

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

Hansard, Published by Order of the Legislature

Third Session of the Sixty-fifth General Assembly

Thursday, 7 June 2018

MATTERS OF PRIVILEGE AND RECOGNITION OF GUESTS	3483
STATEMENTS BY MEMBERS	3485
SOURIS-ELMIRA (Anniversary of D-Day).....	3485
WEST ROYALTY-SPRINGVALE (Heart and Stroke Foundation of PEI)	3486
ORAL QUESTIONS.....	3486
LEADER OF THE OPPOSITION (Chief public health office investigate health issues at TOSH (further)	3486
LEADER OF THE OPPOSITION (Health symptoms related to project at TOSH (further)	3487
LEADER OF THE OPPOSITION (Testing results of TOSH)	3487
LEADER OF THE OPPOSITION (Mould and water testing at TOSH)	3488
GEORGETOWN-ST. PETERS (New and improved PNP program)	3490
GEORGETOWN-ST. PETERS (Upfront re: shut down of PNP program).....	3490
GEORGETOWN-ST. PETERS (Refusal of support to rural municipalities).....	3491
GEORGETOWN-ST. PETERS (Rural communities and new PNP program)	3491
RUSTICO-EMERALD (Cut back of staff in provincial planning)	3492
RUSTICO-EMERALD (Lack of resources for construction season)	3492
RUSTICO-EMERALD (Dollars for staff salaries in planning and development)	3493
RUSTICO-EMERALD (Copy of organizational and operational review).....	3493
LEADER OF THE THIRD PARTY (Sending Bill No. 38 to committee)	3494
LEADER OF THE THIRD PARTY (Throne speech promise re: referendum)	3495
LEADER OF THE THIRD PARTY (Review and consultation re: bill 38).....	3496
LEADER OF THE THIRD PARTY (Islanders excluded from democratic renewal process)	3496
TIGNISH-PALMER ROAD (Investments in post-secondary education).....	3497
TIGNISH-PALMER ROAD (Parental income re: student loan assessments)	3498
WEST ROYALTY-SPRINGVALE (Prosperity in West Prince)	3498
WEST ROYALTY-SPRINGVALE (Mill River property asset).....	3499
SOURIS-ELMIRA (Importance of Island fishery)	3500
SOURIS-ELMIRA (Price of lobster)	3500
SOURIS-ELMIRA (Compensation for improving fishery).....	3500
SOURIS-ELMIRA (Improving of lobster prices on PEI)	3501

STATEMENTS BY MINISTERS	3502
FAMILY AND HUMAN SERVICES (Modernizing Social Assistance)	3502
AGRICULTURE AND FISHERIES (Farm & Food Care PEI)	3503
TABLING OF DOCUMENTS.....	3504
REPORTS BY COMMITTEES	3505
PUBLIC ACCOUNTS (Committee Activities).....	3505
RUSTICO-EMERALD	3505
MONTAGUE-KILMUIR	3506
MOTIONS OTHER THAN GOVERNMENT.....	3506
Motion 76 – Commit Bill 38 to the Special Committee on Democratic Renewal	3506
LEADER OF THE OPPOSITION	3506
LEADER OF THE THIRD PARTY	3509
SOURIS-ELMIRA	3510
ECONOMIC DEVELOPMENT AND TOURISM.....	3512
RURAL AND REGIONAL DEVELOPMENT.....	3512
LEADER OF THE OPPOSITION	3513
ORDERS OTHER THAN GOVERNMENT.....	3516
COMMITTEE	3516
BILL 114 – Plastic Bag Reduction Act.....	3516
Motion 73 – Seeking improved governance	3521
LEADER OF THE THIRD PARTY	3521
ORDERS OF THE DAY (GOVERNMENT)	3525
COMMITTEE	3525
BILL 38 – Electoral System Referendum Act.....	3525
ADJOURNED.....	3555

The Legislature sat at 2:00 p.m.

Matters of Privilege and Recognition of
Guests

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

Welcome colleagues here and visitors in the gallery; those watching from other points to our tenth Thursday of the spring sitting.

In the gallery today we have with us Jonathan Watts and his family. I'm going to come back and say a word, Jonathan, so we'll just – I have a few other things I want to say, first – it's your day.

We learned that Amalgamated Dairies, ADL, has won a national recognition at the Canadian Cheese Awards in Toronto with a first place showing for their Dairy Isle Old cheddar and for their Dairy Isle minimum, and we're very proud of that.

I met, this morning, Carolyn Prime. She's the conductor of the group Island A Cappella. Each year, at this time, they go to Sackville, for a regional competition, singing. It's a great group. Talented women singers from all over the Island. This year, Island A Cappella and Carolyn, in particular, as the conductor, won an award for the greatest improvement in their score from last year's meeting of that group. Indeed, they will go to Orlando in November to compete in a further international competition. That's a great achievement and we certainly salute that.

Tomorrow, two events of note. One, it's the Day of Caring, which is an opportunity for workplaces, who've supported the United Way of PEI to celebrate their connection; their workplace and, in particular, their support for community, and the support that they've given to community through the United Way.

This weekend, starting tomorrow, is the 163rd birthday of the City of Charlottetown, through – which will celebrate that occasion through Natal Day events; arts and culture; pancake breakfasts and various events throughout the city.

Let me come back to Jonathan Watts of Pleasant Grove, who –

Ms. Casey: Yea.

Premier MacLauchlan: – who is Special Olympian gold medalist in bowling.

[Applause]

An Hon. Member: Great job.

Premier MacLauchlan: Jonathan is here with his parents, George and Leah; his sister, Laura Fall; his aunt Pauline Cavanagh; his cousins Sarah and Dan Larter.

They're a great family. I might add, I'm pretty sure that Jonathan's grandfather, Harry is here with us, in spirit too. As you know, Mr. Speaker, Harry passed away just a few weeks ago. But, he knew before that that Jonathan had won a gold medal, which I had the honour to present to him. At, and as did the minister of health, and the Member from Charlottetown-Lewis Point, at the 10-pin and five-pin Special Olympic bowling that was hosted here in Charlottetown.

Jonathan is a great young man. He has been involved in community sport programs from an early age. We can see, of course, by that gold medal that he's hit a high level of achievement.

Indeed, in 2015, he was awarded the Steven Thompson Memorial Award as the Top Male Bowler in the Confederation Division.

Jonathan, we all congratulate you and thank you and your family. Of course, that, we went out far enough, includes you, Mr. Speaker, for being here and wish you all the best.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

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

It's certainly a pleasure for me rise today, as well. I would just like to speak briefly on a

very important event that I had the pleasure of attending last night in District 19 Borden-Kinkora. We had the nomination for the individual there, last night.

We had, I believe it was, the last I heard there was 138 people in attendance, but I lost count because they just kept flowing in –

Some Hon. Members: (Indistinct)

Leader of the Opposition: – at one point I had to get up and do my speech. It was heartwarming to see the great support that this member actually got from his community and it shows how hard he works for his district and they were certainly there for him last night.

I'd also like to acknowledge the period of time that we're entering here, as you alluded to a little bit earlier, our high school students are starting the exam process. As you indicated, we have two Pages here today and we're probably going to be seeing that over the next several days, or next couple of weeks, however long we're here and the exams go on. I think maybe we should give the Pages here in the Legislative Assembly a little bit of a break and let them go and concentrate on their exams and their studies and maybe we can call the alumni back in to fill their seats. Of course, the Premier and Campbell Webster and individuals like that were Pages here at one time, so it'd be nothing better than to see the Premier sitting at your feet, Mr. Speaker.

I'd also like to recognize Toby MacDonald who's here with us today from Summerside. Last, but not least, I'd also like to congratulate Jonathan Watts on your incredible accomplishment, winning gold in the five-pin bowling here just recently. I know that I had the great honour of shaking your hand and holding the medal out in the hallway there just a little while ago and talked a little bit about how your hard work and training and perseverance has paid off – that you reached this pinnacle in your athletic career. Also, I'd like to recognize your parents who I had the immense pleasure to go to school with. George, you haven't aged a bit. I don't know how you're doing it. It must be the water out there. Of course, I'd also like to recognize Dan and Sarah who are from my district.

Thank you very much, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

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

What a beautiful day to be on Prince Edward Island – just a gorgeous day out there. I want to start off by passing on my personal congratulations to you, Jonathan, and to your family who are all gathered with you today. Fantastic job; you made PEI proud.

I also want to make special mention of the fact that my friend Sandy Nicholson is here with us today. Sandy lived for a time in Ontario and now back in PEI, living in District 13, I believe. Welcome today, Sandy.

Thank you, Mr. Speaker.

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

Mr. Dumville: Thank you, Mr. Speaker.

I, too, would like to welcome everybody here today. It's good to see Leah and George Watts with us. I haven't seen George for a few days. I'd also like to welcome Crystal Cobb that's with us representing Heart and Stroke Foundation.

Jonathan, it's great to have a gold medalist with us and the Leader of the Opposition – he only got a handshake, I got a hug. Thank you very much, Jonathan. I really appreciate that.

Thank you, Mr. Speaker.

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

Mr. Gallant: Thank you, Mr. Speaker.

I, too, want to welcome everyone to the gallery; a special welcome to Jonathan Watts and once again, congratulations on your gold medal win and making PEI proud. Congratulations.

Also, I and the Minister of Economic Development and Tourism had the honour this morning to be at the citizenship

ceremony at the Charlottetown Inn and Convention Centre, where 45 new Canadian citizens were sworn in. It was a wonderful, wonderful experience. A lot of these people come here and they stay for awhile and then they apply for their citizenship later, but my department gave them out each a tree. With the tree there was a little note and it said: Thank you for planting your roots in PEI. We hope you stay here and watch your tree grow.

I wish them all the best in the future.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

Every day you get up in the House and have a chance to speak, it's a pleasure. I'd like to say hello to everyone watching on Eastlink or online – to everyone in District 1.

I'd also like to congratulate Jonathan on his gold medal. I had the opportunity to meet Jonathan a few years back. He's not only a gold medalist, but Jonathan is a big country music fan, and I got to meet Jonathan. They camp beside us up at the country concert. Jonathan goes to the country concert. Not only that, the last time I saw Jonathan he was at the Johnny Reid concert. He's a big Johnny Reid fan.

I haven't seen George and Leah in a while and I would just like to – I don't see them camping anymore, so I would just like to say hello to them too, Mr. Speaker.

Thank you.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

I wanted to welcome everybody watching from District 18 Rustico-Emerald, and everybody here in the gallery, and the media as well, especially Ryan Ross who hails from Emerald Junction, as well as his neighbor, brother, Al Croken. I thought I should say hello.

I was out at Central Queens Elementary School today and Tara Delgan-Gallant is the principal there, and vice-principal, Anne Ives; just had a great volunteer appreciation lunch and ceremony. They joined together with their staff and they sang how sweet it is to be helped by you to Velma Voss, who is a great volunteer there. She was awarded at the home and school AGM, so I just wanted to give them a shout out and congratulate Velma.

Also, I was down at the construction in Hunter River and I was going along and talking to some of the folks along the way, and Dwight Parkman came up to me, and if anyone knows Dwight; he's not someone who gives out congratulatory remarks easily, and he said: I want you to stand up in the House and I want you to say that this is the best construction project I've ever seen around here. He said: You need to thank Curran & Briggs and you need to thank the department of transportation for the great job they're doing.

Thank you, Mr. Speaker.

Some Hon. Members: (Indistinct)

Mr. MacEwen: Looking for –

Mr. LaVie: How much did you pay him for that one?

Mr. Roach: (Indistinct)

Statements by Members

Speaker: The hon. Member from Souris-Elmira.

Anniversary of D-Day

Mr. LaVie: Thank you, Mr. Speaker.

Today I would like to recognize the 74th anniversary of the D-Day landings on the beach of Normandy, France, which happened on June 6th, 1944.

It was on this day that Canadian, British, and American forces made history as 156,000 soldiers, 14,000 of them were Canadians, landed on five beaches that stretched 80 kilometres of heavily coastline along the France Normandy region.

This is one of the largest military assaults in world history, and it signaled the beginning of the end of WWII for the Nazi empire and asserted victory for the allied forces.

It is important to remember the sacrifices made by our men and women in uniform, some of whom made it home to Canada while others paid the ultimate price with their lives. We must remember their courage and bravery in the face of unspeakable – at the hands of Adolf Hitler and the German empire.

We can never change the past, though we can use it as a reminder of the physical and social cost war takes on individuals, families, and society in hopes that we never again have to see more families make those same sacrifices.

I want to express my sincere gratitude to all the men and women in uniform, past and present, for their selfless service and dedication to this great country we live in.

Thank you, Mr. Speaker.

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

Heart and Stroke Foundation of PEI

Mr. Dumville: Mr. Speaker, thank you.

The Heart and Stroke Foundation of PEI is a non-profit charity dedicated to reducing death and disability from heart disease and stroke among Islanders. They are a volunteer-driven organization.

Volunteers help them fulfill their mission by participating at every level of their activities. Volunteers guide the long-term planning and the direction of the foundation through their membership on the board of directors. They help raise funds by participating in the person-to-person P2P campaign during heart month in February and stroke month in June.

They deliver the organization's health promotion programs, including CPR courses and others. Volunteers are their most valuable resources, the heart of the organization, and number 130,000 strong across Canada.

The organization has created a caring heart circle to honour committed philanthropic supporters. The PEI LCC has generated, in excess, of 81,000 over the past seven years through the Paper Hearts campaign, which allows the Heart & Stroke Foundation to continue their lifesaving work against heart disease and stroke, providing a valuable health service to all Islanders.

Thank you, Mr. Speaker.

Reponses to Questions Taken As Notice

Questions by Members

Speaker: The hon. Leader of the Opposition.

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

Question to the education minister: On May the 25th, I asked you to engage the chief public health office to investigate the student health issues at Three Oaks.

Chief public health office investigate health issues at TOSH (further)

Minister: In light of this week's revelations about air quality issues at Three Oaks, I again ask: Will you have the chief public health office look into these student health issues?

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

The hon. Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: Thank you, Mr. Speaker.

As we've been discussing this, there's a lot of information out there that, you know, it's unfortunate that the opposition want to put incorrect information out there –

Mr. MacKay: (Indistinct)

Ms. Biggar: – Mr. Speaker –

Mr. MacKay: (Indistinct)

Ms. Biggar: – actually, I did just get information back that the June 6th test from Workers Compensation Board and

occupational health and safety have reported a positive report on the construction site. The construction is accelerated. It will be 75% done by September.

Contrary to what some people have reported in the news media, it will be complete. Actually, we are on schedule, and, in fact, ahead of schedule and we expect that completion of that project by winter of 2019.

Speaker: The hon. Leader of the Opposition.

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

The minister of transportation, unfortunately, can't get her facts straight because she's not on schedule and she's not on budget.

Question again, to the education minister: When I first asked you to do this, more than two dozen students had come forward with health issues. Now, that number is 50 and climbing on a daily basis.

Health symptoms related to project at TOSH (further)

Again, to the minister of education: Do these students, staff and parents not deserve to know if the school construction is making them sick?

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

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

I have addressed this very question in this House before. What I said, at that time, and I'll reiterate here, again, is that going back to April of this year, a committee was struck in relation to officials from the school; from the Public Schools Branch; from the parent group; from the community. Ms. MacDonald in the gallery here today, who has been at those meetings where they met with officials from ALL-TECH who is the environmental consultant that's monitoring air quality in the school, and in the construction site, which are two separate spots.

There's been additional security that has been retained, as a result of that. There's been additional air quality testing retained as a result of that.

It would be my understanding that there was a consultation with, as I think I had indicated, at that point in time, the Chief Public Health Office, as to the kinds of testing that might be done in this circumstance.

As I indicated, I'm not sure of the level of that correspondence and I wouldn't want to say that with any degree of certainty here.

Thank you.

Speaker: The hon. Leader of the Opposition.

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

Again, to the education minister: On May 25th, you said, "...all of the results have come back as being positive and meeting Health Canada standards through the month of April."

Testing results of TOSH

To the minister: We now know that wasn't true. Did you know it wasn't true when you said it?

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

Ms. Biggar: Thank you, Mr. Speaker.

We have been continuously doing air tests in the school in the areas that students may be in. I was very shocked, last night, to see a video that was posted by the Leader of the Opposition by a student, who took that video before any construction in the school even began –

Mr. MacKay: (Indistinct)

An Hon. Member: (Indistinct)

Ms. Biggar: – and it was confirmed on Facebook, by that student, that that video, that that person did, that was posted by the Leader of the Opposition was long before any construction in the school ever began –

Some Hon. Members: (Indistinct)

Ms. Biggar: – it's a continuous misrepresentation of the –

Mr. MacKay: Fifty sick kids. Shame on you.

Ms. Biggar: – of the facts –

Mr. MacKay: (Indistinct) 50 sick (Indistinct)

Ms. Biggar: – that are happening around this construction –

Mr. J. Brown: You didn't even ask permission to post it.

An Hon. Member: (Indistinct)

Mr. MacKay: Shame.

Ms. Biggar: – and the opposition leader might want to check his own –

Some Hon. Members: (Indistinct)

Ms. Biggar: – Facebook posts –

Mr. Myers: (Indistinct) are you still (Indistinct)

Ms. Biggar: – that are on there confirming that that was before construction ever began.

Speaker: The hon. Leader of the Opposition.

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

My question was quite simple to the minister of education. We know now that that wasn't true with regards to your statement back on May 25th. I asked: did you know it wasn't true when you said it?

But unfortunately, the minister wasn't able to get up on his feet and defend his statement –

Mr. Myers: Hiding from (Indistinct)

Leader of the Opposition: – whether it's true or not.

Question again to the education minister –

Ms. Biggar: (Indistinct)

Leader of the Opposition: Thank you.

Question to the education minister: Do you still believe that the air quality tests at Three Oaks have come back okay?

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

Ms. Biggar: Mr. Speaker, again, I want to reiterate for everyone that is listening in regard to air quality testing that is going on. We have engaged, actually, since March, an independent environmental assessment firm who does; it's ALL-TECH Environmental. They do – we're doing additional air quality tests that are conducted in locations.

We're reporting back. We have an ad hoc committee that's been put together. If the Leader of the Opposition likes to look at videos so good and the website, he might want to check the school website that was posted, where the principal reported out to the parents and staff and students that they have reviewed the air quality tests and all have agreed that they are in compliance and in agreement with what has been reported back to them.

Speaker: The hon. Leader of the Opposition.

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

Again, question to the education minister, if he can find his feet: On May 25th, you also said, "All of that testing has come back fine. What I will say here is we are open to any input as to what might be done."

Mould and water testing at TOSH

To the minister of education: In light of this week's shocking revelations about asbestos contamination at Three Oaks, will you also have mould and water quality testing done, to the minister of education?

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

Ms. Biggar: Mr. Speaker, this is a technical question and I want to make sure that we're clear on this –

Mr. Myers: You're the perfect person for –

Ms. Biggar: – they want to–

Mr. Myers: – a technical question
(Indistinct)

Ms. Biggar: – refer to asbestos. They're trying to tie results that happened back in March, 2017 –

Mr. Myers: Tell us because you're a scientist.

Ms. Biggar: – with what is happening –

Mr. MacKay: (Indistinct)

Ms. Biggar: – today. I want to –

Mr. Myers: (Indistinct)

Ms. Biggar: – confirm that on March, 2017, there were tests done. There was results came back because there was a breach of an area that did not show up originally. Work was stopped.

Now, since that time there has been no other breach except in March, there was in March, 2018. The staff were working at night to do construction during the evening to reduce noise during the day. There was an event that took place there that was not advertised to the workers that were on site. That was not asbestos. I want to make that clear.

This opposition are trying to create hysteria by parents, to parents and staff. It is unacceptable. It is erroneous on what they are doing on Facebook, putting a video that was on there that was even done before any construction in that school even started.

An Hon. Member: (Indistinct)

Ms. Biggar: So, if they want to get the facts straight, I'll give them the facts straight: The information that the Leader of the Opposition –

Mr. MacKay: You've got no credibility.

Ms. Biggar: – put on there was done and confirmed –

Mr. MacKay: (Indistinct)

Ms. Biggar: – by a student –

Mr. MacKay: (Indistinct) sick. No credibility.

Mr. Myers: (Indistinct)

Ms. Biggar: – in that video that that was done before.

Thank you.

Speaker: I know it's getting late in the season. It's getting late in the season and everybody is getting a little testy, I would say. Maybe, you should just calm down a little bit. Don't take this so serious. I know you don't agree with what, maybe, any minister is saying. Anyway, but just calm down.

An Hon. Member: (Indistinct)

Some Hon. Members: [Laughter]

Mr. Myers: It wasn't planned.

Some Hon. Members: (Indistinct)

Speaker: We'll start with a fine example from the hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Mr. Speaker.

I certainly hope I can bring some calmness back into this Legislature.

Speaker: I'm sure you will.

Mr. Myers: The minister responsible for the PNP program and immigration has been very good at sticking to the script that his staff has given him this session where he says that the program is new and improved.

If he got out of his office once in a while and stopped hiding in behind his computer screen here in Charlottetown, he'd definitely know that that program may be new, but it certainly isn't improved.

New and improved PNP program

Question to the minister: Why have you failed to go out and speak to communities about your new and improved PNP program?

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

Mr. Palmer: Thanks, Mr. Speaker.

It sounds like my friend across the floor has actually been out and seen the great results that are happening on PEI, so I think that's wonderful. You keep doing that because that's great news.

We've been talking with a lot of communities through our staff and we connect with them. They have meetings in our office, we've been out to see them, so we're happy to continue doing what we're doing, continue bringing newcomers to PEI that are filling labour gaps, that are starting new businesses, that are creating new culture here in our province.

Mr. R. Brown: Great job.

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

Mr. Myers: Thank you, Mr. Speaker.

So maybe the minister doesn't go out to visit the communities out there because he doesn't think he needs to, and maybe it's because the Premier won't approve his travel to go out and see them, but either way, communities are coming forward themselves to speak out against this government and the administrative hurdles that their new and improved PNP program is causing.

Two communities have come out so far and said that they're not getting a return of investment at all in the amount of work that they have to put into your PNP program in order to get applicants selected.

Question to the minister: Why do you think it's fair to make these communities do all your heavy lifting with your new program when they aren't seeing the benefits at all?

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

Mr. Palmer: Thank you, Mr. Speaker.

Communities are overjoyed to have newcomers come to their community to present business ideas to them – how they

can grow in the community and what they can do. Now if some of them are overwhelmed because they have great communities and they have lots of people that want to come to it, well, that's okay. There's lots of communities around PEI that are also interested in having more people come along.

I think it's a great piece of our population action plan and communities do as well. They're glad to have new people come to their community that are buying houses, that are buying cars, that are spending money in their communities.

Thank you, Mr. Speaker.

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

Mr. Myers: Thank you, Mr. Speaker.

Your new lottery system for PNP seems to be the common thread for your failures in your new and improved PNP program. Communities are dedicating staff members to these community endorsements because the immigrants need extra points in hopes that they may be selected. In the month of May, you actually froze the program and aren't selecting anybody.

Upfront re: shut down of PNP program

Question to the minister: Why haven't you been upfront with communities and told them that you, yourself, have shut down your program?

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

Mr. Palmer: Thank you, Mr. Speaker.

The program has not been shut down. I know that's disappointing to the other side because I could tell from the line of questioning they don't want newcomers coming to PEI for some reason. I don't know why they don't want that to be part of our population action. I don't really understand that, but I guess that's not for me to understand. They can figure out what they think is the right thing to do, but we know, on this side, to grow the population, to bring new people to PEI that can fill labour gaps, that can start new businesses, that will help

us repopulate PEI – one of the measurements that I think is very important is our population is younger now than it has been in my entire life and I think that's very important.

Thank you, Mr. Speaker.

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

Mr. Myers: Thank you, Mr. Speaker.

Well I'm sure those 600 youngsters that are out there living in the Sherwood Motel are certainly helping to drag our number down here on Prince Edward Island. Even the minister of workforce in his greetings earlier said that the immigrants come here and stay for a short time. Your own ministers are now understanding what we're trying to say. We're not against immigration. They come here for a short time, however, and that's because you have a flawed system.

This government is putting extra pressure on communities already through their changes to the *Municipalities Act*. They have a litany of requirements now for municipalities to jump through now just because of the changes that they made through the *Municipalities Act*, let alone spending countless hours jumping through hurdles to help grow their population in rural Prince Edward Island which is apparently, according to the Premier, his goal – is to help us grow. But that's not at all what this program is doing. This program is actually doing nothing even close to that.

Refusal of support to rural municipalities

Why are you putting so much pressure on rural municipalities by refusing them any support for this program?

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

Mr. Palmer: Mr. Speaker, I just want to make sure that I understand this.

My friend across the way doesn't want us to grow the population in rural PEI and maybe, I think, the point that he's trying to make is there was a couple of communities that had said that they were overwhelmed with newcomers trying to come to their communities and I know Kensington was

one of those. So maybe what they're hearing over there is in Kensington, they're not looking for any newcomers.

I met with the mayor and the CAO and they were very happy to grow their community, they're interested in new residential areas, new business areas in their community and they're great stewards of their community and they wanted to continue to grow it and we're happy to help them do that.

Thank you, Mr. Speaker.

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

Mr. Myers: Thank you, Mr. Speaker.

Well, this minister is starting to become very liberal with his answers. He likes throwing around a bunch of innuendo and things that no one over here has said at all. What we've been saying this whole spring sessions is that we very much support immigration and the program that you're offering is not immigration. You're taking money from people – supposed immigrants – putting it in your own coffers and you don't care if they stay here and you don't care if they settle here and it's not growing the population and you're not helping rural communities.

There's lots of communities who have spoken out against this. Of course Kensington wants immigration, of course Montague wants immigration; they don't want to do all the work for you and that's what you're currently making them do. They do all the work and maybe one in 100 get in the program or zero in May because you shut the program down and you have no program anymore because you shut it down.

Rural communities and new PNP program

Question to the minister: The new program is a complete flop. Can you tell the House how you plan to fix this and actually help rural communities?

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

Mr. Palmer: Mr. Speaker, our program is working. We have communities that are eager to have newcomers come in. They're

inviting them; they're hearing presentations; they're talking about business ideas; they're looking at new residential areas.

There's communities in rural PEI that are growing – that are happy to grow and they're thrilled to use this as one of the pieces to allow them to do that. I don't know who it is that they're talking to that say that they don't want to. Some communities are very busy and they're happy with that. Growth is okay. They don't have to be scared of growth, Mr. Speaker.

Thank you.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thanks, Mr. Speaker

The director of provincial planning told the legislative committee this fall that only seven year-round staff are employed to handle all provincial planning across PEI. Seven qualified staff to review hundreds of applications for development and subdivision each year, answer questions, action information requests, and make sound decisions to protect public health and safety using sound planning principles.

Cut back of staff in provincial planning

Question to the Minister of Communities, Land and Environment: Minister, how does this government expect seven frontline staff to handle such a volume of work absent of reinforcement or resources?

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

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

I thank the member for the question. He's right, the department is extremely busy. Economic growth on Prince Edward Island is phenomenal, especially in rural PEI where the department works the most. We're up over 40% this year and we're up 30% from last year. Rural PEI is on a tear, I must say.

Mr. LaVie: You've been on a tear before, they're not good.

Mr. R. Brown: Mr. Speaker, we are advertising for more planning officers right

away. We are short planning officers. One of the reasons we put through the new planning associations act was to ensure that we have proper planners on Prince Edward Island with the proper knowledge and skills to do this. We are working hard and we're out there trying to recruit right away. Anyone knows any good planners out there, send me their name.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Mr. Speaker, people are tearing their hair out trying to get their permits approved. That's right, \$107 million worth of development was permitted in 2016, and the director of provincial planning told the committee: Our (Indistinct) this year – this is back in 2016 – have been about increased complexity in the proposals that people bring forward in addition to a busy construction year overall. The more complex the development, the more errors there are for review. In addition, safety standard officers spend a lot of their time dealing with information requests. They're answering questions from potential land buyers and people trying to do their due diligence. This is what your provincial director said.

The situation of staff shortages and lack of resources is leading to stress leave and huge delays in project development.

Lack of resources for construction season

Minister, you know about the problem. These resourcing challenges have been identified internally for at least over a year, so why are we heading back into another construction season without any solution to support your staff in place?

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

Mr. R. Brown: Thank you, Mr. Speaker. I thank the member for the question.

There is a process. We are governed by a union contract and we have to follow those procedures. We have to advertise internally first to see if we have people within the system that can do this. Once we find out, or there's no one in the system that can do it,

we go public. That's the process we're in right now; we're gone public.

One of the other things I've asked my staff to do is when applications come in, complex applications come in, meet with the community; have community meetings; meet with their neighbours. I know it's a new thing, but I think developers should be telling their neighbourhoods around them what they're doing and they should be acceptable to public meetings.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Mr. Speaker, subdivision applications are taking upwards of two years for approvals, and building permits can drag out for two or three months or more.

This government's recent operating budget shows the minister is planning to spend less on provincial planning salaries this year than was spent last year.

Dollars for staff salaries in planning and development

Question to the minister: Minister, why are you spending less on staff salaries this coming year – you're planning to do that, when it appears that this division requires more staff and more salary dollars? At least plan to hire more people.

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

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

I've instructed my department to go get these people as soon as possible. I agree; Prince Edward Island is booming, and there are a lot of projects out there. There are a lot of complicated projects out there.

Mr. LaVie: Booming now, it's not on a tear at all.

Mr. R. Brown: Subdivisions, institutional buildings going out.

Rural PEI is booming. We have to catch up, and we will catch up. The City of Charlottetown has gone out to tender for a

new computer system for planning and permitting. We have partnered with the City of Charlottetown to see if we can have one permitting system for all of Prince Edward Island. I think that would be a great idea –

An Hon. Member: (Indistinct)

Mr. R. Brown: – and that people could go in one area, get their permit no matter where on Prince Edward Island.

Cooperation is the game in the game and if we do it right, we do things better, and we make rural PEI better, and all of PEI better.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Mr. Speaker, the director also told the committee: We've been struggling to fill positions just based on the higher compensation in other jurisdictions.

It could be a matter of money, but the one thing the minister did spend tax dollars on this year was a provincial planning organizational and operational review conducted by Newfoundland planner and consultant, Mary Bishop.

Copy of organizational and operational review

Question to the minister: Minister, will you publicly release a copy of this organizational and operational review?

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

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

And again, I thank the member for his questions because it's an opportunity for us to explain to developers out there what we're trying to do.

We have the Minister of Rural and Regional Development; he is just out there making sure that rural PEI is getting bigger and better all the time. We have the minister of immigration bringing people to rural PEI.

Some Hon. Members: (Indistinct)

Mr. R. Brown: This is a new phenomenon and we need to catch up. I have ordered for a labour adjustment analysis to be done. A labour adjustment analysis is when you're in a certain grid and we can't find people in that grid, and people are working above that grid, we have to increase the grid. So, I've asked for labour adjustments to be done there so we can attract people to Prince Edward Island to assist us in growing Prince Edward Island and growing rural PEI.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

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

It's been four weeks since government introduced bill 38, and since then we've been inundated with amendments coming from both my office and from government. It's gotten so bad that we can't even keep track of the various versions of the bill.

For the last few days, government has been claiming that because it adopted a couple of the minor third-party amendments that we brought forward, that the bill now reflects a true and fair collaboration between the two parties. Yet, government has consistently ignored our most important concerns; concerns that this bill infringes on Islanders' fundamental rights of free speech and free association. The idea that government's amendments will create some kind of red/green –

Some Hon. Members: (Indistinct)

Dr. Bevan-Baker: – compromise bill is ridiculous.

An Hon. Member: Question?

Dr. Bevan-Baker: Unless, of course, by a red/green bill we're talking about one held together with duct tape.

Sending Bill No. 38 to committee

A question to the Minister of Justice and Public Safety: When will you admit that you have made a total mess of this process and send this bill back to the standing committee on democratic renewal for review and public input?

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

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

When I met with the opposition caucuses, if it's three weeks ago or whatever the date was now, I said to them that we are putting a bill forward. I encouraged them to take their time and to review it, and to come forward with ideas. I also indicated at the time that we were quite prepared to be patient, that we would listen to them, that we would see technically if they could be done and we would come back with proposed solutions or resolutions. That's exactly what we've done.

We have nine substantive amendments –

Mr. LaVie: Is this statement day?

Mr. J. Brown: – a far sight less than the 40-some to the cannabis bill that the Senate has proposed recently, but perfectly in line with what we do here and perfectly in line with what the hon. member was carrying on about when he left here right before Christmas.

Thank you, Mr. Speaker.

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

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

The public has not been given a voice in this process, and it's clear that government has not properly thought through this bill at all.

Again to the minister of justice: Bill 38 cannot be fixed on this floor, so when will you send it to the committee?

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

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

We're having a great debate here for Prince Edward Islanders, and we're doing so in the Committee of the Whole House. We saw, again, when we were discussing, that our bill does a number of great things for Prince Edward Islanders, including preserving their

rights by prohibiting outside money and big money. It allows for a fulsome debate, and what we have established here is that our members are intent on moving forward with this bill to carry forward Prince Edward Islanders' will into the next mandate.

We've committed to that here, and I seriously am starting to question the resolve of the opposition parties to do just that same thing.

Thank you very much, Mr. Speaker.

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

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

I should reassure the member and say that there's no shortage of resolve on this side of the House whatsoever when it comes to getting this bill right.

I cannot see why our justice minister is so determined to pass a deeply, and possibly even unconstitutionally flawed, bill.

Again to the minister of justice: The Premier's ambitions can wait until we clean up this mess. Will you commit to sending this bill back to the standing committee on democratic renewal for public review?

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

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

There's been a lot of fearmongering going on about the constitutionality of this bill.

The third party has had a considerable amount of time now to put forward an opinion that it's not constitutional. We've put forward an opinion saying that it is constitutional, and that was before the amendments that we put forward which only strengthen the process for Prince Edward Islanders; strengthen their ability to educate themselves, to express themselves; strengthen the ability for the media to participate in the process; strengthen the ability for members of the public to associate in the participation in the process.

We think we are putting forward a great process that levels the playing field –

Mr. Trivers: Bad process, bad bill.

Mr. J. Brown: – for Prince Edward Islanders as opposed to the Green Party of Canada and the others that were tilting the scale in one direction or the other to their favour during the last plebiscite.

Thank you.

Speaker: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

Well, I'm not sure about the fearmongering, but I'll tell you what the fear was and it's clearly demonstrated in the fact that this bill has been amended and then re-amended and then re-amended; is that the original was clearly unconstitutional. That was the fear.

During the 2017 Speech From the Throne, government described its commitment to bringing forward a clear referendum question on democratic renewal. It stated, and I quote: On a topic of such significance, government takes its role very seriously and must do everything within the scope of its responsibility to assure clarity, fairness and the inclusion of all voices – the inclusion of all voices – during this process.

Yet, instead government has brought forward a convoluted bill that presents unnecessary and constitutionally dubious barriers for individuals and groups to participate.

Throne speech promise re: referendum

A question to the Premier: Why did you abandon your throne speech promise to include all voices?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, two points. One, on that convoluted preamble that said we had a convoluted question. This Assembly adopted on second reading, yesterday, a very clear question. I don't think there's anyone in this House that thinks it's not a clear question. On the second part, we did, indeed, set in motion a process for the people to have an opportunity to have their voices heard; to

look at what, in fact, the MMP would look like through the work of the Electoral Boundaries Commission. There were meetings across the province. There was input. There is now a map.

Indeed, from the time that you tabled that map in the latter part of March, we didn't hear a word about it, and still haven't from the third party.

Thank you, Mr. Speaker.

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

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

It's important to note that that throne speech quote I gave was from 2017 after the first plebiscite: the inclusion of all voices; after the first plebiscite.

Premier, there has been enormous controversy over this bill, bill 38. At second reading, I pointed out a number of blatant problems with the bill and recommended that it be sent to the Special Committee on Democratic Renewal.

Since then, the leader of the official opposition and *The Guardian* editorial have joined me in making this call.

Review and consultation re: bill 38

A question again, to the Premier: In light of this controversy, don't you think the bill requires further review and public consultation, as you first promised?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, let me point out that the work of the Electoral Boundaries Commission that the Leader of the Third Party declined to participate in – invite him to take place, did take place after the plebiscite and after the 2017 throne speech.

We are now making our way through a bill that's not that lengthy. I think it's 27 sections in all. And in fact, that we have made considerable progress on going through on a clause-by-clause reading of that bill with considerable thought being

given; with amendments being put forward from all sides.

I have to say that the amendments that are now in place go much more than halfway than halfway, I would say, than anything that was proposed, eventually, by the third party, Mr. Speaker.

Thank you.

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

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

In the throne speech, government also committed to, and I quote, "...do everything within the scope of its responsibility to assure clarity..." and fairness.

The process has been neither clear nor fair, and the public has lost confidence in this bill's ability to establish any definitive referendum result. I would propose that the only way to re-establish public confidence is to immediately send the bill to committee for review and public input.

Islanders excluded from democratic renewal process

To the Premier: Why are you so determined to exclude Islanders from this process?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, let me speak to the point about clarity and fairness. This House; this House, 27 of us, in committee of the whole have, in fact, voted on second reading in favour of the question.

This House has voted in favour of a threshold. A clear question and a threshold: two items that anyone with any sense, who knows anything about this, which, we didn't have as clear as we might have had in the plebiscite, we are now a big part of the way toward having the very process that was promised.

I think the question is: Why is the third party so determined to stall? Is it because they don't have the same commitment that we do to keep out the outside money and the big money?

Thank you, Mr. Speaker.

Mr. J. Brown: Now, we know. Now, we know.

Ms. Biggar: Now, we know what he's scared of. Now, we know what he's scared of.

Mr. J. Brown: It's not him though. It's Elizabeth May.

Speaker: Next question will be from the hon. Member from Tignish-Palmer Road.

An Hon. Member: Take it out on May.

Mr. Perry: Thank you, Mr. Speaker.

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

Minister, ensuring our youth succeed is a top priority for Islanders, and has been for a number of years, when they succeed, the whole Island does, too.

We know that your department has made historic investments in post-secondary education in the government's most recent balanced budget. We're thankful for that.

Minister, we need to do all that we can do to get the information out. In fact, there's a session in Career Connect in Tignish tonight, one that I advocated for.

Investments in post-secondary education

Minister: Can you give us an outline of these investments and how Island students can access them?

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

Mr. Gallant: Thank you, Mr. Speaker.

This year's budget saw investments of \$3.3 million into students, in loans and non-repayable assistance for students; the biggest investments in post-secondary in the history of PEI. Our government's budget means that post-secondary students can access more help to tuition fees.

We have programs like the Island Advantage, George Coles, the Island

Advantage low-and-middle income, and expanded debt reduction, which helps them pay back. They can be forgiven up to \$3,500 if they stay here or come back to PEI.

Also, many students are automatically given bursaries when they attend university. I suggest that anyone who wants to learn more can check it out at www.princeedwardisland.ca/studentloans.

Thank you, Mr. Speaker.

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

Mr. Perry: Thank you, Mr. Speaker.

Minister, that's very important to get that information out to Island students. These investments will certainly help our students for their course of studies. As student numbers grow, more investments will be needed.

Minister: Will we see even more post-secondary investments being made in next year's budget?

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

An Hon. Member: (Indistinct) ask the Minister of Finance about it.

Mr. Gallant: Thank you, Mr. Speaker.

I'll answer that, but I might have to consult with the finance minister.

Keeping young Islanders is very important to us and our success here as a province. Anything we can do to keep them here with their creativity and their willingness to work. We certainly want to do that. Their studies here is important to us. Helping them get a higher education at the lowest cost to them is very important.

We will continue to support these programs as students increase, the programs will have to increase and the funding.

Thank you, Mr. Speaker.

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

Mr. Perry: Thank you, Mr. Speaker.

Minister, as you explained, government has made post-secondary education much more financially accessible than ever before. However, parental income is still a barrier when students are trying to get a student loan, as their parents' income is taken into account even if their parents aren't giving a nickel towards their child's post-secondary education.

In the past, I have asked, a few times, to allow students to receive EI while attending post-secondary, and eventually it happened.

Now, I'm asking, and I've asked a few times, already, so I'm hoping that this will happen, too, minister.

Mr. MacEwen: (Indistinct)

Parental income re: student loan assessments

Mr. Perry: Will your department consider removing the provincial requirements on parental income on student loan assessments?

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

An Hon. Member: Yes.

Ms. Casey: Good question.

Mr. Gallant: Thank you, Mr. Speaker.

I do commend the hon. member for his advocacy for students and helping them with their student loans. We know that it can be a challenge. We know that there's a lot of students that are not required to have parental contributions.

I just may say that and explain it. The federal government sets the students loans. We mirror their program. That's not to say they're looking at it. Maybe, they could be more generous in the future. But, anything we can do to help students get a post-secondary education to the least financial burden to them, such as the programs I'd indicated earlier, we'll continue to do as a province.

Thank you, Mr. Speaker.

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

Mr. Dumville: Thank you, Mr. Speaker.

On May the 24th, during Question Period, I asked the Premier to appoint a non-political, retired member of the judiciary to investigate the Mill River deal. He invited me to get on my motorcycle and go up to West Prince where I came from and see how well things are going on up there.

Well, Premier, I did drive up three days prior on the 21st to Northport, and it is prospering.

Prosperity in West Prince

Question to the Premier: Considering this new operation is yet to be ramped up for the 2008 season, to this point, what does this regenerated property in West Prince have anything to do with the existing prosperity?

An Hon. Member: (Indistinct)

Mr. J. Brown: (Indistinct) question.

Premier MacLauchlan: Mr. Speaker, there was a reference to 'this property' and I'm not sure, if he's referring to Northport or Mill River or some other. Maybe, I could ask for a clarification.

Mr. Dumville: The Mill River property, Mr. Speaker, or Mr. Premier.

Speaker: Go ahead, hon. Premier.

Premier MacLauchlan: Mr. Speaker, the Mill River resort operated this year all year-round and last year, under that new management, they won Burger Love at a time of year when there wasn't that much – at other times, other seasons – going on at Mill River.

We've had it said in this House – and I believe anyone who's been by and knows that area would have shared the concern about, really, the longevity and the survival of that property without the investments that we're seeing. Indeed, it is fully operating and there've been major investments made in improvements and I think everyone should be celebrating that.

Thank you, Mr. Speaker.

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

Mr. Dumville: Thank you, Mr. Speaker.

Premier, Islanders could condone the giving away of millions of taxpayers' assets if it was given to a local community.

Mill River property asset

Premier, instead of enriching your Ontario friend, did you ever consider giving this asset and funding to the three towns: O'Leary, Alberton, and Tignish with First Nation participation, giving them the responsibility to use these resorts as to develop the prosperity of the entire region?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, there was an RFP issued in 2012 – requests for proposals in 2012 – an open and transparent process with stated criteria as to what was to be achieved. The company and the business leader who are now making a go of it, building the quality, investing, building the offerings in the resort and in the quality of tourism all through West Prince, in fact, responded and were the most successful respondent to that RFP.

Thank you, Mr. Speaker.

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

Mr. Myers: (Indistinct)

Mr. Dumville: Mr. Speaker, my understanding of a 2012 RFP was the fact that they property and the golf course were separate, but this latest deal put them together which made it more valuable.

Premier, the guarantees provided to this out-of-province (Indistinct) created a no-risk undertaking. Any Island citizen could have banked this deal.

Premier, I have no idea how giving a \$10 million public asset to a friend in Ontario fits into your reelection plans. Why not leave it with the Rodds or deal it to another

Island company in the entertainment and tourism industry?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, perhaps the next time the hon. member is on his motorcycle in West Prince, he might want to go over by Ebbsfleet and see where Don McDougall has a home and might go by Bloomfield and see where Don McDougall was born, or you might go by the Mill River resort and see where Don McDougall and his family –

Mr. Myers: You guys (Indistinct) –

Premier MacLauchlan: – have been putting in their time and efforts in business leadership for many years. The people and the tourists –

Mr. Myers: – where he lives (Indistinct) entire golf course.

Speaker: Go ahead, Premier.

Premier MacLauchlan: We have here a business leader who brings expertise, who brings a commitment to the region, who brings knowledge of the tourism; and resort that he's leading and his family and his daughter.

We continually hear from across the floor – now from the fourth dimension. We've heard it before regularly from the official opposition a program of economic theory; I'd call it that is nothing but envy.

Thank you, Mr. Speaker.

Some Hon. Members: (Indistinct)

Speaker: Hon. members, Question Period was over three minutes ago, but in all fairness to the hon. Member from Souris-Elmira, because of the length of the questions and some of the answers, we're going to allow you to ask a few questions. Go ahead.

Mr. LaVie: I appreciate that very much, Mr. Speaker. That's nice of you. I'm going to keep it simple and right to the point and I won't have any statements in my questions.

Importance of Island fishery

My question is to the fisheries minister: How important do you think the fishery is to the economy of Prince Edward Island?

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. Henderson: Thanks for that question.

The fishery is actually extremely important to the Province of Prince Edward Island. It is one of our major developers of product. We have a sea, an ocean, water all around us. We have a variety of sectors within the fisheries industry, whether that's our aquaculture industry and the oyster industry, our lobster industry, snow crab, the list goes on.

I know I, as minister, am very honoured to work with that particular industry and make sure that we're growing this industry now for the development of Prince Edward Island.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

This government is just like one of those Jack-in-the-boxes you bought as a kid. You wind it up and wait for a surprise, except there was no surprise.

Price of lobster

Question to the fishery minister: The prices for lobster were as low as \$5 and \$5.50. Do you consider that a good price for lobsters?

Mr. Myers: Good question.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. Henderson: When it comes to lobster prices, as they're set here in Prince Edward Island – as well as they are across Atlantic Canada – PEI represents about 20% of the Canadian lobster industry and we've seen record catches last year.

I'm very pleased with the catches as they're coming in at this point in time and I think it's very important that when we deal with lobster prices and we're taking into account

all of the factors and that comes from supply, demand, marketing, cost of production, Canadian dollar. There are a lot of factors that implement that and we look forward to working with the industry to make sure we're getting the maximum return for our fishers here in Prince Edward Island.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

That's not a good surprise either. The fishers have done their share to improve the fishery. They've reduced their traps; they've increased the carapace size. The fishermen are doing their part in the fisheries.

Compensation for improving fishery

Question to the fisheries minister: Shouldn't the fishers be fairly compensated for their efforts to improving their own fishery?

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. Henderson: Mr. Speaker, I do agree with the hon. Member from Souris-Elmira.

The fishermen have done great work with making sure that conservation is at the paramount and they are starting to see the dividends from that. We're seeing catches have continued to increase over the years. I'm well-pleased that we're on par with record-breaking season when it comes to catches and landings here in Prince Edward Island.

I also feel really honoured that this government has worked with the fishing industry and worked with the PEI Fishermen's Association when it comes to our Atlantic Fisheries Fund in making sure we're improving the quality of lobsters they're landing because that also impacts the price of fish. We'll continue to work with the PEIFA and the fishers in this province to make sure we're getting the maximum return for their investment.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

The fishers are even putting canopies on their boat to cover the sun from the fish. They're putting bigger tanks on their boat so they'll fit the (Indistinct) to put the lobsters in the (Indistinct)

Minister of fisheries: How is it that the fishers seem to be ones making all the sacrifices?

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. Henderson: Mr. Speaker, I would hope that our lobster industry and seafood industry is actually a partnership. It's a partnership of our processors; it's a partnership of their marketers out there; it's a partnership with the government and that's why we have implemented the Atlantic Fisheries Fund and work with the PEIFA to improve our lobster handling supplies and making sure that those lobsters that are landed on our ports are in the highest of quality so that they can get the maximum return on that.

I'll continue to work with that industry to try to see what we can do to market that. But in general terms, I'm hearing the catches are good and fishers are pleased, but they obviously would like to see more out of the investment, but I'm confident that there's the potential of rebates and all of those things that may be impacted making an end-price for our lobster fishers in the province.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Funny how it goes, Mr. Speaker.

When the lobster prices are good, the government pats themselves on the back. When the prices were up to \$7.50, pat yourself on the back. Here we are, the mighty Island. We're on a tear.

An Hon. Member: (Indistinct)

Mr. LaVie: When the lobster prices aren't good, they go quieter than the front desk clerk at the Sherwood Motel.

[Laughter]

Improving of lobster prices on PEI

Question to the fisheries minister: What are you and your government doing to improve the lobster prices for the fishers on Prince Edward Island?

Mr. Myers: Yea. Good question.

Mr. R. Brown: Need a labour market (Indistinct)

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. Henderson: Mr. Speaker, yes, I agree that the fishers do work hard. Once again, lobster prices aren't directly influenced by the provincial government or any other government in the province.

I think, what we are doing, is making sure we are doing the marketing. We put the legislation in place to have our lobster processors, as well as our lobster council to make sure that they're investing in marketing opportunities.

We're going to have to some promotions around Love our Lobster. Once again, we're also investing in improving the quality of lobster landing on our ports. From what I'm hearing out there, fishers are pleased with their catches. We certainly will work and –

Mr. LaVie: (Indistinct)

Mr. Henderson: – see what we can do –

Mr. LaVie: (Indistinct)

Mr. Henderson: – with the prices to make sure that the prices reflect –

Mr. LaVie: (Indistinct) prices (Indistinct)

Mr. Henderson: – a positive investment for those fishers into their industry, Mr. Speaker.

Statements by Ministers

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

Modernizing Social Assistance

Ms. Mundy: Thank you, Mr. Speaker.

Today, I am very pleased to announce significant improvements to the provincial government's social assistance benefits.

These changes will empower Islanders to help improve their lives. Our government recognizes that social assistance must have a stronger focus on helping people overcome barriers; gain self confidence and become more independent. That is why we are making major changes and enhancements such as; allowing Islanders to have more savings and earn more income, while still receiving social assistance benefits.

Also, we will be helping our clients transition to new jobs and ensuring supports are in place to overcome barriers to starting work. And, also, adding a toll-free number so that there is a single point of contact for Islanders to have their questions answered and to access social programs.

These are just a very few highlights of the changes. I will be releasing full details of the enhancements at a news conference at 3:30 p.m. today.

These extensive improvements and modernization of social assistance builds on other ongoing government initiatives to assist low-income Islanders as a key part of our poverty reduction action plan, which is currently in development.

The enhancements will help Islanders overcome barriers; become more self-reliant and will create a more inclusive and prosperous Prince Edward Island for all.

Thank you, Mr. Speaker.

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

Ms. Compton: Thank you, Mr. Speaker.

I want to thank the minister for her announcement. Anytime, we can raise people up, it's a good day. We hear it all the time that people who are looking for, or hoping to get help, don't want to be at rock bottom before they get that help. The minister has helped me with a number of constituents, as far as trying to raise them up; get them out of poverty and I do appreciate that.

I would like to point out that when you look across the Island, there are people falling through the cracks. As much as we boast, or you boast about the Island being on a tear; when you talk to service groups across the province there is a bigger demand for help to all of those groups. And a bigger demand at food banks.

I appreciate the announcement. I look forward to the details. There is still lots to be done.

Thank you.

Speaker: The Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

Minister, I am so pleased to hear that action is being taken on things that we have been talking about extensively in the House and that have been raised by the AG in her report that we're still reviewing in Public Accounts.

We know, you know, I have spoken at length about how some very simple things that have no cost directly to government that could be taken as action that would really change the quality of life of those on social assistance, and how they are treated and perceived.

One of those was that that change in the exemptions of retained earnings. I am really excited to hear this, and to see the other details.

Also, obviously, to hope that this is being implemented as quickly as possible, as broadly as possible. I know that we've also spoken about future, other recommendations that were coming forward.

I really am hopeful this is the beginning of a real shift in change in how we support those in need in our society to allow them to live with the dignity that they deserve.

Thank you, Mr. Speaker.

Speaker: The hon. Minister of Agriculture and Fisheries.

Farm & Food Care PEI

Mr. Henderson: Thank you, Mr. Speaker.

As Canada's Food Island, Prince Edward Island produces food products from the land and sea and are known around the world for their quality and safety.

It is a reputation that is helping expand markets for our products; add greater value to our economy; and generate higher returns for our food producers.

Increasingly, the public wants to know where their food comes from and how it is produced. During our consultation process with the industry on the new five-year Canadian Agricultural Partnership, the industry told us that the public's trust in agriculture is declining and that the issues need to be addressed. That is why it is vitally important that we strengthen public trust in our food system.

Today, I am pleased to report that the new agreement includes a public trust component, enabling producers to tell their own stories. This will build on their efforts now underway led by the Prince Edward Island Federal of Agriculture with input from key sectors of our industry and government.

The project, Farm & Food Care PEI will strengthen confidence in the food system; increase markets to our products and enable consumers to make better and more informed food choices. Research by the Canadian Centre for Food Integrity suggests that addressing the concerns Canadians have about food affordability; nutrition; food safety and environment and animal welfare is an authentic and transparent manner that will help them earn and earn back, the public trust.

In my travels around the province in meeting with farmers, I'm always impressed with their commitment, their hard work and their dedication to producing crops and livestock in a sustainable manner. They take great pride and satisfaction in what they do and I want Islanders to share in that pride and satisfaction.

Although, we work hard to produce safe, high quality products, we also need to work hard to assure the public, as well as about

the great things that have been done here on Canada's Food Island.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

This is something I worked with with the past minister; for the last five years we worked toward this. I'm a big advocate for this. It's true that our farmers are hard workers. I've always said: anytime you have a meal, thank a farmer.

Anytime we can educate the people where their food is coming from and the safety of their food, I think it's a great thing. It's something that I have preached now for five years. I'm glad to see the minister is working on it.

Also, I travel across PEI to different farms. They are hard workers. There's no doubt about it: our farmers are hard workers. They produce some of the best food in Canada. Not only in Canada, right around this world, our farmers do.

What I find, also, when I go to these farms how clean these farms are. They're the cleanest; when you're driving up the driveway, you wouldn't think you were driving into a farm. The grass is cut so clean and the driveways are so tidy. The trucks or the tractors are all parked in a line. They take real pride in their farms today.

It's great. I'm glad to hear that the minister is working on where the food comes from and the food safety for the people of Prince Edward Island.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

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

As the minister said: Trust in our food is critical, and it has been in decline. Public trust in our supply of food is something that's of critical concern. Particularly, here as the self described food Island of Canada; it's really important that we maintain and

develop and further that trust. The more consolidated, the more centralized the production becomes the more distance there is between the producer and the consumer, the harder it is to maintain that trust.

Public trust, the essence of public trust comes from knowing where your food is coming from and who is producing that food. I think that's why farmers' markets are blossoming all over Prince Edward Island. It's not anymore just in Charlottetown. There's a really great one in Summerside, new one opening in Bedeque; Stanley Bridge, all over the place; Cardigan.

There are farmers' markets sprouting up like the very vegetables they sell. I think, also, the CSA, the community-supported agriculture, the baskets you can get every week. These are things where there's a direct link between you, the consumer, and the person, the farmer, she or he who is growing your food. That's real accountability. That's where real trust can be fostered. It's something you earn one day after another; with each lettuce, with each carrot; with each tomato that you sell to the person face-to-face.

Let's support local. Let's support seasonal producers. Trust your farmer and the food that they make for you. And in so doing, of course, not only develop that trust, but stimulate our provincial economy here and revitalize those rural areas of Prince Edward Island that really need to flourish.

Thank you very much, 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 social media posts by the student, a student in relation to a video that was posted by the Leader of the Opposition without permission of that student, and I move, seconded by the Honourable Minister of Economic Development and Tourism, that the said documents now do lie on the Table.

Speaker: Shall it carry? Carried.

Leader of the Opposition: (Indistinct) do your research first.

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

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

By leave of the House, I beg leave to table a document A Clear Choice – For Islanders, By Islanders!: Proposed Amendments to Bill 38 and I move, seconded by the Honourable Minister of Workforce and Advanced Learning, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Mr. Myers: Your daily batch of amendments for this bill.

An Hon. Member: (Indistinct) this bill.

Mr. J. Brown: It's a report card.

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

Mr. J. Brown: Mr. Speaker, by leave of the House, I beg leave to table a document A Clear Choice – For Islanders, By Islanders! and I move, seconded by the Honourable Minister of Workforce and Advanced Learning, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Mr. R. Brown: Two different colours.

Mr. MacEwen: Who did (Indistinct) the Liberal Party or (Indistinct) department?

Mr. R. Brown: (Indistinct)

Reports by Committees

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Mr. Speaker, I move –

Mr. MacEwen: Looks like you (Indistinct)

Mr. Trivers: – seconded by the hon. Member from Morell-Mermaid, that the

report of the Standing Committee on Public Accounts, tabled June 6th, 2018, be adopted.

This report is an account of committee activities since last reporting to the Assembly. The committee met on six occasions since its last report.

Your committee has not yet completed its review of the report of the Auditor General to the Legislative Assembly, dated March 7th, 2018, nor, its examination on various topics within its mandate as agreed upon in early 2018. Nonetheless, the committee puts forward the following recommendation based on its work to date this year.

Your committee, and really we just have the one recommendation:

1. Your committee continues to recommend that a more detailed budgetary information for Government Business Enterprises be provided as part of the budget review process, as per the Auditor General's 2018 recommendation 9.28 and past recommendations.

In the *Estimates of Revenue and Expenditure*, information on six Government Business Enterprises, (Charlottetown and Area Development Corporation; Island Investment Development Inc.; Island Waste Management Corporation; PEI Energy Corporation; PEI Liquor Control Commission; and PEI Lotteries Commission) is limited to a net consolidated surplus. This does not indicate how these enterprises propose to use their budgets to fund operations. These enterprises operate independently, but they have significant public responsibility as part of their mandates. Providing greater budgetary information for these enterprises would improve accountability and transparency.

The conclusion of the committee is:

Your committee thanks the witnesses that appeared before it for their efforts in briefing the committee and responding to questions. Your committee commends the work done by the Office of the Auditor General in the preparation of the 2018 report to the Legislative Assembly. As indicated, your committee has further work to do in reviewing the report. However, your

committee strongly encourages all departments, agencies, and Crown corporations to avoid any delay in considering the recommendations of the Auditor General and their implementation.

I just wanted to add that I wanted to thank the Clerk for all the work that he puts into helping out with the committee. Of course, scheduling meetings is one of them.

I did want to speak as the Chair of the committee as well that I have been frustrated when it comes to scheduling meetings for the Public Accounts committee and this is an issue that I brought up before. I brought it up in the press, in fact. It's one of those things that – it really puzzles me because, really, all we need is one government member to be present, as long as the other members of the committee are present, in order to have quorum. But the process is puzzling because it rarely, if ever, happens that we're in that situation. It seems that either all government members are present or none are and that the method that is used for government members to come back to the committee, whether they can attend or not, is the government member's office that sends an e-mail to the Clerk and just says government members cannot attend and it shuts down the committee.

It's concerning to me as Chair because I believe this is a very important committee and I would like to see it meet. I really feel like we're not making enough progress on this. This is my opinion as Chair, you could say as the member.

I just wanted to just ask members that they put a lot of thought into attending this and, the thing is, what I'm hearing from the general public is they're wondering why the committee's not meeting and they're starting to speculate. They're saying: Well, maybe the government members are playing politics with him and that's not what I want. I wouldn't want that. Because all we need is one government member to be there and we can meet. I know that the opposition members from all the opposition parties are often available to meet and then no, zero, none of the four government members could make it. I try to squash those speculations as best as I can, but I really would like to meet a little more often.

There was even one occasion where we had a meeting cancelled and I happened to be here in the Legislative Assembly offices and I saw two of the members here, walking into another standing committee meeting that was moved to the same time. And I thought to myself: How come we had to cancel our Public Accounts meeting when another standing committee meeting was being held at the same time? And I saw these two members here in the building. So it's just very puzzling to me and I just want to make some progress. We've got a lot of work to do and I would really love to continue reviewing, especially the Auditor General's report.

Thank you, Mr. Speaker.

Speaker: Are there any other members that would like to respond to the committee report?

The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Mr. Chair and as vice chair of that committee, I also want to thank the Clerk for the great work that the Clerk does. I especially want to thank those witnesses who have to plan their schedules, re-juggle their schedules and they come to that meeting and I really appreciate the effort that they put forward to that. I have never heard any complaints from the public, but as – with my friend across there, if I ever do, I will do my best to quash them and I appreciate that he's going to do that and that we keep some civility within that committee.

Thank you, Mr. Chair.

Speaker: Are there any other members who would like to speak to the committee report?

Shall the report carry? Carried.

Introduction of Government Bills

Motions Other Than Government

The hon. Member from Belfast-Murray River.

Ms. Compton: Thank you, Mr. Speaker.

The opposition calls Motion No. 76 to the floor.

Speaker: Shall it carry? Carried.

Clerk Assistant (R. Reddin): Motion No. 76.

The hon. Leader of the Opposition moves, seconded by the hon. Leader of the Third Party, the following motion:

THEREFORE BE IT RESOLVED that this House commit Bill 38: *Electoral System Referendum Act* to the Special Committee on Democratic Renewal for study and public consultation.

Speaker: I will now call on the mover of the motion, the hon. Leader of the Opposition, to speak to the motion.

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

Over the last number of days and weeks, Islanders have witnessed a tired government fumbling their way through a very important piece of legislation; a bill to structure and lay out the rules for an upcoming referendum, an electoral system reform.

This bill has been demonstrated to be flawed from the first moment that it hit the legislative floor. I first raised the necessity of committing this bill to the Special Committee on Democratic Renewal last week during Question Period. Repeatedly, under my questioning, the Premier refused to budge from his partisan position of dragging out his government's flawed bill through fistfuls of amendments made on the fly.

This is a substantive bill. The House has spent six separate sitting days encompassing many hours on this on the floor in committee of the whole, with little to no progress on the bill. On Tuesday afternoon, this government came forward at the last moment with an entirely new formatted bill containing dozens of changes.

When I questioned the Premier last week during oral Question Period on whether he would agree to send this bill to committee for further study and public consultation, he claimed the flawed bill was not actually all that extensive. Well, there are many Islanders, including myself, and the PC

caucus team who beg to differ from the Premier on that point. This bill contains many sections and many pages, but most importantly, this bill contains the framework and rules for referendum that could change our entire electoral system. For the first time in history of our province, we could conduct provincial elections under a new system. That is a very big deal – an extensive bill that will have implications and outcomes that will be extensive, no matter how you classify or frame them – widespread, far-reaching, broad, extensive.

With these consequences in mind, it is an absolute imperative that this government gets the bill right. This is further reflected in the prefix clauses that the government has added as one of the main amendments. These clauses read:

Whereas the most fundamental decision in a democracy and the core right of every citizen – that’s very important – of every citizen – is to choose our elected representatives.

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

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

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

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

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

If the current Premier and his government believe in the spirit in the context of these clauses that they have added to this bill, then they should also want to ensure that this

essential process is done correctly. The proper course and prudent course is to send Bill No. 38 to the Special Committee on Democratic Renewal. I, personally, have great concern that this rushed bill is failing to allow Islanders the opportunity to explore, in detail, the various options that have been voiced in the public sphere around reforming our electoral system.

In March, I submitted a guest opinion to *The Guardian* newspaper entitled: Time to Rock the Cradle. I want to read into Hansard here today an excerpt from my opinion piece.

“I believe reform of our system is essential to enhancing trust and respect and to maintain a high level of public involvement. I took the position that the party should not formally engage to promote one specific option thereby avoiding the charge of the party trying to influence the outcome.

“I support the results of the plebiscite and our PC MLA’s were allowed a free vote. The failure of the premier to act on that preference has further undermined trust in the system and politicians. It has also offered us another opportunity to consider radical reform.

“I was disappointed in one aspect of the process – all of the options presented to Islanders were based on the continued direct role of political parties. For those truly interested in reform, I for one, wonder why the Nunavut model of Consensus Government was not presented. It is a model that given the population of Prince Edward Island could be a very effective solution to the many concerns that we face.

‘Now, it may seem strange for the leader of a political party to be suggesting the possible adoption of a system that does not involve political parties. Nunavut was established in 1999 and deliberately opted for an elected assembly void of political parties. We now have four main registered political parties in the province, vying for support, advancing policies, raising money, nominating candidates. It may seem like a healthy political environment, but is it the most effective?

“Each party offers some highly talented individuals, some are elected in government and have either a Cabinet or a backbench

role, others are elected in opposition. Many times, the talent of backbench members and opposition members are underutilized in the governing process although they have an equal interest in helping Islanders. My interest in changing the current system is to come up with a process that fully utilizes the talents of all elected MLAs.

“Our current system is based on a winner take all, decide all. This reduces the role of individual MLA’s. As you may recall, from part of my article, there’s a need for serious reform of the roles of MLAs.

“Consensus government achieves that. Each MLA is elected on an individual, independent candidate basis. No party platforms, no party signs, no party advertising, no premiers selected by a party, no focus on politics over policy, no back benchers, no formal opposition. Just good people elected by each district working to provide good government.

“All MLAs meet following the election and from their own members elect a speaker and a Premier, and then the cabinet; all by secret ballot. The premier can assign and reassign portfolios, but it requires a two-thirds vote of all MLAs to remove a minister. T

“The cabinet is always smaller than half the members, so that nothing can be achieved without the important and support of non-cabinet members. Cabinet is truly accountable to the assembly. Midterm, there is a leadership review of the cabinet. Individual members of the assembly have more influence over government actions.

“The government business plan, budget estimates and capital expenditures are reviewed in draft form prior to formal presentation to the assembly. MLA’s have the opportunity to suggest changes before the plans are finalized. There is more open discussion and without party lines more openness to collaboration.

“We are a province of 150,000 people. We are the cradle of Confederation. We could also be the cradle of change among the ten provinces for more effective government. Maybe it is time to rock the cradle”

Since becoming the leader of the PC party, I have been very clear. It is my belief that the

electoral reform conversation needs to be widened and consider additional options, including a consensus government format.

The heart of consensus is having a diverse group of people come together and pooling their shared knowledge, wisdom and skills to achieve an outcome that is much greater than anyone could achieve individually.

Consensus government has the potential to transform our province, using our gift of jurisdiction for the better; however, it needs to be given proper consideration and exposed to Islanders, allowing a larger conversation that hears from more Islanders out across our great province.

I know that our great people of the province, the greatest resource that we have, that our province will move forward on this. We’re fortunate to have so many resourceful, dedicated and aspiring citizens spread out across PEI. I believe any government, including my own, must seek to engage all Islanders, and this includes elected representatives, in finding consensus to tackle challenges and find solutions for the betterment of our entire province.

Our PC team has introduced Motion 34, adopting consensus government option on electoral reform referendum ballot, on the first day of this spring sitting. It was my hope that this motion would allow fulsome debate, and that would remove partisan political positions and truly consider the idea of consensus government on merit. However, the current tired government quickly tabled a motion of their own to limit the referendum question to one of their choosing. This move eroded any belief in me that this government wanted to have a meaningful debate around consensus government and truly consider adding it to the ballot.

Mr. J. Brown: Did that two years ago.

Leader of the Opposition: Mr. Speaker, not all hope is lost. I was heartened to see the Leader of the Third Party response to my guest opinion on consensus government. In his response the third party leader stated: he would personally love to see a full discussion on the appropriateness of the Nunavut style of government for PEI. I want to thank the Leader of the Third Party for

seconding my motion here today to commit bill 38 to committee. It is my hope that this will allow for full public conversation and consultation to occur on consensus government.

I expect the Leader of the Third Party shares this hope around consensus government, and I urge him in his remarks following myself. I'm hoping that the committee will entertain the idea of adding consensus government to the referendum ballot, to provide Islanders an option that allows for examination of the role of political parties moving forward.

Thank you, Mr. Speaker.

Speaker: Thank you, Hon. Leader.

I will now call on the seconder of the motion, the hon. Leader of the Third Party, to speak to the motion.

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

It's a pleasure, and I'm proud to stand today to speak to this motion brought forward by the Leader of the Opposition and I'm proud to second that motion.

I want to make it clear at the beginning that the motion is to send bill 38, *Electoral System Referendum Act*, to the Special Committee on Democratic Renewal, and that's what I stand to speak to. I'm not standing in support necessarily of a consensus style of government –

Some Hon. Members: (Indistinct)

Dr. Bevan-Baker: – although, as I absolutely said, and the Leader of the Opposition correctly quoted, I think a discussion on that is a very valuable thing and something that we should think about and it requires further discussion; but my remarks today are on the motion itself.

As the debate on bill 38 has unfolded, it's become abundantly clear that it needs to be sent to the Special Committee on Democratic Renewal. However, even up until last week, I thought – I really thought that we could fix this bill with some well thought-out amendments. But unfortunately, based on what government has presented since then, I've come to realize that this bill

is beyond repair. My original fistful of amendments has become a truckload of amendments. Indeed, we now have a veritable tsunami of amendments before us –

Mr. Roach: Exaggeration.

Dr. Bevan-Baker: – and on Tuesday, the minister came to my office, indeed, and presented a working document, a black-red document with innumerable changes; but on Wednesday, he came back and tabled amendments that were in some respects entirely different from the ones he gave us in this document on Tuesday.

On Tuesday, he arrived with a documents saying: Here are the amendments that government will be including and changing bill 38 with. On Wednesday, he came to the floor of the House, gave us those amendments, and some of them bore very little resemblance, whatsoever, to the ones included on Tuesday. So in the course of 24 hours, we went from an original bill to an amended bill to an amendment to the amended bill and it just became literally impossible for the third party to keep track or consider the implications of each of these rounds of changes.

An Hon. Member: Easily confused.

Dr. Bevan-Baker: I'll just give one example of how absurd this situation has become. My staff spent much of Wednesday puzzling over the amended section 8(1); and when I say the amended section 8(1), I'm talking about that Tuesday document, the omnibus amendment if you like, that the minister presented to us 45 minutes before the House opened. We were really puzzled by that 8.1 amendment. The section as written made absolutely no sense, and it could only be interpreted to mean; that any group of individuals with less than five people were forbidden to advertise during the pre-referendum period.

Now, for those that are not intimately familiar with the bill, that sentence won't mean an awful lot. But I need to tell that you that that amendment made no sense. A couple of hours later – a couple of hours later when we started to debate the bill, the legislation, here on the floor, the minister handed out yet another version of section 8.1, another amendment, which by the way,

it may or may not address the flaws of the previously amended 8.1 because we haven't yet reached it on the floor. But it was entirely different from the first one. At least this one was rational and logical and you could follow it through. It wasn't an entirely ridiculous amendment like the first one was.

Government has to realize – they must have realized when they presented that first 8.1 amendment how badly the section was drafted. And they tried to fix it on the fly, if you like. That is not how to build the best legislation for Islanders. And yesterday the minister himself took great offense when I described this bill as the sloppiest piece of legislation I'd ever seen. He accused me of criticizing the work of his staff or Legislative Counsel, which was not at all my intent. It was, instead, a criticism of the minister himself, for insisting that this piece of legislation lurch forward without thoroughly considering all of the implications and all of these amendments that were piling up one on the other.

Drafting good legislation is hard work, and I have nothing but respect for the civil servants who are tasked with that responsibility. Perhaps with bill 38, I also have a little bit of sympathy attached to that, but have I nothing but respect for the civil servants who have to do this job.

Mr. J. Brown: That's not what you said yesterday.

Dr. Bevan-Baker: This bill shows just how easy it is to –

Mr. J. Brown: (Indistinct)

Dr. Bevan-Baker: – produce sloppy legislation when the work is rushed and political expediency trumps common sense and producing the best legislation for Islanders.

In the 2017 Speech From the Throne, government clearly stated, and I quoted this earlier today in Question Period: On a topic of such significance – indeed this is incredibly significant, it's profound – government takes its role very seriously and must do everything within the scope of its responsibility to assure clarity, fairness and the inclusion of all voices. – I'm getting sick

of saying this – and the inclusion of all voices during this process.

Government has clearly not lived up to that commitment. Bill 38 has to be withdrawn and government must go back to the people, to Islanders, and to ensure that they include all voices during this process as promised in the 2017 Speech From the Throne.

When I spoke to bill 38 during second reading two weeks ago now, I repeatedly recommended at that time that government send the bill back to the Special Committee on Democratic Renewal for a legal opinion and for public input. I still believe that that is the best course of action, and the only way the next referendum will provide true clarity and a sense of closure, is if all sides can agree on the ground rules and that the ground rules are truly fair.

Thank you very much, Mr. Speaker.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

I'm here seven years now sitting in this seat; and proud to sit in this seat. It's a privilege to sit in this seat and represent the people. This is the peoples' seat of District 1, not mine. That's what I do, represent the people. I've been here seven years now thanks to the people of District 1 and I've seen a lot of bills come and a lot of bills go.

We did great work over the last seven years. Some fail, but this bill here – this is the worst bill I've seen in seven years.

An Hon. Member: (Indistinct)

Mr. LaVie: It is. The homework is not done on this bill.

This government had over two years to do this bill and bring it to the floor of the House. They brought a bill to the floor of the House; I'm after losing track of how many amendments are on this bill.

Dr. Bevan-Baker: Twenty seven, so far.

Mr. LaVie: 27? So, I did lose track. This bill is not ready. That tells me that this bill is not ready.

We spent at least six days on this bill so far, and the end is nowhere near in sight on this bill; not with 27 amendments. Twenty seven amendments on any bill is unheard of, in my seven years. I was lucky to hear three amendments. That would be an amendment to the amendment to the amendment.

On Tuesday, this government came forward at the last moment with an entirely new bill containing dozens of changes. When the Leader of the Opposition questioned the Premier last week during Question Period whether he agreed to send this bill to committee for further study and public consultation, he claimed that this flawed bill was not actually all that extensive. If you take a bill with 27 amendments, there's a problem.

Making your own amendments on your own bill, you're not prepared for this. Not near prepared. This is something I said my first term. For the first time, in PEI we could conduct elections under a new system. And the Leader of the Opposition alluded to it earlier, and the Leader of the Opposition came out in front on it, and that is consensus government.

I remember I was in my first term, I was over in Newfoundland at a conference and I met minister Tootoo, as we all know him.

An Hon. Member: (Indistinct)

Mr. LaVie: Yeah, and he was part of a consensus government and I had a conversation with him. He was in provincial before he went federal, minister Tootoo, and we had a great conversation on the consensus government. I would really like consensus government at the table.

I'm sure the people of Prince Edward Island, I know the people in my district, when their leader came out for consensus government, I know the people of Prince Edward Island understood consensus government; definitely understood consensus government. What that would do is brings us all into one party, all one party. There would be no such thing as –

Mr. Murphy: (Indistinct) become a Liberal (Indistinct)

Mr. LaVie: There would be no such thing as a Liberal, a Conservative, a Green Party or an NDP party, or an independent party; nothing. It would be one party, and that's us sitting here and us sitting here would pick the Premier.

We're a province of 150,000 people, and if we're going to change the way we do elections on PEI, this should be at the table. It should at least have the conversation and let the people of Prince Edward Island decide that one. Do away with all of the parties. There would be no roaring and shouting. It would be like your city council, and I sat on councils, and it works. It should at least make the table, round table for a discussion, consensus government. I always said it, ever since I talked to minister Tootoo about this. When the leader come out and announced we do consensus government, I was behind him.

Your MMP; people don't understand. How are you going to educate them? How are you going to educate them when you don't understand it yourself? How are we going to educate the people of Prince Edward Island?

So if this government doesn't want to sit down and talk consensus government format, send this bill to committee too. I'll see if I can get the chair of that committee to talk consensus government. This is changing 150 years of history. We got to get this right for the future, for the future generations.

After the leader introduced motion 34, which is the government option on electoral reform referendum ballot, on the first day of the spring sitting, government quickly tabled a motion of their own to limit the referendum question to one of their choosing. So, I just wanted to get up and briefly talk about the consensus government so the people of Prince Edward Island understand a consensus government, which a consensus government, that the people of Prince Edward Island will catch on pretty quick.

When you bring all the parties together and do away with a lot of expense, do away your election expenses. Look at what we spend on elections in Prince Edward Island. It's time we start thinking outside the box in PEI if we want to start changing things. Take your time doing this. Don't rush anything.

Take your time doing this because this has changed 150 years of history on Prince Edward Island. Why are we rushing this through? Why?

I'm not going to say too much more. I just hope that the people of Prince Edward Island are watching and have the option that consensus government is out there, and the people of PEI should be talking about a consensus government; one that they can understand.

Thank you, Mr. Speaker.

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

Mr. Palmer: Thank you, Mr. Speaker.

I want to speak to this motion, but I'll keep it fairly brief.

I believe the legislative process, which we're undertaking with the referendum bill, is precisely what the work of this Chamber and all of us in it is about. The referendum act is an incredibly important piece of work. Let's remember it's about our electoral future. What's more important than the way we select representation in here? That's why we've taken the responsible path, contrary to what the third party claims.

There's nothing rushed about this process. In fact, it was their party that wanted to rush and completely change our electoral system the day after the plebiscite where there was 30-some per cent of the voters showed up.

On one hand, the opposition says: We need more public consultation. On the other hand, they say: Let's toss out our electoral system and immediately implement another one. They claim the process is rushed, yet they say there have been three years of discussions.

As I said, the process we are undertaking with this bill is a responsible one. (Indistinct) an issue of this importance, I believe all members of this Chamber should have the opportunity to participate and that's exactly what is occurring. We're working together, we're debating amendments; many have been accepted. We are doing the work that we were all elected to do; each of us, not just committee members. The work is

underway, the process is working. The debate is meaningful; work is being accomplished.

To send this bill to committee at this point in time does not make any sense. By times we have bills come in here and it comes on the floor and it goes through, we hear: the fix is in. Now, a bill comes to the floor and there's changes made to it and they don't want that. I don't really think they know what they want.

Anyway, let's continue to work and do the work we were elected to do and the work that's currently underway.

Thank you, Mr. Speaker.

Speaker: The hon. Minister of Rural and Regional Development.

Mr. Murphy: Thank you, Mr. Speaker.

Although I want to speak to the motion, I'll also keep my remarks brief. As my hon. colleague noted, we are already in the midst of the process and it's working. In fact, I think it's a good example of working together through an incredible piece of legislation.

Now as far as this consensus government talk, I'm not saying that I'm for it or against it; but I will say that the member of the Green Party was on the special committee, the PC party had members on that committee. There was meetings held right across this province for over a year, there was two different presentations from people that proposed the consensus government option, but still there was no members brought that up whenever it was here on the floor of the Legislature, that the Green or otherwise, that government were interested in debating that or having that as an option on the ballot. It certainly makes me wonder is this just a tactic to stall this bill in the Legislature? Or is it really something that they want to take a serious look at.

As been said previously, government presented this bill to the opposition parties and told them: government expected amendments. That we will work together and that we recognize the collaborative nature of this process. This has clearly been demonstrated.

The opposition parties talk about there being so many amendments, yet the majority of them came from the Green Party and we were happy to debate them here in the Legislature and almost all of them have been incorporated into the bill.

Over the past three weeks it has become clear that the third party is trying to find any way possible to delay this piece of work. I can only presume this is because of their instance that big outside money be allowed to influence the referendum.

They have stated the reason they want a shorter campaign is to allow for fewer restrictions. To be clear, these restrictions are to keep big outside money from influencing this referendum. Why are they against this? We don't need any fancy pants, smooth-talking paid campaigners from BC trying to influence our referendum here in Prince Edward Island.

Some Hon. Members: Hear, hear!

Mr. Murphy: As my colleague noted, the debate on this bill is well underway. Sending this bill back to a committee that many would say didn't produce a clear question in the plebiscite doesn't make a whole lot of sense to me. To interrupt it now and send it to committee where only a few MLAs get to participate; I certainly want to participate in this. Why should it just be five members of the Legislature debate such an important bill in a committee when we're right here on the floor of the Legislature today trying to debate this bill? Even though we're getting stone-walled in some cases, we're here trying to debate the bill.

To interrupt it now and sent it to a committee with only a few it just doesn't make sense. Let's get on with the work that we're elected to do here in the Legislature of Prince Edward Island.

Thank you, Mr. Speaker.

Speaker: Are there any other members, who would like to speak to this motion?

If not, I will go back to the hon. Leader of the Opposition to close debate on the motion.

Leader of the Opposition: Mr. Speaker, I want to thank my hon. colleagues from all sides of the House, who have participated in the debate on this motion.

I, again, want to stress the gravity of this occasion. This House and each individual member have an opportunity now to collect their thoughts and take meaningful action in their province's journey on electoral system reform.

By voting in favour of committing this bill to the Special Committee on Democratic Renewal, this House will ensure that undue haste is not taken with a flawed piece of legislation.

Having the special committee conduct public consultation and study into Bill No. 38, and the larger conversation around electoral system reform will ensure Islanders' options and opinions and concerns are all heard. I'm filled with optimism that this positive action will ensure that a stronger bill will return to the floor of this House, which perhaps will also allow for Islanders' view on a non-party system to be heard. Now is the time for change.

However, if the current tired government is prepared once again to dig in their collective partisan heels, then let me be absolutely clear. I want to just add that since I made public my discussion paper on March of 23rd around consensus government, I have had an incredible amount of support from Islanders from tip-to-tip.

Some people also came forward and said they weren't in favour of it, which I completely respect their opinion. I think it's a discussion that we need to have. I think it's a discussion that's due time. Because when we're talking about changing how Islanders will elect government here on Prince Edward Island, I think it's imperative that Islanders' voices are heard on this.

Now, I know, we talked about the process that we went through with the Special Committee on Democratic Renewal, and how they toured the Island and had public presentations. I want to come back to one particular presentation evening took place at Charlottetown Rural, and I did attend several of the public meetings.

At that meeting there was three student groups that gave a presentation. They all gave a presentation in support of proportional representation, which I found interesting, that all the student groups, the three student groups that both represented Charlottetown Rural and Colonel Gray, would all come forward supporting and endorsing the exact same model.

After the meeting concluded, we were sort of gathered around and having a conversation, and I asked these young people: Why they were so in support of this one particular model? Their response to me was that because it's the only model that we studied in school. It was the only model that they studied in school. I think when we look at something as significant as changing how we elect governments here on PEI, we need to ensure that Islanders, students, young people, all Islanders, are educated on the various options and the various possibilities that are out there.

We hear continually that MMP is used widely across the world in many, jurisdictions. But, consensus government is also used around the world, as first past the post. I think of all these systems of electing governments. I think they all have their attributes. They all have their pros; they all have their cons, but, if we don't actually have an opportunity to actually put the brakes on here a little bit and have a fulsome discussion about all the options that available, and again, I'll bring it back it consensus government.

I'm not bringing this forward to muddy the waters. I'm not bringing this forward to try to turn the page so that one model will then get ahead of the other model; I want to bring this forward because it's something that I've studied. It's something that I've done my research on. It's something that – I spent little bit of time in Nunavut, and discussed, and talked with the members up there, in particular, with the speaker of the assembly in Nunavut.

It's something that even as the leader of a political party here in Prince Edward Island, it's a model that I can really get behind, because I think it truly would support the electorate by taking the political parties out of politics. I've been elected now for seven years, I'm very proud to stand on this side of

the floor as a Progressive Conservative, as I'm sure the many members across the floor are proud to occupy their chair, as a Liberal member, or my two learned colleagues here with the Green Party, or –

Mr. Dumville: (Indistinct)

Leader of the Opposition: I'm not going to refer to you as that; I'm going to refer to you as you should be referred to as an independent member because I am respectful of you.

Mr. Dumville: Thank you.

Leader of the Opposition: Thank you, and your choices.

I think we all need to be respectful of each other. Unfortunately, sometimes when we have political parties involved, we see too much partisanship.

We had the hon. Member from Rustico-Emerald here talk about the Public Accounts committee report that he tabled today. I had the honour of chairing that extremely important committee for a number of years here on PEI. I'm embarrassed to say that I saw partisanship come into those meetings time after time after time when we were either trying to ask pertinent questions, or we were trying to schedule meetings, or, when we were trying to call witnesses in.

When you're talking about a committee as important as Public Accounts, Public Accounts is tasked with –

Ms. Casey: Relevance.

Leader of the Opposition: – with looking at the books; the finances of Prince Edward Island –

Mr. Trivers: (Indistinct)

Leader of the Opposition: Shawn Murphy, who is the federal chair of Public Accounts came in and gave several presentations over a number of years after his retirement and talked about the importance of a Public Accounts committee and why it's so important; it's imperative that politics is taken out of it because Public Accounts has such an important job to do.

Again, that's another reason why I would like to have a fulsome discussion and have Islanders involved in the discussion, as well, around consensus government.

My intention, along with the hon. Leader of the Third Party, to bring this motion forward wasn't just to talk about consensus government, but it was more so to take a bill, a flawed bill on electoral reform that, I feel, is not near ready to be debated on the floor of the Legislative Assembly. There are 27 amendments to date on the floor. I know, for a fact, that there are more coming. As I said before, government had two years now. Two years to write a piece of legislation to come to the floor of the Legislative Assembly. It seemed – at least to me, and I'm sure many other members in this House, and not just on this side, but if the members across were truthful with themselves, they would also say that this bill was brought to the floor in haste.

I implore members of the Legislative Assembly to consider this motion and what it means. It's not saying that we're not going to eventually pass this bill, but what we want to do is ensure that our debate, our discussions here, are sound – right now, and we've had many members in this House talk about the amount of amendments and the amendments that, more or less, are rewriting another amendment that was already brought in.

It's astounding to me that we can have a bill on the floor that is this flawed and the government thinks we can debate this right now and get it through. I know there was even discussion here the other night that possibly what we should look at doing is taking this bill; calling for a three-week adjournment; allow the government time to go back relook at the bill; tidy it up. Then, come back in three weeks time and debate, have a fulsome debate on it, then. With a clean bill, with a bill that actually is ready to be debated.

If the people of Prince Edward Island put their trust in me and my strong team that my new government will get the work on the priorities of Islanders and we know that strengthening and modernizing our political system and the institutions is certainly one of those priorities.

At some point in time, we are going to have an election. Whether we have a referendum that says: do you feel that we should have electoral reform? Yes or no, or no and yes? Do you feel that it should be – if yes, do you think it should be first past the post or MMP or perhaps consensus government.

I am already on the record regardless of what the electorate decides. If I am elected premier of Prince Edward Island then I will bring in legislation within six months to ensure that whatever the will of the people is that that will be enacted.

I haven't seen anything here to date that tells me that that's going to be done by this current sitting government. Again, I think that that is another reason why this bill is totally flawed.

Again, just in closing, I would like to implore all members of this Legislative Assembly to do the right thing and to vote in favour of this motion to send Bill No. 38 to the Special Committee on Democratic Renewal.

Thank you very much, Mr. Speaker.

Speaker: Are you ready for the question?

Some Hon. Members: Question.

Mr. Trivers: Recorded division.

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

[The bells were rung]

Mr. Perry: Mr. Speaker, government is ready for the vote.

Speaker: Thank you, Government Whip.

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

Speaker: Thank you, Opposition Whip.

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

Speaker: Thank you, Third Party House Leader.

Independent member, are you ready for the vote?

Mr. Dumville: Yes, Mr. Speaker.

Thank you (Indistinct)

An Hon. Member: (Indistinct)

Speaker: Hon. members, all those not supporting, or voting against this motion, please stand.

Clerk Assistant (E. Doiron): The hon. Minister of Communities, Land and Environment, the hon. Minister of Economic Development and Tourism, the hon. Minister of Transportation, Infrastructure and Energy and the Status of Women, the hon. Premier, the hon. Minister of Finance, the hon. Minister of Agriculture and Fisheries, the hon. Minister of Health and Wellness; the hon. Member from Montague-Kilmuir; the Minister of Rural and Regional Development, the hon. Minister of Education, Early Learning and Culture, and Justice and Public Safety; the hon. Minister of Workforce and Advanced Learning; the hon. Member from Charlottetown-Lewis Point; the Member from Tignish-Palmer Road.

Speaker: Hon. members, all those supporting the motion, please stand.

Clerk Assistant: The hon. Member from Charlottetown-Parkdale; the hon. Leader of the Third Party; the hon. Leader of the Opposition; the hon. Opposition House Leader; the hon. Member from Kensington-Malpeque; the hon. Member from West Royalty-Springvale; the hon. Member from Rustico-Emerald; the hon. Member from Morell-Mermaid; the hon. Member from Georgetown-St. Peters; and the hon. Member from Souris-Elmira.

Speaker: Hon. members, the motion is defeated.

Orders Other Than Government

The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Mr. Speaker.

Mr. Speaker, I move, seconded by the hon. Member from Tignish-Palmer Road, that the 26th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant: Order No. 26, *Plastic Bag Reduction Act*, Bill No. 114, in committee.

Speaker: The hon. Member from Montague-Kilmuir.

Mr. Roach: Mr. Speaker, I move, seconded by the Honourable Member from Tignish-Palmer Road, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

Speaker: Shall it carry? Carried.

The hon. Member from Charlottetown-Lewis Point and Deputy Speaker, could you please come and chair this bill?

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

Mr. Myers: No, can I have a question, though?

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

Mr. Myers: Thank you.

When we last met about this, I was talking about the other plastics in some of the reports that I had been reading and I had – what I would consider – and significant amount of concerns that some of these other non-reusable plastics are something that need to be looked at. When we talked about what they're doing in the European Union, they have the bag bill two years prior to now they're making a move on the other recycles. It's probably the trajectory you're on, but I'm suggesting maybe we could do it a little quicker. I'd talked about it earlier and I have a motion here that I'd like to propose that we – after your bill is done – that we would immediately table it and debate, sending all of the things that I had concern about to committee, separate from the bill, to be looked at for a future addition to the bill. I'm just wondering your thoughts on that.

Mr. Roach: That's actually a great point because I believe that's where we kind of intended to go anyway. This was just the worst offender and that's what we were trying to get on the table and get caught up, I suppose in some ways, with the rest of the world and then to move on from there. Which, you're absolutely correct; the European Union just announced that they're moving forward with all other plastics now.

Mr. Myers: I'm done.

Ms. Biggar: Great idea.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: I just have a couple of real quick questions on the bill, member.

As you know, I fully support this. It's a great initiative. It's a progressive step forward and it's something PEI needs, but there's just a couple of specific questions I wanted to ask.

The bill suggests introducing a charge for paper bags, for reusable bags and increasing that charge after six months, or I can't remember exactly the time frame, and I'm wondering, when we go into a liquor store now, we buy a bottle of wine, we get it in a paper bag – are we going to have to start paying for that paper bag that we currently are not?

Mr. Roach: Well I think in essence today, although it's not said, we're paying for plastic bags now anyway. It's built into the cost of everything that comes out of the grocery store and I'm sure it's the same with the liquor store. I don't think we get any of that for free.

I think – you could correct me here, but I think it was Ireland – and I'm not so sure if it was Scotland that did the same thing, but when they introduced charges on bags, it worked for a while and then about five years later, they had to increase it because it started to fall off – people got used to it.

I think the big intention here is to try and get people to get away from – to take that reusable bag – the ones that we start to see more and more people use. I think the intent is to move in that direction and I certainly

believe that if this bill gets passed, I hope to work with a couple of the departments of government who have indicated to me that we may be able to help the public move in that direction – financially as well.

Dr. Bevan-Baker: I absolutely agree that, for sure, the price is included somewhere in the retail store (Indistinct) and when it comes to the liquor stores, of course – they're government stores for the most part – are you saying that they will not be charged, or if they are charged, then we're going to be reducing the cost of maybe a two-four of beer or a litre and a half of wine? Are you going to pay for that paper bag when you go into the liquor store?

Mr. Roach: I think that you're paying for that paper bag now in the cost of doing business within the store. I don't expect that we'll see somebody – when you come in and you buy a bottle of liquor, they'll say: Okay, there's an additional charge for that bag. I don't expect to see that. That's not the intent.

Dr. Bevan-Baker: I'm glad to hear that. It may not be the intent, but I think there's a compulsion on the retailer to charge for a paper bag, if I remember (Indistinct)

Mr. Roach: They may do that. That's up to the retailer. The retailers may charge a surcharge on everything that goes out of there.

Again, this bill – it's more about getting rid of the plastic –

Dr. Bevan-Baker: Totally. No, I get that.

Mr. Roach: – completely. Not to recycle it or anything else – to get rid of it completely.

Dr. Bevan-Baker: Yes.

And as I said at the beginning, I'm of course, fully in favour of that, but I'm just looking at a couple of implications of the bill in other areas and that's one: is that I suspect we're now going to be paying for paper bags in the liquor store where we weren't before.

The second thing is that – and I understand why you would want to increase that charge after a while because the disincentive – as

you said – in Ireland sort of wore off after a while, but you're also suggesting increasing the cost of the reusable bag from \$1 to \$2 and I'm wondering what the rationale for that is because you want people to use them, so why are you making them more expensive?

Mr. Roach: Well, actually, in the studies that I've looked at, the cost of those reusable bags – some of them are pretty expensive – that people – not the stores, but that individuals are putting out on the market. So we're just trying to, I guess, ensure that if there is an increase, that there's a cap on it.

Dr. Bevan-Baker: I don't know, but my guess is that the stores that sell these reusable bags at the checkout are not taking a loss on that. I can't say that for sure, but I very much doubt that and in most places, you don't pay more than \$1 for a reusable bag now and you're suggesting that they're going to be mandated, after a certain amount of time after this bill is in effect, to charge \$2 for that same bag. Any profit on that – they probably are making a profit at \$1; they're certainly going to be making a profit at \$2. All of that money goes back to the retailer.

But again, it's just that the concept – is there another jurisdiction that increases the charge of a reusable bag – something we want people to use?

Mr. Roach: Yes.

Dr. Bevan-Baker: Where is that?

Mr. Roach: It's done in most jurisdictions, actually – in Canada. It's done in Victoria, it's done in Fort McMurray, it's done in Quebec – suburbs of Montréal (Indistinct)

Dr. Bevan-Baker: I'd be interested in seeing the evidence of that. I understand the charging for one, but I've never seen anywhere else that escalation of the charge after a certain time.

Mr. Roach: And the other piece of it as well is that that also is an incentive for people to switch now.

Dr. Bevan-Baker: Sure.

Mr. Roach: To get away from – and, of course, we have – at your request, we amended the bill and we've pushed that out until 2020. We're giving people a tremendous amount of time to prepare for this and hopefully nobody will ever have to pay for that bag because people will already have done it. They'll have their own bags.

Dr. Bevan-Baker: Just to back to the paper bags for a little bit, and I don't want to belabour this, but in other jurisdictions, sometimes they'll have like a fee and tax situation where the retailer gets to keep an amount of money that covers the cost of that product that they're using and the excess amount would go in a tax to government, to government revenues and that money would be used for green projects – for example, watersheds. Who would not want our watersheds here on PEI – the groups – to receive more money?

So I'm wondering why you left it as strictly a fee-model whether than a fee and tax so that retailers can absolutely recoup their costs, but that that money would go for the common good rather than all to the retailer?

Mr. Roach: Well, I think if it's the retailers' cost, my own feeling is that if we didn't say: that's there to cover their cost, then we would have a far greater outcry from the retailers. I think that's only fair.

Dr. Bevan-Baker: So we have a fee of \$0.15 on paper bags starting out and then going up to \$0.25. Do you know how much it costs for a paper bag?

Mr. Roach: I don't know exactly, but I think, perhaps, it's actually a little more expensive than that – depending on the size of the bag.

Dr. Bevan-Baker: Sure. I guess that's all I have.

Thank you.

Chair: Shall the bill carry? Carried.

Mr. Roach: I move the title.

Chair: *Plastic Bag Reduction Act.*

Shall it carry? Carried.

Mr. Roach: I move the enacting clause.

Chair: Be it enacted by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows.

Shall it carry? Carried.

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

Chair: Shall it carry? Carried.

Ms. Biggar: Great progress.

Chair: Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intituled *Plastic Bag Reduction Act*, I beg leave to report that the committee has gone through the said bill and has agreed to same with amendment. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

The hon. Member from Georgetown-St. Peters.

Mr. Myers: Thank you, Mr. Speaker.

I have a motion here I'd like to run with unanimous consent of the House. I can read it. It came from the bag bill:

Therefore be it resolved that this House commit to the Standing Committee on Communities, Land and Environment for study and public consultation the matter of how to take action to reduce all forms of plastics, with an emphasis on single-use plastics, and also ensure high recycling rates of pre-consumer and post-consumer plastics of all plastics grades on Prince Edward Island.

Speaker: Do we have unanimous –

Some Hon. Members: Agreed.

Speaker: Okay, so we do have unanimous consent.

Mr. Myers: I'll speak really quick, Mr. Speaker.

Speaker: Okay, go ahead hon. member.

Mr. Myers: Thank you.

During the debate on the bag bill which was on four or five times, the basis of a lot of my questions were about what do we do with the rest of the plastics and we talked about the lids on the Tim Hortons' cup, and plastic forks and plastic knives and plastic plates, and the things that are only used a single time and then end up in a landfill.

While I support the bag bill, and did vote in favour of it, I think that we have to do more to be a leading province for environmental acts here in this country and we can do it right here on Prince Edward Island. We're small.

So the motion is about to send this topic to committee and get committee to come up with some recommendations either for our legislation or to bring back to this House, whatever they decide they want to do with it, to help Islanders have a better plan for reducing single-use plastics besides the bags.

Speaker: Hon. member, do you have a seconder for the motion?

Mr. Myers: Yes.

Speaker: Oh, okay. He's the seconder.

Mr. R. Brown: Montague-Kilmuir.

Speaker: So, did you want to speak to the motion as seconder?

Mr. Roach: Yes.

Speaker: Go ahead, hon. member.

Mr. Roach: Thank you, Mr. Speaker.

This bill going through second reading today and with the motion made by the Member from Georgetown-St. Peters – I do support the motion. I think the intent was to get the – what we would call the worst perpetrator of plastic in the world – to get that dealt with. The intention all along was to then move towards other plastics that are creating other problems with our environment. So, I support the motion.

Thank you.

Speaker: The hon. Member from Rustico-Emerald would like to speak to the motion.

Mr. Trivers: Thank you, Mr. Speaker.

I wanted to speak in support of this motion as well. I think reducing plastics and, really, disposable items in our society as a whole, is something we should all work towards. In fact, I was at Central Queens Elementary School this morning and I believe it was Anne Ives, the vice-principal there, had taken me – we were in the kitchen with a couple of dirty plates and she said they're eliminating plastic straws from the school. They're not giving them out to students anymore as they used to and they had plastic cutlery and she said they're no longer using that. In fact, some classrooms – like Alanna Gauthier's grade 1 classroom have already started using metal spoons.

It's just a reminder that although we're considering these bills and putting them forward here in the Legislature, there's nothing stopping Islanders from taking action right now to stopping using disposal plastics themselves, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

I think this is really great to have two initiatives as progressive as these are back-to-back being debated here on the floor of this House. Again, I want to commend the member for the bill we just passed here.

But sometimes, as a lifelong person who has had concerns for environmental issues, you get despondent at the gap between the scope of the problem we're trying to deal with and the solutions that we bring forward. I'm not trying to belittle at all the bill that we just passed; it's an important step forward. But if we consider that plastic bags are – in doing what we're doing here that we're making a really substantial or significant step toward sustainability on this planet, and then of course we're a bit deluded. There's much, much more work to do. I know the member has said that many times during debate on his bill.

This motion, of course, is one of those areas where there is more work to do. We will, indeed, in looking at other disposal products, be reducing that load of plastic in our environment. Plastics, of course, are made from fossil fuels and fossil fuels are a finite resource. There is not an endless amount of them.

There's much talk, of course, about climate change, which is when we burn those fossil fuels. We set fire to them and that's creating a problem. But, we're creating other problems by making disposal products out of them.

Plastics can be fantastic. Plastics are amazing when they're designed and made into something that can have a durable lifespan. But, when we purposely create throw-away products, when we have built-in obsolescence, then, we're not doing future generations a service, at all.

We will come and go. Our bodies will be gone. Even the pyramids in Egypt will eventually erode and be gone. But, bits of plastic are going to be here forever. There's something absolutely wrong with that. That mortal souls and the finest architectural structures that humanity has ever built are not permanent. Yet, we've created these products, which, were oftentimes used once, thrown away and will be here as a scourge to all future generations.

This is a great initiative brought forward by Georgetown-St. Peters. I fully support this motion. I look forward to it coming back to the floor of the House later this summer.

Thank you very much.

Thanks, Mr. Speaker.

Speaker: Are there any other hon. members, who would like to speak to the motion?

An Hon. Member: Question.

Ms. Biggar: Call the question.

Speaker: If not, the mover, would you just like to close debate on the motion?

Mr. Myers: Okay, thank you.

Looks like, I'm going to have some good support here, so I'll close debate with that.

Thank you.

Some Hon. Members: (Indistinct)

Mr. Myers: My shortest speech, yet.

Speaker: Hon. members are you ready for the question?

Some Hon. Members: Ready.

Speaker: All those in favour of the motion, signify by saying 'aye.'

Some Hon. Members: Aye!

Speaker: Against the motion, 'nay.'

The motion is carried and it is unanimous.

Ms. Biggar: Great work.

Some Hon. Members: Hear, hear!

Ms. Biggar: There's consensus government.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

I call that Order 73 be now called.

Speaker: Shall it carry? Carried.

Unidentified Voice: (Indistinct)

Speaker: The motion is in progress. The debate was adjourned by the hon. Leader of the Third Party.

The hon. Leader of the Third Party, I will ask you to continue speaking to the motion.

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

I'm just going to get the –

Thank you very much, Mr. Speaker.

I believe this is the third time I have risen to speak to this motion. The previous occasions, we ran out of time. It wasn't possible for me to finish my thoughts and my remarks. Of course, when it comes to

good governance, it's been a fluid situation here in this Legislature over the last little while.

As each time, I have come forward to speak to this motion, I have different material. I have new ideas. I have novel places to go when I talk about good governance.

I'm going to start, pretty much where I left off, last time. I had been talking about the role of the Legislature holding government to account. Again, there's often misperception in the public about the different branches of government.

I'm not going to reiterate what I said, but I tried to make a distinction, or, at least, explain the distinction between the Executive Branch of government, government itself that has the capacity and the authority to make decisions; then, the Legislature here, which collectively holds that government to account.

I made special mention of the fact that backbench members of the Liberal Party, it is their collective job, along with the official opposition and the third party and independent members in this House to hold government to account. Sometimes, that distinction is lost with the public, I think.

The ultimate authority in this House is the Legislature itself: the collective authority of this House. Unfortunately the way that our legislative system has developed and matured over the years, we have lost, to a certain extent, that distinction between the Executive Branch and the Legislative Branch. It's getting increasingly difficult, when you have a majority situation for the Legislature to actually hold the Executive Branch of that government to account.

I had just finished talking about that. Whether we're talking about the role of the Legislature to hold that government to account, or, indeed, the individual members of this Legislative Assembly and our responsibility to place constituents ahead of our party, these issues lead to a consolidation of power within Cabinet.

We see that, not just here on Prince Edward Island. We see it at a federal level. We see it in all of the provinces. Perhaps, not in Nunavut, where we have consensus

government. I don't know. I'm not familiar enough with the individuals or the process there. That is certainly one place where it would be more difficult to have that consolidation of power because you have a much more diverse and less partisan legislature.

However, we have this consolidation of power within Cabinet. Of course, the appointment to Cabinet is solely at the Premier's discretion. When we talk about power being consolidated in Cabinet, we're really talking about power being consolidated in the Premier's office and the Premier's office becomes the apex of power.

Placing power, too much power in the office of one individual is never, ever in the best interests of a thriving democracy, no matter what country you live in, no matter what province you live in. Indeed, at times, when you have consolidation of power, I mean that's what is termed a dictatorship: when you have the consolidation of power so heavily in one individual, you get a situation where that individual or that office can exert undue influence on Cabinet; on the Executive Branch of government. And, in a situation where the legislature is unable to hold that Executive Branch to account. Essentially, you have a benign dictatorship.

Often, I think –

An Hon. Member: That's bad.

Dr. Bevan-Baker: – in the past – it is bad, you're absolutely right. In the past here, voters on Prince Edward Island, where we've had this ping-pong politics, where it switched from one party to the other, they're essentially given the choice between one party and another. Almost always that party would end up with a majority situation. Almost never on Prince Edward Island have we not had that.

Oftentimes, especially, in the (Indistinct) past, we've had a situation where that majority was so extreme that the opposition was reduced to one member. In fact, there was a time, a long time ago, when there was no opposition, whatsoever in the House. All members were elected from one party.

But more recently, we have had a really dangerous and worrisome situation, where

the opposition was reduced to one member. In a democracy that's a real problem because perhaps the biggest, more important role of this Legislature is to hold government to account. You cannot do that effectively or efficiently or well, when all of the responsibility for that falls on one person.

I have to say, that when that has occurred, most recently, in the past here, one Liberal member and one Tory member, they carried that load exceptionally well. I was not in the House, of course, at that time.

When I think back to my time, when I started work in this Legislature as the sole member of the third party, I didn't have a lot of time to speak. I didn't have to worry about asking 40 minutes of questions of government. I only got one question a day. I tried to keep on top of all of the motions and bills that were coming forward. That was exhausting. Even though, I was by myself, I did not – I was not carrying the responsibility of opposition. The official opposition was carrying that responsibility, and doing it very well, I might add and they have done so for the last three years.

I can only image how onerous that must have been for Pat Mella to carry that all by herself. It just – and Ron McKinley, of course, was faced with the same thing.

An Hon. Member: Thank you.

Dr. Bevan-Baker: I just can't imagine how they managed to that. Of course, they had the resources of a caucus office. But, even with that, it must have been quite a task.

Holding government to account is always important. It's the essence of democracy and here on Prince Edward Island, it's really critical that we do that, and good governance requires a good opposition.

We have had debate already in the House today on different models of government. We have been debating, for some time now in this House, the possibility of bringing forward a referendum attached to the next election which would give us the choice of maintaining the system that we have had here on Prince Edward Island ever since we've had responsible government, and a new system of mixed-member proportional

representation; new to Prince Edward Islanders of course, but not at all new when it comes to democracies across this world.

In fact, over 80% of OECD countries use some form of proportional representation, and most of those use some form of mixed-member proportional representation. This is not a new or untried system. It's a tried and trusted system; and one that has produced good government across this entire planet.

Many of the reforms I've advocated over the past three years have related to mechanisms of government oversights. I talked a little bit about opposition and holding government to account, and how critical that is in providing good government, but there are also internal mechanisms within government that produce good government – that mechanism of independent government oversight. To give credit where credit is due, I think this government here has accomplished a lot in that regard, a lot.

They've brought in a number significant reforms: I'll list off a couple of them now; the whistleblower policy, of course, and then laterally whistleblower legislation and its always preferable to have a statutory requirement rather than one in policy, so I think that was a big step forward. We all know how important the role of whistleblowers is in society, particularly these days. I commend government for that. We also passed legislation here on a lobbyist registry, something we've never had on Prince Edward Island before.

All of these are big steps to government accountability and again, I want to commend the current administration for putting these in place. Really, we're catching up, to a large extent as we often are here on Prince Edward Island, with other jurisdictions. Most jurisdictions have had those sorts of mechanisms in place for a very long time and I often find myself here in the House, and I'm sure others as well, saying, 'PEI is the only province that' – then you fill in the blank.

In many respects, the introduction of these initiatives is not something necessarily progressive, although it is for Prince Edward Island. Really we're just catching up with the rest of the pack. But, that's something

that needs to be commended and I do that, I do that freely.

Just this week, of course – well no, it wasn't this week. It was a couple of weeks ago now. We passed legislation implementing election campaign finance reform; a hugely important step forward. Again, of all, perhaps, of these accountability measures that this administration has brought forward in this mandate, for me, that is the most profound and the most important. I absolutely want to applaud government for doing that.

I have been in favour of election finance rules and finance reform ever since I came in here, and to finally see legislation which reflects many of the initiatives, the arguments that I have been making about the importance of that, again, related to good governance, we want to minimize the influence of big money here and there's been a lot of talk about big money and how that can be a problem. The talk more recently has been not necessarily related to elections, but big money is big money and it will have its impact wherever it goes. I have never been somebody who does not think that we need to have reasonable limitations and reasonable restrictions on that, whether we're talking about elections or a plebiscite or a referendum. I think it's a very good thing that we have reasonable restrictions.

We have reasonable restrictions now related to election financing – bravo. The bill that we're debating now is about creating restrictions for funding related to the plebiscite – bravo. That's something that we need to do. But, they have to be, of course, reasonable restrictions. They have to be in compliance with the Charter of Rights and Freedoms. They have to be constitutionally sound.

All of the – or not all, but a large amount of the debate which has gone on over the last couple of weeks related to bill 38 has been related to finding that balance of what is a reasonable restriction. We are getting closer, and we are making progress on this bill and the ideas that corporations and unions should not be involved – bravo. The idea that ordinary residents of Prince Edward Island should be the only ones who can contribute to the plebiscite – bravo. The idea that those restrictions, which are very much

in line with election finance reform that was just passed in this House, is great, and putting limitations on how much individuals can donate, that's really great.

So many important things are happening, so many progressive things are happening to make our province, the government of this province, more accountable. Again, I applaud the work that we have done.

All of these improvements work towards developing an accountability framework here in Prince Edward Island that has been lacking in the past, and which makes us at least more similar to other Canadian provinces and territories. Of course, I might quibble with some of the minor parts of the legislative initiatives that I just described. For example, I still believe that the lobbyist registrar should be an independent office of the Legislature, but on the whole I think these steps forward are profound and I think they are absolutely for the benefit of good government, and therefore for the benefit of all Islanders. Because when we have good government in this Legislature, we are serving Islanders well.

One way to ensure good oversight and independent oversight of government is to appoint independent officers to oversee government, to manage complaints that come forward from the public, and to provide guidance and recommendations to government.

On PEI, we have several of those independent officers such as the Auditor General. We had the report just earlier today from Public Accounts and I know they have not gotten through the Auditor General's most recent report, but the work of the Auditor General, I think, is one of the enormously important aspects of good government here on Prince Edward Island because from a financial point of view, the Auditor General holds the government to account in a way, and with the resources, that perhaps the – we here on the opposition side and backbenchers of government and independent members will hold government to account as we can, but there are special skills and special resources attached to the Office of the Auditor General, which allows her to do her work in ways that we are not able to do with the resources that we have in our caucus offices. The Auditor General is

an enormously important and very effective independent officer of government.

We also have the information and privacy commissioner. We have a Chief Electoral Officer. We have a brand new Chief Electoral Officer, Tim Garrity, and I have to say that I think he's doing a marvelous job. Every time I meet him, he strikes me as somebody who is very much on top of this very new file, and very important file, that he has inherited. He just fills me with confidence that that independent officer of this Legislature is doing great work. They have a busy year ahead of them, I suspect. They certainly have municipal elections coming in November of this year. And who knows? Maybe we'll have a provincial election later this year too. I suspect that Elections PEI is going to be a busy place in the near future. But, I have absolutely confidence that Tim and his staff there will be able to accommodate whatever responsibilities they assume this year.

Of course, we have the conflict of interest commissioner; somebody whom each of the members of this Legislature meets with on a regular basis. Again, John McQuaid does exemplary work. I think he's a fine gentleman. He brought forward recommendations, of course, to change the *Conflict of Interest Act*. He brought forward several recommendations after over a decade of this act not being updated, and we are in the process of working through two bills which have different ideas of how much of his recommendations – how many of his recommendations to implement.

In the third party here, we feel that we will honour that independent officer of this Legislature by recommending that all of his recommendations be adopted. Other people in this House –

An Hon. Member: Call the hour.

Dr. Bevan-Baker: – seem to feel that we perhaps don't need to have –

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

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

The Legislature recessed until 7:00 p.m.

Government Motions

Orders of the Day (Government)

Speaker: The hon. Minister of Health and Wellness.

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

Speaker: Shall it carry? Carried.

Clerk Assistant (E. Doiron): 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 hon. Minister of Education, Early Learning and Culture, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

Speaker: Shall it carry? Carried.

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

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

Some Hon. Members: No.

Some Hon. Members: (Indistinct)

Chair: Permission to bring a stranger to the floor?

Mr. LaVie: That's no stranger.

Some Hon. Members: (Indistinct)

Chair: Thank you.

Mr. LaVie: He's not a stranger anymore.

Mr. R. Brown: He's not a stranger anymore.

Chair: Thank you. We'll allow him to come in and get set up.

Mr. LaVie: He's one of us now.

An Hon. Member: (Indistinct)

Ms. Biggar: One of the legislators, you mean.

Mr. LaVie: Before you're appointed.

Mr. R. Brown: That's one of the nine.

Mr. LaVie: That's one of the nine.

Ms. Biggar: Great.

Mr. Myers: Get him on the list, somebody.

Chair: (Indistinct) yourself and your title for the record?

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

Chair: Thank you. Welcome.

Hon. members, we are at section 5, Referendum Commissioner. The section has been read, and there has been an amendment that is on the floor that we were discussing, and I'm going to read that amendment just to refresh your memory.

The amendment is for section 5(1). It says – or, sorry, it's subsection 5(4) of Bill No. 38 as amended:

by the by the deletion of the words “June 1st, 2018” and the substitution of the words “the date stated in the appointment.”

Mr. R. Brown: Good.

Chair: Any further questions?

Leader of the Third Party.

Dr. Bevan-Baker: The amendment is a small affair, but I've got a couple of questions on the section itself.

Chair: Okay.

Dr. Bevan-Baker: We did ask some questions about funding for the commissioner, and didn't really get a response or a clear response on that. So I'm just wondering, who is going to – will it be legislative management who is going to fix the remuneration for the commissioner and for the referendum itself?

Chair: Minister?

Mr. J. Brown: So, just to – I mean, we – the finance minister is here to ensure that I get this correct, but when the actual act is approved, so because there – it's my understanding that because we did not have an act in place at the time that the budget was prepared and tabled, it would not have been proper to actually budget a line item for this position. This was the same way that the plebiscite worked. There was no budget for the plebiscite when the plebiscite, until after it kind of went through.

So once it's approved, legislative management committee will appoint the referendum commissioner and will require funding by either reallocating other Legislative Assembly expenditures or more probably through a special warrant.

Dr. Bevan-Baker: Right.

Mr. J. Brown: So again that's the same approach as – Elections PEI is an example; when a by-election is to be held, the same thing would occur. I could run through the example of the plebiscite, which, again, the same thing happened.

It's anticipated that the costs related to the referendum commissioner, including staff to undertake the public education, would be approximately half a million dollars. I think I said last night 750 –

Dr. Bevan-Baker: (Indistinct) yeah.

Mr. J. Brown: – was what stuck out in my mind, but half a million is what I've been advised.

Dr. Bevan-Baker: Okay.

Ms. Bell: Savings already.

Mr. J. Brown: So yeah, if you have any other questions, I might direct you to the Minister of Finance.

Dr. Bevan-Baker: Sure. So in subsection (6) of this section – section 5, subsection (6) – it says the commissioner is responsible solely to the Legislative Assembly.

So if the commissioner – and it's unclear in the act as I read it – if the commissioner makes a decision, let's imagine that they are the ones who are policing the overspending limits, the spending limits, for example, and they make a decision on that, will there be a – will they be subject to judicial review?

Mr. J. Brown: I'm not totally clear on what you're asking, I don't think.

Dr. Bevan-Baker: The information and privacy commissioner, for example, is subject to a judicial review for the decisions that they make, so will this – will the referendum commissioner, if she or he makes the rulings on fines, for example, for overspending, will those decisions be subject to judicial review?

Mr. J. Brown: The answer to that, I think, in short – and I've just asked Gary, and he thinks the same – would depend on how the prosecution was initiated. I think I might have addressed this in part previously, but if the commissioner decided themselves to, pursuant to the provisions of the legislation, impose a fine or whatever the case might be, conduct an investigation and impose a fine, which they do have the powers to do, then yes, I would say would be the answer to that.

They may, however, pursuant to our *Summary Proceedings Act* have the police, as an example – it would depend on what the offence would potentially be.

I don't know if we can provide you with a – unless –

Dr. Bevan-Baker: Sure, okay.

Mr. J. Brown: – there was a more specific context provided with that.

I would think anything that – judicial review is an administrative law concept. It's not really dependent on any particular

statute. I would think that ability would exist as long as you're dealing with administrative law. To answer it that way.

Dr. Bevan-Baker: Just a quick follow-up on that, minister.

I will give you an example that somebody does overspend, is found liable; the commissioner decides that there should be a \$8,000 fine, but the individual wants to appeal that.

Would they appeal to the commissioner, or how would that appeal process work? That's, I guess, what I'm asking.

Mr. J. Brown: Probably in that case there'd be a judicial review –

Dr. Bevan-Baker: Okay.

Mr. J. Brown: – of the decision. It likely would be at the Supreme Court, trial division –

Dr. Bevan-Baker: Right.

Mr. J. Brown: – I would guess.

Dr. Bevan-Baker: Thank you.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

Chair: Get our rhythm.

Mr. J. Brown: That's again, if it's the commissioner if decides to levy the fine –

Dr. Bevan-Baker: Right.

Mr. J. Brown: – versus having an investigation and the police and all that.

Dr. Bevan-Baker: Does that – I'm sorry, Chair –

Mr. J. Brown: You might want to get Jason on the floor here (Indistinct)

Dr. Bevan-Baker: Does that fall then, under the purview of the commissioner for sure?

That wasn't really clear what the authority of the commissioner was when it comes to policing.

Mr. J. Brown: It's similar to, I'll say this, and Gary can jump in at any point in time, but it's similar to the Chief Electoral Officer –

Chair: Yeah, and that's in the next section, actually.

Mr. J. Brown: – yeah. In any event. There are multiple ways in which this can function. It really depends, I think, on what, you know, again, this is based on a self-reporting concept: somebody goes to the commissioner they figure out how they're going to investigate. We note that there's a lot of different powers. The commissioner could go hire staff, if they wanted to, as an example, to investigate. They may have the police look into it, depending on the circumstances. It would really depend a lot on how that complaint arose.

Dr. Bevan-Baker: Yeah.

Mr. J. Brown: (Indistinct) possibilities.

Dr. Bevan-Baker: If a special warrant, I presume that's how this going to happen, because it would be retroactive, as you said, there's no – would that have to go through Treasury Board or Cabinet? Is that how special warrants work?

An Hon. Member: Yeah.

Dr. Bevan-Baker: Yeah, okay.

Given that, I mean, this government is clearly not in favour of changing the electoral system. That's, patently obvious, so given that government will be tasked with approving funding for the commissioner, and part of the commissioner's job is education. Can we, sort of, have confidence in that government-controlled Treasury Board or Cabinet, whoever approves this –

Ms. Biggar: That's quite a (Indistinct)

Dr. Bevan-Baker: – that they will provide the necessary funds required to the commissioner?

Mr. J. Brown: I'm going to start by saying, as we said here yesterday, we've had a number of people, the Premier included, indicating that he is quite prepared and has,

here on the record, in Hansard and video and whatever else, indicated that he's prepared to commit today that we will adhere to the result of a plebiscite.

Dr. Bevan-Baker: Yeah.

Mr. J. Brown: We have legislation that we're putting forward that is committing to a fulsome education process; committing public dollars to proponent and opponent group, so that Prince Edward Islanders can refine their ideas so that they can express their ideas in a way that allows them to develop their own opinion.

Certainly we would say that that commission is being made. The finance minister is here, so he can explain how special warrants work, at any point in time, but to my understanding, and the issue that's often raised is that the commitments being made here and the special warrant is used to pay for that off the after the fact.

Dr. Bevan-Baker: I guess my concern is, I understand, and I heard the commitments as everybody else in the House does, but if the government is the one holding the purse strings for this process –

Mr. J. Brown: Well –

Dr. Bevan-Baker: – and it's clear that government is not unbiased when it comes to this referendum. I mean, that's patently obvious from a number of speeches that have been made here in the House.

Mr. Murphy: (Indistinct)

Dr. Bevan-Baker: That's where that –

Mr. Murphy: (Indistinct) from where you stand, too.

Dr. Bevan-Baker: Oh, yes, it is. But, I'm not the one, potentially funding this exercise –

Mr. J. Brown: We're probably all lucky for that, I think.

Dr. Bevan-Baker: Pardon me, minister?

Mr. J. Brown: I said: We're probably all lucky for that.

What I would say to you in relation to your question is, that the referendum commissioner has broad powers in terms of the budget that they would have given the responsibilities that they have.

Their powers are right here in the legislation. The referendum commissioner, you know, we have a number of different examples, in terms of parallel-type positions that are solely responsible to this Legislative Assembly.

Basically, what you are saying is that: Government, effectively, is biased in a way that would be tantamount to saying that government's now going to choke off the funding to the Legislative Assembly and not fund the Speaker's office. It's the exact same thing.

Like, your examples are getting crazy.

Dr. Bevan-Baker: Excuse me.

Chair: Hon. member.

Mr. J. Brown: Well, I'm just being frank about this.

Chair: Leader of the Third Party.

Ms. Biggar: Outrageous.

Dr. Bevan-Baker: You know what is outrageous, is the language that the justice minister –

Ms. Biggar: That was (Indistinct)

Dr. Bevan-Baker: – is using –

Ms. Biggar: (Indistinct)

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

Dr. Bevan-Baker: If you're not able to see the potential conflict of a government holding the purse strings for a commission an issue that they clearly have a bias in, then, there's absolutely nothing crazy about suggesting that there's a potential conflict there. That's not – that's all I was asking.

Mr. J. Brown: The situation here is no different here than it is with the Speaker of the Legislative Assembly. As we've

indicated, legislative management really determines how this will operate.

I know that you don't have respect for the legislative management committee or the Speaker, but we do. We have indicated that here on a number of different occasions.

Mr. J. Brown: Our bill is here. We have all committed to be bound by it. We have all committed to this process. We have all committed to a fair, level playing field for Prince Edward Islanders.

We think that this is very important to Prince Edward Islanders. And that, again, the referendum is being held in connection with an election. That is the ultimate test of accountability, and our willingness to put ourselves out there and be judged by Prince Edward Islanders for our level of accountability in relation to it.

Dr. Bevan-Baker: That's all my questions for now.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Minister, when we were last talking, we were talking about the timeline of getting the bill passed and the legislative management committee meeting, and reviewing the applications and approving it, and all that.

One point I thought of later was third reading and Royal Assent. Can you explain how that would be able to be turned around in between the passing of this bill and the closing of the Legislature?

Mr. J. Brown: I'm not totally clear, in terms of what you're asking, but –

Mr. MacEwen: (Indistinct)

Mr. J. Brown: – we would have the ability – so, say as an example –

Mr. MacEwen: Does it have to go for Royal Assent before you can – before the legislative management committee can meet?

Mr. J. Brown: The legislative management committee, I would think, and the legislation wouldn't say anything different, could meet at any given point in time. But, wouldn't likely meet, I would suggest, until after this bill passes second reading.

Mr. MacEwen: But, can they discuss the commissioner. Sorry, Chair, I should go through you.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Can they discuss the commissioner before this bill has had Royal Assent?

Mr. J. Brown: I would think so, yeah.

As I said to you, yesterday, I'm not even sure that they have. I don't know if you're on legislative management. I don't know whether the committee has or has not at this point in time.

Mr. MacEwen: Just so you can stop saying that: no, I'm not on legislative management.

But, you're not giving me a very good – you're not – you're unsure. I guess, I would like to know for sure if legislative management can start making a decision on a commissioner if this has – like, that doesn't make any sense to me, if it hasn't even got third reading or Royal Assent. How can that committee start meeting on a commissioner that we don't even know if the law is going to pass?

Chair: I can say it.

Mr. R. Brown: How can you start deciding a bill if you know (Indistinct)

Mr. MacEwen: That's what we're doing here.

Ms. Biggar: Can't do it if you get the permit.

Mr. MacEwen: That's the worst example I have ever heard.

Mr. Myers: I can tell you exactly how (Indistinct)

Mr. MacEwen: Go back to doing what you were doing.

Ms. Compton: (Indistinct) try again.

Mr. J. Brown: (Indistinct) anyway, there would be someone in your caucus that would be on that committee. I'm sure you could talk to them –

Mr. MacEwen: Yeah, there are two people.

Mr. J. Brown: – but, there's nothing in the bill to stop legislative management committee from meeting now, or whenever.

Mr. MacEwen: I understand that. But, that would be like saying any committee can just go meet and decide we're going to start talking about –

Mr. LaVie: Putting the cart before the horse.

Mr. MacEwen: – the next person in charge of Elections PEI.

Would you not have to have this bill passed before the legislative management committee could actually start calling for applications to be the commissioner?

Are you actually suggesting that the legislative standing committee, the legislative management committee would call for people to apply before this bill has even had Royal Assent?

Mr. J. Brown: I'm not going to suggest anything in terms of what I think the legislative management committee should do.

What I'm telling you is, this process is used in a number of other pieces of legislation that we have in the province, it's the same. I am not in the business of prejudging what legislative management committee would do in terms of how they'd go about hiring the individual, or whatever you want to call it: appointing, hiring, making the recommendation to us, is what it amounts to.

Mr. MacEwen: I'm not saying that you're telling them what to do. They'll do their own thing, you're right.

What I'm asking you, as the person putting forward this bill is: are they allowed to do that before your bill passes?

Mr. J. Brown: Yes.

Mr. MacEwen: Seriously?

Mr. LaVie: Putting the cart before the horse.

Mr. MacEwen: So, you're saying they can go out and advertise and get – it doesn't make any sense. What if the bill doesn't pass? Why would they go through that whole process?

Mr. J. Brown: They can do whatever they want. It would be the same thing as if you went for a job interview tomorrow and the next day, the person that was going to do the hiring decides, well, we don't need anybody, or we don't want anybody or whatever, it's their prerogative whether to actually engage them or not.

In this case, the candidates that would come forward through that process, are nowhere until a recommendation comes back from the legislative management committee to this Chamber and is accepted by two-thirds of the members, pursuant to the section.

Mr. MacEwen: Thank you for clearing that up. I assumed that they would not start meeting until this had Royal Assent, but you're saying they could start meeting tomorrow.

Mr. J. Brown: As I said yesterday, they could have met yesterday or three weeks ago, or whenever –

Mr. MacEwen: Yes, you don't know, that's right.

Thank you, Chair.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

It's just a question following on from that in terms of the hypothetical that the legislative management committee have begun this process.

If we don't have a budget and we don't know the job description because it has changed significantly from when the bill was first tabled to what it is. We've added education, as we will see in the next section.

Then, in theory, you're saying that legislative management committee could meet. They could advertise. They could interview and they could offer a salary of whatever they wanted. And a job description that included anything that they wanted because they can do that action independent of the activity that happens in here that sets the guidelines based on the legislation.

I know you've accused my colleague of being crazy, but honestly what you've just said –

Mr. MacEwen: (Indistinct)

Ms. Bell: – it does not make – no, not you that colleague, this colleague. But, that is not, in any way, logical: that the perimeters of that job for that role are set in the legislation to then be interpreted by the legislative management committee and without that level of interpretation, including, effectively, what the job is, which is set here, why would the legislative management committee meet if they have, to discuss a hypothetical job for a hypothetical role for a hypothetical person with a hypothetical salary. I would be very interested in going to that job interview.

Mr. J. Brown: The premise of your –

Mr. MacEwen: (Indistinct) pretty standard.

Mr. J. Brown: – soliloquy, if I can call it, was that an offer would be extended. The legislative management committee is not in a position to extend an offer at any point in time until it's approved here.

The legislative management committee, I would think, if they wanted to, could canvass possible, acceptable, folks and make a recommendation given any process. They could go talk to different individuals that were doing whatever and see what their interest was and bring it back amongst the group and decide: that's what we're going to do.

It's up to the legislative management committee to set their own process, figure out what works, and come back here with a recommendation.

I am not here to – there are members of all the parties in this Legislature on that committee. There's some – I'd say, everybody on the committee, frankly, comes to work every day with the best interests of Prince Edward Islanders at heart and they do great work. They manage to facilitate all of us being here, and, frankly, whatever it is that we are going to ask them to do; I have the faith that they can do it. That's all I can really tell you with any degree of certainty. That and the fact that the process is the same for this as it is for a number of other officers of the Legislative Assembly.

Ms. Bell: That's very reassuring, minister. I guess my – I have looked on the website to find out who is on the legislative management committee and looked at the schedule to make sure that it hasn't met without us knowing about it, because I'm not on the committee, but I understand the committee is chaired by the Speaker, so I guess my question to you, minister is: Given that the committee is, to my understanding, chaired by the Speaker, who instructs the speaker to convene that committee, or does the Speaker choose to do that himself, or does he do so – how does that committee meet? How does it get initiated?

Mr. J. Brown: I think, just like all of us, it's at the call of the Speaker.

Ms. Bell: The Speaker is the Chair of legislative management committee. Am I correct? According to the website, that's what it says.

An Hon. Member: Yes.

Mr. J. Brown: You're as capable of answering that as I am. But, yes, I presume so – as far as I'm aware.

Ms. Bell: Hypothetical questions are perhaps a way for us to be able to clarify sometimes because we seem to be having some challenges in understanding how some of these structures work because I'm not on that committee –

Mr. J. Brown: I realize (Indistinct) having some challenges.

Ms. Bell: – and I understand who is on the committee, and I understand it had hasn't met, and that the Speaker is the Chair. When would the Speaker be instructed or feel appropriate to call a meeting of that committee based on the activities that is are identified in this legislation?

Mr. J. Brown: How would I know that?

Ms. Bell: Well minister, I would hope as the minister responsible for this piece of legislation and the one who's told us that initially we were going to have the referendum commissioner in place by June the 1st and you're now telling us that we are going –

Mr. J. Brown: I never said we were going to have the referendum commissioner in place by June 1st.

Ms. Bell: You did in the first version of the legislation.

Mr. J. Brown: Yes, and when I went to meet with your caucus, as I said at that time, the June 1st date was a placeholder and would likely have to be amended, depending on when the bill hit the floor. I've said that repeatedly. You acknowledged it to my face with a number of other people there and I don't know whether you've forgotten or what the issue is now, but you seem to be confused about that too.

Chair: Before you have this great conversation between the two of you, remember that the Chair is in between.

Ms. Bell: Thank you, Chair.

Chair: And if you could refrain from using the word 'you' and refer to the Chair or the minister or the Member from Charlottetown-Parkdale, that would make my life a whole lot easier.

Ms. Bell: Thank you, Chair.

I'm not going to go back through Hansard and talk about the number of times we discussed how challenging it was going to be to appoint, I think, a commissioner by – I recall some of my colleagues having that

same conversation, Chair, however, I would hope, minister, that as the minister responsible for the legislation that you would have at some time, either you or perhaps, Gary, as the stranger on the floor, may have discussed the process, including timelines and the process for recalling that committee, particularly because you're not on it, it would require the coordination of other people, including the Speaker.

So, Chair, my question so the minister is just: Has there been any conversation with the Speaker as the Chair of that committee in context of this legislation regarding the recalling of that committee?

Mr. J. Brown: Madam Chair, I have already answered this question, and the hon. member has indicated that she's got a recollection of these discussions in Hansard, so perhaps (Indistinct) should go back and take a look at it.

Ms. Bell: Chair, I appreciate that there are other people that wish to speak and this is not moving us forward. I think, again, we are in yet another situation of having to agree to disagree on our recollection without needing to go back to Hansard at this point. It would be great to be able to clarify how that process does start, but I appreciate we're not going to get an answer today.

Thank you, Chair.

Chair: Shall the section carry? Carried.

Or, shall the amendment carry? Sorry. Carried.

Are you ready for the question on the amendment?

Some Hon. Members: Yes.

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

Some Hon. Members: Aye!

Chair: All those voting against the amendment signify by saying 'aye'.

Ms. Bell: Aye!

An Hon. Member: Nay!

Chair: The amendment is carried.

Shall the section carry as amended? Carried.

Chair: Section six.

Some Hon. Members: (Indistinct)

Chair: Order! Section six.

Powers and duties of Referendum
Commissioner

(1) The Referendum Commissioner shall –

You have an amendment to this section, too.
Should I read the section first or –

Mr. J. Brown: It's up to you.

Chair: I'm going to read the section, but I
understand there is an amendment to section
6(1).

6(1) The Referendum Commissioner shall

(a) implement public education and
information programs relating to the
referendum and referendum advertising;

(b) take the steps that he or she considers
necessary to assist individuals and eligible
organizations to organize to register as
registered referendum advertisers;

(c) take the steps that he or she considers
necessary to register eligible referendum
advertisers in a timely manner;

(d) issue to the members and financial
agents of registered referendum advertisers
the instructions that he or she considers
necessary to ensure the effective execution
of the provisions of this Act;

(e) announce the final result of the
referendum, after the completion of the
count under the *Election Act*, in a manner
that the Referendum Commissioner
considers will inform the public of that
result;

(f) provide a report to the Speaker of the
Legislative Assembly as set out in section 7;
and

(g) perform such other duties as are assigned
to him or her by this Act.

And, members, we have an amendment to
this section and the amendment is read as:

The motion replaces clause 6(1)(a) of Bill
No. 38 to add to the duties of the
Referendum Commissioner the
implementation of public education and
information programs relating to voting
systems, including the mixed member
proportional system as described in
Schedule 2 of the Act.

Sorry, there's sections two, three, and four of
section six and I didn't read those yet.

Media information by Referendum
Commissioner

(2) The Referendum Commissioner may,
using any media or other means that the
Referendum Commissioner considers
appropriate, provide the public with
information relating to the referendum, the
limitations on spending by referendum
advertisers, the assistance available to those
interested in joining or forming an
organization to register as a registered
referendum advertiser and the funding that
will be available to registered referendum
advertisers.

(3) The Referendum Commissioner may
make inquiries, require reports and issue
directions, as he or she considers necessary
in order to execute the intent of this Act.

(4) For greater certainty, the authority of the
Referendum Commissioner under this Act
does not apply with respect to matters for
which the Chief Electoral Officer has been
given authority under this Act.

The section has been read and the
amendment has been read.

Any questions on this section?

The hon. Leader of the Third Party.

Dr. Bevan-Baker: I really appreciate, first
of all, the inclusion of the educational
component here in the commissioner's
responsibilities that wasn't there originally.
Again, I appreciate that inclusion. So the
subsection says the commissioner will carry
out an education program. As we all know,
Islanders are very familiar with and have

lived with first past the post for generations and don't really need to be educated on how that works. But the new system is not familiar to Islanders and clearly the educational emphasis on that has to be, you would imagine, would be more than first past the post. So my first question is: When you're talking about an education component to this, are you imagining giving equal funds as you are to the registered advertisers to both the educating – the existing system, first past the post, that we are already familiar with, and educating the new and unfamiliar system?

Mr. J. Brown: It won't be us that would make that determination.

Dr. Bevan-Baker: So who would?

Mr. J. Brown: The referendum commissioner.

Dr. Bevan-Baker: Okay.

Actually, you know what, you can carry on, Chair.

Thank you.

Chair: Thank you. Shall the amendment carry? Carried.

Sorry. Are you ready for the question on the amendment?

Ms. Biggar: Yes.

Chair: Thank you.

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

Some Hon. Members: Aye!

Chair: Those voting against the amendment, 'nay'.

The amendment is carried.

Shall the section carry as amended?

The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you.

So it's a question on subsection three, the powers of the referendum commissioner. Will the commissioner's power to issue directions, as indicated in this section, include that authority to lay charges respecting offences under the act? Is that a direct action and direction of the commissioner?

Gary Demeulenaere Director: In the six sub (3), I think your question is: Can the commissioner be the one who tells the prosecution of an offence?

Ms. Bell: Yes.

Gary Demeulenaere Director: I think the answer so that is no. I mean, it would still require the Crown to decide if they had a reasonable prospect of conviction to initiate prosecution. This act wouldn't interfere with prosecutorial discretion.

Ms. Bell: Perhaps Gary could just explain what is meant by 'issue direction' in that place, please.

Gary Demeulenaere Director: Off the top of my head, the one I could think of would be where the legislation requires someone to return funds, for example, so he could issue a direction to them to say: You still have \$1,000 in your coffer. Could you please return funds to us?

Ms. Bell: So you're thinking in that more of an administrative function in that management, that the fiduciary responsibility overall is one of the examples there, Gary? Is that the –

Gary Demeulenaere Director: That's the one that comes to mind, looking at that.

Ms. Bell: Okay. Thank you, thank you Chair.

Chair: Shall the section carry as amended? Carried.

Thank you.

Section (7) – and I understand there's an amendment coming forward here as well. I'll read the section first.

7. Report to Speaker of Legislative Assembly

(1) The Referendum Commissioner shall, before or during the session of the Legislative Assembly next following the general election, and after the financing reports required to be filed under subsection 12(4) have been filed, deliver a report to the Speaker of the Legislative Assembly

(a) related to the contents of the financing reports; and

(b) concerning any matter related to the referendum and the referendum process that he or she considers should be brought to the attention of the Legislative Assembly.

(2) The Speaker shall submit the report received from the Referendum Commissioner to the Legislative Assembly.

Hon. members, there is an amendment on the floor and it reads as such:

This motion amends section 7 of Bill No. 38 to add a requirement that the report of the Referendum –

Section 7 of Bill No. 38 is amended by the deletion of clauses (a) and (b) and the substitution of the following:

(a) respecting the public education and information efforts undertaken in the province pursuant to clause 6(1)(a);

(b) related to the contents of the financing reports; and

(c) concerning any matter related to the referendum and the referendum process that he or she considers should be brought to the attention of the Legislative Assembly.

An Hon. Member: Question.

Ready for the question on the amendment? All in favour of the amendment signify by saying 'aye'.

Some Hon. Members: Aye!

Chair: Those voting against the amendment, 'nay'.

The amendment is carried. Shall the section carry as amended? Carried.

Chair: Hon. members, I'm seeking your advice.

Section 8 has a bunch of subsections in it, and the amendment is pretty well most of the whole section, so I think what I'm going to do – I'm asking for your advice. Would you like me to read the whole section, and then read the amendment, or just read the amendment?

An Hon. Member: Just the amendment.

Chair: Amendment? Okay.

Everybody in agreement to that?

Some Hon. Members: Yes.

Chair: All right.

Section 8, the amendment is as follows.

Section 8 of Bill No. 38 is deleted and the following substituted;

8. Restrictions on pre-referendum expenses- individuals

(1) Only an individual who may make contributions under section 16 may incur pre-referendum expenses.

(2) Only an organization that meets all the following requirements may incur pre-referendum expenses:

(a) the organization has no fewer than five members;

(b) the organization is not for profit;

(c) the members and any directors of the organization are not compensated for being members or directors of the organization;

(d) membership in the organization is voluntary;

(e) at least two-thirds of the principal members of the organization have been ordinarily resident in the province for at least six months immediately before July 1, 2018.

(3) An unregistered referendum advertiser shall not incur referendum expenses that exceed \$1,000 in total.

(4) If an unregistered referendum advertiser is in compliance with subsection (1) or (2), as applicable, an unregistered referendum advertiser may associate with other unregistered referendum advertisers, but the unregistered referendum advertisers in association shall not collectively incur referendum expenses that exceed \$10,000 in total.

(5) The referendum advertiser shall identify himself, herself or itself in any referendum advertising that he, she or it places, and shall indicate that he, she or it has authorized the advertising.

(6) Subject to subsection (7), a referendum advertiser is eligible to be registered as a registered referendum advertiser if all of the following apply:

(a) the referendum advertiser is an organization with no fewer than five members;

(b) the organization is not for profit;

(c) the members and any directors of the organization are not compensated for being members or directors of the organization;

(d) membership in the organization is voluntary;

(e) at least two-thirds of the principal members of the organization have been ordinarily resident in the province for at least six months immediately before July 1, 2018;

(f) the organization has not incurred referendum expenses that exceed \$1,000 in total.

(7) An organization is not eligible to be registered as a registered referendum advertiser if

(a) the organization is a political party or an organization or association of a political party;

(b) any of the principal members of the organization

(i) is a candidate in the general election, intends to be a candidate in the general

election or is the official agent of a candidate in the general election,

(ii) is an election officer or a member of the staff of the Chief Electoral Officer,

(iii) is the Referendum Commissioner or a member of the staff of the Referendum Commissioner;

(c) more than one-third of the members of the organization are not ordinarily resident in the province;

(d) the organization is a for profit corporation; or

(e) the organization is a trade union.

Are you ready for the question on the amendment?

The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

If I can begin with a couple, Chair, with a couple of definitions that weren't in section 1 but they're referenced in this section that would assist with the understanding of the context.

The first one is a clarification of the definition of 'members' as referenced first in section 8(2), the organization has no fewer than five members.

Minister, could you advise whether you interpret a member to be an individual or organization or both in the context of this description?

Mr. J. Brown: Members are defined in the *Companies Act*. So, if you go look in the *Companies Act*, there would be – any part-two company has members as opposed to shareholders.

Ms. Bell: Thank you, minister.

I am aware that members are defined in the *Companies Act*, but this is not the *Companies Act*. This is the electoral reform act and it has definitions, and we are specifically talking about who with can be a member of an organization which is defined in this context, and so for that, it is really

important that we understand what the definition of a 'member' is.

Given that later on you're talking about members being potentially organizations, we needed to clarify here, do we can a member, as it's defined in it section, be an individual, an organization or both?

Gary Demeulenaere Director: Could I ask where later on it refers to organizations (Indistinct) 6 (c) (Indistinct)

Ms. Bell: Well, it gets a bit complex, but in a number of – there's a –

Unidentified Voice: (Indistinct)

Ms. Bell: Sorry, yeah. 6 (c) is the members and any directors of the organization are not compensated for being members or directors of the organization.

Then, we also talk later on in a further section which is in, I think it's in – I'm going to have to cross-check numbers, but in nine – sorry, I'm looking at definitions at the moment – when you talk about the contributions, that section, contribution section. No, it's not that one.

Chair: In the amendment?

Ms. Bell: I'm going to have to cross-reference, but I know it has come up a couple of times that a member is interpreted in a couple of different ways, and for this context we have examples of organizations that have been mentioned in this discussion that were of concern, that were made up of other organizations –

Mr. J. Brown: Is what you're asking is that a member of an organization the same as a member of a not-for-profit?

Ms. Bell: No.

Mr. R. Brown: (Indistinct)

Ms. Bell: An organization can be comprised of other organizations, which has been the case in the past and that was the case with the – or one of the organizations which has recently disbanded, the PR coalition, it was made up of other organizations.

My question here is: Is that the same context when we talk about members in this section?

Is a member here an individual and/or an organization, or is it only an individual?

Mr. J. Brown: What I'm saying is if you have a not-for-profit corporation, 'members' would be the definition in there. If you have an organization of non-registered referendum advertisers, they would be any of the constituent members of that organization. Is that what you're asking me?

Ms. Bell: We spent a lot of time talking about definitions and how important it was that we understood the context and the application. We understand that this has been designed to limit and create structures that give confidence that there's no big money and there's no trade unions and all those other kind of pieces.

We need to be really clear what this organization in this context of pre-referendum expenses contains. Perhaps if I give an example that might help again?

Unidentified Voice: Yes.

Ms. Bell: Thank you.

Chair, would that be okay?

Chair: Yes, absolutely.

Ms. Bell: Thank you, Chair.

So, for example, an organization can be comprised of individuals who come together and form a new not-for-profit. It could be comprised of an organization which includes members of other organizations and individual members who form a new not-for-profit, but are bringing the interests of the organizations they represent; they're not acting as independent individuals, or it could be comprised of other organizations who are then forming a new organization.

We've also just revised the business corporation act, so I know that that's also a scope in there, but most of the people who are going to be working in this case are not business experts in business corporate law. They're not-for-profit organizations or community groups, and so that clarity in definition is actually really, we feel, is really critical.

Gary Demeulenaere Director: Just to follow up on the minister, to recognize that generally at law you can either be an individual, a partnership or a corporation to be recognized as an entity, and so as the minister has said, if you're incorporated, for example, as a part-two company, your shareholders, for lack of a better word, similar to a part one, would be defined that you would have to identify for those when you incorporate or in your bylaws, for example, who those persons are going to be. So if you were an organization that is actually incorporated, that would be identified by those persons.

If your other example, which I think you're making reference to, is a community organization; they call themselves by a collective name, for example, but they've not taken out part-two status under the *Companies Act* – and I hope I'm trying to provide some clarity there, but it could be either one.

It could be if it's an incorporated entity, that those identified members under the part-two company, or if it's a collective community organization, it's the members that identify themselves as being associated to that.

Ms. Bell: That clarity is also important, because it actually doesn't mention in here incorporated not-for-profit, and again if that's actually the requirement, that is quite different, because we actually had the discussion in this in a different space in Question Period where I specifically asked if the organizations would have to incorporate as a non-profit, and the minister said no.

So in that case, does the corporations act, to some extent, is irrelevant, because if organizations want to – if people want to gather and become an organization, those rules are not as limiting.

Mr. J. Brown: It's not – sorry. I don't mean to cut you off, but it's only really –

Ms. Bell: (Indistinct) through the Chair.

Mr. J. Brown: – relevant if the corporation in that situation wants to become part of an organization that intends to be a registered referendum advertiser.

Ms. Bell: You see me kind of getting a breath.

Correct, and I appreciate that qualification, minister, because this becomes more important later on when we look at the transition of pre-referendum to registered referendum. Whether or not that actually can happen is another story, but it does become important because the managing of that status also can preclude organizations potentially from being registered advertisers later on, which we can look at in a bit. But it does come back to if it is not clear who is and is not included in a scope of a definition, then our default position as members of the public is to not do something which could potentially put us into a risk of jeopardy or punitive measure.

And so, if we can't be clear to explain to people what a membership can consist of, and they've heard how members have been spoken about into that this House for participating in their democratic right to associate, then we are going to see people being afraid to associate and that's really what this comes down to.

But if I can just clarify in that range, we have then – there are not-for-profits that's referenced in the pre-referendum expense definition of an organization in section 2 is not necessarily an incorporated not-for-profit. Is that, at this point, in the timeline? Is that correct?

Mr. J. Brown: I just want to say something here.

You just indicated –

Ms. Bell: Are you talking to me or the Chair?

Mr. J. Brown: Thank you, Chair.

You just indicated that, essentially, there's been aspersions cast in relation to members' rights of association. It's your party and I think it was your leader that asked a number of questions about the fact that Scott MacKenzie, who is the chair of IRAC, was a donor to the Liberal party a long time ago in the context of his ability to be unbiased in relation to an exercise in a semi-judicial capacity that he's currently undertaking.

So again, for you to sit here and cast aspersions –

Chair: Hon. member, could you refer to her by her district?

Mr. J. Brown: Well, I can.

Chair: Thank you.

Mr. J. Brown: But in the end, she is referring to our group in a very specific way as if it's something that is not happening in Charlottetown-Parkdale or with the Leader of the Third Party.

I take that offensively, Madam Chair.

Ms. Bell: Well, I'm glad you've had the opportunity to share your opinion, minister.

Mr. J. Brown: The same for me.

Ms. Bell: Then everybody is going to be happy and we can all smile.

I would like to continue clarifying, however, definitions as they relate to this section.

In section 2 where it is pre-referendum expenses for organizations we have members, as I understand at this point, that can be individuals or organizations. Effectively, it's pretty loose because at this point they don't necessarily have to incorporate as a not-for-profit. They are gathering. Is that correct?

Mr. J. Brown: That's right.

Gary Demeulenaere Director: You could be either/or.

Ms. Bell: Okay, so it's an either/or? That's fantastic.

The other categories in at that section will also extend in that that pre-referendum expense, but the separation of individual and organization leads me to ask: What happens if an organization is of less than – that you have an organization that is two to four members of individuals, for example. Are they considered just four individuals? They're not considered an organization if they call themselves an organization?

Mr. J. Brown: They can call themselves an organization if they wish to. There's a

couple of different things that can happen. Really the distinction is that if you're less than the five you can't become a registered referendum advertiser.

Ms. Bell: Right.

Mr. J. Brown: You think about that, the theory is really that the proponent and opponent groups are meant to consist of folks that are joining into a group to refine ideas around one or the other of the concepts and to convey their ideas amongst others.

There is still the capacity, and this is a big piece of the amendment, and the reasons for the clarification, and that is to reaffirm the individual's right to assemble with others, and to associate with others, and to, as a group, or as an organization, put their ideas together and move forward in a concerted effort. They can do that.

If it was four individuals, they would have \$1,000 each so \$4,000 total that they would be able to expend as a non-registered referendum advertiser.

Ms. Bell: The example in here, if you have no fewer than five members as your primary because it's all of the requirements must be met. Then, if you have an organization of four individuals, who are a non-profit, who are not being compensated, who are voluntary, but they could all be from China – because they don't have to meet the requirements of the – they don't have to meet those requirements because they have less than five members, and then be considered an organization.

Ideally, individuals can just collect as individuals and not follow any of those restrictions. You're not listening to me – that's okay.

Chair: Gary.

Gary Demeulenaere Director: I have to admit, I was a bit lost in the question.

Ms. Bell: Sure.

Gary Demeulenaere Director: (Indistinct)

Ms. Bell: Okay.

Gary Demeulenaere Director: Thinking about the answer probably before you're all the way done.

Ms. Bell: That's okay.

Gary Demeulenaere Director: If I don't answer fully, please let me know.

Ms. Bell: No worries.

Gary Demeulenaere Director: But, I think, so, if you look, 8 (1) would allow the individual who is the unregistered –

Ms. Bell: Yeah.

Gary Demeulenaere Director: – because we're talk about the pre-referendum period, essentially, to spend what they wish, if you will, and then in the sub two would be to say if you're going to identify as an organization, you have to meet those criteria with a certain number of persons.

I think I kind of take your point as to between the singular person and then the criteria –

Ms. Bell: There's a little bit of a gap, yeah.

Gary Demeulenaere Director: – you can still have three persons that are acting in that pre-referendum period. They're not subject to spending limits individually as they wish to spend.

The same with the persons who collectively associate to meet that definition they're also not subject to a limit on spending during the pre-referendum –

Ms. Bell: Pre-referendum –

Gary Demeulenaere Director: – period.

Ms. Bell: – period. Yeah. That's a good thing.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

If I could, I have some questions on the other parts of this, as well. Did you want someone else to move on? I (Indistinct) anybody else on your list?

Chair: I have two others on the list.

Ms. Bell: Okay. I can come back if –

Chair: Sure.

Ms. Bell: – that would work?

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

The first question is on registered referendum advertisers. Is that defined anywhere within the latest editions to the act?

Mr. J. Brown: I believe it's (y).

Dr. Bevan-Baker: Yeah. I see it now, sorry.

Mr. J. Brown: 1(y), sorry, I should have said.

Dr. Bevan-Baker: If the unregistered referendum advertisers are, by definition, unregistered, how are you going to follow their spending? Who is going to monitor and report on these unregistered individuals?

Mr. J. Brown: It's a complaints-based process, firstly and you have to identify yourself if you're going to do anything that meets the definition of referendum advertising. It's the same as, during an election campaign, it'd be authorized by the official agent for. Instead of that, it would be authorized by Jordan Brown, or whatever. Like, you'd have to identify, I bought this referendum advertisement.

Dr. Bevan-Baker: They'd have to keep their own records because there's no financial agent associated with the unregistered referendum (Indistinct)

Mr. J. Brown: It's really, you know, if John happens to be keeping an eye on Sally and Sally buys, say, an ad, a full-page ad in *The Guardian* is 2,000 bucks, I don't know if that's accurate or not, but and John realizes that Sally has bought five of them. John calls up the referendum commissioner: referendum commissioner, I got five copies of an ad that cost 2,000 bucks plus tax. I think that wasn't permitted. Then, the onus would be there to say: yeah, I've tracked my expenses and here's what they are.

Dr. Bevan-Baker: You're sort of relying on the public to monitor their neighbours and –

Mr. J. Brown: (Indistinct)

Dr. Bevan-Baker: Okay. All right.

How many unregistered referendum advertisers can associate? I know there's a spending limit of \$10,000. Presumably, there are all sorts of permutations there as how you could reach that. Is there a limit on the number of people, who could –

Mr. J. Brown: Could be 10,000 –

Dr. Bevan-Baker: – get to that?

Mr. J. Brown: – spending \$1.

Dr. Bevan-Baker: Right, so nothing in that. Okay.

Moving on to the section that refers to political parties. Is there a definition of political party?

Mr. J. Brown: (Indistinct) registry.

Dr. Bevan-Baker: Because we have, you know, there are registered political parties in PEI and then there are unregistered, and a political party could be a national party, for example. I'm just wondering whether we're talking about registered political parties on PEI or whether it's a more broad definition, or if there is a definition?

Mr. R. Brown: (Indistinct)

Dr. Bevan-Baker: Where's that?

Ms. Bell: (Indistinct)

Mr. J. Brown: Thank you, hon. member.

Dr. Bevan-Baker: I'm sorry, where is that?

Mr. J. Brown: In definitions.

Mr. R. Brown: (Indistinct)

Chair: (w) –

Mr. J. Brown: 1(w).

Chair: 1(w).

Dr. Bevan-Baker: When it references, in this section, political party, we're talking about registered political party here. The word 'registered' doesn't actually appear.

Gary Demeulenaere Director: (Indistinct)
8 sub seven –

Dr. Bevan-Baker: 6, sub (6) of section 8. Is it sub six (Indistinct)

Ms. Bell: 7(a).

Dr. Bevan-Baker: Sorry, 7(a).

Mr. J. Brown: I think the intention with this is that that be broader than just a registered political party. I'm not going to get into using names, I guess, but say Billy-Bob is going to start up the Prince Edward Island party and makes that known, but is not a registered political party, at this point in time. That would a different context that this would intend to catch, rather than just registered political parties that have registered with the electoral office.

Dr. Bevan-Baker: Okay.

I don't think there's a Prince Edward Island party, but there is an Island Party. I don't think they're registered anymore, so this would apply to them even though they're not a registered party?

Mr. J. Brown: That's right.

Dr. Bevan-Baker: And it would, sorry, Chair.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: It would also apply to political parties outside of Prince Edward Island?

Mr. J. Brown: Yes.

Dr. Bevan-Baker: Okay –

Mr. J. Brown: I should say too, for the most part, political parties outside of Prince Edward Island probably would be caught a few different ways.

Dr. Bevan-Baker: Right. Because they're not likely residents, right.

In regards to political parties and this comes into another section, but if you'll allow me, Chair. If you want to answer it when we get there, I'm happy to wait.

The political parties are excluded from any advertising, at all. Does that mean, that in – because this is happening concurrently with an election campaign, are you forbidden as a political party to even mention electoral reform in your campaign materials as that is clearly an expense?

Mr. J. Brown: It's referendum advertising that you're prohibited from –

Dr. Bevan-Baker: Yeah.

Mr. J. Brown: – and the answer would be no. Political parties are able to do what they would do in the course of a normal campaign. It's referendum advertising that –

Dr. Bevan-Baker: Yeah.

Mr. J. Brown: – in that definition.

Dr. Bevan-Baker: In, for example, a Green Party brochure, which encourages Islanders to vote for the Green Party because we support mixed member proportional, that would not be considered a referendum expense, that would be considered an election campaign expense?

Mr. J. Brown: I don't know what – in terms of an election campaign expense, I'm not going to get into that. But, what we're saying here is that political parties cannot be a proponent or opponent group. They can be unregistered referendum advertisers and they can do referendum advertising within the confines of that definition, which is pretty clear.

We're set out, again, the prohibitions here are on outside money and big money. Political parties, we would fully expect, would have a role to play in this, but we would not see that in being – purchasing a large advertising campaign with one of the traditional media.

Dr. Bevan-Baker: I think, obviously, this is a critical thing to be crystal clear on that if a political party prints 100,000 brochures, at considerable cost, and anywhere on that brochure there's a clear preference, either

for first past the post or proportional representation, would that be considered, even though it's just part of an election campaign brochure, would that be considered referendum advertising? We really need a solid answer on that.

Mr. MacEwen: What if your initials are MMP?

Gary Demeulenaere Director: (Indistinct)

Mr. J. Brown: Yeah.

Gary is just saying there's an exclusion under 1(o) sub (3) for anything that would be disseminated amongst members. Again, overall, you know, a political party in the typical confines of its dissemination of its materials would be fine. That's the point of enabling a process where groups are able to organize and to express themselves. It's if you get into something further than that and you're advertising, basically, purchasing an advertising (Indistinct)

Dr. Bevan-Baker: Part of the problem with the earlier definition of what advertising is that it's any message. Certainly, political parties convey messages through – in a variety of ways. It may not be a radio advert or on *Compass*, one of the ads on *Compass*, or buying space in *The Guardian*, but it would still be captured under the definition of advertising in section 3, was it? I forgot now. Anyway, it doesn't matter what section it is.

I'm just concerned that political parties will not be able to express an opinion one way or the other in their campaign literature; and on their signs; at events and on and on because of this prohibition.

You said there was an exception, Gary, and I missed the section in which that is in.

Gary Demeulenaere Director: Yeah, I thought I kind of saw you waiting for the – the reference is particularly in the referendum advertising definition. It refers, as you said, to the message, but it specifically excludes, "...the transmission of a document directly by a person or an organization to its members, employees or shareholders..."

If you're talking about creating a document disseminating it among your members, that that's not an expense to create that and disseminate to them.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: The problem with that Gary is that electors are not members of the organization. I'm not sending this to members of the Green Party; it's going out to the public in general. I'm still not sure it's captured by that exception.

Could you give me an opinion on that?

Gary Demeulenaere Director: I think what the answer is frankly; it depends on the manner on which you're conducting the advertising. I don't want to – too many hypothetical's as well. If you're full page – *The Guardian* ad says 'vote for me because I want to support an MPR' or whatever the acronym might be, I think you could be doing referendum advertising as part of your campaign.

Dr. Bevan-Baker: I'm still not clear and I'm going to try and paint a very distinct picture here that a party produces campaign platform document which goes out to all Islanders, it's a leaflet drop in through the mail and it contains that party's platform on a whole range of issues on health care, on economic development, on agriculture, whatever. Part of that says 'and we support mixed member proportional representation'. Is that a prohibition as the act is written?

Mr. J. Brown: I can answer that. I don't think saying 'we support' is at all.

You have to look at it, so firstly what we're saying is we're promoting an education process on electoral reform. You could go out tomorrow and rent the hall wherever and educate people on electoral reform, or whatever it is that you want to educate them on. It's not (Indistinct) by the process that we have here. What it gets to be is if you were going out in a slanted way and trying to convince people you are opposing or supporting trying to convince people to vote a particular way on the referendum, that's where the issue lies.

Mr. MacEwen: (Indistinct)

Chair: Morell-Mermaid, do you have an intervention?

Mr. MacEwen: Yes, thank you Chair.

If you had like a flyer out that had my face on it and a blue background and talked about all the great things about me but it didn't say 'vote for Sydney' that could probably get by the *Election Act*, kind of thing. But if you say to vote for something, I'm thinking if I had a sign that said Sydney MacEwen, MMP, as long as it didn't say vote a certain way on the referendum; it wouldn't be counted as a referendum expense. Would that not be obvious?

Mr. J. Brown: I think that would be fair to say, yeah.

Chair: Hon. member, remember not to refer to yourself –

Mr. MacEwen: Aw, it's hard.

Chair: Yeah I know.

Chair: Leader of the Third Party, are you finished with your questions?

Are you ready for the question on the amendment?

Chair: Oh sorry, the hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you.

Can I clarify please on section (f) that the registered referendum act advertiser: Where it has not incurred –

Mr. J. Brown: (Indistinct)

Chair: Sub section (6) act: The organization has not incurred referendum expenses that exceed \$1,000 in total.

Chair, I'd like to ask: That is referring to the pre-referendum expenses at that point? Or, any referendum expenses?

Gary Demeulenaere Director: It's not about the pre-referendum expense spending. So the definition of referendum expenses explicitly refers to the referendum period, so it would be that they can't – after the referendum period starts after they've spent

whatever they wanted to before, that they have to be within that limit when the time they apply.

Mr. J. Brown: You can't get both; it's basically what it's saying. You can't both spend your own then ask the referendum commissioner for money.

Gary Demeulenaere Director: Over spent.

Mr. J. Brown: Yeah, overspent. It connects in with the – there's affectively a sister section when you talk about registered referendum advertisers, it says: I can't (Indistinct) Gary, if (Indistinct) there but –

Ms. Bell: Yeah, it comes up later on in that.

Mr. J. Brown: If you're going to take public money, you basically have to swear off private money. Your own or others.

Ms. Bell: Okay. Yeah, I'll have to – I think I'll probably, Chair, I think I'll probably get to that detail on that one in that next piece –

Chair: Okay –

Ms. Bell: – but it is going to have context, again, in the definition.

I have one other question on this, Chair –

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: There's another piece in here, in the subsection 7(i), (b)(i), (b), sub (b) sub (i). Any of the, not eligible to be a registered referendum advertiser, any of the principle members of an organization, who are – they are a candidate in the general election or intend to be a candidate in the general election.

Minister, my question is: Given that we've got an eight-month runway to, into, from when a referendum is called to when an election may happen. Prior to that, a runway of however many months or weeks or days may be in there. How could you limit the intention of a candidate, who may not know yet, that they intend to be a candidate?

Mr. J. Brown: I think you'd have to – like, if somebody was going to be convicted of an offence pursuant to that section, as an

example, the onus would be on whoever was complaining of that to prove that they knowingly, knowing that they were thinking about being a candidate, or intending to be a candidate, still made that application and then later became a candidate.

Ms. Bell: Minister, you're saying then, someone could be convicted of having been involved in, as a registered referendum advertiser something that they haven't decided to do, yet?

Mr. J. Brown: No, I'm saying the opposite.

Ms. Bell: (Indistinct)

Mr. J. Brown: I'm saying that if – I don't want to use the word 'you' Madam Chair, but if I said to Madam Chair: Madam Chair, I'm going to be a candidate in the next election, but I'm not going to tell anybody because I want to get some of this public money. I'm going to go get the public money. Spend it all first. Then, I'm going to announce my candidacy for the nomination for whatever.

You might – there's all kinds of different ways that you might get into that being proved, but say, somebody sent an email or say there was a discourse back and forth: would you consider running for – yeah, I would, but I just want to get the public money first, spend it all and then, I'll tell you after I'm done. That would be the kind of thing that you would be looking at.

Ms. Bell: That's a really interesting description considering that a registered referendum advertiser is a not-profit, or a non-profit organization made up of members with directors and there is no individual decision.

The idea that a candidate would be able to – yeah. You know what? I don't think I have anything to say about that, actually.

Thank you, Chair, I'm good.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

I want to go back to the ambiguity surrounding what is referendum advertising. This goes back to section 1.

The one I have in front of me is 1(o), but I think it's now 1(p), the definition of referendum advertising.

An Hon. Member: Yeah.

Dr. Bevan-Baker: I think there is still some ambiguity about whether the scenario I explained is captured by that. Given that the commissioner, the referendum commissioner is one that has to make a decision on what is advertising and what is not advertising, I think it's critical that this section be absolutely clear.

If it's not, I think we need to go back to that and make sure that the exceptions that are in there, that it's as clear as it possibly can be.

I'm still left with a – in fact, your answer was ambiguous, minister, as to the scenario I explained. Whether that would be, whether it would be captured by this.

Mr. J. Brown: No. The hon. Member from Morell-Mermaid explained why it would be that I'd think that.

Mr. MacEwen: Do you want me to come to the table?

Dr. Bevan-Baker: I'd love that.

Chair: (Indistinct) behave.

An Hon. Member: (Indistinct) good answer.

Mr. J. Brown: What's a good answer?

Ms. Biggar: It was a good answer. It was clear.

Dr. Bevan-Baker: When I asked about the brochure; the hypothetical brochure and Gary directed me to piece – sub (iii), “the transmission... by a person or an organization to its members, employees or shareholders...” that does not cover, or that does not exempt a political party's public documents going to Islanders.

I'm still unclear as to whether it would, indeed, be captured by this section.

Mr. J. Brown: Again, hon. member, it would depend on what you're trying to do in

your document. I'm not going to pretend to write a legal treatise on what would or would not be encompassed in that.

The spirit of this section and that definition is that there would be no big money or outside money allowed in this process. That it be a process for Prince Edward Islanders by Prince Edward Islanders.

We recognize that it's going on alongside an election. We recognize that political parties are able to participate in that election. There's a very confined set of items that are included in the referendum advertising definition. I guess, at this point in time, I'd say you're as capable of reading it as I am. And, in a broad way, based on what you're asking me, I don't think you're into an issue, but am I going to tell you that there's no circumstance under which there would be an issue.

No. I don't know what you have contemplated for the next election. I'm not going to get into trying to give legal advice to the Green Party.

Chair: The hon. Premier has an intervention.

Premier MacLauchlan: Chair, I think the real focus of the discussion here is back on the referendum advertising definition in (o) and whether there may be some further clarification that could, in a sense, and directly and in the spirit of what Morell-Mermaid said, make a distinction between positions that are being stated or platforms that are being transmitted, communicated, as opposed to messages that are urging voters on the referendum-side of the ballot to say yes or no.

I think that's really what we're talking about here. And, of course, to recognize that there are going to be two sides to the ballot.

If I may, Chair, what I might suggest is if in, you know, in some reflection there's some clarification that would be helpful in around the referendum advertising definition, I don't think it, at this stage, impedes us from dealing with section 8.

It may, indeed, be something that people want to sleep on to see if, really – I guess the way I think about it is exactly the way the

Member from Morell-Mermaid spoke about it and the minister. In law, when you come to something like this, those who have to make a decision talk about its pith and substance.

In its pith and substance, is the communication of the Green Party's platform about the vote-for-me side of the ballot or the vote yes-or-no side of the ballot. I think what we can, you know, having been in this for a while and the Leader of the Third Party has been in a lot of elections can, sort of, have a pretty good feel for which, you know, how a message is crafted to be urging the voter in the referendum to say 'yes' or 'no' as opposed to the voter on the election side saying vote for me as the Green Party candidate. I think that's exactly where we are.

I guess what I'd suggest is, you know, if from having had the discussion; sleep on it and if somebody thinks there are some words that could make it any more clear than what we're discussing here, then that way well be in order.

I believe, we probably do share an understanding of which side of the ballot we're on.

Dr. Bevan-Baker: I very much appreciate that intervention, Premier. I will absolutely take you up on your offer of let's carry on through section 8, but let's think about this and perhaps revisit section 1 again when the time comes. I think there is more clarification needed there.

I understand the spirit of this section, minister, but the commissioner has to interpret that. He's not going to on the spirit. He or she needs as – in legislation, as you know, we want to reduce as much the grey area that exists. I think there's just too much grey area in the way that one section, sub (p) is currently crafted.

I appreciate the invitation and I think we should do that.

Thank you, Chair.

Chair: Hon. members, are we all in agreement that we'll continue on? We'll call for the vote on section 8, but we'll revisit the definition section as suggested by the hon.

Premier and the hon. Leader of the Third Party?

Are we all in agreement with that?

Some Hon. Members: Agree.

Chair: The hon. Member from Morell-Mermaid, do you have a –

Mr. MacEwen: Just a question on section 8 before you pass it.

Chair: Yes, sure.

Mr. MacEwen: But, I agree with what you're saying.

Chair: Thank you.

The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you.

Chair, or minister, can you, the Leader of the Third Party kind of touched on it, but my concern would be groups coming in and trying to suck up or use up all the money that's available, right?

That, plus, perhaps a group that might, try and influence the result by, I'll say, confusing the process. For example, if I formed a group that said: I want to fight for dual member proportional, one of the options on the plebiscite, which would, kind of, throw a wrench in things because it might confuse the proportional PR part of it.

How would the commissioner focus or rule on that or is that just too far into the weeds and we just have to trust that, you know, Islanders will be able to tell the difference that I would be trying to confuse that process by forming a group to lobby for a third option?

Mr. J. Brown: There is provision in there. Back to the direct and whatever else piece in it. There's both language to say that the groups would need to, propone or oppone – there's a requirement that you submit a number of different documents including a budget and your planned expenditures. That the planned expenditures coincide with the purpose of the act. There is power in the commissioner to conduct inquiries and do all those various sorts of things.

There's teeth there to make sure that groups stay in line. You know, ultimately, again, it would either come down to the commissioner or a complaints-based process. There would be a triggering of the process and you'd go from there.

Is there potential for harm? There probably could be. I guess, the other thing I would say in that, is my, bearing in mind, that you'd pretty well have to be a Prince Edward Island individual or an organization that's got two-thirds of its members from PEI. I would imagine there would be a fairly strong ability to self-police in that kind of a set-up.

In other words, you'd need to have a group that was conspiring to do that. And, your neighbours would be looking at you and all the rest that conspire to do it saying: what are you doing? Kind of thing.

I think there's both teeth and a fairly strong moral direction just in the way the process is set-up –

Mr. MacEwen: Yeah.

Mr. J. Brown: In other words, nobody can come in from outside and do that. That's something that we had specifically contemplated. That's part of the reason why you see the mechanism set-up for registered referendum advertisers in the way that it is.

Mr. MacEwen: That makes sense for groups that were going to register to do something like that. But, if there was a side group that didn't register, but there was a complaint made because they were lobbying to not fill out the referendum ballot or, as I said, lobbying for some other type of system or, say the PC party decided to lobby hard for a consensus government or something like that. Do you know what I mean.

Does the commissioner, if there was a complaint laid, does the commissioner have any power to come in and say: actually no, because you're talking about a different type of system that's related to a referendum and now that's now a referendum expense?

Mr. J. Brown: No, sorry. I didn't understand your first question.

No, and an answer to that, I would actually direct you back to the BC teacher's decision that the third party tabled. That was really – to use the Premier's term – the pith and substance of what was going on there.

The issue was, in that case, the BC government had enacted a restriction that was, I think we could fairly say, meant to target a specific thing, but its impact was much broader than that specific thing. So, it was prohibiting a bunch of other things.

Mr. MacEwen: Yeah.

Mr. J. Brown: If we come in and we tried to prohibit others from doing a whole bunch of other things in relation to the referendum that really are other items related to their freedoms, that would be a problem. We are expressing not doing that. We are promoting people having a good fulsome conversation here. We are giving the public money to those groups to encourage them to, beyond the public education process that the referendum commissioner will carry out, to have a sharpening up of the different ideas, pro and con.

Mr. MacEwen: Thank you, Minister. Thank you, Chair.

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

Mr. Fox: Yes.

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

Some Hon. Members: Aye!

Chair: Those voting against the amendment, 'nay'.

Amendment is carried.

Shall the section carry as amended? Carried.

Chair: Section 9, and hon. members, there is an amendment to the first part of section 9.

Subsection 9(1) is deleted and the following substituted:

Registration

9(1) An eligible referendum advertiser may apply to be registered in accordance with this section within 30 days of the coming into force of the Act.

(2) Clause 9(3)(a) of Bill No. 38 is amended by the deletion of the words "subclause 8(4)(b)(i)" and the substitution of the words "subclause 8(7)(b)(i)".

(3) Clause 9(4)(h) of Bill No. 38 is amended by the deletion of the words "subsections 8(3) and (4)" and the substitution of the words "subsections 8(6) and (7)".

I'm going to read subsection 9.

Dr. Bevan-Baker: Great. Thank you.

Chair: Thank you.

Registration

(1) Any eligible referendum advertiser that intends to incur referendum advertising expenses that exceed \$500 in total shall apply to be registered in accordance with this section, on or before July 1, 2018.

(2) Before applying to be registered, a referendum advertiser shall appoint a financial agent.

(3) An individual is eligible to be a financial agent unless any of the following circumstances apply:

(a) any of the circumstances set out in subclause 8(4)(b)(i), (ii) or (iii) apply with respect to the individual;

(b) the individual is an undischarged bankrupt;

(c) in the past five years, the individual has been convicted, in or out of the province, of an offence involving fraud;

(d) the individual does not have full capacity to enter into contracts;

(e) the individual is not 18 years of age or older;

(f) the individual's appointment as a financial agent is rescinded under this Act;

(g) the individual is appointed as the financial agent of another referendum advertiser.

(4) An application shall

(a) if the Referendum Commissioner specifies the form of the application, be in that form;

(b) include the name of the organization and, if different from the name of the organization, the name that the organization proposes to use as a registered referendum advertiser;

(c) include a statement of the organization's mandate or mission, including whether the organization opposes or supports a mixed member proportional voting system;

(d) include a statement of the organization's proposed budget;

(e) include the address and telephone number to which notices and other communications under this Act may be delivered or made;

(f) include a list of the principal members of the organization, including their names, addresses and titles;

(g) include the name of the financial agent appointed by the organization;

(h) include information respecting the matters set out in subsections 8(3) and (4) and in subsection (3) of this section; and

(i) include a written statement, signed by two of the principal members of the organization, that the information contained in the application is, to the best of their knowledge and belief, true and complete.

Hon. members, I read the amendment at the start and I'll open the floor for discussion on this section if there's any.

The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

The initial change where we have in section 1: any eligible referendum advertiser may apply to be registered. Could you please

clarify, minister, this is within 30 days of the coming into force of this act. Am I to, from that, to understand that that's the beginning of the registration period and then it continues on until the referendum itself is – period commences?

Mr. J. Brown: Yes, and actually, might continue on further than that even, just depending on when the referendum commissioner ultimately put the funds out or put a deadline on the application.

Ms. Bell: Thank you.

Another clarification on that, minister, if I could? Within 30 days of coming into force of the act, I read that to mean that when the act is proclaimed is when the act comes into force. If we don't have a referendum commissioner in place within that 30 day period, is there any option for that period – that application – how will the applications be taken if there's no referendum commissioner? Do we have another process?

Mr. J. Brown: I think the applications would – they may make the application and then the referendum commissioner would deal with them when the time came.

Ms. Bell: I know you said that you haven't done a lot of work on the process of this because that would be the referendum commissioner's role, so have you then, perhaps, got a process in place to take applications, based on the conditions that are set in here because of that 30 day requirement? Is that process one that you have prepared for them?

Mr. J. Brown: No, and I think we would deal with that if and when the time came. I think there are other capacities that we could utilize to deal with it – Elections PEI, as an example.

Just so I can clarify that – it would be up to the referendum commissioner to create the documents that are required to register. So it says 'may', it's a permissive 'may'. Practically nobody's going to be registering until the referendum commissioner's in place to register.

Ms. Bell: Thank you, minister, for that.

In that case then why does did say within 30 days of the coming into force of the act? That seems to be a very specific requirement that creates, again, more complexity than is necessary. You know, it perhaps it is: may apply to be registered in accordance with the section whence the referendum commissioner is in place.

Mr. J. Brown: I'll just give you an example. There will be a number of different – here's a great example, organic farms. Anybody may apply to become an organic farm. Really, at its heart, what any certified organic farming operation would be is somebody who decides that it's to my advantage, in terms of the way I'm going to market and sell my product, to go through the process and become a certified organic producer of whatever kind. There's no requirement on anybody to do that, but if they do wish to sell under that mandate, then they need to be a certified organic producer.

So, really, what's being said here is that if you want to be a registered referendum advertiser and recognize that's not regulated until the actual period starts, you can come in and express that you are going to be that, at that point in time, as soon as you get your confirmation back from the referendum commissioner that you are that. I guess to put it another way, you can come in with your application. The referendum commissioner may not decide for two months, or whatever, that you are a registered referendum advertiser.

Ms. Bell: There are a number of conditions that registered referendum advertisers need to meet including things like appointing financial agents and probably incorporating – as we discussed previously, whether they incorporate formally or not. Those things also take time and have costs and impacts.

So there's some concern from interested parties around this that there are limitations, or potential limitations, in terms of the activities that they have to do without anybody to talk to about them. Will there be somebody else who is able to sort of provide assistance and guidance to potential applicants during that kind of setting up process to interpret these guidelines as they apply?

Or else you're going to see sort of an awful lot of a backlog happening. Minister, I mean, I understand again that's process, and it's maybe detail that you haven't gotten to, but it is a practical consideration considering the pace that we are travelling at.

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

Again, we've been here over the last 10 days basically talking about time limitations in relation to this bill, and all along the third party has been stating that they think that the time is too long, and now they're saying the opposite.

I don't know what to say really in response to that other than what I have said, but it's very clear to me that we are all here looking to make an effort to get a referendum commissioner in place as soon as possible so that we may create a fair and level playing field, so that we may give Islanders a great opportunity to have a fair process that is guided through a public education campaign that will be led by the referendum commissioner, that has a proponent and opponent group that will be set in place at a given point in time when the referendum period starts, and that there are other regulations to create that level playing field in the interim.

This provision is effectively there to encourage folks, organizations, not-for-profit corporations, and all of the rest of that, to understand that the referendum is going to happen in the relatively near future, whether that be in the next eight months or two years or whatever it might be. And it's a signal that we're open for business. It's really a signal to us in the Legislature that we should do our utmost to ensure that a referendum commissioner is in place in the next 30 days.

Chair: Premier has an intervention.

Premier MacLauchlan: So it's on this point, Chair – and I will put it first in the form of a question to the minister. This subsection does not in any way suggest that you're too late if you don't do it within 30 days.

Mr. J. Brown: No, that's exactly correct, Premier. It's permissive in its operation and that's the word 'may', and it really ends up

that this process will commence at a given point in time.

Premier MacLauchlan: This amendment has been made because of the moving of the eight-month period, and then the July 1st piece was amended out.

I'm wondering whether there's any risk that people maybe get a signal to act, I might say, prematurely. That might not be quite the word, but in any event, let me put it this way: When it comes to being a registered referendum advertiser, there is a certain period of – oh, I might say courting that's involved, or asking yourself, even if you're just courting yourself: Do I want to get involved with this, or what kind of a commitment? I was kind of wondering whether you might put your name in the hat to seek a nomination in a sense.

If I'm right in thinking about it that way, even after the eight-month period starts, people could still be courting themselves or asking: Well, am I going to get involved with this or who else is involved? And that's more or less the kind of thing people will be thinking about, which brings me back to – and I'm not proposing – and I'm asking – and it may be something Gary has if you want.

Would there be anything lost in terms of the permission, which is really what subsection one is, if the words 'within 30 days', et cetera, were not there?

Mr. J. Brown: The only answer I would give to that is that if we take it out all together, then you could ask the same question still, I would think, but I don't think there's anything lost. I will say that in a forthright way.

I think we will all know when the referendum commissioner is in place, and the referendum commissioner, once they are in place, will have a job to get the appropriate documentation ready for whomever it is that wishes to be there.

They will have an educational piece that they'll have to involve themselves in and ramp up a public education campaign. We all saw – we added definition to that wording, which was already in there, but in 6 sub (1) it's now implement public

education and information programs relating to the referendum, referendum advertising and voting systems, including the mixed-member proportional system as described in schedule 2 to this act.

That will all be a progression, and my guess would be there will be some that will be chomping at the bit to get registered and state that they're out there, just like as an example there is now in the mayoral race, and there would be some that may wait until closer to referendum period time.

Chair: Premier?

Premier MacLauchlan: Maybe I will then ask it this way; because of the way the question has been asked by the Member from Charlottetown-Parkdale, I'm just wondering if we did keep that line that runs through before July 1st, 2018, going right to the end of the sentence and put the period after section, would there be anything lost in terms of what section 1 is setting out to achieve?

Mr. J. Brown: Yeah, I think so.

Gary was just saying, strictly speaking, we are likely okay to take it out. It's just whether having something in there sends a signal, and either/or, I don't personally have any issue with either. But given that the question's been raised, I'm happy for the input of whomever is interested in giving it.

Premier MacLauchlan: Maybe through you, Chair, I'll ask if that's what Charlottetown-Parkdale was really asking about, and if that's the case, if it were a friendly amendment then we could deal with that point.

Chair: The hon. Member from Charlottetown-Parkdale, do you have a comment?

Ms. Bell: Thank you, Chair.

I appreciate the intervention, Premier, and the further discussion.

The challenge, I think, Premier and Chair, with this section is that it doesn't sit in isolation, it's the context of how it is impacted later on by what registered referendum advertisers can do, depending on

when they register because there is a period as a registered referendum advertiser where they can take, prior to the referendum date being set, that they can take public contributions if they are registered and then at that point of the referendum being set, they can then apply for public funds.

The time, again, because we don't have a clarity on timing on a broad sense, that runway may be sufficient, but we don't know what the impacts are of how long that will take those organizations, all of those (Indistinct) that you spoke about.

I certainly appreciate the friendly amendment. I don't know that there are many other things for us to discuss, but certainly in terms of clarifying that one particular section, that would be great because it will make it clear that they may apply immediately upon (Indistinct) enforcement and for a continuing period onwards, which I think is your intent, Premier.

The timelines will be an issue as an ongoing basis on this piece and I think more around the definition of 'registered referendum advertiser' will probably bring us more clarity. But if we could make that amendment as a friendly amendment verbally, that would be super.

Chair: Would you like to make the friendly amendment or would you like to make it, Premier? Would you like to make that friendly amendment?

Ms. Bell: Certainly, Chair.

Chair: Is everybody in agreement?

Some Hon. Members: Yes.

Chair: Could we have unanimous agreement for the Member from Charlottetown-Parkdale to make that friendly amendment?

Some Hon. Members: Yes.

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

Chair: Thank you.

Does everybody have what that friendly amendment is?

Mr. J. Brown: Madam Chair, my understanding of it would be that after the word 'section', we strike through the words 'within 30 days of the coming into force of this act', and leave the period there.

Chair: I have to read it in the amendment.

So the registration 9(1) says an eligible referendum advertiser may apply to be registered in accordance with this section within 30 days of the coming into force of this act.

Mr. J. Brown: So it's the 'within 30 days of the coming into force of this act' we'd be quite prepared to have struck from that amendment.

Chair: The period is there, right? Great, take that out.

Hon. members, we have an amendment to the amendment on the floor. Bear with me. Section 9(1) will now read:

An eligible referendum advertiser may apply to be registered in accordance with this section.

All those in favour of the amendment to the amendment?

Some Hon. Members: Aye!

Chair: Contrary minded?

The amendment to the amendment is carried.
Now we're going to go back to the amended section – amendment.

Thank you.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

Chair: It's getting late (Indistinct)

Dr. Bevan-Baker: A couple of things regarding this; I'm in agreement with removing the start date that we have, but currently there's no end date associated with when referendum advertisers can register.

The problem with that is that the referendum commissioner has to distribute the funds relative to how many people have applied and been granted access. So without an end date, an open, active application is going to be impossible for the commissioner to know what percentage, what slice of the pie she or he is going to give to each organization that's registered. I'm not sure how we deal with that.

Mr. J. Brown: So, section 10 (Indistinct) –

Chair: We're not there yet so can we –

Mr. J. Brown: I don't know if (Indistinct) expenditure.

Chair: Can we save that for section 10?

Mr. J. Brown: Maybe I'll address it like this: There's section 10 deals with registration process and then –

Dr. Bevan-Baker: (Indistinct)

Chair: We're almost finished section – I think we're almost finished section 9.

Are we?

Dr. Bevan-Baker: I've got a few more questions on it, but I do think since we were talking about the timeframe within which eligible referendum advertisers can apply to be registered, that it's important that we –

Chair: Sure, I'll allow it.

Dr. Bevan-Baker: – imagine what the end date for that is because it significantly impacts the work of the commissioner.

Chair: Sure, I'll allow it.

Dr. Bevan-Baker: Thank you.

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

I think that the way the legislation is crafted – I think the commissioner would have the discretion as to when that cutoff date would be. This goes back to the discussion that we had had about the 26-to-32-day timeframe. Quite literally, by the time you cut referendum period down to that and the referendum commissioner's got to take

applications in and then turn the money around and turn it back out, there's going to be a lag.

If the commissioner got 300 applications for a proponent or opponent group or a combination of the two, it's probably going to take the commissioner longer than if they got 30 or three (Indistinct) or whatever, right? Basically, the way the sections kind of follow on each other, you can use your private money up until you get the public money.

Dr. Bevan-Baker: Right.

Mr. J. Brown: Basically, the referendum commissioner's going to have to put signals out as we move along through that progression to say: Okay, the cutoff is going to be here, the money will be paid out whatever it is, within a day or week or whatever, and you are going to have to stop using your private money within that week.

Then everybody knows, okay, well, it's going to be a week left or it's going to be 30 days left or whatever the time frame is. So I think there is some inherent discretion built in there, I think, for a reason, if I can explain it that way, perhaps?

Dr. Bevan-Baker: Okay, thanks.

I think it's important that I respond to something you said earlier, minister, about the third party being concerned that there was too long a time here and now too short a time and those are – you are conflating two very different things. We were concerned that the period of restrictions was too long, that that time period was too long, and certainly the scope and number of amendments rectifying that would suggest that you probably agreed with our initial position.

The concern about this is that the program for distributing the funds and registering, an entirely different thing is, maybe, not too short, but the program feels poorly planned.

I just want to investigate another aspect of that. As you said: How about if there were 300 people come forward requesting funding or 30 or two? One of the requirements for application is that they include a statement of the organization's

proposed budget. I'm wondering a couple of things about that.

If you don't know what percentage, what slice of the pie you're getting, and you also don't know how long a period of time you're going to have to spend that money over, how can you possibly present a budget without that information?

Mr. J. Brown: I think the purpose of that section really is, to the hon. Member from Morell-Mermaid's question, to be discerning about what that public money is going to be used for. In other words, if you put in a hundred – each side is going to get 75,000 to be split pro rata. If you put in a \$75,000 budget and all of it had legitimate uses on there. In other words it's not a capital (Indistinct) it's not finance for the Green Party or the Liberal Party or it's not – whatever.

Then, the commissioner can look at that and say, okay, well this is great. We'll give them the money as long as they're going to use it for that and they have to file a report later. And, that's fine. But, it's not, to be clear, in our view, it would not be for the commissioner to say, you've got 1,000 down there for that, I don't think that's legitimate. I'm only going to give you 500. It's – and there's a reason why it's set-up so that it's pro rata.

There's also a reason, I should say, too, why we didn't just go with one proponent and opponent group. That's just due to the restrictions that we were just talking about. I note that BC has got that. This is less restrictive in the way that it allows for people to have more freedom to associate with a group that they feel they identify more with rather than just having that one proponent or opponent group.

Then the way BC handled that is there's – I keep forgetting the name of them, but sub advertisers or something like that, that they call them. In any event, I hope that explains it. But, you have to have some freedom in all of that just because of the way this is structured and the constitutional questions that we continue to address. Those are all things that we have considered.

When you set the objectives that we have, you have to allow for some flexibility and

discretion in the commissioner in order to tailor that to the circumstances they are having to deal with at the time.

I'll put it a different way, or in a different context. It would be like the chief electoral officer not knowing how many different political parties there were going to be, or candidates for a political party or whatever.

Dr. Bevan-Baker: Yeah, I'm not sure that's a useful metaphor.

But, if I heard you right, minister, when these groups, who are registering to be a registered referendum advertiser, put their budgets forward, they make the assumption that they're going to get 100% funds and then it's prorated based on they may get a fifth of that or a tenth of that if there are five or 10 members that are registered on their side of the fence. Is that correct?

Mr. J. Brown: I don't think anybody would be making the assumption they're going to get 100% of the funds. I think that's part of the point, is that the referendum commissioner has not just the ability, but the mandate to educate on that point. So, I think when you get around to it the referendum commissioner will be saying, and the referendum commissioner might even signal that, you know, it's likely your budget would be whatever, particularly if you called up and asked and you were trying to make the decision, do we want to become a registered referendum advertiser or do we want to stay and use your \$10,000 limit if we just organize and have money that we use on our own? I think that would be an active give-and-take amongst the groups that were involved.

Dr. Bevan-Baker: One of the things, which has been loosened considerably is the ability of these registered referendum advertisers to seek donations prior to them receiving public money.

Am I right that they have to spend 100% of those collected monies prior to receiving any public money?

Gary Demeulenaere Director: No.

Mr. J. Brown: No, they –

Gary Demeulenaere Director: (Indistinct) can't spend it (Indistinct) sorry –

Dr. Bevan-Baker: Thanks, Gary.

Gary Demeulenaere Director: It's effectively once the referendum period commences, even if they still have money in the purse, it sits in the purse. They have to spend the public money. They have to spend the regulated amount of money in the referendum period.

Dr. Bevan-Baker: So monies that they have collected prior to that, are they able also to spend that in the referendum?

Gary Demeulenaere Director: No. It's that – and I'm not doing the political language, but it's that playing field piece of spending equal amounts of money for proponent and opponent.

Dr. Bevan-Baker: Sure.

An Hon. Member: Call the hour.

Chair: The hour can be called, hon. members.

Dr. Bevan-Baker: Okay.

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

Chair: Shall it carry? Carried.

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

Speaker: Shall it carry? Carried.

The hon. Member from Vernon River-Stratford.

Mr. McIsaac: I move, seconded by the hon. Member from Tignish-Palmer Road, that this House adjourn until tomorrow, May 8th, at 10:00 a.m.

Speaker: Shall it carry? Carried.

The Legislature adjourned until tomorrow,
Friday, at 10:00 a.m.