

PRINCE EDWARD ISLAND



BILL NO. 37

AN ACT TO AMEND THE EMERGENCY MEASURES ACT [S. 1]

HOUSE AMENDMENT

AMENDMENT TO BE MOVED by the

Hon. Bloyce Thompson, Minister of Justice and Public Safety and Attorney General

PRINCE EDWARD ISLAND

BRIEFING NOTE

THIS MOTION amends section 1 of Bill No. 37 to add new sections 11.2 and 11.3 to the Bill. Section 11.2 imposes restrictions, as specified, on the emergency powers provided to the Lieutenant Governor in Council under the proposed section 11.1. Section 11.3 provides that both sections 11.1 and 11.2 are repealed on May 31, 2022.

PRINCE EDWARD ISLAND

MOVED THAT

1. Section 1 of Bill No. 37 is amended by the addition of the following after the proposed new section 11.1:

11.2 Restrictions on powers

- (1) An order made under section 11.1 shall
 - (a) be used to prevent, respond to or alleviate the effects of the emergency and for no other purpose;
 - (b) not impose or increase any tax;
 - (c) not appropriate any part of the public revenue or any tax;
 - (d) not create a new offence; and
 - (e) not vary or suspend the operation of the following enactments or any provision of them:
 - (i) the *Child and Youth Advocate Act* R.S.P.E.I. 1988, Cap. C-4.3,
 - (ii) the *Conflict of Interest Act* R.S.P.E.I. 1988, Cap. C-17.1,
 - (iii) the *Election Act* R.S.P.E.I. 1988, Cap. E-1.1,
 - (iv) the *Election Expenses Act* R.S.P.E.I. 1988, Cap. E-2.01,
 - (v) the *Electoral Boundaries Act* R.S.P.E.I. 1988, Cap. E-2.1,
 - (vi) the *Legislative Assembly Act* R.S.P.E.I. 1988, Cap. L-7.

Resolution of Legislative Assembly

- (2) The Legislative Assembly may, by resolution, disallow an order made under section 11.1, and when disallowed the order ceases to have effect in accordance with subsection (3) but without affecting the validity of anything previously done under it.

Effective date of resolution

- (3) A resolution that is passed by the Legislative Assembly pursuant to subsection (2) is effective the day after the date of the resolution.

11.3 Repeal

Sections 11.1 and 11.2 are repealed on May 31, 2022.

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AMENDMENT TO BE MOVED

by Peter Bevan-Baker, Leader of the Official Opposition

PRINCE EDWARD ISLAND

BRIEFING NOTE

THIS MOTION amends the government's motion to amend section 1 of Bill 37 by the addition of proposed sections 11.2 and 11.3, by expanding the list of restrictions in the proposed section 11.2 over the exercise of the power contained in proposed section 11.1, and by adding a list of preconditions for the exercise of the power.

PRINCE EDWARD ISLAND

MOVED THAT

Section 1 of the Government's Motion to amend Bill 37 is amended

(a) by the deletion of the word "and" after proposed clause 11.2(1)(d);

(b) in proposed clause 11.2(1)(e), by the deletion of subclauses (i) through (vi), and the substitution of the following:

- (i) the *Agricultural Crop Rotation Act* R.S.P.E.I.1988, Cap. A-8.01;
- (ii) the *Animal Health Act* R.S.P.E.I. 1988, Cap. A-11.1;
- (iii) the *Animal Welfare Act* R.S.P.E.I. 1988, Cap. A-11.2;
- (iv) the *Audit Act*; R.S.P.E.I. 1988, Cap. A-24, except on the recommendation of the Auditor General;
- (v) the *Child and Youth Advocate Act* R.S.P.E.I. 1988, Cap. C-4.3;
- (vi) the *Climate Leadership Act* R.S.P.E.I. 1988, Cap. C-9.1, except with respect to the provisions of clause 11.2(1.1)(e);
- (vii) the *Conflict of Interest Act* R.S.P.E.I. 1988, Cap. C-17.1;
- (viii) the *Election Act* R.S.P.E.I. 1988, Cap. E-1.1, except on the recommendation of the Chief Electoral Officer;
- (ix) the *Election Expenses Act* R.S.P.E.I. 1988, Cap. E-2.01, except on the recommendation of the Chief Electoral Officer;
- (x) the *Emergency Measures Act* R.S.P.E.I. 1988, Cap. E-6.1;
- (xi) the *Employment Standards Act* R.S.P.E.I. 1988, Cap. E-6.2, except on the recommendation of the Employment Standards Board;
- (xii) the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9;
- (xiii) the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9;
- (xiv) the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01, except on the recommendation of the Information and Privacy Commissioner;
- (xv) the *Human Rights Act* R.S.P.E.I. 1988, Cap. H-12, except on the recommendation of the Human Rights Commission;
- (xvi) the *Interpretation Act* R.S.P.E.I. 1988, Cap. I-8;
- (xvii) the *Legislative Assembly Act* R.S.P.E.I. 1988, Cap. L-7;
- (xviii) the *Natural Areas Protection Act* R.S.P.E.I. 1988, Cap. N-2;
- (xix) the *Occupational Health and Safety Act* R.S.P.E.I. 1988, Cap. O-1.01;
- (xx) the *Pesticides Control Act* R.S.P.E.I. 1988, Cap. P-4;
- (xxi) the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, except with respect to the provisions of clause 11.2(1.1)(e);
- (xxii) the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5;
- (xxiii) the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30.1;

(c) by the addition of the following after proposed clause 11.2(1)(e):

(f) not make any reduction in the financial value of benefits or compensation provided to a person; and

(g) not shorten a limitation period.

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(d) by the addition of the following after proposed subsection 11.2(1):

Preconditions

- (1.1) An order made under section 11.1 may only suspend or vary the application or operation of any enactment with respect to provisions that
- (a) govern services, benefits or compensation;
 - (b) establish a limitation period or a period of time
 - (i) for commencing a proceeding before the Provincial Court, Supreme Court or Court of Appeal, an administrative tribunal or other decision maker, or
 - (ii) within which a step shall be taken in a proceeding before the Provincial Court, Supreme Court or Court of Appeal, an administrative tribunal or other decision maker;
 - (c) establish a requirement for a person or the Government to do, obtain or provide anything within a specified period of time;
 - (d) require the Government, a corporation, a municipality or other body to hold a meeting or public meeting;
 - (e) establish the form or manner in which anything is to be done, including but not limited to
 - (i) the form or manner in which anything is to be done in respect of the hearing of a matter under an enactment,
 - (ii) the form or manner in which a meeting or public meeting is to be held,
 - (iii) the form or manner in which a legal instrument or other document is to be signed, executed, witnessed, acknowledged, registered, submitted, served, filed or published; or
 - (f) require the payment of fees or interest.

Legal instruments – deemed compliance

- (1.2) For greater certainty, where the form or manner in which a legal instrument or other document is signed, executed, witnessed, acknowledged, registered, submitted, served, filed or published is varied in accordance with an order under section 11.1, the form or manner as varied is deemed to be in compliance with the formal requirements imposed by the enactment.

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AMENDMENT TO BE MOVED

by Peter Bevan-Baker, Leader of the Official Opposition

PRINCE EDWARD ISLAND

BRIEFING NOTE

THIS MOTION amends the Government's motion to amend section 1 of Bill 37, by changing the date on which proposed sections 11.1 and 11.2 of the *Emergency Measures Act* will expire.

PRINCE EDWARD ISLAND

MOVED THAT

Section 1 of the Government's Motion to amend Bill 37 is amended in proposed section 11.3 by the deletion of the words "May 31, 2022" and the substitution of the words "December 31, 2021"