

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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The Legislature sat at 2:00 p.m.

Speaker's Ruling

Speaker: Hon. members, on May 30th, 2018, the hon. Member from Georgetown-St. Peters rose on a point of order and objected to the Committee of the Whole House proceedings on *Plastic Bag Reduction Act*, Bill No. 114 that occurred on the evening of May 29th, 2018. He cited various sections of the *House of Commons Procedure and Practice* regarding closure and the previous question and rules two, 83, and 84 of the *Rules of the Legislative Assembly of Prince Edward Island*.

Next, the hon. Leader of the Third Party rose on a point of order and objected to the Committee of the Whole House on *Electoral System Referendum Act*, Bill No. 38, proceeding with a section by section consideration of the bill instead of clause by clause, which was requested by several members at the start of committee proceedings.

Hon. members, while I recognize that this House has come to some consensus on these points, it is my intention to rule on both issues today as there are some important questions that members may wish to consider further.

On the first matter, raised by the hon. Member from Georgetown-St. Peters, the member asserted that the Chair should not have entertained the motion that the bill be agreed to in Committee of the Whole House as members of the official opposition had more questions on the bill. As already expressed to the House on this matter, I cannot make a ruling on proceedings that happen in Committee of the Whole House, however, there are several comments I feel compelled to offer.

The hon. member raised concerns regarding two procedural methods to limit debate, citing the parliamentary process of closure and the previous question, as provided for in our rules. Further, rule two of the rules of the Legislative Assembly provides that, "In all cases not provided for in these rules or by sessional or other orders, the usages and customs of the House of Commons of

Canada in force at the time shall be followed so far as they are applicable to this House."

In considering matters that are brought to my attention, I consider the rules of the Legislative Assembly and the customs and practices of this Legislature. The practice of this House is that there is no formal process to invoke closure as is the case in the House of Commons. If members were interested in establishing closure of debate in our Legislature, I respectfully suggest that the Standing Committee on Rules, Regulations, Private Bills and Privileges should consider the subject and develop rules that could be applied to this House, however, at present, closure as practiced in the House of Commons has not been applied to proceedings in this Legislature.

On the topic of the previous question, the hon. Member from Georgetown-St. Peters is correct in stating that the previous question may not be moved in Committee of the Whole House. You can see rule 84 for further clarification on the previous question.

I will cite rule 56(1) of the rules of the Legislative Assembly: The previous question may be debated and, until it is decided, precludes all amendments of the main question, and shall be put in the words, 'that this question be now put'.

As indicated in the point of order, the motion that was moved by the hon. Member from Vernon River-Stratford was that the Speaker take the chair and the Chair report the bill agreed to with amendment. The Chair used discretion, given the debate already held in Committee of the Whole House and on the bill and allowed the will of the majority with respect to the matter to be expressed.

Accordingly, she put the question, it was resolved in the affirmative, and the bill was reported from the committee to me as agreed to with amendment. That, hon. members, is the usual process for bills to be reported to me from the Committee of the Whole House and is not the previous question.

There was no other report from the committee to me requesting consideration on the subject or conduct in Committee of the Whole House, there was this point of

order as raised by the hon. Member from Georgetown-St. Peters, but I advised him at that time that I can deal with matters respecting proceedings in Committee of the Whole House only if they are reported back to me by that committee. This did not occur.

I draw your attention to Rule 83(3) which states, "The Chair shall maintain order in Committee of the Whole House and decide all questions of order subject to an appeal to the House; but disorder in a committee may only be censured by the House on receiving a report about it."

Further, a ruling delivered by hon. speaker Bertram, dated November 26, 2014 affirms the approach to such matters in our House. She ruled, "Hon. members, the rules of proceedings in Committee of the Whole House are clear. I, as your Speaker, or the House itself, are not to become involved in resolving questions of order in standing committees or in Committees of the Whole House unless there is an appeal to the House from the Committee. An appeal from the committee must come to the House in the form of a report from the Chair on behalf of the committee and not from individual members."

The report I received from the Committee of the Whole House on May 29th, 2018 on *Plastic Bag Reduction Act*, Bill No. 114, was that the bill was agreed to by the committee with amendment. The report was adopted by the House, however, it is important to note that there are still several stages through which this bill must pass including: third reading, pass and Royal Assent. As members are aware, there remains opportunity for further debate on this bill, specifically third reading stage where the effects of the bill, should it pass, may be debated.

Finally, I think it's important to note the events that occurred on May 29th, 2018 regarding putting the question in committee on *Plastic Bag Reduction Act*, Bill No. 114 are consistent with the past practices of this House. At some point in the consideration of legislation, it is up to a committee to come to a decision on a question. There are no time limits on debate in committee, nor is there a restriction on the number of times of speaking, nor on the time that may be spent on the consideration of the bill.

Hon. members, theoretically, following this rationale, it must hold that should any member have any question on any bill in Committee of the Whole House, it may not be voted on. This has not been the practice of this House, however, should members wish to develop more formal procedures for limiting debate during Committee of the Whole House, then the matter should be referred to the Standing Committee on Rules, Regulations, Private Bills and Privileges for further consideration and report. All members should have an opportunity to consider this important question and its implications should this be so.

Hon. members, on the matter that was raised by the hon. Leader of the Third Party, all members should now be aware that matters related to proceedings during the Committee of the Whole House ought to be raised in the committee. The points made by the hon. Leader of the Third Party should have been addressed to the Chair of the Committee of the Whole House on Bill No. 38, however I will point out that it is the custom of this House that if any member wishes to proceed line by line on a bill during Committee of the Whole House, that is customarily how the House proceeds. In fact, the committee actually agrees to this before the consideration of the bill commences and it is my understanding that it is now how the committee is proceeding on Bill No. 38.

Thank you, hon. members.

Matters of Privilege and Recognition of Guests

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

Welcome colleagues and those joining us in the gallery today, and those viewing from further distance.

We've got a number of visitors in the gallery. I'll mention Alanna Jankov is in this area and not far from here, indeed, with her responsibilities at The Guild; Cheryl MacLean, who has been with us on a number of occasions, it's great to see you back, Cheryl. Toby MacDonald, who has been in before, John TeRaa, who was in

earlier, and Eddie Lund who is here regularly. It's great to welcome everyone here and those, as I say, viewing from a distance.

One event that follows today is a birthday for the Minister of Rural and Regional Development. There has already been a cake and have some leftover if anybody's got an appetite for it.

Mr. MacEwen: It's a pretty big cake.

Premier MacLauchlan: That anniversary of his birth does not go back as far as June 6th, 1770, which is the day when the Falmouth arrived on the North Shore with the first group of settlers for a Scottish community on Prince Edward Island in the Stanhope area.

There were a number of families, who came on the Falmouth and went on to take part in political life here and elsewhere. Indeed, Joey Smallwood is a descendent from those, who arrived on the Falmouth in 1770.

Yesterday, we had a visit to the province from the Slovenian Ambassador Marjan Cencen. We had a chance to meet with him between the afternoon and evening sittings. And a chance to explore opportunities for further partnership between our country or our province and Slovenia.

Yesterday, we had some very positive news. Our province, from the DBRS rating agency concerning our province's long-term debt rating, emphasis on the word 'positive.' We'll be hearing more about that from the Minister of Finance in the course of the day.

Finally, after our afternoon sitting there will be an opportunity for us to, again, recognize and celebrate the achievement and the historic circumstance of PEI's famous five, when we had five women occupying senior positions in our province as premier, lieutenant governor, leader of the opposition, speaker and deputy speaker. And an opportunity for us to recognize what is was for Prince Edward Island to be at that historic moment, and that there's work to be done for us to continue to have further achievements.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

It's also a pleasure for me to rise and to bring greetings on behalf of the official opposition and to recognize the individuals that have joined us here in the gallery that the Premier has already alluded to.

I just want to talk about, briefly, an event that I had the privilege to attend last night. It was the AGM for the PEI Antique Car Club. In particular, there was a very good turnout of members last night. One of the highlights was to see Joy and Barrie MacWilliams actually receive national recognition from the National Association of Automobile Car Clubs of Canada. For members of our own association here on PEI to receive national recognition, it's something to be said.

I also want to remind all Islanders that today is actually Tim Hortons Camp Day. With that, all proceeds from the sale of coffee at Tim Hortons' locations will go to the Tim Hortons' camps, which, of course, enables those children from low-income families the opportunity to attend camp.

I'd, in particular, like to thank both Danny and Martie Murphy for getting behind this wonderful initiative and for their very caring and giving nature.

In closing, I would also like to remind all Islanders that today is the 74th anniversary of D-Day. We hold, within our hearts and our minds, the sacrifice that our own countrymen and the Allied Forces fought for on our behalf so that we are able to celebrate the freedoms that we experience today.

Thank you very much, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

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

I, too, would like to welcome everybody to the gallery today.

I also want to make mention of the 74th anniversary of D-Day. My mom tells a story

of – she would have been 10-years-old then, and her father, who was a sea captain took her, and, at that time, they lived in Swansea in the south of Wales. He took my mom up a hill to look down at the harbour that was full of ships ready to sail; to take part in D-Day. Of course, he was sworn to secrecy, he was one of few people, who knew what was happening, but he wanted my mother, who was then a young girl, to see that and she said she's never forgotten the sight. It's absolutely – it was a pivotal moment in WWII and we should be always mindful of the sacrifices that were made so we can enjoy the freedoms we have today.

Thank you very much, Mr. Speaker.

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

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

Both, as minister of culture and as the MLA for District 13, I'd like to welcome Alanna Jankov to the gallery. As we all know, Alanna is the driving force behind The Guild and has done tremendous work there over the last number of years to make The Guild one of the preeminent cultural hubs in Charlottetown and she's a great lady all around, and we welcome her, and Cheryl as well, to the gallery.

Thank you, Mr. Speaker.

Statements by Members

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

Miminegash Fire Department

Mr. Perry: Thank you, Mr. Speaker.

Our volunteer fire departments across the Island are special groups of people who are willing to risk their lives for their communities. In my district, the Miminegash Fire Department has had a tremendous impact on all residents of the area.

Recently, some firefighters were acknowledged for their long-time service and dedication to the department. Steve Gallant celebrated 49 years. Former fire

chief Wayne Gallant, Edward Butler and Ronnie Butler all celebrated 45 years of service as well.

Over the years, this department has had many family members as part of the team. Traditionally, it was brothers or father/son. It is now great to see a different dynamic such as father/daughter, Edward Butler and Crystal Butler-Gallant, along with the husband and wife team of Troy and Rachel Butler.

As we know, it takes new blood to keep volunteer organizations flowing and that is why this department also celebrated those firefighters who have been with them for just under five years, including Sarah Jones, Randy Harper and Johnathan Carragher.

They also welcomed those who have joined the fire department in the last year. These folks are the future generation of the fire department and strengthen the sense of community within Miminegash. New members include Doug Wilson, Jeremy Delaney, Jamie Delaney, Colby Callaghan, and Ryan Bernard. I personally know that this station continues to be under great leadership as they have also welcomed a new fire chief, Rob Tremblay, and deputy fire chief, Duffy Chaisson.

Volunteers, like all of these firefighters, truly strengthen our communities in many ways. Miminegash firefighters go above and beyond the call of volunteer duty. They organize and implement many community events such as Miminegash Days and the Christmas parade raising funds for the department and to give back to their loved community.

I want like to extend a heartfelt thank you, on behalf of their community, to the Miminegash fire department for their ongoing commitment and personal sacrifices. We truly appreciate all that they do for your community.

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

Mike Cassidy

Ms. Casey: Thank you, Mr. Speaker.

Today I am honored to stand and congratulate Mike Cassidy, CA, on his recent induction into the Junior Achievement PEI Business Hall of Fame and his award from Ernst & Young as one of Atlantic Canada's leading entrepreneurs.

Mike Cassidy is a man of great vision and is a great example for the saying 'the early bird catches the worm'. As an entrepreneur, he has had a wealth of experience in managing a diversified training and consulting practice; co-owning and operating a midsized international trucking company; restoration of the Inns at Great George; waste management, retail automotives and real estate, just to name a few,

Mike Cassidy's vision allowed him to develop a much needed municipal transit system on Prince Edward Island. Everyone recognizes Coach Atlantic, Maritime Bus and T3 transit and the contribution they have made in the success of the bus transportation industry in the Maritimes.

Mike Cassidy is a strong believer in education and has been a professor at the University of Prince Edward Island for the past 25 years, teaching both accounting and entrepreneurship, with an incredible amount of passion. Just ask any student who has had a class with him; he puts his heart and soul into connecting with each and every student so that they can reach their full potential.

As a busy entrepreneur, Mike Cassidy has always found time to be a community volunteer and found time to coach or manage the sport teams of his four successful children.

Everyone who knows Mike knows he has a vision, he is tenacious, he is generous with his time and truly cares about the community and the people who live in it.

Thank you, Mike Cassidy, for all you do to make our community a better place to live, work and to play. Your efforts have not gone unnoticed and are very much appreciated.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

Barbara McNeill

Leader of the Opposition: Mr. Speaker, today it is my pleasure to stand in the Legislature and congratulate Barb MacNeill on her recently announced retirement.

Barbara has been a dedicated public servant, serving the people of the City of Summerside for over 40 years now. She has held the position of aquatics manager for the past 42 years with the City of Summerside, where she has taught hundreds of men, women and children about the importance of water safety and first-aid.

Her dedication to the people of Summerside is no secret. She has been committed to the residents of Summerside for over four decades and she will be missed as she moves forward with the next stage of her life in retirement.

I would like to mention a few of the many accolades that Barbara has received over the years. She's a member of the Order of Prince Edward Island; PEI Sports Hall of Fame. She's the first Atlantic Canadian to swim the English Channel and the first person to swim the Northumberland Strait from Cape Tormentine to Summerside Harbour.

Swimming is and always has been her passion. She has always represented Prince Edward Island and the people of Summerside with integrity and honour. Once again, I would like to congratulate Barbara on all of her accomplishments and offer my sincere gratitude for her outstanding career of public service. I wish her all the best in retirement.

Thank you, Mr. Speaker.

Responses to Questions Taken As Notice

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

Ms. Biggar: Thank you, Mr. Speaker.

Last week, the Member from Borden-Kinkora asked me a number of questions about Island Waste Watch Management commission and disposal of rubber belts, specifically.

I'd like to just report that there are currently no markets for recycling rubber belts or other rubber products other than tires that are currently available. Island Waste Watch Management commission is constantly seeking recycling markets for all materials. However, at this time there is no market for recycling rubber belts.

As well, there was questions about asbestos material disposal. Asbestos materials require a special disposal permit issued by department of environment and require licensed disposal companies to remove and dispose of them.

Currently, any asbestos material received under a permit issued by the department of environment, is placed in special disposal bags and placed in the Island Waste Watch Management commission landfill. It is covered with material.

If there is any other information that is required, Gerry Moore, who is the chief executive officer has advised he'd be happy to answer any further questions.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Questions by Members

Speaker: The hon. Leader of the Opposition.

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

Test results from Three Oaks and Health Canada guidelines

My first question today is to the transportation minister: Minister, when did you first learn that environmental test results at Three Oaks did not meet Health Canada air quality guidelines?

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

Ms. Biggar: Thank you, Mr. Speaker.

We began construction of this project back, actually, in the fall, I believe, of 2016. In March of 2017, we stopped work. There was an area that showed up that did not show up

on the original drawings, so work was stopped. We did a number of tests. Then, we certainly work every day with the workers compensation and occupational health and safety.

Any time, I think there were three breaches during the whole process and any time a breach had occurred work has stopped. We are not allowed to work within that environment if there are any indications of levels that are higher than required.

Speaker: The hon. Leader of the Opposition.

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

A further question to the minister of transportation. Your own test results showed asbestos contamination levels more than 50 times above acceptable levels. Contamination was so bad that WCB issued a stop work order in March of 2017.

Publicly release of all test results from TOSH (further)

Question to the minister: Why weren't students, staff and parents told about these serious problems with your project?

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

Ms. Biggar: Mr. Speaker, back in March of 2017, this was reported publicly to the school. It's not a new occurrence that has just occurred and is just being reported. It was identified. It was reported. Work was stopped. Nothing continued until everything was rectified and we got the go ahead to continue with work.

Speaker: The hon. Leader of the Opposition.

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

Further question to the transportation minister. It took two months of questions from our PC caucus and a freedom of information request from parents to pry these test results.

Minister: Didn't students, staff and parents deserve to know what they were being exposed to for the last two years at Three Oaks?

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

Ms. Biggar: Thank you, Mr. Speaker.

Again, I go back to March, 2017, when that was identified that it was an area that did not show up on the original drawings. Worked was stopped. Tests were done. Nothing proceeded until everything was identified to be cleared and cleared off by workers compensation and occupational health and safety.

Speaker: The hon. Leader of the Opposition.

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

Providing safe environment for students

Again, to the minister of transportation: Yesterday, you said every effort was made to have a safe environment for the students. How can you say that with a straight face when 40 students, thus far, have gotten sick from spending two years in an open construction site full of asbestos?

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

Ms. Biggar: Mr. Speaker, I would implore the member over there to stop scaring individuals with this kind of discussion. This has been identified –

Mr. Myers: No (Indistinct) inviting –

Ms. Biggar: – yes, back in –

Mr. Myers: – this (Indistinct) we've invented this, actually. Is that what you're saying? Give me a break.

Speaker: Go ahead.

Ms. Biggar: Thank you, Mr. Speaker.

Mr. Myers: (Indistinct) than that.

Ms. Biggar: As I said, this was an area that was identified in March of 2017. It was reported. It was, you know, continuously monitored. The area that was abated, we cordoned that off. We had daily tests. We're doing daily tests. We're putting the tests online. They're within Health Canada levels.

Everything, at this point, is going forward. We expect this work to be 75% complete by September of 2018 and to wrap up this project by the winter of 2019.

Speaker: The hon. Leader of the Opposition.

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

Students see what's going on around them at Three Oaks. I have seen videos shared by students showing wet, moldy ceiling tiles falling to the floor in classrooms. I have seen videos showing welding sparks flying across the hall from behind closed-door work areas.

Question to the minister: Do you consider that that providing a safe environment for students?

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

Ms. Biggar: Thank you, Mr. Speaker.

Students are not located, during the day, in the area where construction is happening. That is completely sealed off –

Mr. MacKay: (Indistinct)

Ms. Biggar: – during the day. There were breaches of those areas and extra security was put on so nobody could breach into those areas to do videos. Again, I want to reiterate, there are no students in a classroom in that area while construction is going on.

Thank you.

Speaker: The hon. Leader of the Opposition.

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

Again, to the minister of transportation: Minister, you knew the facts and you actually hid the facts. Now, students and staff are getting sick because of it. Minister: Wouldn't you say that's the very definition of negligence?

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

Ms. Biggar: Thank you, Mr. Speaker.

Every day, on site at that particular construction site, we have daily meetings with the construction manager, with department of transportation, with the principal of that school. We have air quality testing individuals on site.

We have had workers compensation in there. We have done testing. We have released those tests to the public online now.

We've released those testing. We have an ad hoc committee that parents are involved in where we sat down; they have access to those.

We are continuing with that work so that 75% of it will be complete by September.

Thank you.

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

In law negligence is defined as: failure to use reasonable care resulting in damage or injury to others.

Mismanagement by government at Three Oaks

Question to the transportation minister: How is the shameful mismanagement at Three Oaks not a clear-cut case of government being negligent?

Mr. Fox: Yes.

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

Ms. Biggar: Thank you, Mr. Speaker.

Again, I'll go back to say that there are daily testing going on. We have engaged with an air quality specialist, we are working with Occupational Health and Safety, with workers compensation, with the school, with parents to ensure that everything meets all the guidelines under Health Canada. Any work that is outside of those guidelines is stopped and would not proceed until all testing is clear. We are proceeding, we have gotten those tests, and as again I will say, all that work will be 75% complete by September and we expect completion by the winter of 2019.

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

On April 10th you told me and all Islanders that, and I quote: Again, I want to ensure everyone that's listening; parents, staff, students that the air quality at the school is safe.

Apology for misrepresentation of facts

Question to the transportation minister: Clearly you're going to have to walk that statement back. Will you apologize to students and staff for misrepresenting the facts?

Mr. Fox: Yes.

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

Ms. Biggar: Thank you, Mr. Speaker.

We did air quality testing during March and throughout the project, we started extra testing in March, April, and May. We will continue with that testing. Students, obviously now, are out of the school, we'll be able to accelerate construction in those areas. Now that the students are not in those particular areas, we'll be able to accelerate that work so that 75% of it is done by September and we'll be able to get that project done, again, by winter 2019.

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

On May 25th you told me that, and I quote: As was just mentioned by the minister of education, the air test for April has certainly come back clear in regard to Canada health standards.

Question to the transportation minister: Are you still sticking to that statement you made?

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

Ms. Biggar: Thank you, Mr. Speaker.

All of those tests are online. We are doing daily testing, again I will reiterate. Any anomalies that are there or any concerns, work would be stopped. We have posted those, we're continuing to work with Occupational Health and Safety, workers compensation are on site, we have an air quality test specialist on site, we have extra security on site so nobody can breach the construction area and we will continue with our work to get it to completion.

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

Test results from April showed readings above recommended asbestos exposure guidelines for both annual and 24-hour periods. Particulate levels were also noted to be consistently above the guidelines during the test period.

Test results above recommended guidelines

Question to the transportation minister: Were you just guessing when you said that, or were you deliberately making up alternative facts to fit your spin?

Mr. Fox: Yes.

Mr. Myers: You just got yourself blocked on Twitter.

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

Ms. Biggar: Thank you, Mr. Speaker.

Again, we are moving forward, we're accelerating construction so that majority of the work will be done by September and we'll complete that project by 2019.

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

Question to the transportation minister: Has there been anything that you told Islanders about this project that was accurate or truthful?

Mr. Fox: Yes.

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

Ms. Biggar: Thank you, Mr. Speaker.

I can assure you that we have constant communication with the ad hoc committee that's in place.

Mr. LaVie: Answer the question.

Ms. Biggar: We have been able to complete a great majority of the work there that is going to increase and enhance the experience of students at that school. We're continuing on accelerating the construction period during the time now that students are not there. We will have the majority done by September and we're looking forward to providing a new, reconstructed facility for those students.

Thank you.

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

If I were a parent of a student at TOSH or I had a loved one working there, I'd be hopping mad about the negligence of the government on this project.

School project and health risk to students

Question to the transportation minister: This is the biggest school capital project in the province. How did you and your government let this Three Oaks project fly

so far off the rails, putting our children's health at risk?

Mr. Fox: Yes.

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

Ms. Biggar: Thank you, Mr. Speaker.

Again, first and foremost, health and safety are at the forefront of any project that we do across this province.

Mr. Fox: Can't be, or we wouldn't have kids sick.

Mr. Myers: So true. Good point.

Ms. Biggar: All of the guidelines that are necessary to follow within workers compensation –

Mr. Fox: Forty children.

Ms. Biggar: – within Occupational Health and Safety are rigidly adhered to. We meet daily to ensure that if there's construction going on in a particular area, that there are no students located in that area. We will continue with that protocol and if there's any concerns, work will be stopped. However, we are working towards getting completion of that project by 2019. It is the largest reconstruction and school project that has ever been done. It is \$23 million. We are working within that footprint because to replace that facility of that size would be \$40 million and we are working within the footprint that we have to reconstruct a facility for the best service to the students in the area.

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

I bet if there was asbestos, mould, and water quality issues found in any Cabinet minister's office, they wouldn't stay working in that environment for three years.

Mr. LaVie: Three days.

Mr. MacKay: If those types of conditions wouldn't be good enough for you and your

Cabinet, why are they good enough for students and staff at Three Oaks.

Mr. Myers: Good question.

Mr. Fox: Forty kids.

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

Ms. Biggar: Mr. Speaker, there's been no indication of mould. Any time we test for mould, it's because it has a history of water leakage or breach of water coming into the system. So we should be very careful on what we're saying that is in a particular area of any building and we will continue with the project to ensure that we get as much done by September – again, 75% will be complete. There are no students –

Mr. Myers: The issue is you won't tell the truth. Or you can't.

Ms. Biggar: – in any area where any construction takes place.

Mr. Fox: Then why are they sick?

Mr. Myers: Or you don't know the truth.

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Thank you, Mr. Speaker.

Mould testing at Three Oaks

Minister: Can you confirm that you are doing mould testing at Three Oaks School?

Mr. Fox: Yes.

Mr. Myers: Good question.

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

Ms. Biggar: Mr. Speaker, I'll go back and get that information, but the member brought up mould.

Some Hon. Members: You just said it.

Ms. Biggar: The member brought up mould and I said there is no testing that is needed unless there is an –

Mr. Myers: You got caught in that (Indistinct) lie.

Ms. Biggar: – indication of any kind of a breach for water or anything that would cause mould. We have not indicated that. I will go back and get as much information on that.

Mr. Myers: There was one question about it. How did you forget it?

Ms. Biggar: Just to quell the misinformation that is going out there to the public from the opposition.

Some Hon. Members: From you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

A week or two ago, there was a 911 call came into police to respond to a mental health crisis in Eastern PEI. This man was presenting as very suicidal. He had to be taken down by force, actually. Thankfully, in this case, the person did receive care, eventually.

Progress on mobile mental health team

A question to the health minister: What progress has been made on adding a mobile mental health team to our frontline services?

Speaker: The hon. Minister of Health and Wellness.

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

Certainly the mental health landscape on Prince Edward Island is definitely changing. Obviously increasing mental health services is key to our government. There's been a number of measures that have been put in place over the last number of years that are contributing to mental health, I'll say, successful outcomes for Islanders, beginning with early intervention for our young children now with our school resource teams.

We have our youth programs – both INSIGHT Program and Strength Program that are proving to be great successes when we're dealing with our youth – additional walk in clinics for other Islanders and our senior help programs are all providing successful outcomes. We continue to enhance those programs moving forward.

We've dedicated up to \$3 million for this fiscal to be put into mental health. I'd say a fair number of work is being done in mental health care needs for Islanders right across our province, Mr. Speaker.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

The minister didn't even come close to answering my question.

Mobile mental health teams, as we have been reminded many times in this House, bring together a range of health and law enforcement professionals to provide a collaborative service. Social workers, nurses, law enforcement and others work together to provide care to someone in crisis.

The example I just raised is real and it's a textbook case of something that a mobile mental health team could take care of.

I'll ask the minister again: How close are we to putting in a mobile mental health team here in PEI?

An Hon. Member: (Indistinct) need some action.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Earlier in this legislative session I alluded to the fact that there is a fair amount of work going on with our mobile mental health response team and how it's being put together.

Recruitment of four new psychiatrists earlier on in the springtime, along with Dr. Heather Keizer, and the experience and the expertise that they have, how a program of this nature

should look, has been instrumental on the work thus far.

I am very hopeful that we will be able to be moving forward with this in the very near future. I, like the member across the floor, do understand that there are mental health needs out there that need to be addressed. I do not have any information on the case that he referenced. I know nothing about that particular case, but I do know that Islanders are dealing with mental health issues every day.

As Minister of Health and Wellness, I take that very seriously. I am committed to work with those individuals. I'm committed to developing new programs, and a lot of work is going on and we'll continue to make investments there.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

The mental health strategy called for this team. The suicide prevention strategy called for this team. The minister says there are things going on.

Timeline for mental health crisis team

What is going on and when will we see this mental health crisis team?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

As early as a couple of weeks ago at the table there on budget discussions we alluded to the fact that this is a commitment of our government. We know that these needs need to be met, and we are working collaboratively as a team to develop –

Mr. Trivers: Any idea when?

Mr. Mitchell: – what that should look like, to determine what it looks like in other jurisdictions across Canada, and other areas internationally.

We are going to adapt the best practices so that we can move forward in the best

possible way to ensure that Islanders' needs are being met, Mr. Speaker.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

Prince Edward Island is the only Atlantic Province without this valuable frontline service. The health accord that was signed with Ottawa doesn't even provide funding for these teams until year three of the agreement. That's a long ways out, minister.

Acceleration of funds

Question, again, to the health minister: Can this funding be accelerated so these teams can be in place sooner and deal with the examples that I just raised and the hundreds of others that we see online every day?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

There is a significant amount of work going on on this program, but as minister of health I am quite proud of work that's going on in mental health areas all across the province.

Currently, what is happening in Prince Edward Island is we have added community-based investments, adding family supports for people struggling with mental health, we are partnering with CMHA for a PEI Suicide Prevention Strategy. We have our mental health walk-in clinics that are being introduced and enhanced; student well being teams in the school. We recruited four new psychiatrists, commitment to establish these mobile response teams.

Planning is well underway and master planning and programming for a new mental health campus is underway at the Hillsborough Hospital area.

A lot of work is going on. We are very proud of the work that's going on, and we continue to work with all of those in the health care system and the mental health field, and with Islanders to ensure that we are doing the best job we can possibly do Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

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

Browsing through Hansard, I found the following quote in reference to fixed-date elections, and I quote: I believe a governing party preoccupied by partisan concerns should not control the timing of our most important democratic function –

Mr. Myers: Robert Ghiz?

Timing of democratic function

Dr. Bevan-Baker: – whether that be Liberal, Conservative, or NDP.

A question to the Premier and it's a multiple choice question: Can you tell me who said that? Was it A, the current Minister of Communities, Land and Environment? B, yourself? C, as my hon. member to the left has already indicated, premier Robert Ghiz? Or, D, none of the above?

Mr. Myers: I've been following politics for far too long.

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I expect we'll hear the response to the question when we get to the supplemental so I'll wait for the answer.

Thank you, Mr. Speaker.

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

Dr. Bevan-Baker: Thank you.

Well, indeed it was premier Ghiz.

It's interesting as – congratulations, you win a prize.

Some Hon. Members: (Indistinct)

Dr. Bevan-Baker: It's interesting that during premier Ghiz' final year-end interview with *The Guardian* he described the fixed-date election as a mistake. But, he

also said in that interview: If you do have a fixed-election date, you should stick to it.

I have to admire his consistency.

Fixed-date election law

Again, to the Premier: Do you agree that the Premier is obligated to stick to the fixed-date election law?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, yes I agree that all of us in this Chamber and all Islanders are obligated, to use his words, to respect the *Election Act* and I believe we reviewed that at some length here in this Chamber last night to the point where everything that the Leader of the Third Party has said about this has been proven to be incorrect.

That is to say that 4.1 –

Mr. LaVie: (Indistinct) the question.

Premier MacLauchlan: – sub (1) of the *Election Act* makes very clear the role of Lieutenant Governor and that is exactly what we have done.

If you read through 4.1 sub (2), 4.1 sub (3), we will have a very clear understanding of what exactly the *Election Act* says.

Thank you, Mr. Speaker.

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

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

Premier, you've been in office now for almost three years and if you think that fixed-date elections are a bad idea, wouldn't it be much more open and transparent to amend the *Election Act* and publicly explain why rather than make an executive decision that the law should not apply to you personally.

Speaker: The hon. Premier.

Mr. LaVie: (Indistinct)

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

Premier MacLauchlan: Mr. Speaker, the law applies to all of us and the law, if the Leader of the Third Party would take the trouble to read it and to permit himself to follow it, would understand that 4.1 sub (1) has a certain meaning and 4.1 sub (2) and sub (3) have a certain meaning and indeed, the Leader of the Third Party has been arguing vociferously that Islanders should go five years between elections, and we have never done that in our history.

The average period between elections in this province has been 42 months, and the very heading under which he is making that argument speaks to four-year elections. I recommend that the third party leader spend some time reading the law.

Thank you.

Speaker: The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Mr. Speaker.

My question today is for the Minister of Workforce and Advanced Learning.

Minister, in other provinces if a firefighter or a fire investigator is diagnosed with prescribed cancer and meets certain employment durations and additional criteria for the prescribed cancer, then the disease is presumed to be an occupational disease due to the nature of the worker's employment unless the contrary is shown.

PEI is the only province which does not have occupational cancer coverage.

Occupational cancer coverage for firefighters

Has your department been made aware of this type of coverage and how it can benefit our Island firefighters?

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

Mr. Gallant: Thank you, Mr. Speaker.

Yes, hon. member, I'm aware of this type of coverage and I do want to point out to this House and everyone that firefighters, like all workers, are covered under workers comp

for injury or sickness and I do want to make you aware – the hon. member's reference to the question about cancer, if they were covered. We do need to maybe look at this and make some improvements to firefighters in terms of process for their claims and I'd like to commit that we will look at expanding legislation on this.

Thank you, Mr. Speaker.

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

Mr. Roach: Thank you, Mr. Speaker.

Well minister, it's good to hear that.

On a follow up to that, can the minister inform the House as to whether your department would be open to implementing such coverage in PEI, for PEI firefighters on Prince Edward Island?

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

Mr. Gallant: Thank you, Mr. Speaker.

As I had indicated previously, we do think this is very important that we will be in collaboration and discussions with the workers comp board to put this at the top of their legislative amendments for the fall session.

Thank you, Mr. Speaker.

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

Mr. Roach: Thank you, Mr. Speaker.

Minister: Will your department commit to going out and working with firefighters on PEI on this additional coverage?

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

Mr. Gallant: Thank you, Mr. Speaker.

Absolutely. We'll contact the Firefighters Association as soon as we can and see where we can come up with ways to help them with this.

Thank you, Mr. Speaker.

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

Ms. Casey: Thank you, Mr. Speaker.

My question is for the Minister of Family and Human Services. Back in December, 2017, the health and wellness committee recommended that all multi-unit dwellings on Prince Edward Island become smoke-free.

Provincial multi-use dwellings smoke-free

What has your department done with this recommendation to consider that multi-unit dwellings, owned by the province will be included in this *Smoke-free Places Act*?

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

Ms. Mundy: Thank you, Mr. Speaker.

Currently, many of our social housing buildings are smoke-free. However, we do have some of our buildings that do offer smoking units for those clients, who have been unable to quit smoking.

We follow the current legislation of the *Smoke-free Places Act*. If, indeed, that act would be changed in the future, we would most definitely follow that legislation.

Thank you, Mr. Speaker.

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

Ms. Casey: Thank you, Mr. Speaker.

The province is the largest landlord on the Island. Minister, your department is now in the process of developing a provincial housing strategy and I'm pleased that you've just awarded a 44-unit housing unit to Charlottetown.

New housing units be smoke-free

Will you ensure Islanders that any new housing units built on the Island will be required to be smoke-free?

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

Ms. Mundy: Thank you, Mr. Speaker.

You are correct, hon. member. We do work with various community partners and private-market partners in the development of affordable housing across Prince Edward Island.

When these units are created, we take the various needs of Islanders into consideration, including those who have not been able to quit smoking. We will continue to monitor these needs and work with our partners in the future as we move forward with the housing action plan, as well as the legislation that could, or could not be, changed with the *Smoke-free Places Act*.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Charlottetown-Lewis Point, your second supplementary question.

Ms. Casey: Thank you, Mr. Speaker.

Research has shown second-hand smoke is known to be one of the biggest causes of cancer to our population.

Smoking cessation program for seniors

As the minister responsible for seniors, would you consider a program for smoking cessation for those already living in provincial housing and who want to quit smoking?

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

Ms. Mundy: Thank you, Mr. Speaker.

We do understand, as a government, that quitting smoking can be very difficult. That's why, through the department of health, we do offer smoking cessation programs.

We also offer cost assistance for Islanders, who want to quit smoking through things such as the nicotine patch or the nicotine gum. Islanders can also call an Island

helpline to access other programs that might help them quit smoking, as well.

We will continue – our staff at housing services, to help applicants and tenants to connect with community partners, also, who may be able to help them in their journey to quit smoking.

Thank you, Mr. Speaker.

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

Ms. Compton: Thank you, Mr. Speaker.

Audiologist services help Islanders young and old, who may be having hearing issues.

Vacancy in audiologist position

Question to the health minister: What progress has been made to fill the provincial audiologist position that has been vacant for four months?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Hearing services are offered to all Islanders through our Public Health services. Currently, there are vacancies that we are trying to fill through recruitment and retention.

I believe that there has been some work done there, but we are still looking to fill those vacancies at the present time.

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

Ms. Compton: Thank you, Mr. Speaker.

I believe the position has been vacant since February. The vacancy is not advertised on the Health PEI website or among audiologist job boards.

I understand that there may be someone starting late in the summer. Minister: Can you confirm that?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

I can't confirm that off the floor today. I'd have to go back and do some requests on that.

There are some of our audiologist services that are provided by private audiologists. In order to be seen by a private audiologist, you do need to be referred either by your family doctor, nurse practitioner, public health nurse or a language speech pathologist in order to get that referral.

There are several that are available to do that service. But, we are continuing to look at needs and go out and recruit audiologists to come and work on PEI.

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

Ms. Compton: Thank you, Mr. Speaker.

The former minister of health acted on a suggestion by the Leader of the Opposition to improve access and allowed a greater role for private audiologists. You mentioned that some are being used.

Wait times for private audiologists

Can you tell me what the wait times are and how much it has been cut by the private audiologists?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Currently, there are, I'll call, quite a few wait times. Hearing screening is also often carried out through our public school system.

Back in 2016-2017 there were three hundred – almost 375 screenings done, which meant that 33 or 34 of them had to be advanced into audiologists.

Currently, wait times, we have auditory processing disorder assessment. We have 120 clients waiting there. We have hearing assessments, 123 waiting there. Auditory brain response, 42 waiting and some of these times vary from a few months up to 16

months. There are wait times. That is an issue that we're certainly concerned about.

We are looking to recruit audiologists. We are also referring to private audiologists where we can. It is something that is on the radar and we're trying to deal with it.

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

Ms. Compton: Thank you, Mr. Speaker.

Access to specialist service

Anyone with hearing issues can't wait up to two years for a specialist. With the vacancy that we have, can you tell me: What is the best way for anyone with hearing issues to access some type of specialist service?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Yes, Mr. Speaker.

Islanders that may have concerns about either their health or their children's health can request an audiology assessment through the provincial audiology clinic, which is located in Charlottetown.

Obviously, this goes right up to age 21 if you have hearing needs with hearing aids or anything like that. There is a broad range of work that they do there. Just contact the provincial audiology clinic and they will be able to direct Islanders as to the best possible way to get their assistance, Mr. Speaker.

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

Ms. Compton: Thank you, Mr. Speaker.

Wait times and role of private audiologists

Extended wait lists have been going on for years with Audiology Services. To the minister: Will ongoing delays to access audiology service mean a bigger role for those private audiologists going forward?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Until we can recruit audiologists to come and take in the vacancies that we have, obviously, that will create a bit of a more load on the private audiologists that exist today in our province. Obviously, we want to support them where we can, but we also need to continue to recruit. We need to continue to identify needs that we need to have met when it comes to audiology needs.

Obviously, Islanders – the wait times are a little longer than we'd like to see, but we are going to try to do our best to ensure that those vacancies get filled as quickly as we can – as quickly as we can identify people to come and work here and hopefully that we will have some resolve there in the near future, Mr. Speaker.

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

Advertising for provincial audiologist position

Ms. Compton: Thank you, Mr. Speaker.

We know there are wait times. We know it's an issue. Why are you not advertising, minister? Why is there no advertising for this audiologist that's really needed and when is the earliest we can expect to have a provincial audiologist working for us again?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

I'm not certain why it's not being advertised on the website. I will look into that when I go back to the office. It's important that the word gets out that we are definitely; indeed searching, but our recruitment and retention team would be looking as well when they have conversations with available audiologists.

The group at Health PEI would obviously be out trying to find people to fill these vacancies. It is a concern. It's a concern to anybody that's waiting to have any tests done. It's a concern to families of small children that are having hearing problems when it comes to their learning abilities. This is a very serious concern. We take it

very seriously and we will try to have those vacancies filled as early as we possibly can. This is something that Islanders have at their forefront and we do as a department as well, Mr. Speaker.

Statements by Ministers

Speaker: The hon. Minister of Finance.

DBRS Rating

Mr. MacDonald: Thank you, Mr. Speaker.

Yesterday we were very pleased to see that bond-rating agency DBRS has upgraded the trend of its issuer rating and long-term debt rating for Prince Edward Island from stable to positive. The trend improvement is attributed to sustained improvement in our provincial credit profile.

DBRS has noted PEI's balanced budget for the second consecutive year in 2017-2018 and our now-projected surplus of \$1.5 million, making 2018-2019 actually our third balanced budget. Our balanced budgets and our positive bond rating signals to potential investors that PEI is a wise choice for their money. Our booming Island economy is not slowing down, thanks to our vibrant and growing business community.

An Hon. Member: (Indistinct)

Mr. MacDonald: Employment is up 2.6% year-to-date through April.

Mr. Myers: Wage is the lowest in Canada.

Mr. MacDonald: Average weekly wages are up 2.6% through March. Seasonally adjusted retail sales are up 5.3%. Seasonally adjusted manufacturing shipments are up 11% year-to-date. Investment in new housing construction is up 53.6% year-to-date through March, the fastest growing growth amongst provinces.

Mr. Speaker, I had the opportunity to visit a couple of small businesses in Victoria on the weekend and one small business that I visited, they were a young couple – entrepreneurs that had a dream – it's called the Grand Victorian – Marly and Greg Anderson. I always ask how things are going. I always ask if we're doing enough for them as a government and the response

to them was – and this is important for all governments, no matter who's in power, to invest in small businesses, but it was extremely important to hear the words that: only for our government, we wouldn't be able to do this.

I also stopped into Island Chocolates and had a great discussion with Eric. We discussed about the possibilities and what values the budget had for small business and I've received an email from Eric and he's pretty excited about some of the things, especially the small investment on capital up to \$25,000 for his business.

So things are good on PEI and together with those businesses – the economy – we've built a balance – connected and it's growing. We're small, but we're making big things happen on Prince Edward Island and around the world.

Thank you.

Speaker: The hon. Member from Rustico-Emerald.

Mr. LaVie: Now we'll get the truth. (Indistinct) the truth.

Mr. Trivers: Thank you, Mr. Speaker.

I want to say congratulations. Congratulations to the free market, the private enterprise, the hardworking Islanders in our economy that make things happen. All that we're able to do in government – it doesn't matter what the party is that forms government – is spend tax dollars that we take from private industry. If the bond rating for government is better, then the people who deserve the credit are the private industry, so kudos to them.

It is great to see that the government is out supporting private industry. They definitely should. We saw the tax break was it a half a per cent?

An Hon. Member: (Indistinct)

Mr. Trivers: When, people like the Charlottetown Chamber of Commerce have done analysis have shown that you could cut it by a full, back to what it used to be another –

Mr. Myers: One percent. It used to be 1%.

Mr. Trivers: Yeah. Exactly, cut it back down to 1% an additional, I believe 3.5 % and you would not even impact the revenues of this government and it would be better for private industry.

It's great that this government has received a better bond rating and it's due to the hard work to the private industry.

You also have to realize that up until the Liberal governments came into power, here back in, when was that? Long time ago. Seems like a long, long time ago –

Mr. LaVie: It was –

Mr. Trivers: – 2007 –

Mr. Myers: 2007.

Mr. LaVie: Too long.

An Hon. Member: (Indistinct) over there.

Mr. Trivers: There was about \$1 billion in debt –

Mr. MacEwen: 150 years.

Mr. Trivers: – and now – yeah, 150 years, \$1 billion in debt in the last 10 years, \$2 billion have been added –

Some Hon. Members: Oh! Oh!

Mr. Trivers: – at \$3 billion in debt.

Mr. LaVie: Oh, no.

Mr. Myers: Oh, no.

Mr. Trivers: Maybe that's why they're so focused on the bond rating because they know they're going to have to borrow lots more money –

Some Hon. Members: [Laughter]

Mr. Trivers: – with (Indistinct)

Mr. Speaker, the other thing –

Mr. LaVie: Who is the finance minister?

Mr. Trivers: – is, I don't –

Mr. LaVie: (Indistinct) finance minister.

Mr. Trivers: – why this –

Mr. J. Brown: (Indistinct)

Mr. Trivers: – I don't understand –

An Hon. Member: \$3 billion?

Mr. Trivers: – why this Minister of Finance will not attempt to raise money on Prince Edward Island from Prince Edward Islanders so we can pay the interest back to our economy?

He sat on the floor of the Legislature during budget estimates with the numbers right in front of him. I said to the minister, I said to the minister: I think about \$20 million in debentures are coming up for renewal in the next year to two years. He said: Oh, yes. And skirted around the question –

An Hon. Member: (Indistinct)

Mr. Trivers: – you know, it's not \$20 million, it's \$200 million that are coming up.

Some Hon. Members: Oh! Oh!

Mr. Trivers: This is all money that could be raised on-Island. We don't even have to look at the bond ratings. We could have investors –

Mr. LaVie: (Indistinct)

Mr. Trivers: – invest here on-Island; have the money staying on-Island helping Islanders. That's what I want to see from this government.

An Hon. Member: Yes.

Some Hon. Members: Hear, hear!

Mr. Trivers: Good progressive ideas. Good Progressive Conservative ideas, even.

Mr. LaVie: (Indistinct)

Mr. Trivers: It is great that the bond rating –

Mr. Myers: (Indistinct) going (Indistinct)

Mr. Trivers: – has improved –

Mr. Myers: (Indistinct) come out.

Mr. Trivers: – it's kind of interesting that the bond rating is going up, but some polling numbers are going way down, Mr. Speaker.

Some Hon. Members: Oh! Oh!

Ms. Biggar: (Indistinct)

Mr. Trivers: Thank you very much.

Mr. Myers: Too bad you couldn't make the debt drop as quick as your popularity.

Ms. Biggar: (Indistinct)

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

It's always important when we have great reports that ensure that we have some balance and look at what the rest of the data tell us and there are a number of rating agencies including Moody's and SMP.

Moody's in April came out with a quite clear message that while PEI is showing some incremental improvement, it remains credit neutral for a number of key reasons.

One is that the surplus in our budget is 0.1% of revenue, which does not provide enough funds to make any significant impact on the continually increasing debt burden, which sits currently at 154% of the revenues in an annual basis.

Despite that increase in federal transfers, federal transfers are currently 40% of revenues and a smaller increase in the provincial revenue generation, we just do not have enough surplus revenue to be able to make an impact on that debt burden, which means that the risk is there the province will not be able to continue to maintain payments as they are and at the current growing levels if the economy shifts and changes.

We spoke yesterday about the impact of trade wars and things that are outside of our direct control. Those are the kind of things

that can actually change the markets; change the credit rating and have a direct impact on how much cash we have available to meet, not only our spending requirements and the budget commitments that have been made by this government, but change that overall rating and our capacity to pay back debt.

The rate, while a report like this is fantastic in isolation, it needs to be looked at in the greater context. Those numbers are scary numbers when we look at the scale of the debt and how much that represents in terms of the revenue that we generate, cautious and mindful of the ratios involved is really something that we need to take into consideration.

Thank you, Mr. Speaker.

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

Orwell Corner

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

Earlier this spring the Orwell Corner historic site announced newly revamped curriculum programming that caters specifically from kindergarten to grade 7.

For example, students in grade 6 participate in a program called Forge, Farm and Fiddle; the forge to show the change in the metal industry, the farm to show the change in transportation and fiddling to show how Scottish heritage impacted Island communities at the time and how it still exists today.

It's probably fitting that I'm doing this today after the Premier's announcement there earlier.

Orwell Corner also partnered with Macphail Woods so students can learn science such as, plant growth, habitats and ecosystems. They have recently introduced their programming in French and in Mandarin.

These courses are hands-on so students can get a better understanding of the social studies and science they study in the classroom. It also gives students a first-person experience for what times were once like living on Prince Edward Island.

Just an hour ago, kindergarten and grade 1 students from Souris Regional were at Orwell enjoying these programs.

Orwell has 15 schools booked for the remaining school days in June, and are already planning school visits in the fall.

A key item from our Cultural Action Plan is to create programs for museums to engage youth. The innovative and engaging programs at Orwell Corner are doing exactly that.

Another key item of our Cultural Action Plan is to create a mobile working collection and lending library of Island artifacts to increase access for Island classrooms. This is also happening thanks for Orwell Corner's site director, Jason MacNeil, who brings artifacts from the provincial collection to classrooms so that students can experience first-hand. Anybody who saw it on *Compass* the other night would see just how good a job he does of that.

Our province's small size and connectedness defines us. It puts us in touch with our history perhaps more than any other places that are much larger. We continue to develop opportunities for Islanders present and future; can learn about how our mighty Island became what it is today.

Thank you, Mr. Speaker.

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

Ms. Compton: Thank you, Mr. Speaker.

It's a pleasure to rise today. I want to thank the minister for his statement. Orwell Corner will be in District 4 come the next election, whenever that may be.

It's great to hear that we're getting children out to –

Mr. LaVie: Next spring.

Ms. Compton: – experience a place like Orwell Corner.

I remember, we used to – my aunt and uncle lived very close to there, so we used to be there regularly all summer long. I think, for

people, who grew up in the country, we take a lot of the experience that they're going to receive for granted. I know there are a lot of children nowadays, who don't get the opportunity to get outdoors as much as they should; to get out in the country and to experience farm life.

I think it's great that we look at that side of it. The foraging MacPhail Woods is an amazing place. Anyone who hasn't been there needs to take a trip and experience one of their sessions that they're doing.

I think there was an owl outing here not too long ago. They do great work to help people re-engage with the environment and the community.

Hands-on learning, I always thought was very important. I know anyone, who remembers field trips; you probably remember more about a field trip than you do about, maybe, what else you learned in the classroom about that particular subject.

I want to also say, as a member of the Belfast Historical Society, how important the Scottish culture is to the greater community of Belfast and all surrounding areas. All the, I guess, what has been passed down by Lord Selkirk and has continued with the settlers. It's part of the big Belfast experience. Orwell Corner would be integral in that as far as heritage and the ability to learn.

I want to thank the minister for that. Continue anything we can do to give our students hands-on learning is very important.

Thank you.

Speaker: The hon. Leader of the Third Party.

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

This is a really welcome announcement, minister. The expansion of these educational services to all Islanders. Particularly, I am touched by the fact that it's being offered in French and Mandarin now. I think that's a really great enhancement to what was already an enormously valuable asset to

young Islanders understanding this place that we're so lucky to live in.

I think there is a great wisdom in young children. I actually heard an interview on the radio the other morning with one of the kids that had been to Orwell Corner for just one of these sessions. They described it as the best day ever.

I think there's no doubt that there's a great truth in that old maxim which is: Tell me and I forget, teach me and remember, involve me and I learn. Orwell Corner is all about getting involved, whether it's in the forge, or on the farm, or with music through fiddle. It's a really wonderful way of really touching children, helping them in a very hands-on way understand what rural life used to be like on Prince Edward Island back in the late 19th century.

It's easy to romanticize that time, but I do often wonder whether people today are any more content than they were back then. Certainly, there have been some huge advances in eradication of all sorts of illnesses and problems and poverty is largely – at least at the level it was lived then – is largely gone, but happiness is not all about money. Back then they had social cohesion, they had close relationships, they had meaningful work, and above all, they had community.

There was a stranger here on the floor the other day who talked about the value of community. He was talking about mental health, but clearly community stretches much further than that and its value is much greater.

So, yes, it's easy to romanticize that, but let's not forget that there was a real value – something very precious – that has been eroded – perhaps not so much here on PEI as it has in some other parts of the world, but let's not forget what a precious thing that community is and Orwell Corner is a wonderful reminder of that for all Islanders.

Thank you, Mr. Speaker.

Presenting and Receiving Petitions

Tabling of Documents

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

Ms. Biggar: Thank you, Mr. Speaker.

By leave of the House, I beg leave to table the Three Oaks High School renovation test school news release to parents and that was a combination of the school's joint health and safety committee, Occupational Health and Safety officer, independent environmental consultant, and where the results were agreed upon and that additional air quality tests fall within Health Canada guidelines and I move, seconded by the Honourable Minister of Agriculture and Fisheries, that the said document do lie on the Table.

Speaker: Shall it carry? Carried.

Speaker: The hon. Member from Kensington-Malpeque.

Mr. MacKay: Mr. Speaker, by leave of the House, I beg leave to table an email from the director of Public Schools Branch to the deputy minister of education on the three breaches at TOSH and I move, seconded by the Honourable Leader of the Opposition, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

An Hon. Member: Not in the House.

Mr. MacKay: The hon. Member from Morell-Mermaid, sorry.

Speaker: Shall it carry? Carried.

The hon. Member from Kensington-Malpeque.

Mr. MacKay: Mr. Speaker, by leave of the House, I beg leave to table the air quality report for the month of April for TOSH that shows the results that's above some of the recommended guidelines and I move, seconded by the Honourable Member from Morell-Mermaid, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Member from Kensington-Malpeque.

Mr. MacKay: Mr. Speaker, by leave of the House, I beg leave to table the minister of transportation's inaccurate response to my questions on April 10th and May 25th and I move, seconded by the Honourable Member from Morell-Mermaid, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Reports by Committees

The hon. Member from Rustico-Emerald.

Mr. Trivers: Mr. Speaker, as Chair of the Standing Committee on Public Accounts, I beg leave to introduce the report of the said committee and I move, seconded by the hon. Member from Morell-Mermaid, that the same be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

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 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.

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

Some Hon. Members: Yes.

Chair: Hon. members, we are on section two and there is an amendment on the floor. Before we get into that, would you – permission to bring a stranger to the floor?

Some Hon. Members: Granted.

Chair: Thank you.

I'll allow him to come forward and get set up.

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 to the table.

Minister?

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

Members, I do have the package of the amendments section by section which I would propose to hand around now so that folks have them and then obviously as they come up, we'll introduce them as we go.

Maybe, Madam Chair, I'll hand them section by section so the Pages can –

Chair: Okay. We have to hand them to the clerk first.

Mr. J. Brown: (Indistinct) five.

Last night, I was asked if I could hand them all out. That's what I'm doing.

Chair: That was seven?

Mr. J. Brown: That was seven.

Chair: Or eight? –

Hon. members we're going to come back to debate on the bill.

When we last left, we were on section 2, the purpose section. The minister had tabled an amendment to this section. I think I had read it, but I'm going to read it again and then we'll open –

Mr. Trivers: (Indistinct)

Chair: Sure. I'll let you do that. But, let me finish explaining what we're doing.

Before I read the amendment that was on the floor for section 2, the Member from Rustico-Emerald has a question off the top.

Mr. Trivers: Minister, you did provide us with a consolidated document that contained all of the amendments, the numerous amendments in one document in a format so you could see what changes were made and where. Although, the numbering doesn't quite line up with the actual amendments, it is useful. It would be even more useful in electronic form. Then, you can take definitions and search for them within the document easily, that sort of thing.

Mr. Myers: Easier to put on bradtrivers.com.

Mr. Trivers: Would you table this document or just email it out or post it to your website, that sort of thing?

Mr. J. Brown: You can PDF that document, hon. member and search it that way, if you wish.

Mr. Trivers: Can you provide it by a PDF?

Mr. J. Brown: I can provide it by a PDF if you wish.

Mr. Trivers: That would be excellent. If you could do that as soon as possible.

Mr. J. Brown: Obviously, not today. But, you can do it any time, as well.

Mr. Trivers: No, I want it so you can actually search it.

Mr. J. Brown: Scan it and PDF it.

Mr. MacEwen: (Indistinct) understand that.

Mr. Trivers: What are you going to do? The optical character recognition want me to scan this in, or what?

Mr. J. Brown: Go ahead, yeah.

Mr. Trivers: If I scan it in, I won't be able to search it by text.

Mr. J. Brown: Okay –

Mr. Trivers: This is the second –

Mr. J. Brown: Well, I can provide you with a PDF document if you wish –

Mr. MacEwen: Could you just copy and paste it in an email?

Mr. Trivers: Minister, I mean, just in the interest of really collaboration and working together. I mean, when I came to the floor with my amendments to the *Municipal Government Act* I posted everything online ahead of time; sent it out via email. We got this an hour before you brought it to the floor. Now, you won't even give it to me in electronic format today.

Mr. Roach: He just said he would.

Mr. Trivers: No, he said not today. He said not today.

Mr. Roach: (Indistinct)

Mr. J. Brown: You only asked me today, so –

Mr. Trivers: I actually sent a note yesterday to the table –

Mr. J. Brown: (Indistinct)

Mr. Trivers: – I don't know if it just never made it there, or what.

Mr. J. Brown: I didn't get a note from you, so.

Mr. MacEwen: Could you text somebody in the department just to copy and paste it?

Mr. Trivers: Yeah, wouldn't that be great?

Chair: Thank you.

The hon. Leader –

Mr. Trivers: It's a word document.

Chair: – of the Third Party –

Mr. MacEwen: Text somebody in the –

Chair: – is next.

Mr. MacEwen: – department just to copy and paste it (Indistinct)

Chair: Did you have a question?

Dr. Bevan-Baker: Yes, I do.

I'm just waiting for the noise level, for them – Chair.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

Mr. MacEwen: (Indistinct) Chair?

Dr. Bevan-Baker: We've –

Mr. MacEwen: Chair.

Mr. Trivers: He's not interested.

Mr. MacEwen: We didn't get an answer.

Chair: Hon. members, Rustico-Emerald asked a question. You interrupted him –

Mr. MacEwen: I didn't.

Chair: – when you were not recognized by the Chair –

Mr. MacEwen: No, we didn't get an answer.

Chair: – when you were not recognized by the Chair.

Mr. MacEwen: Nobody got answers.

An Hon. Member: Yeah.

Chair: So, I –

Mr. Myers: (Indistinct) happen every day.

Chair: – moved –

Mr. MacEwen: (Indistinct) wait for an answer –

Chair: – on –

Mr. Myers: So, he's not going to text you today.

Mr. Trivers: (Indistinct)

Mr. Myers: (Indistinct) they get away with it in here all the time.

Mr. Trivers: What's the deal? So, his answer is no, he's not going to provide it.

Mr. Myers: Don't play (Indistinct) if you can't (Indistinct)

Mr. J. Brown: I can answer his question again if he wants.

Ms. Compton: (Indistinct) answer.

Mr. Trivers: Is your answer no, you're not going to just text somebody in your department to provide a useful document so we can help debate this bill, or what?

Chair: Hon. members, the minister is going to answer the question –

Mr. R. Brown: Get a copy of the thing –

Chair: – however, when –

Mr. R. Brown: – I'll go upstairs –

Chair: – you're asking a question, please come –

Mr. R. Brown: (Indistinct)

Chair: – through the Chair, I'm not going to put up with anybody chirping me at the Chair –

Mr. J. Brown: (Indistinct)

Chair: – I will not recognize you. Show some respect to the Chair.

The minister is going to answer your question. Then, I'm going to the Leader of the Third Party.

If anybody else has any questions, please –

Dr. Bevan-Baker: (Indistinct)

Chair: – put your name on the speaking order. I'd be happy to add you.

The hon. Minister of Justice and Public Safety.

Mr. J. Brown: The hon. Minister of Communities, Land and Environment is going to go upstairs and get a copy of the document sent to you by PDF.

Chair: Thank you.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you. I appreciate that, and that will be necessary.

We have now gone from a fistful of amendments to a truckload of amendments. You are expecting us – and, by the way, with just two minutes scanning through this, I can see that number eight, section 8 that you just gave us just yesterday, is entirely different than the amendment that you just handed out.

There's not even a correlation between what we got yesterday and what we got today, which is different from the original bill. I just absolutely demand that you pull this bill from the floor now. I cannot debate this bill given the amount of information, which is not consistent.

Mr. J. Brown: Hon. member, we, for starters, the section that you're just referring to was in active debate last night –

Dr. Bevan-Baker: Section 8?

Ms. Bell: No, it wasn't.

Mr. J. Brown: As far as I'm aware, we – the amendment for section 2 was –

An Hon. Member: (Indistinct)

Mr. J. Brown: – in active debate last night.

Ms. Biggar: Yeah. It was.

Dr. Bevan-Baker: No, I said section 8. Section 8 in the red/black copy you have and section 8 that we just received five minutes ago are quite different.

Mr. J. Brown: When we get to that section, we can deal with it. We can change it again.

Dr. Bevan-Baker: I'm not –

Mr. J. Brown: The amendment's actually not officially on the floor until we get to the section. We're just handing these out in advance at this point in time.

Dr. Bevan-Baker: This is a – I will avoid using the word, but it's similar to a situation that we found ourselves in last year –

Some Hon. Members: (Indistinct)

Mr. LaVie: What's the word?

An Hon. Member: Don't do it.

Dr. Bevan-Baker: No, I'm not doing it.

An Hon. Member: Do it.

Some Hon. Members: (Indistinct)

Mr. Myers: (Indistinct) I'll say it.

Chair: Order!

Some Hon. Members: (Indistinct)

Mr. J. Brown: I think we all remember. You might as well say it, if you think it is. Why don't you say it and say why you think it is?

Chair: Order! Hon. member –

Mr. Roach: Order.

Chair: – I have been listening to the debate and I requested that the minister put all of the amendments on the floor because I've been hearing people say: We haven't received the amendments. We are just receiving the amendments. So, I've asked him to bring all of the amendments that he has to the floor today. That is why they're all here. We're probably not going to get to section 8 today, at the pace we are going. You're going to have lots of time to see the

amendments to section 8 and prepare for section 8.

What we're going to do now, is we're going to go to section 2. It's already been tabled, the amendment, and we're going to continue to debate with section 2.

To refresh your memories, I know that I've already read the amendment to section 2, but I'll read it again.

Section 2 of Bill No. 38 is amended:

(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".

Shall the section carry? Carried.

We'll move onto section 3 –

Premier MacLauchlan: Chair?

Chair: The hon. Premier.

Premier MacLauchlan: Did we carry the amendment or the section amended?

Chair: The section as amended.

Premier MacLauchlan: Okay, great.

Thank you.

Chair: Do you want me to –

Premier MacLauchlan: No, I'm –

Chair: – I'll repeat that, again.

Premier MacLauchlan: – fine, thank you.

Mr. Trivers: (Indistinct)

Chair: You'd like me to repeat it again?

Shall the amendment carry? Carried.

Shall the section carry as amended? Carried.

Thank you.

We're now on section 3, referendum question.

3. Referendum on electoral system required
(1) A referendum respecting the mixed member proportional voting system shall be conducted throughout the province in conjunction with the general election.

Question

(2) At the referendum, a person who is entitled to vote may indicate his or her approval or disapproval in respect of the referendum by answering the following question:

"Should Prince Edward Island change its voting system to a mixed member proportional voting system?"

Form of question

(3) The question shall appear on the referendum ballot paper as set out in Schedule 1 to this Act.

Persons entitled to vote

(4) Persons who are entitled to vote at the general election are entitled to vote at the referendum.

Question from the Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

Last time we had a plebiscite we encouraged and allowed 16 and 17-year-olds to vote in that event. I think that was a very significant and progressive step that we made. Although, unfortunately, the turnout from that age group was not substantially different from any other cohort, I think it did allow people, who are not typically given the opportunity to engage in the electoral process, in democracy, a chance to do that.

I'm wondering why, in this case, we're not giving them the same opportunity?

Mr. J. Brown: The answer to that question is that no more complex than to say that this is being conducted alongside of a general

election. The same folks that vote in the general election, when they go in, be given the ballot for the election and the referendum simultaneously. In fact, they'll be attached.

That was the recommendation in terms of how this worked together from Elections Prince Edward Island. I think it makes sense. If we go back to the work that was done and the recommendation of the committee made in relation to voting by 16 and 17-year-olds, that was because they were going to be voting in the next election, so this will be the next election. Those that are 16 and 17 will actually be 18 and 19 come this time, so they will be voting in the election that they participated in this process in respect of since 2015.

Dr. Bevan-Baker: I'm fine. That's all, Chair.

Chair: Thank you.

Shall section 3 carry? Carried.

Section 4

The hon. Minister of Communities, Land and Environment.

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

I tabled an amendment to this section last week. Does everybody have it?

An Hon. Member: Yes.

Chair: We do.

Mr. R. Brown: Okay, great.

Chair: Could you read it, please?

Mr. R. Brown: Yeah.

Chair: And can you move it and read it?

Thank you.

Mr. R. Brown: I move:

Deletes subsection 4(1) of Bill No. 38 and substitute a new section 4(1) that imposes the requirements for a binding result. More than 50% of the validly cast referendum ballots must vote the same way on the

question in the referendum in at least 60% of the electoral districts with more than 50% of the validated cast referendum ballots must be voted the same way on the question for the results to be binding.

Chair: Thank you.

Hon. members, there's an amendment –

Mr. R. Brown: Can I (Indistinct)

Chair: You can speak to the amendment.

Mr. R. Brown: Okay, thank you.

Madam Chair, there seemed to be some questions about the original bill on its definition of what does it mean, people in the book or does it mean people voted?

I think this amendment clarifies it quite substantially that its 50% of the valid votes that have been casted. So, if spoiled ballots will be left out and ballots that have no markings on them will be considered spoiled ballots, so it will be the same method used as an election on a candidate.

I have one more (Indistinct) which is 60% of the districts which would be 17 seats – or 17 districts, sorry. I look at this as a – if we're going to ask the residents of Prince Edward Island to change their electoral system or their electoral procedures in this House, I consider that as a constitutional amendment, a provincial constitution, and that federal constitution requires two thirds of the majority of – seven provinces with 50% of the population.

I consider this as an amendment to our constitution provincially and that we should follow the same rules.

Thank you, Madam Chair.

Chair: Thank you.

I have a question from the hon. Minister of Rural and Regional Development.

Mr. Murphy: Yes, I'm very supportive of this amendment. I think it's fair. It's done in accordance with the Canadian Constitution. It certainly takes the geographic concerns that we may have into consideration.

I know my district and three of the districts farthest west have supported first past the post and it's been my concern that rural Prince Edward Island may support first past the post and the urban parts of the province may support another option. I think if we're asking for this kind of big change, that there has to be a certain threshold that has to be met and I think that the Canadian Constitution threshold would be that threshold.

I think this is fair, and I think it's something that we should all agree on in this House.

Chair: Thank you.

Mr. Roach: Very well said, minister.

Chair: Anybody else?

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

Yeah, I mean this is a vast improvement on what was one of the real fundamental problems with the bill as originally drafted, and I'm glad that government recognized that flaw. Actually, even before this came to the floor I believe the minister tabled this amendment a day or two after the original bill came to light.

This is definitely an improvement. However, it's still – and by the way, the third party has an amendment to offer as well after we talk through this and whether or not it is adopted. The problem that we see with this is in the wording where it still uses the – it still has the pretense that this is somehow binding on government, and I think we need to – I'd like the minister's interpretation of using the word 'binding' as it appears in this amendment and in the original document.

Chair: Thank you.

The hon. Minister of Communities, Land and Environment.

Are you asking the question to minister or this minister?

Dr. Bevan-Baker: Oh no, the minister (Indistinct)

Mr. R. Brown: I think (Indistinct)

Chair: Sorry minister, I think he was asking this minister.

An Hon. Member: (Indistinct)

Chair: Doesn't matter?

An Hon. Member: (Indistinct) which Brown?

Ms. Biggar: Which minister?

Dr. Bevan-Baker: Any opinion certainly will be interesting to listen to.

Chair: Thank you.

The hon. Minister of Communities, Land and Environment.

Mr. R. Brown: Yeah, if we vote for this section, the parties that are in the House today, we're binding – we're saying to the electoral people out there in Prince Edward Island by passing this section today that each and every member in this House that votes for this today is committing to the referendum.

I will be voting for it and I will go one step further when the election is called. I will have a contract signing up that I will be voting with whatever way the referendum goes.

So, by voting with this today we are committing to each and every member that's going to be voting on it today, I believe, is telling the people of Prince Edward Island today that they are committed to voting for the results that come in on the election and in this.

Mr. MacEwen: (Indistinct)

Mr. R. Brown: That's why I put the word 'binding' on government.

If we all vote on this today and we're back in this House after the election, I think that we owe it to our citizens that we voted today on this, so therefore, we are binding ourselves today to our referendum vote and that we're committing to our constituents and the constituents of PEI today that we will be voting based on these numbers.

If these numbers come in and the members that don't vote on it today, that choose not to vote on it today, is basically saying: I'll make my decision up after the election.

Chair: Thank you.

The hon. Leader of the Third Party.

Mr. R. Brown: If that's okay.

Dr. Bevan-Baker: That's an absolutely fascinating response, minister, on a number of levels.

I won't go back historically as to why that – and perhaps that's why that wasn't done last time, I'll leave that alone.

Some Hon. Members: (Indistinct)

Mr. Myers: I think everybody was thinking it. We were all thinking it.

Dr. Bevan-Baker: But I mean, there are so many things that don't quite jive there. We, in the House here, there are already, I think, three or four members sitting in the House now who have already declared they won't be here after the next election. Goodness knows how many of us will, either by choice or otherwise, not be here after the next election so it doesn't really matter what the 27 of us pledge to today and passing this amendment, as you suggest, as a binding pledge. We cannot imagine what the makeup of this Legislature will be after the next election, so that's essentially meaningless.

I like the gesture. I understand the passion behind it, but in terms of a statutory requirement, it has no weight whatsoever. My point here is if we use a word 'binding' in a piece of legislation and it's really just referring to a moral obligation rather than a statutory requirement, it's not binding at all. That's the problem that I have and why we'll be presenting an amendment which does not use that language.

Again, I'd be interested to hear from the mover of the bill to how he views the word 'binding'.

Mr. J. Brown: Hon. member, the thing about any legislation that goes through here is that it's the law of the land until the law is

changed, and so this is a requirement that the next government that's in here act in a certain way, and until that's changed they're required to act in that way.

As has been said in here before and the hon. member just had a great idea, and we can commit to getting a pledge prepared, and you can have all your nominees sign it and the hon. Leader of the Opposition can have all of his nominees sign it, and we'd be in great stead heading off. There would be no uncertainty about any of it, but the reality of it is we'll all be on a doorstep at some point, as you've pointed out a number of times, by the spring of 2020 at the absolute latest.

When we're there, people will be very well aware that the bill that's here is in place and in play at that particular point in time. They have every ability to ask whatever member it might be or whatever nominated candidate it might be for whatever party: What's your position on the referendum? Will you adhere to whatever the vote turns out to be? It's a simple yes or no question, and this goes right back to the root of the process. This is really what this is all about.

This is a clear route to a clear answer to a clear question expressed by Prince Edward Islanders and for that reason, and given the fact that it's tied to an election, that's about as binding as anything can possibly get in here. That's the way this is set up, so practically, as we discussed last night, there's all kinds of technical ways you can raise potential issues with various things. Practically speaking, our word is our bond and that's what we operate by and that's what we have in place here and Prince Edward Islanders have a perfect ability to hold us to account on it.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: So, minister, would it be binding in the same sense that a fixed-date election law is binding?

Mr. J. Brown: I suspect so.

Dr. Bevan-Baker: Okay, well that answers my question about how effective it is in terms of a statutory requirement.

Mr. J. Brown: So we've gone through the section of the *Election Act* on a number of

different occasions and apparently you're having trouble getting past one particular part of it and so I don't think it's going to do much good for me to explain that to you here again today, but I'm sure if you go back and look, you'll have the ability to see that there are numerous provisions in the *Election Act* that will dictate when the next election will be.

Dr. Bevan-Baker: This section appears to be based on the BC electoral referendum reform act that was just released a little while ago and which you said has heavily influenced the latest round of amendments. The major differences – the BC act is intended to bind the current government. It happens within a mandate of a government and therefore can be binding. But what you're suggesting is because this is attached to the next election that this bill will be binding on a future government. Am I interpreting your words correctly?

Mr. J. Brown: I'm not sure what you're actually asking me about.

Dr. Bevan-Baker: I'm asking –

Mr. J. Brown: An amendment on the floor, which we're speaking to at this point in time and you're asking me about the initial – I'm not clear on what we're talking about.

Dr. Bevan-Baker: Okay. I'll try rephrasing it.

You're arguing here this afternoon that this bill is binding on the next government. I am saying that that is quite different from the BC situation because they are creating a binding referendum, but it's on the same government – it's in the middle of a mandate, so they are bound by the result. That's fine. Here, we are creating a situation where this government will be binding it – if I understand your words correctly – will be binding the next government of this province, whatever colour that may be, into an act. That is a clear violation of parliamentary sovereignty and I don't understand, minister, how you – I'd like you to explain how that is possible.

Mr. J. Brown: There's no difference between what we're doing here and binding the current government by statute.

Dr. Bevan-Baker: Oh!

Mr. J. Brown: None whatsoever.

Chair: The hon. Leader of the Third Party.

Mr. J. Brown: Well, let me finish explaining, Madam Chair.

Chair: Sorry.

Mr. J. Brown: Whatever we do in here today, we could turn around tomorrow and say we're not going to do that. As you just pointed out, in the past – whatever it's been – three months, I guess now, there's been four members of this House that have announced that they're not going to run again. In the same period of time, you could have had a by-election – we had one of those last fall. Everything we do in here is subject to what we do tomorrow and that is the ultimate form of democracy. That's the way this place is set up to operate, it's the way it's operated for hundreds of years and it's gotten along just fine in spite of people like yourself, who would say there's technical issues with this or that or whatever.

We are saying: Here this is. We are putting it out there. We are saying that this is a program that will be beneficial for Prince Edward Islanders. We will be on the doorsteps, looking Prince Edward Islanders in the eyes and saying: We will be taking the result and doing as we're supposed to do, in accordance with the act, following the election, whatever that may be. That is the ultimate form of, both democracy and of binding legislation, binding word – however you want to put it. It's binding in every sense.

I don't know why you're smiling at me. You're constantly looking at me and smiling and laughing.

Chair: Minister. Leader of the Third –

Mr. J. Brown: I don't know why it's so funny to you that this issue –

Chair: Minister, Leader of the Third Party has the floor.

Mr. J. Brown: – this issue, being as serious as it is is something that we will be –

Chair: The hon. Leader of the Third Party.

Mr. Palmer: I'm always happy.

Dr. Bevan-Baker: Yes. My Twitter handle before was @thehappydentist by the way.

I suppose my concern is with the pretense and what I would consider misleading language to Islanders – that if they vote a certain way, it's going to be, inevitably – the result of this referendum will have to be binding. It's going to be an obligation of the next government to follow through on that. We can't do that. In a statutory manner, we cannot do that. For me, it's that misleading language and if we just said: The results of this referendum will provide a strong mandate for the next government to implement whatever the result of the referendum is; I'd be totally cool with that. But it's the pretense that this will be binding in a legislative way, which it cannot be because of parliamentary sovereignty.

Again, it's a misleading – it's a nuanced thing, but it's clearly misleading and for you to suggest that this is no different from a situation within the mandate of a government, I find that astonishing from an Attorney General to not be able to distinguish between what happens within a mandate and what happens that is binding on a future government.

Mr. J. Brown: I find a lot of what you're –

Dr. Bevan-Baker: That's why I was smiling.

Mr. J. Brown: I find a lot of what you just said to be astonishing, but we'll leave it for Islanders to make their own determinations on that.

Dr. Bevan-Baker: Okay.

Chair: The hon. Minister of Economic Development and Tourism had a question.

Mr. Palmer: Thank you, Chair.

I'm just looking for some clarity. Everybody knows I wasn't here in May 2015, I think, when everybody here was elected, so is the first order of business to reaffirm all the

laws of the land that have been here before. Is that the very first thing that happens?

Mr. J. Brown: Certainly, as Attorney General, that wouldn't be my understanding. I'll be clear and frank in saying that, Madam Chair.

Mr. Palmer: So if there's laws that are passed today, they can be – they're the laws. Or we bring them back here and change them because isn't that what we do? Laws are in place and we either accept them or, we, as a Legislature, can change them. Isn't that what we're doing here every day?

Mr. LaVie: Or ignore them.

Mr. J. Brown: I think that's exactly right and as we just noted – or was noted by the hon. Minister of Communities, Land and Environment, that this is a very important change. It's significant. It would be on the order of a constitutional change, particularly in our view. Again, the amendment itself speaks to that fact and the objective behind it. Again, we've said our piece. I'm content. I think that's something that Islanders understand and I think that the language in there is appropriate in representing the intention and we're quite prepared to proceed on that basis. Like the hon. member, I will also commit right here to honouring the result of the referendum if I'm elected next election.

Mr. Palmer: Since all the laws don't have to be reaffirmed the day we get here, how is what we're talking about with this one any different? Why all of a sudden we're saying that this one can't be binding anymore than any of the other laws that we deal with here on a day-to-day basis?

Mr. J. Brown: That's exactly what I'm saying. It's binding until the law is actually changed and that's the same as every other law that we deal with.

Mr. Palmer: So if the *Electoral System Referendum Act* can't be upheld, then none of the bills that we have can be upheld. Is that what the Leader of the Third Party is trying to suggest?

Some Hon. Members: No.

Mr. J. Brown: I don't want to speak for the Leader of the Third Party. I don't totally follow what he's trying to suggest, but anyway. I'll just leave my comments at that.

Mr. Palmer: I guess, as my final point on this just to – which we all know, but bills can change. I know I was on the floor a week or two ago and we repealed *An Act to Amend the Tourism Industry Act*. We made changes to this, which is what we do every day. I don't know how what we're talking about here is any different or is being positioned to be any different than what we're doing on a day-to-basis because the laws here are the laws that we deal with. They're all as binding as this bill is going to be after the next election.

Mr. J. Brown: That's right.

Mr. Palmer: Is that accurate? Okay. All right.

Thanks.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

It's great to hear that the number of the opposition are going to be honouring the vote, regardless of what it may be. That's really exciting. But, I'd just like to read into record is the, in context of this discussion about binding, is in reference to an interview that was done by the CBC during the discussion on the debate last time in November, 2016, which says: Referendum Can't Force Hand of Future P.E.I. Government.

“Premier says clear result, political pressure will compel next government to act... P.E.I. Premier Wade MacLauchlan says a binding referendum he's proposed to be held in conjunction with the next provincial election won't be able to force the next provincial government to change electoral systems, no matter what the outcome might be.”

It is important to distinguish, when we're creating legislation that, in this case, the word 'binding' is used in the context that implies that the next future government will have a strong mandate, whatever that vote may be, but parliamentary sovereignty

cannot compel a future government to take an action in introducing new legislation, which is actually the second part of this amendment; introducing legislation needed to implement that system is one of the outcomes of the vote, which we will have on the same time as the election.

Going back to November 24th, 2016, the Premier had to, in that interview, make it quite clear that he recognized: that the principle of parliamentary sovereignty, the current government, us, cannot dictate those actions of a future government. We can provide a means for the population to express their will. We're very excited about that through the clear question and a fair and level playing field with a vote on mixed member proportional representation. But, however, we cannot compel that future government, whomever they may be, to actually implement that case. So, legislation is passed by that future government.

Thank you, Chair.

Chair: The hon. Premier.

Premier MacLauchlan: Chair, let me speak directly to this. If that supersedes what we reported in the CBC so be it. I guess that's another way of talking about how we can be clear.

What's being said here, by the minister proposing the bill and just by the Minister of Economic Development and Tourism, is that we operate with a rule of law. And, the very structure of the questions that were put by the Leader of the Third Party using the word 'obligated' I don't know what the semantics are between 'obligated' and 'binding', was exactly that point: that a bill, an act that was put into place by a previous Legislature, I think, two elections ago, remains the law of the land. We operate in a constitutional democracy that respects the rule of law.

Let me add then, what we are doing with this bill, and to pick up the language of the Member from Charlottetown-Parkdale, is that we will have a clear question. We will have a fair and level playing field. We are now talking about a section that lays out precisely the threshold. Something that Islanders will understand, that not just those, who come to this Legislature; but, I hope that those, who come to this Legislature,

when they put their name on the ballot will understand what it means when this bill becomes law and has a threshold, whatever that is.

The whole process that we're going through will be, indeed, reinforced by, not weakened by, not cancelled out by, reinforced by the fact that we're having an election and an election in conjunction with a referendum.

From there, I hear people taking the notion of parliamentary sovereignty as if you can say: well, elections don't matter anymore. I don't even need to debate that, but let's be clear about what we're saying here on this floor, is we've got all the way now to section 4 of this bill. We know exactly what it is we're trying to put in place, which is a referendum that is clear in all of the ways that we have discussed and will; that will ask Islanders a clear question with a clear answer. We've already dealt with that. With a clear answer to a question that lends itself to a clear answer. Now, we're talking about the threshold.

And, to use the word – so, now we're really down to whether you can or can't say, can you use the word 'binding' and the word 'binding' I'm sure gets used in many contexts. But, it's used here in the sense of obligation, which is exactly what the Leader of the Third Party said earlier today about the *Election Act*.

Let's be very clear about what has been said by the Minister of Communities, Land and Environment, by the mover of the bill, and I'll add my voice to that. I will put my name on a commitment that if the threshold is met and we go through this referendum, of course, I will come back here, if I get elected, and operate by the rule of law and by the voice of the people.

It's this – we have these two things working together. And I said it earlier when we discussed it here in this House: it's democracy. That's the ultimate constitutional principle that we're talking about here. It seems to be some of what's being said about parliament sovereignty is almost as if somehow that democracy would offend parliamentary sovereignty because that would – people would have to come here and do what they said they were going

do. That's the sense in which the word 'binding' is used.

It makes it clear to the people, which is a very important part of this whole process. Indeed, has been in referent in the past and that's exactly what is here and it's plain language. It's plain language about the fact that this will be the law for the people, who come back here, directly following a referendum.

Thank you.

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

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

I will point out, in addition, to what the Premier just said, that this is part of the benefit of debating this bill in the committee of the whole. We have everybody that we would need to have here to follow the commitment that we have just indicated that we're prepared to make in terms of it being binding.

It sounds like the third party has conceded the next election and they don't plan to be in government next time. We have the official opposition here and they're quite able to speak for themselves, as well. As indicated, you know, we don't think watering the bill down by saying anything less than it will be binding would be wise and it would not be a prudent step to take for Prince Edward Islanders. We have the language in there that we intend to move forward with. If anybody in this House thinks it should be anything less, I would encourage them to speak up at this point in time.

Thank you, Madam Chair.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

I got a little bit lost there about the suggestion that I believe elections don't matter anymore, I think was the phrase that the Premier used.

Elections, of course, are absolute paramount importance. In the quote I used in Question Period today they're, according to premier Ghiz: our most important democratic

function. Indeed, they are. I'm struggling to see the connection or the inference that I may have made somewhere that I didn't think that elections were important.

Let's imagine a scenario here, minister, that the referendum results in the referendum are in favour of mixed member proportional. But, I think I said any colour of government, I don't think I excluded any colour, but just to be clear: let's say any government from any of the parties that are currently registered on Prince Edward Island, what would that next government have to do in order not to implement the result?

Mr. J. Brown: What they would have to do would be reverse the legislation.

Dr. Bevan-Baker: They would have to amend the legislation?

An Hon. Member: (Indistinct) make it (Indistinct)

Mr. J. Brown: In the end, what hon. member we are into here, is that we're going through an election. We have a referendum that coincides with the election. We have a population that will have their say.

The hon. Minister of Communities, Land and Environment has made an amendment that would require that to be a fulsome proportion of the population in accordance with these kinds of changes, typically, and we are ultimately running on that promise the same way we always do with any law in this land and as we've indicated, there are a number of us that are here today that are prepared to indicate that we will support that result.

The two of you are here today; I don't know what your stance is on it. It sounds like you do not want it to be binding, but I don't want to presume too much. I'm only going by the language that you used, and we have the eight members of the official opposition and the Member from West Royalty-Springvale here that can all tell us what their thoughts are on it, and we have the leaders of the two opposition parties that I'm sure would be happy to speak to their party's position on it.

I don't know what more we can do or how we can make this better, but this is, I think, a

pretty good way to go at this for Prince Edward Islanders.

Dr. Bevan-Baker: Thank you.

Well, I think it's pretty clear that this corner of the House has always talked about honouring the vote, something that we should have –

Mr. J. Brown: Except now.

Dr. Bevan-Baker: – done last time that we will absolutely do this time.

So that's absolutely completely crystal clear on the record, we will honour the vote as we did last time – or would have done last time.

In answer to the question that I just posed to you, what would we have to do, as I read the legislation, the answer to that is actually nothing, because the way this legislation is worded is that following the next referendum, they have to do various things, including introducing the legislation.

Now, that doesn't mean passing the legislation, that's just introducing the legislation needed to implement a mixed-member-proportional system. So that would have to be debated in the House. It would have to be voted on in that House. So actually, the next government is not bound at all; they're bound to introduce legislation, at least that's as far as it goes. It doesn't say they're bound to pass legislation.

So I absolutely agree with you; this is not a binding piece of legislation. The point I'm trying to make here is let's not pretend to Islanders. Let's not mislead Islanders with the wording of a piece of legislation. Legislation has to be as clear as it possibly can be, and when you introduce phrases like this that are clearly not correct from a statutory point of view, and are misleading Islanders, then we're not doing them a service.

I'm just saying let's get rid of those words. Let's stop the pretense that this is binding. Let's say yes there will be – the next government will have a mandate to introduce this legislation, but it will be debated in the House as any other bill

will be and passed or not passed, as the case may be. That's the point I'm trying to make here.

Mr. J. Brown: And what I'm saying to you is you're the only person that's trying to make that point.

An Hon. Member: (Indistinct)

Mr. J. Brown: As far as I'm aware, the rest of us are in here saying that this legislation will be binding on us and we're prepared to make the commitment that it will be.

So if there are those that want to say something different, we would certainly welcome them to it. I'm sure Prince Edward Islanders would be interested to hear what their take is on it and that's the pretense, to use your word; that we're all here under.

Thank you, Madam Chair.

Ms. Biggar: Carry that section.

Dr. Bevan-Baker: The paragraph ends – the paragraph under section 4(b) ends by saying: to be in place for the next following general election required under the *Election Act*.

So I take it that is the reference to the fixed-date elections because that's when a required election is –

Chair: Are you speaking to the amendment?

Dr. Bevan-Baker: Yes, I absolutely am. This is the last sentence in the paragraph in section 4 in the amendment that's before us.

It says: to be in place for the next following general election required under the *Election Act*. Again, I'm interested in clarity. I'm interested in the words that we use because in legislation, that's very important. So the next general election required under the *Election Act* is the next fixed general election. Would that be correct, minister?

Mr. J. Brown: It's the next election required under the *Election Act*.

Dr. Bevan-Baker: Which would be a fixed election.

My question is: What happens if a government chooses to call election that's not related to the fixed election date? It happens. It has happened. It may happen. That's not required under the *Election Act*. So would that mean that it would be possible for the next government to hold an election without upholding the results of the referendum? Because, certainly, the wording of the legislation would suggest so.

Mr. J. Brown: You haven't said anything to me that would be indicating that the next election that you're talking about wouldn't be called in accordance with the *Election Act*.

So I guess what I'm saying to you is the *Election Act* there, the same as we're saying this would be binding, it will be binding on the next government that will be here and I think you've just made the point to prove that legislation that we pass is binding, one upon the next.

We are here indicating that we're here to respect that legislation and we're hearing that you're coming up with all kinds of different ways not to respect the legislation.

Dr. Bevan-Baker: No.

Mr. J. Brown: If that's how this is going to go or be then so be it, and we'll put forward a program that we think Islanders wish to have us move forward and respect, and we'll indicate our intentions and Islanders will judge us accordingly. That's what our job is as you pointed out a number of different times.

Dr. Bevan-Baker: I think I need to restate this because this is very clear, and if somebody has a different interpretation of this I welcome them to bring it forward.

The wording here is the vote – the next government is required to introduce legislation in a sufficient time to be in place for the next following general election required under the *Election Act*. Now, the next following general election required under the *Election Act* is a fixed-date election. That's a requirement. But a government could call an election at any time. As I said, they have done it in the past.

Our previous election was not in line with the fixed *Election Act*. It's entirely possible the next election that we're heading into will not be.

So, it's not a required election under the *Election Act*. So my question is, given the – I'm not here trying to suggest ways that the future government – I'm here to point out flaws in this piece of legislation and to me that's a fundamental flaw; that the next government could call an election, which is not required under the *Election Act*, and not implement the results of the referendum.

Ms. Biggar: (Indistinct)

Dr. Bevan-Baker: This is the most sloppy piece of legislation I've ever seen.

If an opposition party were to bring forward a piece of legislation as sloppily done as this, you would just toss it off the floor in an instant and this is just one example.

Could you please explain to me if my logic is wrong here? Or if somebody has another interpretation of that sentence, could they please offer it to this House?

Mr. J. Brown: I'm not sure that we shouldn't be asking for an apology to the staff that prepared the legislation in the first place.

But in any event, we'll ask Gary who is here putting his best effort forward to see if he can address the question that you had.

Mr. Myers: Don't let them blame you, Gary.

An Hon. Member: (Indistinct)

Gary Demeulenaere Director: So, you're looking at the wording at the very end of 4 sub 2, right?

Dr. Bevan-Baker: Yes.

Gary Demeulenaere Director: And so, I guess there are two things that I'll say.

One is, it feels like a long time ago now, but we were calling in the definitions section where general election was referred to unless the context was to require

otherwise. This is an example of where the reference to general election is not speaking obviously of the one that's going to coincide with the referendum. It's the one that will follow; right, to allow the implementation –

Dr. Bevan-Baker: Yes.

Gary Demeulenaere Director: Right?

And then the next part is we're – I think your wording is to deal with what is required under the *Election Act*, and I think the wording of the *Election Act* where the fixed-election date, as well as the ability of the LGIC to call the election before that time, is all within the same section of the *Election Act*.

I don't see that there's a distinction. That's the only way you can have a general election is if it's required under the *Election Act* either at the fixed date or the time that it's called or earlier than that.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: I think that's certainly a debatable point, Gary, and with all due respect, I did not mean any disrespect to anybody who put this bill together, minister.

What I'm suggesting is that we now have a total of 27; I believe it is amendments on bail that was just introduced two weeks ago.

It's absolutely clear to me that this bill was not ready to come forward to the floor for debate and I'm going to reiterate the call that I have made, that the Leader of the Opposition has made, that this bill needs more work.

It needs to go to standing committee; it needs public input and it needs a lot of work. This is not the place for us to be working on substantial amendments that we're handed literally minutes before we're going to have to deal with them.

Ms. Biggar: Okay, let's have the question then.

Mr. J. Brown: Hon. member, I feel as though I need to say something here.

Mr. Myers: No.

Mr. J. Brown: We went out of here last year with you saying this is exactly what we should be doing in the committee of the whole. In fact, you made a motion after here and made a big spectacle going out on that motion and now you're here saying the exact opposite and then you're saying this was sloppy and it wasn't prepared in a professional manner, and then you're saying: Well, wait a minute that's not what I said or not what I meant. I'm not sure exactly.

And now you're going back the other way and when you've been caught trying to make a point that doesn't make any sense, you're still saying that you're not ready to debate the bill. Like, none of that makes any sense to me and it looks like grandstanding and an effort to breed fear in Prince Edward Islanders where there's no reason to do that.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: I think we have an entirely different situation from the one that I was discussing and had an opinion on last year. It's quite common for bills to come forward and for there to be a minor amendment – usually bills are carried without amendment, actually. Here we have a bill where we're looking at amendments, for sure, in the double-digits. More importantly, amendments that we're only seeing as we're debating it on the floor –

Mr. J. Brown: You've had four weeks, or three and a half weeks to consider that section.

Chair: The hon. Leader of the Third Party has the floor, minister.

Dr. Bevan-Baker: We've had precisely minutes to look at some of the amendments which could be coming up for debate this afternoon.

Mr. J. Brown: What does that have to do with the section that you're talking about?

Chair: The hon. Leader of the Third Party has the floor.

Dr. Bevan-Baker: Thank you, Chair.

To me that's just not the best way to get the best legislation for Islanders. I'm just saying, let's pause on this. Let's consolidate all this. Rewrite your bill. Clearly the bill needs to be completely rewritten, rather than having 27 amendments – one amendment for every section, essentially. I want this to be done right. I think we all want this to be done right and this is not the ideal process for accomplishing that. That's all I'm saying.

Thank you, Chair.

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

Some Hon. Members: Question.

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

Some Hon. Members: Aye!

Chair: Contrary minded, 'nay'?

Some Hon. Members: Nay!

Unidentified Voice: I don't. Can you show your hands?

Chair: Sure.

Those voting against the amendment, can I see your hands?

One, two, three, four; four against.

Mr. J. Brown: Is it four or five, Madam Chair?

Chair: Could I see the hands again, sorry?

Mr. J. Brown: Up high.

Chair: One, two, three, four, five.

Thank you.

All those voting in favour of the amendment, show your hands.

Thank you. The amendment is carried.

Honourable members, shall the section carry as amended? Carried.

Thank you.

We'll now move on to section five – Referendum commissioner – and the minister has an amendment.

Mr. MacEwen: Are we still on section four?

Chair: No, we just carried it.

Mr. MacEwen: We just carried the amendment.

Yes. And then I said: shall the section carry?

Mr. MacEwen: (Indistinct)

Chair: Thank you.

Mr. J. Brown: Madam Chair, I have an amendment to move for section five of the act. This motion amends section 5(4) of Bill No. 38 to change the starting date for the Referendum Commissioner's appointment from June 1st, 2018, to the date stated in the appointment.

And it reads, Madam Chair -- should I read it?

Chair: You can read it.

Subsection 5(4) of Bill No. 38 is amended by the deletion of the words "June 1st, 2018," and the substitution of the words "the date stated in the appointment".

Chair: Thank you.

Hon. members, there's an amendment on the floor.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: We haven't read the section and I'm aware that this amendment only refers to one particular subsection of this section, so I'm not sure I will be speaking entirely to the amendment but –

Chair: Sure, I'll read the section.

Dr. Bevan-Baker: Thank you.

Thanks, Chair.

Chair: 5. Referendum Commissioner

(1) There shall be a Referendum Commissioner to guide the referendum process, including by engaging the public in the process and providing public education related to the referendum.

(2) The Referendum Commissioner is an officer of the Legislative Assembly.

(3) The Referendum Commissioner shall be appointed by the Legislative Assembly

(a) on the recommendation of the Standing Committee on Legislative Management; and

(b) following a resolution of the Legislative Assembly supported by at least two-thirds of the members.

(4) The Referendum Commissioner holds office from June 1, 2018, until the report required by section 7 is delivered to the Speaker of the Legislative Assembly.

(5) The Referendum Commissioner shall be paid the remuneration and allowances that are fixed by the Standing Committee on Legislative Management.

(6) In performing his or her duties, the Referendum Commissioner shall be responsible solely to the Legislative Assembly.

(7) The Referendum Commissioner may hire legal counsel, auditors and the staff that are required, and expend the money that is required, to perform the duties of the office.

The minister just read his amendment to section four.

The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

Chair: Sorry, section five, subsection four.

Thank you, minister.

Ms. Bell: Speaking to the amendment?

Chair: Yes.

Ms. Bell: And for the amendment this change – because we’ve gone past our date – but we had spoken previously when we discussed the potential risk of that fixed date and this was the process – what process, minister, do you expect the legislative management committee to follow in recommending a commissioner as soon as the legislation passes?

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

I don’t purport to know or dictate the process which legislative management would follow. Legislative management is its own independent committee of this Legislature. That’s a committee, certainly as I’ve indicated before in this House, that I respect and does great work for the overall maintenance of this House. I suspect and place my faith in them to come to a recommendation on this for the benefit of all of us.

Ms. Bell: Given that we need to have this referendum commissioner in place as soon as possible, should the legislation pass, minister, do you anticipate there needing to be a special warrant for funds to support that role once it’s in place? Or, has there been funds already budgeted to allow for the remuneration for that role and associated costs?

Mr. J. Brown: I can’t speak, specifically, to the financial implications of it, but it’s my understanding that there will be funds made available from the public funds of this province to take care of the costs as they’re set out in this legislation.

Ms. Bell: Okay. So because we don’t know what process the legislative management committee may have, we also don’t know who is going to need to sign off on the allocation of those funds. Is that something that will have to come back through the House? Or, will we have to reconvene to approve those expenditures, for example, as well as the approving of the selected commissioner?

Mr. J. Brown: That would not be my understanding, no.

Ms. Bell: Okay. Can you clarify that the House is expected to return because we need a two-third majority to confirm the commissioner; is that correct?

Mr. J. Brown: That’s correct, yes.

Ms. Bell: That’s correct?

Mr. J. Brown: I suspect that we’ll still be here, but we would have the opportunity to vote on that as a Legislature.

Ms. Bell: Given that you just said this legislative management committee that will decide that commissioner, we can’t say for sure that we will still be here because it’s a separate function. So those are going to come from some kind of a general purse at this point to allocate the funds associated; is that correct, minister?

Mr. J. Brown: Yes.

Ms. Bell: Down the road?

Chair: The hon. Member from Charlottetown-Parkdale, do you have another question?

Ms. Bell: Thank you – just one last question.

Where are the appropriations for this office and the associated costs in the 2018 budget estimates just presented and passed and if so, what line item were they in?

Mr. J. Brown: I’m not prepared to speak to that here today. It’s not something that’s within the purview of my role here. You could ask the finance minister that question. I’m sure he would be happy to address it with you.

Ms. Bell: Despite this being in your bill and in your thing, the allocation of the cost for that role are not in your mandate, is that what you’re saying?

Mr. J. Brown: That’s correct. They would not be coming out of our department.

Ms. Bell: Okay. That’s good for now.

Thank you, Chair.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Minister, just to follow up on Charlottetown-Parkdale's question: What happens if the Legislature is not sitting?

Mr. J. Brown: Sorry, I'm not sure I follow your question.

Mr. MacEwen: Can we put forward a resolution recommending the commissioner if the Legislative Assembly is not sitting?

Mr. J. Brown: So I think you need to be a little bit more specific. I'm not following –

Mr. MacEwen: Sorry. In the appointment of the referendum commissioner in (3)(b): following a resolution of the Legislative Assembly supported by at least two-thirds of its members.

If we're not sitting how does that work?

Mr. J. Brown: It would be the next time that we are sitting.

Mr. MacEwen: So it would be the next sitting of the Legislative Assembly?

Mr. J. Brown: Or tomorrow if we pass it today and legislative management meets tonight.

Mr. MacEwen: So things would have to happen quickly here. We're, some would say, nearing the end of a House session. So, say this passed Tuesday, and what would have to happen, if this was the last piece of business that we were doing?

Mr. J. Brown: I don't think it is.

Mr. MacEwen: How do you know that?

Mr. J. Brown: I have another bill that's on the order paper, two more.

Mr. MacEwen: So, you're confident that we'll still be here in order to do that?

Mr. LaVie: Unless they freeze us out.

Mr. J. Brown: I'm not the only one that would make that determination. But, maybe you know something that you're wanting to tell us?

Mr. MacEwen: I got a lot of things I'd like to tell you.

Mr. LaVie: (Indistinct) shut off (Indistinct)

Mr. MacEwen: Minister, has anybody approached you wanting to apply to be the commissioner?

Mr. J. Brown: No.

Mr. MacEwen: Has there been anything started on that as far as Engage PEI? Any reach out to say: be prepared for this to start looking for someone?

Mr. J. Brown: As far as I'm aware, hon. member, there's no Engage PEI involvement.

Mr. MacEwen: Oh, okay. Sorry. I thought that, I must have mixed something up.

Do you have somebody in mind?

Mr. J. Brown: No.

Mr. MacEwen: Is there anybody working on somebody that might be in mind, like a shortlist?

Mr. J. Brown: I couldn't tell you that. I'm not on legislative management.

Mr. MacEwen: We pass this Tuesday, and you bring your other bills or the rest of the work of the Legislature; Wednesday, Thursday maybe, at the latest, that would mean that somebody, the Standing Committee on Legislative Management have to meet; call for people; try and confirm somebody; interview or debate all that within like a day or two before the House closed.

Does that not seem like an odd thing? Like, that potentially could be turned around in 24 hours with someone we don't even know, yet. Would they – how is the legislative management standing committee going to make that all happen in potentially 24 or 48 hours?

Mr. J. Brown: Hon. member, I'm not on legislative management. I don't know whether you are or not, but this provision has been in the bill for the three-and-a-half weeks or whatever it's been on the table –

Mr. MacEwen: Yeah, but guess what? We're only getting to it now.

Mr. J. Brown: Well –

Mr. MacEwen: We're not allowed to ask those questions earlier until we get to the section.

Mr. J. Brown: I don't – legislative management, for all I know, may have had meetings on this subject already –

Mr. MacEwen: Oh, come on. Give me a break. They might have met on this, already.

Mr. J. Brown: I don't know. I'm not –

Mr. MacEwen: Seriously.

Mr. J. Brown: – pretending to know what legislative management does or does not do –

Mr. MacEwen: You actually think that legislative –

Mr. J. Brown: – so, other than –

Mr. MacEwen: – management is meeting on the side –

Chair: Morell-Mermaid –

Mr. MacEwen: – (Indistinct) consider people?

Chair: Morell-Mermaid.

Mr. MacEwen: Yes, Chair.

Chair: Please show some respect. The minister has the floor. You'll have lots of time to ask him questions.

Thank you.

The hon. Minister of Justice and Public Safety.

Mr. J. Brown: My point is that I do not know what legislative management's

process will be in relation to this. I have had a discussion with the Speaker, who is chair of legislative management.

He is aware of the provision of this section. I suspect that the committee will do its utmost to ensure that a commissioner is there at the earliest possible opportunity so that Islanders have a process that they can have faith in, in place, as we move forward towards a referendum.

Mr. MacEwen: So, now we're learning something. I asked you before if there was any work ongoing; parallel process, basically and you said: No. But now, you have spoken to the Speaker, who is the chair of legislative management.

You're expecting that committee, in the middle of the House session to put out a call for people to come in. I'm assuming resumes, interviews, whatever would have to happen. It's a pretty significant role. It could last some time. And, then to come up and make a decision within, potentially, the last day of the Legislature.

Mr. J. Brown: I, to be clear again, I have said and I'll say again: I don't know what the legislative management committee's process will be –

Mr. Trivers: Haven't really thought this through.

Mr. J. Brown: – and –

Mr. MacEwen: But, you put it in the bill, though.

Mr. J. Brown: – we would leave that to legislative management committee just as is done in the other legislation that has this exact same provision in it.

Mr. MacEwen: What happens if the Standing Committee on Legislative Management said, man, this is only like 24 hours before the House closes. How are we going to get this done? And they say, no thank you. We'll need to extend this out over a period of, even just to be generous, like a week or two?

I'm assuming, this is a fairly competent person that we're going to get to do it. Their schedule might not just line up with that 24

to 48 hours that we're going to have left of the House session.

If they decide to take a couple of weeks and the Legislature closes, are you comfortable with waiting until the fall sitting of the Legislature to recommend the referendum commissioner?

Mr. J. Brown: If we're done, we could call the House back.

Mr. MacEwen: Now, you just said that those types of things are outside your privy. Have you had a conversation about having to call the House back?

Mr. J. Brown: I have not.

Just to be clear, all – the only conversation I've had with the Speaker to date, is to note to him that this provision is in here. He said: Okay, I note that.

That's the full extent of the conversation.

Mr. MacEwen: Thank you.

Mr. J. Brown: In fact, it was had right here on the floor of the Legislature, I think, it was the day that I tabled the bill. As debate was going on. I came over and spoke to him. There wouldn't have been more than 15 words in the whole conversation. There's nothing sinister about it or anything. I just want to be 100% clear about that.

Mr. MacEwen: I didn't suspect anything sinister; I was just wanting the full disclosure of what's going on.

Minister, I get that this probably would have made sense when this bill was drafted, you know, a month ago, or whenever you started doing this – that, if it was passed early in the legislative session there would have been all kinds of time for the committee to meet and all that.

I'm guessing, by the number of amendments and the exhaustive time that this has taken – it's important time to be taken – but I don't think you expected to be doing this in, perhaps, the dying days of the Legislature. Therefore, I'm thinking that this section really doesn't make a whole lot of sense unless we are looking at coming back in the

fall to recommend somebody, or if we have to reconvene the Legislature.

Would you agree that the wording of this was better suited for the first week or two of the Legislature, not the last day or two?

Mr. J. Brown: I think the wording speaks for itself and could apply at any point in time.

As we've said: we are here until we get our business done. Whether we'd adjourn and come back at later point in time, or whether that recommendation would be there; I really couldn't say.

If you think that you have an amendment that you'd wish to propose, we're here to hear it. I think the spirit of the thing is that a referendum commissioner be in place as soon as possible so that we can get started on things like the education campaign, so that we can get started sorting out different things, like the forms that will be required for registered referendum advertisers.

All those different things that would be done to ensure that the public has confidence in the process and it would be our expectation that Islanders would like to see that done in a timely fashion.

Mr. MacEwen: Thank you, minister.

One final comment. I think this is another example of the rushed nature of this bill, and probably not thinking it all through. Yes, we can do all those things you said. Recall, but in normal convention, we wouldn't normally have to do that. So, I'll leave it there.

Thank you, Chair.

Mr. J. Brown: Always happy to get your thoughts on it.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

The minister seems to really be struggling with thinking about the full process of this referendum commissioner, and their term of office, which if, of course, what this amendment is all about.

I was wondering if the minister had considered simply amending the *Election Act* to make referendums the responsibility of, say, the Chief Electoral Officer.

Mr. J. Brown: I answered that question last night, Madam Chair. I don't know if we need to go through it all, again.

Mr. Trivers: Just a simple yes or no would suffice.

Chair: The minister said he answered the question last night –

Mr. Trivers: I –

Chair: – do you have another question.

Mr. Trivers: – he did not answer that question, last night.

I want to know, specifically, if you considered amending the *Election Act* so that instead of having a referendum commissioner you use the Chief Electoral Officer.

Mr. J. Brown: As I had previously indicated in response to this question and maybe in fairness the question wasn't your question, it might have come from somebody else: the referendum will coincide with the next election, and so given the duties of the two different officials, it was a recommendation that it be two different officials and Elections PEI played a role in that.

Mr. Trivers: Chair, if I could ask the minister: Who made that recommendation?

Mr. J. Brown: I couldn't say whether there was a recommendation made or not. This bill was prepared in consultation with elections Prince Edward Island, they had input on a number of the different sections, including the original section 4, as an example.

Mr. Trivers: I just wanted to be clear. It sounded like the minister said: that the recommendation was made that there be a referendum commissioner instead of bringing it in with, just putting referendums in the responsibility of the chief electoral officer.

I just wanted to clarify: Was it Elections PEI when the minister consulted with them that recommended a referendum commissioner instead of the chief electoral officer?

Mr. J. Brown: I honestly wasn't directly involved in the conversation, so I couldn't say one way or another. I do know that Elections Prince Edward Island did have input on those sections, in particular, and that that was the piece that while there's an election going on, the chief electoral officer, for example, has a lot of duties, actually, which do interact with a lot of what's going on in this legislation.

It was not seen that those duties should be conflated by adding on the referendum duties at the same time. And, that really, there needed to be a clear separation between the two.

Mr. Trivers: Chair, it sounds like the minister is making up some justification for a referendum commissioner, but he's not sure where it came from, which is another good reason why we should have this at committee and really look at it further.

Thank you.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I do sit on legislative management committee. I realize the restrictions involved in whatever we discuss there, but I can certainly tell you about the process that we used the last time that we chose an officer of the Legislature. That was the Chief Electoral Officer, Tim Garrity.

There was an open – there was a job ad posted. It was an open competition. There were numerous interviews done. Two rounds of interviews if I remember right, with a number of people. Then, legislative management committee met; made a recommendation to the House.

That's not something that's going to happen, presuming we want to do a proper, thorough process here. I imagine, minister that's what you want. This is an important role. This isn't something that we can do in 24 hours.

I want to go back to some of the questions that Morell-Mermaid was asking. You mentioned that originally when he asked you about: if this takes longer than the sitting. You said: We'll wait until the next sitting. Then, he pressed you a little bit more and you said: We can recall the Legislature.

I want a clear, straight answer on that. If the House rises, and this has not been dealt with by legislative management committee, and the act requires that it be supported and voted on by two-thirds of the Legislature, will you recall the House before the fall sitting in order to specifically do that?

Mr. J. Brown: It won't be me –

Dr. Bevan-Baker: Will the House be –

Mr. J. Brown: (Indistinct)

Dr. Bevan-Baker: – do you imagine the House –

Chair: (Indistinct) Speaker.

Dr. Bevan-Baker: – specifically to do that?

Mr. J. Brown: I think we're here at the will of Prince Edward Islanders. If they think it's something that's important enough to have the House recalled for, I'm sure we'll be back here to do that. That's presuming that we don't get it done before we leave here.

Dr. Bevan-Baker: I think it's certainly fair to presume that we won't. You say that Prince Edward Islanders would somehow have the authority to recall the House?

How would that process work? If the House rises and two weeks afterwards, legislative management does make a recommendation to this Legislature, what would the process be for recalling the House?

Mr. J. Brown: Hon. member, I'm not going to get into a recantation of the rules under which we operate here, but you know them, and I suspect as well as I would, and would know how the House would be recalled.

What I'm saying to you is that's the provision that we have put in here. As I have said to the other hon. Member from Morell-Mermaid, if you have a different proposition, then feel free to make it.

This is what we have put forward. It's a mechanism that's used in a number of other acts to appoint other similar positions. It has worked well before. It manages to result in the appointment of different officers. The electoral officer, I think (Indistinct)

Unidentified Voice: (Indistinct)

Mr. J. Brown: – the Attorney General and the privacy commissioner. And, so that's where the section came from. We feel that it fits here, as well. That's why we're here to have this discussion. If you think that there's a better way of proceeding then, we're all ears.

Dr. Bevan-Baker: Thanks.

No, I think the process is great. I have no problem. I think two-thirds of the Legislature should approve of whatever recommendation comes from LMC.

Again, for the House to be called back, 60 days notice is required, unless, as it says: It's urgent or extraordinary circumstances.

I'm wondering whether the installation of the referendum commissioner would qualify as an urgent or an extraordinary circumstance, in which case you can waive those 60 days notice.

Chair: (Indistinct)

Mr. J. Brown: Hon. member, we're way outside the perimeters of this section, as far as I'm concerned.

The section either will stand as it is or it won't. Feel free to, as I say, if you think it won't work for you, or if you see something that is not going to work, we're open to amendments. As you've indicated on a number of occasions previously, and as you've indicated previously, that's what our job is here. If you think there's a better way of doing it, I'm all ears; happy to hear it.

Until that time, this is what we've put forward. It has worked in a number of other situations. We never really know when we're going to be done of our work here. That's the way these situations would typically work.

Dr. Bevan-Baker: I think it's important for those of us, who sit in this House to know that there – that it's, at least a possibility we might be recalled to do this. I have no problem with that at all.

But, I just wanted to know whether you felt that, again, the installation of the commissioner would qualify as an urgent or extraordinary circumstance. To my way of thinking, I don't think it does, unless it, of course, is attached to an upcoming election, but none of us know that.

I want to go back to the monies associated with this. You said that you feel that's outside the purview of the discussion just now, but I think I would like to ask questions on that.

The way this is worded, basically, the commissioner can have whatever funds she or he feels are required and whatever staff is needed to conduct the referendum. Who approves the allocation for those purposes? Would that be LMC, as well?

Mr. J. Brown: This is done in the same fashion as any of the other legislative officers' budgets are established. The mechanism is the same. Again, this is what's been put forward. The budget is not my budget. That's what I had indicated previously.

The budget would be, I would expect, the Speaker's budget to speak to. That's why I'm saying it's not within my purview to speak for him. He was here and questions could have been asked at point in time, if you had questions in relation to the budget.

Dr. Bevan-Baker: Thank you.

We know, approximately how much the last plebiscite cost, and, of course, this is a different process. Maybe, there will be more staff involved. Maybe there'll be less staff involved. I would imagine, because one of the requirements, and we'll talk about this later when we get to the appropriate section. I think it's section 9, but I could be wrong on that. About the registered referendum advertisers having to present a budget. There's a bunch of questions I'll have about that when we get there, but you must have some sense of what the budget for this

referendum commissioner will be in the office.

Could you let us know what you imagine that might be?

Mr. J. Brown: I think we had previously indicated that we'd envision it being in the order of three-quarters of a million dollars.

Dr. Bevan-Baker: Okay.

Presumably, that figure is difficult to nail down because we don't know whether they'll be there for 26 days or eight months or even longer. Is that fair?

Mr. J. Brown: I would think the bulk of the constituent parts of it can be fairly well established regardless of the timeline.

There would be parts of it, obviously, that would be influenced, in terms, of any required staff, but a lot of it – the budget would be tied in up in the education. Obviously, the proponent and opponent groups are a set amount at \$150,000, or that's what has been proposed, so far –

Ms. Biggar: Call the hour.

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

Minister, can I get you to read this?

Mr. J. Brown: Certainly.

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.

Look at all these amendments, just at the back here. If they can be fit in, in order. Thank you.

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 Tignish-Palmer Road, that this House adjourn until Thursday, June 7th at 2:00 p.m.

Speaker: Shall it carry? Carried.

The Legislature adjourned until tomorrow, Thursday, at 2:00 p.m.