

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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MATTERS OF PRIVILEGE AND RECOGNITION OF GUESTS.....	3556
STATEMENTS BY MEMBERS.....	3557
MONTAGUE-KILMUIR (Center for Aquaculture Technologies Canada).....	3557
ORAL QUESTIONS	3559
LEADER OF THE OPPOSITION (Construction work on Hillsborough Bridge)	3559
LEADER OF THE OPPOSITION (Priority of bridge on infrastructure list)	3559
LEADER OF THE OPPOSITION (Timeline for completion and safety of bridge)	3560
LEADER OF THE OPPOSITION (Timeline re: pipe for sewage waste)	3560
LEADER OF THE OPPOSITION (Safety barriers on Hillsborough Bridge)	3560
RUSTICO-EMERALD (Application process re: nude entertainment)	3561
RUSTICO-EMERALD (Amalgamation versus nude entertainment)	3561
RUSTICO-EMERALD (Democratic rights of residents).....	3562
RUSTICO-EMERALD (Community polls in unincorporated areas).....	3562
BELFAST-MURRAY RIVER (Priorities of cannabis act and regulations versus nude entertainment).....	3563
BELFAST-MURRAY RIVER (Priorities of Water Act and regulations versus nude entertainment)	3564
BELFAST-MURRAY RIVER (Priorities of lobbyist act versus nude entertainment)	3564
BELFAST-MURRAY RIVER (Priorities of government)	3565
CHARLOTTETOWN-PARKDALE (Premier ability to call election)	3565
CHARLOTTETOWN-PARKDALE (Non-confidence vote re: call of an election)	3566
MONTAGUE-KILMUIR (Safety of fishers re: effluent treatment plant)	3566
MONTAGUE-KILMUIR (Pressure on feds and NS government re: effluent)	3566
MONTAGUE-KILMUIR (Data on effluent effects on fisheries).....	3567
CHARLOTTETOWN-LEWIS POINT (Mental health literacy training)	3567
MORELL-MERMAID (Support for sufferers of miscarriages)	3568
MORELL-MERMAID (Public health education on cannabis)	3570
MORELL-MERMAID (Protecting vulnerable populations)	3570
MORELL-MERMAID (Drafting public health education campaigns).....	3570
MORELL-MERMAID (Home and school education on cannabis)	3571

STATEMENTS BY MINISTERS	3571
TRANSPORTATION, INFRASTRUCTURE AND ENERGY (efficiencyPEI Programs)	3571
ECONOMIC DEVELOPMENT AND TOURISM (Travel Trade Market Readiness).....	3573
ORDERS OF THE DAY (GOVERNMENT).....	3575
THIRD READING AND PASS	3575
Bill 114 – Plastic Bag Reduction Act	3575
COMMITTEE.....	3576
BILL 38 – Electoral System Referendum Act.....	3576
ADJOURNED.....	3600

The Legislature sat at 10:00 a.m.

Matters of Privilege and Recognition of
Guests

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

Welcome colleagues here; and staff; and everyone who's responsible for keeping this show on the road; and guests in the gallery: Eddie and Wayne – loyalists right through into the tenth week; and, of course, the good folks who are watching from home in my own district or across the Island.

Mr. Speaker, a number of things coming up this weekend. Of course we'd mentioned before, and it warrants mentioning again, the kickoff of festival of small halls – big event. The Canadian Cancer Society Relay for Life, a major opportunity for Islanders and many of the large participation to support the work on supporting survivors, conduct supporting research, and to continue to the work of addressing all of the issues that come with cancer.

Today is World Oceans Day and appropriate that this comes on the day following our unanimous support for the plastic bags bill here and the motion to do further work on plastics. And to know, indeed – I think as we went through that process, we became aware – or I guess I should say it was obvious – many were aware before that our younger Islanders are very tuned into this and we certainly heard from school groups. We heard from the women's institute – it's all ages, but people are ready to take this more to heart.

We want to acknowledge the great season that the Las Vegas Golden Knights had and it came, perhaps, not to the end that everyone would have wanted, but no one is going to deprive that great coaching team of Turk Gallant and Mike Kelly of a season that, perhaps, will never be repeated – certainly has never been seen before in terms of the achievement of that team.

Two other notes – one: On Sunday, there will be the Saints Peter & Paul Middle Eastern Festival at the church on the Lower Malpeque Road; and again, the *Mawi'omi*

event at Scotchfort tomorrow afternoon and Sunday. So it's a big weekend and great time of year, June, and stayed a little on the cool side, so the mosquitoes and black flies have been held in check, but I think we should pray for a good breeze on the weekend.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

It's certainly a pleasure for me to rise as well and to bring greetings on this, the final day of week 10. First, I'd like to just send congratulations to the Progressive Conservative Party in Ontario for the big win last night, but more importantly, I'd like to personally thank all candidates, regardless of which party they represented, for putting their name forward and for offering up their service to their province and to the communities.

Next week begins public service week and I want to thank all of the hardworking public service employees for their dedication and their service to our province. I'd also like to, as the Premier said, acknowledge the tremendous season that the Las Vegas Knights had this year and, in particular, Turk Gallant and Mike Kelly – our own home boys here – congratulate them on a terrific season. I know next year is going to be their second year after a wonderful expansion year, but I do wish them all the success next year that they had this year and hopefully they can take it a little bit further.

Just in closing, I want to acknowledge the passing of two very iconic Islanders: Joey Smallwood, who was a tremendous horseman here on PEI – well known throughout the harness racing industry all across Canada really, not just here on PEI, and PEI's own auctioneer, Robert Roberts who also passed away. I'd like to extend my condolences to Arlene and his family.

Thank you very much, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thanks, Mr. Speaker.

I, too, would like to pass on my thanks to all of the people in Ontario who came forward, both put their names on the ballot for the various parties who ran, and also all of the Ontarians that showed up to vote yesterday. They don't have the same level of engagement that we do here on Prince Edward Island, but still there were millions and millions of people showed up to exercise their democratic will yesterday and thank you for that.

On that note, I think it's important that I congratulate Mike Schreiner who is the leader of the Green Party in Ontario – fine, smart man and entrepreneur, small business advocate, and he's been with the party since 2005 – the leader of the Ontario Green Party since 2009 and this was his fourth election. As tends to happen with Green Party members, we do it one at a time and Mike won his district in Guelph fairly convincingly. So, congratulations to Mike Schreiner and I hope that's the start of something big in Ontario.

I also have another green member that I'd like to congratulate and that's the Member from Charlottetown-Parkdale who yesterday received award from the group Startup Canada, a group that celebrates entrepreneurs and businesses and the supports that they receive from the community. Yesterday, Charlottetown-Parkdale received the Atlantic regional award for the entrepreneur's choice, which means that the entrepreneurs chose here as the Startup Canada regional winner here in Atlantic Canada.

[Applause]

The ceremony was in Miramichi last evening, unfortunately she was otherwise occupied and could not attend, but she will be going to the national awards ceremony in Ottawa in October, later this year, and hopefully we'll be done in time that she'll actually be able to attend that.

Thank you very much, Mr. Speaker.

An Hon. Member: (Indistinct)

Leader of the Opposition: Minister, you're starting to show your passion again.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

I'd certainly like to rise today and welcome a couple of faithfuls to the gallery today, Wayne and Eddie are both with us again on a lovely Friday morning where they usually tend to visit, so it's great to have them in.

The Premier already referenced it, but this evening will be the Relay for Life. I have asked the minister of environment to cooperate with preventing some rain this evening for that so that that event can go off wonderfully. It's always well-attended and a rainy evening will put a damper on things, but that doesn't mean that people won't show up and participate.

As well, I would also like to send a congratulatory note to a resident at Whisperwood Villa, Lawson MacEachern, celebrating a birthday today. Lawson is celebrating – he's 102 years young today.

Speaker: The hon. Minister of Finance.

Mr. MacDonald: Thank you, Mr. Speaker.

Obviously, Wayne and Eddie, it's good to see you back in the gallery. Just wanted to shout out to Irwin MacKinnon; he was awarded the Culinary Federation Eastern Region Chef of the Year 2018. He's been nominated for National Chef of the Year. He continues to build his accolades in the culinary and it certainly hones well with Canada's Food Island.

Also, a shout out to the mayor of Cornwall who's getting married today. Also, the walk tomorrow for ALS at Victoria Park starting at 9:00. Hopefully they get a great turnout for that awareness campaign.

Thank you, Mr. Speaker.

Statements by Members

Speaker: The hon. Member from Montague-Kilmuir.

**Center for Aquaculture Technologies
Canada**

Mr. Roach: Thank you, Mr. Speaker.

Today I rise to recognize the Center for Aquaculture Technologies Canada research facility in Souris.

When it was announced that CATC would be coming to Souris, many residents in Kings County were ecstatic. It is a great opportunity for our eastern region.

Since opening over a year ago, the Souris location has produced many jobs and has gained global attraction to the area. They specialize in research and development and commercialization activities involving cold and warm water aquatic species as well as independent contract research services related to fish health, fish nutrition, and genomics.

The operation they run at the CATC is second to none and have many Island employees, as well as other trained professionals from all across the country. It is so great to see such innovative and futuristic research going on right here at home.

This location is the only Center for Aquaculture technologies in Canada and only the second worldwide with CAT being headquartered in San Diego, California. It goes to show that we have a say on the global stage and that our Island truly is being recognized as a leader on the world stage.

I want to reiterate in saying that I am extremely proud that CATC in Souris has found success and I am confident they will remain this way for years to come.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

This morning I'd like to congratulate Health PEI on the prenatal care and postpartum mental health support program at the Women's Wellness Centre – specifically, the 193 Island women who accessed postpartum mental health supports and prenatal care over this past year. The new maternal mental health supports are now available to new Island mothers and it's an excellent step forward to help Island

mothers suffering from postpartum depression. Too many women have been suffering in silence for too long and I applaud this government for the steps they have taken to address the issue.

I, like many others, was moved by the story of Sarah Sparks this morning on CBC radio and her battle with postpartum depression. As she said, she felt ashamed and tried to hide her depression from the outside world. I'd like to thank Sarah for speaking publically. It was quite brave. Because she spoke out, others are going to feel more confident to seek the help that they need.

Since becoming health critic, I've had multiple meetings and to many conversations with family members that have had wives, sisters, daughters that didn't realize they were suffering from postpartum depression until many years later and in some cases, too late. It's wonderful that we now have a program that is going to, hopefully, have early intervention in this and protect our women in the long run.

It can be easy to criticize every day, but it's nice to be able to point out the positives as well and this certainly is. So I'd like to thank the minister and Health PEI for this wonderful program.

Thanks, Mr. Speaker.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

Yesterday in Ontario many interesting and exciting things happened. For the first time in the province's history, a Green Party member was elected. Mike Schreiner, Green Party of Ontario leader won his district of Guelph decisively and will now sit as the first green MMP in Queen's Park.

I was honoured that Mike visited us here on PEI during the by-election in District 11 Charlottetown-Parkdale last fall and I got to know this smart, hardworking, and likeable man and visit him in Guelph in February. I feel confident that he will have an immediate and profound impact on the politics of his province, as Green politicians have done in each province where they have been elected. The result was also, though,

however, an example of how flawed first past the post is as an electoral system.

Barely 40% of those who voted – with Ontario’s typical turnout of around 50% – chose Doug Ford’s Conservative Party, yet his party has won 61% of the seats and with that majority, 100% of the power. In first past the post, the results of the votes the winner receives are exaggerated, and the losers’ diminished.

Once again, we have a situation where a minority of the population has elected a majority government and have rule by minority.

We also have a situation where a party that won almost 20% of the vote has lost their official party status in their legislature. That party, a party that received half the total votes of millions of Ontarians, now have uncontested power and the other does not even get party funding in the legislature. It will have to claw and scrape for opportunities to ask questions and contribute to debate. How, in any way, is that a fair or useful system?

Here, on PEI, we are not unfamiliar with majority governments being elected by minority of voters, but we have an opportunity to modernize our voting system to create a situation where the distribution of seats in the House actually resembles the will of Islanders.

Congratulations to Mike Schreiner and here’s to a vigorous discussion on improving our electoral system in the months ahead.

Thank you, Mr. Speaker.

Responses to Questions Taken As Notice

Questions by Members

Speaker: The hon. Leader of the Opposition.

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

My first question is to the minister of transportation. As we all know, the Hillsborough Bridge is the main transportation link between Charlottetown and eastern Prince Edward Island.

Construction work on Hillsborough Bridge

Minister: Can you explain what construction work is scheduled to take place on the Hillsborough Bridge this year?

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

Ms. Biggar: Thank you, Mr. Speaker.

We are doing some reinforcement of different areas of the bridge so that we can start to install the sewer pipe that has to go across underneath the bridge. That work is continuing this year.

The work around the active transportation committee that has been put together has met, and will be continuing work for plans for an active transportation corridor.

Speaker: The hon. Leader of the Opposition.

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

Over 30,000 vehicles use the Hillsborough Bridge on a daily basis travelling between Charlottetown, Stratford and beyond.

Priority of bridge on infrastructure list

Question to the minister: Where does the Hillsborough Bridge stand on your government’s infrastructure priority list?

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

Ms. Biggar: Thank you, Mr. Speaker.

That is a project that’s going to be an \$8 million project, which has been submitted to Ottawa. We are working putting that project together in different phases. It’s already on our priority list.

We have started the work on the bridge. We actually started last year on that. That work will continue in phases.

Thank you.

Speaker: The hon. Leader of the Opposition.

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

The Hillsborough Bridge is a key link to expanding active transportation networks between Stratford and Charlottetown.

Timeline for completion and safety of bridge

To the minister: What's the timeline to see the work completed to make the Hillsborough Bridge a safer place to cyclists and pedestrians?

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

Ms. Biggar: Thank you, Mr. Speaker.

Indeed, it is an important link between the two communities, between Stratford and Charlottetown.

We have put together an active transportation committee, which involves both of those communities, with the department, with Cycling PEI.

We put out an RFP so we can start a planning process. That RFP has just come back so we will be starting that. We'll continue that work.

There is the other work that has to be done on the bridge itself; the planning; and the pipe has to go across this year.

We don't expect the active transportation corridor to finish until the work on the bridge is finished.

Speaker: The hon. Leader of the Opposition.

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

Again to the transportation minister: The Hillsborough Bridge will be a vital part of the project to pipe the sewage waste from Stratford to Charlottetown for treatment, a great example of regional cooperation to improve our environment.

Timeline re: pipe for sewage waste

Minister: What is the timeline for this work to begin and to be completed?

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

Ms. Biggar: Thank you, Mr. Speaker.

We are continuing with that work, as I noted. That plan is going to be put together so that we can do it right when we do, do it. It involves both the cities, the City of Charlottetown, Stratford, the other communities, our department. The work will continue over the next several years. Out in 2023, we expect that to be finished.

Speaker: The hon. Leader of the Opposition.

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

Again, to the transportation minister: There have been calls for safety barriers to be installed on the Hillsborough Bridge; most recently, in the province's own suicide prevention strategy, something that I and our caucus fully supports.

Safety barriers on Hillsborough Bridge

Question to the minister: When will work begin on this important call for safety barriers to be placed on the Hillsborough Bridge?

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

Ms. Biggar: Thank you, Mr. Speaker.

There's certainly always ways that we can make investments into suicide prevention on Prince Edward Island.

One of which, there are a number of which have been released under the mental health strategy and suicide prevention strategy.

Making investments in that at the frontline is certainly the priority that should be placed upon wherever there is a challenge with someone who has reached that point in their life. We need to do everything we can do be proactive so that that is not an option at the very end.

Thank you.

Speaker: The hon. Leader of the Opposition.

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

The suicide prevention strategy was just released a couple of weeks ago.

My question again is to the minister of transportation: Is this a priority? Will Islanders, once and for all, see safety barriers placed on the Hillsborough Bridge?

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

Ms. Biggar: A priority for this government is to put together a comprehensive plan that will address mental health in this province, as the strategy has indicated. We will be doing everything we can work to do together with the department of health to address those challenges and any other challenges that need to be addressed. As we go forward, we will certainly take those under review.

Thank you.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Mr. Speaker, recently local media reported that this government was considering an application for nude entertainment for a bar in West Prince.

Application process re: nude entertainment

Question to the Minister of Communities, Land and Environment: Minister, what measures were taken during this application review process?

Speaker: The hon. Minister of Communities

An Hon. Member: (Indistinct) under the *Liquor Control Act*.

Speaker: The hon. Minister of Finance.

Some Hon. Members: (Indistinct)

Mr. R. Brown: I don't need any more controversy.

Mr. MacDonald: Mr. Speaker, there was an application put forward to the PEI LCC. The regulations surrounding that called for a – PEI LCC staff went out and actually went door-to-door. I think the number was around 160 to 170 homes in the area that the application was put forward to.

After a period of time, I believe the respondent that wanted to do this decided against it.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

I thank the minister for that answer. That is, indeed, exactly what the liquor commission director told media: that when a licensed established requests to hold an event involving exotic or nude entertainment in an area where there is no municipal council, it is commission policy to poll area residents.

In Bill No. 101, one change to the MGA legislated that IRAC hold a plebiscite if the minister deemed there was significant public interest in a proposal. It was voted down by every single government member with almost no debate.

Amalgamation versus nude entertainment

Question to the Minister of Communities, Land and Environment: Why does this government take more time and effort to consult residents about nude entertainment than amalgamation?

Mr. Myers: Oh, good question.

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

Mr. R. Brown: I'm going to be good –

Some Hon. Members: (Indistinct)

Mr. R. Brown: – thank you, Mr. Speaker, and I want to thank the member for his question.

We are in front of IRAC now. We have several applications for amalgamation. Things are going pretty good over there

from what I understand.

A mediator has been appointed for the Three Rivers area and they are working themselves through the process.

We have to remember, rural PEI is doing great. Anything the province can do –

Mr. MacEwen: (Indistinct)

Mr. R. Brown: – or the government can do to make them work greater, it will benefit all of Prince Edward Island. We're encouraging areas to continue to cooperate with each other and work with each other because it makes PEI a greater place.

Thank you.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Mr. Speaker, the Minister of Finance and the director with the liquor commission told media that inspectors were sent door-to-door in Bloomfield to poll residents.

In fact, dozens of residents, in fact, I believe the number was almost 200 residents were consulted by government employees about this new entertainment event; yet, this government refuses to recognize the results of the plebiscite that was held regarding the Three Rivers amalgamation and annexation.

Democratic rights of residents

Question to the Minister of Communities, Land and Environment: Minister, why are people's democratic rights important for nude entertainment, but not important for amalgamation and annexation?

An Hon. Member: Good question.

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

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

I thank the member for the question. Everybody is being listened to when amalgamation occurs. There have been meetings in the Three Rivers areas and everybody got together for these meetings. We have the West River group now formed

and they're going out meeting with their community members.

Community spirit comes from the people that live in the community. Community growth comes from the people that live in the community. If there's a linkage between getting people to cooperate and work with each other and listen to each other, it makes for a better PEI and it makes for a place where we can live, work, and raise a family here. I think we have one of the greatest provinces in Canada and in the world where that can happen.

Thank you.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Mr. Speaker, in fact, the liquor commission director stated that a community poll would have to be completed for each subsequent application for nude entertainment. These are ongoing polls. Bill No. 111 legislated that a petition be signed by at least 30% of any areas being annexed before a proposal could move forward. This government squashed Bill No. 111 just like it continues to squash the voice of Islanders.

Community polls in unincorporated areas

Question to the Minister of Communities, Land and Environment: Can you explain why community polls in unincorporated areas are conducted by this government for nude entertainment, but not for amalgamation?

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

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

I understand the member from Georgetown conducted a voting for the unincorporated areas and I thank him for that. Those voices will be heard at IRAC and I understand that IRAC is working extremely hard right now in order to see what the residents of the Three Rivers areas really want to do.

Thank you very much, Mr. Speaker.

Mr. Myers: I was going to say 'honour the vote', but I was worried.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Mr. Speaker, Bill No. 111 attempted to introduce standard tools of democracy to give Islanders a better voice in any community restructuring proposals: petitions, mandatory public hearings, plebiscites, and debate on proposals on the floor of this Legislature. This Liberal government voted it down as a fully whipped group. Instead of democracy, Islanders who live in unincorporated areas are having amalgamation forced down their throats by this government. This is a government that appears to care more about public opinion regarding sanctioned nude entertainment –

An Hon. Member: Forty seconds.

Mr. Trivers: – in unincorporated areas than it does in actually honouring the vote.

Mr. Speaker, will the communities minister tell all Islanders why this is the case?

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

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

I thank the member for the question. Forced amalgamation? He couldn't be further from the truth. There's a democratic process going on and I'm folding right now for the Three Rivers area. It will go on for any other municipality. This is the most open process a community group can have. He pretends to forget there's other people on the other side of this issue that wants to make their community better. They think they can make their community better by amalgamation and they should be listened to also.

So to say there's a forced amalgamation going on couldn't be further from the truth. We have a process that's going on at IRAC right now – open and transparent and open to every individual. Every individual can go to IRAC as they have. We have an open system and the people will decide.

Thank you, Mr. Speaker.

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

Ms. Compton: Thank you, Mr. Speaker.

Islanders have been awaiting regulations pertaining to the cannabis act dealing with many matters, yet on May 15th, rather than completing these regulations, this government brought in new regulations around nude entertainment.

Priorities of cannabis act and regulations versus nude entertainment

Will the Minister of Finance tell us why this is his government's priority?

Speaker: The hon. Minister of Finance.

Mr. MacDonald: Mr. Speaker, the exotic entertainment has been a part of the province for a number of years. It has taken place and I know the opposition is trying to swing it as if it's something new, but it's happened with many governments over the course of the years. There is legislation around exotic entertainment in relevance to what the opposition is saying: calling nude and strippers and using language like that, but there is a process in place.

I think allowing us to go into the communities and actually ask the communities by going door-to-door to get the exact results – even, we went back a second time in that area to ensure that we did get every house and we knew exactly what the feeling was in the neighborhood so we could make a defined decision.

Thank you, Mr. Speaker.

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

Ms. Compton: Thank you, Mr. Speaker.

The yet completed cannabis regulations include important standards around consumption and storage for a drug that's supposed to be legalized on July 1st. Yet on May 15th, rather than completing these regulations, this government changed their exotic entertainment regulations to define the terms 'nude' and 'physical contact'.

Will the Minister of Finance explain to us why this is government's priority?

Speaker: The hon. Minister of Finance.

Mr. MacDonald: Thank you, Mr. Speaker.

I think we're actually listening to the people of Prince Edward Island.

As far as the cannabis file goes, we seen that there were almost four dozen amendments made by the Senate. I listened to Sean Casey this morning on the radio and Diane Griffin, the senator, and it was very interesting to hear where they stood on this whole issue of cannabis.

As a member, I took a look at what Senator Pratte said – an independent senator that was leading some of the charge on this. He said: Do we take a deep breath, close our eyes and stick with a demonstrably failed, hypocritical, unhealthy, prohibitionist approach of the past or do we move forward with our eyes wide open? I think we're seeing right now how everything is changing around the world. We're seeing it in elections, we're seeing it in what people are demanding from governments and I think we're being proactive in what we're trying to do.

Thank you.

Mr. R. Brown: Great.

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

Ms. Compton: Thank you, Mr. Speaker.

Well let's talk about another act – the *Water Act*. Islanders are waiting for the regulations on the *Water Act*, but on May 15th, rather than completing these regulations, this government changed their nude entertainment regulations to allow entertainers to expose themselves while covered with paint or another fabric substance.

Priorities of *Water Act* and regulations versus nude entertainment

Minister of Finance: Why is this government – why is that their priority?

Speaker: The hon. Minister of Finance.

Mr. MacDonald: Thank you, Mr. Speaker.

I think this side of the House is socially responsible to the people of PEI and that's at the heart of this matter. That's exactly what we, as a government, have done and we're very conscious of that issue. We're continuing to review the *Liquor Control Act* and we have some regulation and policy changes ready to go any day. We'll continue to do that and update it and as I said, there's changes around the world and the outlook on certain issues across the country and around the world are very different than they were even five years ago, especially with social media and what's transpired there. We'll continue to be progressive as a government and make our changes as we move forward.

Thank you, Mr. Speaker.

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

Ms. Compton: Thank you, Mr. Speaker.

We're not saying that there don't need to be changes to the regulations around nude entertainment, but what we're saying is: this government's priorities – we're talking about the *Water Act*. What about the loophole-filled lobbyist act? Islanders are waiting for those regulations. But rather, on May 15th, rather than completing these regulations, this government changed their nude entertainment regulations, lowering the separation zone between an entertainer on stage and the audience from two meters down to one meter.

Priorities of lobbyist act versus nude entertainment

Minister: Why are these your priorities?

Speaker: The hon. Minister of Finance.

Mr. MacDonald: Obviously, anybody listening to this debate in the House today would certainly believe that they do not want us to change the approval of exotic entertainment regulations. I'm not sure what the process of that thought is transpiring over on the other side of the House, but I can tell you that we got a government over here that is –

Some Hon. Members: (Indistinct)

Speaker: Okay, wow, wow. Order!

Mr. Myers: (Indistinct) province, do you think that that's the most important thing?

Speaker: Order!

Mr. MacDonald: Thank you, Mr. Speaker.

I'll just add one comment. This side of the House is socially responsible to the PEI Islanders and we'll continue to do that.

Thank you.

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

Ms. Compton: Thank you, Mr. Speaker.

What about the PTSD legislation? We're waiting for regulations on that; the PTSD legislation, the *Water Act*, the lobbyist act – all much more of a priority than nude entertainment.

Priorities of government

For this government: Why is nude entertainment and the regulations around that your priority?

Mr. Myers: Good question.

Speaker: The hon. Minister of Finance.

Mr. MacDonald: Thank you, Mr. Speaker.

Mr. Speaker, I think some of the innuendo coming from across the floor is very interesting. I think we've likely put through some of the most important bills ever seen in Prince Edward Island right here in the House sitting in this Legislature.

The debates have been ongoing. We're continuing to likely make history with one the most genuine debates of this Legislature in regards to the referendum. We continue to compromise with the opposition and the third party. We continue to build relationships with community groups. We've had the best budget we've likely had in a long, long time with investments in not-for-profits, investments in mental health, investments in education and investments in all kinds – look at the announcement

yesterday for social assistance. It's unheard of in most provinces.

Thank you, Mr. Speaker.

Mr. Murphy: And they want to talk about nude dancers.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

Browsing in Hansard, I found the following quote in reference to fixed-date elections: The Premier can sit in his office and say; I will call an election on such and such a date. I will tell no one about the election on such and such a day. I will start campaigning right away.

Is that a fair model for our country? Is that the kind of model that our citizens want where a person can sit in a private office and determine the date of the election and then start campaigning at any time before that? That's not a fair model.

Premier ability to call election

A question for the Minister of Communities, Land and Environment: Can you tell me who said that? Was it A, the former premier Robert Ghiz? B, the current Premier? C, the current Leader of the Third Party, or D, none of the above?

An Hon. Member: (Indistinct)

Ms. Biggar: (Indistinct) trivia (Indistinct)

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

Mr. R. Brown: I think I may have said that, Speaker.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

Yes, minister, you did that say in the Legislature on May 4th, 2006.

Do you still stand by those words?

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

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

I'm proud to say that when we got elected in 2007, we came in with a fixed-election act in here in Prince Edward Island and the act has certain provisions in it that allow the Lieutenant Governor in Council or the governor to call an election when one is needed.

Thank you.

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

Ms. Bell: Thank you, Mr. Speaker.

During debate on the fixed-date election legislation in 2008, Mike Currie asked: Minister, what would cause the Assembly to dissolve? And you responded on behalf of the minister: A vote of no confidence and we're done.

You did not offer any other scenario for an unscheduled election.

Non-confidence vote re: call of an election

Again, to the Minister of Communities, Land and Environment: Do you still believe that a non-confidence vote is the only legitimate reason to call a snap election?

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

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

This was monumental legislation that was passed in 2007 and it allows for an opportunity to set a date for an election, but it also allows flexibility when needed. If there's a crisis happening or there is a question of confidence in the government, quite obviously we have to go to the polls.

Thank you very much, Mr. Speaker.

Speaker: The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Mr. Speaker.

My question today is for the Minister of Agriculture and Fisheries.

As many of us know, the Nova Scotia company Northern Pulp has announced their controversial proposal for a new effluent treatment facility in Pictou County. The plan is for the effluent to be discharged into the Northumberland Strait, which could have detrimental effects on our fisheries and marine life in general. Our fishermen are terrified for what could happen. Their livelihoods are at stake.

Safety of fishers re: effluent treatment plant

Minister, what has your department done to ensure the safety of our fishers during discussions for the new effluent facility?

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. Henderson: Mr. Speaker, as a minister of fisheries in the Province of Prince Edward Island, I'm very concerned and want to make sure that we're supporting our marine habitats, especially marine habitats that are shared by other jurisdictions. From our perspective as a government, we have wrote letters; the Premier has wrote letters to the premier of Nova Scotia as well as I've had conversations with the minister of fisheries in Nova Scotia, to make sure that all the mitigating factors are put in place to protect these marine environments and that minimal impact will be had on the shared fishing grounds that we use.

Premier MacLauchlan: (Indistinct)

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

Pressure on feds and NS government re: effluent

Mr. Roach: Thank you, Mr. Speaker.

If this new effluent treatment facility goes forward, it would discharge roughly 70 million litres of hot water into the Strait. I know we put pressure on the Nova Scotia government to ensure all valuables are considered, but minister, what are you doing to put pressure on the federal government

and the Nova Scotia government so they will have evidence-based and in-depth environmental review of the effluent and their effects on our marine life?

Mr. Myers: Good question. You're doing nothing. That's (Indistinct)

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. Henderson: Mr. Speaker, as I'd mentioned earlier, the Premier did write a letter. I've had conversations with the minister of fisheries in Nova Scotia, but we also have been in contact with the federal government, the federal minister of environment, and we've made a request – the Premier has made a request that we see a full environmental review federally done instead of just a class one review done by the government or Nova Scotia.

I think the reality is that these are shared waters, and I think because they're shared waters with cross jurisdictions there could be impacts had that are somewhat unknown, and I want to make sure that a federal review would be the most appropriate response.

I have made a request to meet with the minister of fisheries whenever the Legislature closes here, and we are working on trying to get a mutually-agreed upon date at that time, Mr. Speaker.

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

Data on effluent effects on fisheries

Mr. Roach: Thank you, Mr. Speaker.

Minister, does your department have the data on the affects of the treatment facility? In other words, what has happened before and do you have any data projected going forward, that when that effluent starts to hit the Strait, what effects it's going to have on our fisheries?

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. Henderson: Mr. Speaker, as it is a Nova Scotia project at this point in time, I

do not have specific scientific data pertaining to the issues that will be pertaining to this, other than – the Northern Pulp had been here to the Legislature. They'd made a presentation to the environmental and fisheries committee.

They have not even actually made their request to the review. That's going to be done; I'm told, sometime in July. But, I can assure you that we will be monitoring the situation quite closely. We'll be making sure that we get all the impacts of the review, that whenever it's completed I'm hopeful that it will be a federal environmental assessment and once again, we'll also further follow up on that with conversations with minister Colwell in Nova Scotia, Mr. Speaker.

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

Ms. Casey: Thank you, Mr. Speaker.

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

Our government has made significant investments in mental health initiatives for Islanders. I understand the department of education is beginning to implement mental health literacy training for educators, teachers, and staff so they can better assist their students in terms of mental health issues.

Mental health literacy training

Minister, how many teachers and staff will be receiving this special training?

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

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

This is a great program that we're very pleased to have had the cooperation, in particular of Dr. Stan Kutcher, on. There were 30 master trainers already trained either this winter or last fall. They included administrators, school counsellors, health and phys-ed teachers, and student well-being team members.

Dr. Stan Kutcher was over and did a day down in Summerside. Actually, I think it

was two-and-a-half days interspersed around a snow storm, and we are very pleased to have him and his participation in this project.

Thank you.

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

Ms. Casey: Thank you, Mr. Speaker.

Minister, is there a targeted list of teachers who will receive the literacy training at each school?

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

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

It is interesting to note that those that have taken the training so far have said that it's the best PD that they have ever had or a good part of them have. We expect to train 100 intermediate health teachers this fall. These teachers deliver many of the components of the health curriculum that cover mental health.

There is a committee of intermediate principals, councillors, and health teachers who are working on a rollout of the training implementation and the mental health curriculum, Mr. Speaker.

Thank you very much.

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

Ms. Casey: Thank you, Mr. Speaker.

When you evaluate the first session of this literacy training, will your department be implementing the training for the rest of the teachers and staff across the Island?

An Hon. Member: Good idea.

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

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

I'm pleased to say that this will be determined by the committee. Teachers will get training in two ways.

Some will be trained through the curriculum process; for example, the health teachers. Others will receive the training as part of their school goals process. Those goals are set by the school through the school administrators.

All schools have well-being goals. Many intermediate and high schools have mental health literacy as their well-being goal. Many of these staff have already been taking the initiative, which is provided online through Dr. Stan Kutcher and a connection, I think, it's with UBC.

In fact, by the end of June, one whole school staff will have completed the online mental health literacy training, Mr. Speaker.

Thank you very much.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

In my opening statement, I talked about the post-partum mental health supports that this government has provided over the past year.

Their program states that this happens – the mother is reached out to just days after the baby is born. Two months after the baby is born, every mother will be screened using a perinatal, postnatal depression scale. From there, referrals will be sent to a newly appointed Women's Wellness Program social worker for clinical care or referrals to community mental health if necessary.

Support for sufferers of miscarriages

As I said, this is fantastic. I was wondering if the health minister could tell us if this type of program would also be available to those who suffer miscarriages.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Certainly, the interview that was held this morning on CBC radio, which, I, as well listened to was a very powerful message brought forward.

Obviously, when young mothers are dealing with post partum and I know from experience within my own family. When my first child was born, my wife struggled with that. It's something that – it's difficult for those individuals to reach out for that help to be able to provide this through a program and to be able to educate young mothers during the early stages of their pregnancy.

As was mentioned this morning by the young lady interviewed, after the baby is born it's a very overwhelming time. If you can have that education piece prior to, it is so beneficial.

Our Women's Wellness Program is being developed, or being worked on, will have parts to play whether – on all of those things available to all Island women that need the services, Mr. Speaker.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

Yes, all those are very positive.

I'm wondering minister, if the same type of health supports and screening could be there for mothers and families that have miscarriages. We all know the struggle that some people will have with that. It doesn't even – sometimes it's not even with a first miscarriage, sometimes it's with a second miscarriage that post-partum depression, as well.

Could the minister look at providing the same type of service for those, who have a miscarriage?

Speaker: The hon. Minister of Health and Wellness.

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

If that is a need, absolutely, we would be more than willing to look into those situations.

I said, off the floor of the Legislature many times, mental health and mental health treatment; it's about seeing the right professional at the right time in the right place.

In situations of miscarriages, that does have an effect, a mental health effect; whether it's to be seen by a social service worker or psychiatrist or a psychologist or some other professional. I certainly, would be more than willing to look at that and to develop something if it's a needed measure, Mr. Speaker.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

That's great to hear, minister, because right now, the screening does happen after the birth of a child. Perhaps, after the screening – could be provided after a miscarriage, as well because it is a tough time.

Minister, can you commit to doing that so that we don't go through another year of those who have had miscarriage – and that they would be able to access the same type of health services?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

The Women's Wellness Program that is in place today provides that person-centred care for Island women, whether they need assistance, whether it's the reproductive side or sexual health needs side, but if that's not meeting the needs of any Island women that have had miscarriage experience, this to date, and there is some other service that is not being afforded to them, we would be more than willing to talk to those individuals and work with them to develop who would be the right kind of health care professional that they would need to see and what health outcomes could be made better, Mr. Speaker.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

The minister mentioned about the Senate passing a bill last night on the legalization of cannabis.

Public health education on cannabis

Could the minister of health give us an update on the timelines for the public health education around cannabis here on Prince Edward Island?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

The public health office, under the department of health is working diligently on that educational piece. We want to ensure that Islanders, knowing full well that we are in this cannabis trail, that we are well educated on the use of marijuana; on effects of marijuana.

That work is ongoing. I anticipate the RFP has gone out and that we'll be working on that in the very near future. There's still some time before it sounds like, the Senate, although they passed some things last night, it has to go back to the House of Commons. There's some other work that needs to be done in Ottawa.

We, at the department, are working very diligently on getting that education piece out as soon as we possibly can, Mr. Speaker.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

A recent 10-year study on youth cannabis was completed by researchers at StFX and the University of Victoria.

The study found that young people identified with high-risk patterns of cannabis usage were more likely to have more poor health education and health outcomes, along with increased mental health and behavioural issues.

Protecting vulnerable populations

Question for the health minister: How is our mental health system equipped for cannabis legalization to protect our vulnerable

populations?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

In my discussions with those that work in the mental health field here on Prince Edward Island are concerned about what effects cannabis may have. We are getting on the ready for those types of things by talking with other jurisdictions as to how they're preparing; what would we need to do here locally.

The education piece will be a very big part of how things will roll out. We do know that we will have to do more work in regards to mental health issues. There is an attention, and that is from all across the country concerns about that.

We will work together to see what others are doing and what we can do here to make those differences in the lives of those suffering from mental illness in any way, shape or form, Mr. Speaker.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

Last fall, the health committee had a briefing on mental health services. The chief mental health officer, at that time, expressed concern, as many people across the country, to our committee around the effect cannabis use has on the frontal lobe development in our young adults.

Drafting public health education campaigns

Another question to the health minister.

Minister, can you make sure that our mental health professionals have a seat at the table when we're crafting these public health education campaigns?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Our harm and educational awareness and research, this is a long-term investment. This will continue on into the future.

Dr. Keizer, who leads our mental health team and research team over there, is working on this; is aware of situations, and are working with her team of psychiatrists and those in the mental health field to develop a program, moving forward.

The work will not just roll out something and that will be the end of it. We will continuously be working on the education piece moving forward. We have committed dollars to that that will be year-over-year dollars so that this is the best program it can be to inform and educate; not only our youth, but older Islanders as well, because this will be available to all and we want to ensure that we are prepared to handle anything that comes from it.

Speaker: The hon. Member from Morell-Mermaid, your final question.

Mr. MacEwen: Thank you, Mr. Speaker.

I'd encourage the minister to use his school mental health teams as well to be involved with this education.

Someone suggested to me another good idea: There are many of us with children that are entering into a – getting close to a junior high school age as well and that's an important time for an education component. A lot of parents like myself are wondering how to introduce the topic – how to talk about it with their children.

Home and school education on cannabis

Minister: Could you make sure that each of our home and school associations across the province have the education material and the learning opportunities to understand and to talk to our kids about this new introduction of cannabis into Canada?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

This information will be available for all Islanders and I do anticipate that home and school associations will be getting up to

speed on that. Our school programs will be part of where things are presented to.

There's websites, there's a federal government website right now that has a lot of the information on it, and we'll be putting everything that we have online. So there'll be lots of access to all the information moving forward, but, yes, a concerted effort will be on our youth, will be in our education system, and that's where we're going to make the early intervention.

Although cannabis is only legally available to those over 19, it is important that we educate our children young on safe usage of it when they're over the age of 19, Mr. Speaker.

Some Hon. Members: Hear, hear!

Statements by Ministers

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

efficiencyPEI Programs

Ms. Biggar: Thank you, Mr. Speaker.

As Minister of Transportation, Infrastructure and Energy, I am pleased today to speak today about Prince Edward Island's commitment and our government's commitment to energy savings; savings that will keep more of Islander's hard-earned income in their pocketbooks.

Last month, the Minister of Communities, Land and Environment announced the provincial government's climate change action plan. This plan provides a five-year framework for both adapting to climate change and reducing our greenhouse-gas emissions. This plan closely aligns with the work of my department's efficiencyPEI division.

Since 2008, we have helped Islanders save over \$9 million on their energy bills. Our Liberal government will be implementing a 10% reduction on electricity bills, propane, and wood, effective July of this year, saving Islanders an additional \$8 million.

We have reduced CO2 emissions by 25,000 tonnes and we are working toward the next 25,000. We also provided over \$4.2 million towards Energy Star-certified equipment to

be installed in Island homes and businesses and those efforts have not gone unnoticed.

Last week our division of efficiencyPEI was awarded the NRCAN star advocate award and I had the privilege of bringing that award home to PEI from the federal minister of natural resources and energy, Minister Jim Carr.

Energy Star Canada recognizes participants from all sectors every year who have demonstrated particular excellence in helping transform the market and promote energy efficiency. And that is precisely what efficiencyPEI is doing.

We all know that the cheapest energy is the energy we don't use. And while we're not be able to control all the factors that contribute to our energy costs, we can make some smart choices. Being a mighty Island means our small size and connectedness helps us make real change where it matters the most and that is exactly what we are doing for Islanders.

Later today, the Minister of Communities, Land and Environment and I will be making an announcement at Stratford Town Centre in regard to efficiency programs.

I invite all members of this Legislative Assembly and the public to join us today at 1:30 p.m. at, again, Stratford town centre to find out those details will be.

Thank you.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

This is great news. The former minister of communities, land and environment, the current Minister of Communities, Land and Environment, even the Premier has really done so much work on this. I was kind of surprised to see the minister of transportation standing up and making this announcement.

The Premier first talked about the pan-Canadian framework back in December 2016 and he was very proud to stand up that day and provide some information after I just asked questions in Question Period

where he wasn't able to provide the exact same answers he had in his minister's statement. But, he talked about – he said: The framework includes a national commitment on pricing carbon pollution and Prince Edward Island will do its part in this as well. Our approach will be fiscally neutral.

We all know that means tax, spend, tax, spend. He also said: To be introduced in January 2018, the carbon price will not extend to agriculture and fisheries. So, I just want to – I think what we're hearing here is that this government has reversed their policy on the carbon price and they're not going to bring in a carbon tax. I hope that's what we're hearing right here. I hope this is not a tax and spend initiative that allows the government to bring in money and then spend it in ways that, let's face it, tend to go to friends of the government. We've seen it time and time again. I call it the fog bank.

It's great that the province received this award as well from Jim Carr in the Liberal Cabinet. I don't know if the minister of transportation perhaps worked on his campaign as well. I know she likes to get up there and then help out with the federal Liberal's campaigns. But, it's good.

I sure hope that this is really what's going to happen.

Ms. Biggar: (Indistinct)

Mr. Myers: Thanks for Trudeau, by the way.

Mr. Trivers: Then again, in December 2017 we actually – it was the Member from Borden-Kinkora that asked about the low carbon economy fund and when we were going to finally get this money that was announced in April 2017 – this was finally now, it's 14 months later. This government has – it looks like there's a bit of a plan coming together. That's good.

Maybe I should give credit to the new Minister of Communities, Land and Environment for that. I'm not sure. He likes to take action, at least, whether he's flipping into action or not.

Ms. Biggar: (Indistinct)

Mr. Myers: Just keep your mitts on.

Mr. Trivers: We had asked about the carbon tax back in December 2017 and said – our question was: Will this money be invested back into Islanders directly to offset your carbon tax? I think we're finally starting to get an answer.

Back in 2016, I had clarified the Premier's statement about whether he was going to keep heating oil exempt from HST and he confirmed that he did. I said that's especially good for low-income Islanders, but more importantly, we need to remove the HST from renewable energy sources like electricity. We have to remove it from all home heating sources. Of course, that's exactly what this government is doing. It's a good thing they're listening.

In the official opposition here, it's really great to see that we're making a difference. We've completely changed the attitude of this government when it comes to a carbon tax. Now they really, truly are investing in Islanders in not using that stick approach – or using the (Indistinct) just like we suggested.

These are good programs and I look forward to the announcement this afternoon.

Ms. Biggar: (Indistinct)

Mr. Trivers: I won't be there.

Ms. Biggar: Are you going to be there?

Some Hon. Members: (Indistinct)

Ms. Biggar: (Indistinct) show up (Indistinct)

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

Unfortunately, I can't respond directly to the announcement because we haven't had that announcement yet, but we can point out that the investment that's identified in the low-carbon economy fund under the pan-Canadian framework provides PEI with a base funding of \$30 million. Despite our small size, we get a significant piece of investment. That's a huge amount of money.

You can do really amazing and creative things with that much money.

One of the core commitments with that framework is a commitment to clean growth as well as the reduction of greenhouse gas emissions. It would be lovely to imagine that this afternoon we'll hear announcements about investment in solar panels for schools and for community buildings that transition from older systems into newer systems, and upgrading of legacy systems that are no longer fuel efficient, and investment in a network of charging stations for electric vehicles and perhaps even electric vehicle transit.

One can hope and dream that we will see those kinds of investments with that kind of funding, and see what we actually get this afternoon.

Thank you, Mr. Speaker.

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

Mr. Myers: Oh, this should be good.

Mr. Palmer: It is good.

An Hon. Member: (Indistinct)

Travel Trade Market Readiness

Mr. Palmer: Thank you, Mister Speaker.

The provincial economy has been incredibly strong for the last four years. Thousands of full-time jobs have been created. New home construction, new car sales, retail sales, and many other sectors –

Mr. MacEwen: Motel is full.

Mr. Palmer: – of the economy have reached historic levels. Our population is hitting all-time highs and is getting younger, and we have been delivering balanced budgets.

One of the major contributors to the economic success has been the strength of the tourism industry. We have set records for visitation each of the last four years. We reached a million overnight stays for the first time last year –

Mr. Myers: 200,000 in the Sherwood Motel.

Mr. Palmer: – and we are looking forward to another strong season.

Despite the incredible performance of the industry of late, it remains vital that we support tourism operators who are looking to improve their skills.

One way we are doing this is through an Atlantic Growth Strategy initiative that provides a new training opportunity to give operators the tools to market their products to an ever wider audience. This project gives our operators the skills to grow revenues from the overseas market, focusing on the United Kingdom, Germany, and China as well as the USA visitor markets.

The Travel Trade Market Readiness Program provides operators with tactics, processes, and best business practices to help increase visitation by working closely with the travel trade industry. Participants are provided with a toolkit, along with accompanying workshops, webinars, and online curriculum, and mentoring to help them get the most out of the travel trade market.

Our pilot training session ran earlier this year and was well received by participants. The program is now being promoted broadly to industry at the provincial level, with a series of Island-wide workshops being planned during the winter of 2019.

Like any industry, it is vital that professionals in tourism continue to learn and improve their skills. Prince Edward Island is at its mightiest when we are working together to build on the things that we do best. The Travel Trade Market Readiness Program is a great way for operators to expand their reach, grow revenues, and attract new visitors to our mighty Island.

Thank you, Mr. Speaker.

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

Mr. Myers: Thank you, Mr. Speaker.

Well, I guess at least today we broke off the teeny tiny announcements where he has announced them \$50,000 at a time and we're onto part of our economy that is a large part of Prince Edward Island, and that's our tourism economy. It's important, as I have said numerous times, to where I live.

I want to touch on something first. The minister talked about his job growth record here in Prince Edward Island and I want to keep pointing him back to how over and over again we are being called out for having the lowest wages in the entire country. As long as you're growing, low-wage jobs are not helping anyone.

It's important that we're able to grow our tourism product. I've often said sometimes when I see other places and other tourism products; it kind of opens your eyes into what some of the opportunities are. I know some of the great tourism operators that we have do just that. They take their opportunities to go to other places and see with they are doing and bring some of those ideas back here.

Any help that can be put in place like this to help expand into those areas, I think, is important. I think sometimes those of us who spend every day on Prince Edward Island start to take the beautiful views and wonderful drives for granted because I know I live in beautiful part of Prince Edward Island and I often say I drive across the Cardigan bridge every day and I probably look up the river once a week.

If I was in Ireland, I would be nearly going off the road looking up those rivers. The people who come here love the beauty we have to offer. We need to do everything we can to help bring people to Prince Edward Island, show them the wonderful place that we have and grow on that business because it is good for all the economy, and it's especially good for the rural economy because people come to see rural Prince Edward Island because of its beauty; its beaches and the wonderful people.

Tourism is important for rural Prince Edward Island and we need to see it continue to grow.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you Mr. Speaker.

In addition to the information provided by minister, I would like to add some additional pieces and recognize the importance of the participation of the regional tourism industry associations, who are the driving force behind this program in terms of not only managing the RFP, for the provision that is being done on pan-Atlantic basis across those regional organizations.

They conducted the RFP. They've got the money from ACOA and they are rolling that program out through a series, first of pilots, and now here on PEI as part of the regional approach for that investing and building that lucrative travel-trade business program.

It is really important to recognize that government and announcements aside, the work on the ground and the driver of this are those champions of the industry, who are boots-on-ground, regional and tourism associations, and industry associations, who are out there doing this work every day, including delivering this program and then bringing the benefits back to our province. I would like to recognize and thank them for this initiative.

Thank you, Mr. Speaker.

Speaker: Thank you, hon. Member from Charlottetown-Parkdale.

Presenting and Receiving Petitions

Tabling of Documents

Reports by Committees

Introduction of Government Bills

Government Motions

Orders of the Day (Government)

Speaker: The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Mr. Speaker.

Mr. Speaker, I stand, rise today to ask for unanimous consent from this Legislature for

the third reading of Bill No. 114, the *Plastic Bag Reduction Act*.

Speaker: Hon. members, do we have unanimous consent?

Some Hon. Members: Yes.

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

Speaker: The hon. Member from Montague-Kilmuir.

Mr. Roach: Mr. Speaker, I move, seconded by the Honourable Member from Tignish-Palmer Road, that the said bill be now read a third time.

Speaker: Shall it carry? Carried.

Clerk: *Plastic Bag Reduction Act*, Bill No. 144, read a third time.

Speaker: The hon. Member from Montague-Kilmuir.

Mr. Roach: Thank you, Mr. Speaker.

Mr. Speaker, I move, seconded by the Honourable Member from Tignish-Palmer Road, that the said bill do now pass.

Speaker: Shall it carry? Carried.

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

All those in favour, say 'aye'.

Some Hon. Members: Aye.

Speaker: Contrary 'nay'.

Carried.

Mr. R. Brown: The end.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

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

Speaker: Shall it carry? Carried.

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

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the Honourable Minister of Education, Early Learning and Culture, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

Speaker: Shall it carry? Carried.

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

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

Some Hon. Members: Yes.

Chair: Thank you.

Permission to bring a stranger onto the floor?

Some Hon. Members: Granted.

Chair: Thank you.

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

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

Gary Demeulenaere Director: Gary Demeulenaere, Director of Legal and Policy Service for justice and public safety.

Chair: Welcome back to the table.

Hon. members, last night, when we left the discussion on the bill, we had passed an amendment to the amendment. We're on section 9. Is there any further discussion on section 9?

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

When we left discussion last evening, Chair, we were talking about the budgetary requirement for the registered referendum advertisers. There's a requirement for them to present a budget and then also to report on that budget.

I was wondering how closely the registered referendum advertisers will be required to follow the budgets that they present and will they face penalties if they don't?

Mr. J. Brown: No.

As I indicated yesterday, the intent with the budget is not to set out a strict budget that will be followed in – in other words the referendum commissioner is not going to be determining what those groups would or would not do. What they would be determining would be is that the kind of expense that would legitimately attract the use of public money for that purpose. Again, the hon. Member from Morell-Mermaid addressed some possible harm that could occur there. That's what the budget is really there for.

No, when the report comes back, the official agent will have detail basically that the money has been spent for the purpose of proponing or opposing as is outlined in the legislation.

Dr. Bevan-Baker: Any of these potential registered referendum advertisers, they will have a pretty clear idea what the scope is that they can and can in the do from the legislation.

You're saying that the budget applies the something other than monetary? Because

they have to present a budget, and when I asked you said: Well, yes, it is to do with the scope of activities.

I presume when you are asking the requirement, is they come forward with the budget that we are talking about dollar figures attached to their work? Is that correct?

Mr. J. Brown: Yes, but again, it is to ensure that they have an idea that they are – so come up a level.

The proponent and opponent groups are really there to allow the two different sides to sharpen both their ideas, in terms of what they think the advantages and disadvantages are of their various systems. Then, to educate the public on those sharpened up ideas.

If you are a proponent and come in and said: Well, I'm really going to go in here and I just want to take the proponent's money or my share of the proponent money, if you want to put it that way and use it to favour the opponent, that would be an issue that hopefully would be picked up or that the referendum commissioner would have the ability to say: wait, now you can't use money for that.

But otherwise, you know, go ahead and use it for legitimate referendum expenses.

Dr. Bevan-Baker: Right.

I guess that the concerns, and I raise them. I don't think I explained it terribly well last night, but it was about the problems that these groups are going to face and presenting any sort of budget.

It's sort of like asking somebody to go out: can you go out and buy groceries for the family at Sobeys and the person says: well, how many people in the family? I don't know. How long? Is this for a week of groceries or month or year of groceries? I can't tell you and then being asked to budget without the sort of restrictions.

These groups won't know whether they are the only group, one of the 10 groups; one of 20 groups? They won't know how long they will have to spend that money over. I'm questioning the validity of asking them to

have to – the requirement to have a budget when there are so few constraints.

Mr. J. Brown: Madam Chair, I guess what I'm saying is I think you're taking the situation out of context. Remember that the referendum commissioner will have, as part of their duty to educate the public, including those who wish to register as registered referendum advertisers, and it would be my expectation through the process, the referendum commissioner will engage with those groups, have an idea of much it will be.

I suspect by the time we get into a call of a referendum period, we will have a pretty rough idea. We'll know it will be, at most, eight months when the referendum period might be. There will be a lot more context by the time you get around to that point in time. It might be, again, that if the group come in said: well, I want \$1,000 or \$1,500 or whatever, and the referendum commissioner's got \$7,500 to give out to 10 parties. They might say you can give six to somebody else that will use it.

Dr. Bevan-Baker: That's all well and good, minister, but the problem is that this is the registration process. This is before they know how many are there.

Actually, that is not a valid answer because they won't have any idea how many other people will have applied for this. You said: Yes, it is up to eight months, but could be as short as 26 days.

Really, the parameters of how they spend this money are completely unknown. I just think that that whole line should be taken out. I don't think it's possible for an organization to present any sort of useful budget given what I have just said. We don't know long. We don't know how much money.

I'm interested how you think they can do that.

Gary Demeulenaere Director: What I was just discussing with the minister is that one of the utilities of that proposed budget could be the situation where he mentioned that a group submits that they, for example, have a dedicated thing that they want to achieve that would only cost \$1,500, just to use his

number, recognizes, as I said, they don't ultimately know how much their allocation would be, but one of the benefits that I would see from that budget requirement is it could allow the referendum commissioner to say, recognizing that ultimately you may receive more than that and if that's truly what you want to spend, you may wish to go and approach another organization and essentially belong with them, so that they wouldn't receive a larger chunk than they would otherwise intend to spend.

Dr. Bevan-Baker: Okay, I'm good.

Thank you, Chair.

Chair: Thank you.

Hon. Members, are you ready for the question on the amendment as amended?

Some Hon. Members: Yes.

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

Some Hon. Members: Aye!

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

An Hon. Member: Nay.

Chair: The amendment as amended is carried.

Shall section (9) carry as amended? Carried.

I'm now going to read section ten, and I understand there is an amendment, but I'll read section ten first and then we'll go to the amendment and then I'll open the floor for discussion.

Section 10

(1) As soon as practicable after July 1, 2018, the Referendum Commissioner shall assess the applications received under section 9.

(2) An assessment under subsection (1) shall, based on the information contained in the applications, take into account all of the following criteria:

(a) the eligibility of the organization, under section 8, to be registered;

(b) the eligibility of the financial agent under section 9;

(c) whether the name that the organization proposes to use may create confusion because of its similarity to the name of another organization or corporation, or whether the name may be, in the Referendum Commissioner's opinion, otherwise inappropriate.

(3) The Referendum Commissioner may request further information in respect of how the organization or its principal members, financial agent or name meet the criteria set out in subsection (2).

(4) The Referendum Commissioner shall register any organization that meets the criteria referred to in subsection (2).

(5) Before registering an organization under subsection (4), the Referendum Commissioner may, on the basis of the Referendum Commissioner's assessment under subsection (2), require the organization to use another name when acting as a registered referendum advertiser.

Hon. members, the amendment to that section that was sent to the table is:

Subsection 10 (1) of Bill No. 38 is amended by the deletion of the words 'after July 1st, 2018.'

Are you ready for the question on the amendment?

Ms. Biggar: Question.

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

Some Hon. Members: Aye!

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

Shall the section carry as –

An Hon. Member: Carried.

Chair: Question on the section, Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

A question for the minister, Chair, is with the – again, the potential is there, an example that we've looked at is what happens if you had a disproportionate number of applications on the proponent to opponent side. So if you had, for example, one or two applicants, groups under the – for the first past the post side, the opponent, and 40 for the MMP eligible referendum advertiser side, and as they're not allowed to coordinate efforts, what you end up with is one side getting a very large share of a \$75,000 allocation and that proponent side getting less than \$2000 per group. Because we've seen that we've not been allowing, there's no allowance for any organizations to coordinate efforts, do you really feel, minister, that it's a level playing field?

Mr. J. Brown: The first thing I'll say, this is actually addressed in a later section – I'm just trying to find it now; but the groups can either work together or the referendum commissioner can encourage them to work together to coordinate their efforts as well.

Don't forget they have the ability to choose whether they wish to be a registered referendum advertiser and get a share of the public money or whether they wish to organize on their own and not use the public money.

Ms. Bell: Thank you, Chair.

And thank you, minister. We have noted that kind of later section in 16 where we discuss the contributions and sort of the impacts of that choice of being a registered referendum advertiser or not, so we'll speak to it at that point.

But in this section, part of this is about that period of choosing to register, and because it is an ongoing period of registration, that they are not going to be able to make an informed choice of a) should they be encouraging to be working together because those registrations are going to be coming in over a period of time which is unknown; and as a consequence, as my hon. colleague mentioned, they're also not going to really know exactly how much money they're going to have and be able to make informed decisions.

So the level playing field approach, while we understand that in theory, is going to be

quite challenging for these organizations to make these kind of informed decisions given the undetermined scale of time from registration to referendum.

Mr. J. Brown: I've already addressed this a number of different times, but I think that there will be more interaction than what you're contemplating as between the referendum commissioner and those that would be signing up at the time. There would be a greater context, I think, as well, and that is the benefit of having a pre-referendum period; but this is – there are a couple of ways of doing this. It's not an extensive list. If you have different thoughts; happy to hear them.

Ms. Bell: In the UK, where there's a similar legal framework for referendum advertising, only a single group can be registered as the official designated organization equivalent to our registered referendum advertiser, which also means that that public funding all goes to that single organization best representing the position rather than splitting it up among of potentially large number of organizations.

That's a similar model that was used in the 1995 referendum where there was designated national yes and no campaigns. So why did you choose a model that split public funding among an unknown number of potentially numerous organizations versus those other models?

Mr. J. Brown: Because there are constitutional issues with designating one single registered referendum advertiser.

Ms. Bell: Could you provide us with that information, please, minister, as to what those constitutional issues are? Given that they've been used before, I'd be very interested in, for the record, what those issues are, minister?

Mr. J. Brown: So basically, as I'd indicated actually last night, if you're requiring folks to associate all with one, then there's a piece that plays into the overall consideration as to whether that's the minimal impairment in terms of their ability to express themselves during that period.

So allow them to go their own way, less impairment. Require them to join up as one,

more impairment. That would be a factor that would be looked at by any court in terms of a person to both have their ability to associate and in terms of freedom of expression, both of which are enumerated in section 2(b) rights of the charter.

Ms. Bell: Thank you for that, Minister.

As you know, I'm not a constitutional lawyer but my question on that would be, I suppose, because this is about allocation of funds, then it is about if you wish to be with an organization to receive public funding, then that limitation applies; but the additional limitations, in terms of rights to association, would not apply if there weren't other restrictions in here that provided limitations in other ways.

My understanding of this and why this was able to be used before is that you can make payments to a single group, and that group is the only one that can receive public funds, but you can infringe on the right of people to associate another way under their own cognizance, so under their own direction and funding.

So there's a separation again, in the difference between action and funding, that people have the right to associate and to take action as they choose to from a grassroots perspective; if it is going to be provided with public funds, then that channeling would be appropriate, so that would not then be in breach of the constitutional rights; however, I'm not a constitutional lawyer.

Mr. J. Brown: Yeah. I wouldn't agree with what you're saying. If you're providing public funding and you are requiring effectively groups to – and I'm not saying it's always going to be unconstitutional, to use the term.

As we started out saying, any assessment of constitutionality in this kind of a situation is really rooted in what are your objectives.

Is what you're doing rationally connected to those objectives? Is there a minimal impairment? It is all of a big contextual weighing piece and here, we are setting out a whole fulsome piece that we feel will allow Islanders to have a great opportunity to either, together, in larger groups or

smaller groups, refine their ideas about the referendum.

We have allowed a couple of different ways for them to do that as organizations, which we think is great. Individuals can go it on their own. That allows – when you do that, and when you break the public money down into those different areas, firstly in terms of fair and equal playing field, it allows for a fair and equal playing field in terms of the development of different subsets of the idea and a fulsome debate.

It would be the difference between having a committee with one person on it and, in this case 27 on it, in terms of the different perspectives that are brought to that debate. There is a value in that. If you have one, you always have to balance it off with a question as to whether that one has too much power, given what is going on in terms of the objectives of sharpening up the ideas on both sides of the question.

There is a give and take on it. Basically, is the gist of it. We see in BC, and I should mention, I think you mentioned it, a UK model. I can't remember where you said, they may not have the Charter, or equivalent to it. So, I'd just kind of caution you on that. But we see in BC, again, there is a proponent, opponent, but then there's subgroups that are able to still participate and raise funds in different ways, as well. There are different ways of accomplishing the same thing. But the principle is still there.

Ms. Bell: Absolutely, different ways to accomplish the same thing. Your point, minister, about the objective of this, and I guess I'll finish with this is. That, you know, it does come back to the objective that you're trying to achieve.

In the case of that this model with an allocation of public funds, then this complexity of regulation is required to ensure that that works. But, that could simply be remedied by allowing people to advocate outside that party without accessing public funds.

There would need to be some regulations, but the more layers and complexity we put into this, the greater they are. However, I recognize, again, not being a constitutional

lawyer, this is, when we have such a complex piece then this is the challenge of trying to speak coherently about it.

The risk remains there. For the record, the risk remains there that the dilution of the opportunity for those groups to be able to, sort of, make informed choices about how they associate with other groups; how they can respond to the requirement from the referendum commissioner in terms of what they want to do and how they're going to do it is going to be significantly more challenging because of all those other complexities of time and registration periods and budgets and so on.

When we add into that the allocation of public funds, this becomes quite a muddy space to feel that it is genuinely achieving your objective of a level playing field.

Chair, I'll finish there.

Thank you.

Chair: Hon. members, shall section 10 carry?

Dr. Bevan-Baker: (Indistinct)

Chair: Oh, sorry.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: I'm wondering, minister, what criteria will be used and who will apply them as to how the funds are distributed, the public funds?

Mr. J. Brown: That's in a later section, Madam Chair.

Chair: If you could hold the question for a later section, hon. member?

Dr. Bevan-Baker: I have subsequent questions.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thanks.

The decisions that will have to be made, I presume – again, I'm not sure what those criteria will be. I guess we'll get to them later.

I'm wondering minister, if we have several groups that come forward, for example, to access funds to be a proponent for the status quo. One of those groups has the minimum five members and another has 500 members, but they both present equally compelling – they register and they have compelling reasons to be funded. Will there be some – will those two groups, which are clearly different in terms of their scope and size, will they be given similar funding, or will the size of the organization be taken –

Chair: I have been advised that that's in a later section, as well.

Dr. Bevan-Baker: Can you tell me what section that's in?

Mr. J. Brown: 16.

Chair: 16.

Dr. Bevan-Baker: 16.

Chair: If you don't mind holding your question for that section?

Dr. Bevan-Baker: Okay –

Chair: Thank you.

Dr. Bevan-Baker: – yeah, that's fine.

Chair: Okay, you're good?

Hon. members, shall section 10 carry as amended? Carried.

Thank you.

Section 11

Notice

Upon registering an organization as a registered referendum advertiser, the Referendum Commissioner shall do the following:

(i) that the organization has been registered as a registered referendum advertiser, and either as an opponent or a proponent, as the case may be,

(ii) that the individual appointed as financial agent by the organization has the powers and duties of a financial agent, and

(iii) of the name the organization is required to use when acting as a registered referendum advertiser;

(b) publish the names of the registered referendum advertisers and their financial agents in the manner that the Referendum Commissioner considers appropriate.

Shall the section carry?

The hon. Member from Morell-Mermaid.

Mr. MacEwen: Minister, the – in 11, “(b) publish the names of the registered referendum advertisers and their financial agents...”

Do we publish the names of the financial agents in elections, right now for political parties?

Mr. J. Brown: I’m not going to say that for sure, but I think we do.

Mr. MacEwen: I was just wondering. That was my question, like, if we don’t do it for elections, why are we doing for this? Or, what’s the point?

Mr. J. Brown: I’m not going to say that for sure, one way or another. I think they’re gazetted, probably. Don’t quote me at that.

Mr. MacEwen: Could you find out, just to confirm –

Mr. J. Brown: We’ll see what we can do –

Mr. MacEwen: – and we’ll talk about it after.

Thank you.

Chair: Shall the section carry? Carried.

Section 12

Duties of financial agents

(1) Public money paid to a registered referendum advertiser under this Act shall be

(a) deposited in a bank account established by the financial agent on behalf of the registered referendum advertiser for which the financial agent is acting, and used solely

for the purposes of this Act; and

(b) maintained in the account until used or repaid in accordance with this Act.

(2) No person other than the financial agent or a representative of a financial agent authorized in writing by the financial agent shall incur or authorize referendum expenses on behalf of the registered referendum advertiser.

(3) Every person who has any claim for payment in relation to a referendum expense shall submit the claim within 30 days after ordinary polling day to the financial agent of the registered referendum advertiser that incurred the referendum advertising expenses.

(4) Financial agents shall, within 90 days after ordinary polling day, file financing reports with the Referendum Commissioner, in a form approved by the Referendum Commissioner, accompanied by the invoices, receipts and other vouchers and an affidavit of the financial agent verifying the report and stating that no payment not permitted by this Act was made with his or her knowledge and consent and that to the best of his or her knowledge and belief every expense incurred is entered in the report.

(5) The financial agent of a registered referendum advertiser shall identify himself or herself and the registered referendum advertiser in any referendum advertising that he, she or it places, and shall indicate that the registered referendum advertiser has authorized the advertising.

Hon. members, there is an amendment tabled. Subsection 12 (1) of the bill, “...No. 38 is amended by the addition of the words ‘and contributions’ after the words ‘Public money’.

Are you 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 unanimously.

Shall the section carry as amended?

We have questions from the hon. Member from Charlottetown-Parkdale and the hon. Leader of the Third Party.

Ms. Bell: Thank you, Chair.

There's just a context one in section 3. We had previously been referring just generally to referendum expenses, but at the last sentence, it says – it refers to referendum advertiser expenses. I believe that that should just be referendum expenses because it's not speaking – only to advertising at that point, it is speaking to all general referendum expenses in terms of submission of payment claims.

If that is the case I would just suggest a friendly amendment.

Chair: Can you repeat that, again, hon. member?

Ms. Bell: Certainly –

Mr. J. Brown: (Indistinct)

Chair: Get the section –

Ms. Bell: Section 3.

Chair: Yes.

Ms. Bell: It says, “Every person who has any claim for payment in relation to a referendum expense shall submit the claim within 30 days after ordinary polling day to the financial agent of the registered referendum advertiser that incurred the referendum advertising expenses.”

I believe that that should be just: that incurred the referendum expenses. We are referring to, generally, referendum expenses and not only referendum advertising expenses.

That second last word in that section, I believe, should be removed for continuity.

Chair: Thank you.

Gary Demeulenaere Director: (Indistinct) referendum expenses could be incurred (Indistinct)

Mr. J. Brown: Right, okay.

Chair: (Indistinct)

Dr. Bevan-Baker: (Indistinct) transportation.

Ms. Bell: We had talked earlier about it.

Gary Demeulenaere Director: I think, I'm just trying to go with it as we're on the fly –

Ms. Bell: Yeah.

Gary Demeulenaere Director: – but, I think when you look at the definition of referendum expenses, it doesn't include expenses of a registered referendum advertiser. It has taken that word out in the amendment to refer to expenses of a referendum advertiser, which could be somebody who is an unregistered advertiser.

Ms. Bell: I don't think we're talking about the same thing. I was looking at the definition of, you're submitting payment claims. And, if you're making a claim for payment in relating to an expense that you've incurred as a registered referendum advertiser, which could be any expense, because we've already agreed that there's a broad definition of referendum expenses, not only for advertising, but for other things like meeting space and so on, as it was referred to earlier.

In which case, when you were submitting claims for those expenses – yeah, you can make a claim for payment for those to the agent of the advertiser that incurred those expenses. But, the expenses that you incur are not only for advertising, they are for anything to do with –

Chair: (Indistinct)

Ms. Bell: – yeah, of course. I'll stop talking.

Mr. J. Brown: Yeah, do we want to just leave that and come back to it? I see what you're saying and Gary sees what you're saying. But, I think Gary's point is there and we'll consult with Legislative Counsel is we can.

Effectively, what's he saying is that, when you refer above to referendum expense, it's really then when you get down below just to say that if you have incurred the referendum advertising expense you'll get (Indistinct) for your expenses.

I'm not saying – I'm not trying to argue. I'm just saying, we'll check back with you. That's the logic behind why we wouldn't just say, let's (Indistinct)

Ms. Bell: Okay.

Chair: Are you agreeable to that?

Ms. Bell: Yeah.

Chair: Thank you.

Ms. Bell: Thank you, Chair.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: I'm fine, actually. I realized that my questions are related more to 16 than 12 –

Chair: Thank you –

Dr. Bevan-Baker: – so, I'll just hold them.

Chair: – thank you.

The hon. Minister of Communities, Land and Environment.

Mr. R. Brown: Yes.

There was a question from the member from Morell. Under the official PEI *Election Expenses Act*, section 15: Official agent, of party or candidate, "Every political party or independent candidate applying for registration under this Act or the Election Act, before filing its application with the Chief Electoral Officer, shall appoint an official agent."

Mr. MacEwen: Are they publicly –

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: named though?

Mr. R. Brown: I would assume if they're registered (Indistinct)

Ms. Biggar: (Indistinct) yeah, the same as your own agent (Indistinct)

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you for the clarification.

Chair: Thank you.

Hon. members, shall section 12 carry as amended, but we will come back with an answer to the hon. Member from Charlottetown-Parkdale's question? Carried.

Thank you.

So section 12 carried as amended? Carried.

Thank you.

13. Application of Election Expenses Act

(1) Subsections 3(1), except clause (d), and (4), sections 4-6, subsections 13(3) and (4) and sections 27 and 28 of the *Election Expenses Act* apply, as far as they are applicable and with any necessary changes, to registered referendum advertisers as if they were registered parties under that Act, unless the provision is excluded or modified, expressly or impliedly, by a provision in, or a direction made under, this Act, and, in particular, references in those sections

(a) to official agents shall be construed as a reference to financial agents;

(b) to the Chief Electoral Officer shall be construed as a reference to the Referendum

(c) to financial returns shall be construed as a reference to financing reports;

(d) to election expenses shall be construed as a reference to referendum expenses;

(e) to two years after the date of broadcast or publication shall be construed as a reference to six months after the date of broadcast or publication; and

(f) to political advertisement and political advertising shall be construed as a reference to referendum advertising.

(2) Subsection (1) is subject to the provisions of this Act.

Shall Section 13 carry? Carried.

14. (1) For the purpose of carrying into effect sections 8 to 13 and 15 to 21, and related definitions, or in order to adapt any of those sections or the *Election Expenses Act*, in respect of a particular circumstance related to referendum advertisers, registered referendum advertisers or the responsibilities of the Referendum Commissioner, the Referendum Commissioner may issue a direction as he or she considers necessary or advisable in order to execute the intent of this Act and the *Election Expenses Act*.

(2) The Referendum Commissioner shall provide notice of the direction in accordance with subsection (3) as soon as possible after the direction is made.

(3) The direction shall be published on a website on the Internet and copies shall be provided to the Chief Electoral Officer and the financial agents of the registered referendum advertisers.

(4) Any action taken in accordance with this section or a direction made under this section is not invalid or contrary to the law only by reason of any inconsistency with this Act or the *Election Expenses Act*.

Shall the section carry? Carried.

15. Changes in financial agent

(1) If a financial agent's appointment is rescinded under section 21 or a financial agent otherwise ceases to hold office, the members of the registered referendum advertiser shall immediately appoint a new financial agent who meets the eligibility requirements in subsection 9(3), and shall notify the Referendum Commissioner of his or her name, address and telephone number and include a written statement signed by two of the principal members of the organization that the new financial agent meets the eligibility requirements.

Transfer of public money and records required

(2) If a new financial agent is appointed under this section, the former financial agent shall immediately transfer to the newly appointed financial agent the responsibility and all related records for the bank account referred to in section 12, the public money received by the former financial agent and the records required to be kept under this Act.

Duties continue to apply

(3) Despite no longer being a financial agent, whether a new financial agent is appointed or not, the duties set out in sections 18 to 20 continue to apply to a former financial agent in respect of matters related to the period when that individual was a financial agent.

Shall section 15 carry? Carried.

16. Payments to registered referendum advertisers.

Ms. Bell: Chair?

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: This is the section where the entire section has been replaced. Would it be more effective just to read the amended section?

Chair: I would greatly appreciate that, hon. member, thank you.

Minister, you have to move the amendment.

Mr. J. Brown: I move the amendment as tabled in relation to section 16.

Chair: Thank you.

Section 16

The amendment reads as follows:

16 (1) A referendum advertiser

(a) shall only accept contributions from individuals who are ordinarily resident in the province;

(b) shall only use contributions received from individuals who are ordinarily resident in the province; and

(c) shall not accept contributions from any one individual that in total exceed \$1,000,

(2) For the purposes of subsection (1), the place where an individual is ordinarily resident is the place where the individual lives and to which, when absent, the individual intends to return,

(3) For the purposes of subsection (1), an individual can have only one place of ordinary residence and it cannot be lost until another is gained,

(4) Registered referendum advertisers shall apply for a share of the public money by the date required by the Referendum Commissioner,

(5) As soon as practicable after the date for receiving applications has passed, the Referendum Commissioner shall make payments as set out below and in subsection (6):

(a) \$150,000 in total shall be paid, with

(i) \$75,000 in total being allocated to the registered referendum advertisers that identified themselves on their registration applications as opponents and have applied for a share of the public money, and

(ii) \$75,000 in total being allocated to the registered referendum advertisers that identified themselves on their registration applications as proponents and have applied for a share of the public money;

(b) payments may be made to financial agents only.

(6) The total amount to be paid to each of the registered referendum advertisers shall be determined as follows:

(a) the \$75,000 allocated under subclause (5)(a)(i) shall be divided by the number of registered referendum advertisers that identified as opponents and have applied for a share of the public money, and the resulting amount paid to each of them;

(b) the \$75,000 allocated under subclause (5)(a)(ii) shall be divided by the number of registered referendum advertisers that identified as proponents and have applied

for a share of the public money, and the resulting amount paid to each of them.

The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Minister, is there any maximum on the amount that non-registered ones can take in?

Mr. J. Brown: Say that again, sorry.

Mr. MacEwen: Is there a maximum amount of money that can be fund-raised? The limit is \$1,000.

Mr. J. Brown: Yeah.

Mr. MacEwen: Is there any maximum?

Unidentified Voice: No.

Mr. MacEwen: My next question is basically the same as the Leader of the Third Party.

How are we going to prioritize the people that apply for the public funding?

Mr. J. Brown: Again, it's as set out in 16(6) (a) and (b), I think.

Mr. MacEwen: I see that. Does that mean it's equal.

Mr. J. Brown: Yeah.

Mr. MacEwen: So, 10 groups apply and they get \$7,500 each if they're approved?

Mr. J. Brown: Yeah.

Mr. MacEwen: Minister, when you guys were crafting this legislation, did you think about, like – we're requesting that they submit a budget. So you're obviously interested in how they're going to spend the money.

Did you give any credence to the fact that me and my neighbour want to throw a group together versus a group the size of the coalition for proportional representation, which is a really organized structure and that type of thing? Did you think about that, the balances of two different groups?

Mr. J. Brown: Yes, and I guess what I would say in relation to that – two things.

One is we're not in the business of policing the ideas that any individual proponent or opponent groups would have. As we indicated, there's a minimum threshold there to determine that they are looking to spend whatever public money they would get on legitimate expenses, pro or opponent.

But, we're not going to say that just because the coalition for proportional representation or any large group is a large group. Their idea is any better than, Morell-Mermaid and four of his buddies.

Mr. MacEwen: What I'm getting at, I guess, is back to my questions from yesterday too, about trying to take advantage of the rules.

If you're on the 'yes' side – oh sorry – if you're on the 'no' side, and you really don't want the – you want the 'yes' group to split the money up as much as possible. You could jam a whole bunch of groups in there and everybody gets \$7,000 each or \$5,000 each, or \$7,500 each or something like that.

Do you see any cause for concern with that type of a process where it's yeah, approved and we just divide it equally? Would the commissioner ever say: Do you know what? I think three groups is enough, and say here's \$25,000 each? Is the commissioner allowed to do that?

Mr. J. Brown: I don't think the commissioner – I'll put it to you this way.

The commissioner will have a reasonable degree of discretion as is set out in the legislation. However, I think as long as there's a legitimate purpose for a group to come forward as a group, recognizing what's required to constitute a group – so again, I will be surprised, but I've been surprised before, if there's a large push for groups to go in and meddle with one side or the other.

I think there's enough teeth in here to allow the referendum commissioner a level of – a sufficient level of scrutiny, either at the front end or the reporting end/with the offense provisions, to say to groups that have done that, that have used money for a purpose

other than to propone or opone in relation to the referendum question, that either they have to pay the money back, if there's sufficient time, or they end up paying a fine or whatever the case may be in that particular circumstance.

So there's a minimum threshold to say: Yeah, it looks like you've got a budget here. If it was 10 groups at \$7,500, there's at least \$7,500 worth of legitimate expenses. Or if there is not \$7,500, maybe they take it and divide it up amongst the other groups equally.

Essentially, there's enough for the – there's a good enough mesh to insure that there's legitimate expenses being paid, but it's not so fine as to tell people what they need to be doing.

Mr. MacEwen: I do see it as a red flag that someone can come in and say: Here's my budget. I plan on advertising my legit group, and I'm going to take out three ads in *The Guardian* and put a big sign at the end of my lane. There's significant money that can be done.

On the flip side, I'm just using the coalition as an example because it was a fairly good organized group kind of thing, but you could take a group like that and divide it up into a whole bunch of small groups and all apply for the funding too, to try and dominate the \$75,000 that way too. If I throw in 20 groups of five, it's only a 100 people and just so you can try and get the maximum amount of money too.

I think that's going to be really difficult, and I use both examples. The first one where you're doing it maliciously to try and take money away from a 'yes' side or you're doing it to try and get as much of that 'yes' side as you can. I don't know.

I'd almost feel more comfortable, assuming the process to get a commissioner is legit and it goes appropriate, letting that person have some say on the groups that are applying because I can see red flags going both ways of sucking up the \$75,000 in a strategic way. Now, you say you're comfortable with the provisions in there too, that that won't happen.

Mr. J. Brown: What I'm saying is – we have thought about this. This is where we decided to go with it. It wasn't without any consideration. I can tell you that over the course of time, we've given significant consideration to that possibility as well.

The only problem with it is any time you are in a situation where you're going to put that level of discretion in the referendum commissioner, it opens up to requirement for an appeal process, as an example. If you get into a situation where the referendum commissioner says: Well, I've got all of these budgets. I am going to give Morell-Mermaid \$1,000 and Georgetown-St. Peters 10, Morell-Mermaid could be saying: Well, that's not fair.

Then you're stuck in a perpetual cycle and the purposes of the referendum are being held up.

Chair: The Premier has an intervention. He might be able to help with that answer.

Premier MacLauchlan: I'm not sure it's an intervention that warrants going ahead of Morell-Mermaid.

Chair: If that's the case, I'll put you on the list.

Premier MacLauchlan: It's on this topic, but it can wait.

Chair: The hon. Member from Morell-Mermaid.

Mr. MacEwen: I get that, minister.

That makes sense if you have to go through a whole appeal process because can you completely trust in the fact there's no bias there with the commissioner and that type of thing? And excuse me if I've missed this before, but as far as the external fundraising to the public money, are we allowed to mix that? If I'm a group, can I take public money and fundraise from –

Mr. J. Brown: So up to a point and then when it comes time to get the public money, no. You have to not use any more of your –

Mr. MacEwen: Right.

Mr. J. Brown: You have to comply within the provisions first.

Mr. MacEwen: So if you were –

Mr. J. Brown: And then if you have complied, you can take the public money, but then once you get public money, you can't use private money.

Mr. MacEwen: Right. So I guess going through my mind, if you were worried that you were only going to get \$7,500 and you needed a lot more, you would go out and fundraise heavy, I guess?

Mr. J. Brown: In the pre-referendum period, but recognize once you get past that, you're going to be limited in terms of what you can spend.

Mr. MacEwen: Yes. All right.

Thank you, Chair.

Chair: Thank you.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

Minister, you mentioned a little while ago, essentially, that it's not the job of whoever determines where this money goes to give weight to the quality of any of the submissions that come in.

And I have to echo the concern of Morell-Mermaid as to how that – with no mechanism to protect the public money, to know that it's going to – and I know we removed the bona fide (Indistinct) intent from the – I think it was section three or section four – although that would have been a difficult thing to determine anyway. But there really is no mechanism to protect against the sort of mischief – people coming forward or groups coming forward and I wondering if you're concerned about that.

Mr. J. Brown: I'll just say a few things.

If you look at 10 sub (3): The Referendum Commissioner may request further information in respect of how the organization or its principal members, financial agent or name meet the criteria set

out in subsection (2). That criterion is set out there.

We'd be publishing the information in relation to those particular organizations. I think, as I said there before, and then the referendum commissioner has the ability to set a process in place, for example, with documents requiring a fillable form saying: This is the information I expect to get.

What we're really saying is not to the referendum commissioner to scrutinize and say: Well, you could buy an ad in *The Guardian*, but you couldn't buy an ad in the tabloid journal – I don't think that's a real paper, but anyway, you get what I'm saying.

The referendum commissioner, as long as it's being used for a legitimate referendum expense, is not there to say: Yes, that's just a poor use. It's up to those groups to put themselves forward with a plan, and unless the plan clearly falls outside of the proposed uses of that money in the legislation, then it's not for the referendum commissioner to question that. As I said, if you get in to a wide ability to question at that point in time, you're into a problem with your process, as I just described to the hon. Member from Morell-Mermaid.

Dr. Bevan-Baker: And is that, minister, why you took out that subsection earlier about bona fide interest in it – that that would be such a hard thing to determine?

Mr. J. Brown: For one part; the bona fide interest part really speaks to as much the insular Prince Edward Islander piece as anything else, but there's connections through to that. And overall, I think we can do without it is why I took it out.

But that would be a linkage to say there's a bona fide reason why you would be spending the money for that. Or when you take it back – if you want to look at it at a higher level, bona fide could mean you're a Prince Edward Islander and therefore you have an interest in this referendum, versus somebody that's not. There's just a specificity question with bona fide – is the only issue with it.

Dr. Bevan-Baker: I was glad to see that gone because it would have been a difficult thing to interpret clearly.

So I'm wondering if there is really no – presuming that any group falls within the criteria that you just described for accessing funding, there's really no limit whatsoever on the number of groups, presuming if that they meet those criteria, accessing those funds. You could have a very large number of people of varying levels of, you might say, professionalism or competence, and I realize they have to present a plan, but as long as they're within this, there's no credence given to the quality of that plan.

I still have concerns that the process here is pretty lax and would allow – I'll call them mischief groups – coming forward on one side or the other to dilute the amount of funding that would be going to other groups. Is that a concern?

Mr. J. Brown: I'm not going to say it's not a concern. It's always going to be a concern, but again, you have to walk that line between making a mesh so fine it catches people, or to use the words of Charlottetown-Parkdale, it dissuades people who might enter into that process and having it so wide that it doesn't do the job that it's supposed to do.

We feel that we've walked that line very well. Again, it's like anything else, if you think there's a better way of – and if you do it too fine, again that's a potential for a constitutional issue. These are all the considerations that go into these sorts of things. We feel that we've been pretty fair in terms of the way that this has been set out.

Not to belabour this point, but anyways. This is based on BC's program, or at least loosely, and then again, back to comment I made earlier about if there was ever a question as to how the referendum commissioner exercise their discretion, have to allow for a whole appeal period. That, particularly if you're into a short referendum period, would be very problematic. You have to balance these two things off and, like I say, that was a big part of the consideration in where we ended up. If people think the mesh is too fine or too wide, again happy for input.

Dr. Bevan-Baker: Thank you.

I do appreciate the fine line you were trying to walk there.

I want to go back to subsection five now about the payment of public money to registered referendum advertisers. The first sentence there is: as soon as practicable after the date for receiving applications has passed. As I mentioned earlier, there's actually no specified end date to that.

Can you tell us who decides when that date for receiving application is passed?

Mr. J. Brown: Under sub (4), the referendum commissioner will set that date.

Dr. Bevan-Baker: And how much warning will the groups be given that that date is coming?

Mr. J. Brown: That would be up to the referendum commissioner.

Dr. Bevan-Baker: If I understand it right, all of the monies collected from the public – sorry, through donations – have to be spent before they can access public funds. Is that correct?

Mr. J. Brown: Not really, no. I mean, you just can't spend them after.

Dr. Bevan-Baker: Okay, so what would happen to unspent donations?

Mr. J. Brown: Give them back or – wouldn't be for me to say, really.

Dr. Bevan-Baker: So there's no statutory requirement. There's no mandate in here as to what to do with unspent funds. But if they want to spend –

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Sorry, Chair, my apologies.

But if those groups want to spend them related to the referendum, they have to be spent prior to receiving any public funds.

Mr. J. Brown: And in accordance with the legislation.

Dr. Bevan-Baker: Right, sure.

Gary Demeulenaere Director: I want to draw the point that if they were spent on things other than what's defined as

referendum expenses or referendum advertising, for instance: public education pieces, they wouldn't be caught by those capped definitions. So there is a circumstance where I can envision those if you had leftover money and wanted to do something with them, as long as you weren't doing something that's caught by those definitions in terms of your expenditure.

Dr. Bevan-Baker: Okay. And that phrase 'as soon as practicable', I suppose that's in terms of that's practicable for the commissioner? Is that correct?

Mr. J. Brown: Yes. Just to be clear, yes is the answer to that.

Dr. Bevan-Baker: I think we changed 9 subsection (1) which had the registration period, maybe up to 30 days. Can you just remind me as to how – did we delete that section or delete those words?

Mr. J. Brown: Yes.

Dr. Bevan-Baker: We did. So the registration period is really open from the proclamation of this act until a date set by the commissioner?

Mr. J. Brown: Yes.

Dr. Bevan-Baker: When the commissioner sets that end date for receiving applications, is that also the same signal that the referendum period has started, or are those two separate things?

Mr. J. Brown: They're not exactly the same thing. The referendum period would start prior to that, but – so at a given point in time, the order will come, it will be published, the referendum commissioner's duties in relation to the actual referendum period commence, and part of that is the 'as soon as practicable' after that period starts. There might be a gap of days or weeks between the referendum period starting and when public money's actually in the bank account of the registered financial agent.

Dr. Bevan-Baker: Okay. So just on a practical term, if I am a registered referendum advertiser and I've been collecting donations to spend as a proponent or opponent, the first signal that we'll get that the time is coming when we have to

stop spending those donations will be a proclamation from LGIC that the referendum period has started. And then the restrictions on spending those donated funds will take place as soon as practicable when the registration period comes to an end?

Gary Demeulenaere Director: I think in 17 sub (4), the restrictions – I know we're not there yet, but it says that the restriction on that spending would be after they've received public money. I think if what we're talking about is the week, or something, or few days in between the end of the registration period and disbursement of the public money, the way that I would read 17 sub (4) would be to say that they would still be allowed to spend in that period, but once they actually receive their public money, they have to spend that.

Mr. J. Brown: But just to be clear too, they still have to adhere – the thing about the referendum period is once it starts, it's a specified amount. Right? So you can't go –

Dr. Bevan-Baker: Right.

Mr. J. Brown: – you can't go over that amount, but you can spend within that. And once you get the public money – once the public money is in your bank account, you have to stop? You have to had adhered first and then stop when you get it.

Dr. Bevan-Baker: I'm sure anybody listening and watching will appreciate this. It's a complicated, convoluted process here and things coming and going and monies that are available to spend here, but not there. Monies that will be available to be spent, but aren't available yet and registered and unregistered. It's very complicated roadmap and I'm still myself struggling to get my head around it.

One question regarding the distribution of the public money to however many groups are successfully registered as advertiser: We know that the referendum period could be anywhere from 26 days to eight months and that proclamation from LGIC will just tell us that the referendum period has started; it not going to tell us whether it's going to be at the short end of that spectrum, or the long end of that spectrum.

But these groups will receive their money within days – Gary said a week. How will they know whether they should be spending that money at the beginning of that time? Should they be budgeting for over eight months? How can they practically budget their expenses not knowing the length of the referendum piece?

Mr. J. Brown: I'm just going to address a few things here. I actually think the process that's set out is reasonably simple. There's a pre-referendum period where there will be a referendum commissioner that will be set up to educate everybody on everything from the discussion we're just having about budgeting, to the actual systems – which will occur right through until the referendum date.

The only restrictions on spending, at that point in time, are on outside money or big money; so, corporations, trade unions and non-residents. Then, when we get to further period, anyone that wants to be involved in terms of referendum advertising expenses will have three options; go out on their own, in which case they have a \$1,000 limit; gather up with a group, in which case the max they can spend is \$10,000 or the 1,000 per person; or they can become a registered referendum advertising – registered referendum advertiser and it's pretty clear, I think, in terms of what's required to do any one of those three.

It's not really that complex when you get down to it.

The second piece that I would address would be again, when you're in an eight-month window leading up to an election, we all have a sense of is the election going to be in the spring? In the fall? We usually know it's not going to be in the middle of the winter or the middle of the summer. I think people have a fairly good idea around here of what you're looking at. It's starting to be more confined as you get into that eight-month window.

It would be my expectation that between that and the education program that the commissioner is going to put forward, in terms of how you go about doing this, and the signals that would be going back and forth between the commissioner and any groups that are interested.

And, probably, between the group – if you're interested and you have one idea and we know that there's another and the referendum commissioner can say: hey, did you speak with the Leader of the Third Party about that because both of you want to do that same thing? There will likely be some interaction, I would suspect that will go on in that lead up, too.

By the time we get around to it, I would say, groups will have a reasonable idea of where they will sit.

Dr. Bevan-Baker: A couple of things on what you just said, minister.

The eight-month window does actually present a problem for trying to discern when the election will be if that – if it starts in September, for example, that would cover both the potential for where we call regular election periods, which would be in the fall and the spring. You would not know whether the referendum period was going to last for a very short period of time and it be a fall election, or a very long period of time and it be a spring election. That's one of the reasons why I think eight months is problematic.

There was another thing that I was thinking of and I've forgotten it, now.

Chair: Can I go to the – the Premier's next on the list –

Dr. Bevan-Baker: Please do, I'll try and (Indistinct) it up.

Chair: Thank you.

The hon. Premier.

Premier MacLauchlan: Thanks, Chair.

I had two points. The first is, on the questions that have been raised about the extent to which there might be shape or standards in the accessing of the public funds.

I totally appreciate how you spoke about the balance or the need to have a light regulatory hand, I'll say, given the various comments that have been made about concerns on the constitutional front.

Three questions. One, does the commissioner within the scope of the powers that have been given to the commissioner and then together with section 16 that we're now on, have the ability to give out these or disperse these funds in more than one installment? Could the commissioner give – let's say, there are, some have said, maybe, as many as 10 contenders – to give them, you know, the first half or the first third to see how they get along with it to perhaps, bring in some rigour that isn't, I'll call it, regulatory in the, kind of, strict sense, but that, nonetheless, is – can't help but be performance-based if you see how they get along?

Mr. J. Brown: I don't believe that there would be anything that would prevent that, Premier. I think the big thing would be as long as there weren't groups that were, kind of, out of money, I think. Just on the assume as (Indistinct) part, but I don't think there would be anything that would prevent that.

Premier MacLauchlan: I've been asking the question, and I'm sure the commissioner will pick up on all of this, indeed, when they start to see what interest is being shown, that itself, will dictate or will bring with it an insight as to how best to work through this process.

Second, would the commissioner have the ability and I guess I'm asking: Is there anything in this law that would prevent the commissioner from inviting the various contenders or putative registered advertisers from seeing what the others have put in with an opportunity to comment?

Mr. J. Brown: No, and my own gut would be and certainly, I don't pretend to know who or how they will do this, buy that there would be interaction, I think, between the commissioner and those that are asking questions or putting their name forward. Just in the – this is a small place. There's a fairly good chance that people are going to know anyway. If not, I suspect there would be an interactive piece of this.

It may even be that come a time the referendum commissioner would have a meeting with anybody that's been there and interested just to say, you know, just that: here's the group. Talk amongst yourselves. See if your ideas fit. And, I would say,

address any potential questions that might be there in relation to the actual flow of the public money or whatever.

Premier MacLauchlan: And related to that, or further to it, it may well be that the parties themselves or the commissioner might see the opportunity for one or a couple or several of those groups are – can I call them putative advertisers to get together. It seems to me that in the process that we're looking at here, and, indeed, if you look back at the comment that has been made by the Member from Morell-Mermaid about the PREMIER coalition, there may be more incentive or more of a kind of initiative to merge or combine or collaborate than to try to push the other one off the raft, which I suppose are really, your two options at that stage.

If the commissioner, you know, well-chosen, has that ability, indeed, that may be the best answer or the best scenario, maybe it's more of a scenario than an answer, for how this would proceed in a way that achieves the purpose of the legislation, which is a robust debate that is around a clear question and presumably, that will also have within in an impetus for those either for or against to want to have a clear and coherent case put.

Thank you.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

Just a clarification on subsection (1) that section: contribution to a referendum advertiser. Can I just clarify that this applies to both registered and unregistered referendum advertisers? In terms of those guidelines?

Mr. J. Brown: Could you say that again? Subsection.

Ms. Bell: That that main instruction, which is around contributions to referendum advertisers. Then, it says subsection (1): a referendum advertiser and sets those conditions.

Can you clarify if that – that this is meant to apply to registered and unregistered

referendum advertisers? Because neither is specified.

Gary Demeulenaere Director: Right. That a referendum advertiser is like defined it. Once, you are registered you can't accept.

Chair: Charlottetown-Parkdale.

Gary Demeulenaere Director: (Indistinct)

Ms. Bell: I understand that. But this is actually, the very first section is actually specifying about contributions.

I know that we have – I would assume that this is about, these would apply at both because you want that limitation of \$1,000, maximum of \$1,000 and who that can come from to be applicable to both. You referenced them earlier as applicable to both unregistered referendum advertisers to have that ceiling and also, to how registered referendum advertisers can accept contributions. When I read that, I expected that that's what you meant.

I just would like to clarify that I am understanding that appropriately, that it is meant to apply to both variations; registered and unregistered.

Gary Demeulenaere Director: No. Because a registered referendum advertiser, once their registered – yeah, if you're talking – sorry, if the distinction is contribution versus the expense, is that where you're coming from?

Ms. Bell: This section is contributions –

Gary Demeulenaere Director: Yeah, so –

Ms. Bell: – it's contributions to referendum advertisers, so if the –

Gary Demeulenaere Director: Sorry, yes –

Ms. Bell: – contributions –

Gary Demeulenaere Director: – if it's referring to the contribution is distinct from the –

Ms. Bell: Yeah.

Gary Demeulenaere Director: – later section in 17 that says even if you collect it you can't spend it.

Ms. Bell: Yeah (Indistinct)

Chair: Charlottetown-Parkdale.

Ms. Bell: – thank you, Chair. Sorry.

Thank you, Gary. This is – this section, in 16, so it's specifying how those advertisers can accept contributions.

I'm clarifying that those guidelines apply to both variations; registered and unregistered.

Mr. J. Brown: Yeah, it's just the timing is the only –

Ms. Bell: Yeah, okay.

Mr. J. Brown: – catch point on that, I guess, is what we're saying.

Ms. Bell: Another question just about intent regarding section (4) in 16: Application for public money, "Registered referendum advertisers shall apply for a share of the public money by the date required..."

My understanding of the word 'shall' is compel: you must. If their registered referendum advertiser chooses not to apply, is that a problem?

Mr. J. Brown: They wouldn't be registered unless they had applied. The 'shall' there is creating a hard stop that can be implemented by the referendum commissioner. So it's: shall apply by that date. Not: you shall apply.

Ms. Bell: We have a very distinct, separation of actions, previously, that we've discussed, which is that the registration – to register, the conditions of what makes a registered referendum advertiser and the process of applying, which is separate from the allocation of those funds.

While a registered referendum advertiser may go through those steps so that they can be registered and have a financial agent to do all of those other steps, which are very clearly set out, it – if they could choose not to actually say: yes, I want to apply for the funds, if they find out there are 40 other

applicants and frankly, they're better off staying in their \$10,000 envelope, if there's only \$2,000 available in public funds, then they may well choose just not to apply for that.

That's my – and if it says 'shall', does that mean they must or are they able to opt out of that should they see that it's not to their benefit to do so?

Mr. J. Brown: I think they could opt out up until the time that they actually have the money in their bank account.

Ms. Bell: Right.

Mr. J. Brown: That's when they have to stop spending the private money that they would have.

Ms. Bell: Okay.

Thank you, minister, that is, potentially, further from the previous discussions about what may happen, there needs to be room in there for those advertisers to make an informed decision about what is the best way to achieve what they want to achieve.

If it's, they've to \$10,000 in contributions and they could continue using that, rather than take public funds, which would actually mean they have much less spending power, they're not going to choose to keep going with the public funds and opt out of that smaller allocation and the restrictions that that would bring.

That was my reasons for requesting a clarification on 'shall' just in that you don't have to take the public money if you see that it is not in your best interests; it isn't what you're trying to achieve as a registered referendum advertiser.

Mr. J. Brown: No: shall apply by a certain date, not –

Ms. Bell: Not must.

Mr. J. Brown: (Indistinct) shall apply.

Ms. Bell: My other question is following up on something that the Premier had said regarding that potential of balancing out allocations or perhaps doing them in phases.

We did see an amendment from the Minister of Finance previous to this one being tabled which looked at payments being staggered out. It actually also had a much higher payment amount. It was \$250,000 to be set aside for this activity with 125 going to each of the proponent and opponent groups, and then out over a balanced period with an initial up front and then further payments over a period of time.

Minister, could you speak to why we have dialed back from that \$250,000 back to the \$150,000 in your current, most recent amendment?

Mr. J. Brown: Well, starting from the simplest response – which is that the time window has been narrowed in. So the last – the Minister of Finance’s amendment – and I don’t want to speak too much on his behalf, but the amendment was funds that were triggered over a period of time. So it was 75 to start and then I think if memory serves, if we went beyond, it was either December 1st or December 31st. It was an additional allocation, I think \$25,000 and then I think it was June or July 1st of next year. If we went beyond that date, then it was a further \$25,000.

The amount is not really – if you look at the time windows, the amount’s actually the same or similar. The time has shifted, and so overall, what we’re saying is if you want to spend that – so when that amendment was proposed, public money was the money. Now there’s the ability to go raise money, because that’s something that in particular you guys had indicated was important. So again, we’ve listened and said: Okay, if we want to have people have an ability to have a period where they can raise and spend, let’s enable that.

Again, there’s also the addition of the, I’m going to call it a clarification because it had always been envisioned, but with the two 10,000 part where 10 or more individuals can get together and – I shouldn’t say 10 or more, but the limitation would be \$10,000 on individuals getting together and spending up to their maximum of a thousand.

Ms. Bell: Minister, obviously there have been lots of moves and changes since then, and the original scope of that was as soon as practical – I can’t say that –

Chair: (Indistinct)

Ms. Bell: – as soon as practical after July 1st 2018 and up to potentially July 1st, 2019. As my hon. colleague mentioned, that potentially eight-month runway is one of the concerns raised around the expending of funds without a clear end date and budgeting accordingly.

To the Premier’s point earlier, regardless of some of those other factors changing in terms of dates and spaces, if we have the opportunity to have that pre-referendum which allows organizations to fundraise within those limitations as you’ve said and then the beginning of a referendum period, if that referendum period remains indeterminate, then the ramping of that allocation of funds, if it does extend beyond a certain period, then those potential additional funds, as they were identified in the original finance minister’s amendment, could actually be a way to sort of relieve some of those concerns that potential participants have about how do we budget in an unknown space.

And so while I recognize that lots of other things have changed in the context of this space and the pre-referendum pieces of the contributions are great, a rolling allocation of funding is one of the ways that is actually really well utilized and recognized in the community sector, for example, for ongoing projects. I think we’re quite familiar with those, those of us who have worked in that sector. So Minister, I would really perhaps encourage you to consider that as the Premier mentioned as an option.

Mr. J. Brown: I’m sure the commissioner will, yeah.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

I’ve got two or three questions here, but before we get into that, this provision to allow the raising of funds, contributions from individuals, you mentioned it was in response to some of the concerns we brought.

I just want to be clear. I don’t want people to be left with the impression this was some sort of concession to the third party. Our

concerns were that it wasn't charter-compliant as it was originally written. The change here, which I welcome, was not because the third party thinks it's a good idea. It's because we wanted this bill to be as strongly charter-compliant as it is. That's why this provision to allow contributions from individuals, I think, is such an important addition to the bill and I thank you for that.

I just want to clarify one thing that Gary said a couple of times. He said: Once you're registered you can't accept contributions. I was of the understanding that it's once you receive the public money that you can't receive contributions. I just want to clarify that.

Gary Demeulenaere Director: Yeah, I believe that's correct. That once – the distinction between you happen to register with a commissioner versus, I think, the correct distinction that you've noted. It's that the time that's set out in section 17 that you receive the public money is when – that's what you have to spend.

Dr. Bevan-Baker: Right. Yeah, so just to be sure: you can accept, you can register and still accept contributions?

Gary Demeulenaere Director: Yes. I don't read this to prevent you from accepting it. And as we've said, you can continue to spend it up until as set out in section 17, the time you're distributed the public funds. That effectively (Indistinct) what you can spend.

Dr. Bevan-Baker: Okay.

This is following on the Premier's comments, actually, about the discretion of the referendum commissioner to, perhaps, give this money out in sections rather than all at once. There isn't – there's no – it's not defined here where in subsection (6) as to whether all that money has to be given out in one lump sum.

Does that discretion still exist even – we wouldn't have to change the legislation of amend it, to allow the commissioner that provision.

Mr. J. Brown: The only direction is, as soon as is practicable. The commissioner, I

don't think, would have the ability to hoard it until the very last if there were groups there that were wanting it. But, if there is a staged roll out, in other words, you say, you're going to do these certain things within certain timeframes. Go spend that money and then come back and I'll give you more.

I would think that would be something the commissioner would like that.

Dr. Bevan-Baker: One final comment and it's about election timing. I mentioned earlier about the problem with the eight months is that it encompasses both the traditional fall and spring election periods and therefore, makes it very difficult for groups to know whether we're going for one or the other.

We have had them. There was a general election, it was a national election, but in January, I believe, back in 2006. It's not that elections don't or can't happen at other times, they do. The idea that somehow the traditions of past election dates will give a clear indication to groups when the next election will be is problematic from two points of view.

One that it could be at any time. The second is that eight months would encompass, depending on the timing of the proclamation from LGIC, it would encompass both fall and spring elections.

I just wanted to make that point.

Chair: The hon. Premier.

Premier MacLauchlan: Chair, on this latter point about the sharing of the space, I'll call it, between the referendum and then further into the space the election writ period, I'd encourage anyone whose considering being a referendum advertiser to read the exchange that the minister – that the Member from Morell-Mermaid and I had on Tuesday night on this very question of the, let me call it, the way in which that eight-month period would and should be seen relative to the purpose of this act and relative to all of the conventions and laws that pertain to elections in the province.

I don't think anyone should be under any concern or misapprehension that the

referendum period is going to be as short as, or nearly as short as, the writ period. We, in fact, defeated an amendment along those lines, and have had quite a bit of discussion here on the floor about the desirability and the reason that goes with the purpose of this legislation for the referendum to require a longer runway.

Chair: Thank you.

Are we ready for the question on the amendment to section 16?

Some Hon. Members: Question.

Chair: All those in favour of the amendment signify by saying ‘aye.’

Some Hon. Members: Aye!

Chair: Those voting against the amendment, ‘nay.’

The amendment is carried unanimously.

Shall section 16 carry as amended? Carried.

Section 17

I believe there is an amendment to section 17. I’ll read section 17 and then the amendment.

17. How public money may be used

(1) For the purposes of this section and sections 18 and 19

(a) “disqualified person” means

(i) an organization that is not eligible under section 8 to be a registered referendum advertiser, or

(ii) an individual described in subclause 8(4)(b)(i), (ii) or (iii);

(b) “member” means a member of a registered referendum advertiser, and includes the financial agent of the registered referendum advertiser.

(2) A member shall only use the public money received by the registered referendum advertiser for referendum expenses, and shall not incur a capital

expense.

(3) A member shall not accept any contributions during the registration period.

(4) A member shall not use any money other than the public money received by the registered referendum advertiser for referendum advertising or generally for the purposes of opposing or supporting a mixed member proportional voting system, as the case may be, on behalf of the registered referendum advertiser, during the registration period.

(5) A member shall not use the public money received by the registered referendum advertiser for the purpose of election advertising or making political donations, even if the election advertising or political donation would be used to oppose or support a mixed member proportional voting system

(6) A member shall not use the public money received by the registered referendum advertiser in a manner that a reasonable person would consider

(a) is primarily for the benefit of a disqualified person; or

(b) features

(i) the name of a disqualified person,

(ii) the face or voice of a disqualified person, or

(iii) a slogan, a logo or another thing that is associated with a disqualified person, regardless of whether the public money is also used to oppose or support a mixed member proportional voting system.

(7) A member shall not spend more than the amount of public money received by the registered referendum advertiser for referendum expenses of the registered referendum advertiser.

(8) The Referendum Commissioner may issue directions respecting what a capital expense is, for the purpose of subsection (2).

The amendment that is on the floor, or that has been tabled is section 1 (1) – sorry –

Mr. J. Brown: I move the amendment.

Chair: Thank you.

The minister just moved the amendment as tabled.

1. (1) Subclause 17(1)(a)(ii) 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)”.

(2) Subsection 17(3) of Bill No. 38 is deleted and the following substituted:

(3) A member shall not accept money that is not public money after the registered referendum advertiser receives public money pursuant to section 16.

(3) Subsection 17(4) of Bill No. 38 is deleted and the following substituted:

(4) A member shall not use money that is not public money after the registered referendum advertiser receives public money pursuant to section 16 for referendum expenses or generally for the purposes of opposing or supporting a mixed member proportional voting system, as the case may be, on behalf of the registered referendum advertiser.

(4) Subsection 17(7) of Bill No. 38 is deleted and the following substituted:

(7) A member shall not, after the registered referendum advertiser receives public money pursuant to section 16, spend more than the amount of public money received by the registered referendum advertiser for referendum expenses of the registered referendum advertiser.

The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Chair.

So, leading up to and following the plebiscite, I had some individuals, when I was speaking to them, door-to-door that they raised some concerns with regards to promotional or collateral material that came to their house, in their mailbox or flyers. There was some confusion because they thought it was coming from Elections PEI because of the branding of these pamphlets

and flyers were very closely and I just see here in section 6 where it talks about the logo and similar things like that, “a slogan, a logo or another thing that is associated with a disqualified person...”

I’m just wondering, are there any conditions or regulations that will be set in place to ensure that there’s no overlapping of familiarity with regards to Elections PEI, so that a group can’t come in and mass produce information whether they’re for or against and distribute this to the general public?

Chair: Thank you. Minister? Gary?

Leader of the Opposition: Thanks.

Mr. J. Brown: I think the overall answer to that would be, there’s a general prohibition in law against using anything that would be so similar as to be confusing with a noted, you know, there are different IP terms about a trademark, a copyrighted mark or a domain name or different things like that that would likely be used by Elections PEI.

We – this legislation, it does not prohibit that any further, but just to be clear about it. If you’re going to be a registered referendum advertiser –

Leader of the Opposition: Yeah.

Mr. J. Brown: – you have to register your name, your financial agent. You have to clearly put on whatever it is that you’re disseminating. You know, who you are. Actually, I guess that’s whether registered or unregistered.

You’re going to be going, even if it’s John Doe, going out on his own, going to spend his 1,000 bucks. John Doe still has to put on there, John Doe, so if John Doe does not put on – John Doe does up a pamphlet and puts it out then it’s authorized by John Doe or terminology to indicate that it came from John Doe. That would be problem number one.

If John Doe puts it up there and it’s got like Elections PEI on the top and whatever that is so similar as to Elections PEI piece as to be confusing. Then, that would be an issue that, I think, could be taken up by Elections PEI.

Leader of the Opposition: Yeah.

Thanks, Chair.

Chair: Thank you.

Are you ready for the question on the amendment for section 17?

Ms. Biggar: Question.

Chair: All in favour of the amendment to section 17, signify by saying 'aye'.

Some Hon. Members: Aye.

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

An Hon. Member: Nay.

Chair: The amendment is carried.

Shall section 17 carry as amended? Carried.

Thank you.

Section 18

Repayment of unused public money

(1) A financial agent shall repay to the Referendum Commissioner public money held by the financial agent as follows:

(a) if the financial agent receives a notice of repayment under subsection (3), repayment shall be made in the amount and within the time stated by the notice;

(b) if any public money is not used for referendum expenses, repayment of the amount of unused public money shall be made

(i) within 60 days of the end of the registration period, or

(ii) if debts are outstanding or in dispute, such longer period as the Referendum Commissioner permits on request;

(c) if public money is returned to the financial agent from any source, such as from a rebate or refund, the amount of the returned public money shall be repaid within 15 days of its receipt.

(2) The Referendum Commissioner may, at any time, require a financial agent to repay all or part of the unused public money held by the financial agent if the Referendum Commissioner has reason to believe that any of the following grounds apply:

(a) the organization on behalf of which the financial agent is acting is not eligible to be a registered referendum advertiser, or is not an opponent or proponent, as the case may be;

(b) the person is not eligible to be a financial agent, or has contravened any provision of this Act;

(c) the registered referendum advertiser or a member has contravened any provision of this Act.

(3) The Referendum Commissioner may require repayment under subsection (2) by delivering to the financial agent a notice of repayment setting out

(a) the amount owed;

(b) the time in which the amount shall be repaid;

(c) the reason for the repayment; and

(d) the manner in which repayment shall be made.

(4) If a financial agent does not repay public money in accordance with this section, the amount that is not repaid is a debt due to the Government by the financial agent.

(5) An amount repaid to the Referendum Commissioner under this section or section 19 or 20 shall be transferred as soon as possible to the Minister of Finance to be paid into the Operating Fund.

We have a question from the hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

It's just to do with the amount, it's subsection (4) of section 18 here, I sort – I think I asked this question earlier and I can't remember what the answer was. I just want to clarify that.

It's to do with the amount that is not repaid, or not, not spent. It says here it's repaid as a debt due to the government.

You cannot – I think, earlier, it was mentioned that that money could be returned to the donors, but that's not the case.

Gary Demeulenaere Director: It's distinct from the public money.

Dr. Bevan-Baker: I'm sorry, again?

Gary Demeulenaere Director: Distinct from the public money, right? So, if you have a contribution from the private that you still have –

Dr. Bevan-Baker: Yeah.

Gary Demeulenaere Director: – you could do as you see fit with that –

Dr. Bevan-Baker: Oh, okay.

Gary Demeulenaere Director: – but if you have leftover public money, it has to be returned.

Dr. Bevan-Baker: I'm sorry. I see this section is strictly about unused public money. My apologies.

Chair: Thank you.

Shall section 18 carry? Carried.

An Hon. Member: Call the hour.

Chair: Thank you.

The hour has been called.

Minister, I just need you to read this.

Mr. J. Brown: Sure.

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*, (Indistinct) 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 Montague-Kilmuir, that this House adjourn until Tuesday, June 12th, at 2:00 p.m.

Speaker: Shall it carry? Carried.

May we all have a wonderful weekend.

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