

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

Hansard, Published by Order of the Legislature

Third Session of the Sixty-fifth General Assembly

Tuesday, 12 June 2018

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ADJOURNED..... 3675

The Legislature sat at 2:00 p.m.

Resolution of Sympathy

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, with your permission of the House, I have a motion that is seconded the hon. Leader of the Opposition and the Leader of the Third Party, a motion of condolence, if I may, Mr. Speaker?

Speaker: Go ahead, hon. Premier.

Premier MacLauchlan: I'll read the motion, Mr. Speaker.

It's calling on the Legislative Assembly to express our shared grief in honour of the two individuals, who died tragically as a result of a boating accident over the weekend.

I give notice, then, seconded by the Leader of the Opposition and the Leader of the Third Party the following motion:

WHEREAS two individuals died tragically as a result of a boating accident Saturday past;

WHEREAS their families and friends are shocked and deeply mourn the loss of their loved ones;

WHEREAS the people of Prince Edward Island share in their grief and suffering during this very difficult time;

WHEREAS the first responders and the fishing community rallied in compassionate support for all those involved;

THEREFORE BE IT RESOLVED that the Legislative Assembly honour and remember those, who have lost their lives and those who continue to mourn their untimely and tragic passing.

I'll make that motion, Mr. Speaker.

Speaker: Shall it carry? Carried.

Premier MacLauchlan: And, if I may, I'll make a brief word and others can speak.

This comes a point in the lobster fishing season, but generally in the seasons when people are on the land and on the sea in this province. We've spoken many times in this House about the desire and the hope that these seasons would go safely. This is a reminder, indeed, of the risks that people take in our, in particular, our primary sectors.

It undoubtedly affects people in the fishing sector in all parts of our province. It certainly affects all Islanders and communities. In particular, of course, people in the south eastern part of the province. It's certainly with a heavy heart that we make this motion and extend our condolences today.

Thank you, Mr. Speaker.

Speaker: Also addressing the motion the hon. Leader of the Opposition.

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

I'd also like to sincerely thank the Premier for bringing this motion forward and agreeing to have both myself and the Leader of the Third Party second this motion, as well.

It's certainly with a heavy heart that I rise to second this motion. This spring in harbours all across our province hundreds of fishing boats set out daily to work the waters around our Island. Because our fisheries are so deeply ingrained in the fabric of our rural communities, the public sometimes forgets just how dangerous this industry is.

Sadly, this weekend, we had a tragic reminder of exactly how dangerous our fishery can be. Tragedies like this tear at the heartstrings of everyone who earns a living from the fishery and their loved ones.

Certainly, no amount of words will take away the pain and heartbreak being felt in the community, but that pain and heartbreak is being shared by all Islanders.

To the families and friends of those lost, we certainly extend our deepest sympathies and condolences and mourn along with them.

The collective outpouring of grief and

condolences from across the Island and from fishing communities all across Atlantic Canada is certainly real and heartfelt.

It's in the spirit that we are speaking to this today, and that's why I'm honoured to second this motion.

Thank you very much, Mr. Speaker.

Speaker: Also speaking to the motion, the hon. Leader of the Third Party.

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

I want to also thank the Premier and the leader of the official opposition for coming together in our collective grief and making this pronouncement in the House.

It just appears we've had so many tragedies recently – there's just so much pain in so many communities on our Island. I think this motion captures perfectly what we all want to say. We want to honour and we want to remember the people who died and their families and the communities from which they came.

I think we also, and this has been mentioned by at least one member of this House; that we should also be fully aware of the impact that such tragedies have on the first responders on Prince Edward Island when a local tragedy occurs like this. Almost inevitably, those who respond know or perhaps are even related to those involved. That's a tragedy on top of a tragedy. We are all thinking of the families and the communities involved.

Thank you, Mr. Speaker.

Speaker: Also speaking to the motion, the hon. Member from Belfast-Murray River.

Ms. Compton: Thank you, Mr. Speaker.

It's with a heavy heart I get up today to speak, once again, of a tragedy in our district; the loss of lives that happened on the weekend on the water. It's really hard to believe. I know the community is in shock, and are banding together. It's a tight-knit community and I know all of the fishers are feeling this hurt and this loss.

Fishing plays such an integral part of the Island way of life. I know that everyone I talked to on the weekend who heard about it, it just hit them just right in their heart.

It's a tragedy. I just want to send out condolences to the families. As the hon. Leader of the Third Party mentioned, the first responders, I know how difficult it must be for them to know that they're responding to a tragedy and it's someone that they probably know. I know they acted with professionalism and continue to support Islanders in the way that we need support when it comes to a tragedy like this and I just want to send my condolences to everyone affected by this.

Thank you, Mr. Speaker.

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

Shall the motion carry? Carried.

Matters of Privilege and Recognition of Guests

The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker.

Welcome to colleagues here and staff of the Legislative Assembly, Pages, everyone who's been here now into, I think, well into our tenth week, for a further week and turn to the gallery, we're down to – I shouldn't say 'down to' – we're well served by – and our most loyal attender in the gallery, Eddie Lund, and I certainly want to welcome you again today, Eddie.

Welcome everyone who's following these proceedings by television or Internet. I know in my getting around, I'm always interested to learn of people in our communities who are loyal followers of proceedings here in this House and I thank them and salute them and appreciate all the feedback that we each get from them.

This is Public Service Week and it's an opportunity to recognize the contributions of all public service employees and especially those who serve in departments and agencies and other entities that comprise our

provincial public service. That extends, of course, to the teachers and the nurses and doctors and the staff in our schools and in our hospitals.

I'm sure that in the spirit of recognizing all who make our province work through public service, that it's a moment to extend that recognition to municipal employees. That adds up to a lot of activity, a lot of good work, and a lot of fine people who make up the collective public service in our province.

On Saturday, I took part in a number of events, but let me mention one which was the 100th birthday of Donald MacDonal. It took place in Clyde River and Donald lived most of her life in the Eldon, Mount Buchanan and Point Prim area and she watches what takes place here in this House and she actually had some insightful comment on how we're going about our business and I appreciated that. It was a great chance to have a conversation and certainly to be there with her family and her extended community.

We've spoken here about the various ways in which schools are moving through to the completion of their year. Exams, proms, sporting events, a lot of initiative by the teachers and staff in the schools, the families get more involved – or get fully involved at this time of year. That's at every level of schooling that that's taking place and we acknowledge all of those efforts and congratulate everybody because when you get to this time of year, there's a lot to celebrate.

Final note is a celebration later this week of the Seniors Active Living Centre – the 25th anniversary since that organization started up and some of those who were the real, I'll say, initiative-takers in getting that going are still involved and a good thing and there are now almost 300; 297 active members and they're always looking for more. There will be events on Thursday of this week to celebrate that anniversary. I extend my congratulations to those currently involved and everybody who has had a hand in growing the seniors' active living centre to the success that it is today.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

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

This week – today I want to speak about just how proud I am of the business community here on PEI and how they rally behind Islanders in the time of need.

Two examples that I'll point on today; one is Butcher & Butcher. Owner Chris van Ouwerkerk has decided that after the passing of Anthony Bourdain, a major inspiration to many in the culinary world, that Chris has decided to donate \$1 from every sale on Mondays to the Canadian Mental Health Association to help with local mental health services and programs here on PEI.

Also, I'd like to single out Dominos Charlottetown. Dominos here in Charlottetown has agreed to donate 100% of proceeds from phone and walk-in sales for today to support Kara MacRae and Emmalee Gosbee who are both undergoing cancer treatments.

The two examples that I just listed off, they are to be commended for for the great work and the charity that they're showing to fellow Islanders.

I'd also, as well, like to acknowledge Public Service Week this week and thank all of the great staff that work in the public service, for all that they do.

I'd also like to wish a belated Happy Birthday to the hon. Member from Borden-Kinkora; he had a bit of a celebration this weekend.

Last but not least –

Mr. Myers: (Indistinct) cheque in the mail now.

Leader of the Opposition: Last but not least, I'd like to congratulate the cast, the crew and the orchestra, and in fact, all of the staff at the Confederation Centre of the Arts. They had the opening night of *Jesus Christ*

Supertstar on the weekend. From all reviews to-date, including those that I've personally spoken to that attended that performance; it definitely was an incredible opening night. I encourage everyone to try to take in this performance this summer, as I will be doing myself.

Thank you very much, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

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

Maybe I'll pick up where the hon. Leader of the Opposition just left off because I was lucky enough to attend that performance along with at least – I saw three other MLAs in the House there, and it was indeed spectacular from start to finish. It was a real – it was a wonderful show.

I particularly want to make note of the Islanders who are playing very prominent roles. Aaron Hastelow is Jesus Christ himself, and he did an incredible job; really maintained his energy and his focus from start to finish. Brittany Banks is there. John Connolly is there. Shawna Van Omme is there, and I think a couple of people who call the Island home, Cameron MacDuffee who appears late in the show as King Herod, but it's definitely worth waiting for. The whole show is spectacular, but that was, I think for many of us who were there, a real highlight.

I believe Alicia Toner also lives here on Prince Edward Island, at least she did until recently, so there's very prominent Island participation in this incredible production, and I would also encourage, along as the Leader of the Opposition did, all Islanders to get out to that.

There was an achievement by an Islander over the weekend, Martin Sobey, who is the son of Alanna Jankov, who came 13th overall in the Osaka triathlon; a big event. He was the highest-ranking Canadian in that event and a real achievement. Triathlons are, I understand it, grueling events and to have finished as highly in such a ranked event is quite extraordinary.

I also want to give my personal appreciation to those who, at a slightly more leisurely pace, competed – or didn't compete – participated in the relay for life over the weekend here in Charlottetown and also in Summerside. Many teams came forward in the relay for life to raise money for cancer research, and I believe there's still an event, the Kings County event in Montague happens later in September, if I'm correct. Anyway, thank you to all those Islanders who came out to raise money for this incredibly important cause.

Thank you, Mr. Speaker.

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

Mr. Dumville: Thank you, Mr. Speaker.

I'd like to welcome everybody here today and especially Eddie – it's good to see him here. Holding right into the end there, Eddie. We appreciate that.

I'd like to mention fund raisers that I was with on the weekend; there was a Christian bikers on Saturday. They had a wonderful fundraising event that started down here at the Charlottetown waterfront. Also the community of Morell, they were raising – they had a pancake breakfast for MADD – Mothers Against Drunk Driving – great turnout there.

I'd like to send out kudos to the Red Knights in Souris. They had a fundraiser for the manors in Souris and Montague. They raised \$900 – \$450 going to the Souris manor and \$450 going to the Montague manor. The Member from Souris-Elmira, your colleagues did a great job and we –

Mr. LaVie: I was going to get up, but I don't have to now.

Mr. Dumville: Great hospitality down there, MLA from Souris – all the best – great community spirit down there with those Red Knights.

Mr. LaVie: Stole my thunder.

Mr. Dumville: Thank you, Mr. Speaker.

Speaker: The hon. Minister of Health and Wellness.

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

It certainly is a pleasure to rise and welcome everyone into the gallery. Eddie's here again today and several other visitors. It's great to have them all into the House today.

I would like to offer all the best to our Pages who are at various stages of their exams this week. Some have completed, some are still wrapping up. I've done my utmost best over this session to coax them into going to medical school and come back to be physicians right here in our wonderful province. I'm not sure if any of them are going to take that path, but to whatever path they do take, I wish them all the best.

I, too – it was wonderful Friday night to attend the cancer Relay for Life – great event, well attended. There was some good food there. I must say, the master of ceremonies was adequate. He was not over-enthusiastic, but he did a great job. The member from Hunter River was the emcee there, so well done to you for stepping up and taking on that role.

As well, I'd like to make mention to a person in the – I guess, kind of on the floor of the Legislature who's celebrating a birthday today, Kevin MacDonald in the corner over there that takes care of all our technical and sound needs is celebrating a birthday today.

Some Hon. Members: Hear, hear!

Mr. Mitchell: When I asked my informant how old that he thought Kevin was, he wasn't sure, but he said he's definitely getting up there.

Happy Birthday, Kevin.

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

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

In my capacity as the minister of culture, I, too, would like to recognize those that participated in the *Jesus Christ Superstar* performance on Saturday evening. Perhaps I'll take the approach of going on those that haven't been recognized yet and in

particular, Adam Brazier, the artistic director at the Confederation Centre and Jessie Inman, the CEO who will be retiring from that role later this summer. Both are constituents of mine and I think we're very lucky to have them in those capacities. I should recognize Aaron Hastelow is the son of Jane who works in our department. Of course, they are very proud of him and really, the whole department has taken ownership of him as a son that they can call their own in terms of his performance in that play.

Martin Sobey, as well, is a – well, really belongs to, I guess you might say – a constituent of mine and we are very proud of Martin. As the top Canadian in that race in Osaka, he's really doing the Island proud and he's now training full-time with the Canadian team, which is quite an accomplishment as well. So we're very proud of him and the work that he's been doing, particularly at a young age.

As well, kudos to the City of Charlottetown and Barb MacLeod and the organizing committee for the culture awards, which is a biannual event. It took place on Friday evening and recognized, in particular, four individuals and congratulations to them. And to the city for taking the initiative – it means a lot. It was a very well-attended event and it was, by all reports, a great evening.

Thank you.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

I know the member from Souris loves when I speak in the House. I wanted to welcome everyone watching from Rustico-Emerald and everybody, of course, who's here in the gallery today. It's great to see you.

I just wanted to commend the organizers of the Relay for Life on Friday night. The Minister of Health and Wellness mentioned that he was there with the Parkdale Sherwood Lions Club, may have flipped a few burgers. I know he's a long-time supporter of that. I was happy to be the emcee, but I want to give kudos to my constituent, Sarah Weeks and her whole

family, really, that came out and helped put that together – and Karen Laverty, who were the co-chairs. They beat their goal; they raised over their \$25,000 goal – I think it was over \$26,000.

I also just wanted to give a shout-out to all the young people who are involved with the summer sports and it's all about health and wellness, it's about preventing illness. The soccer clubs are up and running. I know I coach a team there; the Central Queens Clippers. Dale Dickieson, one of my constituents, is starting a new – a resurgence of baseball up in North Rustico, so that's great to see. I want to wish them all luck. I wanted to mention Colby Monro, who's Kim and Tim Monro's son, was player of the week in his under 13 Central Queens Clippers last week, so I wanted to send out kudos to him too.

Thank you, Mr. Speaker.

Statements by Members

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

Famous Five

Ms. Casey: Thank you, Mr. Speaker.

Emily Murphy, Irene Marryat Parlby, Nellie Mooney McClung, Louise Crummy McKinney, Henrietta Muir Edwards. Many laud these women as trailblazers for women. The achievement of 'personhood' for women has been a monumental change which gave more power to women. These women are all known in our history books as the Famous Five.

On Wednesday, May 30th, 2018, I was pleased to participate in a reception and dinner honouring the 25th anniversary of Prince Edward Island's own Famous Five. The evening celebrated that in 1993 all leadership positions in the Province of Prince Edward Island were held by women: the hon. Marion Reid, Lieutenant Governor; the hon. Catherine Callbeck, Premier; the hon. Nancy Guptill, Speaker; the hon. Pat Mella, Leader of Her Majesty's Official Opposition; and the hon. Elizabeth Hubley, Deputy Speaker.

On that evening of celebration, which featured a dinner hosted by Her Honour the Lieutenant Governor, Antoinette Perry, I sat around a table with many of my role models and watched them as they rose and spoke. I realized I just had an 'aha' moment – a brief moment where I was witness to history in the making. All of these leaders spoke about the Famous Five photo that was taken back in the day and it wasn't really a big deal to them then. However, as 25 years passed, we all realize it really was a big deal. Never since have all five senior positions in the Province of Prince Edward Island been held by women.

We heard that night, the hon. Pat Mella say that she appreciated the gesture from the premier of the day, the hon. Catherine Callbeck, to shorten Question Period by ten minutes as the leader of the opposition was the only opposition member in the House at the time. The leader of the opposition declined the offer, but she appreciated the gesture. These are moments in our political history that may not be documented, but to hear them was appreciated.

There were many stories that night, and the current female members of this House, along with the Premier, were pleased to be part of this historic anniversary celebration. Just like the original famous five trailblazers: Murphy, Parlby, McClung, McKinney and Edwards, our own Famous Five can be celebrated for also blazing the trail for women who have followed them into this Legislature.

As I close, I want to offer my thanks to Prince Edward Island's own Famous Five for blazing the trail, for their words advice, wisdom, encouragement, and support to women who have come behind them to take their seat in the Legislative Assembly.

For those young women who are thinking about seeking a nomination, the trail has been made a little smoother by the women who have come before you. These women will support you and are willing to offer advice, just as they did for each member of this House. We look forward to soon hearing your important voices in this House as you too, become part of the list of trail blazers for future generations.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Borden-Kinkora.

Chief Paul Smith

Mr. Fox: Thank you, Mr. Speaker.

It's my pleasure to stand today and recognize Chief Paul Smith of the Charlottetown Police Department. Paul has now been a dedicated member of the Charlottetown Police Service for 40 years. Paul's commitment to the justice system in Charlottetown and Prince Edward Island goes without question.

Paul's career started with the uniform patrol units, after which he moved on to the drug section and major crime. In 1990, he was promoted to deputy chief with the responsibility of managing the administration of sports services unit.

In 1995, Paul was appointed to the position of chief of police with the City of Charlottetown, a position that he holds to this day.

Paul has achieved many milestones during his time on the force: the planned growth of the Charlottetown Police Service, with amalgamation, relocating to a state of the art facility; establishing a K-9 support unit; promoting information and intelligence sharing with other police bureaus; and recently, establishing the street crime unit.

At a local level, Chief Smith is also a community leader. He serves on a number of committees associate with domestic violence and community safety; is a past member of the Victim Services Advisory Committee; a member of the board and treasurer of the John Howard Society of PEI; secretary to the PEI provincial council of Scouts Canada and chair of the PEI Scout's apple campaign. He was also the past coach with the Charlottetown Abbies soccer club.

I'd like to thank Paul for his time and his dedication to the City of Charlottetown and this province over this last, past 40 years and for his leadership in community development, working hard to make Charlottetown a safe place for people to live and visit.

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, Mr. Speaker.

Outsourcing developments to *Lobbyists Registration Act*

My first question is to the Premier: Premier, why is your government outsourcing development of the regulations for the *Lobbyists Registration Act*?

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

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

I'm not sure where the hon. member got that information from, but we're not, Mr. Speaker.

Thank you.

Speaker: The hon. Leader of the Opposition.

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

Again, to the Premier: Government is now advertising an advanced contract award notice for implementing a new lobbyist registry. It's like a tender, but a supplier is already picked, and you're checking to see if anyone else meets the job requirements.

Again to the Premier: Why would you go this way instead of simply having a public tender?

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

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

To be very clear about what's going on here, it's in relation to the actual database that would be put in place. As we've debated here in the House, we have a new corporate registry that's – we'll hopefully have

activated, I guess, by the early fall of this year.

The company that is referenced in the document that the hon. member is speaking about is Davis Pier. That's the same company. Due to the time constraints and their knowledge of the backend systems that would be required to implement this database, the thought was that they have already met many of the requirements. This is a process that was recommended by treasury to move this process along.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

Hiring of consultants for government regulations

Again, to the Premier: Another contract requirement was for providing drafting assistance for regulations. Why would you need to hire consultants to write government regulations instead of using government lawyers?

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

Mr. J. Brown: Mr. Speaker, to be clear, again, this particular piece is in relation to the software implementation that dovetails with the regulations. There is a piece where there has to be compliance between the two for obvious reasons. Regardless of who has the pen, the software developer that is preparing the database obviously would have to be integrally involved in the preparation of those regulations.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

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

In the information that's available online, another contract requirement is for stakeholder engagement and communications.

Contract for stakeholder engagement and communications

Again, to the Premier: Why would you need to contract those functions out when you already have a whole division for communications and public engagements in executive office?

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

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

Again, there's a requirement that the software that is required to support or operate this database be prepared. This is the same process that we undertook with the business corporations database and Davis Pier was involved extensively with that process. They're a very professional outfit that were involved in a tender process for that.

I'll be very clear to say that this process is not designating Davis Pier as the successful applicant. It's indicating that they have indicated a willingness to do it at a certain price and to canvass the possibility that there might be others in that very confined space, Mr. Speaker.

Thank you.

Speaker: The hon. Leader of the Opposition.

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

Mr. Myers: (Indistinct) database.

Leader of the Opposition: Question again, to the Premier: The contract note says that the work would start on July 1st, take at least nine months and cost at least \$85,000.

The *Lobbyists Registration Act* received Royal Assent almost six months ago, and yet has to be proclaimed.

Reason for delay in lobbyist registry

Question to the Premier: What is the reason for the delay in having the lobbyist registry up and running?

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

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

What's been going on since the *Lobbyists Registration Act* passed through this Assembly is exactly as the hon. member had indicated, and is the preparation of draft regulations?

What then happens is that the successful applicant will take those draft regulations; determine what can be done with software to activate them. Once we get that entire package together, the act will be turned on, if you will. It will be proclaimed, and will be put in place.

This is exactly part of the reason why Davis Pier has been named in this particular way because they're there. We know that they've worked well through the corporation's database. We know that they're available and can do this work in a timely fashion.

Thank you.

Mr. Myers: (Indistinct) on PEI (Indistinct)

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

Provinces covering ostomy supplies

Could the minister of health tell us which provinces and territories provide some or full support to cover ostomy supplies?

Speaker: The hon. Minister of Health and Wellness.

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

I don't have that information at my fingertips, but I'd be happy to go back and collect that information and bring it back to the hon. member.

What I did do, recently, was have a wonderful meeting of Islanders affected with ostomy-supply needs. It was a very educational meeting for me where we had great discussion on how this has become –

affecting their lives on a daily basis and significant burden for them.

I suggested to them that, as soon as the Legislature closed, I would be very pleased to have them come back into the office to talk about ways and means that we could work together so that their needs be met.

It's not a large number of Islanders, but it is a number of Islanders that live with this on a daily basis.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

I think the minister hit the nail on the head, there. It's not a large number of Islanders. I'd be awfully surprised if that group didn't tell the minister that we are the only province that doesn't provide any support.

Access of coverage for ostomy supplies

Will the health minister tell us when Islanders who have had ostomy surgery be able to access coverage for these medical supplies?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

In light of those wonderful conversations, I am very interested in sitting down again to further those discussions. Obviously, this is something that's very important to me, as minister. It's very important to our department that we have these conversations and that we come up with solutions so that their needs are met.

As I said it's not a large number of Islanders, but it would be such an uplifting effect for them to be able to supply the needs that they have. We'll work diligently towards that, Mr. Speaker.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

Diverticulitis, colon cancer, Crohn's disease, colitis, many others, we don't need any

more meetings. We already know what's going on out there.

Why won't the province provide any coverage for medical supplies needed by all of these patients?

Mr. Fox: Yes.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Certainly there's a broad range of need for the ostomy supplies. Obviously it's a conversation that needed to happen and we're moving forward and we're looking for opportunities and solutions here.

As minister of health, meeting Islanders' health needs from all ends of the spectrum is very important to me. It's very important to our department and we'll continue to look at that and work at ways that we can get together. I'm looking very optimistically to getting that meeting – hopefully in the next week or so after the House closes. I'm assuming that could be in that time frame so that we can have that very valuable conversation once again.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

Back in March, the Montague Rotary club came to our health committee to talk about the good work they do to try and plug the gaps in their social safety net. One of the biggest issues they flagged was ostomy care. They told us, and I'll quote: Your ostomy supplies are not covered by the Catastrophic Drug Program. They can run \$400-\$500 a month. That individual then tries to make that stretch; they have an infection or sepsis; then they're in hospital or an assisted-living facility. It's a short-term savings for a long-term expense and we've robbed that person of their quality of life.

Question to the health minister: How is the current policy of not providing any support to ostomy patients for medical supplies enhancing their dignity or quality of life?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

That's exactly why I think it's important that we sit down, talk about their needs, look at ways they can be met, and provide it for them. This is a group that lead their daily lives in a way that none of the rest of us can imagine and I think we should be supportive of that. I want to work with this group and I'm looking forward to those meetings so we get some solution to their needs.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

This department's called health and wellness. We know health is trying to treat the sick; wellness is trying to prevent illness down the road. I know the Member from Rustico-Emerald speaks of this at length in the Legislature about investing early.

Cost of coverage versus cost of follow-up treatment

Minister: Has your department looked at the cost of coverage versus the cost of follow-up treatment for ostomy patients whose health worsens due to a lack of proper access to medical supplies?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

That is exactly the type of work that's been going on since our last meeting. We are looking at data and numbers that can supply the information that we need to go out and do the fight so that their needs are being met.

Obviously, when you look at health costs on Prince Edward Island – over 700 million – there are a lot of Islanders that need a lot of their health needs met and we're doing our utmost best to meet those in every case. Whether it's in cancer treatments; whether it's in other treatments, we work together as a department at the department and with Health PEI to come forward with solutions. It's all about making that significant

difference in the lives of Islanders on a daily basis and we do that very well and we do it very proudly.

Speaker: The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

I understand we've had another referral to the Montague Rotary club (Indistinct) week and you heard right, Mr. Speaker, I said a referral to the Rotary club because someone can't afford their ostomy supplies. It shouldn't have to go to the Rotary club. They should be doing many other things than having to provide financial assistance for something like this. All the extra work they could do if they weren't covering what should be a basic medical expense.

Access of coverage for ostomy supplies (further)

Minister: You talk about going back to meet with them again. We don't need to meet with these people again; we already know the story. Have you partnered with big corporations; have you partnered with drug companies? What are we doing to get these supplies covered?

Mr. Fox: Yes.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Obviously, what the member speaks of – service clubs that are asked time-after-time, day-after-day to step up and help Islanders and as a member of one of the largest service clubs on Prince Edward Island, we, as groups, are proud to do that. Families have a lot of needs when it comes to various health care needs and service clubs are often asked to assist in that and they're happy to do it. The one that I'm a member of, we're happy to do it as well.

These situations exist on PEI; it's important we have those discussions; it's important that we look at solutions; and yes, their needs are being researched at the moment. Costing is being done, what type of supplies that are needed and can any of the pharmaceutical companies be assistance to

that? These are all things that are ongoing and I am very confident that in the very near future, we will be able to stand, either on the floor of this House to make an announcement, or in one of the local medias to say that we've come to a good solution and that everything will be worked out for the needs of these folks.

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

Mr. Myers: Data from Stats Can shows that the national male suicide rate is three times the rate of women.

Strategy to identify male suicide rate

Question to the minister of health: Will the minister tell us what strategy he is using to identify the reasons and what plan he has to combat it?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

Certainly when we talk about suicides here on Prince Edward Island, it is a situation that does exist. We can't put our heads in the sand on this. We do have to step up; we do have to do some work. When it comes to mental health needs on Prince Edward Island, we are working very diligently as a department. We are investing up to \$3 million this year. We invested 3.7 last year. We are hiring new psychiatrists; we are looking for psychologists; we are looking for social workers; we're trying to ensure that every Islanders need is being met by seeing the appropriate medical professional, at the appropriate place, at the appropriate time.

Obviously there are many mental health issues on Prince Edward Island and we're doing our best to kind of take those situations in hand and develop new programs for each one.

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

Mr. Myers: Thank you, Mr. Speaker.

So clearly the minister of health does not understand male suicide because only 35%

of males seek help the year they commit suicide. Stats Can shows that the pattern of male suicide is a long-term pattern in this country. The highest rates were found in those aged 40 to 59.

Question to the minister: Why has government long ignored these facts on male mental health and suicides?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

As a department, we look at statistics – our Island statistics; we look at national statistics; we look at international statistics and try to learn from those and develop programs that make a real difference in the lives of Islanders that are suffering with this terrible mental illness disease.

There wouldn't be a door that you wouldn't knock on on Prince Edward Island anywhere that hasn't seen the effects of mental illness. We are doing our utmost best to develop programs to develop medical situations for these folks that are dealing with those. As I said, our youth programs – both the INSIGHT and the Strength Program are making a significant difference in the lives of young individuals – and young males in a lot of cases. So we are working on that; we are trying to get a hold of that and make some big difference in lives of Islanders.

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

Mr. Myers: Thank you, Mr. Speaker.

Again, clearly the minister does not understand male mental health and male suicide because these people don't come forward, they don't talk to anybody, they don't even talk to their friends about their problems – 35% of the men have gone to seek help in the year they've tried to commit suicide. That, on top of the 45 day average wait period to see a mental health practitioner under your system, is obviously adding to it.

At the 35% of men who seek help in the year they commit suicide is comparable to 58% of women who seek at the same time. So, while delays in accessing the services

needs to be addressed, also, support for men and encouragement for men to come forward with their issues, also has to be addressed.

Support for males considering suicide

Question to the minister: What are you doing to help men come forward?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

With our establishment for our mental health walk in clinics, we've been seeing significant numbers coming through the doors there. Obviously, developing stronger partnerships with private sector groups such as Canadian mental health, such as family services, whose doors are always open – there are no waits. The folks can come in and be assisted.

These are areas where we are identifying needs of Islanders; these are areas where we're making improvements; and these are areas that we'll continue to enhance and make investments in. Strategic investments are where we're going to make the most strides and we'll continue to do that proudly.

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

Mr. Myers: Thank you, Mr. Speaker.

So the government has to start recognizing that men are a very high-risk group for suicide and they need to start tailoring a message for men and creating specific programming for men. There are also specific sub-groups of males that are more vulnerable to suicide. They include: gay and transgender men, Indigenous men, those that are vulnerable to PTSD, such as first responders, men in lower socioeconomic class are also more likely, men who suffer from job loss are also more likely, men who go through divorce are also way more likely to commit suicide.

Minister, there is hope. I believe a men's action secretariat would promote and support projects and programs and services that address the area specifically around men's mental health. I think that it's a

crucial step that we could take here in Prince Edward Island.

Men's action secretariat

What's your view on a men's action secretariat?

Speaker: The hon. Minister of Health and Wellness.

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

On Prince Edward Island, our population has become more diverse over the last number of years. We see that numbers increasing – we definitely want to work in areas where mental health needs of Islanders, no matter what group they belong to, whether they are male or female or young or old. We want to ensure that our programs are meeting their needs to the best possible way that it can be.

We'll continue to invest. We will continue to invest strategically where we can, but we've come a long way, in my opinion, in the last eight months or so, nine months, and we will continue to grow into the future. Any means that provides service to any one sector group, certainly I would be interested in taking a look at that, Mr. Speaker.

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

Mr. Myers: Thank you, Mr. Speaker.

A men's action secretariat would take action through public policy and resources to address serious issues that are being overlooked for men.

There are many examples worldwide of progressive approaches that are being taken by other governments to support men. Austria has for years had a department of men's policy with their social affairs ministry. Ireland and Australia have both created a multi-year national men's health policy and here in Canada, British Columbia has a men's health initiative organization.

Addressing men's mental health issues

A question to the minister: Why has your government continued to ignore, since 2012

when Stats Canada has released this information about the lopsided men's suicide compared to females, why have you continued to ignore it and not taken action such as these other jurisdictions have to help address men's mental health issues?

Speaker: The hon. Minister of Health and Wellness.

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

As I said earlier, making strategic investments year over year, we are seeing great strides with our mental health situations. Investments last year of over 3 million, this year of around 3 million, are making significant impacts on the lives of Islanders.

We will continue to work in that area. As I said, whether it's male, female, young or old, we do have a duty as a government and as a minister of health, and staff at both the department and Health PEI, to ensure that the needs of Islanders are being met when it comes to their mental health concerns. We have things like our women's wellness program that is in place, and if there's some other program that we should look at, we will sit down and do the work and do the research in that regard.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

I recently heard from a family who is absolutely desperate. Their adult child has been an opioid addict for several years. Recently, their child attempted suicide. The young adult was brought to the QEH emergency room where they received excellent emergency care, but this will not help this young person with long-term, complex issues of mental health and addiction.

The recently announced suicide prevention strategy calls for the development of a circle-of-care approach which could be hugely beneficial for individuals like this, but it's unfortunately not yet available.

Timeline for circle-of-care approach

A question to the Minister of Health and Wellness: What is the timeline for implementing the circle-of-care approach outlined in the PEI Suicide Prevention Strategy?

Speaker: The hon. Minister of Health and Wellness.

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

As the hon. member suggested, quite often when you're dealing with addictions you're dealing with mental health issues as well. We do our best in that regard to make those identifications when somebody presents themselves looking for help.

The suicide strategy has just been released. There are some action items that accompanied that document, and we are doing our work; staff right now are rolling up their sleeves in their offices trying to determine how they can move on those action items. We should see some things rolling forward very soon.

Hon. member, I don't have a specific time-date, but I can guarantee a lot of work is going on on the floor of our building there as we speak, Mr. Speaker.

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

Ms. Bell: Thank you, Mr. Speaker.

I can fully appreciate that it takes time and the coordinated efforts of many departments and individuals to implement a strategy. But minister, Island families are suffering now.

Emergency strategy for suicide prevention

What should they do in the meantime? Do we have a single point of contact or an emergency strategy in the bridging space in between?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

If anyone has a family doctor, that would be your first point of contact to kind of maneuver through the system. We do have a navigator in place that helps many of our, I'll say, our Island residents who are struggling with addictions.

This situation is increasing, I believe, it would be fair to say. Opioid use is gaining ground, and we've got to look at all aspects of that. We'll continue to do work in that area where we need to, Mr. Speaker.

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

Ms. Bell: Thank you, Mr. Speaker.

The suicide prevention strategy is a wonderful visionary document that when implemented will have a positive impact on the well being of Islanders. But, there are no timelines or clear action plans in that document.

Timeline of suicide prevention strategy

Question to the minister: What is the anticipated timeline to implement that overall suicide prevention strategy?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

There was a significant amount of work that went into the suicide strategy. We partnered with the mental health who has a deep insight of needs of families across Prince Edward Island.

As part of a private entity that we worked with, the Canadian Mental Health Association would be very supportive if somebody presented there that needed assistance. They would be very helpful in maneuvering them through our health care system as well as other private entity groups that I mentioned earlier; family service and others that would be quite willing to answer the phone. There's a 1-877 number there as well that people can reach out to.

The big part is: reach out to somebody. Reach out to a family member, to a physician, to a social worker, to your friend

to try to get the first part of the health care system rolling for you, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

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

Sadly, suicide is a part of every community; communities everywhere. Just this last week, two international celebrities took their own lives, and here on Prince Edward Island George Curtis became the second Island veteran within a very short timeframe to die by suicide as a result of his PTSD.

The issue of suicide, of course, is deeply complicated, and every single instance is different and unique. But, governments carry a significant part of the responsibility for providing the resources to those for whom the despair has become so overwhelming that they consider ending their lives as a solution to their anguish.

Additional supports for minimizing suicide

A question to the Minister of Health and Wellness: Beyond the suicide prevention strategy and the health services delivered by your department, what other assets in our community and in our society are critical when it comes to minimizing the number of suicides on Prince Edward Island?

Speaker: The hon. Minister of Health and Wellness.

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

As the hon. member alluded to, a couple of cases this week, this is not isolated. It's happening all over the world. People that you wouldn't expect are taking their lives due to suicide. So, nobody really knows the turmoil that anybody is going through on a daily basis.

What we do know is that there is help there if people reach out, to either their health professional, through our walk-in clinics, through entities such as the Canadian Mental Health Association who are always there to offer service.

This is something that every jurisdiction struggles with to try to get a handle and control of. Working together with everyone that's involved in this is how we'll get to the solution, and the important part is to begin the process and ask for help as early as you can.

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

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

Dr. Susan Hartley, the Green Party health and wellness critic, has described the suicide prevention strategy as a response strategy, better understood as a suicide ideation strategy, aimed at providing resources for people who are in crisis. Of course, that's critically important work, but we also need to create the type of society which will reduce the incidents of Islanders reaching that point of despair.

Elements of suicide prevention strategy

Minister, what elements of your current suicide prevention strategy are aimed at long-term, pro-active measures to, as the strategy states: make PEI safer from suicide?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

There are many that are being worked on. We've got to – eyes-wide-open approach here to look for best possible solution.

One that I think will make a significant difference is our mental health response team. Someone finds themselves in a situation where they don't see any light at the end of the tunnel. There will be a number that they will be able to call, and help will come to your door. I think that will make significant impacts.

I think data and research shows in other areas. It makes a big difference. Right now, we're at the design stage for that. I'm hopeful that we can move that out in a comfortable timeframe where Islanders will say that's a good manoeuvre; a good move when it comes to mental health needs on Prince Edward Island. We're looking forward to doing that, Mr. Speaker.

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

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

To be fair, the strategy does actually see the importance and recognizes in addressing in the disparities within the social determinants of health. However, there is nothing in that report to accomplish that.

Disparities in social determinants of health

Minister, what specific actions will you be considering to address those disparities in the social determinants of health?

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

I think we'll probably be involving Islanders in that process. We'll be talking to other stakeholders. The strategy was written by Canadian mental health for the province. We'll work with them moving further.

Recommendations that comes out of there are very significant. We will do the work that's required there. We'll roll up our sleeves and get at those. I think working together with Islanders; with families of folks that are suffering with both addictions and mental health needs, that's where we're going to make the biggest strides and we'll continue to do that.

Speaker: The hon. Member from Vernon River-Stratford.

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

My question today is for the Minister of Communities, Land and Environment.

Minister, on Friday, you had a joint announcement with the Minister of Transportation, Infrastructure and Energy, as well as the federal minister of agriculture and agri-Food.

This was held in Stratford, announcing a total of \$47.8 million to help the people of Prince Edward Island improve energy efficiency in their homes, businesses,

industries and farm operations across the province, as well as reduce carbon pollution in the forestry sector.

Reducing carbon pollution

Minister, can you explain to this House how this announcement be beneficial to all Islanders?

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

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

Yes, Friday was a great day for the environment. Over \$47 million was announced for programs to be delivered right across Prince Edward Island to reduce our carbon footprint.

That's a major reason that this fund was negotiated to reduce our carbon footprint. Along with that fund, we also have the electrical rebate program that is going to assist Islanders to move away from fossil fuels to renewable energies; two great programs; two great funds to work on reducing our greenhouse gas emissions.

I can say that with these funds we will be able to meet our targets by 2030. We will also be working with the agricultural community also, Mr. Speaker.

Speaker: The hon. Member from Vernon River-Stratford, first supplementary.

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

Myself, having a farm and knowing – everyone here knowing the value of agriculture to the province, I was really pleased to see that there were dollars in here for the agriculture community.

Minister: How will this affect PEI farmers and what will the cost be for them?

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

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

Yes, there was money in there for the agriculture community because we want to work with the agriculture community in

order to assist them in lowering their GHGs, too.

The agriculture community contributes 25% of greenhouse gas emissions and we want to work with them. With discussions with the Federation of Agriculture and farmers, I know that we can.

Over the last 10 years, our government has done a tremendous partnership with Island farmers on Prince Edward Island. We have the ALUS Program that has taken land out of production, put it into environmental. We have the buffer zones. We have the watershed areas.

I can honestly say that the agriculture community is committed to the environment because they know how important the environment is to their production.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Vernon River-Stratford, second supplementary.

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

On the other announcement, I noticed, listening to it, there were dollars for windows, doors, heat pumps, those sorts of thing and double dollars for those who are of lower income.

My question to the minister is: As the retail price for these is at a level point right now, we add a grant to that, how do we ensure that the retail price does not start to grow in that and the benefit from these grants is somewhat lost?

Thank you very much, Mr. Speaker.

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

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

The member brings up a good point because the objective here is to reduce our greenhouse gas emissions. We have committed to 30% reduction of 2005 levels by 2030.

I think that we will be monitoring prices of certain items that will be used to help assist

Islanders to reduce their greenhouse gas emissions. I think if we do see a trend there, we'll be contacting the sellers of these products just to inform them that, you know, we all have to work together here to make the environment. We shouldn't be making a big profit of saving the environment because it's here for all of us.

Thank you.

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

Mr. Dumville: Mr. Speaker, on April 24th, 2018, I received written notice from the chair of the special committee on committees that met in camera on April 19th, 2018, declining my request to be named as a permanent member of the Standing Committee on Public Accounts. It also stated that all standing committees of the Legislative Assembly of Prince Edward Island will remain the same.

When I became an independent member, according to the rules, I was automatically removed from all legislative committees. This committee decision freezes my ability to fully participate on any committee.

Barring independent member from legislative committees

Question to the Premier: Premier, were the Liberal members of this committee instructed to bar me from having voting rights on all legislative committees?

Ms. Biggar: (Indistinct)

Speaker: The hon. Premier.

Ms. Biggar: (Indistinct) he can go to everything except –

Premier MacLauchlan: Mr. Speaker, thank you for the question.

Very simply, no, there were no discussions –

Mr. LaVie: Oh (Indistinct)

Premier MacLauchlan: – there were no instructions. I'm sure that the committee had its own deliberations and it's reflected in the letters –

Mr. LaVie: (Indistinct)

Premier MacLauchlan: – spoken to by the hon. member.

Thank you, Mr. Speaker.

Mr. Myers: Scary to think they thought for themselves (Indistinct)

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

Mr. Dumville: Question to the Premier: In particular, was the ban on my voting rights on the Public Accounts committee to prevent me from voting on motions highlighting unreasonable bad government decisions such as the Mill River taxpayer giveaway?

Mr. Fox: Yes.

Mr. LaVie: Oh!

Ms. Biggar: (Indistinct)

Speaker: The hon. Premier.

Ms. Biggar: (Indistinct) excuse me (Indistinct)

Premier MacLauchlan: Mr. Speaker, this, again, is a repetition of the question that I have just answered.

There was no discussion that I took part in that had anything to do with what the –

Mr. Myers: (Indistinct)

Premier MacLauchlan: – hon. member is referring to.

Mr. LaVie: (Indistinct) snowball (Indistinct)

Premier MacLauchlan: – Thank you, Mr. Speaker.

Ms. Compton: (Indistinct) rules (Indistinct)

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

Mr. Dumville: Premier, I am applying again for permanent membership on three legislative committees, one being Public Accounts.

Obstructing request to sit on legislative committees

Will you instruct the Liberal majority on the special committee on committees to respect my constituents and not obstruct my request?

Mr. Myers: Good question.

Speaker: The hon. Premier.

Mr. LaVie: (Indistinct)

Premier MacLauchlan: Mr. Speaker, the hon. members on all sides of the House participate in committees on their own accord and have their own processes and their own discussions.

To be very direct, I don't instruct –

Mr. LaVie: Oh (Indistinct)

Premier MacLauchlan: – Liberal members or any other members as to what they should do in committee.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

This government's handpicked Health PEI board resigned just three weeks ago.

Interim trustee for Health PEI board

My question is to the minister of health: Have you found an interim trustee, yet?

Speaker: The hon. Minister of Health and Wellness.

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

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

Yes, we are talking to an individual about the trustee position and hope to have an announcement in the very near future, Mr. Speaker.

Mr. J. Brown: Oh, he's just setting him up, now.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

To the minister of health again: Your handpicked board resigned, and you now are running the whole show from your office.

Health concerns in Eastern Kings

Question to the minister of health: How will these unique concerns of Eastern Kings be heard in your new one-man show?

Speaker: The hon. Minister of Health and Wellness.

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

I can assure the hon. member on the opposite side of the House, it's not a one-man show in any way, shape, or form. We have a very capable and qualified executive leadership team that does the day-to-day work that they do with great due diligence, with great passion for Islanders' health care needs.

We have a wonderful interim CEO who's doing a spectacular job of getting things all lined up at Health PEI, as well as the day-to-day work of the deputy minister of health who steps up and does any role that she's asked to do on a daily basis, and then there's myself that helps everybody. We all work collaboratively; we all work cooperatively to ensure that Islanders' health care needs are being met to the best of our ability and that's what we wake up every morning to do and our proud to do every day.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

When this government tries to peel back health services on PEI, it's always the east or the west that take the brunt of it all.

Lack of health services in east and west

Question to the health minister: How will you make sure that this doesn't happen this time?

Mr. Myers: Good question.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Thank you, Mr. Speaker.

In my earlier comments, I neglected to mention two other boards that are working very well on Prince Edward Island: our health engagement committees – one west and one east. I had the opportunity on Friday, I believe it was, to meet with the two chairs of those two engagement committees and they are very excited about – there will be members of the Health PEI board moving forward when the legislation changes.

Those two roles are coming into two chairs on the new health board and they're excited about that. Both of their committees are working very hard in their respective regions of the province. They are about a group of 10 and 10, so 20 Islanders with the best health care interests of all Islanders at heart, working hard in the past; we'll work hard in the future. And to have that representation on that new board is significant and we're very happy to have them.

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

With the ER closing in Montague, people in Eastern Kings with no doctors, no walk-in clinics in Eastern Kings – question to the minister of health: Will you make sure that there's somebody from Eastern Kings on the new board so that Charlottetown gets the message that we have concerns?

Speaker: The hon. Minister of Health and Wellness.

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

This new board and its election and its structure will be very reflective of Islanders all across the province, from tip-to-tip. We currently the two chairs that will be part of that – one is from the east region; one is from the west region. We will build on that. We anticipate this board will be a very strong board full of individuals with great credentials.

Currently, we're fielding calls every day. Engage PEI, I believe, is taking applications as we speak. We look forward to a board that will work collaboratively with us in the department, and with Health PEI, and the executive leadership team, and the CEO so that Islanders' needs from one end of the province to the other are being met effectively, efficiently, to the best of our ability, Mr. Speaker.

Some Hon. Members: Hear, hear!

Statements by Ministers

Speaker: The hon. Premier.

Trade with United States

Premier MacLauchlan: Thank you, Mr. Speaker.

Over the weekend, Canadians and Prince Edward Islanders have had a heightened level of attention on our trading relationship with the United States. Our government supports the federal government's response to the new steel and aluminum tariffs announced by the United States and we will continue to defend the interests of all Islanders companies.

Prince Edward Island companies large and small and from every region of our province exported more than \$1 billion in goods and services to the United States for the first time in 2017. Those exports were part of the fourth straight record year for international exports from our province and the seventh straight year for growth in PEI manufacturing.

Over the last number of days, the Prime Minister has stood against what we believe are unfair and unwarranted tariffs being levied by the US administration. This is an extraordinary situation and one that requires firm and immediate action.

When the tariffs were announced, we immediately reached out to affected companies to determine what course of action would be most helpful for them. Those discussions are ongoing and are being led by staff in the Department of Economic Development and Tourism.

Our Island companies are innovative and resilient and we are confident that they will build on their success even in the light of these tariffs.

However, we must ensure that the effects of any tariffs unfairly imposed by the United States are minimized. Although, the amount of raw steel and aluminum that we ship directly to the United States is quite low, it will still be impacted by these tariffs.

We will also work to support Island companies that have developed integrated supply chains with suppliers of goods manufactured from steel and aluminum sourced in the United States.

The United States is not only an important market for producers of steel and aluminum, but for nearly all products originating from Prince Edward Island. Nearly 70% of our international exports are destined for the United States. However, we continue to explore new markets.

The Canadian European Union Trade Agreement, CETA and the Trans-Pacific Partnership, TPP, are two recent trade agreements that have opened new markets for our products and are benefitting Island companies and Island workers and are creating jobs.

We've worked very closely with a wide range of Island companies to ensure they are in a position to seek out new markets for their products. We are also working closely with the federal government on NAFTA negotiations.

The recent actions taken by President Trump, while unrelated to the NAFTA negotiations, will undoubtedly have an impact on those discussions. The president has said on the record, that Canada must dissolve its supply management policy in dairy if these negotiations are to be successful.

It is our position, and indeed, the position of the Prime Minister, that supply management must remain in place if NAFTA negotiations are going to come to a successful conclusion. It is in the best interest of Canadians and in the best interests of Island dairy producers.

Our goals extend to all sectors of our economy. We want a deal that benefits Islanders. We want to avoid actions that could make the products we use everyday more expensive. In general, we want a better deal for Islanders.

I believe the actions taken this week by the Prime Minister show our collective strength and our resolve to work together and stand together. I call on all hon. members of this Legislative Assembly to show their support to the federal government and to our Island businesses.

Thank you, Mr. Speaker.

Mr. R. Brown: Great.

Mr. R. Brown: Stand up for the Island (Indistinct)

Speaker: The hon. Leader of the Opposition.

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

Obviously, the statement by the Premier today in the House is very timely, especially after what we saw run out over the past number of days with the G7 summit in Quebec.

I am very happy to hear that that government has reached out to Island companies to have the dialogue to see how these tariffs could potentially impact their business. We just have to look at MacDougall Steel Erectors in Borden and look at the tremendous growth that they've had over the last number of years, and the vast number of employees that they have.

It's so vitally important that we do stand up for our entrepreneurs here on PEI and for our trade and for all employees that work in the industry.

Also, I'm glad to hear the Premier speak about the dairy industry and supply management. I know Lawrence MacAulay has Sonny Perdue coming here this week. I certainly hope that he's going to have the ear of Mr. Perdue and stress how important the dairy industry is to the economy here in Canada, but also not just to our economy, but to our trading partners, as well.

While, I do stand and support the federal government's actions with regards to their words; what I am a little bit disappointed with, with the federal government is their delayed implementation of tariffs to go back to the United States.

We've had – American tariffs have been put in overnight. Here in Canada, our federal government is delaying putting tariffs in place until July 1st. I think if we're going to stand up to –

An Hon. Member: (Indistinct) Trump –

Leader of the Opposition: – Mr. Trump then we certainly need to show that we're strong. That we're united, and we're prepared to do whatever it takes to support our economy and to support our great nation.

Thank you very much, Mr. Speaker.

Ms. Biggar: (Indistinct)

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

One of the most encouraging things that we saw and immediately following the divisive and difficult comments coming from the States was the immediate cross-party support from federal leaders across the board standing strong. Then, of course, the amazing support that has come from across world thanking Canada; it's been a really lovely trend to see.

It shows that people are recognizing that this is not coming from a position of evidence, or even one of, perhaps, commonsense, but the reality is that the impact will still be potentially real. We know that Royce Mendes, who is a senior economist at CIBC talked today about the – something that

supply management is being trumped up, excuse the pun, as being having more economic implications than it actually does.

Trade, supply management tariffs and quotas provide friction between trading partners, but they do not, and should not, impact us on a scale that causes a breakdown of the global trading system. Hopefully, some logic and calmer minds will come to mind to play.

However, as a province, we are particularly at risk, as we have spoken before, because of the emphasis that we put on our export and the value it has to our economy. I would still strongly encourage the government to consider that plan for diversification. There is a very timely report that has just come out from CFIB. It was published yesterday called rising tide, which is a survey of small business and their perspective on the need for stronger Atlantic cooperation.

One of the key recommendations from this speaks about the sentiments shared by entrepreneurs across Atlantic Canada. It says, "For the Atlantic region to meet the challenges of the future, cooperation within the region must become stronger, more structured and more deeply embedded in the culture of government. ..." That cooperation to reduce costs, find efficiencies and open up that trading within our own region will benefit not just small or medium enterprises, but the region overall.

That's something where we've got really strong evidence that says that that's something that is overdue and timely. And perhaps, the unfortunate activities that have been happening on that global phase bring it more sharply into relief of an action that we can take now.

Thank you, Mr. Speaker.

Speaker: The hon. Minister of Health and Wellness.

Kings County Health Services

Mr. Mitchell: Mr. Speaker, health care is a top priority for Islanders. As a government we are looking to ensure that all residents have access to high-quality, sustainable health care services.

Over the past few months we have had challenges with consistent physician coverage at the Kings County Memorial Hospital emergency department. We've talked with residents of Kings County. We have met with staff and we worked closely with the physicians in the region to determine the best way to move forward.

Today, I am pleased to announce that we will be realigning services to ensure stable access to the emergency department and to strengthen primary care to the residents of Kings County.

Mr. LaVie: Working together.

Mr. Mitchell: Starting immediately, we will be recruiting for dedicated emergency department physicians for Kings County Memorial Hospital –

Mr. R. Brown: Great.

Ms. Casey: Great.

Mr. LaVie: Shows the pressure was on them.

Mr. Mitchell: These new emergency department physicians will support the complement of family physicians already providing emergency care at the hospital.

Starting on July 1st, we will shift the emergency department hours to be open from 8:00 a.m. to 8:00 p.m. This decision is supported by the local physicians, who have told us that his time period is when they see the highest volume of patients.

Health PEI will be reassessing the impact of emergency department services at the end of the summer.

We need to ensure emergency care at Kings County Memorial Hospital is stable and sustainable and we believe that hiring dedicated ER physicians will do just that.

Recruitment for the new physicians will start immediately. We also plan to bring in locum physicians to work at the ER while we recruit for these permanent hires.

In addition, we know that in order to have a viable and sustainable health care system, we must put emphasis on primary health

care to ensure that Islanders receive quality services where and when they need it the most.

Therefore, in addition to hiring new emergency care physicians we are also improving access to primary care and we will expand the hours of operation at our health care centre in Montague so that it will remain open Monday and Wednesday evenings from 4:00 p.m. to 7:00 p.m.

This will provide added support for patients of the Eastern Kings and Montague Health Centres only, allowing residents who work or study during the day, to book evening appointments with their own primary care provider.

We are working to ensure that Islanders can access the right care in the right place by the right provider. This is about creating a system that is stable and sustainable for Islanders.

I want to thank the many staff, community leaders and physicians, who voiced their opinions and ideas on how to create consistency and resilience within our system.

These changes are a holistic approach to addressing concerns with access to both emergency and primary care.

We listened to Islanders and we are moving forward with this plan to ensure access is there for anyone in need.

Thank you.

Mr. LaVie: (Indistinct) different when he gets on the ropes, isn't it? (Indistinct) on the ropes, he comes in swinging.

Speaker: Responding to the minister's statement, the hon. –

Mr. LaVie: (Indistinct)

Speaker: – Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Mr. Speaker.

I don't know what to say. The minister just talked about a holistic approach. Has he not listened to a word of what the opposition has

said for the last number of months?

Mr. LaVie: No.

An Hon. Member: No.

Mr. MacEwen: He's reducing the hours of the emergency room. He's going to recruit emergency room, dedicated emergency rooms doctors. If we could recruit doctors that easy, the problem would be fixed already.

This is getting ridiculous. Our whole point of this House session talking about health was about scope of practice. We need to look in a new direction. We need to expand the scope of practice of pharmacists. We need to expand the scope of practice for nurse practitioners. We need to expand the scope of practice for registered nurses.

This is not –

Mr. Trivers: Hear, hear!

Mr. MacEwen: – a new model. This is not showing –

Some Hon. Members: Hear, hear!

Mr. MacEwen: – leadership.

Can you just imagine if we started talking about the elephant in the room and started expanding the services that we can provide? We know 35% of the people that are appearing at the Montague ER are not emergent. They could be going to a walk-in clinic. The walk-in clinic in Souris has been closed for all of June. The walk-in clinic with the nurse practitioner in Morell is one day a week. There is no access to service in Kings County.

That's how you fix it. You use the resources we have there. We had the nurses there already. We're talking about recruiting more doctors, recruiting more doctors. Of course, we're always going to be recruiting more doctors. We had them in to our standing committee. We understand that – and you know what? The second that we say, well you know, this fall in the Legislature we're going to say: why is it taking so long to recruit the doctors? Why can't we find emergency room doctors? It's going to be the same thing: we're trying hard. In

opposition we're trying hard. We're competing with the other provinces.

Let's be leaders. Let's use our other health care professionals to their full advantage. This could be part of our repatriation strategy. This could be part of a population strategy for PEI. Imagine when you come here, all these people, early retirees and they're settling on PEI: wow, I can access this service no problem. On PEI, guess what they do? The pharmacists practice their full scope of practice. Guess what the nurse practitioners could do? I can walk in there and get these easy services done.

It's all right here in front of us. We need to stop going back to the well. I get that the dedicated emergency room physicians are working in some other hospitals. And I – no, I can't even say I appreciate the effort. We are missing the boat on this. We need to look at a brand new model. This is not holistic at all. We need to look at a more holistic approach. We've been talking about it for months now.

The minister is new. He's scrapped the board. He's got the bull by the horns here. Let's take change. Let's show leadership and make real change, Mr. Speaker.

Mr. Trivers: Hear, hear!

Speaker: The hon. Leader of the Third Party.

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

One is tempted after an oratory like that to say: What he said. Because, really my hon. friend has touched on the deficiencies in this announcement.

People everywhere in the developed world expect to have access to health care services when they need them. Despite all of the impressive economic gains that we've had and the amazing, spectacular advances in medical care, accessing services is far from universal and it's far from free. That's true, whether you're talking about most countries in the world; there are few exceptions to that.

But, it's true. It's certainly true of every province in Canada. When it comes to PEI, Islanders expect that no matter where they

live on Prince Edward Island, they're going to have equitable access to the health care services that the system provides. That's not happening.

The recent closures at the KCMH sort of highlight and create that gap in the system, which should not exist. There are things that we could do to solve this problem. Expanding the scope of services as my hon. colleague just said; is one of them.

Government has an obligation to provide health care services that are in line with the five pillars of the *Canada Health Act*. That it be publicly administered. No problem there. Comprehensive; universal; portable and accessible.

The two that we're falling down on in rural Prince Edward Island and particularly when it relates to KCMH is the universality; Islanders being entitled to the same level of health care across the province. That's clearly not happening here. And accessibility where all Islanders should have reasonable access to health care facilities.

Presumably, the minister imagines that this announcement is going to fix the problem at KCMH and provide, as he says: stable and sustainable health care services there.

Maybe, as my hon. friend suggests, it's time to review the situation here on Prince Edward Island. Not just when it comes to scope of practice for all of the adjunctive health professionals that we have here, but in how we deliver health care services.

Emergency services, maybe this will work. Maybe it will. I'm willing to wait and see. But, maybe we need to think of emergency services as being provided in two main hospitals with a vastly improved and expanded ambulance service in order to take care of those Islanders, who live outside the centre, outside these main centres.

Maybe we need to look at providing primary health care in the communities where people live; those are two separate things. The loss of emergency room hours at KCMH is one problem, but maintaining those primary health care services in communities is something that we absolutely have to do. Expansion of scope of service, absolutely.

But, maybe it's time to review the whole idea of how we deliver health care services to rural Prince Edward Island in order to maintain those communities and the health care of Islanders everywhere from tip-to-tip.

Thank you, Mr. Speaker.

Some Hon. Members: (Indistinct)

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

2018 Environmental Awards

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

Yesterday, I and the MLA for Kensington-Malpeque, had the great pleasure of participating in the presentation of the 2018 Environmental Awards at Queen Elizabeth Elementary School in Kensington.

The Environmental Awards celebrate the outstanding achievements of groups and individuals in the protection and enhancement and the conservation of the environment.

It was an honour for me to recognize dedicated Islanders, who are working to make our province a better place to live, work and raise a family.

The winners of this year's awards are, in the organizational category; the Eastern Kings Seniors Neighbours Club. In the individual category; Wayne Gairns of North Wiltshire, and in the school category, Queen Elizabeth Elementary School.

The Eastern Kings Senior Neighbours Club started an organic community garden in 2017 to raise awareness among children about their food and where it comes from and promote the use of organic crops.

Wayne Gairns was recognized for his commitment to the watershed restoration. He has volunteered in the Fisheries and Oceans Adopt a River program and he was a driving force behind the creation of the PEI fly fishers to oversee the work on the West River.

He was a key figure in the start of the semi-natural rearing pond at Mooney's Pond. And he played an active role in a number of

organizations including; the Central Queens Wildlife Federation and the Island Nature Trust.

Students at Queen Elizabeth Elementary School are learning the value of environmental stewardship everyday through a number of school activities. They participate in garbage pickup days and raise butterflies to take and release and to raise salmon from eggs to release. They grow plants to learn about the life – plant life cycles. The school has a recycling program and makes organic vegetable boxes to promote eating locally and sustainable.

I told the members – the students that were assembled in the assembly yesterday, that we've just adopted a plastic ban act. I told them to make sure that when you go to the grocery store with your parents that they do not use single-use plastic bags. Parents listen to their children and I told them it's an important task for them to do to make sure that their parents do not use plastic bags when they go.

I think from the faces in that school there yesterday, we're well on our way with the kids that were there yesterday.

Congratulations to all this year's award winners for their commitments to the improvement of our environment. Because of their contributions, our environment is stronger and healthier.

I also want to thank the members of the Environmental Advisory Council for reviewing the nominations and for the work they do year-round on environmental matters.

The Environmental Advisory Council works extremely hard on behalf of Islanders and I really want to thank them. They do a tremendous job.

We are fortunate to have a well-connected community-minded population. Islanders demonstrate why we are a mighty Island everyday by caring for one another and working together to keep our Island healthy and a vibrant place to live and visit.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

It is great to hear the minister rise today and congratulate the winners of the 2018 environmental awards. I know the Member from Kensington-Malpeque is very proud of, especially, the Queen Elizabeth Elementary School in Kensington and the work they do. I know that he does a lot of that work at that school, and he sends on the congratulations. As well, I congratulate Wayne Gairns and his group and the various projects they're involved in.

One thing that strikes me here is a lot of these projects don't require a lot of money. They really require people to spend some time, have some passion and make things happen. When it comes to the environment, that's really how we're making progress. Watershed groups are at most times passionate volunteers, and a little more money from this government, who knows what they could do with that 10-to-one return.

The environmental advisory committee, as well as the minister mentioned, they do a fantastic job. They, again, are people from the community of a variety of walks of life that care about the environment. And that's how, if we work together to make small changes, they don't have to be expensive, that's how we can really make progress.

The minister mentioned getting rid of plastic bags. That's good. We talked about that before. We don't even need legislation in place to stop using single-use plastic bags. It's a decision of each individual person.

The other thing I wanted to note; the minister talked about was how the school really worked together to make this happen. I know that in my district, the schools also are really hubs of activity and that's why schools are so important within communities, and really they're a base that communities can really rally around.

That's why, in the official opposition, we really believe in having small schools stay open and be the hubs of community because that's how we improve all areas of life,

including the environment, as we see here today with the 2018 environmental awards.

Congratulations to all the winners, and kudos to you.

Speaker: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Mr. Speaker.

It is always a good day when we can recognize and celebrate great activities that happen in our community that expand knowledge and awareness and recognize the value that communities, individuals and groups have done to change their environment in a small way.

One of the things I think would be a really interesting place to explore for future, especially given there's an advisory council in place; is the connection between environmental stewardship and wellness. We have a really robust wellness grant program, which is, I think, coming into its fourth year and award significant grants in around – if I check again – communities and community groups that are working on the principles and advantages of health promotion.

A lot of the activities that are identified and recognized in these environmental awards are actually around health of individuals, health of communities and health of education. They're not just about the environment as a green space, but about how we can promote our young people to understand and develop how they fit into the world and how they can live healthy lives in it.

So perhaps, minister, sometime in the future we'll be able to celebrate the awarding of grants and the recognition of the connection between environment and wellness.

Thank you for this announcement, and we look forward to the future ones.

Thank you, Mr. Speaker.

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

Presenting and Receiving Petitions

Tabling of Documents

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

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

By leave of the House, I beg leave to table an article in the *Journal Pioneer* today. They have a picture of myself and the Member from Kensington-Malpeque –

Mr. Myers: (Indistinct)

Mr. R. Brown: – and to those who don't think we're working together in this Legislature, I'm going to table proof that we do work together in the Legislature and I move, seconded by the Honourable minister of industry, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Mr. R. Brown: There's proof. There's proof we're working together.

Speaker: The hon. Leader of the Opposition.

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

By leave of the House, I beg leave to table the document that I referred to during Question Period. It's a copy of the advance contract award notice that came out from the consumer corp and financial services division and I move, seconded by the Honourable Member from Belfast-Murray River, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

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

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, by leave of the House, I beg leave to table a document entitled Kings County Memorial Hospital emergency department arrival and registration time. It states the hour of the day, the number of patients, and the percentage of those patients of a total that

have arrived at the emergency department for the fiscal year 2017-2018 and I move, seconded by the Honourable Minister of Agriculture and Fisheries, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Reports by Committees

Introduction of Government Bills

Government Motions

Orders of the Day (Government)

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.

The hon. Member from Charlottetown-Lewis Point.

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

Some Hon. Members: (Indistinct)

Chair: With pleasure.

Hon. members, we are on section 19. The section hasn't been read yet, so I'll read the

section. At the end there is a small amendment that I will read at the end of that, and then I'll open the floor for discussion.

Section 19

Oh, sorry. I was going to do this all by myself.

Permission to bring a stranger onto the floor?

Some Hon. Members: Granted.

Mr. Myers: (Indistinct) got to get some brains to help (Indistinct)

Chair: Welcome.

We'll allow him to get set up and introduce himself before I start to read.

The hon. Premier.

Premier MacLauchlan: (Indistinct) 19 on Friday?

Chair: I don't think so.

Mr. J. Brown: I think we read a part of it, but I don't know if we got through it.

Chair: Thank you for the intervention.

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

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

Chair: Welcome back to the table.

Gary Demeulenaere Director: Thank you.

Chair: Section 19.

(1) If a financial agent has reason to believe that public money was used for a purpose or in a manner contrary to section 17, or that a contribution was accepted contrary to section 17, the financial agent shall report to the Referendum Commissioner, within 15 days of becoming aware that the public money may have been misused or the contribution may have been improperly accepted,

(a) the amount of public money that may have been misused or the contribution that may have been improperly accepted;

(b) the reason the financial agent believes that the public money may have been misused or the contribution improperly accepted;

(c) if known, the person who may have been responsible for the doing so;

(d) whether the public money that may have been misused has been repaid to the financial agent or the contribution that may have been wrongly accepted has been repaid or returned to the contributor, as the case may be; and

(e) any other information the Referendum Commissioner requires.

(2) If the Referendum Commissioner has reason to believe that public money was used for a purpose or in a manner contrary to section 17, or that a contribution was accepted contrary to section 17, the Referendum Commissioner may require a financial agent to provide to the Referendum Commissioner, within the time stated by the Referendum Commissioner, the information required by the Referendum Commissioner.

(3) If the Referendum Commissioner has reason to believe that public money was, or was likely, misused by a member, the Referendum Commissioner may require the financial agent to repay to the Referendum Commissioner all or part of the amount that was misused.

(4) If the Referendum Commissioner has reason to believe that a contribution was, or was likely, improperly accepted by a member, the Referendum Commissioner may require the financial agent to repay or return, if practicable, all or part of the contribution to the person who made the contribution.

(5) For the purposes of subsection (3) or (4),

(a) the Referendum Commissioner may require the repayment or return by delivering to the financial agent a notice setting out

(i) the amount owed or the contribution to be returned,

(ii) the time in which the amount shall be repaid or contribution returned,

(iii) the reason for the repayment or return, and

(iv) the manner in which the repayment or return shall be made;

(b) the financial agent shall repay the amount or return the contribution as required in the notice; and

(c) if the notice concerns the repayment of public money, the amount that is not repaid is a debt due to the Government by the financial agent if

(i) the Referendum Commissioner has reason to believe that the financial agent knew or ought to have known at the time of disbursing the public money that the public money would be, or would likely be, misused,

(ii) the Referendum Commissioner includes in the notice the reasons for the belief in subclause (i), and

(iii) the financial agent does not repay the public money in accordance with this subsection.

Hon. members, there has been an amendment on the floor and minister, do you want to move the amendment?

Mr. J. Brown: Sure.

I move an amendment to section 19, subsections (1) and (2) which changes the reference in that section from a contribution accepted contrary to section 17, to accepted contrary to section 16 or 17.

Chair: Thank you.

Hon. members, you have the amendment before you. Is there any questions on the amendment? 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: Contrary minded, 'nay'.

The amendment is carried. Now I'll open up the floor to questions to section 19 as amended.

Ready for the question on section 19?

All in favour of section 19 signify by saying 'aye'.

Some Hon. Members: Aye!

Chair: Contrary minded?

The section is carried as amended.

Hon. members, I don't see any other amendments that were tabled prior to the reading this until we get to section 26. Do you still require me to read the sections line by line?

Dr. Bevan-Baker: No, section by section.

Chair: Section by section. Thank you.

20. Reconsideration of notice

Shall the section carry?

The hon. Member from Rustico-Emerald.

Mr. Trivers: Thanks, Chair.

I was wondering if you'd considered any other methods of appealing the decision of the referendum commissioner, or does it just – the referendum commissioner has the final say, they can reconsider it, and that's all.

Mr. J. Brown: Just to clarify, there would be the potential for a judicial review of the commissioner's decision, but some other entities, as an example, the *Workers Compensation Act*, there are two levels of appeal, a decision, and then two levels of appeal. You have to constitute an entirely different tribunal for the next level of appeal.

So, yes, but the practicalities of it aren't really there, I guess would be the way I'd put it.

Mr. Trivers: For example, did you consider using IRAC as a next level of appeal? Would that be appropriate?

Mr. J. Brown: Not to get too far into the principles of administrative law in relation to this sort of a thing, but when you start to look at deference to decision-makers, you get into an issue when you would go to a side body that would, in this case, potentially, have less practical/legal knowledge in relation to the subject and it links into the standard of review of that decision.

The short answer to that question is 'not really', but for a much larger legal reason than, perhaps, you'd be thinking.

Mr. Trivers: In some cases, we could be dealing with substantial amounts of money, depending on how much public money was given under the responsibility of an official agent. I was wondering, I guess, if there's an opportunity for an agent to sort of pre-clear the spending with the referendum commissioner before it happens so that they sort of get a note from saying: Yes, it's okay to spend on this – so they don't have to worry about owing the money back later on.

Mr. J. Brown: Yes, I would think that would be part of the referendum commissioner's powers. Now how specific they wish to get about that kind of thing, I think would be within their discretion.

Again, we talked about the concept of budgeting the other day. This is really the premise of the budget idea. These are the kinds of things we want to spend our money on and the referendum commissioner can look at them and say: Well, the public money's not for this, not for that, not for whatever, but all the other things that you're mentioning in here, go ahead.

The referendum commissioner has within their mandate to educate overall – always has – in relation to what you can and can't spend the money on technically. So, I would think that there would be a continuing education piece to that. Everybody in here, or all of the members have run through an

election and I know that there's inability to call whoever it be – whether the Chief Electoral Officer or one of the DROs or ROs, or whatever and just ask them questions about different things that you are or aren't allowed to do as you go through the election process.

Chair: Shall section 20 carry? Carried.

Section 21 –

Chair: Section 21

Rescission of appointment of financial agent

Shall section 21 carry? Carried.

Thank you.

Section 22

Chief Electoral Officer, Conduct of Vote

Referendum vote to be conducted under *Election Act*

Shall section 22 carry? Carried.

Section 23

Conduct of referendum

Shall section 23 carry? Carried.

24

Ballots

Shall section 24 carry? Carried.

General

Section 25

Appropriation

Shall section 25 carry? Carried.

26

Offences

Shall section 26 carry? Carried.

An Hon. Member: (Indistinct) amendment on this section?

Chair: I thought it was – oh, there is. There is.

Thank you.

Mr. Myers: It took 10 days to do 17 sections in 10 minutes (Indistinct)

Mr. J. Brown: So, I move and do you want me to read the whole thing out, or what do –

Chair: No.

Mr. J. Brown: I move the amendment that's been tabled and circulated to everybody in relation to section 26.

Chair: Hon. members, I have the motion before me.

Do you require me to read the amendment?

An Hon. Member: (Indistinct)

Chair: I don't. Thank you.

Questions on the amendment?

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

Firstly, I want to thank the minister for incorporating the suggestions here about altering the wording surrounding the fines. Previously, it was, the way it was worded, it was a minimum of \$10,000 fine for anybody who contravened the financial aspects of this.

It's now in line with the general offences. The penalty is now up to \$10,000. That's something, which was again probably required to make this constitutionally valid and I appreciate that.

Really, given that this section has been altered as much as it has, the only question I have on this relates to the commissioner's discretion when it comes to applying these fines.

We've already established that this is a very complex piece of legislation. Although, for us, who have been sitting around debating this for as long as we have, we are now fairly familiar with it. We understand the

layers and how all of these bits overlap, not, I think, probably the general public does not.

I'm just concerned about the commissioner being able to exercise leniency in a situation where they may be a very minor infraction here with a small amount of money required, or a small amount of money in question. It's clearly just a misunderstanding of the layers of this and which group or subgroup this individual or group may fall into.

I just want to check on the commissioner's ability to use discretion when it comes to applying these fines.

Mr. J. Brown: So what Gary's just saying is, it may not be the commissioner that's going to issue the fines. In these cases it could be a provincial court judge, as an example. More than likely that would be the situation.

You're going to end up in a – there are a number of different principles related to sentencing. They apply universally in any of these kinds of situations. I'm not going to get into addressing each of them. Essentially, whether it's a commissioner and they have some level of judicial training, or whether it's a commissioner with full judicial training, or whether it's a judge of the provincial court, they would adhere to those principles and then their decision would be subject to review on a judicial review or an appeal, or whatever. They would look at what had been done in other similar kinds of circumstances, as an example.

Dr. Bevan-Baker: I don't believe we heard before that this may be somebody other than the referendum commissioner who will be making judgments on this.

In fact, in section 26 sub (1) it says: a person commits an offence who

(a) who fails to cooperate with the inquiries or to obey the requirements, notices or directions of the Referendum Commissioner.

Are you saying that there may be other bodies or other individuals involved in making those requirements and notices and directions?

Mr. J. Brown: Yeah.

Gary Demeulenaere Director: No. Sorry, to be clear.

The offence in 26 (1) would refer to, as you said, the inquiry, notice or direction from the commissioner that's contemplated by the act.

Dr. Bevan-Baker: Yeah.

Gary Demeulenaere Director: So the idea is, that if somebody, if the commissioner issues that to somebody, who fails to comply – what the minister referred to as there could be a provincial Crown that's engaged to prosecute that is an offence, that's why it's enumerated there.

But it wouldn't be something that the provincial Crown wouldn't issue a direction or a notice or something like that pursuant to the act, that's a function of the commissioner.

But, ultimately if he told someone you have to repay money, for example, or you have to take your sign down and the person didn't adhere to the direction, that's why 26 (1)(a) says that could be an offence by the commissioner telling you to do it and you choosing not to, that could be subject potentially to a prosecution.

Dr. Bevan-Baker: Okay.

I appreciate the clarification and distinction there, Gary.

Can you let us know when, for example, a provincial judge may be called upon to make a decision on a situation?

Gary Demeulenaere Director: As with almost really almost any act, a provincial court judge would be called upon if a prosecution was commenced as a result of an offence.

I think, from my reading of the act, the powers of the commissioner as well as, you know, prior life experience with the powers of prosecutorial discretion, I don't envision this as being something that a really minor something that's offside the act. There is discretion that's in there, I think, in what the commissioner decides he's going to do or

investigate. As well as, if something were to reach an actual stage of prosecution, there's still discretion in the office of the Crown Attorneys. They don't tend to prosecute trivial offences.

Dr. Bevan-Baker: Right, okay.

Just in my own head, so I can clarify the pathway here. If there is an infraction or violation, the first thing that would happen is that the commissioner would initiate the prosecution if she or he felt it was significant enough.

Gary Demeulenaere Director: I wouldn't use the word 'prosecution.' If you were looking at it from an investigative or inquiry side of things that would seem to me more in the line of what the referendum commissioner would – decision to actually prosecute ultimately rests with the Crown, not with the referendum commissioner.

Dr. Bevan-Baker: So, the pathway wouldn't necessarily have to go to through the commissioner then. It could go –

Gary Demeulenaere Director: It wouldn't necessarily have to yeah. In the normal course, I would expect that it would. But, it wouldn't necessarily have to.

Dr. Bevan-Baker: Okay great, thanks, Gary.

I'm good, thank you.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: I have a question on section 7. Are we still – but we're still on the amendment right now?

Chair: Yes.

Ms. Bell: Okay, so, I'll wait –

Chair: You'll wait –

Ms. Bell: (Indistinct)

Chair: You ready for the question on the amendment?

An Hon. Member: Question.

Chair: All in favour of the amendment to section 26, signify by saying 'aye.'

Some Hon. Members: Aye!

Chair: Contrary minded?

The amendment is carried.

Now, I'll go back to the hon. Member from Charlottetown-Parkdale for her question on section 26 as amended.

Ms. Bell: Thank you.

It's just a clarification, Chair, regarding personal liability of corporate officers for the offence of a corporation.

I know we had spoken about this previously with regards to a corporation – being incorporated as an organization to be a registered referendum advertiser and the directors of that corporation under the laws of it being an incorporation organization are not usually liable personally. If it's from an indirect management perspective, however, they should also have director's liability insurance as an incorporated company if there was that risk. We had spoken about that previously.

I guess it's a couple of things. Just to be clear that we are talking about here is, in the event that there is not any liability insurance that that liability would resolve to the directors?

Mr. J. Brown: No.

Ms. Bell: No?

Mr. J. Brown: You're talking apples and oranges. Director's liability insurance, for starters, doesn't typically apply to offences committed pursuant to legislation unless somehow they're committed in an honest way.

But, to be frank about it and clear, the provision allows for the personal liability of – and we have a number of different acts in this province that does this now – that do this now, some that would fall under communities, land and environment and would be prosecuted by justice in relation to farming practices and things like that.

What it does is, it prevents somebody from incorporating a company merely for the purposes for carrying on, carrying out a defence and then saying: oh, it's just a company with nothing in it. Nothing ventured, nothing lost, or however you want to say that, in terms of commit the offence, abandon the company and then just carry on in your personal capacity. That's what this is meant to prevent.

Ms. Bell: Sure.

My question was just coming from, sort of, other experiences of companies that have encountered where directors have a fiduciary responsibility to sort of have that oversight of the financial decisions being made by the organization. When, they authorize through a decision made in a meeting, for example, like an approval of a budget or approval of expenditures, that if that then turns out to be implemented on an operational basis, at arms-length as would happen in a director-to-organizational structure, then that director's liability insurance, in those cases, that I'm aware of, has actually come into play in terms of providing some level of protection for those directors from the operational implementation.

I understand that that's not necessarily the context here, but certainly for some, in terms of the application of organizations, one of the things we've been asked is: would director's liability insurance, as an expense, be an expense that should be included in the budget for an organization coming forward, or is it one that won't provide the coverage. That's the context for asking, minister.

Mr. J. Brown: I appreciate in some way what you're saying.

Ms. Bell: Yeah.

Mr. J. Brown: I think the answer would be no.

Ms. Bell: Okay.

Mr. J. Brown: I don't – to me, it does not fall within the ambit of –

Ms. Bell: Okay.

Mr. J. Brown: – the kinds of expenses that are referenced there.

They're laid out there. That would be something that I think could be clarified as we move forward by a referendum commissioner in terms of what their expectations would be on that point when they see the legislation that we've all, kind of, gone through.

To be absolutely clear about the point. We, in here, are ambivalent to whether directors would have director's liability insurance in terms of whether or not they commit an offence and there's personal liability on the directors for that offence.

It can't really be any other way. The whole purpose behind a section like this is to say that directors, you do have the responsibility for your corporation. You are the directing mind of that corporation.

I always used to tell clients, when I was talking corporate law to them, a corporation is like any person. Except that in every person we have our brain to tell us what to do. In a corporation, really the directors are like the little, you know, person that sits on your shoulder and tells you what to go and do.

In this situation, we're saying that though you're there in name as a corporation, you can't absolve yourself of liability just because you're there in name as a corporation.

It would be similar to what would happen with professional corporations in the medical field, if you want to look at it that way, or in the legal field or different spots.

We are ambivalent here as legislators about director's liability insurance, other than I recognize your point about the expense. I think that would be something that there would be some level of discretion in the referendum commissioner to look at, but I wouldn't think it would be the kind of thing that, certainly we would be encouraging for that purpose.

I don't think, I'll be honest in saying, based on my own personal experience, I don't think that that kind of insurance would cover

off against those sorts of expenses in any event.

Ms. Bell: I appreciate the clarification, minister, in what would qualify, certainly.

The other context, I think, here from my experiences is the role of directors from the non-profit context where a board of directors is not operational; where a board of directors is strategic in direction and I think that's perhaps some of the, again, the language and the reality of how this would be implemented.

In a formal non-profit that has an established operating budget and staff and so on, we have a board of directors, who have quite a different role, which is one of fiduciary oversight and risk management and not day-to-day operational, and therefore the roles and the insurance requirements and so on are quite different; but even though you've talked about this as a non-profit corporation, the role of the director in this context is more in that, the devil and the angel on the shoulder role that you alluded to.

Again, it's about sort of understanding what is meant legislatively versus in the community, because the community's perspective of a director and a non-profit is quite different; and where we've had in the past established non-profit organizations like the Council of People with Disabilities or – I can't even think of who else, but anyway, established organizations that have existing boards, those boards have to make so many decisions, including consulting about the coverage of their liability insurance, before they can allow their organizations to participate, for example.

So that's the context. This is not sitting just as a theory exercise but as something that has already been experienced by the community at large. But I do appreciate the clarification of, in this case, the liability insurance would not necessarily apply to the examples that are being defined under the jurisdiction of the referendum commissioner. So I would be (Indistinct) that point.

Thank you, Chair.

Chair: Thank you.

Are you ready for the question on the amendment?

Some Hon. Members: Question.

Chair: All those (Indistinct) – did we already do that? No.

Shall section 26 carry as amended? Carried.

And I think that's unanimous, thank you.

Hon. members, there is one more amendment. Minister, I'm going to get you to move that amendment.

Mr. J. Brown: Okay. So I think everybody would have a previously tabled copy of an amendment adding section 27, which requires the Lieutenant Governor in Council to issue an order that establishes the date on which the referendum period commences.

Chair: Are you ready for the question on –

Mr. J. Brown: Sorry, Chair. I didn't say I moved that, but just to be clear, I do.

Chair: Okay.

Mr. J. Brown: Yeah.

Chair: Thank you.

All right. We have questions on the amendment from the Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

So this is a three-part new section, and the second part of this section says that the order from LGIC cannot be more than eight months prior to the general election; but then section 3 says – clarifies the fact that Cabinet's ability to call an election at any time is not affected.

I'm wondering about the compatibility of those two things. I guess my question is, does this bill, through section 2, legally bind government to call an election within eight months of the declaration from LGIC?

Mr. J. Brown: Yes.

Dr. Bevan-Baker: It does? So it does, in fact, affect the power of LGIC to dissolve

the Legislative Assembly whenever they want.

Mr. J. Brown: This is the same discussion we have had previously in relation to the binding nature of any legislation. It's as binding as any legislation that we create.

So we're saying in here that the Lieutenant Governor in Council shall, by order, establish the date on which the referendum period commences;

subsection (2), the date established by the order referred to in subsection(1) shall not be more than eight months prior to the date of the general election.

Dr. Bevan-Baker: I know we had a discussion on this once before, minister, but you've repeatedly stated that this section is based on the BC act that was just – well, I don't know if it's been proclaimed, but the BC bill that was introduced a week or so ago, which has five months as its time period. I'm wondering why you chose eight months rather than five.

Mr. J. Brown: So again, so the BC, just to be clear, the BC situation is that the attorney general had done a consultation process out there, and had recommended to – basically publicly recommended to Executive Council that this is what they feel should be in their legislation, and made a public release of it.

Really, all I am saying in saying that, is the same principles apply here; and to complicate things a little bit more, they have a municipal election that was a complicating factor there, and we have a provincial election that will be going on at the same time. We also have legislation that basically deals with the calling of an election, and so there is some flexibility around that, and what this will do is it will narrow in the time within which an election could occur, but not limit it in such a way that you're down to a 26 or a 32-day window.

The conversation that we have had previously, I would reiterate, which is ostensibly that the eight months would get us narrowed down into a fairly confined electoral season, we'll call it. At that point in time, Prince Edward Islanders would be able to judge for themselves, and to have their elected officials on the doorstep to say: I

think you didn't give me enough time, or you did give me enough time, or you gave me too much time, or whatever, in terms of what their thoughts are.

We would be looking to find that balance between it being too long and too short within that eight-month window.

Dr. Bevan-Baker: Minister, thank you for pointing out some of the differences between the BC situation and ours. There's a very – there's nothing ambiguous about it all. It'll start July 1st and it ends November 30th. There's a very clearly defined and finite period.

With the way this legislation is written, and I know it's up to eight months, I get that, and one could argue, well, it could fall anywhere within, so half of that is four months, so that's very close to the BC situation.

I realize that we've gone from an outside possibility of 22 months when we started debating this bill a couple of weeks ago, to an outside possibly of eight months. It's still that eight months encompasses, as I discussed the other day, the possibility of a spring and a fall election within that eight-month timeframe.

You mentioned about it being longer than 26 to 32 days, and I absolutely agree with you, minister, I think that would be much too short. I do feel that five months, as is the case in BC would be long enough, and then we would have a clear indication, unless, you know, the government was to break with convention have a midsummer election or a winter election, which if, of course, a possibility. But that five months would give everybody a clear signal as to whether we're looking as a spring election or a fall election.

I'm wondering if you considered making that the sort of time frame.

Mr. J. Brown: Two things, I would say in response to that.

One is that five months would also allow for a spring or a fall election frankly.

The second piece of is, as the hon. Member from Morell-Mermaid had said, I would think, having the call close the election

period in that much would effectively be a game-on signal in terms of the overall election.

Like, if you were to say four or five months is the – now the period, four or five months is a long time for a writ, but it's effectively – an effective writ period, but it's a short time for a referendum. I think a lot would be compressed into that timeframe. I'm not sure that we'd do justice to either of the points under consideration in that short of a timeframe would be the concern that I would have.

Dr. Bevan-Baker: Okay.

Thank you, Chair.

Chair: Hon. members, did you require me to read the amendment into the record?

Yes? No?

Some Hon. Members: (Indistinct)

Chair: No?

An Hon. Member: (Indistinct)

Chair: No, I'm just asking for – do I have consent –

Thank you.

All right.

The hon. Member from Rustico-Emerald.

Mr. Trivers: Yes, thanks, Chair.

Let me start. Along the lines of the question from the Leader of the Third Party, I'm a little confused about a scenario where, for example, let's say the LG in council said the referendum period is going to start September 1st. Of course, that opens the door and let's say, again, just for the sake of argument, let's say that the Premier said: Okay, I think I'd like to have a fall election, so I'm going to do September 1st, going to have the election sometime in October, so that gives me the flexibility, right? It'll be a short referendum period.

But then, let's say, the Premier changes his mind and says: I want to have it in May and have a spring election, May 2019. Or even

says: You know what? I think I want to have it in spring of 2020. So the referendum period was declared, so they've got eight months to hold an election, but the Premier changes his mind, then this legislation basically does not allow him to change his mind. Is that right?

Mr. J. Brown: Effectively, yes.

Mr. Trivers: So again, along the same lines of the question, I didn't quite understand your explanation. Maybe that's just me, but it says the order –

Mr. LaVie: Nobody else understood it either.

Mr. Trivers: – the order – what does it say? It basically – it shouldn't interfere with the ability of the Premier to call an election.

Mr. J. Brown: The Premier, or the Lieutenant Governor?

Mr. Trivers: The Lieutenant Governor, pardon me.

Mr. J. Brown: To dissolve subsection (3).

Mr. Trivers: Yes, but it really does affect the power of the Lieutenant Governor to dissolve the Legislative Assembly because if the Premier, of course, asks the LG to dissolve it, that's the process the way I understand it.

So if the Premier changes his mind after declaring the referendum period and says: Wait a minute, I want it to be spring of 2020, he's not allowed to, so as the Leader of the Third Party said, it really does affect the power of the LG to dissolve the Legislative Assembly for an election. So I just wanted – if you could maybe just take another shot at explaining that to me. I didn't quite understand your explanation last time.

Mr. J. Brown: So maybe, hon. member – I was always a fairly visual learner – you get out to understand the concept of Venn diagrams, perhaps.

Mr. Trivers: I love Venn diagrams.

Mr. J. Brown: Get them out.

Okay, so if you draw a big circle.

Mr. Trivers: Yes.

Mr. J. Brown: Okay? And we'll call that subsections (1) and (2).

Mr. Trivers: Yes.

Mr. J. Brown: And the left-hand side of the circle is the first date of the eight-month possible window.

Mr. Trivers: Okay.

Mr. J. Brown: And the right-hand side is the election date.

Mr. Trivers: Yes.

Mr. J. Brown: Subsection (3) would apply for anything that would be smaller than that in terms of the left-hand side of the circle, and right through until the election date. So the subsection (3) circle would be smaller than the subsection (1) and (2) circle.

Mr. Trivers: So, Chair, that's exactly my point because you can't actually extend that section (3) circle to the right of the section (1) and (2) circle because that should be – I mean the LG should have that ability if their power isn't affected. Again, if you want to agree to disagree, that's fine. I'm not going to belabour the point too much, but –

Chair: Thank you.

Mr. Trivers: Does he want to agree or disagree, Chair – agree to disagree? Pardon me.

Mr. J. Brown: Yes. Perhaps I'll draw the Venn diagram for you a different time, show you what I mean.

Mr. Trivers: This section was added, really, to give the Lieutenant Governor in Council the power to set the referendum period and I sort of disagree with this section because I disagree with – as I've said before – a lot of the premise of the whole bill, really. I think it's going to be really, really hard to police referendum advertising and spending – almost, like very, very difficult. I think if we just use the same rules we use to govern general elections and the general election expenses instead of creating a new set of

rules, a new referendum commissioner position, and attempting to limit political parties from advertising. And then spending \$150,000 of public money, given to groups on the 'yes' and 'no' sides, I disagree with that as well. Any money the government spends should be on the general education.

So that's why I disagree with this amendment and I really think it should just be tied to the writ period and then we really wouldn't need the vast, vast majority of this bill. And I don't expect you to answer that; you can if you want. Last time we talked about it, you said we have to agree to disagree, but I just wanted that on the record. And I did have one more question.

I did have a constituent come me recently and they were wondering if this legislation allows a government to sort of – if the referendum does result in an MMP – a 'yes' result, then when they implement that after – the next government implements that – could they put on something like a follow-on binding referendum after one or two election cycles so people can say: Look, we tried it for two election cycles, but we want to see if we want to stick with it? They've done that in New Zealand, for example. I just want to know, does this legislation allow a government to do that if they wanted to?

Mr. J. Brown: Yes.

Mr. Trivers: It does for sure?

Mr. J. Brown: Yes.

Mr. Trivers: Okay, great.

Mr. J. Brown: Binding questions aside.

Mr. Trivers: Well, that's why I was confused because it's binding and it references schedule two, but as long as they can expand on that, I think that my constituent, and I agree with him, would be happy.

An Hon. Member: (Indistinct)

Mr. Trivers: The other thing they suggested, because of the nature of the mixed member proportional, you have members that really are not directly accountable to any particular set of

constituents within a district, but they're accountable to the whole Island, not their general area, or their direct area – immediate area. They had thought it would be interesting to have a recall system, which would apply to MLAs, and would enable the voters to basically fire an MLA, if they wanted to – make them more accountable to the voters.

So I just wanted to know, again, given schedule two and the specificity of it, would that preclude a future government from adding in that sort of a recall system and amending the MMP system to add that sort of recall system?

Mr. J. Brown: No. Recall legislation is typically totally separate from something like this.

Mr. Trivers: Okay.

Mr. J. Brown: From what I know of it.

Mr. Trivers: Okay.

Mr. J. Brown: The simple answer would be no, but it's not something that I'm going to profess that we have given great consideration to.

Mr. Trivers: And you can see why the constituent would link the two together because you have the list MLAs in an MMP system that aren't accountable to any direct group of people other than the whole Island. So that's why they thought a recall system would potentially be related to this legislation. And that's something – you said you didn't really look at it, but as long as that would still be possible in the future – I'm not saying it should happen, but if that'd possible, then I'm okay with that.

Chair: The hon. Leader of the Third Party, do you have a question?

Dr. Bevan-Baker: I do, actually, and I have a Venn diagram also. If we were to look at a Venn diagram of when the last election occurred, May 2015 and April 2020, which is the span of time that the *Election Act* would allow LGIC to have an election – section 27 –

Chair: We're not allowed to use props in the House.

Dr. Bevan-Baker: Oh right, okay.

Chair: Thanks. Sorry.

Dr. Bevan-Baker: Section 27 sits within that larger bubble, so it absolutely does restrict what the *Election Act* says LGIC's ability is. So with this section, are you suggesting that Bill No. 38 would supersede the *Election Act*?

Mr. J. Brown: No. I think what I'm saying is if the Lieutenant Governor decides to dissolve parliament and call an election, there's 26 to 32 days to do that and those days would clearly fall within the period required in subsections (1) and (2) of section 27.

Dr. Bevan-Baker: So are you suggesting that my Venn diagram is somehow inaccurate?

Mr. J. Brown: I wouldn't look at props in this Legislature, hon. member so I'll just leave that –

Dr. Bevan-Baker: Okay, we'll forget the props.

Chair: Maybe the diagrams can wait until after the House. You can get together and share your diagrams.

An Hon. Member: You can table it now.

An Hon. Member: Table it.

Chair: Are you good, hon. leader? Leader of the Third Party, are you okay?

Dr. Bevan-Baker: I'm perfect, thank you.

Chair: Hon. members, are you ready for a question on the amendment to section 27?

All in favour of the amendment to section 27 signify by saying 'aye'.

Some Hon. Members: Aye!

Chair: Those voting against the amendment signify by saying 'nay'.

Some Hon. Members: Nay.

Chair: Thank you.

The amendment of section 27 is carried.

Hon. Member from Charlottetown-Parkdale, did you have a question on section 27 as amended?

Ms. Bell: As amended.

Chair: The floor is yours.

Ms. Bell: Thank you, Chair.

We did speak to the Legislative Counsel to seek their advice on this, but we wanted to make a motion to amend section 27 as amended and we are not able to provide that in writing because it did not exist for them to make that amendment. So I am moving an amendment on the floor, which is a very simple one.

It's to change the referendum period from eight months to five months.

So would move that:

subsection (2) be amended by the deletion of the word 'eight' and the substitution of the word 'five.'

Chair: Does everybody understand the amendment to the amendment that's on the floor?

Are you ready for the question to the amendment to the amendment?

Dr. Bevan-Baker: I'd like to speak to the amendment.

Chair: To the amendment?

The hon. Leader of the Third Party, speaking to the amendment to the amendment.

Dr. Bevan-Baker: Thank you.

So I heard the minister distinctly say that a five-month period would also allow for a spring and fall election, so I don't see how in any way, if he still believes that statement, that this restricts government from the latitude that it seems intent on creating for itself with this entire legislation. So I think this is in line with the BC legislation. It still, as the minister says,

allows for a spring and fall election, so I hope the House supports this amendment.

Chair: Are you ready for the question?

The hon. Member from Rustico-Emerald.

Mr. Trivers: Yes, so speaking to the amendment to the amendment.

Five months is a period that was chosen. I mean, my preference would be a period that is very similar to the writ period. I'm thinking 30 days. I guess my question is: Why five months instead of just 30 days? That would even, to me, make it that much clearer.

Mr. J. Brown: So we've been through this question a number of different times in terms of what I think the rationale is. The eight month period is an outside window and it allows for flexibility in terms of the call of the election date. It allows for a sufficiently lengthy period to conduct a proper referendum process, including having registered referendum advertisers register, having the public money flow out to them.

I note again, one primary difference that we would have versus BC, there can be a number of different registered referendum advertisers, and we've already discussed the complexity of that versus what's being done in BC. So there are differences between the two and I think those differences will create different realities in terms of the length in which you'd like to have for your referendum period, and so I think the eight month window allows for an appropriate level of flexibility, while at the same time, maximizing the potential window for that referendum period.

Mr. Trivers: With all due respect, minister, in fact, I was more interested in what the mover of the amendment to the five months had to say because I do understand your position on the eight months, Chair.

I would like to hear from the mover of the amendment as to why they chose five months as opposed to 30 days.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Certainly. Thank you, Chair, and thank you to the hon. Member from Rustico-Emerald for the question.

We have already actually moved an amendment to seek the limitation of the referendum period and that was not approved, so we have seen some significant movement in discussion because we originally started at 23 months, so we're really happy to see that there has been a back and forth.

We were hoping – in this case, with having had that sort of discussion from the minister around sort of recognition that the five-month period would still allow that kind of coverage of spring and fall election opportunity, so it doesn't limit flexibility and when an election may be called, but also recognizing that a precedent has been set by BC with their legislation.

It's been quite heavily referred to in the House here by the minister and his guest regarding the reference points those provide and that that five-month period has also been satisfactory there. So it's sort of in the interest of trying to find some common ground that could work for all parties that we could support, it seemed to be a good compromise – and so a five month, thank you.

Chair, that was the response to – looking at how we've moved back and forth over the period of the debate and hopefully that provides some clarity on the position of why we felt that simple amendment may be one that could be supported by the House.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Actually, Charlottetown-Parkdale.

Chair: Great, thank you.

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

Sorry. Don't panic.

The hon. Premier.

Premier MacLauchlan: I might say a word about this, Chair.

We have substantially discussed the first part, the desirability of there being a defined period, or of there being parameters, which is, indeed, out of the discussion that we've had here on the floor how section 27 came about.

As I think about the merits of five months versus eight months, I want to go back to some comments that were made here at different points in the discussion. The one that I start with is the comment that the minister for Vernon River-Stratford made when there was discussion of it possibly having the writ period for both the referendum and the election. And, the minister for Vernon River-Stratford said, I believe with considerable merit, that the election has a purpose and requires a certain runway. And, as others have suggested here, will quite likely take up a runway that doesn't just start with the dropping of the writ.

Others have said this. So the main difference between the British Columbia situation and the Prince Edward Island situation is that we require space. The electorate requires space. The proponents and opponents; the political parties require space to carry out a referendum effectively. Now, that we've got a clear question and a threshold, that's a big help from where we were in 2016.

It's been said, many times here on the floor and elsewhere, that there is still a time that will be required for Prince Edward Islanders to appreciate the choice that is being – that they're being asked to make, and for those with a view on the matter to make their case.

It has also been said here notably in our discussions on Friday that even when the Order in Council indicates the beginning of the referendum period, there will still be some time following that date when parties who wish be registered referendum advertisers or to participate in the public funding, will be coming forward; will engage in a process that includes the referendum commissioner. And, indeed, I believe there was a few, on all sides, that there was merit in seeing what would take place with that public funding even in, let's say, three installments.

That, of course, would be left to the commissioner. We are talking about a

considerable number of, I'll call it, periods of time within the referendum period and if I go back to the exchange that the Member from Morell-Mermaid and I had, I believe it was on Tuesday evening last week, about how the referendum period and the writ period relate to each other. The point was that the referendum and the ultimate decision require a runway; a runway that is different from the runway that is the writ period.

I don't say this with any greater insight or knowledge than anyone else in this House has, or others outside the House. Political parties are going to want to be pretty well ready to go when the writ period starts. So, there's a lot of activity that's involved in getting to that starting point, and to that period that will be 26 to 32 days.

All of this is to say, not that this is about leaving latitude for anyone, except the electorate. The people who will make the decision, two decisions. One, who they want to represent them in their district. And, what electoral system they want for the future.

With those two big questions, with those two parallel – eventually parallel, but different processes, I believe there is considerable merit and a strong case to be made for the eight-month period that is spelled out or that is provided for in section 27.

Chair: Thank you.

Hon. members, are you ready for the question on the amendment to the amendment to section 27 are carried?

Some Hon. Members: Question.

Chair: Thank you.

All voting in favour of the amendment to move from eight months to five months, so all in favour of the amendment to the amendment as carried, signify by saying 'yea'.

Some Hon. Members: Yea.

Chair: Can I see a show of hands just so I see.

All those voting against the amendment to the amendment as carried; signify by saying 'nay.'

Some Hon. Members: Nay.

Chair: Could I see a show of hands?

Thank you.

The amendment to the amendment as carried is defeated.

Mr. Myers: (Indistinct)

Hon. Hon. members –

Mr. J. Brown: (Indistinct) count for (Indistinct)

An Hon. Member: Chair?

Chair: Just a moment. I just want to see if we can carry this section.

Shall section – do I have – shall section 27 carry as amended? Carried.

All those in favour, signify by saying 'aye.'

Some Hon. Members: Aye.

Chair: I think we already did that.

Contrary minded?

Some Hon. Members: Nay.

Chair: Thank you.

The section has carried.

Hon. members, following section 27 there are still two schedules that need to be carried.

Shall schedule 1 carry? Signify by saying, 'aye.'

Some Hon. Members: Aye.

Chair: Contrary minded?

Dr. Bevan-Baker: Oh, sorry.

Chair: Sorry. No, we're going to go back.

I'm just going to do the schedule.

Dr. Bevan-Baker: I have a question –

Chair: On the schedule? Okay –

Dr. Bevan-Baker: On schedule 1.

Chair: Schedule 1. Question on schedule 1.

Dr. Bevan-Baker: Thank you.

Sorry, let me just find my place here, Chair.

Chair: Okay.

Dr. Bevan-Baker: Thanks.

The typical order, of course, when answering question or asking questions would be 'yes' or 'no.'

The obvious question, minister is: Why did you put 'no' before 'yes' on this ballot?

Mr. J. Brown: On the ballot? So, we had taken –

Mr. Fox: Alphabetical order.

Mr. J. Brown: Yeah, so, Borden-Kinkora –

Chair: Minister –

Mr. J. Brown: – has partly answered the –

Dr. Bevan-Baker: I didn't hear what he said.

Mr. J. Brown: Alphabetical order.

That was the case in the last plebiscite related to electoral reform; it was the case in the plebiscite on VLTs. It was the case, I believe, on the plebiscite on the fixed link. So it's –

Dr. Bevan-Baker: 'No' came before 'yes.'

Mr. J. Brown: – traditionally been the way it's gone, I guess, on PEI.

Chair: Thank you.

Dr. Bevan-Baker: I was not aware of that, and thank you.

I'm out of questions, but I would like to seek permission to table a couple of documents, Chair.

One is on the ballot paper from the Scottish referendum where 'yes' comes before 'no.' And the other is a beautiful Venn diagram recently created.

Mr. Myers: (Indistinct)

Chair: Thank you. You could table those.

Dr. Bevan-Baker: Thank you.

Ms. Bell: It is beautiful, I have to say.

Chair: Thank you.

Mr. Myers: (Indistinct) wait it out (Indistinct)

Chair: Shall schedule 1 carry? Carried.

Shall schedule 2 carry? Carried.

An Hon. Member: Nay.

Ms. Biggar: Carry the bill.

Ms. Bell: Chair?

Chair: Sorry? Just one moment.

Let's go back to schedule 2.

All those voting in favour of schedule 2, signify by saying 'yea.'

Some Hon. Members: Yea.

Chair: All those voting against schedule 2, signify by saying 'nay.'

Some Hon. Members: Nay.

Chair: Can I see a show of hands?

Ms. Bell: (Indistinct) a second, Chair? Sorry, I'm like really far behind here.

Chair: Thank you.

Schedule 2 has carried.

An Hon. Member: (Indistinct)

Mr. MacEwen: Minister of economic development (Indistinct)

Dr. Bevan-Baker: He was on the fence.

Mr. Myers: (Indistinct)

Some Hon. Members: (Indistinct)

Mr. MacEwen: Let's do the vote now. He's out. You're allowed to vote whatever you want now.

Chair: We're getting near the end of the discussion on the bill. The minister has remarks to make and then I'm going to go to the hon. Member from Charlottetown-Parkdale.

Thank you.

Mr. J. Brown: So, maybe Gary makes to make these, but there was a question in relation to section 12(1)?

Gary Demeulenaere Director: 12(3).

Mr. J. Brown: Section 12 subsection (3) and the removal of the word 'advertising' in relation to referendum advertising expenses, whether it would be okay to remove the word 'advertising.'

We have looked at it and it would be fine to remove that if we wish to do it.

I'll move it as a friendly amendment if that suits everybody.

Chair: Okay.

Mr. J. Brown: I think, Madam Chair (Indistinct)

Chair: If you could say what your amendment is into the record.

Mr. J. Brown: Okay, so in section 12 subsection (3) of the legislation and I understand this section, we had discussed it. I'm not sure, Madam Chair, I think we had said that we would come back to it after I had found the answer to this.

Ms. Bell: I think I had actually, Chair?

Ms. Biggar: Carry.

Ms. Bell: I think I actually moved the friendly amendment (Indistinct) I don't (Indistinct)

Chair: Okay.

Ms. Bell: I am fine if you would like to (Indistinct)

Chair: Okay.

Mr. J. Brown: To be clear, what would be removed would be the second-last word of subsection 12(3) which is the word 'advertising.'

The section would then read: Every person who has any claim for payment in relation to 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 expenses.

Chair: Hon. members, there's a friendly amendment on the floor to section 12 subsection (3) to remove one word.

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

Some Hon. Members: Aye.

Chair: Contrary minded, 'nay.'

Thank you.

The friendly amendment is carried.

Okay, you're good?

Some Hon. Members: (Indistinct)

Chair: Are you great? Okay.

Hon. members, I have been given a notice here at the table that the hon. Member from Charlottetown-Parkdale would like to move an amendment to section 1. However, we've already carried that section. To do so, the committee of the whole by majority has to set aside its previous decision to carry section 1 and to go back to section 1.

All those in favour of –

An Hon. Member: Carried.

Ms. Biggar: What's the amendment (Indistinct)

Chair: Sorry.

Yeah, we need to be able to go back to the section first, right?

Ms. Biggar: (Indistinct)

Chair: Did you want to speak to the amendment first?

Ms. Biggar: No.

Chair: Sure.

Ms. Bell: (Indistinct) if that would help to understand the concept?

Chair: Okay.

The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

This follows from a discussion that we had regarding a definition around referendum advertising. And further to some very helpful remarks from the Premier, at the time we had suggested that we would come back to this after we had time to have some thought and consideration in how to approach making an amendment that would be, again, hopefully, a friendly one.

But, the motion is to amend that clause around referendum advertising to add a new subclause that exempts from the definition from referendum advertising: a communication with the public by a political party, candidate or potential candidate in relation to the election that does not oppose or support one of the answers to the referendum question.

Effectively, it makes sure that there's no ambiguity around those during the political advertising that people don't feel restricted in any way from just including in their election materials general platforms, but not specifically speaking about the referendum questions; just because we had all spoken about the potential limitations and restrictions.

Chair: Thank you.

Minister?

Mr. J. Brown: I guess the only thing I would say is: is there a copy?

Ms. Bell: We do have copies. We don't actually have copies for everybody because

Chair: Yeah.

Ms. Bell: But we have copies for House leaders if that would help, or we can get copies done quickly. It's up to you.

Chair: Copies?

An Hon. Member: (Indistinct)

Ms. Bell: House leaders and the Premier –

Mr. J. Brown: (Indistinct)

Mr. Fox: (Indistinct) go back (Indistinct)

Chair: Yeah, we do.

Do you want us to go get that vote –

So, hon. members, the Member from Charlottetown-Parkdale has explained the amendment that she would like to have to section 1 that's already carried, but in order for us to do so, the committee of the whole must agree by majority to set aside its previous decision to carry section 1.

Are we all in agreement to do that?

Some Hon. Members: (Indistinct)

Ms. Biggar: Just for that section.

Chair: Just for that section; just section 1.

The amendment is being circulated and some more copies are being made.

I'm going to give the floor to you to read your amendment into the record.

Ms. Bell: Thank you, Chair.

Chair, I move that clause 1 (p) of Bill No. 38 is amended;

(a) in subclause (iii), by the deletion of the word 'and' after the comma;

(b) in subclause (iv), by the deletion of the semicolon and the substitution of the words ', and'; and

(c) by the addition of the following after clause (iv):

(v) a communication with the public by a political party, candidate or a potential candidate in relation to the election that does not oppose or support one of the answers to the referendum.

Chair: Thank you.

The copies of the amendment by the Member from Charlottetown-Parkdale to section 1(p) are being copied and will be here momentarily.

Mr. Fox: Chair?

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: While we're waiting, can the member explain her reasoning on that?

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Sure.

Thank you, Chair.

During the discussion that we had on referendum advertising we had an extensive discussion at that time which feels a long time ago, I'm sure, to discuss the potential limitations and then what should be excluded to ensure that there wasn't a perceived restriction on free speech.

So the existing sections already explicitly speak to the transmission to the public by media and have been amended already to remove restrictions of that requirement for payment, for example, which had been previously an issue. They included distribution of books, media, online, and documents. But it wasn't clear in here about the communication of election material or materials for a political candidate or by electoral party that should be excluded.

For example, if there was a flyer that was being distributed by a political party that just had a general platform statement, wasn't making a particular statement about a position on the referendum, for instance 'yea' or 'nay', but just generally including that in context, that that could, without that

clarification, that could actually fall afoul of the legislation.

So what this clause does is provide clarity that general election material, including material as stated provided to the general public, so not to a membership or to a mailing list, but just to the general public by a political party, a candidate or a potential candidate in the course of an election that has no specific proponent or opponent space, would not be included within the legislation restrictions.

Chair: Thank you.

The hon. Premier.

Premier MacLauchlan: As far as I can tell, I've just heard it, I haven't seen it, that this sounds to me, but I would be interested to hear what the minister has to say, as an amendment that speaks to, or addresses, the point that we discussed last week.

One small point is that in the definition section we always refer to the 'general election' so perhaps the word 'general' might be inserted in front of 'election' as I heard the amendment, but I may have missed it.

Ms. Biggar: (Indistinct)

An Hon. Member: (Indistinct)

An Hon. Member: Yeah (Indistinct)

Premier MacLauchlan: No, I think the point was the intention was the general election.

Chair: Hon. members, you heard – Premier, is that a little friendly –

Premier MacLauchlan: Oh yes (Indistinct) treat it as a suggestion.

Chair: Is everybody in agreement that we'll make sure that the wording says 'to a general election' versus just 'election'?

Some Hon. Members: Agreed.

Chair: All in favour?

Some Hon. Members: Aye!

Chair: Contrary minded?

Great, thank you.

Thank you for the friendly amendment.

Are you ready for the question on the amendment to 1(p)?

Some Hon. Members: Question.

Chair: Thank you.

All in favour of the amendment to 1(p), signify by saying 'aye'.

Some Hon. Members: Aye!

Chair: Contrary minded, nay?

The amendment to 1(p) is carried and I'm hearing that it's unanimous.

Shall Section 1 carry as amended? Carried.

Thank you.

Ms. Biggar: Carry the bill.

Chair: Shall the bill carry as amended? Carried.

Thank you.

Mr. Trivers: Can we vote against it (Indistinct)

Mr. J. Brown: I move the title.

Chair: *Electoral System Referendum Act.*

Shall it carry? Carried.

Mr. J. Brown: I move the enacting clause.

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

Shall it carry? Carried.

Mr. J. Brown: Madam Chair, I move the Speaker take the chair and that the Chair report the bill agreed to with amendment.

Chair: Shall it carry? Carried.

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

Speaker: Shall it carry? Carried.

Some Hon. Members: Standing vote.

Speaker: You want a standing vote?

Some Hon. Members: Yes.

Speaker: Sergeant-at-Arms, a standing vote has been requested.

[The bells were rung]

Mr. Perry: (Indistinct) government members are ready for the vote.

Speaker: Thank you, Government Whip.

Mr. Trivers: Mr. Speaker, the opposition members are ready for the vote.

Speaker: Thank you, Opposition Whip.

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

Speaker: Thank you, Third Party House Leader.

Okay, hon. members, all those opposed to adopting the committee report, please stand.

Clerk Assistant (R. Reddin): The hon. Member from Charlottetown-Parkdale, the hon. Leader of the Third Party, the hon. Leader of the Opposition, the hon. Opposition House Leader, the hon. Member from Borden-Kinkora, the hon. Member from West Royalty-Springvale, the hon. Member from Rustico-Emerald, the hon. Member from Morell-Mermaid, the hon. Member from Georgetown-St. Peters, the hon. Member from Souris-Elmira.

Speaker: Hon. members, all those in favour of or supporting the adoption of the committee report, please stand.

An Hon. Member: (Indistinct) close.

Mr. LaVie: She's close.

Clerk Assistant: The hon. Minister of Communities, Land and Environment, the hon. Minister of Economic Development and Tourism, the hon. Minister of Transportation, Infrastructure and Energy, the hon. Premier, the hon. Minister of Finance, the hon. Minister of Agriculture and Fisheries, the hon. Minister of Health and Wellness, the hon. Minister of Rural and Regional Development, the hon. Government House Leader, the hon. Minister of Education, Early Learning and Culture, the hon. Minister of Workforce and Advanced Learning, the hon. Member from Charlottetown-Lewis Point, the hon. Member from Tignish-Palmer Road.

Speaker: Hon. members, the report of the committee has been adopted.

An Hon. Member: Call the hour.

Speaker: The hour has been called, hon. members.

This House will recess until 7:00 p.m. this evening.

The House recessed until 7:00 p.m.

Speaker: You may be seated.

Motions Other Than Government

Orders Other Than Government

Government Motions

Orders of the Day (Government)

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Education, Early Learning and Culture, that the 7th Order of the Day now be read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 7, *Miscellaneous Statutes Amendment Act (Persons with Disabilities)*, Bill No. 22, ordered for second reading.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the Honourable Minister of Education, Early Learning and Culture, that the said bill be now read a second time.

Speaker: Shall it carry? Carried.

Clerk: *Miscellaneous Statutes Amendment Act (Persons with Disabilities)*, Bill No. 22, read a second time.

Speaker: The hon. Minister of Health and Wellness.

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

Speaker: Shall it carry? Carried.

The hon. Member from Charlottetown-Lewis Point, please come and chair this bill.

Chair (Casey): The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *Miscellaneous Statutes Amendment Act (Persons with Disabilities)*. Is it the pleasure of the committee that the bill be now read clause by clause?

An Hon. Member: Overview.

Chair: Overview?

Permission to bring a stranger to the floor?

Some Hon. Members: Granted.

Chair: We'll allow him to come to the floor and get set up.

Mr. J. Brown: Maybe, Madam Chair, I'll give the overview while a stranger is coming to the floor.

There are five of our acts that need to be amended subsequent to Hannah's, what we were calling Hannah's bill and the wording – it differs from one to the next.

But handicapped as an example in *Employment Standards Act* is being amended to persons with disabilities, any physical or mental handicap in the

Engineering Profession Act, any mental, physician condition or disorder, there are five of those sorts of amendments there, housekeeping in nature, and don't change the effect of any of the bills.

Chair: Thank you.

Hon. members, before I open the floor for questions, I would like our stranger to introduce himself and his title for the record.

Blair Barbour Manager: Sure.

Blair Barbour, Manager of Policy, Planning and FPT Relations for the Department of Justice and Public Safety.

Chair: Welcome to the table.

The hon. Member from Borden-Kinkora.

Mr. Fox: So, is this just bringing it in line with other provinces or other jurisdictions?

Mr. J. Brown: No. Not per se, but what it's doing is when we passed Hannah's bill there were, I think hon. member, if I'm not mistaken, it was either yourself or perhaps Georgetown-St. Peters that actually asked this question at one point in time, but in any event.

There were five bills that weren't addressed when we did Hannah's – five acts that weren't addressed when we did Hannah's bill that now need to be addressed to bring everything in line. So, it's just to –

Mr. Fox: Yeah, carry the bill.

Chair: Thank you.

The hon. Leader of the Opposition.

Leader of the Opposition: Thanks, Chair.

I think it's great that we're finally getting to this, and to have Hannah in here for her bill was tremendous, as well, and I look back now, and I recall the main purpose around Hannah's bill was around displaying of the card on your rearview mirror to identify parking, special parking permits.

Is the wording around that as well, within the regulations of the department of motor vehicle, is that stringently enforced as well,

that we no longer have the word ‘disabled’ but the proper wording as well?

Mr. J. Brown: This bill doesn’t really deal with that. The bill deals with the *Employment Standards Act*, the *Engineering Professions Act*, the *Labour Act*, *Mental Health Act*, and the *Public Health Act*.

So Hannah’s bill did not fall – the only reason I’m here with this is because, as the Attorney General and the department of justice, it’s an omnibus bill to bring everything else in line with what was Hannah’s bill. So, perhaps ask the minister or somebody from the department that question at a different time, but this is just a housekeeping amendment to bring everything in line with that bill.

Leader of the Opposition: Chair?

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Chair.

I wonder if the minister of transportation would have an intervention just to clarify and to assure Members of the Legislative Assembly that, in fact, her department is complying with all of these changes as well.

Chair: Thank you.

The hon. Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: Well, any of the wording that was changed under the motor vehicle act or those acts that pertain to parking, we would follow up on those and if there’s anybody that anyone within our jurisdiction within the city it would be different, but outside of the city, municipal jurisdiction, we can certainly – if anyone sees something that’s not worded properly, we can certainly make sure that it’s followed up.

Chair: Thank you.

The hon. Leader of the Opposition.

Leader of the Opposition: I guess the point I’m trying to get to is, I think it’s extremely important that we have the proper wording and the proper terminology in place here, and whether it’s the department of motor

vehicles or whether it’s the Sobeys parking lot, I think that it’s very important that this is enforced and we have continuity across all.

I know the minister, Chair, has spoken about the municipality or a city and things like that, but I would like to assure that we’re working with all partners across the province to ensure that this very important terminology is consistent everywhere.

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

Ms. Biggar: And certainly, that’s what we would want as well, hon. member.

Working with the PEI council of disabilities – any partners that we can work with to ensure that that is adhered to consistently across the province is very important. So I’ll follow up on that to make sure.

Leader of the Opposition: Thank you, Chair.

Thank you, minister.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

I’d just like to recognize how important it is to bring forward legislation like this, which in a housekeeping capacity updates language. We know how important language is to inclusion and diversity and updating for reference for people with disabilities is a critical part of that.

Chair, I’d just like to add for the record the PEI Council of People with Disabilities is the accredited provincial partner for the province to manage the parking programs, and permits and so on and manage those regulations for people with disabilities. But on a broader sense, this sort of ensures that that same inclusive language is being addressed across – and I know in terms of for the stranger on the floor that the capacity, that equity role, is part of that continual looking from that lens, so I really do appreciate seeing this. Obviously, we’re likely to come across more as we go forward, but some is better than none, so it’s really great to see this coming forward at this point.

Thank you, Chair, for the (Indistinct)

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: Just a quick point: As a critic of justice and transportation, one thing I'm hearing constantly is out in rural PEI, there's a real lack of enforcing disabled parking. I remember we talked a while ago about Highway Safety possibly looking into that.

Has that ever been done? Has that direction ever been passed on to highway safety to look into these matters?

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

Ms. Biggar: Thank you for that intervention, hon. member.

That was discussed, as you well know. I'd have as to go back and see exactly if there have been any fines as a result of that, but we want to make sure that we work, as I said, in partnership with the council of disabled with their permitting and so in partnership with them. But I will follow up on what kind of infractions may have occurred outside of any jurisdiction that is not within police area.

Mr. Fox: (Indistinct)

Chair: Thank you.

The hon. Premier.

Premier MacLauchlan: Chair, a quick comment, but to say that we appreciate the work of Legislative Counsel on this looking across our legislation, and on the point that was raised earlier about how comprehensive it is, I'd be confident that they went through our laws and, of course, they can do that with digital aids.

Beyond that, to compliment Legislative Counsel on not just modernizing, but the sensitive hand that they brought to the change in language; it's more than substituting 'handicapped' for 'disability.' For example, there's a changing to an intellectual disability in one case, to use – it's interesting that in the *Public Health Act* there was formerly language about 'the sick, injured, and handicapped', and it's now

'rehabilitation of persons' who are sick or who have injuries or disabilities.

There's a very stylish hand here and as we approach what we believe may be case, the final work of the sitting, it's appropriate to see in the scope of a bill that has five clauses that we can all read in fairly short order to appreciate the craft and the style of our Legislative Counsel.

Chair: Thank you, Premier.

Shall the bill carry? Carried.

Mr. J. Brown: I move title.

Chair: *Miscellaneous Statutes Amendment Act (Persons with Disabilities)*.

Shall it carry? Carried.

Mr. J. Brown: I move the enacting clause.

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

Shall it carry? Carried.

Mr. J. Brown: Madam Chair, I move the Speaker take the chair and that the Chair report the bill agreed to without amendment.

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intitled *Miscellaneous Statutes Amendment Act (Persons with Disabilities)*, I beg leave to report that the committee has gone through the said bill and has agreed to same without amendment. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Education, Early Learning and Culture, that the 18th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 18, *An Act to Amend the Freedom of Information and Protection of Privacy Act*, Bill No. 39, ordered for second reading.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the Honourable Minister of Education, Early Learning and Culture, that the said bill be now read a second time.

Speaker: Shall it carry? Carried.

Clerk: *An Act to Amend the Freedom of Information and Protection of Privacy Act*, Bill No.39, read a second time.

Speaker: The hon. Minister of Health and Wellness.

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

Speaker: Shall it carry? Carried.

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

Chair (Casey): The House is now in the committee –

An Hon. Member: (Indistinct)

Ms. Compton: Chair?

Chair: Sorry?

Leader of the Opposition: Can you ask the minister of transportation to turn her flashlight off?

Chair: Your flashlight's on.

Ms. Biggar: Oh, I'm sorry.

Mr. Myers: It's really bright.

Mr. J. Brown: She's flashing you, eh?

Some Hon. Members: (Indistinct)

Ms. Biggar: I'm sorry about that.

Chair: I think that's a first.

The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Chair.

It's just we're not used to it being that bright from that side of the room.

Some Hon. Members: Oh!

Mr. Murphy: We're pretty bright over here, brother.

Mr. Myers: (Indistinct)

Chair: Order!

The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *An Act to Amend the Freedom of Information and Protection of Privacy Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

Mr. MacEwen: An overview please, Chair.

Chair: Overview?

Permission to bring a stranger onto the floor?

Some Hon. Members: Granted.

Chair: We'll allow him to get set up and introduce himself before we open the floor for discussion.

The minister is going to have the floor for recognition.

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

Recognition of Guests (II)

Mr. J. Brown: Thanks, Madam Chair. I'd like to raise, Nate Hood and Jesse Hitchcock, now are formally in capacities with UPEI who've been following this along, we'll just say, this bill, and hope to see it to fruition in the near future.

Also I'd like to recognize a constituent, Will Wright, who's here, I suspect, with his father this evening and always happy to see him in the gallery.

Mr. R. Brown: I hope he's getting paid.

Chair: Perfect.

We'll welcome our stranger to the table and have him introduce himself and his title for the record.

Blair Barbour Manager: Blair Barbour, Manager of Policy, Planning, and FPT Relations at the Department of Justice and Public Safety.

Chair: Welcome back to the table.

Minister, do you have an opening statement?

Mr. J. Brown: This bill amends the *Freedom of Information and Protection of Privacy Act* to implement a number of changes identified by the department, the Information and Privacy Commissioner, and other stake holders. In particular, in this amending act makes the act applicable to designated municipalities and post-secondary educational institutions, reduces the period that certain Cabinet records and records of public bodies are considered protected from disclosure, and provides for mandatory review of the act by a standing committee of the Legislative Assembly every six years.

Thank you, Chair.

Chair: Thank you. Would you like knee to read it clause by clause?

The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you. Minister, it's great to see this come to the floor. We've been asking for a lot of these things for some time. It is good to mention Nate and Jesse in the gallery here. I remember meeting with Nate over bringing post-secondary into something like this bill. Many of the changes are here that we've been asking for. My big question is: Are the police forces under municipalities covered in this act?

Mr. J. Brown: Yes.

Mr. MacEwen: They are. That's important for all the things we've been asking for for some time. Can you point me in the section where that is defined?

Mr. J. Brown: They are part of the municipal corporations, so they're under the designated municipalities.

Mr. MacEwen: So if a member of the public is able to access the same information from the government as they would be able to from a municipality including the municipality police departments? Like, there's no out-clauses –

Mr. J. Brown: Yes. Yes is the answer to that question.

Mr. MacEwen: – there's no – because it's sensitive, anything like that?

Mr. J. Brown: It's the same as the rest of the legislation. So it would be the same now – if you were looking for information from government related to the provincial RCMP, it would be the same rules that would apply.

Mr. MacEwen: So is that different rules than if I FOIPP your department?

Mr. J. Brown: No.

Mr. MacEwen: It's the same?

Mr. J. Brown: Same, yes.

Mr. MacEwen: You said RCMP, but that would be the same if we FOIPPed government, if we FOIPPed UPEI, if we FOIPPed the Summerside Police Services, you'd be able to access all the same information?

Mr. J. Brown: Just to be clear, UPEI's being added if we get this amendment through, but yes.

Mr. MacEwen: So can any of those organizations – is there any way in regulations or within their own government structure that they can bypass this legislation?

Mr. J. Brown: No. Not to any different extent than anybody else can.

This legislation applies universally to government and the government entities that

are defined and here we're saying designated municipalities including Charlottetown, Summerside, Cornwall, and Stratford, and this applies to the police forces that are found within those entities.

Mr. MacEwen: Specifically with the unfounded-type investigation, we'd be able to access all the stuff that perhaps we weren't able to get before?

Mr. J. Brown: I can't say that for sure or not. The beauty of this legislation is that it's the *Freedom of Information and Protection of Privacy Act* and so it's really not for me to make that decision. It would be the commissioner that would decide.

Mr. MacEwen: What consultation did you have with post-secondary institutions?

Mr. J. Brown: Maybe I'll let Blair outline that.

Blair Barbour Manager: Sure.

We sent out specific invitations for feedback to the three post-secondary institutions that are included. We got written feedback from UPEI and from Holland College. I had an in-person meeting with *Collège de l'Île*.

Mr. MacEwen: Did they have many concerns with this legislation? Did they say anything that made you change your draft legislation?

Blair Barbour Manager: They had a preference for the status quo, so they have policies in place and in their opinions they thought that those policies were well implemented and were effective.

Mr. MacEwen: And the same question for the municipalities, as far as consultation?

Blair Barbour Manager: Again, we sent out invites to municipalities. We heard back from the Town of Stratford. I had an in-person meeting and a letter response. The City of Charlottetown, I had an in-person meeting; the Town of Montague, teleconference with the CAO; City of Summerside, a teleconference with the CAO; Cornwall, an in-person meeting with the CAO.

We also had some written feedback from the Federation of PEI Municipalities, rural municipality of Lot 11, and rural municipality of Greenmount-Montrose.

Mr. MacEwen: Were they more responsive or similar refrain from the municipalities, versus the post-secondary institutions?

Blair Barbour Manager: Both the municipalities, generally and the post-secondary institutions were in favour of access to information, protection of privacy in principle.

In the cases of both categories, the preference was to stick with the status quo. With the municipalities they had the *Municipal Government Act*. There are FOIPP-like provisions under the *Municipal Government Act*. The response that we had was that was their preference to stay under that regime –

Mr. MacEwen: My last question, Chair.

Mr. J. Brown: (Indistinct) clarify that a little bit, too, Madam Chair.

The municipalities, I think, it would also be fair to say, were very concerned about the implementation costs of the legislation. The retroactive or retrospective – the possibility of retroactive or retrospective applicability of it, and having considered time to implement whatever the recommendations might be.

Through the course of both the consultations and then determining a path to proceed along, we – from the particular municipalities we would have looked at what they might have in place right now. We would have looked at what the MGA says and the timeframe that's already been set in place for municipalities to move in that direction.

Effectively, tried our best to determine what would be fair for all parties going forward. There's a countervailing consideration that we've heard from the public at large and media and members in here that they would like to see FOIPP applied to municipalities.

So that's, essentially, how we came to recommend that the four that are in there now would apply to them from the start.

Then, as other municipalities grow in size, we would consider others at a future date.

Mr. MacEwen: Thank you, minister.

I can appreciate some small municipalities having concerns with overhead and having to deal with that.

I just want to go back to one more thing. Municipalities or post-secondary institutions that might already have rules or bylaws or regulations in place, what happens with those now with this legislation? Are those eliminated? Does this just trump all of those? How does that work, now? If they have their own –

An Hon. Member: Information policies.

Mr. MacEwen: – if they have their information policies in place, now?

Mr. J. Brown: This would, in a word, and to use your word ‘trump’ their policies. They wouldn’t be precluded from having their own policy. Particularly, if it were more, if it did more than FOIPP, I guess you might say. I’d kind of point that out.

The other obvious piece of this is that, I think it’s April 1st of next year that this would – the impact of the legislation would come into effect, so there would be an intervening period there where their policy would presumably continue to operate.

Mr. MacEwen: I’m good.

Thank you, Chair.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

I just wanted to start out by clarifying some of the things that were said about the police forces. I know that this bill does not cover all municipalities. Would I be right in saying that Kensington would not – the police force in Kensington would not be covered by this legislation?

Mr. J. Brown: That’s right.

Dr. Bevan-Baker: Yeah, okay. I just needed that for the record.

Also, that the RCMP is covered under federal legislation rather than our provincial statute?

Mr. J. Brown: Yes, probably. It might depend on what you were asking about, but yes.

Dr. Bevan-Baker: Right.

Back in May of this year, I asked some questions on the upcoming FOIPP legislation and I asked how many submissions had come in from the public and you told us and I’ll quote here from Hansard: there were over 40 submissions. And we, the Office of the Third Party, I should say, had presented a lengthy and very thorough, I think from our point of view, submission.

You said that over 40 submissions had been taken in, “...and my recollection is that the good portion of them were similar or greater in length to the submission that was received by the third party.”

I asked you to table those submissions because, presumably, this legislation is based on the feedback that you got that Blair was just referring to. That was several weeks ago and we still haven’t seen that. I’m wondering if you plan on tabling those documents before we start to debate this because how can we discern whether this act before us represents the feedback that you got from the public if we don’t see those documents.

Mr. J. Brown: In order to table the documents, we would feel that we would need to go back to the folks that had presented the documents, which could include some individuals. We feel that in fairness to them we would want to ask that question.

That was not the guise under which the presentations were made. In other words we did not say if you submit something, we’re going to make it a public document.

I will say here, and I’m not saying that no, we would not do that if that’s the wish, we can continue to press forward, but I would have some worry that there would be a chilling effect, if we were to say, after the fact, that we’re going to be going back to

these institutions and asking for input that they had already made to become public.

Dr. Bevan-Baker: I should make it clear that I have no interest whatsoever in the source of the recommendations. But, I would like to see what the people of Prince Edward Island came to you with as their suggestions of how the FOIPP act could be improved.

Mr. J. Brown: Yeah.

Dr. Bevan-Baker: It's been several weeks. The department is very adept at redacting documents, from my experience. It seems that there were all kinds of opportunity to do this so that we could sit here with this legislation and know, with a great deal of comfort and confidence, that it reflects what you had heard from Islanders, but you're telling me that we're not going to have that opportunity.

Mr. J. Brown: What I'm telling you is that the submissions that we received would be very difficult to redact a sufficient enough amount out of them so that you wouldn't be able to tell who submitted them. So, by virtue of that, there are – I think there were 48 submissions, written submissions.

By the time you get down to the 48 different parties, and recognize that they represent a number of different interests, it wouldn't take a lot to start to figure out who submitted what, at this point in time.

Like, I say, I'm not saying that we wouldn't ever disclose them. I guess, what I'm saying to you is, it's not as simple as saying, yeah, we're going to disclose all of these documents without consultation with the folks that actually submitted them, particularly, where that was not part of the consultation process when it was originally set in place.

Dr. Bevan-Baker: In the fall of – I asked the Premier about the 2012 internal review that was done on the FOIPP legislation, and asked the Premier to table it. I repeated that process a week or so later. Eventually, we had to FOIPP to get the internal review of the FOIPP act and that took some time. It took the full 30 days.

I know we've had our disagreements over

the last couple of weeks, minister, on a different piece of legislation. I had just hoped that we would have been better briefed, perhaps, or better informed on what Islanders had said was important to them when it comes to updating this FOIPP legislation. Clearly, we're not going to be.

Which makes – I mean, there's nothing in here that I have a problem with, I should state very clearly about that. But, it strikes me that this is the absolute minimum that had to be done to conform with the recommendations from the FOIPP commissioner.

Really, we had an opportunity to go much further than that if Islanders had come to you. Certainly, the Office of the Third Party came to you and said: We could be leaders here and here's how we could do that.

Maybe, we were the only people that did that, I don't know. Maybe, you had 40 submissions as similar or longer than ours that all said: we should be going much further than this, but I don't know that. It disappoints me that we have this bill in front of us, which is pretty and if I – I'll put – the descriptor I would attach to it is anemic. It's doing the absolute minimum. I would love to know whether that's what Islanders want, or do Islanders want the government of Prince Edward Island to be leaders when it comes to freedom of information and protection of privacy. I'm just disappointed, I guess, minister, that we won't ever know that.

Mr. J. Brown: Well, hon. member, you have every opportunity; you submitted a lengthy submission. You're a registered political party here in the province. You go around the consult with all the groups that you wish to consult with and I would have assumed that you would have done that before submitting your paper.

Dr. Bevan-Baker: This is a very familiar conversation minister, where this is not my legislation on the table. This is your legislation on the table. It's your responsibility to ensure to this House that this legislation reflects the feedback that you got from your public –

Ms. Bell: Consultations.

Dr. Bevan-Baker: – consultations. Again, it's just really disappointing minister that we do not know whether this reflects that or not. There's absolutely no reason that we should not be furnished with that information.

Chair: Thank you. Rustico –

Mr. J. Brown: It is our legislation. I will say and I'm sitting here telling you that we have done the work and we've consulted. We've had 48 written responses in addition to whatever else we had.

You're free to ask me all kinds of questions on them if you want to. The legislation is there and it speaks for itself.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thanks, Chair.

My question, along the lines of the Member from Morell-Mermaid was: If, once this legislation comes into effect, will municipalities that already have bylaws – if any of them do, I'm not sure if they do – will those bylaws still stay in place that govern freedom of information right now within a municipality? Is it a similar situation to Holland College and UPEI where their information policies stay? Or with municipalities, will they just strike their bylaws?

Mr. J. Brown: Again, Madam Chair, I answered that question, I think, but it would be up to the municipality as to what they would do.

Mr. Trivers: I just wanted to be clear on that –

Mr. LaVie: Good answer.

Mr. Trivers: – so the municipalities would be governed by this legislation that's on the floor right now, but they could keep their bylaws, it sounds like you're saying, if they wanted to?

Mr. J. Brown: Yes. If they wish to but, this legislation would trump any policy or bylaw.

Mr. Trivers: I was wondering, in your feedback from Islanders, was the cost that a

requestor has to pay an issue with anybody and what are those costs? What will they be under the new legislation?

Mr. J. Brown: Blair can probably address that.

Blair Barbour Manager: The fees currently are set out under the regulations. The regulations aren't part of the bill, but the regulations provide for a \$5 initial fee for non-personal information; if I wanted to seek information about a program in a government department, that sort of thing.

If it's personal information, I don't pay a fee. There are two hours for which no fee is charged for the purposes of, I believe, it's retrieving, locating and retrieving the records. Then, after that two hours, it changes to \$15 per half – is it 10 or 15? \$10 per half-hour, I believe.

Mr. Trivers: The first part of my question was, did any of the feedback you received, were those fees an issue? Did people raise that as an issue?

Blair Barbour Manager: Not specifically. I would have to look back through my notes, but for the most part people were in favour of the principle of the lower obstacles to accessing information.

In our paper, our consultation paper, we suggested three items to look at. One was eliminating the initial fee. The other was giving an extra hour for free, as it were, so from two to three hours. Then, increasing the hourly rate after the free period.

The feedback that we did receive generally supported the principle of accessibility by supporting those proposals.

Mr. Trivers: Will you be making those changes to the regulations that you just stated?

Blair Barbour Manager: There will be changes to the regulations coming forward for Cabinet decision. I couldn't tell you whether or not those changes – what those would be, or whether they would follow the recommendations that were given in the paper.

Mr. Trivers: I just want to be clear. The recommendations you just said; waiving the initial fee; extending the number of free hours to three. Are those the recommendations you're going to bring forward to the Executive Council?

Blair Barbour Manager: The fact that they were identified in the paper will be brought forward to Executive Council when we ask for their decision.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Did anyone in your consultations raise any issues with information that is excluded from freedom of information requests; information as part of client privilege, for example, with the law firms? We've seen that before. Or other information that may be redacted? Was there any particular information that was raised by Islanders in consultations?

Blair Barbour Manager: We would have had specific feedback that I recall in any event, on particular exclusions from disclosure. There was general support for the recommendations of the commissioners to lower the time period under which certain records are protected. On the solicitor-client privilege side, what we heard from the Canadian Bar Association, the Law Society of Prince Edward Island and Legal Counsel for public agencies was that they were not in favour of the recommendation of the commissioner to allow her to review solicitor-client privileged records.

Mr. Trivers: So did you make any changes to the scope of information that is excluded from freedom of information requests in amendments to – in this bill, the amendments to the act?

Blair Barbour Manager: We've already discussed – the commissioner made a recommendation for certain confidences and advice from officials to be more available as they're removing the exclusion period from 20 – or changing the exclusion period from 20 years to 15 years. That is the main piece in terms of providing more information under those provisions.

Mr. Trivers: We're all familiar, I think, with the case in the United States where Hillary Clinton was using a separate e-mail server, and I believe the allegations were something along the lines she was trying to avoid things like freedom of information requests; and I know with the proliferation of cloud services like e-mail in the cloud, is that something you considered in the amendments that, in fact, you could – and I would assume most of us in here have, say, Gmail accounts or outlook.com accounts, and we could conduct correspondence on those separate accounts which would be excluded from freedom of information requests.

Mr. J. Brown: Two things I will say: one is that there's an amendment to the definition of records in the amendments there, but that would fall under the public archives and records office in terms of what would catch what you're talking about.

Mr. Trivers: So right now if I decide to conduct business on a Gmail account, let's say, obviously it would be outside of the scope of the freedom of information request. Did anyone identify that as an issue in your consultations?

Mr. J. Brown: I guess, hon. member, what I'm saying to you is, whether you do your business on a Gmail account or whether you do it on a government account does not matter. A government record is a government record, and you have obligations to produce them based on that, not on whether you had it on a Gmail or you had it on something else.

Mr. Trivers: Okay, thank you.

Chair: Thank you.

The hon. Member from Belfast-Murray River.

Ms. Compton: Thank you, Chair.

I know we're still in the overview, and my question is about section 1 (b) (ii) so I don't know if you want to wait or –

Chair: I haven't been requested to read this –

Ms. Compton: Okay, yeah.

Chair: – read it yet –

Ms. Compton: Okay.

Chair: – so –

Ms. Compton: So just again, on the designated municipality, the fifth item is:

(v) any other municipality that may be designated as a designated municipality for regulation.

So, really, we're saying any or all municipalities is possible.

Mr. J. Brown: They'd have to be designated by regulation, so specifically, at a later date added.

Ms. Compton: Added on to?

Mr. J. Brown: Yeah, by regulation.

Ms. Compton: There's been a lot of turmoil in small municipalities just trying to get up to speed to where they need to be with the new regulations there, and I'm just wondering how much more of an onus this is going to put on administration for small municipalities – if that happens in the regulations and they're designated. Do have you a feel for that?

Mr. J. Brown: I thank you, hon. member, for the question, and that's exactly why we did not add other municipalities than these right now. I don't want to speak for the four that are there in a specific, specific way, but they would all be complex municipalities with a significant number of residents in them that by and large would be producing. I think the City of Charlottetown won some kind of award for their compliance with public openness, or however you want to say it, just this spring. So that'll give you some indication of where they are already.

But we did not want – frankly, there are some small municipalities that probably have a part-time CEO, a CAO or a multiple part-time CAOs running their municipality out of an accordion file that's under the kitchen table. So it would be unfair to them, really, to say that we're going to do this at this point in time.

That's why the provisions in the *Municipal Government Act* are what we would point to to say: Look, until we see municipalities that are of sufficient heft that they will have the staff and the capability practically to do this day in and day out, the *Municipal Government Act* will require them to meet a base-level function within a certain period of time, and I honestly can't remember what that is right off the top of my head, but it would be coming and they'd all be aware of that, and this is the signal that that would be the expectation.

I don't think, you know, unless we see municipalities jump up very suddenly in terms of population to the area where these municipalities are right now, I don't think we would foresee the addition of other municipalities in the immediate future.

Ms. Compton: So, again, what would trigger a municipality being at, like – what do you feel would trigger that? We can't say, because regulations aren't there yet, but –

Mr. J. Brown: Well, and so what really – a few of the things that we kind of gave thought to, as an example, would be the RCMP funding formula. So if you hit 5,000, you go into another threshold, and your funding formula changes as a municipality. It would be different things like that, that you would start to look at.

I'm not sure that there's a magic number, but when you start to get to a point where there's a significant number of residents, a significant permanent staff, you'd be talking about e-mail servers and all those different sorts of things; at that point in time, I think it's reasonable for the residents to expect that, as part of the payment of their taxes, there is a system to govern, both the freedom of information, but also the protection of their privacy.

Ms. Compton: So who would determine that, I guess, is – would that go to, would the act be amended again to add those municipalities, or –

Mr. J. Brown: It'd be by regulation, so it'd be the Lieutenant Governor in Council.

Ms. Compton: Okay. Thank you.

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: Thank you, Chair.

Minister, why did we only list Charlottetown, Summerside, town of Cornwall and Stratford? I'm wondering why we didn't include the town of Georgetown, the town of Montague, the town of Borden-Carleton and the town of Kensington. All four of them are towns by the municipalities act, why aren't they included?

Mr. J. Brown: So again, they would be significantly smaller in size and have significantly less in terms of resources, than would the four that have been included.

Mr. Fox: So Borden-Kinkora, or Borden-Carleton and Kensington, I know for a fact, have a full administrator and admin clerk Monday to Friday.

Mr. J. Brown: And it's not like – I want to – I mean, I don't propose to spend a bunch of time on this, but people need to understand that this is not an insignificant ask of municipalities. This would be reflected in any municipality or post-secondary institution that you would go and speak with about this, depending on the request and its size and the nature of it. You could have a person working half-time just responding to these requests.

And so, for a smaller municipality, if you're Kensington or Borden-Kinkora, that's a pretty significant cost to bear; and bear in mind, they will have the requirements of the *Municipal Government Act* in relation to – so you start to look, I think the number, the *Municipal Government Act* is 4,000 or something like that, so you start to see where that –

Mr. Fox: Yeah, okay.

Mr. J. Brown: – kind of starts to bridge up.

Mr. Fox: Just one final thing.

Chair: The hon. Member from Borden-Kinkora.

Mr. Fox: If the department determines they are going to designate a municipal, we'll say

Borden-Carleton under the act, do they have any way to say 'no', or they just, bang, you're designated?

Mr. J. Brown: There would not be a requirement to change the legislation to do it. It would be done by regulation. But, I guess part of what we're saying and signaling here is that we don't have an intention to unilaterally go into these municipalities and say: You're doing this. It takes time for them to develop the capacity.

The other piece of this that I want to be very clear about, is that we would recognize that in a lot of cases there would be required training in terms of how this will work or whether their system will work. There's a lot that goes into this. It's a very complex piece of legislation.

Mr. Fox: Yeah, I support the bill. I think (Indistinct)

Mr. J. Brown: They will have to – there's a very – I should say a not-all-together different process that will have to be set up by the bylaw in all of these municipalities, so it will be a more natural jump from a bylaw to this than it would be from nothing to the bylaw, I would say. It's really just all about what constitutes a record and keeping them and all of that.

Mr. Fox: I'm done.

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

Mr. Myers: Thank you, Chair.

I had a question about the timing of it. It's only from here forward. What was the reason why there were no historical FOIPPs available?

Mr. J. Brown: The primary reason is that, too, there would be a legislative principle that would essentially dictate that you don't apply legislation retroactively or retrospectively unless there's some valid objective in doing it. To expect some body or, in this case, some entity to be bound by legislation that they didn't know existed would be largely unfair, in the circumstances.

I think we've allowed what we feel is a short but reasonable period for the municipalities to get up to speed, and the post-secondary institutions, and to get staff in place and to get a system in place, and to get training done, frankly, is the other piece. And we feel that that's probably as good as you're going to do to accomplish the objective.

Mr. Myers: I appreciate that. I appreciate the answer. I appreciate the angle that you're coming from.

The issue, I guess, I have with it is you're not imposing rules on a private-sector business or private enterprise, you're actually imposing it on public institutes, public governments, public – it's all public money. It's all tax dollars, for the most part.

So in my opinion, I think it's a little bit different. So you have two different kinds of situations here. You have the educational institutes, which I think you should be able to go back much further than that, in my opinion and then you have the towns and cities that are on here, which I don't even – they're 100%. They're 100% based on taxpayers' dollars, so I would think that it would be very healthy to go back and maybe it needs to be a municipal election issue where people demand that governments open up the books prior to and strengthen the legislation that you put on the floor, because I don't see any reason why we would hide anything in there that's happened prior to.

I guess I can't wrap my head around it when they're public bodies; why we wouldn't open it up. Surely, there's nothing going on at UPEI or at Holland College that we would have to be that worried about, that the books wouldn't be fit to be seen or that FOIPPs wouldn't be fit to be answered. And if there is, public institutes, if they're doing things that need to be hidden, perhaps they need to be called out on it. That's my thought on it, anyways.

I would agree 100% with your assertion if you were imposing the type of legislation in the private sector. I would say, yeah, because people were doing their accounting a certain way or making decisions a certain way, and it was all within the confines of their own business and their own money and their own decision.

In the private sector I can see it go forward, but when it's public, I guess I think that we really should have been looking to go at least a period of time. Everyone knew this was coming. This wouldn't come as a surprise. The student union at UPEI has been asking for it for awhile. People have been asking for it here in Charlottetown for awhile, so it really wouldn't come as a great surprise to anyone that this is the case.

I'm just wondering, being they're public bodies; do you view it the same way?

Mr. J. Brown: A big part of what I would be saying would be that there would, in a lot of case, be a physical requirement.

Like, as an example, if we were talking e-mails, there physically might not be a server there that's keeping e-mails, or keeping them in a certain way. I'll be frank in saying, I haven't gone and read each particular policy and compared it to the new FOIPP legislation to see how the two would overlap. My guess is they're not identical word for word.

Would there be something caught? I don't know. I know that over the course of time, I think it would be fair to say even with government since this has come in, it's taken a period of time for folks to get ramped up and to understand the requirements that would come in here. And we have staff that are devoted to this, that study our legislation and other legislation, similar, to try and figure out what's appropriate in certain sets of circumstances.

To just expect that to happen in reverse, I think, is a tough one to implement and I think would cause hardship.

Chair: The hon. Member from Charlottetown-Parkdale.

Ms. Bell: Thank you, Chair.

I do have a question, but before I just wanted to go back to something that the minister had said previously first, if that's okay, regarding personal e-mail accounts, like Google accounts.

My understanding is that this act applies to records under the custody and control of public bodies. And, so in the event that I or

some other member or staff has a personal Gmail account which is not under the custody and control of their employer, then that would not be subject to the act. Am I correct in that, or is that to be amended?

Blair Barbour Manager: If you look at the *Archives and Records Act*, if there's any record created, it doesn't say where it's created, that is government business. It is supposed to be put into our records management system.

So once it's in the records management system, FOIPP would obviously apply to those records. It is a records management issue in the sense that when I'm using Gmail, if I'm getting an e-mail on a work-related purpose, what I'm supposed to do is forward that e-mail, for instance to my work e-mail account so that I can print it off and file it in the records system.

Ms. Bell: So that does raise the question if there is an intrinsic link from FOIPP and the requirements of FOIPP in our current environment of electronic records, and the records and archives act, should the municipalities and other bodies also be subject to the records and archives act, because they may not have those facilities in place, for example, to apply that level of management?

Blair Barbour Manager: The municipalities would be subject to the new records management requirements under the *Municipal Government Act*. I believe those are still in development, but those would apply to how records are kept, so they would cover similar material to what we have in our archives and records legislation.

Ms. Bell: Well, it does lead me to my original question that I wanted to ask, which is around duty to document, and I am checking my notes because it's complex, but the recommendation to legislate duty to document, which is part of this thing, of that awareness of and recognition has come forward a number of times during reviews of access to legislation in Canada. The federal information commissioner's office has recommended it in numerous reports, recommended by a special committee in BC; the FOIPP act review in 2016, and by a committee that recently reviewed

Newfoundland and Labrador access to information and privacy act.

There's no jurisdiction in Canada that currently has a legislative duty to document, however, but here in Canada in 2016 of January, our commissioners called all jurisdictions to create a legislated duty to document.

Could you explain why that wasn't included in these amendments at this time?

Blair Barbour Manager: FOIPP deals with access to information that's held by government.

Duty to document is really about records management, so that would be a topic if it were to be brought forward in legislation, it would be in that context. It would be debated under the *Archives and Records Act*, not under FOIPP. I believe the commissioner was asked the question in committee last year and reiterated that point as well, that most jurisdictions see this as an archives and records management issue. It is related to FOIPP, absolutely, but it is at its core a records management issue.

Ms. Bell: I do appreciate the distinction, thank you, however, there an intrinsic link between the two because without that records and archives management, we don't have access to records through the freedom of information act.

So especially where we are talking about things like electronic records or telephone records or text messages, we've talked about private e-mail accounts; in the absence of there being structures to support that documentation, regulations or guidelines or legislation to the require it, that duty to document becomes more and more important, which is why it was raised in that meeting on recommendations from the information commissioners.

While I understand this is a very focused piece of legislation based on those recommendations from that previous report, it's going to be particularly challenging to meet those requirements without that balanced piece of legislation or amendments that require that to be a priority. Is there comparable work happening with the records and archives act?

Mr. J. Brown: It was recently reviewed and debated in this Legislature, I think, just before you were elected and before I was in Cabinet. Amendments were passed and a great deal of work had been done since in terms of an increase in the budget to that office, and a lot of training is just beginning at the government level.

I would see that between the development and implementation of new policies and the training in relation to them, you would be implementing the changes that did take place before we would be looking at a further review of that legislation.

Ms. Bell: So that impact of failing to document, what happened – we had a direct impact here with the Department of Education, Early Learning and Culture in the spring of 2017, where a FOIPP request was submitted, and it was an appropriate request of correspondence between the minister at that time, Doug Currie, and his deputy minister on the school review process, and then they were informed that there were no records found.

At that time, the opposition brought forward an accusation that e-mails had been deleted, but in response, minister Currie claimed that he didn't use e-mail to discuss those issues, that in fact, those decisions were made in e-mail conversations offline or in telephone conversations or in other formats, and that's how they work.

So that accountability is missing, and it doesn't matter how strong the legislation is, and how many amendments and recommendations we implement, if we don't have the matching legislation and recommendations in place, then there is a large gap in our accountability and transparency for senior officials and their decisions.

Do you really think that there's going to be public trust in this legislation if we don't feel that there is supporting process in place, in those other aspects, and how it can be implemented?

Mr. J. Brown: The first thing that I'll say is nobody other than the Green Party has raised this issue in the course of consultation so start from that perspective but –

Ms. Bell: (Indistinct)

Mr. J. Brown: In terms of the second piece of it and to address specifically the example that you're asking about, I wasn't – (Indistinct) in my department, I was not in the ministry, at that point in time, to be clear. I was in the Legislature when minister Currie did comment on it.

It was my recollection that he had said that any conversations that the two of them had would be verbal conversations, but that there were no decisions made. She is the deputy is the chair of the board, who made very public decisions in relation to the process that they were involved in.

I want to be very sure that there's an understanding that our *Archives and Records Act* there is an obligation that any documentation that is created in relation to a decision be retained in relation to with the certain schedules in place to ensure that that is the case over the course of time.

If there's not a decision, like, you don't go around and document every conversation that's had in the office. I think that from one province to the next or across the country. The public officials that have been asked have been very clear about that.

The inference that you're drawing is a little bit different than what I think the facts are that you're connecting it to. I think we need to be very careful to understand the difference between the two. But, none of that really falls under the ambit of this legislation.

Ms. Bell: I appreciate the minister's response.

I said all of, "Canada's information commissioners have urged governments to create a positive duty for public servants and officials to create full and accurate records of their business activities. This duty must be accompanied by effective oversight and enforcement that ensures Canadians' right of access to public records remains meaningful and effective." From the office of the information commissioner of Canada in 2016.

Obviously, with the fact that other jurisdictions haven't done this yet, doesn't

mean that it is actually not a good idea. It means it's difficult. Obviously, making decisions that provide us a space to have documentation that provides that transparency and accountability that has been made very important is something that we felt was worth raising, though we recognize it's not in this bill.

However, something that you have heard me speak about before, minister, is about other methods of electronic communication that are under the scope of public – the public body scope and control. That's electronic messaging including BlackBerry messaging and text messaging.

There has been a recommendation in place since 2013 on a federal basis for that to have policies, whether that be of disabling the practice or if not disabling then providing ways for that to be incorporated into freedom of information and the associated records and archived management.

Could you advise where those recommendations that were in our consultation document are not reflected in the legislation?

Mr. J. Brown: They do not fall within the parameters of this legislation.

Ms. Bell: Pardon me?

Mr. J. Brown: They do not fall within the parameters of this legislation.

Ms. Bell: So the requirement to document and record, Chair, sorry, the requirement to document and record decisions made within that custody and control, which – a government-issued device with electronic messaging is under the custody and control of the government and therefore under the legislation is not considered to be within the scope of this legislation?

Mr. J. Brown: The *Archives and Records Act* would deal with government records. It is tied in by virtue only of that.

Ms. Bell: Okay.

Mr. J. Brown: The device, with a lot of those things does not –

Ms. Bell: Okay –

Chair: You're good?

Ms. Bell: – Chair, I'll leave it there.

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

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

I want to thank UPEI Student Union for keeping this issue opened over the many years. It's due to your efforts that UPEI, Holland College picked up your lead and demanded that this be done. I think this is a great piece of legislation.

What this legislation really does for municipalities, I'll talk about the municipal end of things. Is, we're bringing the four big municipalities under it to start the process. From that, we will work with those municipalities and work with the conflict of interest officer, or the commissioner, the privacy commissioner, and work out standards and rules around that and get them in place.

Then, we'll work with other municipalities as we go along. But, we're working on policies right now for smaller municipalities in policy or in bylaw.

What we do want here is consistency, consistency across governments. Citizens want to know that, okay, they see the City of Charlottetown. They see the Province of Prince Edward Island and they see the federal government as all one government. We want to have a consistent method for them to get information out of their government no matter if it's federal, provincial or municipal. This legislation allows for that.

I think this legislation also encourages the use of open data. I would assume it would be a lot cheaper to have open data than it to start producing X number of freedom of information requests.

I understand Stratford is doing a great job on open data. We're going to be working with the municipalities in order to see how much more open data we can do with the municipalities. I'm a firm believer the more data that's out there the less inquiries you have, and probably a lot of the times the less

arguments you have because it's all out there.

I also think that our conflict, or our freedom of information officer, she's an excellent person. There's a tremendous amount of orders that are on her website, or orders across the country that we are going to refer to. And, say: Look, if you get a request like this, do it because there are so many orders backing up that you shall give the information here. It's easier to do it than go the commissioner because the commissioner will probably, in all likelihood, rule that, you know, that you'll do it. Because if she has a number of rulings already online or across the country that becomes the caseload, the caseload that would defend her decision.

We're going to be working with the municipalities. We're going to encourage open data. I think it's a great thing for municipalities. Then, with that information we'll work with the smaller municipalities and make a single bylaw for across the province, hopefully. We'll work with the Federation of Municipalities. We'll use the four big one as a base and move forward on that. I think that's the best way to do it.

As, you know, I've talked to the mayors. The mayor in Charlottetown is in support of it. He's quite adamant that it be done. He says, well, we could do the whole bylaw and we could do the legislation or that, we'd end up in the same place.

It's all about giving access to information, but also protection of privacy. You can't be – and I like – you do have a part in here about DNA? Testing? I know Quebec has passed DNA that you're not allowed to – that insurance companies will be allowed to use DNA in order to set insurance rates.

Mr. J. Brown: I don't know what Quebec is doing; I'll be honest in saying, in terms of DNA.

Blair Barbour Manager: DNA, under the FOIPP act would be considered personal information.

Mr. R. Brown: Good.

Blair Barbour Manager: If, and it's more likely to happen in a health setting under the *Health Information Act*, which also deals

with it. Essentially, if it's held by a public body, it's subject to the protections of privacy that are contained in the FOIPP act.

Mr. R. Brown: Can insurance companies demand a DNA test of an individual and base –

Blair Barbour Manager: The act, both FOIPP and the *Health Information Act* deal with the disclosure of information, protection and privacy of information held by public bodies.

Mr. R. Brown: Okay.

Blair Barbour Manager: So, what the insurance company can do with an individual wouldn't be covered with that particular legislation.

Mr. R. Brown: Thank you.

Mr. MacEwen: (Indistinct)

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Chair.

First, I just want to state that I'm very pleased that this bill have come forward, as many hon. members have already spoken to tonight. That the student union at UPEI have advocated for this now for a number of years. I think it's long overdue.

My question is a little more outside of the scope of the municipalities and the post-secondary educations. I would like to know if or how NGOs that receive significant funding from the government through public monies, if they fall under the FOIPP act in any way shape or form?

Mr. J. Brown: This would be my opinion too. What Blair is saying is generally they would not specifically, but if they're contracting with government to provide a specific service, the information that they're contracting would be subject to – the information involved in that contract would be subject to FOIPP.

In other words, if, by virtue of the contract, government has that information that is subject to FOIPP.

Leader of the Opposition: I guess I'm going to be a little bit more specific.

There's one particular NGO over the last number of years has been involved in a couple of instances. One, where there was a court case involving facilitated communication. The second one was a case that just went before the Supreme Court here not that long ago with regards to bullying and harassment in the workplace where an individual actually, an employee of this NGO, actually ended up dying from what was conceived to be, after the court decision was rendered, that the bullying and harassment that this individual had to put up with in the workplace caused his ultimate death.

My concern is if we have, and that is just one NGO that I'm speaking, of where there are two incidences that come to light, but there are many others.

My concern is if we have an NGO that's receiving a fairly significant amount of public money through grants. I'm not against that. I think NGOs play an extremely important role in society and government can't do everything. But there has to be some sort of openness and transparency with regards to how those monies are being spent or what's happening within the organization itself.

Mr. J. Brown: I don't disagree with you hon. member. It did not come up during this round of consultations. I would suggest that next time we're looking at this legislation it would be something to bring up.

Leader of the Opposition: Yeah.

Thank you, Chair.

Chair: Hon. members, before I go to the next speaker on the list. I'm going to give way to the hon. Member from Rustico-Emerald for recognition.

Recognition of Guests (III)

Mr. Trivers: Thanks, Chair.

I wanted to recognize Kent Bruyneel, who is in the gallery here. He's the executive director of Central Development Corporation, which does a lot of good work

helping out various businesses and non-profits get established and liaison with government and government programs. Good to see you here, Kent.

Chair: Welcome.

Mr. Trivers: Sorry for scaring you.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Chair.

The first thing I want to go back to, the few recommendations and Blair described them. I think it was Rustico-Emerald, who brought that up first of all.

Blair described exactly what the recommendation was that came from the internal review of 2012. We reiterated that in our submission. And, so I know it was heard from at least two separate sources and perhaps more. I was wondering why those recommendations on adjusting the fees were not incorporated in this act.

Blair Barbour Manager: The short answer to that is that the fees are prescribed in the regulations. In order to change the fees, we need to amend the regulations through and amendment approved by Lieutenant Governor in Council. It wouldn't go through – it wouldn't prescribe a fee in the act, specifically.

Dr. Bevan-Baker: Okay.

Can you tell us when those regs will be looked at and amended?

Mr. J. Brown: Your seatmate already asked all of these questions. Not to –

Ms. Bell: No, I didn't.

Mr. J. Brown: – or somebody else did –

Ms. Bell: (Indistinct)

Mr. J. Brown: – we'd (Indistinct)

Dr. Bevan-Baker: I think you're incorrect there.

Mr. J. Brown: Well, we talked about this tonight, already. So, I'll just say it that way.

Regulations will have to be developed after the legislation is done in terms of the fees and the rest of it. There is a consultation paper that discusses regulations. There are three recommendations in relation to it. You've probably seen the paper. That would be about as much as we could tell you at this point in time.

Dr. Bevan-Baker: There was also mention made of private Google accounts and access to records from such.

It's my understanding that it would not apply to a record if it's a private Google account. The act only applies to records under the custody and control of public bodies, which would not be a private Google –

Chair: Hon. member –

Dr. Bevan-Baker: – account.

Chair: She did – she really did just ask that question.

Dr. Bevan-Baker: Oh, my apologies.

Chair: She did. She'll confirm that, that she just asked the question.

Ms. Bell: Just checking my notes here.

Mr. LaVie: (Indistinct) not paying attention.

Chair: Sorry.

The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you.

In my opening, I asked whether we were going to, indeed, be given the information from the consultation process and we heard no. I just would just like the minister know that we have actually, since we spoke, our office has FOIPPed for those responses. We will be drafting amendments that we can present in the fall that will reflect what Islanders actually want in this piece of legislation.

Mr. J. Brown: I'll comment. That's great. That's what this act is here for, but as the government entity that has collected those records; we have as much an obligation to

the folks that have provided their information as we do to you or anybody else. That's the balance here that has to be attained by any public body that's dealing with the freedom of information, which is what you're here asking about, and the protection of privacy, which is the other side of things.

I don't have any issue whatsoever with that. In fact, as I said to you before, I would check at that point in time to see what we could do to release it and we have commenced that work. But I can't just unilaterally say I'm going to release these documents and not have a good, thorough look through them and the say-so of the people that created them. It wouldn't be fair to those entities.

Chair: The hon. Leader of the Third Party.

Dr. Bevan-Baker: So I'd like to talk about limits. This comes fairly late-on in the bill and I don't know whether we're planning on going through it section by section or clause by clause, but the time limits for provision of maintaining records. Currently, it's 20 years and Karen Rose, in her recommendations in 2017, suggested that that be reduced to 15. Is that reflected in the act?

Mr. J. Brown: Yes, it is.

Dr. Bevan-Baker: Great.

When Karen was appearing here before the standing committee, I brought up the fact that the recommendation from the federal privacy commissioner was to reduce that to five years, or whenever a decision is made, whichever comes first. I asked Karen: Is that something that she had considered for this and would she be comfortable with it? And her answer was that, yes, she would be comfortable with it. So was there any discussion about going further than fifteen years?

Mr. J. Brown: No. Well, there was a discussion about it, yes, but did we give serious consideration to going to five years? I think the answer is no. I think there's a piece of this that –again, there's the freedom of information and the protection of privacy aspect of things. And in particular, in relation to the sorts of decisions that you're

asking about, there's a piece related to advice from an officials, as an example, that becomes very important there, where if government officials who are intended to be neutral are reluctant to provide advice because they know at a certain point in time that's going to become public, they may the fear to give that advice to whoever it may be that's asking for it in that particular situation. It may, in certain circumstances, too quickly reveal attempts to do certain things that would be laudable public objectives.

As an example, if you're crafting legislation you would often have false starts or wrong turns, or all sorts of different things that might occur in the course of that that could be a result of work done internally or whatever that if you start saying: Well, I'm going to require you to produce that effectively within a governing mandate, could produce a serious chilling effect for those that are there for the purpose of moving the public's interest forward.

So there can be a big issue and in relation to that particular piece of it, I can read in a caption from a 2014 Supreme Court of Canada case, *John Doe v. Ontario*, and it's not lengthy, so maybe I'll do that. It says, "The purpose of exempting advice or recommendations within government institutions was addressed in the Williams Commission Report and later jurisprudence. It is to preserve an effective and neutral public service so as to permit public servants to provide full, free and frank advice."

It goes on to reference the *Canadian Council of Christian Charities v. Canada* and indicates, "To permit or to require the disclosure of advice given by officials, either to other officials or to ministers, and the disclosure of confidential deliberations within the public service on policy options, would erode government's ability to formulate and to justify its policies.

It would be an intolerable burden to force ministers and their advisors to disclose to public scrutiny the internal evolution of the policies ultimately adopted. Disclosure of such material would often reveal that the policy-making process included false starts, blind alleys, wrong turns, changes of mind, the solicitation and rejection of advice, and the re-evaluation of priorities and the re-

weighing of the relative importance of the relevant factors as a problem is studied more closely. In the hands of journalists or political opponents this is combustible material liable to fuel a fire that could quickly destroy governmental credibility and effectiveness."

And finally, they go on to say, "The advice and recommendations provided by a public servant who knows that his work might one day be subject to public scrutiny is less likely to be full, free and frank, and is more likely to suffer from self-censorship. Similarly, a decision maker might hesitate to even request advice or recommendations in writing concerning a controversial matter if he knows the resulting information might be disclosed. Requiring that such advice or recommendations be disclosed risks introducing actual or perceived partisan considerations into public servants' participation in the decision-making process."

All that I would find to be right on point in relation to the question you were asking and pretty valuable input from the Supreme Court of Canada.

Dr. Bevan-Baker: Thank you for that, minister. Clearly there are, for instance, Cabinet confidences. I have no issue with the mandatory exemption for that.

However, I think we need to make a distinction between the quality of the information coming to Cabinet and the substance of the decisions that come out. I understand why the substance of the decision should be protected, but I'm wondering why the advice – because what you say is absolutely true, but that ability to not allow the advice to elected officials to come to light also allows those elected officials to hide behind that, if you like, and for them not to be subjected subject to scrutiny. Are you making evidence-based decisions here, or are there political considerations being made?

I'm wondering whether you considered at all the recommendation that any advice – and while it's written here from the – any advice, recommendations, policy considerations, draft legislation, regulations submitted or prepared for submission to the Executive Council or any of its committees

that those be exempt from the mandatory exemption.

Mr. J. Brown: We did consider it generally, and I think, again, I'm not going read that again, but if you go back and look at it –

Mr. LaVie: Oh, please read it again.

Mr. J. Brown: If you go back and look at it as it appears in Hansard, I can show you the documents later. I can probably even table it, I guess. It's just one page of decision, but –

Dr. Bevan-Baker: That's okay, minister.

Mr. J. Brown: It's very relevant in terms of what you're asking me. In fact, it's right on the point that you're asking me. It would address the issue that you're – so the answer is we considered it all. The balancing act is the time. We've reduced the time, but still kept it within what we consider to be the realm of the (Indistinct)

Dr. Bevan-Baker: Thank you, Chair.

Chair: Thank you.

The hon. Member from Morell-Mermaid.

Mr. MacEwen: Thank you, Chair.

Obviously this bill could go further. It's not unlike the *Water Act* in saying, do we vote for this bill and start with some sort of framework so we get it going, or do we vote against it and try and fix it again?

I think we've had time to review it and look at it. I think I'm ready to vote. I'm not sure about the government of the third party, but –

Chair: Okay, thank –

Mr. MacEwen: – think opposition is ready too.

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

Some Hon. Members: Question.

Chair: All those voting in favour of the bill, signify by saying 'aye.'

Some Hon. Members: Aye!

Chair: All those voting against the bill, contrary minded, 'nay.'

The bill is carried and is unanimous.

Mr. R. Brown: Great.

Chair: I need you to read this.

Mr. J. Brown: Madam Chair, I move the title.

Chair: Shall it carry? Carried.

An Act to Amend the Freedom of Information and Protection of Privacy Act.

Shall it carry? Carried.

Mr. J. Brown: Madam Chair, I move the enacting clause.

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

Shall it carry? Carried.

Mr. J. Brown: Madam Chair, I move the Speaker take the chair and the Chair report the bill agreed to without amendment.

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intitled *An Act to Amend the Freedom of Information and Protection of Privacy Act*, I beg leave to report that the committee has gone through the said bill and has agreed to same without amendment. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Agriculture and Fisheries, that the 1st, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 13th, 16th, 17th, and 18th orders of the day be now read.

Speaker: Shall it carry? Carried.

[The following bills were ordered for third reading]

Clerk: Order No. 1, *Registered Professional Planners Act* (Bill No. 20);

Order No. 4, *Business Corporations Act* (Bill No. 12);

Order No. 5, *Securities Transfer Act* (Bill No. 16);

Order No. 6, *An Act to Amend the Extra-provincial Corporations Registration Act* (Bill No. 18);

Order No. 7, *Miscellaneous Statutes Amendment Act (Persons with Disabilities)* (Bill No. 22);

Order No. 8, *An Act to Amend the Tourism Industry Act* (Bill No. 23);

Order No. 9, *An Act to Amend the Tourism PEI Act* (Bill No. 27);

Order No. 10, *Appropriation Act (Current Expenditures) 2018* (Bill No. 28);

Order No. 13, *An Act to Amend the Income Tax Act* (Bill No. 33);

Order No.16, *An Act to Amend the Health Services Act (No. 2)* (Bill No. 36);

Order No. 17, *Supplementary Appropriation Act 2018* (Bill No. 35);

Order No. 18, *An Act to Amend the Freedom of Information and Protection of Privacy Act* (Bill No. 39).

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the Honourable Minister of Agriculture and Fisheries, that the said bills now be read a third time.

Speaker: Shall it carry? Carried.

Hon. members, the two bills that were done this evening, we need unanimous consent for those two bills.

Do we have unanimous consent?

Some Hon. Members: Agreed.

Speaker: Okay.

[The following bills were read a third time]

Clerk: *Registered Professional Planners Act*, (Bill No. 20);

Business Corporations Act (Bill No.12);

Securities Transfer Act (Bill No. 16);

An Act to Amend the Extra-provincial Corporations Registration Act (Bill No. 18);

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An Act to Amend the Tourism PEI Act (Bill No. 27);

An Act to Amend the Tourism Industry Act (Bill No. 23);

Appropriation Act (Current Expenditures) 2018 (Bill No. 28);

An Act to Amend the Income Tax Act (Bill No. 33);

An Act to Amend the Health Services Act (No. 2) (Bill No. 36);

Supplementary Appropriation Act 2018 (Bill No. 35);

An Act to Amend the Freedom of Information and Protection of Privacy Act (Bill No. 39).

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Agriculture and Fisheries, that the 11th order of the day be now read.

Okay, Mr. Speaker. Shall the bills now pass? That the said bills now pass?

Speaker: Shall it carry? Carried.

Hon. members, these are bills introduced by leave of the House read a first time, read a second time, committed to Committees of the Whole House, reported agreed to with

and without amendment as the case may be, read a third time and it is now moved that the bills do now pass.

All in favour, signify by saying 'aye.'

Some Hon. Members: Aye!

Speaker: Contrary, 'nay.'

An Hon. Member: Unanimous.

Speaker: Bills are carried.

[Applause]

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Agriculture and Fisheries, that the 11th order of the day now be read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 11, *An Act to Respond to the Legalization of Cannabis*, Bill No. 29, ordered for third reading.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Agriculture and Fisheries, that the said bill be now read a third time.

Speaker: Shall it carry? Carried.

Clerk: *An Act to Respond to the Legalization of Cannabis*, Bill No. 29, read a third time.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Agriculture and Fisheries, that the said bill do now pass.

Speaker: Hon. Members, this is a bill introduced by leave of the House, read a first time, read a second time, committed to Committees of the Whole House, reported agreed to –

Some Hon. Members: (Indistinct)

Clerk: They're seeking a recorded division.

Speaker: – with amendment as the case may be, read a third time and it is now moved that the bills do now pass.

All those in favour, signify by saying 'aye.'

Some Hon. Members: Aye!

Speaker: Contrary, 'nay.'

Some Hon. Members: Recorded division.

Speaker: Recorded division?

An Hon. Member: Yeah.

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

[The bells were rung]

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

Speaker: Thank you.

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

Speaker: Thank you.

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

Speaker: Okay, thank you.

Hon. members, all those voting against the motion that the bill do now pass, please stand.

Clerk Assistant (E. Doiron): The hon. Leader of the Opposition, the hon. Opposition House Leader, the hon. Member from Borden-Kinkora, the hon. Member from Rustico-Emerald, the hon. Member from Morell-Mermaid, the hon. Member from Georgetown-St. Peters, the hon. Member from Souris-Elmira.

Speaker: And hon. Members, all those voting in support of the motion that the bill do pass, please stand.

Clerk Assistant: The hon. Minister of Communities, Land and Environment, the

hon. Minister of Economic Development and Tourism, the hon. Minister of Transportation, Infrastructure and Energy, the hon. Premier, the hon. Minister of Finance, the hon. Minister of Agriculture and Fisheries, the hon. Minister of Health and Wellness, the hon. Minister of Rural and Regional Development, the hon. Government House Leader, the hon. Minister of Education, Early Learning and Culture, the hon. Minister of Workforce and Advanced Learning, the hon. Member from Charlottetown-Lewis Point, the hon. Member from Charlottetown-Parkdale, the hon. Leader of the Third Party, the hon. Member from West Royalty-Springvale and the hon. Member from Tignish-Palmer Road.

Speaker: Hon. members, the bill passes and it is carried.

[Applause]

An Hon. Member: A little hesitant.

Speaker: The hon. Minister of Health and Wellness.

Ms. Biggar: (Indistinct)

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Agriculture and Fisheries, that the 12th order of the day now be read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 12, *Cannabis Taxation Agreement Act*, Bill No. 31, ordered for third reading.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Agriculture and Fisheries, that the said bill be now read a third time.

Speaker: Shall it carry? Carried.

Clerk: *Cannabis Taxation Agreement Act*, Bill No. 31, read a third time.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Agriculture and Fisheries, that the said bill do now pass.

Speaker: Shall it carry? Carried.

Hon. members, 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 without amendment as the case may be, read a third time and it is now moved that the bill do now pass.

All those in favour, signify by saying 'aye.'

Some Hon. Members: Aye!

Speaker: Contrary, 'nay.'

Some Hon. Members: Nay.

Speaker: The bill is carried.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Agriculture and Fisheries, that the 14th order of the day now be read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 14, *An Act to Amend the Election Expenses Act*, Bill No. 37, ordered for third reading.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of Agriculture and Fisheries, that the said bill be now read a third time.

Speaker: Shall it carry? Carried.

Clerk: *An Act to Amend the Election Expenses Act*, Bill No. 37, read a third time.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the hon. Minister of

Agriculture and Fisheries, that the said bill do now pass.

Speaker: Hon. members, 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 without amendment as the case may be, read a third time and it is now moved that the bill do now pass.

All those in favour, signify by saying ‘aye.’

Some Hon. Members: Aye.

Speaker: Contrary, ‘nay.’

Dr. Bevan-Baker: (Indistinct)

Speaker: A recorded division?

Dr. Bevan-Baker: Please.

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

[The bells were rung]

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

Speaker: Thank you, hon. whip.

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

Speaker: Thank you.

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

Speaker: Thank you, hon. whip.

Okay, hon. members, all those not supporting this bill, please stand.

Mr. LaVie: Oh.

Mr. Fox: Oh, you’re not going to stand up now.

Some Hon. Members: (Indistinct)

Speaker: Hon. members, all those voting in favour of the bill passing, please stand.

Clerk Assistant (E. Doiron): The hon. Minister of Communities, Land and

Environment, the hon. Minister of Economic Development and Tourism, the hon. Minister of Transportation, Infrastructure and Energy, the hon. Premier, the hon. Minister of Finance, the hon. Minister of Agriculture and Fisheries, the hon. Minister of Health and Wellness, the hon. Minister of Rural and Regional Development, the hon. Government House Leader, the hon. Minister of Education, Early Learning and Culture, the hon. Minister of Workforce and Advanced Learning, the hon. Member from Charlottetown-Lewis Point, the hon. Member from Charlottetown-Parkdale, the hon. Leader of the Third Party, the hon. Leader of the Opposition, the hon. Opposition House Leader, the hon. Member from Borden-Kinkora, the hon. Member from West Royalty-Springvale, the hon. Member from Tignish-Palmer Road, the hon. Member from Rustico-Emerald, the hon. Member from Morell-Mermaid, the hon. Member from Georgetown-St. Peters, the hon. Member from Souris-Elmira.

Speaker: Hon. members, the bill is carried and it is unanimous.

Speaker: The hon. Minister of Health and Wellness.

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

Speaker: Shall it carry? Carried.

Clerk: Order No. 15, *Electoral System Referendum Act*, Bill No. 38, ordered for third reading.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the Honourable Minister of Agriculture and Fisheries, that the said bill be now read a third time.

Speaker: Shall it carry? Carried.

Clerk: *Electoral System Referendum Act*, Bill No. 38, read a third time.

Speaker: The hon. Minister of Health and Wellness.

Mr. Mitchell: Mr. Speaker, I move, seconded by the Honourable Minister of Agriculture and Fisheries, that the said bill do now pass.

Speaker: 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, as the case may be, read a third time and it is now moved that the bill do now pass.

All those in favour, signify by saying –

Mr. Trivers: Recorded division.

Ms. Bell: Recorded division.

Speaker: Recorded division has been requested.

Sergeant-at-Arms, you can ring the bell.

[The bells were rung]

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

Speaker: Thank you.

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

Speaker: Thank you.

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

Speaker: Okay.

Hon. members, all those not supporting this bill, please stand.

Clerk Assistant: The hon. Member from Charlottetown-Parkdale, the hon. Leader of the Third Party, the hon. Leader of the Opposition, the hon. Member from Belfast-Murray River, the hon. Member from Borden-Kinkora, the hon. Member from West Royalty-Springvale, the hon. Member from Rustico-Emerald, the hon. Member from Morell-Mermaid, the hon. Member from Georgetown-St. Peters, the hon. Member from Souris-Elmira.

Some Hon. Members: Hear, hear!

Ms. Biggar: (Indistinct) honour the vote.

Speaker: Hon. members –

Some Hon. Members: Oh!

Mr. Myers: (Indistinct) say that, of all people to say that.

Leader of the Opposition: Trust me, you don't want to go there.

Some Hon. Members: (Indistinct)

Speaker: Hon. members, all those supporting this bill, please stand.

Leader of the Opposition: Somebody knit her a pair of mittens.

Clerk Assistant: The hon. Minister of Communities, Land and Environment, the hon. Minister of Economic Development and Tourism, the hon. Minister of Transportation, Infrastructure and Energy, the hon. Premier, the hon. Minister of Finance, the hon. Minister of Agriculture and Fisheries, the hon. Minister of Health and Wellness, the hon. Minister of Rural and Regional Development, the hon. Member from Vernon River-Stratford, the hon. Minister of Education, Early Learning and Culture, the hon. Minister of Workforce and Advanced Learning, the hon. Member from Charlottetown-Lewis Point, the hon. Member from Tignish-Palmer Road.

Speaker: Hon. members, the bill is carried.

Some Hon. Members: Hear, hear!

Mr. LaVie: (Indistinct)

Speaker: The hon. Member from Vernon River-Stratford.

Mr. McIsaac: Mr. Speaker, this concludes our business for this session.

An Hon. Member: Great.

Some Hon. Members: Hear, hear!

Speaker: Okay, hon. members, we are going to have a brief recess. Waiting for the arrival of Her Honour.

[Recess]

Speaker: Hon. members, I am advised, in fact, I have a pretty good idea that Her Honour has arrived at the Coles Building to consider the grant of Royal Assent to bills passed to date during this, the 3rd Session of the 65th General Assembly.

I now propose to leave the Chair in anticipate of Her Honour's arrival.

Clerk: Your Honour, the Legislative Assembly has passed certain Bills during this the 3rd Session of the 65th General Assembly, and now begs your Honour's consideration of the grant of Royal Assent for the following bills:

Business Corporations Act (Bill No. 12);

Securities Transfer Act (Bill No. 16);

An Act to Amend the Extra-provincial Corporations Registration Act (Bill No. 18);

Registered Professional Planners Act (Bill No. 20);

Miscellaneous Statutes Amendment Act (Persons with Disabilities) (Bill No. 22);

An Act to Amend the Tourism Industry Act (Bill No. 23);

An Act to Amend the Tourism PEI Act (Bill No. 27);

An Act to Respond to the Legalization of Cannabis (Bill No. 29);

Cannabis Taxation Agreement Act (Bill No. 31);

An Act to Amend the Income Tax Act (Bill No. 33);

Supplementary Appropriation Act 2018 (Bill No. 35);

An Act to Amend the Health Services Act (No. 2) (Bill No. 36);

An Act to Amend the Election Expenses Act (Bill No. 37);

Electoral System Referendum Act (Bill No. 38);

An Act to Amend the Freedom of Information and Protection of Privacy Act (Bill No. 39);

An Act to Amend the Island Investment Development Act (Bill No. 108);

An Act to Amend the Provincial Emblems and Honours Act (Bill No. 113);

Plastic Bag Reduction Act (Bill No. 114); and

An Act to Amend the Employment Standards Act (No. 3) (Bill No. 116).

Her Honour Lieutenant Governor

Antoinette Perry: In Her Majesty's name, I assent to these bills.

Speaker: May it please Your Honour, we, Her Majesty's loyal and dutiful subjects of the Legislative Assembly of Prince Edward Island in session assembled, approach Your Honour at the close of our labours with sentiments of unfeigned devotion and loyalty to Her Majesty's person and government. We do humbly beg for Your Honour's acceptance of a bill to be intituled *Appropriation Act (Capital Expenditures) 2018*, thus placing at the disposal of the Crown, the means by which government can be made efficient for the service and welfare of the province.

Clerk: Her Honour, the hon. Lieutenant Governor, doth thank Her Majesty's loyal and dutiful subjects, accepts their benevolence, and assents to this Bill in Her Majesty's name.

Her Honour Lieutenant Governor

Antoinette Perry: I wish to commend all hon. members for the conscientious manner in which you have conducted your deliberations at this point of the 3rd Session of the 65th General Assembly of Prince Edward Island. At this time, I pray that until the Legislative Assembly again meets, each of you enjoy good health and prosperity and that peace and freedom for all people shall be more nearly achieved.

Ms. Biggar: Call the hour.

An Hon. Member: Not yet.

Speaker: The hon. Member from Vernon River-Stratford.

All the best to everybody.

Mr. McIsaac: I move, seconded by the hon. Premier, that this House adjourn and stand adjourned until the call of the Speaker.

Shall it carry? Carried.

The Legislature adjourned until the call of the Speaker.

Speaker: Hon. members, before I put the question, I have just a few words.

I certainly want to thank all hon. members of this Legislative Assembly for your work during this session. The length of this session tells me and tells us that you as legislators take your work very seriously.

I also want to thank, a special thank you to Clerk Charles. Every vehicle needs an engine. Charles is the engine for this vehicle. Without him it doesn't work.

Also, a special thank you to the assistant clerks; Emily and Ryan; to the deputy speaker, who probably spent more time in the chair than anybody during her – I want to thank you very much for that.

Also, a special thank you to our security people for keeping us safe at all times and keeping watch over us because security is priceless. We can't put a price on security. We want to thank you for your service.

Also, to Hansard, the people who work in Hansard, you do an extremely important job and we certainly want to thank you for that.

We also want to thank all of the media people for their expert reporting, I should say. It's always nice to go home in the evening and watch *Compass*, find out what you done that day, and also to read *The Guardian* the next morning to find out what you accomplished yesterday or what trouble you got into yesterday.

Last, but not least, I certainly want to thank our Pages; our true, young professionals and the Pages are –

Some Hon. Members: Hear, hear!

Speaker: You are certainly true professionals and professionals. This portion of the journey for those young people has ended and I want to wish you all of the best in your future endeavours.