

JOURNAL OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY, 6 JUNE 2018

The House met at 2:00 p.m.

Prayers

Routine Proceedings

Journals

Journals for Friday, 1 June 2018 were adopted by the House without amendment.

Doors were opened

Matters of Privilege

Hon. Mr. Speaker made the following ruling:

“Honourable Members, on May 30, 2018, the Honourable Member for Georgetown-St. Peters rose on a Point of Order and objected to the Committee of the Whole House proceedings on Plastic Bag Reduction Act (Bill No. 114) that occurred on the evening of May 29, 2018, and cited various sections of *House of Commons Procedure and Practice* regarding closure and the previous question, and Rules 2, 83 and 84 of the *Rules of the Legislative Assembly of Prince Edward Island*.

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

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

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

The Honourable Member raised concerns regarding two procedural methods to limit debate, citing the parliamentary process of closure and the previous question as provided for in our Rules. Further, Rule 2 of the *Rules of the Legislative Assembly* provides that:

In all cases not provided for in these rules or by sessional or other orders, the usages and customs of the House of Commons of Canada in force at the time shall be followed so far as they are applicable to this House.

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

On the topic of the previous question, the Honourable Member for Georgetown-St. Peters is correct in stating that the previous question may not be moved in Committee of the Whole House (see Rule 84). For further clarification on the previous question, I will cite Rule 56 (1) of the *Rules of the Legislative Assembly*:

The previous question may be debated and, until it is decided, precludes all amendment of the main question, and shall be put in the words, **“that this question be now put.”**

As indicated in the Point of Order, the Motion that was moved by the Honourable Member for Vernon River-Stratford was that the Speaker take the chair and that the Chair report the Bill agreed to with amendment. The Chair used discretion given the debate already held in Committee of the Whole House on the Bill and allowed the will of the majority with respect to the matter to be expressed. Accordingly, she put the question, it was resolved in the affirmative and the Bill was reported from the committee to me as agreed to with amendment. That, Honourable Members, is the usual process for bills to be reported to me from Committee of the Whole House and is not the previous question. There was no other report from the committee to me requesting consideration on the subject or conduct in Committee of the Whole House. There was this Point of Order as raised by the Honourable Member from Georgetown-St. Peters but as I advised him at that time, I can deal with matters respecting proceedings in Committee of the Whole House only if they are reported back to me by that committee. This did not occur.

I draw your attention to Rule 83(3), which states:

“The Chair shall maintain order in Committee of the Whole House and decide all questions of order subject to an appeal to the House; but disorder in a committee may only be censured by the House on receiving a report about it.”

Further, a ruling delivered by Hon. Speaker Bertram dated November 26, 2014 affirms the approach to such matters in our House:

“Honourable Members, the Rules on proceedings in Committee of the Whole House are clear. I, as your Speaker, or the House itself are not to become involved in resolving questions of order in Standing Committees or in Committees of the Whole House unless there is an appeal to the House from the Committee. An appeal from a committee must come to the House in the form of a report from the Chair, on behalf of the Committee, and not from individual members.”

The report I received from the Committee of the Whole House on May 29, 2018 on Plastic Bag Reduction Act (Bill No. 114) was that the Bill was agreed to by the committee with amendment. The report was adopted by the House; however, it is important to note that there are still several

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stages through which the Bill must pass, including 3rd Reading, Pass and Royal Assent. As members are aware, there remains opportunity for further debate on this Bill, specifically 3rd Reading stage where the effects of the Bill, should it pass, may be debated.

Finally, and I think it is important to note, the events that occurred on May 29, 2018, regarding putting the question in committee on Plastic Bag Reduction Act (Bill No. 114), are consistent with the past practices of this House. At some point in the consideration of legislation, it is up to a committee to come to a decision on a question. There are no time limits on debate in committee, nor is there a restriction on the number of times of speaking, nor on the time that may be spent on the consideration of a Bill. Theoretically, following this rationale, it must hold that should any member have any questions on any Bill in Committee of the Whole House, it may not be voted on. This has not been the practice of this House; however, should Members wish to develop more formal procedures for limiting debate during Committee of the Whole House, the matter should be referred to the Standing Committee on Rules, Regulations, Private Bills and Privileges for further consideration and report. All members should have an opportunity to consider this important question, and its implications, should this be so.

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

Thank you, Honourable Members.”

Statements by Members

2:20 Hal Perry (Tignish-Palmer Rd) acknowledged the Miminegash Fire Department honouring members with 45 years of service.

2:23 Kathleen Casey (Charlottetown-Lewis Point) congratulated Mike Cassidy on his recent induction into the Junior Achievement PEI Business Hall of Fame.

2:25 James Aylward (Stratford-Kinlock) recognized Barb MacNeill on her recent retirement as a dedicated public servant serving the city of Summerside for over 40 years.

2:25

Questions by Members

Statements by Ministers

3:06 Hon. Heath MacDonald (Finance) updated the House on the status of the DBRS bond rating from stable to positive.

3:09 Brad Trivers (Rustico-Emerald) and Hannah Bell (Charlottetown-Parkdale) added their comments.

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3:14 Hon. Jordan Brown (Education, Early Learning and Culture) announced new curriculum for the Orwell Corner historic site for kindergarten to grade seven students.

3:17 Darlene Compton (Belfast-Murray River) and Leader of the Third Party added their comments.

Presenting and Receiving Petitions

None

Tabling of Documents

Hon. Paula Biggar (Transportation, Infrastructure and Energy) tabled, by leave, Three Oaks Senior High School Renovation Test Results School News Release.

Matthew MacKay (Kensington-Malpeque) tabled,

1st by leave, an email to the Deputy Minister of Education, Early Learning and Culture from Parker Grimmer;

2nd by leave, air quality for Three Oaks Senior High School;

3rd by leave, responses to questions asked to the Minister of Transportation, Infrastructure and Energy.

Reports by Committees

Brad Trivers (Rustico-Emerald), Chair of the Standing Committee on Public Accounts presented a report of the said committee on Committee Activities.

[Appendix ??? – Public Accounts – Page ???]

ORDERED, that the Report of the Committee be received.

Introduction of Government Bills

None

Government Motions

None

Orders Of The Day (Government)

3:25 The following Bill was further considered by a Committee of the Whole House:

ELECTORAL SYSTEM REFERENDUM ACT (Bill No. 38)

Promoter: Hon. Jordan Brown

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Chair: Kathleen Casey

After some time spent therein, Hon. Mr. Speaker resumed the Chair and the Chairperson reported Progress and begged leave to sit again to which the House agreed.

ORDERED, that the Report of the Committee be adopted.

Adjournment

5:00 On Motion of Hon. Sonny Gallant (Workforce and Advanced Learning), seconded by Hal Perry (Tignish-Palmer Road), the House adjourned until 2:00 p.m. on Thursday, June 7, 2018.

Charles H. MacKay
Clerk of the Legislative Assembly