line.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Tignish-Palmer Road, your first supplementary.

Mr. Perry: Thank you, Mr. Speaker.

I'm very happy to hear that the schools in West Prince will be receiving some much

needed updates and renovations. Minister, the pavement on the tennis court/basketball court at M.E. Callaghan is also in disrepair. It's 40-years-old, along with the parking lot. It has only had Band-Aid fixes over the years. It has aged very poorly. In the past the courts have been used by students in the daytime and in the evening, if weather is permitting. Now, they're unusable.

Repairs to recreation courts at M.E. Callaghan school

Minister, will there be any chance for the tennis courts of the basketball courts to be paved, also?

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

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

I have asked the Public Schools Branch if they get those projects done, what will the next, kind of, projects on the list as they have it right now.

As I have indicated previously, that's always subject to change. They have indicated M.E. Callaghan and Westisle roofs are the next two that they have on their list.

Just in the way that the hon. member has put the question, I would certainly encourage the hon. member to encourage members of his community to go see the Minister of Rural and Regional Development –

Mr. Trivers: (Indistinct) elected school board (Indistinct)

Mr. J. Brown: – and perhaps the minister –

An Hon. Member: (Indistinct)

Mr. J. Brown: – could coordinate that and a project proposal could be put in under the regional development fund, Mr. Speaker, for those tennis courts.

Thank you very much.

Mr. LaVie: (Indistinct) past the buck (Indistinct)

Speaker: The hon. Member from Tignish-Palmer Road, your second supplementary.

Mr. Perry: Thank you, Mr. Speaker.

I guess he just threw the Minister of Rural and Regional Development underneath the school bus –

Some Hon. Members: (Indistinct)

Mr. Perry: – but anyway, he did answer my question partially; my next question, which was the Public Schools Branch, has stated that it's a non-urgent repair.

I wanted to know if there's any other options that the school may tap into to help with those parking lot or tennis court repairs.

Mr. MacEwen: (Indistinct) soapbox (Indistinct)

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

Mr. LaVie: (Indistinct) soapbox.

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

As I have indicated, yes, I believe there to be other options. I identified one just a minute ago.

Let me just say, that again, the Public Schools Branch is through our great capital priorities plan, \$50 million over the next five years. An increase to \$2 million a year looking at what we can do with that additional money to start to get beating these projects down and to get ahead of them. When we get the priority things like roofs and boilers and oil tanks replaced, then we'll start looking at pavement from that point forward.

For now, things like tennis courts, I think there are other avenues that may be available.

Thanks, Mr. Speaker.

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

Mr. LaVie: Answer your question.

Mr. Dumville: Mr. Speaker, in 2013 Executive Council minute 572 authorized \$8.094 million loan to Pan American

Properties for the initial redevelopment of the Welsh Owen property on Queen Street.

Welsh Owen property on Queen Street

To the Minister of Economic Development and Tourism: Were there any restrictive financial conditions placed on this property in regards to a future resale?

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

Mr. Palmer: Thank you, Mr. Speaker.

Any loans that we have are assigned some collateral, whether it would be the property itself, or some kind of other security that will secure the loans that we do provide to various businesses across PEI. Those businesses that we charge, we charge interest on those and we make money on those loans.

This is another example of a great opportunity that the government provides that allow businesses to have another option as they continue to grow their business and drive more money into the economy.

Thank you, Mr. Speaker.

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

IIDI mandates

Mr. Dumville: Thank you, Mr. Speaker.

Minister, is it IIDI's mandate to only support new development in the manufacturing and tourism sectors?

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

Mr. Palmer: Thank you, Mr. Speaker.

Our loan portfolio goes right across PEI and we have about 60% of our loan portfolio is in rural PEI. We have about 1,000 loans out right now. That relates to 14,000 Islanders that are working.

On those loans that we have out, which is about \$350 million, we charge interest on those and we're making money. That will

continue to go into the fund and there's no new money that comes into the fund. That's self-sustaining. It comes from the interest profits that we make each year.

Thank you, Mr. Speaker.

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

Government support of commercial real estate re: IIDI loans

Mr. Dumville: Thank you, Mr. Speaker.

Minister, why would Executive Council support a commercial real estate development by advancing a second loan to purchase an existing business against IIDI policy, when it authorized IIDI to advance a five-year term loan of \$6,480,000 to a Liberal-friendly company, Stamper Inc. to purchase this property?

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

Mr. Palmer: Mr. Speaker, there are lots of businesses across PEI that will look to the province for loans. As I said, we have about 14,000 employees that are working today because of loans that are provided by the province and those that we charge interest on.

We will always look at opportunities. It doesn't matter to us the political leaning of any of these companies.

Mr. Trivers: (Indistinct)

Mr. Palmer: We know that there are some that have Green Party affiliation –

Mr. Trivers: (Indistinct)

Mr. Palmer: – that have Tory affiliation and that have Liberal affiliation. We are happy to support good ideas that can pay the loans back, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

Today is the final day for Islanders to apply for a lucrative job working at government pot stores. The job posting states, quote, “Preference will be given to candidates who have successfully completed an employer recognized cannabis training program” end quote.

Cannabis training programs

Question to the Minister of Finance: Minister, as the employer, what cannabis training programs does this government recognize as giving candidates preferential status?

Speaker: The hon. Minister of Finance.

Mr. MacDonald: Thank you, Mr. Speaker.

The cannabis file is an evolving file, right from Ottawa right to Prince Edward Island and right to the BC coast. We’re continuing to advance this cannabis file. It’s legislation that’s coming from, possibly, from Ottawa if it ever gets past through the senate. We’ll be ready for it.

We’re putting the RFP out there last, I think it was two weeks ago, that we put an RFP out for an education, excuse me, component. We’re advertising for those positions. We’re recognizing the fact that there are programs out there that are training programs for cannabis, whether it be online or whether it be right here on PEI.

We’re accepting those as an experience – excuse me.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thanks, Mr. Speaker.

When I first saw this preferential qualification, it seemed odd to me. Cannabis hasn’t even been legalized yet. These government pot store jobs have only been posted for a few weeks. How many Islanders could possibly have completed recognized cannabis training programs? Then it was brought to my attention that apparently training has been quietly occurring in the province recently.

Secret cannabis training sessions

Question to the Minister of Finance: Minister, why are you running secret cannabis training sessions and how come they are not publicly advertised?

Mr. Fox: Yes.

Speaker: The hon. Minister of Finance.

Mr. MacDonald: Thank you, Mr. Speaker.

I’m unaware of any secret cannabis training sessions, but I will go back to the first part of his question that online training courses – we’re having all kinds of inquiries. Right here, there’s actually a business right out of the zone, down on lower Queen and Water Street that’s actually looking forward to doing, possibly, some training in this regard. Holland College is actually looking forward to doing some training in this regard and some of those courses can be online up to eight hours or more. But there’s all kinds of places around the world – if you look at San Francisco; if you look through other states, there’s many training programs that are available to anyone that’s interested in working in one of these retail outlets.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

As the minister says, the only training options most people were given by the Minister of Finance and this government were links to online courses that would not start, most of them, until after the job postings are closed.

Mr. MacEwen: Clever.

Mr. Trivers: After they’re closed. This government has also indicated that they plan to provide in-house cannabis training – that’s what the minister just talked about – to successful applicants.

Preference given to candidates with cannabis training

A question to the Minister of Finance: Minister, why would you give preference to candidates with cannabis training when you plan to train them in-house anyhow?

Speaker: The hon. Minister of Finance.

Mr. MacDonald: Thank you, Mr. Speaker.

I think that goes without saying. I think when you're building a retail model, no matter where your training come, or when your experience is, you want to adapt that individual or that business model towards what you're trying to do on your Island. Whether they come from Vancouver or Ontario, we're trying to adapt them to what we want to do as a business model here on Prince Edward Island. I don't see anything wrong with that. I don't see anything wrong with giving preference to someone that's aggressive enough to go and take a cannabis course. I think that's appropriate for an individual. I think that's awesome that they're that interested in doing something like that.

But let me remind the hon. member that this will be run through the Public Service Commission first, so there's guidelines in that and collective bargaining that we will be utilizing, as well, through these hires.

Thank you, Mr. Speaker.

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

Mr. Trivers: Thank you, Mr. Speaker.

We're hearing that recently there has been cannabis training happening in PEI that only a select few people seem to know about. This training gives applicants preference and bumps them to the front of the line. This government plans to train successful candidates in-house anyhow. The postings for pot store jobs close today, but the stores won't open for at least another few months.

Question to the Minister of Finance: Minister, why does it appear that this government is manipulating the process to give certain applicants an unfair advantage, once again running an unfair and slanted hiring practice?

Mr. Fox: Yes.

Speaker: The hon. Minister of Finance.

Mr. MacDonald: Mr. Speaker, you know what? We've gone through this through my estimates, through passing the bill and I can remember a conversation with the hon.

member, talking about: Why don't we just open this up to everybody and let everybody sell cannabis on Prince Edward Island, but in the next breath, he stood up and he said: I want this noted in the House that I don't agree with this. I know it's not flip-flop season on PEI yet, but I'm telling you, we're all over the map on this cannabis file from the opposition and the hon. member and there's nothing – we're not doing anything. In reference to hiring, we're following the process of the Public Service Commission and collective bargaining and we'll continue to do that.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Statements by Ministers

Speaker: The hon. Premier.

Mawi'omi Day

Premier MacLauchlan: Mr. Speaker, the meaning of *Mawi'omi* in the Mi'kmaq dialect means 'gathering'. On June 21st, students on Prince Edward Island will be doing just that. Students from Stonepark Intermediate, École François Buote, and Mount Stewart School will gather at Abegweit First Nation for the first *Mawi'omi Day*.

The day is a pilot project led by Chief Brian Francis of the Abegweit First Nation and Island singer/songwriter Tara MacLean. This provides an opportunity for students to gain perspective, knowledge and to learn about their culture and their tradition.

Students will have the opportunity to meet community members; participate in cultural activities, and enjoy traditional food, while celebrating National Indigenous Peoples Day on the 21st.

A key item of the Culture Action Plan is to collaborate with Indigenous people to develop learning initiatives about Mi'kmaq history and culture for all Prince Edward Islanders.

We are very pleased to work with Indigenous communities and, in particular, with the Abegweit First Nation on educational opportunities like *Mawi'omi*

Day, with the support of our Departments of Education, Early Learning and Culture and Economic Development and Tourism.

Mi'kmaq culture and heritage are unique and a great important part of our Island identity. Island children, will undoubtedly, learn a great deal through this program and continue to nurture their strong relationships with Mi'kmaq people and the Mi'kmaq community.

For anyone, who would like to learn more, this weekend the Abegweit First Nation will be hosting the 20th annual *Mawi'omi* powwow on June 9th and 10th with the main event starting at 1:00 p.m. on Saturday at Scotchfort.

As we approach National Indigenous Peoples Day, there will be events on June 21st at Lennox Island; Scotchfort and in Charlottetown.

I invite everyone to take the opportunity to attend these celebrations over the next weeks and to learn more about Mi'kmaq culture and traditions in a spirit of partnership and reconciliation.

Thank you, Mr. Speaker. *Wela'lieg*

Speaker: The hon. Leader of the Opposition.

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

It's certainly an honour for me to rise and bring awareness, as well to the 20th annual Abegweit *Mawi'omi* happening in Scotchfort this weekend. This fantastic event honours the past through promotion and proud demonstrations of culture and teachings. Furthermore, the past and present elders are also acknowledged.

This is a free event that is accepting donations. Grand entry each day occurs at 1:00 p.m. It involves drumming and dancing and there will be a beautiful Mi'kmaq crafts showcase, and on sale, Mi'kmaq artisans will be there, as well.

I send my best wishes to Chief Brian Francis, Deana Beaton, and the rest of the organizers and exhibitors for a successful weekend.

Thank you very much, Mr. Speaker.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

Welcome, it's so lovely to see you here, today in the Legislature. I have not had the opportunity to attend the celebration. I know my hon. colleague has and I'm so looking forward to coming and experiencing the welcome.

I've previously had the opportunity to attend the *Mawi'omi* Centre at the university and participate in talking circle there and understand how important a gathering place is, whether it's one that is in passing, or one that provides a permanent space.

I would like, also, to hope that a pilot like this allows us to show the need to expand the experience beyond a one day and into something that becomes more part of our cultural experience and not just something that we visit and then leave behind. I'm so looking forward to this.

Thank you so much for the opportunity.

Wela'lieg.

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

KINLEY *Golden Days*

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

Today, I stand to recognize singer/songwriter Kinley Dowling for being a cultural leader and Island ambassador for our province.

If you have yet to watch KINLEY's music video *Golden Days*, I encourage all members of this Legislative Assembly to do so.

Our government is pleased to share that we have licensed KINLEY's music video. It's a key item of our Culture Action Plan going forward to increase the use of Island music in our provincial promotional materials.

KINLEY describes her song as a love letter to PEI. She says it's a message to all Islanders, who live away; those who may work out west or major cities elsewhere to consider coming home to PEI and enjoy the simpler things in life.

KINLEY's inspiration for *Golden Days* came from Stompin' Tom, who always urged fellow Canadian musicians to write about the beautiful places our country has to offer.

The video takes place at Blooming Point beach and was directed by filmmaker Jenna MacMillan.

We look forward to using *Golden Days* in a variety of different mediums in the near future to help us achieve our goal of reaching a population of 160,000 by 2022. Spread the word to future Islanders that we are a mighty Island where dreams come true and anything is possible. And to remind our innovative hardworking expatriate workers and entrepreneurs around the world that as KINLEY so beautifully sings, "...maybe you should come home."

Thank you, Mr. Speaker.

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

Ms. Compton: Thank you, Mr. Speaker.

Welcome to Kinley and her mom, Estelle. It's great to see you here. I'm so proud of you. When you were a young girl on Pondsides Court, who would have known this was what was going happen? We're very proud.

The video is amazing. I know Jenna MacMillan very well; such talented people. *Golden Days*, I said to myself last night: If you're an Islander, you're proud. If you're an Islander living away, you're lonesome. If you're someone, who wants to visit PEI this is going to make you want to visit more.

Congratulations, Kinley, to you and Estelle and (Indistinct)

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

Pretty amazing, Kinley, to see this after – to see strong and powerful women telling strong powerful stories. And for you to have the recognition of this, not only in that storytelling, but as something that actually becomes part of this broader story.

I have spoken many times about the economic impact of our cultural industries in the House and the value of those and how we need to do more to do so. It's fantastic to see that this actually: they're putting their money where their mouth is.

It's lovely to get paid for your art. It's lovely to get recognized for it, too. I am so pleased for you to be showing the rest of the world, what we knew already: what an awesome storyteller you are.

Thank you.

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

World Environment Day

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

I'm pleased to rise in the House today to recognize World Environment Day, which celebrates our environmental achievements and encourages Canadians to continue to preserve and protect our environment.

Everyday we talk about protecting our environment is a good day. This week at the G7 meeting, federal minister of environment, Catherine McKenna, will ask world leaders to agree to eliminate plastic pollution.

This includes reducing plastic waste and developing plastic products that can be easily recycled. The plastic industry is also taking action by setting a target date of 2030 to keep all plastics out of landfill sites.

Also calling for a national plastic ban are more than 40 environmental groups including; the Sierra Club of Canada, and the David Suzuki Foundation.

There is a growing, global movement to end plastic pollution and its harmful effects on human health and our environment. These calls to actions are inspiring people around

the world to make changes in their lives to reduce plastic waste.

I'm proud to say that we, as a Legislative Assembly, can take some credit for the decisions made by the plastic industry. Bill No. 114, *Plastic Bag Reduction Act*, the first provincial bill to reduce the use of single-use plastic bags, the purpose is –

Some Hon. Members: Hear, hear!

Mr. R. Brown: – to reduce waste and environment damage and promote responsible, sustainable business practices

The bill has received wide Island support –

Mr. Trivers: Working together.

Mr. R. Brown: – and I believe this bill and the discussions in this Legislature was a part of the decision by the industry to support the use of single-use plastic bags.

Anyone that doesn't think we get a job done here is wrong. We have made a big effect on the national stage. Even as a small province we are showing that we are mighty by affecting change beyond our political borders.

On World Environment Day, I ask all members of the Legislature to support Bill No. 114 and commit to creating a better world and a more secure future for Prince Edward Islanders.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thanks, Mr. Speaker.

This is, of course, a great minister's statement. World Environment Day is today. It's #beatplasticollution that's going around and that's fantastic. Of course, this is one day out of the whole year and it's nice, also, to see that this is Canadian environmental week and, in fact, the grade six Environmental Fun Day is happening this Friday at Rackham's Pond just in Wheatley River. It's the Hunter-Clyde Watershed Group puts that on every year and I've attended. I'm really looking forward to

attending this year because my daughter's in grade 6 and she's going to be there this year.

It's so important to continuously work towards improving our environment day-over-day, year-over-year because that's really how it's going to happen. We talked about beating plastic pollution. Whether or not we have legislation in place – and I hope we do very soon – whether we have legislation in place, it's up to everybody to reduce their pollution, whether that be plastic or otherwise and that's what we really need to work towards. This is a message that's been around for a long, long time. We talked about the three Rs decades ago when I was back in high school – reduce, reuse, recycle. The most important of those is, of course, reduce.

I also salute World Environment Day, Canadian Environment Week, and everything that every individual is doing, whether it be big or small, to help reduce plastics and help protect our environment.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

I want to thank the minister for this announcement. Of course it is, as my hon. colleague said, it's World Environment Day and I wish we would move beyond that. It is, of course, important that we have days where a spotlight is shone on particular issues, but when it comes to the environment, we need far more than a day or a week as it is Canadian Environment Week.

Recently, my colleague and I presented a motion in this House called health in all policies and the idea there was that in all the decisions we make in this House, we have to keep in mind the impact it will have on our health – our physical health and our mental health.

I think what distinguishes the Green Party from other political institutions is that we have an environment in all policies approach. Understanding that if we don't get that bit right, nothing else matters. It's appropriate that Chief Brian Francis should be here today because we, having stripped

so much away from our native peoples here in North America and around the world, what remains – their spiritual attachment to the Earth, their understanding of our connection to all other things is something that we desperately need to learn.

There's a saying and I don't think it's attributed to any one person, but there's a Native American saying; that when the last tree has been cut down, when the last fish has been caught, when the last river has been poisoned, maybe then we'll realize that we can't eat money.

In planning for seven generations, another native tradition, taking the long-view and having that understanding that Mother Earth is not something out there separate from us, but it's something that we depend on entirely, we will, perhaps, move from environment day to an understanding that the environment is fundamental to everything else that supports life on this planet.

Thank you, Mr. Speaker.

Presenting and Receiving Petitions

Tabling of Documents

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

By leave of the House, I beg leave to table the trade data online report from the Government of Canada – report dates of June, 2018 and I move, seconded by the Honourable Member from Kellys Cross-Cumberland, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Ms. Bell: Thank you.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, by leave of the House, I beg leave to table a document that indicates that we are currently running a two week campaign highlighting provincial drug programs on PEI radio at Ocean, Hot, CFCY, Q93, and Spud and all PEI private

radio stations for a cost of \$5,298.75 for the two weeks –

Speaker: And seconded?

Mr. Mitchell: and seconded by Honourable Minister of Agriculture and Fisheries.

Speaker: Shall it carry? Carried.

The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

By leave of the House, I beg leave to table the expenditures of Executive Council for \$130,000 on the radio ads for the drug program of this government 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 Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

By leave of the House, I beg leave to table a message I received from Melanie Fraser, the mother of three that is looking for funding from this government, that she's fighting for her life with cancer and I encourage anybody inside this Legislative Assembly to read this and they'll know exactly why I asked questions on this today 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.

Reports by Committees

Introduction of Government Bills

Government Motions

Orders of the Day (Government)

The hon. Minister of Health and Wellness.

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

Clerk: 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 Agriculture and Fisheries, 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 for 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?

Mr. Roach: Yes.

Chair: Thank you.

Hon. members, permission to take a stranger onto the floor?

Some Hon. Members: Granted.

Thank you. We'll allow him to get set up before we open the floor for discussion.

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?

Mr. Roach: Yes.

Chair: Thank you.

Hon. members, permission to take a stranger onto the floor?

Some Hon. Members: Granted.

Chair: Thank you.

We'll allow him to get set up before we open the floor for discussion.

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

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

Chair: Welcome.

Minister, I'm going to give the floor to you before we start.

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

I'd like to, if I could, make a point to just kind of address the Assembly first before we get going.

As we said from the beginning of this process, in fact when we met with both parties the day we tabled this legislation, we expected to work to make amendments and to hear their ideas and to move forward and to work together on the legislation. Following the discussion and amendments proposed by the third party, we've made some changes and we will be introducing those changes here today.

We feel that these changes ensure a level and fair playing field in this legislation and through the referendum process. Significantly, there will be no restrictions on Prince Edward Islanders or Island volunteer groups wanting to spend during a new pre-referendum period, meaning they can spend whatever they like.

To prevent big money coming in from out-of-province, the same principles of the *Election Expenses Act* will be applied. We all just recently agreed that union and corporate and out-of-province influence shouldn't be allowed in our elections in this province, and we believe the same principle applies to referendums.

The referendum period will be a much shorter period, no more than eight months. This is in line with the BC referendum period that was announced last week and lessons from Brexit. Keep in mind, BC doesn't have a provincial election that's running at the same time as their referendum period.

We've accepted other ideas such as an education campaign by the commissioner. This is an historic debate, and all Islanders will have freedom to associate and to contribute. In fact, we want to encourage all Islanders to get engaged in the process, to educate themselves, and to work together towards an outcome that Islanders feel as though they can support and get behind.

With that, the first amendment that I would like to propose as we proceed is a preamble to the actual bill itself.

Madam Chair, I have an amendment here to propose with copies. I'm not sure whether you would like to me read the amendment, Madam Chair?

Chair: Sure.

Mr. J. Brown: Okay.

Madam Chair, I move that Bill No. 38 is amended by the deletion of the words 'Be it enacted by the Lieutenant Governor and the Legislative Assembly of Prince Edward Island as follows' and the substitution of the following:

Whereas the most fundamental decision in a democracy and the core right of every citizen is to choose our elected representatives;

And whereas the electoral system affects the nature of political campaigns, the type and diversity of candidates, the fairness of representation, and the tone of political discourse;

And whereas it is timely to explore democratic renewal and to provide Prince Edward Islanders with an historic opportunity to express their collective will on our electoral system in a referendum to be held in conjunction with the next general election;

And whereas it is important that this be a debate by and for Prince Edward Islanders;

And whereas it is essential that Prince Edward Islanders be asked a clear question and provided with an opportunity for meaningful discussion and debate;

And whereas it is essential that this discussion and debate result in a clear expression of the will of Prince Edward Islanders;

Therefore be it enacted by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows.

I have copies of that, Madam Chair, for everybody.

Chair: Hon. members, when we last – thank you, minister, for that.

When we last left the discussion at the table, the Leader of the Third Party had an amendment on the floor so we'll be dealing with that first, unless your discussions with the minister take that amendment off the floor, but we'll be dealing with that amendment and that was the amendment for section 1 of Bill No. 38, and you have a copy of that.

The hon. Leader of the Third Party, I'm looking for your advice on this.

Dr. Bevan-Baker: Yeah, thank you.

Well, I'm not sure if it's advice we need rather than just following proper process because I don't think that somebody else can move – I think there are a couple of things –

Chair: No, and that's why I'm giving you the floor. That's why we're doing that.

Dr. Bevan-Baker: Sure.

A couple of things out of order with this amendment; one is the timing; until we deal with the amendments on the floor we shouldn't be introducing new ones.

The second thing is –

Chair: No, he can introduce an amendment, but we're dealing with yours first.

Dr. Bevan-Baker: Okay.

The second thing is, as I understand it, you can't introduce a preamble when a bill is in committee. You can't amend a preamble once the bill is in committee, but that's just

my understanding. I'd defer to the Clerk or yourself, Chair, on that.

Chair: If you can give me a minute, I'll confer with the Clerk.

Dr. Bevan-Baker: Sure, yeah.

Chair: Hon. member, I've been advised that after we deal with your amendment, we'll recess for a few minutes and I'll receive some information on your request.

Dr. Bevan-Baker: Sure.

Chair: Thank you.

All right, so are we going forward with your amendment now?

Dr. Bevan-Baker: Yes, please.

Chair: Yes, perfect.

Thanks, that's what we intended to do.

Dr. Bevan-Baker: Great.

Chair: Thank you.

Dr. Bevan-Baker: Chair, may I?

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

I just want to respond to the minister's opening statement. I appreciate it. I appreciate the fact that some substantial changes have been made to the original bill. The minister suggested that these were changes proposed by the third party and indeed, some of our suggestions have been incorporated in here and I appreciate that very much.

But there are a couple of things about this. One is that we were – well, that was, I believe, the 15th amendment that was just brought forward. That's a lot of amendments on one bill –

Mr. Roach: (Indistinct) great debate.

Dr. Bevan-Baker: – and it strikes me that there are many more to come.

We received a sort of omnibus, if you like, copy of the amendments that government is proposing to its own bill less than an hour before the House opened today. These are substantial and profound amendments to a complicated act, and I think it's literally impossible for the opposition parties to, in an informed manner, debate this bill with the amount – the sheer amount of changes which are being proposed here.

Let me finish by saying this. I appreciate what you have incorporated from the ideas that we brought forward in our amendments, but there are still some serious problems, in our opinion. Again, that's based on a 45-minute opportunity to look at this, and if I can use this metaphor: Somebody brings a plan of a house for you approval and you look at it, and you think the door is a little bit narrow; I'd like that door widened, and the bathroom is in an odd position, can we move the bathroom? There are too many bedrooms, I don't want those countertops, and by the way there's no roof on this house.

And you come back and you say: Okay, well we'll widen the door and we'll change the countertops and we'll move the bathroom, but you won't do anything about the roof and you still expect us to accept those plans.

That's sort of what's going on here. Some changes have been made, but the most important substantial ones, or problems that existed with the original bill, in our opinion, are still here. I just want to make absolutely clear that yes indeed, some of our ideas have been incorporated here, but the main problem, the roof that's missing on this house, the main problem with this bill, has not been dealt with.

Thank you, Chair.

Chair: Hon. members, we're dealing now with the amendment we were discussing on the floor when we last adjourned.

Mr. J. Brown: Madam Chair, can we just ask before we get there. What is the main problem that he feels was not addressed?

Chair: We'll get to that. We're going to get to that. We're going to deal with his amendment now and then we'll get to that. Okay?

An Hon. Member: (Indistinct)

Chair: Sure. You have a copy of it. They were circulated last week.

An Hon. Member: What section (Indistinct)?

Chair: Sorry. It's –

Mr. MacKay: There's so many amendments.

Chair: I'll read it – it's: Section 1 of Bill No. 38 is amended

a) in clause (t), by the deletion of the words "registration period" and the substitution of the words "referendum period"; and

b) in clause (u), by the deletion of the words "on the date of the coming into force of this Act" and the substitution of the words "on the date of the issuance of the writ for the general election".

Mr. Roach: Are we going to get a copy of that?

Chair: You got a copy of it last week, but would you like another one?

Mr. Roach: (Indistinct)

Chair: We were in debate of this last time we had adjourned.

Any questions on the amendment?

Mr. Roach: Question.

Ms. Biggar: Question.

Chair: Are you ready for the question on the amendment?

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Chair, I'm surprised. This was a fundamental amendment, which is changing the very essence of this bill and we didn't really have that much discussion last time. I'm deeply troubled by the manner in which this debate is proceeding. We had recommendations from – you voluntarily pulled the bill last time because we didn't have the amendments in our hands. Indeed we have the amendments in front of us

today, but only by a matter of minutes before the House opened. Really not much different from having them verbalized here in the House without a hardcopy.

Chair: Hon. member, we're dealing with your amendment, not that amendment.

Dr. Bevan-Baker: Yes, and what I'm saying is that I do not think this bill is ready for debate in committee of the whole at this stage and I think that if we're moving for a question on a fundamental amendment which has been made by one of the opposition members here without any debate whatsoever, I'm concerned about how the rest of this debate is going to go.

Chair: Sure.

Mr. J. Brown: Can I address that, Madam Chair?

Chair: Sure.

Mr. J. Brown: I do wish to address that because it's not – in recognizing what went on last week, what I'd indicated at the time was that overall, we'd be prepared to look at the concept and, in particular, what you were indicating was that you felt that there needed to be a length of time leading into a referendum period and then an actual distinct referendum period.

I think what I had said at the time was: That would be an interesting concept to canvass, and that's something that we did. And I said that the big issue that I would have with it would be that we just passed election expenses legislation amendments where we had indicated that corporate and union donations would not be appropriate in relation to elections. So, if we were looking at them in this context, this would be something that we would be prepared to look at as well.

I think you had indicated, hon. Leader of the Third Party, that you would agree and that you would agree to make – or to those sorts of amendments. Your colleague from Charlottetown-Parkdale, I think it's fair to say, did not necessarily agree with that, but we were left with something to consider and we had a fairly good exchange back and forth on that, certainly I felt, and I'll say. I think we'll hear here in a few minutes if we

progress past this point, exactly what we've put forward in terms of amendments to address that exact concept.

I should say that – so that was Wednesday afternoon last week – Thursday, when we had kind of fleshed this idea out a little bit and looked to see if we could make it happen, I announced here in the House that we were prepared to have amendments drafted.

You're laughing at me, so I'm not sure what's so funny about the whole thing, but we're proceeding here in earnest with a debate in relation to a very important bill. We have put our best foot forward in terms of where we are. We are listening to proposed amendments by yourself and your party, by our constituents, the opposition has made a few comments. We're listening to everybody. We feel that we've incorporated many of the comments that we've heard into this revision and we certainly feel that it's very fair.

Recognizing what you've put forward, which are very simple amendments in (t) and (u) of section one, we certainly recognize what you're attempting to do and, frankly, we have amendments which we think set out an even further process along the lines of what we discussed when we were talking last Wednesday and what I had indicated we'd be prepared to do last Thursday and we intend to present those as we move forward in respect of the legislation.

I think, certainly, we have a great context here and we'd be happy to move forward on it.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you very much, Chair.

Chair, I guess I'm just looking for some clarification here. And I agree with the Leader of the Third Party that we received government's amendments to this bill essentially the same time as they did and honestly haven't even had a chance to really read through it, let alone digest it or study it.

But where I would, I guess, like to have some clarification – so there are a number of

amendments currently that, if I understand the Chair correctly, the process now is we're going to be going through those as we go through the bill clause by clause. If there's an amendment associated with that clause, that's where we'll start looking at that amendment and having a discussion on it and vote on the particular amendments.

But where I want to get absolute clear clarification on is if we're discussing an amendment – such as by the third party – and it's say, for argument sake, it's voted down by the majority here in the House, and then eventually we get to the government's amendments, of which I don't even know exactly how many are in there yet because I have to go through it, if we don't agree what the government has amended, do we have the right then to come back and put forward amendment towards the House? Essentially, voting against the government's amendment, but then bringing in another amendment that was more closely along the line of the third party's amendment.

Chair: Yes, hon. member –

Leader of the Opposition: We can bring in any amendment we want as we go along, correct?

Chair: I think you can bring in an amendment at any time, but right now, we're dealing with section one. We're dealing with the amendment that was brought forward by the Leader of the Third Party.

Leader of the Opposition: Okay. I guess, just in closing, Chair, while I still have the floor, I'm also in agreement that I don't feel that this bill is ready for debate here on the floor of the Legislative Assembly with the amount of amendments that have come forward. And in light of receiving government's amendments today, I would also be encouraging government to take it and present it to – or ask the Special Committee on Democratic Renewal, to actually go through the bill, have public consultation, and bring it back at a time where it's better positioned to be debated in the Legislative Assembly.

Chair: The hon. Premier.

Premier MacLauchlan: Chair, I'm going to speak to the amendment and, indeed, I did when this was on the floor on Wednesday last week. I know the Member from Vernon River-Stratford spoke, so I'm going to just squarely disagree with the suggestion of the Leader of the Third Party that this is being kind of dealt with without consideration.

The points that were made about the proposed amendment regarding the referendum period are really two-fold, and they're not that complicated, one: a referendum requires more of a runway than an election. From the time it has been considered that there would be a referendum contemporaneous with – in terms of the voting – an election, it has always been expected that the referendum would include – and indeed, I've heard the Leader of the Third Party say this more than once – a period that would allow Islanders the opportunity for discernment, debate, engagement, consider their options and reach a conclusion. In fact, I think I heard him say that as recently as Friday morning.

The hon. Member from Vernon River-Stratford made the point that it has a lot of potential for Islanders to not have reached a clear choice, perhaps on either an election or a referendum, if they're both – I'll say campaigns – are coterminous or if the referendum takes place during the same 26 to 32-day period as the election.

So those points were made, Madam Chair. They go directly to the merit of the proposed amendment to sections 1, (t) and (u), and let me say the point about somehow rushing on that is one that I would squarely reject.

Let me put it this way, Madam Chair – there is a lot of knowledge, there is a lot of experience, there is a certain, you might say, architecture, to go back to the third party leader's metaphor of referenda that these are known. These are known. We had a report last week from British Columbia that is largely consistent with what we have before us, and the approach and, indeed, the initiative that was taken on Thursday evening by the minister as the proponent for the bill, was to directly take up the spirit of the amendment from the third party regarding the referendum period, and it was, to all indications last week, received in that spirit.

Indeed, the Leader of the Third Party said: Well, we had thought about trying to do something along those lines but we weren't sure if that was an option to us so we landed on the writ period as the best thing we could come up with.

So here we are, having indicated a willingness on this and then on other points to go, I would say, more than halfway in terms of the issues that have been put on the table in response to this bill and then to come back with amendments in a collaborative spirit that reflect the issues (Indistinct), then to come directly and to return directly to the proposal that the referendum take place only within the period that would start with the dropping of the writ is squarely against everything that is known about how you conduct a referendum.

Thank you.

Mr. J. Brown: I just want to mention one additional point in all that, and that's that the BC attorney general – who, of course, is from the NDP party and is in a coalition government with the Greens – actually indicated that they're having a municipal election in the fall and so that was a consideration when they chose their period and they indicated that the referendum period would have to run longer than the election time in the fall so that folks had an opportunity to fully canvas the issue before them and to educate themselves and to ensure that there was enough time outside of that election period to be able to do that.

Chair: Thank you.

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

Chair: Thank you.

I have Rustico-Emerald on the list and then I have Charlottetown-Parkdale.

Mr. Trivers: Thank you, Chair.

I just want to speak in favour of this amendment. I spoke in favour of it before. I want to speak in favour of it again.

Just as the Leader of the Opposition says and the Leader of the Third Party have also said, this is a fundamental amendment that really speaks to this bill and the purpose of

this bill and the scope of this bill. I really look at it as this is an issue that should be handled, the referendum itself, this question of electoral reform, is an issue that should be handled similar to other major issues that we debate within government.

I'm not entirely sure we need all these special rules that take away the rights of people to speak at different times and when it should be debated and try and limit spending and all these different things; and as I said before, Islanders are intelligent people. They're used to debating ideas all the time. I think we need to treat the referendum and the question in the referendum the way we would debate issues in general. That's why I do support the referendum period being during the writ period, and I do support this amendment.

I also support the Leader of the Opposition and the Leader of the Third Party when they say that this bill really deserves further consideration. It really should be considered much further in terms of the actual scope of the bill. This is a small amendment in terms of the actual wording, but it's a large amendment and it really speaks to the bill itself, so I am in favour of this amendment.

Chair: Thank you.

The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

Chair: Oh, sorry, the minister wanted to respond; we'll go to you next.

Mr. J. Brown: I did, Madam Chair, I did just want to, kind of, interject in respect to the hon. member's point. That's to say, that we just passed amendments to the *Election Expenses Act* here that more passed through second reading, amendments to the *Election Expenses Act* that have been spoken about for quite some period of time that set out rules that are not all that different than what we would be proposing through our amendments to do in relation to this referendum process.

I should add to that, that in British Columbia, there was an exercise done to engage with the population out there for the

third time to determine the principles that should pertain to a referendum and the –

Mr. Trivers: (Indistinct)

Mr. J. Brown: – sorts of regulations.

Mr. Trivers: (Indistinct) your additional amendments we received today –

Chair: The minister has the floor; we'll come back to you.

Mr. J. Brown: You'll have an opportunity to ask a further question.

Out there, they have gone through and they've enumerated a number of principles. Including regulation of donations and spending during the referendum period. And that we should have a fulsome period of debate and education, and, effectively a number of different steps to create a level playing field.

That's something that we've discussed at length, that's been set out by the Lortie Commission as a laudable objective. This is not a new concept in Canadian democracy. In fact, this is something that's done all of the time to encourage fulsome debate; to engage all of the constituents of the area where that debate is being held and to ensure that they have a level playing field. That's the first thing that I would say.

Like I say, this work has been done a number of different times, in a number of different locations. The most recent example of that is, other than here, is in British Columbia. And effectively, the attorney general out there communicated the recommendations and a lot of them are the same things that we're doing here. That we were doing and that we are doing, in terms of the amendments.

Chair: Thank you –

Mr. J. Brown: That we are proposing. Sorry. That was in addition to what we're talking about in relation to the hon. member's amendment.

Chair: The hon. Member from Charlottetown-Parkdale speaking to the amendment.

Ms. Bell: Thank you, Chair.

Speaking to –

Mr. Trivers: Not letting us continue –

Ms. Bell: – obviously the complexity of this, given by the pile of papers that we have and the layers that we're in is trying to make – try to focus on what it is that we're trying to talking about here. I'm actually having a challenge mapping it between the copy of the amendment and the copy of the act and of the edited versions.

What I can pare through is that the core of this is the – rather than going with the amendment as it is presented, that we know we're going to see these amendments come forward that instead restrict by period along with many other changes.

But I do need to sort of be clear that when we brought forward this amendment as one that we felt was critical around the referendum expenses and the referendum period, the core of that is in the focus of the period of time in which all the other restrictions would be in place.

Speaking to my hon. colleague's points, we have processes that work in terms of when restrictions come into play. We also need to be super clear that we are not talking about an election, we are talking about a referendum. The fact that those are happening coterminous is, it was a decision made by this government, but confusing the two across – one across the other is making this more complicated than it needs to be.

The *Election Expenses Act*, which we are thrilled with is not directly related to the referendum. The fact that these are happening at the same time does not mean that those two things need to be mixed up as they are continually in your comments, minister.

While we are very supportive of, and obviously really thrilled with those amendments, we need to be really clear that we are not thrilled with the content of how that's then is being interpreted in here because of the period of time.

The amendment that we brought forward was specifically to, sort of, in some ways

say, all those other things being equal, having a period of time that reflects what we are used to and what we expect is normal and therefore not restrictive in the period matching the writ period is the way that we can make this least restricting.

You mentioned about concepts of Canadian democracy. Restricting free speech is not a concept of Canadian democracy and that's what we have here when we have a restriction that extends for an eight-month period, or shorter, depending on what may happen.

We felt, after a lot of discussion with Legislative Counsel and a lot of it – recommendations that we had brought forward and we were told very clearly by Legislative Counsel, not that we were just going to say: oh, we don't feel like doing it, we were given direct instruction that we could not proceed with other options. That this was the one that provided the most clarity and the clearest way of addressing the challenges that so many of the other structures around this bill present that by reflecting a writ period to be the referendum period, we would be providing the least limitation.

I think, my final point, in here, speaking to the amendment, but aware of the fact that there are these other versions and amendments to come, is, we are very mindful of the fact that you have incorporated many of the recommendations that we have made. We are also mindful that many of the recommendations that you are now very comfortable with, have only come out after this initial bill was presented as a result of the communications and the great work that was done to prepare for the BC referendum.

While, we're very grateful that you have looked at those other jurisdictions to strengthen and expand the scope of this bill, it does speak to how rushed this is that we are seeing now significant amendments to come, which reflect a state of play that was not here two weeks ago, let alone five weeks ago, when you first tabled this bill.

It is too rushed. We are very mindful that this is, as you said, one of 15 and counting amendments. Even for those of us that are very in depth into the content of this bill, it

is not possible for us to discuss in any detail today, or at any point in the next few days, to be honest, the volume of changes that we see in front of us.

Speaking to the amendment, obviously, we'd like to see that amendment go forward as presented, but recognize that that is not likely to be so.

Chair: Thank you.

Ms. Bell: Thank you, Chair.

Chair: The hon. Member from Rustico-Emerald has a question.

Mr. J. Brown: No, there's a few things that I would like to say.

The first thing I'd like to be very clear on, is that we're not restricting free speech here. What we are doing is putting forward a program and a process that will enable a number of things. They will enable free speech. They will enable a clear education process in relation to a referendum that we're having on a key issue to our democracy here on Prince Edward Island.

In fact, I think it was the Green Party representative on the political panel the other day that said that this is the most important thing that will happen in our democracy since women got the franchise, if I recall correctly.

We certainly would recognize that; it's something we've recognized right from the outset. We are setting a process in place that will enable a great debate; a clear answer to a clear question and a level playing field to arrive at that clear determination of the will of Prince Edward Islanders.

That's what we need to focus on here is that we need to create a process that works for all Prince Edward Islanders in the same way that they've done in British Columbia. The same way they did the last two times in British Columbia. We've learned from what happened in those situations. The same was that we did here on Prince Edward Island in 2005 and we've learned from what happened there.

We need to move forward on a process that Prince Edward Islanders can buy into; that

they feel is fair, and that we can determine their wishes in relation to.

In respect of the writ and the referendum period being ostensibly the same thing; again, I take you back to the specific recommendation from the report from British Columbia. Our writ period here on Prince Edward Island is between 26 and 32 days. That is too short for an effective referendum period; too short for an effective public education campaign. It's too short for parties to be able to refine the ideas that they have in respect of each of the opposing issues. It's too short for the public to engage and to fully canvass the issues on each side. We've recognized that.

Again, a recommendation of the BC attorney general in that process, and we have put forward a series of amendments that links into that. We're happy to have the experience of others to add to what we are doing here.

In respect of the timing of the amendments, last week when we discussed this, we happily took the bill and said that we would refine the amendments that we have and we would present them for debate here in the Legislature and that we would leave them until we come back with that finalized piece of paper in front of us for discussion. That's what we've done.

We've worked to get these amendments in place. We have done the work. We presume that, by the fact that we have done the work over that intervening period of time that the ability will be there for all members to take the work product that we've done and to take and put their own personal work on it and to go forward.

Let's be very clear. We have indicated from the outset that we're prepared to be very patient in respect of this bill. We're prepared to set sections aside if we wish to move forward and to come back to them. Again, that's been indicated here today. We will stick to that: that we are prepared to be here and to work earnestly with all the members of this Assembly to get to a result that works for Prince Edward Islanders to promote a fair and level playing field; a process that allows Prince Edward Islanders –

An Hon. Member: Free speech.

Mr. J. Brown: – to educate themselves; to refine their ideas and to get to a position where they can express their will in relation to a clear question that will indicate their preference for their electoral system going into the future.

Thank you, Madam Chair.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

It sounds to me like what the Attorney General and the sponsor of the bill is saying, is that he's against this amendment; although, he agrees that the original version of the bill needs a lot of amendments. However, he feels that the latest amendment package that he's bringing forward will address the problems in (t) and (u) better than this amendment does. That's the way I'm taking it.

But, when I look at the package of amendments he brought forward, he added a new section where it's: for the commencement a referendum period it's the Lieutenant Governor in Council shall by order establish a date on which the referendum period commences.

We're going a little bit in circles here, but it's highly problematic given the fact that the Premier has openly said that he's not for proportional representation and is already on, essentially, on the 'no' side of this vote. But, it's the Lieutenant Governor in Council, i.e. the Executive Council, the Cabinet and the Premier that's going to be able to set the referendum period.

I know, I still am in favour of this amendment, but it sounds like you're going to throw it anyhow in favour of your latest set of amendments.

I don't know if you can respond to that. That's how I interpret what you said, anyway, I don't know.

Mr. J. Brown: Hon. member, and I'll say this here and in the context of being present with the Leader of the Third Party. When the amendment was proposed, I had indicated, at that point in time, that the principle was something that I didn't

disagree with, and we had a great exchange between us in respect of the principle.

Mr. Trivers: I'm talking about what you said, today, though.

Mr. J. Brown: If you'd let me finish, I can finish explaining –

Mr. Trivers: (Indistinct)

Mr. J. Brown: – the discourse, in terms of, where we are today and where we came from.

We had said that the possibility of setting things up in that manner had actually dawned on the Leader of the Third Party and they had looked to see if they could do it and for whatever reason they felt that they couldn't.

Taking that, I started to thinking and came up with an idea that might enable this and that's where we are today. And I'm not saying that the principle behind the amendment that he's put forward is wrong. In fact, I haven't looked to compare the two specifically, but I suspect there are parts of his that would be incorporated into our amendment if you looked at them.

And, yes, ours does make a more extensive amendment to the section than his would. So, it is what it is. Ours isn't actually here yet to be considered, so if we wish to deal with this one, we can deal with ours when we get to that point.

Chair: Thank you.

Are you ready for the question?

Some Hon. Members: Yes.

Chair: I don't have anybody else on the speak order, so I'm calling for the question.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

Essentially there are only two significant differences between the process by which we had the plebiscite in 2016 and this referendum act and one of those is the idea that this is somehow binding and I think we have to stop pretending that. It could be

binding in a moral way on government; it certainly isn't and cannot be, constitutionally. So that's the first thing. And that's not going to happen.

Second thing is the restrictions that this bill places on freedom of expression and freedom of association. Those are the only two differences. If we wanted to run a campaign, a plebiscite referendum as we did last time, we wouldn't need this legislation in front of us. And I'm speaking to the amendment here, Chair.

The reason that this amendment is fundamental to this bill is because I think it's, perhaps, the only way that we can make the bill constitutionally valid and stop it from being vulnerable to Charter challenges.

The Premier talked about the fact that we need a longer runway for – I think that was the phrase you used – for a debate. I absolutely agree. I don't think a month is long enough. In the plebiscite, I think we had about six months of public education. I have no problem with a longer campaign period. In fact, I think, perhaps minister, you said it the other day in the House here that the campaign is essentially started. We've had letters to the editor; we've had a lot of media coverage; we've had a lot of debate in this House. I have no problem with that campaign starting right now and, in fact, maybe we're already in the middle of it.

The problem I have is with the length of restrictions associated with that campaign. That's the critical thing. And our amendment does not say you cannot start campaigning or talking about the referendum and the question now, we're just saying that restrictions on that discussion should not happen until the writ period. So it's important that you don't conflate these things and say: Oh, if we restrict it to 32 days then we're restricting the debate – not at all. We can have the debate; in fact, I would encourage people to have as much debate as they feel they want to. We just should not have the restrictions – the draconian, I would describe them as – restrictions that the original bill placed on any more time than we absolutely have to. And that's why this amendment is critical, because it protects this bill from a Charter challenge.

Mr. J. Brown: Hon. member, I would like to address that in saying that I think you're wrong, that, in particular, that there's not more differences between the plebiscite and this referendum process. The main difference – and we've spent a lot of time talking about constitutionality of these sorts of things here and we've indicated time and time again – you've tabled cases on constitutional issues that are relevant to this context. In order to ground a change like this, we've said, we need a clear answer to a clear question to determine the will of those being canvassed. And I would submit, surmise – whatever you want to say – and certainly I recognize this for the part that I played in it – we did not have – I don't think anybody in here with a clear conscience could say that we had a clear question on the plebiscite. I think we've heard time and time again that there were issues with the question. I don't think anybody can deny that at this point in time.

Mr. Trivers: Exactly.

Mr. J. Brown: We have people saying it even right now within this Chamber. So by virtue of that, there's no way that you can have a clear answer and a clear expression of the will of the people of the province. And that's a very key difference between the plebiscite – and this is something that our committee considered in all of its considerations as we were going around the province and we heard from as we moved on and it was always understood that there would be further work to do after that plebiscite. So that's a fundamental difference that you're totally glossing over in terms of the plebiscite and what we are doing here today. And I don't know if I can be much plainer than that.

Again, the fair and level playing field piece, there was no playing field established in respect of the plebiscite, other than it was a plebiscite to canvass the interest of Prince Edward Islanders in changing to a different electoral system and there was a number of different possibilities that were looked at so that we might be able to discern from the data that was gathered what Islanders' preferences might be. And that's another very key piece when we're looking at the process that we're undertaking. And it, in fact, has been considered by the courts on numerous occasions, both of those pieces, to

be the underpinning or the root of the process, so I would fundamentally disagree with what you have said, and that's not to try and get into a protracted debate about that. We are here putting forward a process that enables Islanders to express a clear response to a clear question and to get behind whatever legislative system it ultimately is that they choose. That's really what it's about. It's their choice.

Dr. Bevan-Baker: Perhaps I didn't express myself clearly enough. I was trying to describe the difference between the processes, not the questions. I have no problem with the question. I'll even accept 'no/yes'. We could ask that same question in the – we don't need new legislation. We could get a clear answer to a clear question with the plebiscite legislation we have today. We could do that. Government has chosen to do it for whatever reason, but there's no necessity. If you want a clear answer to a clear question, for us to be talking about this legislation, this legislation is here for other reasons.

The Premier described it as largely consistent with the BC legislation that was just released last week. I doubt very much that they will have 15-plus active amendments on the floor of the House as they're debating their bill. Maybe they will, but I doubt it. But there's some fundamental differences. In BC they know the date. It's a fixed date. They know when it's coming and it's within the term of a government. Those are fundamentally different. And the restrictions within the BC legislation are far less than they are in ours, at least as it was originally drafted. Again, I'm not sure what's coming but – so it's not actually largely consistent. It's fundamentally inconsistent with the BC legislation and that's why this amendment that we brought forward is so important that we pass this.

Thank you, Chair.

Chair: The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Chair.

Just a couple of questions: One of the things that the hon. Leader of the Third Party stated was that this took away people's freedom of expression and freedom of association.

Chair, those are things that, in my past life, I participated in ensuring that people had freedom of expression and freedom of association – in different perspectives. So, can you tell me what in this act takes away freedom of expression and freedom of association – because if it does, I have a concern?

Mr. J. Brown: Sure. So as I indicated, and again, I don't know whether we want to talk about the amendments that we wish to have proposed, or –

Chair: No, we're actually speaking to the amendment that's on the floor.

Mr. Roach: I was speaking to the words that were spoken to this amendment by the Leader of the Third Party.

Mr. J. Brown: Maybe I'll put it to you this way is that: there are a number of pieces – as I said, in principle I don't, and don't now and didn't then, disagree with the amendment that's put forward by the hon. Leader of the Third Party.

What I think is that it does not include a number of different pieces that will enable the process that I just spent a lengthy period of time trying to talk about, and that we also spent a lengthy period of time refining during debate on amendments to the *Election Expenses Act*, which we can say whatever we want, but the broad principles related to the two are identical, and that's why the cases that go through, in our Canadian jurisprudence, go through and speak about the types of legislation that generally goes along with an election or referendum; they go along the same track. They go along the same vein. They're used – they pile one on top of another, and they look at precedent after precedent to form a body of jurisprudence around that general subject.

Sure, there are fundamental differences between a referendum and a legislation; there's absolutely no doubt about that. Probably one of the key to those is that a referendum is a very narrow piece of the spectrum of things that could be considered during an election. But by and large, the process is the same and so the courts have found repeatedly that to have a fair democratic process in respect of a

referendum, the first thing that you need is a clear answer to a clear question which enables the constituents to express their will.

The second thing you need is a level playing field. The theory behind the level playing field is it's an opportunity for all of the constituents, regardless of their means, to be able to express their choice of whatever it is they're being asked to decide. We have set out to put legislation in place to enable that. They've done the same in BC. They've done the same in BC twice before, which actually was done to coincide with elections those previous two times.

We've seen it happen in all different contexts all around the world, really. This is not new and, in fact, again, the Supreme Court of Canada has recognized a, quote, unquote, 'laudable' objective in setting out a process such as this in relation to referenda and elections.

Chair: The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Chair.

There was another comment that was made about that this could be open to a Supreme Court constitutional challenge.

Chair, I think that would be a fair statement to make because there hasn't been too many laws in this country that involved the constitution, where somewhere along the way it hasn't been challenged either at the level of the provincial Supreme Court or at the federal court level. So I would say that when that statement is made, that's always possible. I've seen that myself many times where federal laws that were made, within six months they were being challenge as unconstitutional, so that's always a possibility.

I guess my question is that's not something we should run from or be scared of. That could happen. The laws of our country have been changed year over year over year because of challenges to the Supreme Court, so that's just one comment that I want to make.

In your response, you talked about a level playing field. I think that's important to Islanders. The greatest amount of comments

that I received after the plebiscite had to do with the level playing field around that plebiscite. And when people are coming to me now as the word has gotten out that money did come here from other provinces, did come here from political parties outside the province, did come here from unions outside the province of Prince Edward Island, and the comments that were made last week by the Member from Georgetown-St. Peters where he, in fact, witnessed an event that had taken place where right in Downtown Charlottetown where he gave firsthand information on that.

I don't know the total amount of money that was spent on that plebiscite by the PR group. I don't know how much money is left over. I'm told there's in excess of \$30,000. Is that money that came – is that money still there that came from outside the province of PEI? So when it comes to some of the, in particular, in this Bill No. 38, because of those reasons I can't support the amendment as brought in because there's too many things left out there that I'm not going to be able to explain to my constituents in terms of that.

It's got to be very, very clear, and I think Islanders need to be reassured of the clarity of all of this. And running it at the same time as an election in 26 or 32 days, that doesn't work.

Mr. J. Brown: I will take some time to address at least the first part of your question in terms of the laws.

Part of our democracy is that we do have a court system, and here in Charlottetown at 42 Water Street every day there are folks that do, as you indicate, challenge legislation and our constitution, in particular, is an evolving document. There are a number of doctrines that deal with that.

One that is always a great analogy the law students glom on to is the 'living tree' doctrine, and the basic gist of it is that as we grow as a society, the law grows with us and makes an effort to encapsulate the objectives that we find to be important to us moving forward.

So the outcome of any constitutional case is going to be very contextual, and in that context it's very hard to prejudge or

predetermine, and the same set of facts may result in a very different outcome 10 years down the road, depending on the intervening time.

Just to give you a kind of chronology, the world is a very different place now than it was when the Lortie Commission did their work, although that's something that's always referred to as a base.

You go through 2004 and the Harper decision, we're very different now than we were at that point in time. That was the introduction, really, of election expenses' regulation in Canada, or, I'm going to say, the culmination of that debate. BC teachers in 2009; we've come a very significant way since that decision was rendered, and, in particular, we have a much different world now where there are many different considerations that have been brought up here in the course of debate in relation to this bill that we have on the floor.

So, you have to weigh all those, put forward legislation that's true to the objective that you're setting out to accomplish for Prince Edward Islanders. That's really the key to all this, is that this is a process for Prince Edward Islanders, and, in my mind and in my heart if you stay true to that objective, then that will put you in a place where you will find balance, and that's really the key in the constitution.

In terms of the specific pieces, again, we feel that the amendments that we're bringing forward strengthen what we had there, previously, and we look forward to having them on the table for consideration. Again, I'll just reiterate in relation to the amendment we are talking about, perhaps to bring us back to that, we don't see an issue with it, but we think that there's a lot more that needs to go along with it.

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

Ms. Biggar: Thank you, Madam Chair.

Minister, there was a comment made by the Leader of the Third Party that we don't need a referendum act. We could go with the plebiscite act because we could do the same thing.

However, this does differ, coming back to what the Member from Montague-Kilmuir mentioned, is that the difference between this act that we're putting forward and the present plebiscite act, and tying it in with the spending amounts, and the outside influences that occurred, again, during the plebiscite, that was held in 2016. This is to strengthen that protection of outside influences on a process that should only be Islanders that are deciding on, if I'm not mistaken.

I just have another question, if you could comment on. In regard to any act that is passed in this Legislature, anyone that wishes to bring amendments at another time in another sitting, we seen it in this sitting with the opposition bringing forward amendments to the *Workers Compensation Act*; to the *Employment Standards Act*, those were all acts that were passed in this Legislature. It did not preclude the opposition from coming back and bringing amendments forward that we worked on again.

I guess my question is, is this act is no different than any other act in that when it's passed next session in the fall, those amendments could be prepared in advance, if they so wish, and bring it back –

Mr. LaVie: Could be an election (Indistinct)

Ms. Biggar: – in that regard.

I just want clarification, because we change acts all the time, we amend them. The opposition has brought forward again, I would reiterate, amendments to different acts that have been passed by previous governments, probably governments of a different era that those laws were on the book. If we look at workers' compensation, how many years it's been since we made to that or to the *Employment Standards Act*. Those were on the books for years and years. Yes, I commend the opposition for bringing those forward.

Those didn't have to be done during that period of time. They brought them back the same as this, under the authority of this Legislature, passing an act can be brought back at another time for previous or further amendment.

I guess I would just, for the purpose of those listening, this act is no different than any other act that government or legislatures pass in that it is – is it correct that could be done?

If you could comment on those two things, the difference that the member of the third party said we don't need this because we've got the plebiscite.

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

Mr. J. Brown: Yes. Thank you very much, Madam Chair.

I do have a brief comment on both of those.

In relation to your second question, yes, this is just like any other bill that could be amended or brought back, or whatever, at any given point in time. That is the case. It does have a, kind of, heightened level of importance in terms of its overall objective, but that's not to say in any subsequent sitting day or session it couldn't be amended.

In terms of what we're looking to accomplish, really what we're looking to do is to regulate big money and outside money in this process. That's the extent the fair and level playing field: big money and outside money.

This is a process for Prince Edward Islanders, not for the folks from BC or wherever else we heard about here earlier in this debate. Big money and outside money, that's the foundation of this.

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

Ms. Biggar: I guess that's the key point that we're trying to do with this piece of legislation is to protect Islanders from big money, outside money, so that they are the ones that have the say.

Okay, thank you.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I want to go back to a couple of comments that Montague-Kilmuir made regarding the constitutionality of the bill and that we shouldn't be frightened of that.

There are two reasons why we absolutely should be frightened of that in this case, and one of them is that if we don't resolve this question once and for all, and I think we're all, I've said this before in the House, I think we're all tired of talking about electoral reform and we want this to be done with.

If we have a process, if we have a bill that's questionable in its constitutionality, regardless of the result we get one way or the other, if the side that loses contends the legitimacy of that result based on the questionable process, then this argument's not going to weigh. That's the first reason we should be concerned about it.

The second one is expense. If somebody does launch a Charter challenge against this and government has to defend it, that's not a cheap or easy thing to do. I would much rather start off with a bill that we are comfortable, or at least confident, that is going to be Charter-compliant.

Firstly, I am largely unqualified to be talking about the bill of Right and Freedoms and Charter challenges; that's not what I was trained to do. I feel like I've had a crash course in constitutional law in the last few weeks as I've been looking into this bill. The jurisprudence on any bill builds up piece on piece over time with history.

We know that previous bills similar to this have been deemed to be unconstitutional with restrictive periods that are much less than this bill, even with the amendment, although I haven't seen it yet, from what I understand. Even with the amendments, this bill is in terms of the timeframe and also the nature of those restrictions, considerably more restrictive than bills that have been shown in the courts to be unconstitutional.

I just think it's irresponsible for us not to recognize that risk and to try and do something about it. We've had a long and actually, very interesting discussion on this. I know there are many, many other amendments yet to be debated. I think we're almost starting to go around in circles with the debate on this. I'm happy to close my

comments here. I invite anybody else who wants to make a comment, and then for us to call the vote.

Mr. Roach: Chair.

Chair: The hon. Premier is next on the list. I'd be happy to go to you next.

Mr. Roach: Thank you, Chair.

Chair: The hon. Premier –

Mr. J. Brown: Just before –

Chair: Oh, sorry.

Mr. J. Brown: – we get there. I'd just like to remind everybody that there is a brief that's been tabled in relation to this. We are confident with where we are. We're even more confident with the amendments that we proposed that this will be good, solid legislation to create a process that, you know, Islanders can get behind that will enable them to clearly express their wishes in respect of their desired voting system.

Chair: The hon. Premier.

Premier MacLauchlan: Thank you, Chair.

Let me make a central point here that has been made by others. First, it's on the point of the difference between the plebiscite that took place, or that would take place under our current plebiscite legislation, and the program that the minister is bringing forward with this bill. It also is a point that goes to the question of our comfort level with the compliance with the Charter of Rights and Freedoms.

Essentially, what this bill restricts is spending, spending on advertising. It doesn't stop anybody from having an opinion, expressing it, of working with others to put it forward. Indeed, it provides public money to facilitate an act of robust engaged debate with a level playing field and a clear outcome.

I said it when we talked about it earlier, and it's like whether you see the valley from the shaded of the sunny slope, but this bill is mainly about facilitating debate. It's about providing a timeframe; terms; encouragement for an active debate on a

clear question that will result in a clear expression of the will of the people. That is what we should be, and are, I believe, aiming for, is to come to go through this debate; come to a vote, and stand – those who come to this Assembly – stand with our neighbours, our constituents, other Islanders and say, that was done well.

That was done the way it should have a vote on this. I don't think you'll find very many Prince Edward Islanders who would say that's what took place in 2016, whether it was the morning after or the week after or here today two years later. Whether it was the clarity of the question, whether it was the levelness of the playing field; whether it was the outside money, or whether it was the rush to a conclusion when we did get on the fourth ballot with fewer than a fifth of Prince Edward Islanders voting in favour of MMP, which is why we're here today: to have a referendum with a clear question and enough of a runway.

The central piece that is here is not about restraining speech, it's about being clear about money. I challenge anyone to say that the plebiscite was clear about money. In particular, about outside money or big money, or political party money, all of which won't be in this.

But the expression part will be around no or yes, yes or no, proponent, opponent, merits, considerations, and Islanders then will make their choice and they will do it at the time of an election, because that will solve what was one of the key reservations that I think anyone with any sense had about 2016, which was the turnout.

Let me just come to the question whether the ways, the steps that have been taken to respond to some of the concerns that have been raised now make this too confusing, or too much to handle, when you think about the amount of business we did last Thursday night. The amendments, and indeed the amendment that we're now talking about, are meant to respond to concerns, the Leader of the Third Party said it was his main concern, is the length of the runway.

He said it might be 22 months, which was too long. I don't disagree with that. Now we're talking about a response or an initiative that could address that. It's not the

‘what’ we’re considering right now, but I don’t believe that running it or jamming it into the election writ period is going to achieve that clarity of the result or the clear will of Prince Edward Islanders on this question.

Chair: Hon. members, are you ready for the question on the amendment?

Some Hon. Members: Yes.

Chair: Thank you.

All those voting in favour of the amendment, signify by saying ‘aye.’

Some Hon. Members: Aye!

Chair: Can I see your hands, just so I know.

All those voting against the amendment –

Mr. Trivers: Everybody –

Chair: – say ‘nay.’

Mr. Trivers: (Indistinct)

Chair: The amendment is defeated.

Hon. members, I’ve read all of section 1. We’ve done the amendment.

Shall section 1 carry? Carried.

Chair: Hon. members, as I had indicated earlier, at the request of the Leader of the Third Party, I’m going to take a brief recess. I’m going to confer with the clerks just to answer the – get some advice from the question that the Leader of the Third Party had posed. Be right back.

[Recess]

Chair: Hon. members, I am prepared to rule on the question from the Leader of the Third Party about the introduction of a preamble while a bill has already been at the table in second reading, and I’m going to refer to page 774 of the *House of Commons Procedure and Practice, Third Edition*, and it is very clear.

354: “If the bill is without a preamble, the committee may not introduce one.”

However, hon. members, we also have a rule in our rulebook:

86: “In proceedings of Committee of the Whole House on bills, the preamble, if any, and title are first postponed and then every clause considered in its proper order, and the preamble and title shall be last considered.”

Hon. members, we could consider the preamble at the end of the clause-by-clause discussion of the bill that’s on the floor. We would deal with that at the end with unanimous consent of the House.

With that, we’ll go back to discussion of section 1 of the bill, and I understand, minister, you had some – when I asked shall section 1 carry, the minister said he has some more amendments, so we’ll just go back to discussing section 1.

Thank you for your patience.

Minister?

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

So as indicated, I do have a proposed amendment to section 1, and there are copies there to be circulated.

Madam Chair, briefly the proposed amendments that are going around replace section 1 of Bill No. 38 in order to:

change “registered referendum advertiser” to “referendum advertiser” in sub-clauses (b)(i), (ii) and (iii),

(b) insert a new clause (i) and re-letter all the clauses that follow;

(c) revise what was clause (i) now lettered as (j), what was clause (n), now re-lettered as (o), clause (o), now re-lettered as (p), clause (t), now re-lettered as (u), and clause (u) now re-lettered as (v); and

(d) replace clauses (x), now re-lettered as (y).

Read the whole section, Madam Chair, or we each would have it in front of us or –

Chair: Does everybody have a copy of the amendments the minister is proposing?

Some Hon. Members: (Indistinct)

Chair: Okay, we'll pass them around.

Mr. J. Brown: Do you wish me to read them as we're passing them, Madam Chair, or –

Chair: Sure, would you?

Mr. J. Brown: Sure, might as well.

Chair: Hon. members, the minister is going to read the changes, the amendments, proposed amendments as they are being circulated.

Mr. MacEwen: Chair?

Chair: Yes, hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

This package that we got at 1:15 p.m., this amendment is what's in this amended bill?

Dr. Bevan-Baker: Part of it.

Some Hon. Members: (Indistinct)

Mr. J. Brown: The package that you got earlier this afternoon, it's a document that's effectively what we would call in the legal industry a black-line or a red-line version of what was there previously. It was meant to make it easy for you to follow the proposed amendments.

Mr. MacEwen: It has been so far.

Mr. J. Brown: So really, when we're then here, we will go through the amendments piece by piece and you can follow along in that if you wish, or as we go through one by one, or whatever.

An Hon. Member: Call the hour.

Chair: Hon. members, the hour has been called.

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

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the whole House, having under consideration a bill to be intituled *Electoral System Referendum Act*, I beg leave to report that the committee has made some progress and begs leave to sit again. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

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

The Legislature recessed until 7:00 p.m.

Recognition of Guests (II)

Speaker: You may be seated.

I'm going to call on the hon. Member from Souris-Elmira for recognition.

Mr. LaVie: Thank you, Mr. Speaker.

I'd like to recognize a few individuals in the gallery this evening; Brendan McCloskey, a good old Souris boy.

There's three gentlemen sitting in the back row from Western Canada and this is the last province to do a tour. They've been in every province in Canada and they had quite a few questions outside about how the House works and Province House and how it all works. They're on their way to Halifax, they're going to spend a couple of days in PEI then they're on their way to Halifax to see their uncle. A big shout out and I hope you enjoy the proceedings here tonight and welcome to PEI.

Some Hon. Members: Hear, hear!

Speaker: I'm going to also call on the hon. Minister of Education, Early Learning and Culture and Justice and Public Safety for recognition.

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

I'd like to recognize officer Bowness who is here and this maybe the last time we get to see him before he becomes a father. His significant other finished work on Friday; she's my oldest son Finlay's early childhood educator and she's excellent and we

certainly wish them the best as they enter this new chapter of their life.

Speaker: I will also call on the hon. Member from Charlottetown-Parkdale, also for recognition.

Ms. Bell: Thank you, Mr. Speaker.

I'd like to recognize Sue and John Witaker, it's great to see you back here again this evening.

Motions Other Than Government

Orders Other Than (Government)

Speaker: The hon. Member from Montague-Kilmuir.

Mr. Roach: Mr. Speaker, I move, seconded by the hon. Member from Tignish-Palmer Road, that Order No. 26 be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 26, *Plastic Bag Reduction Act*, Bill No. 114, ordered for third reading.

Speaker: The hon. Member from Montague-Kilmuir.

Mr. Roach: Mr. Speaker, pursuant to Rule 71 (1), I move, seconded by the hon. Member from Tignish-Palmer Road, that the order for Third Reading of this Bill be discharged for the purpose of recommitting the bill to Committee of the Whole House for further consideration.

Speaker: Shall it carry? Carried.

The hon. Member from Montague-Kilmuir.

Mr. Roach: Mr. Speaker, I move, seconded by the Honourable Member from Tignish-Palmer Road, that the House resolve itself into a Committee of the Whole House for further consideration of Bill No. 114, *Plastic Bag Reduction Act*.

Speaker: Shall it carry? Carried.

I will call on the hon. Member from Charlottetown-Lewis Point to please come and chair this bill.

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

An Hon. Member: (Indistinct)

Chair: Thank you.

Minister, opening statement?

Mr. Roach: Yes, thank you.

This bill has been on the floor a couple of times with respect to the *Plastic Bag Reduction Act*. I will tell the House that I've had conversation with both the third party, or the opposition and the third party with respect to this. We have come to a mutual agreement that we'll bring this back on the floor so that further questions can be brought forward.

I want to say how much I appreciate the consideration given by both the opposition and the third party on (Indistinct)

Thank you.

Chair: Thank you.

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

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intitled *Plastic Bag Reduction Act*, I beg leave to report that the committee has made some progress and begs leave to sit again. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

Government Motions

Orders of the Day (Government) (II)

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: 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.

Ms. Biggar: Chair?

Speaker: I will once again ask the hon. Member from Charlottetown-Lewis Point to come and chair the committee of the whole for the 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?

Dr. Bevan-Baker: Yes.

Chair: Thank you.

Hon. members, 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 before we get started.

Mr. J. Brown: Perhaps, Madam Chair, while we're doing that, can we just confirm that everybody got the amendment that we were handing out before the break?

Chair: Thank you.

Could you introduce yourself and your title for the record, please?

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

Chair: Welcome.

Hon. members, when we last left this bill, we were discussing section 1. The minister circulated some amendments and we were opening the floor for discussion to those amendments.

Minister, do you have anything to add to that?

Mr. J. Brown: I don't. I think I discussed the actual amendment before the break. I think I did.

Chair: You did.

Mr. J. Brown: I could read it out, Madam Chair, if you wish, up to you on that.

Chair: Hon. members, what's your preference? Would you like the minister to read out the amendment or is it –

Ms. Biggar: No.

Chair: – okay that you have it in front of you?

Mr. Fox: Chair?

Ms. Biggar: No.

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: Did we not vote on section 1 and pass it?

Chair: No, we didn't. No.

Mr. Fox: No.

Chair: The minister had some –

Mr. Fox: Okay.

Chair: I asked that it pass, and the minister said he had some –

Mr. Fox: Okay.

Chair: – amendments.

Thanks.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

If I look through from the original bill and the amendment, I mean, essentially, this is a new section 1. There are at least 15 changes in a section that has 24 sections.

Mr. J. Brown: Yeah.

Dr. Bevan-Baker: I'm wondering if in subsequent sections, we can expect the same sort of – will we have a new section for every section?

Mr. J. Brown: No.

Actually, there's not 15 changes or however you want to put it. There's really, I guess, it's two changes. Which, when you make the two changes, it moves everything down, I had said that before.

The difficulty when you're in the definition section is, when you do it, you have to renumber everything thereafter. Literally, if you make that – if you look at the first page – okay, so the first page of what I handed out says, “Bill No. 38 Electoral System Referendum Act House Amendment.”

Flip over to the second page. There is a quote, unquote briefing note on the amendment.

Dr. Bevan-Baker: Yeah.

Mr. J. Brown: Really, what it says is:

change “registered referendum advertiser” to “referendum advertiser” in subclauses (b)(i), (ii), and (iii); and

insert a new clause (i) and reletter all the clauses that follow;

When you do that, it moves everything down and changes the lettering. It's not a – it's one word, basically, not a huge amendment to that section. But, just the way it happens, it moves everything down.

Dr. Bevan-Baker: However, we do have, as you just said, a new clause. You inserted a new clause.

I'm wondering if you could explain what the purpose of that clause is and why it is in there now and wasn't before?

Mr. J. Brown: Yeah. So, I'll give you a high-level overview. Perhaps, if you have questions, I guess, Gary can address them further.

As we indicated previously, or as I indicated when we started out here today, we now have a pre-referendum period. What we have indicated is during that period, essentially the same considerations or similar considerations to what we have in election expenses will apply during that period.

No, out-of-province money or big money coming into play in the process, and this is to set-up that pre-referendum expense piece.

Dr. Bevan-Baker: Why was this not in the original bill?

Mr. J. Brown: Because we didn't have those two different periods.

Dr. Bevan-Baker: Okay. All right.

When we do come to this section, can I ask you to read it through because essentially, it's a new section? I know the minister feels otherwise, but there are many changes here. I just want to make sure that we don't, again, we've only had this for a short time.

I want to –

Mr. J. Brown: Fair enough.

Dr. Bevan-Baker: – make sure that nothing is missed.

Mr. J. Brown: I just offered to do that myself, so that's fine.

Dr. Bevan-Baker: Yeah, sure (Indistinct)

Chair: Yeah, sure –

Dr. Bevan-Baker: I don't mind who reads it.

Chair: You might as well –

Mr. J. Brown: You want me to –

Chair: – you can read it.

Mr. J. Brown: – okay.

Chair: Sure.

He's going to answer that question. Do you –

Mr. MacEwen: I heard he's going to read the entire section.

Premier MacLauchlan: (Indistinct)

Mr. MacEwen: (Indistinct)

Mr. J. Brown: So which – whatever suits people.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Just something else I think the minister said that the election expenses restrictions, it would be like the restrictions for this new section we're talking about, the pre-referendum expenses, would be like the pre-writ period in an election. Is that what you just said?

Mr. J. Brown: No. The same considerations that we talked about when we were amending the *Election Expenses Act* would apply in the pre-referendum period that we're talking about in this definition in (i).

Dr. Bevan-Baker: Okay, and I have no problem – I think reasonable restrictions are absolutely fine. I've never suggested otherwise. In fact, as we've said repeatedly on this side, we're really glad that the *Election Expenses Act* is there with some very reasonable restrictions. I have no problem with that in terms of this bill either, but I do want this read clause by clause, please.

Chair: Just the amendment part?

Dr. Bevan-Baker: No, the section please.

Chair: Okay. Morell-Mermaid, did you have a question?

Mr. MacEwen: I did. Thank you, Chair.

Minister, I'm focusing in on the referendum period definition that we were speaking about, and I just want to make sure this is clear. Originally, the referendum period was going to be basically from when this act was passed until election day, and the Leader of the Third Party tried to amend it to say that would be just during the writ period.

Now what we're doing is a period commencing on the date established by the order made pursuant to section 27, which as the hon. Member from Rustico-Emerald pointed out, that's actually a decision of Cabinet now. So have you had any discussions on what timeframe Cabinet would consider acceptable?

Mr. J. Brown: I'm not totally sure I follow what you're meaning by that. We have said the longest it will be from a referendum date will be eight months. I'm not – is that what you're asking?

Mr. MacEwen: So –

Chair: Is this on section 1 that you're asking your question, hon. member?

Mr. MacEwen: It is, yeah.

Mr. Trivers: It relates to 27.

Mr. MacEwen: Yeah. It's 1 (u) actually, "referendum period".

So when you say a maximum of eight months, what would cause Cabinet to make it two months, six months, eight months? Why are we leaving that up to Cabinet to decide?

Mr. J. Brown: I should just first, Madam Chair, say it's (v), 1 (v), I think, that we're talking about, so I might as well read it:

"referendum period" means the period commencing on the date established by the order made pursuant to section 27 and ending on the date that the report of the referendum commissioner is delivered to the Speaker pursuant to section 7.

So we'll obviously have to get to 27 before we get the full explanation, although everybody has a copy of the tracked version that we had sent around.

Essentially what we're saying is, in the election legislation that we have now there is a section that deals with elections and the calling of elections and the prerogative for an election to be called, and we are saying that the referendum will occur concurrent or simultaneously with election day. The voting will actually occur concurrently with the election voting. That's been set up that way to drive turnout to the actual event and to ensure that a broad level of Islanders participate in the process.

Within that, though, what we're saying is we're not going to try to supersede the section of the *Election Act* that deals with elections and when they'd be called and all the rest of that. What we are saying is there will be not more than eight months between when we get the go and that vote takes place, and that's to limit the outside length of the referendum period, which as we've discussed here, limits the time during which options are up for consideration, limits the time during which the process is undertaken, all of the pieces that go into the consideration around time.

Mr. MacEwen: Obviously the biggest elephant in the room here is the election date, right? That's the biggest thing. If the election was a year from this fall this would be going much smoother. Really this is – the whole thing that we were doing right now is for in the case of a fall election. Like, let's be honest. So if we had an election October 4th, when would Cabinet decide to start this?

Mr. J. Brown: Sorry, you talked about the fall and October the (Indistinct) –

Mr. MacEwen: This October 4th.

Mr. Trivers: 2018.

Mr. J. Brown: So –

Mr. MacEwen: This year.

Mr. J. Brown: – if it was October 4th, it could be started anytime now.

Mr. MacEwen: I guess that's my question. Like, when would you do it? Would you do it the day after the act starts or what's your preference?

Mr. J. Brown: This was the point that we addressed earlier, and it's not for me to say one way or another when that would be done, obviously. Just in the way you asked the question, you know the answer to that; but the issue was: Was the time potentially too long?

Mr. MacEwen: Yes.

Mr. J. Brown: And so what we're saying is in order to save us all from having that debate, we can cut right to the chase and say the time will not be longer than eight months; and so from the time that the time is triggered, we know that the time won't be too long. It'll be eight months at the most; could be less.

Mr. MacEwen: Say this bill passes Friday and gets Royal Assent. What's the process then? Cabinet makes the decision. We're already within eight months of a potential October election. So when would Cabinet decide? How would that process work? Would it be just an Order in Council? Would it be just an announcement someday that says: Surprise, the writ or the referendum period starts now? And then does that trigger an election? I guess my question is: When you decide when the referendum period is, is that not triggering an election?

Mr. Trivers: Good question.

Mr. J. Brown: Okay. So I'll take your last question first –

Mr. MacEwen: Sure.

Mr. J. Brown: – and the answer to that is “no.”

Mr. MacEwen: Okay.

Mr. J. Brown: Because you then have – it triggers an eight-month window.

Mr. MacEwen: Well, there's my point. It triggers an election.

Mr. Trivers: Exactly.

Mr. MacEwen: Right?

Mr. J. Brown: Well, in a way.

Mr. MacEwen: Because once that Order in Council is made, we have to have an election within eight months, right?

Mr. J. Brown: Right.

Mr. MacEwen: So it does trigger an election. So –

Mr. J. Brown: In a way, it's a heads-up: Look, we're going to have an election and we're going to have a referendum on the same date.

Mr. MacEwen: Yes, but it also –

Mr. J. Brown: We don't know when that date is –

Mr. MacEwen: But it's –

Mr. J. Brown: – is what my point is.

Mr. MacEwen: No, I know, but what was going through my head, we were talking about all this: Oh, we need to focus on the election; we can't have the referendum messing around with that so we need to talk about it earlier.

But really and truly all bets are off once – once that Order in Council is made about the referendum, it's full election mode. Like, let's be honest.

Mr. J. Brown: I guess my –

Mr. MacEwen: You know, the Premier says next Monday that the election is this date, it's on. So I guess my question is: Have you considered that really? Like, you're –

Chair: Premier?

Premier MacLauchlan: Chair –

Mr. MacEwen: Which is the point of why are we tying it to the writ period, because it is. If this passes, we're just going to wait for the Order in Council and then we'll know the day the election's held, and it's just (Indistinct)

Chair: Premier, do you have a response?

Premier MacLauchlan: Yeah. So, Chair, several points on this, and I just want to go back to the discussion that we had this

afternoon about there being, I'll say some conventions around referenda. We talked about it this afternoon. It was said - and I hope people take it to heart - that the 26 to 32-day writ period is not a sufficient runway to enable the debate and the discernment and the education that's involved in carrying out a proper referendum.

If you look at the BC paper where they say: Well, if we're going to do this by over a certain period and into the fall, then you have to make allowance for, for example, municipal elections. I believe the Member from Vernon River-Stratford made a very good point, and I believe one that we all acknowledged made sense, when he said last week when the amendment that was voted on this afternoon was considered, that the referendum campaign would be best if it takes up its steam, I'll say, before it all gets jammed into the writ period because we've got other issues and our constituents have other issues and the people have more than one choice to make.

I think, when you said what considerations, I believe we can take account of that discussion that we had this afternoon as: How is a referendum different from an election. That's exactly what we talked about this afternoon. And then if you take account of other things like the weather and seasons, there aren't very many days out of the 52 Mondays in a year, and you take out several of those for public holidays and so on, when you could actually have a general election. So the effect of what is now section 27 and then the reference in the definition to the referendum period is to cast this referendum period into a shorter beginning and end than the 22 months where there were concerns raised. But in the discussion that we had this afternoon, clearly indicated back to the question of what the considerations are that the referendum should start before the writ period starts.

The further comment that I believe is worth making in this regard – and so far as the reference to the elephant in the room – is we have already once in the course of this sitting tamped down what was quite a bit of talk about a fall election and I think all of us are happy that that took place and that we're here now, still doing our work of the sitting. In the subsequent period, much of it around this bill, there's been fresh talk about a fall

election, but I have to say: I haven't said anything along those lines or suggested that there's going to be a fall election.

I think we – just to go back then – and I totally appreciate the spirit in which this is being asked. I think Prince Edward Islanders do need a certain amount of time to have a proper referendum and we've said that and that's what this bill lays out. Political parties, potential candidates, the population do need a certain amount of time to be properly geared for an election that will be considered successful. That's where this takes us, but what it makes clear is that people who are interested, for example, in getting involved in the question raised by the referendum – and it's a central one – will have proper notice as to when to gear up, when their resources can be deployed, when they can do other things with their lives, and that, I think, is the real advantage of setting this eight month window.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you.

Thank you, Premier. I guess I know you haven't said that there would be an election, but I guess it certainly would be very helpful if you would say there wasn't going to be an election. If we could ever nail that down, just say: No, there's actually not going to be an election this fall, but that doesn't – I know you said that this spring, which was quite helpful to tamp down all that expectation, but putting that aside, how easy it would be just to say 'yes', or 'no' to that.

You mentioned about the period of being able to focus on a referendum before we get into the election, but really what this does is triggers an election. It almost supersedes you going to the Lieutenant Governor to go for an election at 26 to 32 days because we actually start the clock the second there's an Order in Council. In my mind, if your point of saying: We could focus on the referendum first so that that's not all jammed into that 26-32 days, really now it's just both are going to be over that eight month, or less, period.

Minister, is there anything that's legally wrong with that? The *Election Act* lays out that process for going into the election; this

act now says: We're going to have an election within eight months or less once that Order in Council starts. Is there anything with that superseding – is that superseding it? Is that still okay to do? Do you follow me?

Mr. J. Brown: On your second part of that comment, the section 27 amendment does, effectively, deal with that and it says in subsection three:

For greater certainty, nothing in this section affects the power of the Lieutenant Governor to dissolve the Legislative Assembly by proclamation in Her Majesty's name when the Lieutenant Governor sees fit as referred to in subsection 4.1(4) of the *Election Act*. But where that power's been exercised prior to the issuing of the order referred to in subsection one, the order shall be issued as soon practical after the proclamation by the Lieutenant Governor is made.

So, it doesn't –

Mr. MacEwen: Because you still have the choice to do it within the eight months.

Mr. J. Brown: Yes, it can be any day within that eight month period that the writ is dropped.

So Gary's just saying: If the writ's dropped, then you know when it is. It's that 26 to 32 days, so –

Mr. MacEwen: Well, really, we know it's that one month to eight months – really.

Mr. J. Brown: Exactly. You know it's – at the shortest, it's 26 days. At the longest, it's eight months. And every day you go into it, you're getting the window narrowed down a little bit more.

Mr. MacEwen: Minister, did you consider that point of: really it's game on for the election and that could be confused with referendum? Like, when we made this one to eight months, does it extend the length of an election, I guess is what I'm saying? Does it throw the focus of the referendum out the window because once we have that Order in Council, the election is on.

Premier MacLauchlan: Could I make several points? And I totally appreciate the question. Let me first, on the question of the referendum period, or whether it might be – say, the referendum starts and then turn around and call the election three days later, whatever.

We've been on this trail since 2015. And the hon. Member from Morell-Mermaid has been quite actively engaged in it. Let's say the ultimate judge of how we go about this is the court of public opinion. I would venture to say that a Premier who – or a government, or 27 legislators who have talked about this referendum in the way that we have and, indeed, the way that we dealt with the – lining it up directly with the writ period this afternoon, would be getting into some pretty risky territory, let me say, to say now the referendum is starting, period is starting, and then we're going to pull the plug.

And so let's talk about what's involved once this referendum period starts because that's really where we got to this and how we got there from the discussion that we had starting last Wednesday afternoon. Once the referendum period starts, there is then going to be some time, maybe all various parties will have figured this all out and be ready to go at noon on the next day, but there is still a period that is within this referendum period of various players, I'll call it, parties, citizens, giving some consideration to whether they will or won't be registering or making a bid to be a referendum advertiser with the public money.

Those people are making a pretty big commitment, as will those who are, I'll call it, unregistered advertisers. I'm not sure if that's quite still the language, but people are going to be stepping up and committing themselves in a way that's going to be pretty special in the whole public dialogue in this province and whether they're opponents or proponents, I think they deserve – I won't say I think – they deserve the utmost respect for what they're committing to and what they're helping us to decide. This is back directly in the spirit of the question of: What are the considerations? That respect to the people who are putting forward this commitment would, I'd suggest, come with some time to do their job.

Let me come to whether the start of the referendum period throws everybody into a frenzy for an election. You might, in some ways, say that the election campaign that we're working toward started on May 4th, 2015, where we're kind of constantly putting ourselves forward and debating and doing our best with our respective roles – quite clear that some parties are currently in the process of nominating candidates. In some ways, we are in an election campaign, but what is different from the writ period – and this is, I think, there's a legal point in this – what is different in a writ period is this Legislature is prorogued.

Government switches to a much more as-needed kind of mode and there are certain conventions around that. It's not a good idea in our little province to have an eight-month writ period because things need to be done. Things need to be done by the Legislature, by executive, by public servants who also switch to kind of a different mode when the writ comes.

If you take what we've said and what this bill says in various ways about the referendum and then put it beside the writ period with all of its conventions, I believe we can, given eight months, manage to have an election that serves its purpose and a referendum that serves its purpose. The main reason for having them together is the turnout.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Thank you, Premier, and I agree with you. You're right.

Doing both within 26-32 days, versus doing both over eight months is different, for sure. I guess the big thing I want to point out is that I don't think that we can separate the two; where we have our referendum period for the first few months and then all of a sudden we go into the election for that last month or whatever it is.

I appreciate you saying that it's a stretched-out period of time so there's more time to understand both, so to speak, platforms and then also the referendum. But, the point I want to make is that – and I agree, you're

right. If you enacted the referendum period and then called the election in a week, it would look foolish, obviously.

I'll leave it at that that personally, I think that it is game on and it is – I'm sure organizers would love to have an eight-month heads up on the election, no doubt. It might distract from the business of the day as well.

Anyway, I just wanted to make that point.

Thank you, Chair.

Chair: Thank you.

Hon. members, I have Charlottetown-Parkdale, Minister of Transportation, Infrastructure and Energy, the Leader of the Third Party, and Rustico-Emerald on my list.

I have taken a look at what the changes are and there was a request that I read the whole section 1 again. When I look – because I've already read all of the definitions, when I look at all of the ones that are changed I'm looking that I would need to read 1(b) subsections (i), (ii), and (iii), and then I'd have to read section I, and then the third page is all the same and I would have to read definition Y.

Is that acceptable that I just read those? Because that's all that's affected by this.

Some Hon. Members: (Indistinct)

Ms. Biggar: The wording is all the same.

Chair: Everything is the same that I've already read. I would just be reading it a second time.

Mr. Trivers: (Indistinct) read the changes.

Chair: No, I'm going to read what the changes are in those four sections.

Mr. Trivers: You could just say amendments were made to the section.

Chair: Right, okay.

Mr. Trivers: I'm not sure you have to even read the amendment.

Chair: Well, the request has been that I read them.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: (Indistinct) make a brief comment on that, Chair, thank you.

When Morell-Mermaid was just getting going there, he referred to subsection (u) and the minister corrected him, it's subsection (v), the referendum period.

But, currently I'm juggling three documents in front of me. I have the original act. I have what we were given this morning with this sort of omnibus changes in all of them, and in both of those pieces of paper that comes up in section (u), it's only in the newest single amendment to section 1 that it appears as (v).

So, it's not easy to follow along here and even though the changes may be small, I just don't want to skip by something and then realize that we've missed it.

Chair: To make it easier, the document that you should all be looking at is the amendment document that you were given and then once the amendments are done, they will be put into the document, I'm sure, right?

The amendments would be the easiest way to (Indistinct) and follow.

Thanks.

Some Hon. Members: (Indistinct)

Mr. MacEwen: (Indistinct) Chair, if you have to go back and forth because (Indistinct) my questions were (Indistinct) to, it references a later comment in this whole big package that they gave this morning.

Chair: All right.

I am going to read all of section 1 over again.

Ms. Biggar: Great.

Chair: Okay? I'm going to read it all over again even though most of it has been read into the section. So bear with me.

Some Hon. Members: (Indistinct)

Ms. Biggar: Guess not, some people can't follow along.

Mr. Fox: Chair?

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: I have to agree with you.

Why can't we just agree –

Chair: No, everybody is not clear so to make it clear to everybody, I am going to read section 1 and then I'll open the floor. I've got people on the speaking order and we'll continue with that.

1. Section 1 of Bill No. 38 is deleted and the following substituted:

1. Definitions

In this Act,

(a) "Chief Electoral Officer" has the same meaning as in the *Elections Act* R.S.P.E.I. 1988, Cap. E-1.1;

(b) "contribution" includes

(i) money donated in order for a referendum advertiser to incur referendum, or to otherwise support a referendum advertiser's opposition to or support of a mixed member proportional voting system relating to the referendum, as the case may be,

(ii) other property or services provided free of charge or at less than market value, when provided in order for a referendum advertiser to incur referendum expenses, or to otherwise support a referendum advertiser's opposition to or support of a mixed member proportional voting system related to the referendum, as the case may be, and

(iii) any fees paid to a referendum advertiser for membership in the organization, but does not include

(iv) public money paid to a registered referendum advertiser under section 16, and

(v) any voluntary unpaid labour;

(c) "election ballot" means a ballot used to vote at the general election;

(d) "financial agent" means a person who is appointed as the financial agent of a registered referendum advertiser under section 9 or 15;

(e) "general election" means, unless the context requires otherwise, the first general election to take place under the *Election Act* after the coming into force of this Act;

(f) "opponent", in respect of the referendum, means an organization that is registered as a registered referendum advertiser in accordance with section 10 and identifies in its application for registration that its members oppose a change in the voting system to a mixed member proportional voting system;

(g) "ordinary polling day" means the day fixed pursuant to section 5 of the *Election Act* for holding the poll at the general election;

(h) "organization" means a group of individuals, whether incorporated or not, who are acting together by mutual consent for a common purpose;

(i) "pre-referendum expenses" means an amount paid or a liability incurred after the date of the coming into force of this Act and prior to the referendum period, for the purpose of opposing or supporting, directly or indirectly, one or the other of the possible answers to the referendum question, including

(i) advertising expenses

(ii) the cost of acquiring the services of any person, including remuneration paid to the person, and

(iii) the cost of acquiring meeting or event space, providing refreshments and acquiring and distributing promotional material;

Now, hon. members, sections (j) through (u), I don't think there are any changes, but I can keep reading –

Ms. Biggar: Are you sure? You'd better to read it.

Chair: Thank you.

(j) –

Dr. Bevan-Baker: I'm sorry –

Ms. Biggar: (Indistinct) can't follow along.

Dr. Bevan-Baker: I'm sorry. There are changes in –

Chair: Okay.

Dr. Bevan-Baker: – in section (p), the new section (p), which was – oh, there are some significant changes –

Chair: Okay.

Dr. Bevan-Baker: – it's very important section.

Chair: Thank you.

I'll continue.

(j) “principal member”, in relation to an organization, means

(i) an individual director of the organization, or

(ii) if there are no individual directors of the organization, the principal officers or the members that the organization identifies as the principal members of the organization in its application for registration;

(k) “proponent”, in respect of the referendum, means an organization that is registered as a registered referendum advertiser and identifies in its application for registration that its member support a change in the voting system to a mixed member proportional representation voting system;

(l) “public money” means money paid out under the authority of this Act to be used by registered referendum advertisers for the purposes set out in subsection 17(2), and includes, for all purposes including the repayment of the public money, any interest earned on the money;

(m) “question” and “referendum question” mean the question specified in section 3;

(n) “referendum” means the referendum required to be conducted under section 3;

(o) “referendum advertising” means any individual who or corporation or organization that intends to incur or has incurred referendum expenses during the referendum period;

(p) “referendum advertising” means a message, respecting the referendum, transmitted to the public by any means during the referendum period, that opposes or supports, directly or indirectly, on or the other possible answers to the referendum question, but does not include

(i) the transmission to the public by a member of the media, or a media organization of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or new,

(ii) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if it was planned that the book be made available to the public regardless of whether the referendum is being held,

(iii) the transmission of a document directly by a person or an organization to its members, employees or shareholders, as the case may be, and

(iv) the transmission by an individual on a non-commercial basis, of his or her personal political views via the Internet;

(q) “referendum advertising expense” means an amount paid or a liability incurred for the purpose of producing or transmitting referendum advertising during the referendum period;

(r) “referendum ballot” means a ballot used to vote at the referendum;

(s) “referendum ballot paper” means the ballot paper to be used in the referendum;

(t) “Referendum Commissioner” means the person appointed as Referendum Commissioner under section 5;

(u) “referendum expenses” means amounts paid or a liability incurred by or on behalf of a referendum advertiser, during the

referendum period for the purpose of opposing or supporting, directly or indirectly, one or the other of the possible answers to the referendum question, including

- (i) referendum advertising expenses
- (ii) the cost of acquiring the services of any person, including remuneration paid to the person, and
- (iii) the cost of acquiring meeting or event space, providing refreshments and acquiring and distributing promotional material,

but does not include

- (iv) the reasonable expenses incurred by a person out of her or her own money, for his or her own lodging, food or transportation during a journey for purposes related to the referendum, if the expenses are not reimbursed to the person;
- (v) “referendum period” means the period commencing on the date established by the order made pursuant to section 27 and ending on the date that the report of the Referendum Commissioner is delivered to the Speaker pursuant to section 7;
- (w) “registered political party” means a registered party as defined in the *Election Expenses Act*, R.S.P.E.I. 1988, Cap. E-2.01, and includes an association or organization of a registered political party;
- (x) “registered referendum advertiser” means a referendum advertiser that becomes registered under section 10;
- (y) “unregistered referendum advertiser” means a referendum advertiser that is not eligible to be registered in accordance with section 10 or is eligible to be registered but is not registered in accordance with section 10;
- (z) “voting system” and “electoral system” mean a system for electing members of the Legislative Assembly.

Hon. members, most of that had already been read into the section, but it’s now read a second time, most of it. Hopefully, that is clear.

I have three people on the speaking order.

The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair, much appreciated.

The first set of changes began with the contribution section. It was the removal of ‘registered’ when referring to referendum advertisers. This connects, later on, to the inclusion of the unregistered and registered advertisers. We have that expansion of scope.

The, I guess, two different questions. I’ll start with the first one, which is where this reflects a little later on in the pre-referendum expenses, the new section we see in section (i).

This pre-referendum expenses effectively expands the scope of the, I’m trying to think of the best way to put it, expands the scope of the limitations. Because, what it does is, that expenses now, that are included are broader. There are restrictions that then apply to those, who are associating. They’re being applied in the period prior to the actual referendum happening and they’re going to be applied for on a broad scale, for people who are individuals, who are not registered and those who are registered.

I’m just really seeing this as like an entirely – not adding just a new set of restrictions, but ones that are actually reaching even a broader range of people than we would have previously.

Where you have got, later on, and you talk about unregistered referendum advertisers, and they’re going to be able to spend up to \$1,000 is what we see later on with your later amendments that we know are coming. And that they can get together and work with other people to a maximum of \$10,000 in an eight-month period, that’s actually a really, again, a really limited scale of capacity.

How much level of complexity is this going to bring, not just to, sort of, interpreting who and what is eligible; what activities are eligible, but also to the role of that referendum commissioner, who I’m feeling more and more sorry for everyday in

thinking of how he is going to actually administer –

Ms. Biggar: Or she.

Ms. Bell: – this.

An Hon. Member: Or she.

Ms. Bell: Or she. They. They, non-gender.

I know there's a number of questions in there, but seeing as we're trying to go quickly. I get that these things all connect together.

Could you just speak to that expansion of scope and the potential restrictions that brings?

An Hon. Member: (Indistinct) I can talk (Indistinct) joint (Indistinct)

Ms. Biggar: He's got to be (Indistinct)

Mr. J. Brown: You're talking fast. I'm not sure whether what's coming out of there is really resulting in a –

Ms. Bell: (Indistinct)

Mr. J. Brown: – coherent question –

Ms. Bell: (Indistinct) I'm happy to go slower for you if you'd like –

Mr. J. Brown: I think I can talk about what you're driving at –

Ms. Biggar: See how fast you can go.

Mr. J. Brown: Basically, what we're going from is a period where we we're saying from a month from the time the legislation comes into force throughout, there was going to be a set of perimeters that would apply universally.

We have no gone to a period where there will be an initial pre-referendum period where corporations and trade unions will not, effectively, be able to involve themselves to the full extent that a normal person would in the process.

Then, when we hit the referendum period, they have an ability to participate in a different way. And – let me finish.

Ms. Bell: Yeah.

Mr. J. Brown: You're getting pretty jumpy there, I see.

Ms. Bell: (Indistinct)

Mr. J. Brown: And, during that time, individual Prince Edward Islanders have, basically, an unrestricted ability to participate in the referendum. They can now, when we pass the amendments that we're proposing, contribute up to \$1,000 and organizations on top of that will be able to, well, I guess firstly, take the contributions – is an important part of this – but then make a determination that when the referendum period actually starts, they can either accept the public money and continue on with the public money, or they can work together, and if they had 10 or more individuals, could spend up to the \$10,000 so long as no one individual goes over their \$1,000. Or, like I say, or they could be a registered referendum advertiser.

So I don't think it's an overly complex concept. Before we have essentially the same theory as applies in election expenses, in terms of who can be involved and who can't be, afterwards we have, really, three options.

One is you go it on your own and you spend up to your \$1,000 if you want to do anything.

The second is, you go in a group and if you have 10 individuals or more, you can spend your money in a coordinated way.

The third is you apply for public money and become a registered referendum advertiser; not overly complex, particularly when you consider it in relation to British Columbia who has one opponent and proponent group. They have registered referendum advertisers. And then they have – what are they called?

Premier MacLauchlan: Third party sponsors.

Mr. J. Brown: Third party sponsors.

I'm not even going to dig into that one. But it's more complex than what we've got here

by quite a stretch, I think, and that's just my take on it.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, minister, for perhaps not quite getting my point, but I get that it's complex administratively, not necessarily complex in terms of the intent.

What we have when we add in a new definition of an unregistered advertiser is that now – and then we've also taken away the definition of expend – an advertising expenditure to define what a referendum expense is, then what we have is a broadening of the scope of what is considered a referendum expense, and an extension of that scope to individuals who are now going to be subject to the provisions and penalties of the act where previously they were not.

When we incur our referendum expenses and we look at the definition of 'referendum expenses', yes it includes advertising expenses but it also includes other costs, and if we have a period of, in this case, a referendum period of up to eight months, then in eight months those expenses are – even just to do sort of basic administration, for example, or paying for a bookkeeper, or an accountant, or basically keeping the wheels on the bus administrative overhead – if then not limited to advertising expenditure anymore, which is by that removal of the advertising from the definition of 'referendum expenses' there's a significant extension into the scope there.

What we've spoken about before is the potential limitation of people feeling comfortable in participating in a free democratic process if they fear that they're potentially opening themselves up for being punished. There's that punitive impact potential of something if it doesn't feel clear to them, even if it's clear to you, that there's potential that they could be subject to those provisions and penalties that they may just choose not to participate.

Whether that's the intent or not, and I'm in no way suggesting it is, but we know that when we have something that looks like – people look at this and say: Well, that means

that I don't know whether I can participate in a fully-free, open and democratic process.

The inclusion of all general referendum expenses is of concern, and the extension of that to individuals is also of concern and though the changes may feel minor, they have potentially significant impact.

The other piece in here that I just wanted to point out regarding – we're very pleased to see the removal of the restrictions that were previously in place that were of great concern to the media relating to the potential impact of editorials by that removal of the section which is now in under section (p) for referendum advertising –

Chair: Hon. member, the minister just said can we deal with one question at a time.

Ms. Bell: Oh, sure. I thought he wasn't going to – sure, okay.

Chair: Perfect.

So, he's going to deal with your first one.

Gary Demeulenaere Director: I'm trying to keep up, frankly, but I guess I'm reading things, essentially, the opposite of how you're reading them.

The way that I read the pre-referendum definition being included in conjunction, as you say, with the later amendment, though, is essentially there's no prohibition for their activity in that pre-period. That definition is to say corporate and trade unions can't be involved. You can't solicit donations in that period in addition to the \$1,000, but you're allowed to spend, in that pre-referendum period, that's the effect of this inclusion is so that in the previous version of the act there would have been a limitation from the moment of go, essentially, I think in what was called the registration period.

That's been taken out, so I don't see that there's any sort of greater limitation placed. In fact, I think it's the opposite. I think this thing has been opened up quite substantially in that period up until the moment where the referendum period commences.

Ms. Bell: For clarity, the section is 1 (i) where "pre-referendum expenses: meaning the amount paid or liability incurred after

the date of the coming into force of the act and prior to the referendum period, which is that restriction of the potential expenditures in that broad scope of what is considered pre-referendum, which expands the scope of the potential provisions and penalties, is our understanding of that, not having a huge amount of time to think about all of the potential scenarios.

But, that was the one that was of particular concern.

Mr. J. Brown: Okay, can I just – stop (Indistinct)

Ms. Biggar: (Indistinct)

Mr. J. Brown: Again, we're going to peel this back.

Before we had a regime that had, essentially – I'll give you this: A process that started from – we'll say, effectively day one. It was a month in and went right through until the end – whenever that was, we didn't know when it was going to be.

Now, we're saying there's a very open process from the word go until we say go or we press go on the referendum period. We're basically talking corporations and trade unions that are restricted, same as what we're doing in the election expenses legislation. Corporations and trade unions and individuals from outside of the province that are restricted during that initial period – they're the only ones that are restricted from doing whatever it was that they were going to do during that time.

I think during the previous iteration that would have been the case as well. I don't think we have – not I don't think – I'm quite certain, unless there's something I've totally missed in this, which is possible but I doubt it given the amount of times we've gone over this since last week – we have gotten significantly less restrictive in terms of what we're doing with this than what we have been doing before.

Chair: The Premier has an intervention.

Premier MacLauchlan: Thank you, Chair.

It's really to draw the connection between the several discussions we've had around

election expenses which were warmly endorsed by the third party, and to be clear that 8 sub (i) gives open permission; it directly says that people who are allowed to contribute under *Election Expenses Act* may incur pre-referendum expenses without any of the caps.

I don't think there's any – it's not even a prohibited – it's not a prohibition, it's a permission; a clarity that in a sense, fill your boots.

Mr. J. Brown: No outside money and no big money.

Premier MacLauchlan: Yeah.

Mr. J. Brown: It's a simple concept to follow.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Yeah, it would be simpler, perhaps, if there were two things: one of them is that we are talking about more than advertising expenses as per the definition in this section. Advertising expense is one of three points that are put in this one, and the other one is, as the Premier just mentioned, referring to section 8 sub (i) would be very helpful if that is the restriction that you would like to see in place because you are talking about subject to restrictions, the bodies that you want to exclude as being unions and political parties, and they are not mentioned in these definitions. They are referenced in a section which is much further along in an amendment that we haven't actually even got to yet.

There is a challenge in the structure where you have in other sections in here, very helpfully referenced where subsections are there to clarify, and that clarification is very important. If you are specifically intending to exclude specific groups, that's great. But this definition, as it is placed in here in isolation, does not work that way. It would be very helpful to make that clarification clearer.

Mr. J. Brown: A couple of things I'm going to say is that one; this is a definition that applies throughout the act throughout the bill.

The second thing is, as a principle of statutory interpretation, you are required to read the act as a whole and read that section in with it.

I get that we're going through a process right now, but you have to realize that what really matters is what we have when we finish the process and how that interacts with each piece of the legislation.

Ms. Bell: But, I would point out, for instance that in section (x) under the new one, where you have clearly stated, a "registered referendum advertiser" means a referendum advertiser that becomes registered under section 10". You referenced specifically the section to provide that clarification.

In this section, where you were talking about pre-referendum expenses, we are not only talking about advertisers, we are talking about expenses that are incurred immediately upon the enforcement of the act, prior to the referendum period for any expenses that are incurred, not only advertising and that clarification is important.

It's a brand new section, that didn't previously exist. It's creating a new scope of context that didn't previously exist and I think we can be understandably, given the time that we've had to absorb this, and being that we are not lawyers, and that we are doing our best, working with legislation in a very tight timeframe that is very important, that the context here does not imply what you would like it to.

If that is what you would like it to intend for clarity, it would be very helpful to add in that simple reference; amend the amendment and put in a reference to section 8(1) so we are absolutely clear what referendum – what you mean by that.

Mr. J. Brown: Maybe, I'll just say it this way and say it with of with the greatest of respect.

Nobody's here saying don't take the time to go through and consider this all together. I'm not trying to – you are free to ask questions, and we're trying to do our best to answer them for you. I hope you take it in that spirit.

But what we are saying is in this situation, we think that that's set up properly. We'll go back and take a look at it if you wish. It's not something that we would think there would be necessarily a natural link from one to the next. That's the purpose of definitions in the act.

Sometimes you will see in the definition you refer specifically to something else because it's a qualification of a definition, but this could occur throughout. The way this is set-up, it's a definition that's there for the groups that it impacts. It's relevant. If there's no prohibition created, it's just a definition, and it might be a definition to – there are all sorts of reasons why you create a definition.

There may be a definition that's there in the positive or in the negative, which might mean to be a ying and a yang to each other. Proponent and opponent are a prime example in here; you are one or the other if you are signing up to be involved and to get public money.

I'm not saying that's necessarily the case with that particular definition, but what I am say is there are all sorts of reasons why you would see definitions as a standalone in the legislation, not necessarily linked through to other sections.

Ms. Bell: Thank you, minister.

I think clearly we're going to have to agree to differ on the clarity of that definition. I would certainly comment, before I move onto something else just, as we all are, my role here is to try and bring forward challenges that I see in representative that may be brought up by constituents.

While, I am well read and I'm not a lawyer, I would think that if I am having a challenge with that interpretation that likely someone else may, as well. But clearly, if you feel comfortable with it, then we will move on in the interests of time.

Mr. J. Brown: I will say this. I'm not totally sure, to be honest with you, what you are proposing in terms of your discomfort with the way the section is crafted.

Ms. Bell: I can tell (Indistinct) I don't really know how else to explain it to you, minister.

I thought I was being pretty clear, too. So I said the clarity is obviously subjective in this case –

Ms. Biggar: Carry the section.

Ms. Bell: I actually have a couple more questions, thank you.

Dr. Bevan-Baker: Me too.

Ms. Bell: Chair?

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Biggar: (Indistinct)

Ms. Bell: If I can –

Chair: The hon. Minister of Transportation, Infrastructure and Energy, you're next –

Ms. Biggar: Yeah.

Chair: – thank you.

Ms. Bell: If I could have a look at the new section (v), which I have now lost. There we go: referendum period.

The question on this is establishes that, as mentioned by my hon. colleague, that the referendum period starts on the order of the lieutenant general – governor in council pursuant to section 27, but removes the end date.

Section 27 says that the above order cannot be more than eight months prior, as we've established, but with there now being no end date, when does the referendum end? And the attached restrictions end?

Mr. J. Brown: Sorry, are we dealing with section 27 here?

Ms. Bell: No. (v) referendum period that says the date established, "...ending on the date that the report of the Referendum Commissioner is delivered to the Speaker pursuant to section 7".

Chair: V as in Vivian.

Ms. Bell: V as in Vivian, thank you. Vulva.

Chair: Vivian.

Mr. J. Brown: That would be determined in the order (Indistinct)

Ms. Bell: Pardon me?

Mr. J. Brown: When we have the order, your maximum period is going to be eight months. Within the order there will be a writ.

Ms. Bell: Yeah.

Mr. J. Brown: The writ will determine when the actual date is going to be.

Ms. Bell: What happens if the LGIC doesn't call the election within that eight-month period? Do we go back to free-for-all or does that referendum – do those restrictions kind of roll over? What do we have to go for another eight-month period?

Mr. J. Brown: Maybe, we'll answer that when we get to section 27, Chair.

Chair: Thank you.

Mr. J. Brown: Maybe, we'll answer that when we get to section 27, which deals with that.

Chair: Okay. You're good with that?

Ms. Bell: I'm good with that.

Thank you.

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

Ms. Biggar: Thank you, Madam Chair.

I guess I just have some questions as well about some of the discussion, actually, or the confusion around some of what seems to be confusion around the third party not understanding some of this.

I had some calls over the break, as well. We did, first of all, in regard to, spending outside of those that are spending outside the province, or outside influences, we already have fair vote in here now taking donations, leading up to anticipation, I guess, of maybe this being passed. I would think it will be passed.

Then, people can move on and start whatever they plan to do. The minister made amendments to it, so that there would be those that could do that, but we already have an outside influence out there already again, which occurred during the plebiscite.

Now we have Fair Vote Canada out there going around the province, taking donations and maybe the third party doesn't have any problem with that, obviously not. But, people are asking me, like I said, over supper hour, had calls: Did not the third party put forward amendments that used, subsequently took forward and enacted and changed to address some of those concerns? That's the question that was asked of me.

Why are they filibustering this section, for starters? We put forward amendments that were concerns from the third party. The question is: What do they want? Do they want to just have a free-for-all? Or do they want to have actual firm legislation laid out that people of PEI can go forward and have a guide by.

Because on the one hand, they asked for amendments, the minister put amendments forward. And now they're filibustering this bill so that they don't have to honour the referendum. We've been saying honour the vote.

An Hon. Member: (Indistinct) it's true –

Ms. Biggar: Now, they won't honour the referendum. So put it on the table. Put it in there. If you don't like what's there, you can't have it both ways.

Minister has come forward with amendments, so that's what people are asking me. Minister, you've gone forward in good faith, taking changes into account, as you mentioned the media.

Minister, do you feel that you've addressed some of the concerns that were brought forward to you?

Mr. J. Brown: I can briefly go through the list, the proposed amendments or concerns that third party brought forward. I don't think there are any other than that.

In relation to the referendum period, it was proposed by the third party that that take

place over the course of the writ period. We have proposed amendments that would take place over time not to be longer than eight months.

Spending limits: third party had proposed raising spending limits to \$1,000. We have gone further than that to say that in the pre-referendum period, Prince Edward Island residents and voluntary organizations have no limit on spending. There's a spending limit for unregistered advertiser being raised to \$1,000. And that unregistered advertisers can group together and spend up to \$10,000.

I think we're more expansive than we were talking about before or that the third party was talking about. The third party suggested amendments to section 6 and 7 relating to the role of the referendum commissioner pertaining to education. We have adopted those suggestions. Third party recommended lowering the penalty from \$10,000 to \$2,000. We have proposed that the penalty section would be amended to say not more than \$10,000. I think that's the extent of the proposals.

Again, I think we have set forward proposals for a system that promotes the freedom of expression; promotes involvement in the system; promotes a level playing field for those that want to get engaged –

Mr. LaVie: (Indistinct) now.

Mr. J. Brown: – to be able to have their voice in the process; to be able to educate themselves and to be able to refine their ideas around the topics that are there.

It does all of that without the influence of outside money or big money. That is essentially encapsulated in 30 seconds or less, our objective in this legislation.

Ms. Biggar: Thank you, minister.

Madam Chair, we've had three days of discussion on this section. We've made a lot of amendments in it. I would like to call the vote on this section.

Chair: Thank you. I still –

Mr. J. Brown: Carry the section.

Chair: – have people on the list –

Ms. Biggar: Okay.

Chair: – for that, but I appreciate your intervention.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you very much, Chair.

I feel I have to respond to some of the things that were just said. I think we were accused of wanting to have it both ways, and the minister, just two minutes ago, was calling to carry this section before her questions, she was on the list to provide questions so –

Ms. Biggar: (Indistinct)

Dr. Bevan-Baker: – I think it's not this side of the House that's confused about this at all.

The minister also said nobody in this room is in a hurry. We're going to – clearly at least one person in this room is in a desperate hurry.

This is not a filibuster. We have not been talking about this section for three days.

Ms. Biggar: (Indistinct)

Dr. Bevan-Baker: This is a brand new section that we did not have in our hands until lunchtime today. It's a brand new section.

It bears resemblance to the section that was there previously, but it's not the same section. The Office of the Third Party spent numerous hours drafting questions on the original section, section 1, with the definitions, and the definitions are really important in this act. In some acts, that's not always the case. But in this act, getting the definitions right is fundamental.

We spent hours and hours drafting questions on the specific definitions as they appeared in the original act. We now have definitions that have disappeared, or changed. We have new definitions. A lot of our questions that I have in front of me here on an 18-page document are now no longer numbered correctly.

I have to try and – I have to rectify that and make sure that the questions I am asking are relevant. This is not a simple process, and this is an important bill, and I take strong offence at the thought that our doing this carefully is in any form a filibuster. I find that quite offensive.

Ms. Biggar: Chair?

Chair: Do you have a question?

Dr. Bevan-Baker: Yes, I do. I have several questions.

Chair: Perfect.

Ms. Biggar: Could I just (Indistinct) –

Chair: I can add you to the list.

Ms. Biggar: (Indistinct)

Dr. Bevan-Baker: Thank you, Chair.

Ms. Biggar: (Indistinct) note that I was (Indistinct)

Dr. Bevan-Baker: The first thing I'd like to say is that in Ontario, they're having an election in two days, on June the 7th, because that's their fixed date election date. They're honouring it, they're respecting it. All of this game, all of this silly dance that we're going through now –

Mr. LaVie: Best thing I heard all night.

Dr. Bevan-Baker: – about this or that or –

Mr. LaVie: Best thing I heard all night.

Dr. Bevan-Baker: – when's this coming and referendum period and writ period and election period, all of this – all of these silly games would just go away if the Premier would just say: I'm going to respect the fixed date election laws that we have here.

Mr. LaVie: Same thing Morell-Mermaid said.

Dr. Bevan-Baker: And all of this stuff would not be a problem. We could all relax. We'd know when the election was coming.

Mr. LaVie: Exactly.

Dr. Bevan-Baker: We could have this referendum in alignment with that.

Some Hon. Members: (Indistinct)

Dr. Bevan-Baker: We wouldn't be trying to guess. Really, if we want to simplify this, if we want to get this through quickly, that's really all we need to do here.

I want to ask some questions.

An Hon. Member: No.

Dr. Bevan-Baker: I know that the referendum period, which is substantially different in its definition from the original document, is now up to eight months; but it could be as little as 26 days. Am I correct to say that, minister?

Chair: Sorry, continue.

Dr. Bevan-Baker: Yep. No, I asked a question. I asked if – I realize that the referendum period could be as much as eight months, but is it also true that it could be as little as 26 days?

Mr. J. Brown: Yes.

Dr. Bevan-Baker: Do you think that's a sufficient runway for a referendum debate?

Mr. J. Brown: The Premier has already answered that, and the answer indicated that we're here, we're working together. I think his specific indication was there are only so many Mondays in the run of a year where you might have an election. Many of those would be impacted by things like seasonality, so in other words if the eight months was triggered December 1st, I think we'd be pretty sure that we're not going to have a 26-day period. So –

An Hon. Member: (Indistinct) last time.

Mr. J. Brown: You know –

Dr. Bevan-Baker: But –

Mr. J. Brown: I think there's a piece that goes along with that too, that basically – well, it's common sense, frankly, that, you know, and you had said before, that this is a game or something – I can't remember the exact words, I'm not going to put words in

your mouth – but nobody's here trying to game the system quote, unquote.

We're saying that you wanted a specific period of time. We're not able, in this legislation, as you've indicated, you found out with Legislative Counsel, to confine this to a specific period of time. What we are doing –

Dr. Bevan-Baker: Well –

Mr. J. Brown: – is saying –

Dr. Bevan-Baker: I'll answer what you just said there.

Mr. J. Brown: Why don't you let me finish?

Dr. Bevan-Baker: Yep, no, I'm just saying – but you just misrepresented what I told you earlier.

Mr. J. Brown: Okay. All right.

In any event, what we're saying is we will put a cap on the outside period of that time. What we're also here saying is that we care enough about Prince Edward Islanders that we're going to do a few things. We're going to set up a process that limits outside money and big money from coming in and trumping whatever it is that they intend to do through the process. We are setting up a process where we are going to encourage Prince Edward Islanders to get engaged, whether it be through the referendum commissioner and their education process or whether it be through choosing to be involved in a proponent or opponent group and to refine their ideas about what they believe in, in terms of the best system for them, and we're going to give them public money to be able to do that.

All of that sets out an expectation that this discourse be opened up for engagement and involvement and a fulsome process, and we're here saying we chose eight months because BC said five was what they would go at with a minimum, and we feel that there needs to be some flexibility built into this, and that when you start to look at outside limitations, you only want to go so far.

If you start to narrow it down, there's not a huge period over which you would practically look at this possibility taking

place; and if there's a wild deviation from that, the culmination of this is going to be all of us here asking Prince Edward Islanders to support us by marking an 'x' next to our name on a ballot. So if we do something that Prince Edward Islanders don't feel represents their best interests, they ultimately have the ability to go to the polls and to say: I don't think you represented my interests, and I'm going to mark my 'x' where I want to mark my 'x'. That's what this whole thing is all about.

We don't need to dream up unforeseen circumstances or things that could technically or theoretically happen. This is the ultimate piece of this: Prince Edward Islanders will have their say on the referendum and on the election when the time comes and all of this will be part of the context that will lead up to that. In my mind, that's as clear as you could possibly have it.

In a place like Prince Edward Island where you land on the doorstep, you ask a person for their support, you ask them what questions they might have, you engage them in a conversation, or in other members' case you do it on social media or whatever the case might be, we are very directly engaged with our constituents and they have the ability to hold us directly accountable for the decisions that we make here and this is all very much tied to our responsibility to our constituents, and so common sense will dictate how that process unfolds.

Dr. Bevan-Baker: I agree with an awful lot of what you said there, Minister, but I do have to take you back to the bit where I interjected rudely at the beginning there, where you said that we approached Legislative Counsel and they told us we could not restrict the period. That's not what they said at all. They said that because we don't have a clear date when the election is, there are problems – it's very difficult to amend this convoluted bill. Well, that's not the word they used. That's a word I used.

That's why we came forward with the amendment that was voted down a little while ago, to restrict us to the writ period because that's – we do know with an election date, we have something firm, and in BC, of course, they have the referendum date. So it's all very simple if you have clear, concrete dates, lines in the sand.

But when you have a Premier who's playing around with dates, unwilling to tell us whether there will be an election this fall or next spring or the spring afterwards, although he does say: Oh, we should have our candidates in place by June and the summer is a good time to go and the Islanders, all of these sort of – again, comments that would suggest that there may be a fall election. It's just very difficult for anybody to participate in this with any confidence and clarity because there just – it's too opaque; there are too many things that are not clear.

Mr. J. Brown: So I guess I just want to – and I understand the Premier wishes to say something on this, too – I just want to be absolutely clear, though. Two things I will say: First, it was Patrick in your office that said what I had just said, not yourself, so I want to be clear about that. I was never saying that you had said that. It was your office, Patrick that said it.

In any event, section 27, subsection 3 ultimately is the limiting factor in terms of a time frame. I'll just give you an example. In a time of war, as an example, which could be totally unpredictable, whatever the Premier might think might not be the date that would happen. And this is – when you get into the crazy technicalities that you could start to dream up, this is the kind of thing that you go to.

But I guess what I'm saying is we could sit here all day long, think of these technical possibilities that we know pretty well are never going to happen, and if they do, we will all ultimately be judged by our constituents when we go to the doorstep and we ask for their support. That's as simply as I can possibly say it and we are putting forward the best program in the situation that we have where we know that we're trying to get the support of Prince Edward Islanders in terms of their engagement in the process, so that they can determine that the electoral system they have going forward – and that's the same thing that was done in British Columbia twice before now – tied to the same kind of election legislation both times. So this is not a novel concept, it's been done before and it's worked.

Chair: The Premier has an intervention.

Premier MacLauchlan: Chair, my comment is in response to the Leader of the Third Party saying – and not for the first time – that I don't respect the *Election Act*. I respect the *Election Act* and I am not – neither do I appreciate his reference to playing around with dates. The election, and indeed, when this suggestion was made last Thursday night, that we might have an eight month period – that would be the period within which – that would start the referendum. One of the first comments by the Leader of the Third Party was: Oh, that might be interesting. We had thought we might think of – or try something like that, but would it affect the power of the Lieutenant Governor under the *Election Act* to trigger an election? So apparently last Thursday, he recognized that the Lieutenant Governor has that power under the *Election Act*, but tonight it's that I'm playing around with something.

I'm respecting the law. We have a law; it's called the *Election Act*. And let me be very clear about what the *Election Act* says.

In 4.1(1), it says: nothing in this section affects the powers of the Lieutenant Governor, including the power to dissolve the Legislative Assembly, by proclamation in Her Majesty's name, when the Lieutenant Governor sees fit.

It then goes on in 4.1(2), the opening words of which are: subject to the powers of the Lieutenant Governor referred to in subsection (1).

May I add that the title of that section is elections at four year intervals?

I note that in one of his monologues last week, the Leader of the Third Party raised his voice and read to us the 4.1(3) about what takes place under the *Election Act*, subject to the power of the Lieutenant Governor if there's a coincidence of a federal election and a provincial election.

The date for which he raised his voice would give you a five-year election, not a four-year election which is the title of this whole section that he's referring to. And actually, you'd be getting about very close to the limits of constitutional conventions about legislative periods and, indeed, well beyond

the historical experience in this province to have a five-year election.

So let me just say: I respect the *Election Act*; I respect this Assembly; I respect the Lieutenant Governor; and I don't appreciate any suggestion to the contrary.

Thank you.

Chair: Do you still have another question?

Dr. Bevan-Baker: No, I don't. I'm fine.

Thank you, Chair.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Well, thank you, Chair.

As I was going back to looking at this pre-referendum expenses definition that was added in, and it really, I think, feeds well into the discussion as well of the new definitions of referendum period as well. And the whole thing is right now, and again, and the Premier said this as well, bear with me here, he said something about: come with some time to do their job and the idea that if there's not this period before the writ is dropped where this referendum can be approached and actions taken, then somehow this will not allow the referendum to be held fairly.

I find it very confusing, Chair, and maybe the minister can answer this, because – and I think the Premier alluded to this as well, really, I mean, this debate has been going on for a long, long time. You could say it's been going on since the last – I can't even remember if it was a plebiscite or referendum way back in the early 2000s – that we've been debating, definitely, since 2015 – since the Special Committee on Democratic Renewal which you chaired and went on the road. People have been pursuing this, and they've been spending money, and they've been doing advertising, and they've been lobbying, and they've been putting their ideas forward and political parties have been doing it, and non-political parties have been doing it, and personally, I'm not sure that all of these rules are needed.

Now, you had talked about no outside money and no big money. I don't know –

that implies that outside money and big money has had some influence already, perhaps, which I personally don't see.

I mean, I was looking at a tweet from a Megan Glover who took the donations to the main political parties on the Island and broke them down – between off-Island and on-Island – it was a per cent of contributions over \$250 in 2017 – you probably saw the tweet – and looked at – that were from off-Island – from away, from off-Island – and 3% of the Green Party's donations were from off-Island, 5% of the PC party's donations were from off-Island, 13% of the Liberal Party's donations were from off-Island, and 27% of the NDP's donations were from off-Island.

Now, are we saying that those donations play such a big role that they actually sway the election one way or another in the general election? Or are we saying that that's why we need this onerous, as you mentioned these crazy technicalities on the different scenarios and we have to cover all of that in the legislation to think about it?

I'm going back to the point where I think if we just kept it really, really simple. We said: A referendum period starts with the writ and before that, as the Premier said, it's a free-for-all. Islanders are smart. This big money and outside money, I don't think, is going to unduly sway anyone either way. I'm not even entirely sure there's a big risk of big money and outside money. I'm not sure what we're trying to protect against.

I was wondering – I guess my final question, Chair really is: Minister, why don't you consider really, really simplifying this bill just down to the bare minimum needed to hold the referendum. Why do we need all these crazy rules in place with respect to expenses, and outside money, big money, and all this kind of thing?

Mr. J. Brown: The first thing I would say is that it is simplified and really the only restrictions are on outside money and big money and that's during the pre-referendum period. What you're talking about is really the length of time over which the referendum period applies. In other words, you're not talking about – if you want to go back to the way you started out, in election expenses and how it applies or how it

doesn't. We've already had that debate two weeks ago in here and we've said that this is what's appropriate and this is what's not. So in that instance, we said – not, I guess, in those terms at the time, but no outside money and big money – effectively, no corporations, no unions, and no non-residents of Prince Edward Island.

So now what we're seeing is during the pre-referendum period, the same thing, no outside money, no big money. And then we're going to have a referendum period, so you could argue over whether that should be 26 days or eight months, but this is the – what you're saying is that's the key time where there needs to be some level of restriction over who can be involved – I think that's what you're saying. I don't want to put words in your mouth, but you have your hand up to speak again, so I'm sure you will do that, but that is the time during which – if you go back to the Lortie Commission, or you look at the Harper decision, or any of the cases that came out of that line of Supreme Court of Canada cases – this is effectively what we're saying is that: during those periods, in order to have a fair and level playing field and a solid education process, you need to have some restriction on spending so that a heavyweight can't come in and effectively buy whatever it is – an election or a referendum.

We know now that the Coalition for Proportional Representation raised fairly significant funds, particularly in proportion to the constituents groups that formed the coalition that I don't see any way you couldn't determine they didn't come from out-of-province. In the context of documents that we saw tabled here like Fair Vote Canada's website, I don't know how as a Prince Edward Islander you wouldn't be concerned about the fact that Fair Vote Canada, which is – I don't know a lot about Fair Vote Canada, I will say; but based on what I saw on their website they're headquartered in Ontario; they have a very large presence across Canada with not a very large presence on Prince Edward Island; they're concerned, by their own indications on their website, about the referendum in British Columbia and setting a precedent for that via the vote here; they're saying that they can come and canvass all of Prince Edward Island in six hours; they're

saying that they need to hire somebody that's going to influence the outcome of the referendum here so that it will have an impact on the BC referendum; and you're not concerned for any of that?

Mr. Trivers: You're asking a lot of different questions. I'd love to respond.

Mr. J. Brown: It's one general theme, but this has been the debate here for the last two weeks in case anybody's missed it. So –

Mr. Trivers: That's exactly the debate, yeah.

Chair: Rustico-Emerald, you have the floor.

Mr. Trivers: Thank you, Chair.

So I guess to put it another way, just stepping back to my original point here, is why couldn't you just say the referendum period, if you need to even define it, is during the writ period and it will be governed by the same rules as the *Election Act*? Why do we need all these additional rules in there? Because right now, I don't feel like for all the various other issues within an election – and really, I mean, if you look at it, in my mind, and maybe you'll correct me on this, but you are the one who actually said we'll ultimately be judged by our constituents just a not-that-short time ago.

Really, the general election itself is a referendum in a way. It's saying whether you want a government to continue or not continue, whether you want an individual to represent you, and so I don't understand why we can't just take the existing legislation that covers general elections and just apply it to the referendum. Why do we need all of these special rules? I think this bill is way more complex than it has to be, and maybe you can speak to that.

Mr. J. Brown: Madam Chair, I'm not going to say this in any way to try and be difficult, but I've spent probably – we've been here an hour and 45 minutes tonight, I'd say I probably spent an hour and 20 of that answering that specific question. So I don't think I can say it much more plainly that we have heard particular concerns.

Again it started right from – Marie Burge was in here earlier today and I think she was the first one that I recall saying that she had concerns in terms of who could participate in the plebiscite; and we've learned. We've learned every step along the way. This is the summary of what we've learned in terms of steps that we feel Islanders are asking to be taken to create a fair and level playing field.

The Member from West Royalty-Springvale had a number of questions, I think in the last session, about the coalition and where they got their money from and what they were doing with it and all of that stuff. So I get those questions all of the time, I know in my constituency. I'd be surprised if you don't get them too, to some degree or another, and certainly we've all heard the concern that any of the parties that you've just noted that have the capacity to raise and spend significant sums of money not be the driver of this process.

We've heard it over and over and over again. The hon. member that's sitting next to you can attest to that, having sat through hours and hours and hours of committee meetings across Prince Edward Island. We heard that time and time and time again, that we need to have proper restrictions in place in terms of who can spend what to influence the process.

It was very public in the paper about what the Premier should be able to say. It was public about what the Leader of the Third Party should or should not be able to say given his role. You know, this is not – none of this is new; and again, we may debate what we feel should be put forward in the program, but I think the why is a question that's already been answered, as far as I'm concerned.

Mr. Trivers: As far as I'm concerned, the why has not been answered, and that's not an issue that I'm hearing. When I go out and talk to people, they want to know what the question is and they say: I'm going to make up my own mind. Islanders are intelligent. They're smart. They don't need a whole bunch of rules in place; and what you're implying is that potentially the rules we have in place in the *Election Act* aren't good enough for the referendum. Does that mean they're not good enough for the general election?

I mean, it's the Liberal Party that raises a vast amount of money and you've got 13% coming from off-Island. Even though the 27% for the NDP comes from off-Island, I don't have the figures in front of me but I guarantee that 13% is much, much larger than that 27% of the NDP, like, hundreds and hundreds of thousands of dollars. You spend the most in the election by far.

So that's why it's like a dichotomy, minister, because you're saying that the *Election Act* is good enough for the election but it's not good enough to create a fair playing field for the referendum and that's what I don't understand.

Mr. Roach: (Indistinct)

Ms. Biggar: We just changed it.

Mr. J. Brown: So we just changed that –

Mr. Trivers: And I'm debating the changes, because the changes don't make a – they're so complex, it's crazy.

Mr. J. Brown: Hold on, hold on.

Ms. Biggar: Oh, come on.

Mr. J. Brown: We just changed the election expenses legislation.

Mr. Trivers: Yes, you did. So it's good now, right? So why can't the referendum –

Mr. J. Brown: Well, you (Indistinct) –

Mr. Trivers: – also be governed by –

Mr. J. Brown: You voted for it.

Mr. Trivers: – the election expenses legislation.

Ms. Biggar: That's what we're trying to do.

Mr. Trivers: No you're not, though. You've got –

Mr. J. Brown: Well, I think we are – can I answer?

Mr. Trivers: Sure. Go ahead.

Mr. J. Brown: We were all here. We all sat through – I can't remember at this point in

time, Gary was here with us, a couple of hours or a couple of days or a couple of hours over or a couple of days worth of debate on the election expenses legislation –

Mr. Trivers: It's all a blur.

Mr. J. Brown: – it is getting to be a blur; I will acknowledge that – where we said the same things: no outside money, no big money.

Mr. Trivers: Yeah.

Mr. J. Brown: In other words, no corporations, (Indistinct) – just wait.

Mr. Trivers: Okay.

Mr. J. Brown: Let me answer. Hold on. No corporations, no trade unions, no non-Prince Edward Island residents can make their contributions. So we're saying the same thing here again now.

You said Islanders are smart people. They can figure this out on their own. So what we would say to that, and the same logic applies for the *Election Expenses Act*, why do we need outside corporations trade unions, Fair Vote Canada, whomever the list I think was, and I could have the numbers off, but 30,000 I think came from trade unions. There's two members here that can correct us if I'm wrong or it might have been 20 from trade unions and 30 from – anyway, significant sums from trade unions and from political parties. We can all look at how much the NDP and the Green Party have relative to what the coalition (Indistinct) –

Mr. Trivers: You're not answering my question, by the way. So –

Mr. J. Brown: And –

Mr. Trivers: – continue on.

Mr. J. Brown: – you know, we have a very definite sense of the process that's gone before us and how we've ended up here. There's a reason why all those documents were tabled for consideration as we've gotten to this point in this process.

Mr. Trivers: So my question is: If the *Election Expenses Act* is good enough for the general election, why can't the

referendum be simply governed by the *Election Expenses Act* instead of having to write brand new legislation, or why can't you just refer to the *Election Expenses Act*? Did you consider that? It could save us a whole lot of time and effort here.

Mr. J. Brown: A lot of the definitions that are in here are from the *Election Expenses Act*. A lot of the sections concur from one piece of legislation to the other. We need to have a referendum commissioner set up in this legislation because the referendum's going to occur at the same time as the next election. So as a prime example, that's one reason for the difference.

Chair: The hon. Member from Rustico-Emerald.

Mr. J. Brown: Given that –

Mr. Trivers: (Indistinct)

Mr. J. Brown: Given that the period is longer, there are a number of differences that pertain to that, and we've talked a lot about the constitutional considerations that go alongside.

Mr. Trivers: So I guess the point is –

Mr. J. Brown: You can't have your cake and eat it too, hon. member, in terms of what you would like to accomplish and being able to do it all and make sure that it doesn't interfere with people's constitutional rights.

Mr. Trivers: Like (Indistinct) –

Chair: I'm going to give the floor to him. Rustico-Emerald, you have the floor.

Mr. Trivers: Minister, you're making my point exactly for me. Why don't you make this referendum period that you feel that you need to define the same as the writ period? Because one of the things you said, the reason we have to put all this in place is because it's going to be longer than the general election writ period and we need to get a different officer in place, why don't you just let the referendum be governed by, essentially, the same legislation as general elections – the *Election Act*, the *Election Expenses Act* – and then in your referendum legislation you could just refer to that and it would be much – I mean if it was a duplicate

mostly anyways, why wouldn't you have done that?

Why did you feel the need to write a brand new referendum act that duplicates and adds to the *Election Act* and *Election Expenses Act* and what other ever – what other legislation might exist for general elections? That's what I'm getting at.

Mr. J. Brown: Hon. member, I'll give you another piece of why it is that we've –

Chair: Agree to disagree?

Mr. J. Brown: (Indistinct) this legislation –

Chair: Are you going to agree to disagree?

Mr. J. Brown: At any given point in time I think we should probably agree to disagree.

Chair: Yeah.

Mr. J. Brown: I do want to be patient. I want to answer the hon. member's questions even if they have been answered before.

Another key piece of this is, again, that we're setting up a referendum commissioner, who is going to guide an education process. The proponent and opponent groups, which are obviously not referenced in *Election Expenses Act*, are there to allow the different factions to sharpen their ideas about one possibility and the other.

This is something that's been discussed at length; it's something that was discussed in the BC AG's report in relation to their referendum out there. It is something that is in place out there, the legislation is going to establish that.

We are indicate that we are putting public money in. There's probably a page-and-a-half or two pages of this legislation that's devoted to the public money that's going to go into this conversation.

Hon. member, if you pick the bill up and read it and go through section by section –

Mr. Trivers: Oh, I have.

Mr. J. Brown: – you should have a pretty good sense.

Mr. Trivers: I do.

Mr. J. Brown: Well, great to know. It's good to know that you've had the time to do that because that's been a part of what we were talking about –

Mr. Trivers: Lots of time tonight, I tell you.

Ms. Biggar: (Indistinct)

Mr. J. Brown: Thank you.

Mr. Trivers: So Chair?

Ms. Biggar: (Indistinct)

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I mean, really, what it's sounding to me like you are saying, to boil it all down, is you have decided the way it's going to be and we have to agree to disagree because if you have a majority government you're going to slide the bill through.

That's what it sounds like, and if I want to, I can put more amendments forward to – I can put it forward a great big amendment as well to do what I was just talking about: really simplify this bill and have it refer to other piece was legislation – general election, but in the end, you're going to push it through. That's basically what you just said.

This is not about working to make this better. This is not about trying to have meaningful debate. This is you trying to say what you think is right and why what everyone else thinks is wrong.

So with that, chair, I have no further questions.

Chair: Thank you.

Mr. J. Brown: Do you know what, hon. member? I do wish to take you up on this. Do you know why? We offered a briefing to your caucus today. We went up. We were told: no thanks not interested in that.

Mr. MacEwen: Because we knew you changed (Indistinct)

Mr. J. Brown: We can go off and we'll be all right.

You know what? We could have discussed this there –

Mr. MacEwen: (Indistinct)

Mr. J. Brown: – but, we chose not to –

An Hon. Member: (Indistinct)

Chair: Yeah.

Mr. J. Brown: – obviously, hon. member, you have selective hearing because I did not say any of what you said there tonight. In fact, the focus of what I have said: We have heard a number of different concerns. Concerns that we had previously heard. We're putting this referendum legislation forward as something to be considered by Islanders to support a fair and level playing field; an education process; the ability for Islanders to both be educated and to have their say in that process, and to prohibit outside money and big money in the same way that happens during an election from interfering with that process.

All of that all coincides with and fits with the theory behind the amendments to the *Election Expenses Act*.

Chair: Thank you.

Mr. J. Brown: We've been talking about this for three weeks in here.

Chair: Hon. member, I'm going to give you – you asked for one more response.

Mr. Trivers: Yeah.

Chair: Please direct your questions through the Chair, and let's try not to get personal, okay?

The hon. Member from Rustico-Emerald.

Mr. Trivers: First of all, there's nothing personal about this. This is simply trying to discuss the legislation and make it better and it's hard to do when, really, there's no willingness to change as far as I can tell.

As far as to the minister's point, Chair, that this document was brought – I think, I saw it first around 12:30 today. I was preparing questions for the House. The House sat at 2:00 p.m. You wanted to come in at the last

minute and have a presentation on it. I mean, an hour and a half before the House sits, we were busy preparing. I mean, there's simply no time to do it.

This speaks to the whole point of this bill, in trying to be rammed through –

Chair: Let it go.

Mr. Trivers: – the leader of the official opposition said: Why don't we send it to committee and then we can do this straight?

I don't mind debating it on the floor of the House –

Ms. Biggar: (Indistinct) it's done (Indistinct)

Mr. Trivers: – but if the goal is to push this through by the end of the sitting. If you use the word 'agree to disagree' because you got the majority government and you can push it through then there's no point.

Thank you, Chair.

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

Ms. Biggar: Chair, carry the section.

Chair: Thank you.

The hon. Member from Montague-Kilmuir.

Mr. Roach: Carry the section.

Chair: Hon. members, is there anybody – I don't have anybody else on the speaking –

Ms. Biggar: (Indistinct)

Chair: – order –

Ms. Biggar: Call the question.

Chair: – ready for the question on the amendment?

Some Hon. Members: Yes.

Chair: All in favour of the amendment, signify by saying, 'aye.'

Some Hon. Members: Aye!

Chair: Contrary minded to the amendment, 'nay.'

Some Hon. Members: Nay.

Chair: The amendment is carried.

Shall section 1 carry? Carried.

Okay.

Mr. J. Brown: (Indistinct) to do.

Chair: Yeah.

We'll move onto section 2.

The minister has an amendment to section 2.

Mr. J. Brown: Madam Chair, this is an amendment that was tabled some time ago. I have copies here, which I'll have handed around.

Chair: Okay.

Mr. J. Brown: This is the purpose clause in the legislation and the amendment is simply to clarify the purpose clause in the legislation. I prepared this amendment after debate initially began in relation to this bill. Some of the principles in relation to it were clarified through that debate.

I think that the clarifications in there are self explanatory.

Chair: Great.

Hon. members, this is the amendment to the section 2, the purpose section. The amendment is before you.

Would you care for me to read the amendment or the section?

Ms. Biggar: No.

Mr. Roach: Read the amendment.

Chair: This motion amends Bill No. 38:

(a) in the words immediately preceding clause (a), by adding the words "in order to obtain a clear expression of the will of Islanders" after the words "transparent and fair,"; and

(b) in clause (a), by adding the words “to enable the expression of a sovereign decision by Islanders as to their electoral future” after the words, “referendum question”.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

The purpose of the act is to make the process – one of the purposes is to make it transparent and fair.

I’m wondering what, if any, aspects of the 2016 plebiscite you thought were unfair or perhaps non-transparent.

Mr. J. Brown: To be very clear in saying that there was a piece that was not transparent, and that was the coalition for proportional representation raising and spending funds during the course of it and that’s something that we’ve heard here in debate.

There was a number of questions about those who were involved in it over the course of time. I would say too, in order to be transparent and fair, you need to have a clear question that can provide a clear answer. The process needs to be set-up in a way that that clear question can be understood and debated by Prince Edward Islanders as something that will result in the clear prospect of a change.

None of that was the case in the plebiscite. The plebiscite was for information purposes to narrow, in that case, five options down to an option that might be considered as an alternative, if it turned out that that was the result to our existing electoral system.

Dr. Bevan-Baker: Minister, just so I’m clear, you felt that the fundraising of the PR group was not transparent? Is that – yeah?

Mr. J. Brown: Well, we’re still sitting here talking about it today. We don’t know who they got their money from. We don’t know how much came from –

Dr. Bevan-Baker: It was all published. It was all made entirely public which is why you can sit there and say they’ve got so much – I don’t know how much they got from unions, by the way, but certainly it was

not nontransparent. We could find that out for you so I think that’s –

Mr. J. Brown: When did we get it, hon. member?

Dr. Bevan-Baker: I have no idea, I wasn’t – I’m not part of that group.

Mr. J. Brown: It was significantly after the fact, I guess. You are the leader of a party that’s expressly part of that group.

Dr. Bevan-Baker: I was not involved in any of the debates, discussions within that group.

Mr. J. Brown: Okay, well, that’s an interesting –

Ms. Biggar: (Indistinct)

Mr. J. Brown: – as far as I was aware, the Green Party and the NDP party both contributed to the group.

It’s interesting that you wouldn’t know what your party was contributing to. That may, in fact, link right into the question that you just asked me, in terms of what’s transparent and fair.

Dr. Bevan-Baker: I think that all of their accounting was transparent and was public –

Mr. J. Brown: To (Indistinct)

Dr. Bevan-Baker: – although I don’t think there was any requirement to do so.

Mr. J. Brown: Was it the Green Party of Prince Edward Island that contributed, or was it federal or a different –

Dr. Bevan-Baker: I think it was the federal party contributed some. I think the provincial party contributed a little bit, also.

Ms. Bell: \$100.

Dr. Bevan-Baker: \$100 maybe.

Mr. J. Brown: That’s good to know (Indistinct)

Dr. Bevan-Baker: Yeah. It certainly pales in – I’m glad that Morell-Mermaid knows, sorry.

An Hon. Member: Rustico.

Dr. Bevan-Baker: Rustico-Emerald made the point that, I mean, you keep talking about big money and concerns about outside influence here. The party that's raising big money from outside is not sitting in this corner of the House. It's sitting over there.

Those numbers are –

Ms. Biggar: (Indistinct) that.

Dr. Bevan-Baker: – quite – we have changed it, but, my goodness, it was only a few weeks ago that you were arguing vehemently that it didn't need to be changed and that the –

Premier MacLauchlan: That's not true.

Dr. Bevan-Baker: – (Indistinct)

Chair: Let's –

Premier MacLauchlan: (Indistinct) weeks ago (Indistinct) respect (Indistinct)

Chair: – hon. members –

Premier MacLauchlan: (Indistinct) before us.

Chair: – let's – do you know it – let's try and not use the word 'you' Y-O-U. Come through the Chair.

An Hon. Member: Okay.

Chair: When you use the word 'you' when you speak – not speak through the Chair, it becomes personal. I would request that this House not use the word 'you' to refer to somebody by their minister's title or –

Ms. Biggar: Call the hour.

Chair: – their constituency. I'd appreciate that going forward.

The hour has been called.

Mr. J. Brown: Which amendment?

Chair: No, we're just saying we –

Just say: move the Speaker to the Chair – report back –

Mr. J. Brown: Oh yeah, it's not done.

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 Workforce and Advanced Learning.

Mr. Gallant: I move, seconded by the hon. Member from Montague-Kilmuir, that this House adjourn until Wednesday, June 6th, at 2:00 p.m.

Speaker: Shall it carry? Carried.

Have a wonderful night.

Ms. Biggar: You too.

The Legislature adjourned until tomorrow, Wednesday, at 2:00 p.m.