

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Carolyn Bertram

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The Legislature met at 10:00 a.m.

Speaker: Good morning, everyone.

Matters of Privilege and Recognition of
Guests

Speaker: The hon. Minister of Agriculture and Forestry and Deputy Premier.

Mr. Webster: Madam Speaker, it's a privilege to rise today on this beautiful last day of the week and welcome all the guests in the gallery.

We do have, I believe, 18 different clubs could be represented here today. The 4-H organization is alive and well and going strong. It served a lot of people for many years. It's had a huge impact on the lives of youth in our province, as well as across Canada.

Also, I'd like to welcome the regular guests in the gallery. It's really great to see you all here.

It's a beautiful day out, a little bit of a winterish day but signifies the beginning of the winter, but beautiful just the same.

Thank you, Madam Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

It's great to see another full gallery today, and I want to welcome everybody in on a Friday and those that are following along at home. It's great to see so many young faces here today and (Indistinct) 4-H group and I hope that you enjoy the proceedings.

I see Ben MacDonald there too, and I'd like to welcome Ben. He's from my district. He's a hard-working individual who's very community-oriented so I want to welcome you here today.

On the topic of the weather change, I know that there was some icy spots down east this

morning, so it's getting to be that time of year. I urge all Islanders to check their tires. I don't think it's going to get any warmer any time soon, so may as well have a look and get changed over for the winter so that we can all be safe together on the roads.

Thank you, Madam Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Health and Wellness.

Mr. Currie: Thank you very much, Madam Speaker.

I welcome all our guests to the gallery this evening. I want to acknowledge that this Sunday with my colleague, the hon. Member from Charlottetown-Sherwood, I will be attending the Parkdale-Sherwood Lions Club annual Christmas dinner and look forward to that. I know that we have a lot of seniors watching today that we'll be seeing on Sunday as well. We look forward to that event.

I want to acknowledge Albert Roche and the Holland College athletic department for the event they put on last night, athletic leadership forum, where Kristen Cameron spoke and shared her journey and story after being hit by a drunk driver and her journey from her accident and where she's going. Very inspirational, and want to acknowledge that today as well.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Community Services and Seniors.

Ms. Docherty: Thank you, Madam Speaker.

Welcome to everyone in the gallery. As the deputy premier indicated, we always have our regulars.

We've got good representation of youth here, and the 4-H clubs and those that have been involved in 4-H certainly know the benefits that they provide. I specifically would like to say hello if there are any members from the North River club. It's

always a pleasure to be part of your events when I can and watch what you do.

Today the PEI Potato Board has their AGM all day and their dinner tonight, which is always a great event. Tomorrow the Canoe Cove Community Association is having an event called Souperman Challenge as in soup. Six brave men are going to create their own soups. There's going to be an opportunity to taste all six and vote on which man makes the best soup. That's at the Canoe Cove school from 5:30 to 7:30 and it's \$10 a person.

Lastly, many of us in the Legislature know the Arnold Stewart family in Crapaud. Arnold, unfortunately, has had to go through a quadruple bypass at the QEII. Obviously very serious for the family. He's doing much better. But to Anna and to his sons and family, I'm sure they're looking forward to having him home soon.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Tyne-Valley-Linkletter.

Ms. Biggar: Thank you, Madam Speaker.

I want to rise and welcome – I can't see everybody up there behind me over my head – but the Lot 16 4-H club members. Lot 16 has been doing 4-H for over 60 years, so they're very dedicated members of the community there. I want to congratulate them on their work. I'm not sure if their leader is with them, Joan Gardiner is with them, but they have a lot of great leadership in their community 4-H club.

I, also this morning, want to congratulate Edith and Allison MacLean from Lot 16. It's their 50th anniversary. I'm sure the 4-H club members know Edith and Allison very well for their work at the community hall.

Also this weekend we're going to have a great Liberal event up in Egmont. Tomorrow is the Liberal nomination for Egmont. We'll have over 2,000 people out there for a great event. We're looking forward to that.

Tomorrow, also, is my sister Lorraine's birthday, Lorraine Robinson in Tyne Valley. I wish her a happy birthday. I don't think she'll be joining us tomorrow.

Thank you, Madam Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Madam Speaker.

I'd like to welcome Dennis Halliday to the gallery, and Ben MacDonald. He's a fellow firefighter in the next district to mine, Central Kings district. I'd like to welcome him here, and all of the 4-H members, especially those from the Chepstow-Little Harbour 4-H club. We have Sarah Blaisdell, she's the president of the club, we have Dolores Jager, she's the reporter of the club and they have their leader with them, Cookie Jager. It's great to see all of the kinds in the House today and I wish everyone a great weekend.

I'd like to say hello to everyone in District 1 Souris-Elmira and I hope they all have a great weekend as we end this Friday.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Alberton-Roseville.

Mr. Murphy: Thank you, Madam Speaker.

It's a pleasure to rise in the House and welcome all those up in the public gallery. It's great to see some fellow rural folks here in the Legislature.

I'd also like to say hello to all those folks in the great District of Alberton-Roseville that may be watching on the t.v.

I'd like to congratulate and offer best wishes to Wendell and Shirley Wallace. They're celebrating their 50th anniversary this Sunday and they're having an open house at the Briarwood Inn, Cottages and Lodge from 2:00 p.m. to 4:00 p.m.

It's getting pretty close to Christmas time so I would like to just mention quickly a program that's offered by Kids West. If anybody is looking for the perfect Christmas gift to give, you can sponsor a family for pre-k starting at \$10, you can sponsor a program, you can purchase a breast pump or donate a booster seat. That's just a great Christmas idea if folks are in the giving spirit to support a great organization up in West Prince.

Thank you, Madam Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Education and Early Childhood Development.

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

It's great to see such a crowd in the gallery and I want to welcome you all here, especially the 4-Hers. This is an absolutely phenomenal organization. I'm a proud 4-Her from age nine through to 21 and a leader in my club, and I see some clubs here from my area. I see the Cherrycliffe club is here and I know the Millview-Vernon River club is here. I was talking to Daniel Whalen and Leo (Indistinct) for a moment there. It's great to see them in here.

I want to welcome everyone who is in the gallery. I see Dan Larter is with us. That's great. As the Minister of Community Services and Seniors said yesterday, tomorrow is a big day for alumni of Charlottetown Rural, a big gathering there, so make sure everyone who graduated or who attended the Charlottetown Rural shows up for that event.

Thank you very much, Madam Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Dumville: Thank you very much, Madam Speaker.

I, too, would like to welcome the 4-Hers here today. It's just a wonderful organization. I'm so glad you have seen fit to join us and I would just like to make a

special mention of O'Leary, because I'm from O'Leary, and also Wheatley River because that 4-H club is in my district.

I would also like to congratulate Mike Ready on 30 years of service to the Charlottetown Fire Department and Jim Rhynes that has 25 years' service to the Charlottetown Fire Department.

I'd also like to remind everybody that West Royalty Elementary School is having a fundraising pancake breakfast on December 6th at 8:00 a.m. to 10:00 a.m., so I hope everybody gets out there and supports West Royalty Elementary School.

Thank you very much, Madam Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Tracadie-Hillsborough Park.

Mr. Watts: Thank you, Madam Speaker.

I want to welcome everybody to the gallery here today. It looks like a full House again. Of course we have our regulars, Shane Hennessey and Eddie Lund, it's great to see you guys here.

Also, certainly a special welcome to all of the 4-Hers from across PEI. It's such a great organization and it's going to be so influential on your future and your ability to carry on your work in whatever field you choose, whether it be agriculture or not. I always think when we talk about 4-H – there's one of our own members here, the minister of education, and he always talks about 4-H and having been a member of that, and he credits 4-H for his ability to be the great speaker that he is today, one of the best in the House.

Some Hon. Members: Hear, hear!

Mr. Watts: Thank you, Madam Speaker.

Speaker: The hon. Member from Charlottetown-Sherwood.

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

It is a pleasure to stand today and recognize the young Islanders that are in the gallery

today. We have a great crowd of young faces up there that are here today to watch the democratic process unfold today so I'm hopeful they will enjoy their day.

As well, I see Eddie Lund is with us again today, and a good friend of mine, Wayne MacMillan, who usually comes and spends his Friday mornings with us. I'm glad to see him back in as well. I hear Daniel Larter's up there. Always good to have Daniel back a couple of times this week.

As the minister of health mentioned earlier, there is a rather large dinner on Sunday afternoon with the Parkdale Sherwood Lions. There'll be a big crowd in attendance. As well, Saturday evening, Park Royal United Church is having their fundraising dinner. The minister and I will be well fed this weekend.

I'd like to say hello to another woman who kept me well fed for many years, my mother Agnes Mitchell, who's watching the proceedings both inside and outside of the House these days. I'd like to say hello to my mom as well.

Also, I'd like to welcome – he's been welcomed a couple of times this morning – Ben MacDonald's in the galley today. Ben, of course, is the deputy chief of the Central Kings Volunteer Fire Company, as mentioned there earlier. I know Ben's a great community man in his area, and a great family man now with a young child there. He works in this member's district as well. But I think a little bit later on today he's going to play a big role in some good things that are going on in Kings County with the minister of fisheries.

Thank you very much.

Speaker: The hon. Opposition House Leader.

Mr. Aylward: Thank you very much, Madam Speaker.

It's a pleasure for me to rise today and bring greetings to all of the 4-H executive members that have joined us today. As well, we have the leader of the Green Party with us today, Mr. Peter Bevan-Baker. It's great to see you up there, Peter.

I'd also like to acknowledge a group of children that were joining us today, and that would be the Stratford After School program. This program actually takes place across the street at the Murphy Community Centre. They have a great arrangement where the children from Stratford, after school, are actually transported over here in a van or shuttle service, and then it's very convenient for the parents to pick up their children afterwards. I've heard great things about this program.

We've already heard that there are many activities happening this weekend, and, of course, leading up to Christmas it just continually gets busier and busier. But I'd like to single out one particular event that's taking place this weekend, and that is the 31st Annual Curl for Cancer that's taking place at the Charlottetown Curling Club. As I said, 31st annual. Last year they raised \$7,500 for the Canadian Cancer Society. The draws take place tomorrow. It's a lot of fun. Short games. It's open to curlers and non-curlers. Tonight there is trivia and tomorrow there's a bake sale as well. I encourage everyone to come out and support this great event.

Thank you very much, Madam Speaker.

Speaker: The hon. Minister of Tourism and Culture.

Mr. Henderson: Thank you, Madam Speaker.

I, too, want to rise and welcome those in the gallery today, especially those with the 4-H organization. 4-H is a fabulous organization that promotes leadership, cooperation, getting things accomplished, as well as rural values. So much so that our department felt that it was very important to grant them some funding through the 2014 fund. They received some funding celebrating 4-H as part of Canada's heritage. A great organization's that's done a lot for this province and this country.

As well, I have to recognize the O'Leary 4-H club, as well. It's in my district. That was an organization that they're based out of the West Prince Tired Iron Clubhouse at Coleman Corner. They received some funding to modernize their clubhouse and

they use it for many functions as well as 4-H.

I also want to recognize my mother's birthday is today. I'm sure she's home watching online. I'm not going to identify her chronological age, but no matter what her age is, chronologically speaking, she always looks young in my eyes.

Happy birthday, Mom.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Tignish-Palmer Road.

Mr. Perry: Thank you, Madam Speaker.

It's a pleasure to stand today and welcome to the public gallery all the members of the 4-H leaders and 4-H staff who are here today partaking in part of their executive training, which they do once a year. These members hold positions within their own clubs: president, treasurer, secretary and club reporter.

It's nice to see three familiar faces: Sarah, and there's Kelly and Mallory, who I had the opportunity two weeks ago to travel to Toronto as part of the national members forum. It's nice to see them here again today.

I want to wish all of you a very successful 4-H year.

Thank you.

Speaker: The hon. Minister of Agriculture and Forestry and Deputy Premier.

I'm sorry.

The hon. Minister of Transportation and Infrastructure Renewal.

Mr. Vessey: Thank you, Madam Speaker.

I'd like to rise today as well and welcome the 4-H clubs to our gallery. It's great to see them out. I would like to say hello to Daniel Larter who is with us again today and a friend of mine, Wayne MacMillan as well.

I'd like to mention about a fundraiser in my district tomorrow in partnership with the

East Royalty Lions Club and my district executive. We're having a pancake breakfast for Toys for Tots Christmas campaign, and I invite anyone in the House, if they'd like to come out and have a pancake breakfast, it's supporting a great cause.

Thank you, Madam Speaker.

Some Hon. Members: Hear, hear!

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

Mr. McGeoghegan: Thank you, Madam Speaker.

It's also a pleasure to rise this morning to welcome all the 4-Hon. members and their leaders, especially Hailey Ferguson from Murray River. It's great to see her here today.

A special welcome to the Southern Kings Club, the Montague Club and the Vernon River Club as they are all close to my area.

It's also good to see Eddie Lund, he's always here every day, Wayne MacMillan, and Dennis Halliday, another resident of Belfast.

With that, thank you, Madam Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Fisheries, Aquaculture and Rural Development.

Mr. MacKinley: Thank you, Madam Speaker.

It's great to recognize all the young 4-Hon. members and their leaders that are here in the gallery today, especially the Cornwall Clovers club and the North River club, 4-H clubs, and all other 4-Hon. clubs.

When you talk about public speaking, I remember like yesterday Helen Sanderson, our 4-H leader in North River at the time, had decided we had to learn how to do public speaking. We were quite nervous and she said take a glass of water with you. Take a deep breath. I can still remember that. We went on then to the 4-H club, four or five of us won a trip to Ottawa along with other (Indistinct). 4-H was probably the backbone

of young people to learn at that time. Some of these 4-H members that are there today will be members in the House.

When I was at that age I wasn't too interested in politics. I was probably 12 years old, but I remember going to Ottawa and I just think that Diefenbaker might have been the prime minister, or Lester Pearson might have been the prime minister. I'm not sure who it was, but I remember being up there and I remember the security coming up – we were all up there and we were in question period, and without a word of lie, about two hours later after question period the security came up and said: Son, when you wake up the other people have already gone home. They put me to sleep and I can remember that yet, they put me to sleep.

Madam Speaker, it's great to see the young people and let's hope these young people, none of you fall asleep today.

Some Hon. Members: Hear, hear!

Speaker: Thank you, minister.

The hon. Government House Leader.

Mr. Gallant: Thank you, Madam Speaker.

I, too, would like to rise and welcome everyone to the gallery. A special welcome to the 4-H group and their leaders and staff. I know there's a very active 4-H group in my District of Evangeline-Miscouche.

I'd also like to say hello to everyone back in my District of Evangeline-Miscouche and wish them a happy weekend.

Thank you, Madam Speaker.

Statements by Members

Speaker: The hon. Member for Tignish-Palmer Road.

National 4-H Month

Mr. Perry: Thank you, Madam Speaker.

November is National 4-H month. 4-H is one of Prince Edward Island's longest running youth organizations for young people aged nine to 21.

PEI 4-H is a family oriented, community-based youth organization which provides opportunities for leadership and life skills while promoting agriculture awareness. PEI has over 550 members who belong to one of 23 clubs. Members enroll in projects, give back to the community, make new friends and have lots of fun.

Through real-life situation 4-H members help develop life skills such as communication, citizenship, decision making, leadership, interpersonal relations and community and global awareness.

4-H is Canada's largest out of school education program. The 4-H classroom takes place around your kitchen table, outdoors, computer screen, or within your community, province and beyond. It is a world of hands-on projects and demonstrations, and skill and leadership development. 4-H teaches pride in workmanship.

4-H volunteers are actually called leaders and for good reason. 4-H is an organization built around leadership. By providing 4-Hers with mentors and role models who lead by example, it gives you the opportunity to enjoy meaningful, positive experiences that build confidence, positive self-identity, self-esteem and a sense of achievement.

When everyone in today's world is busy and over-extended, it just makes good sense to belong to an organization that involves the entire family and brings you closer to your neighbours.

In closing, I want to extend my well wishes to all who are involved with the 4-H program and enjoy 4-H month.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Summerside-St. Eleanors.

Josh Grady

Mr. Greenan: Thank you, Madam Speaker.

In October of 2013, the city of Summerside was saddened to learn of the sudden passing, while on a trail run in Nova Scotia, of 26-year-old Josh Grady.

Josh had been the barista at Samuel's Coffee House up until a few weeks before he decided to relocate to Nova Scotia. Josh was special, not only to his friends and family, but also to the employees and regulars at Samuel's. After his death, Samuel's owner, Moyna Matheson, wanted to honour him in a manner that reflected the essence of a truly remarkable young man.

In September of this year Samuel's Coffee House launched the sale of Grady Bean, this bean is from the Ethiopian region, which was a personal favourite of Josh's. One hundred per cent of the profits are being donated to organizations of his family's choice.

The first supply of this bean quickly sold out, and the shelves have since been replenished with Grady Bean for the upcoming holiday season.

I'd like to thank Moyna and the staff at Samuel's Coffee House in Summerside for creating this legacy in Josh's name. Josh Grady gave much during his 26 years to make the world a better place, and now, even though he is no longer among us, Josh, through the sale of Grady Bean, continues to make a difference.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Tribute to Souris Native Greg Peters

Mr. LaVie: Thank you, Madam Speaker.

It is a privilege to rise today to pay tribute to a former resident of Souris-Elmira, retired RCMP superintendent Greg Peters, who now serves as the Usher of the Black Rod to the Senate in our nation's capital.

Mr. Peters was among those injured in a recent tragic incident in Ottawa when a gunman stormed the federal Parliament Building.

I believe that Mr. Peters showed great courage in helping individuals escape out a window to safety, although unfortunately he was injured himself during the evacuation

process. Fortunately his injuries were of a minor nature and he has since recovered.

Myself and residents from Souris-Elmira are very proud of the role that Mr. Peters played in this event and for the many years of service he gave to our country as a former member and superintendent of the RCMP.

Our police, security officers and armed forces personnel put their lives on the line each and every day for the citizens of our province and our nation. They are true public servants and our protectors, sometimes at the cost of their own lives.

I know that members of Mr. Peters' family still live in Souris and I know that they are proud of Greg and his courage in his service to the public.

On behalf of my caucus and the Legislative Assembly, I want to thank Mr. Peters for the great service he has provided.

Thank you.

Some Hon. Members: Hear, hear!

Responses to Questions Taken As Notice

Speaker: The hon. Minister of Transportation and Infrastructure Renewal.

Highway 2 intersection (further)

Mr. Vessey: Yesterday, Madam Speaker, in Question Period, I was asked a question by the Member from Tracadie-Hillsborough Park on the Northridge intersection on the St. Peters Road.

A little information I got from the chief engineer yesterday. It is in the capital plan to have an overpass put at the intersection of St. Peters Road in the bypass, and then we will be able to construct a roundabout at Northridge Parkway, and that will develop the flow of smooth traffic in there. We'll be taking the lights out at the intersection that are currently there, Madam Speaker.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Community Services and Seniors.

Home repair program (further)

Ms. Docherty: Madam Speaker, yesterday the hon. Member from Souris-Elmira had been asking some questions about the home renovation program, and one of his questions was in regards to how many applications were received on the first day.

My response was something like 561. Actually the number of applications that we received on the first day was 531 applications of a total of 643 received that whole week.

Thank you, Madam Speaker.

Questions by Members

Speaker: The hon. Leader of the Opposition.

FEMA minister's London trip (further)

Leader of the Opposition: Thank you, Madam Speaker.

Question to the treasurer: Did you figure out who paid for your gambling junket to London yet?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

As I spoke about yesterday, a number of times I'll make trips, different locations, paid by other groups. In this case, very much was the case, this was the gaming initiative that we worked at for a number of years that we're in partnership with the Mi'kmaq Confederacy run through a group of consultants, and that indeed is where the numbers are that the hon. member is looking for. Not disclosed because they're not taxpayers' dollars.

Thank you very much.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

I just want to reiterate, then, what you told the House yesterday and you told us again today, that it's quite common to have other groups pay for a minister's travel. So you stand by that statement?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

As I laid out yesterday as examples, I went up to Toronto to speak to CARP, the Canadian Association of Retired Persons, to talk about my CPP plan that I put forward to our finance ministers. Did the same thing with the Canadian Labour Congress. Did the same thing to go to Boston to talk about the pension issue.

Each of these organizations pay for the associated costs that would be for ministerial, for deputy ministers, bureaucrats, to go and speak on a certain subject matter, so this is common practice. When it is the business that's initiated by my office, for instance, of course it would be on the taxpayers' bill and therefore disclosed inside my quarterly numbers.

Thank you very much, Madam Speaker.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

The funny thing about the travel for CARP and the travel for the Canadian Labour Congress is that you included them on your ministerial disclosures, so both of those trips were on it. Do you find that strange?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Madam Speaker, very clearly, what happens in some cases – and this happens with my former deputy minister of finance when they go to lottery meetings.

When they go they're billed, we pay for the costs, and then they are paid back. That's what would happen in the case of CARP or for Canadian Labour Congress. Depending on whether they pay for your trip in advance

or you pay for the things yourself out of our ministerial budgets, and then you'd see that we were reimbursed after the fact. That's what would happen in the case of CARP and the Canadian Labour Congress. We get the bills, submit them to the organization, and they reimburse us.

Thank you very much.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

For both of those trips that we're talking about in the minister's disclosure, it was noted that flight, hotel and other trip expenses were covered by a third party.

Question to the minister: What made your London gaming junket so special to warrant all this secrecy?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

As I had said, there's a number of trips that sometimes we pay for them in advance and some of them aren't. If they are not paid for in advance, of course they have to go on the disclosure and then we show where they're reimbursed. If they're paid for in advance, then of course they don't go on our disclosure. There are no taxpayers' dollars advanced in this case so they wouldn't go on.

As I said, this entire trip to the ICE conference, where we were working at this initiative for a number of years, it was all paid for under the initiative.

Thank you.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

For the paid trips that you did happen to come clean on on your disclosure you were the guest speaker at both events.

Question to the minister: Were you also a keynote guest speaker at the international gaming conference that you attended in London?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: No, Madam Speaker.

We were there trying to initiate some different business with the proponents that we needed to organize the entire platform that we would be looking for to take on this gaming initiative on Prince Edward Island. As I've said many times in this House, there are billions of dollars going offshore across Canada.

Now, this was a level of discussion at the 2010 finance ministers' meetings, at the 2011 finance ministers' meeting, again in 2012. We need to find a way to regulate, police and tax this industry. We can't continue to put our heads in the sand and pretend this issue is not here. In a time of tight financial situation all of us have to be looking for best ways to ensure that our constituents are covered, that they are protected inside regulated performance by provincial and federal forces.

This is an issue that we're all working at. Right now we have all turned it over to our lottery corporations and we're hoping to see some real work and progress made this year.

Thank you.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

The minister says that he wasn't a guest speaker at this conference, which was all I really asked. So he wasn't a guest speaker at this conference, but the two that he did disclose to the public he was a guest speaker at.

Were you a secondary guest speaker at this event?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

This is a conference that takes in probably 1,200 participants. There would be hundreds of exhibitors. These are gaming companies. These are people that have gaming platforms. This is software companies that are all there engaged in this multi-billion dollar industry. It is much like a home show at the Civic Centre.

We're there discussing a number of issues with a number of proponents and looking to establish a gaming initiative here on Prince Edward Island. There are millions of dollars at stake for the Province of Prince Edward Island, and we have to make sure that we are regulating, policing and taxing different activities to protect constituents of our province.

Thank you very much.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

So the minister wasn't a speaker at the London conference, and I guess we already knew that.

Question to the minister: Who did you meet with on your secret London gaming junket?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

Again, the Leader of the Opposition is trying to make a story out of something that is not here. This is a gaming initiative that we have talked about many times in this House, we've talked about in the public with the media, one that has to be addressed. We have to find solutions.

To this point, there are Criminal Code issues federally that have to be addressed so that we can actually bring these gaming companies – and there are a number of them that are good corporate citizens. We look at the Mats Sundin PokerStars, for instance. These are corporations that actually

advertise inside our country, but they do not have any funds, any of their gaming funds, come in to the coffers of federal or provincial governments and they are unregulated by our provinces or our federal government.

In order to do that that Criminal Code change must take place, Madam Speaker, and we could therefore put them on our sites, make sure that the gaming that's taking place will be policed, regulated and taxed.

Thank you.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

The minister doesn't want to tell the House who he met with. It seems to be an awful big secret here. He's got an awful big secret. It seems like this minister's got a really big secret. I think we know he's got a really big secret.

The minister says there's nothing wrong with the secret trips abroad to London being paid for by gaming companies.

Question to the minister: Do you think Islanders, who are struggling to put food on their table, to put oil in their oil tanks, agree with you?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Again, Madam Speaker, the taxpayers of Prince Edward Island did not pay for this trip, and that's the point that the opposition leader is trying to make here.

I'm saying to you that it did not come from taxpayers' money. That's why it is not put down on my disclosure. It is paid for through our gaming initiative project monies. This was something that we worked diligently toward, finding a solution to make sure we could do this.

This is not paid for by a gaming company. If it was, if they're a legitimate company that we could have brought here and is set up and done business with, so be it. But it's not

the case. It was financed through our project dollars that we were trying to make this work.

The opposition leader should be on side with these types of initiatives when we're looking at development inside our province that would bring millions of dollars into our coffers so that we can do exactly what he's saying: to make sure there's oil in people's tanks, to make sure that we have the best in hospitals and education systems. That's the type of government that we lead over here.

Thank you.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

What I do know is this minister has a really big secret. He's got a really big secret.

FEMA minister and *Conflict of Interest Act*

He thinks it's okay for trips to be paid for by somebody else to take him to London. He thinks that Islanders think that that's okay.

Question to the minister: Is this minister familiar with the *Conflict of Interest Act*?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

If I could, just so that the public and the people in the gallery, people watching at home, are very clear, there are no secrets here. We've made this all very clear from the beginning.

Leader of the Opposition: I tabled the report (Indistinct).

Speaker: Order, please!

Mr. Sheridan: Madam Speaker, the Mi'kmaq Confederacy came to us in our first year in our first mandate and we had very good talks with them at that time.

They were looking to have a piece of the revenue of our gaming, as many other First Nations do in other provinces. Of course, they don't want to hive into the actual revenues we have today, so they were looking at new initiatives, one of which was e-gaming.

So we started at that time. In a relationship with the Mi'kmaq Confederacy, we brought in consultants that we thought would help out in trying to garner a solution to this issue that I'm speaking about here today. None of this is a secret. For three years we looked at what proponents we would need to bring this to a reality here on Prince Edward Island. We worked diligently with the federal government, as I said. Three years in a row it was on the agenda with the finance ministers of Canada, including the late Mr. Flaherty.

This is a big issue and we worked very clearly, very openly and transparently on this. There are no secrets attached to this whatsoever. This gaming initiative was run through the consultancy with the Mi'kmaq Confederacy. All the dollars that were associated with the trip that the member is speaking about are very clearly inside this gaming initiative. There are no secrets attached.

Thank you very much.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

Speaking of a big issue, Section 13 of the *Conflict of Interest Act* states that a minister shall not accept a fee, gift, or personal benefit that is connected directly or indirectly with the performance of a member's duty of office.

Question to the minister: Are you familiar with this section of the *Conflict of Interest Act*?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

Of course, I am very familiar with the conflict of interest and I meet with Neil Robinson each and every year with regard to this very clearly.

What we have to be clear here on the floor, for everyone to hear at home is that the work I was doing on this initiative was for the goodness of all Islanders. Number one, to protect their interest in plain and a regulated space. We have thousands of people on Prince Edward Island, and hundreds of thousands playing across the nation, on non-regulated sites, many of which are very good corporate citizens. No question about this. So we must find a way to regulate, police and tax that.

There was no personal gain whatsoever on these trips. This is for the good of Islanders to protect their interests and, of course, bring new monies in for hospitals, schools and transportation.

Thank you.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

So this minister decided to not disclose this trip to Islanders. He didn't disclose it in his personal disclosures. So he accepted a trip.

Section 13 of the *Conflict of Interest Act* also requires you to file a disclosure statement with the Conflict of Interest Commissioner within 30 days of receiving a benefit greater than \$500.

Question to the minister: Did you comply with that requirement under law of your secret London gaming junket?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Madam Speaker, all we have to do is to relate this back to any of the other trips that I was talking about through CARP, the Canadian group for retired persons, for the Canadian Labour Congress.

Those trips are for the greater good of my population, the population of Canada. We're talking about Canada Pension Plan. In this

case we're talking about a gaming initiative that would provide coverage of our individuals here that play online and provide dollars for programs like health care and education. Very clearly these are not trips, neither the ones for CPP or for the gaming initiative, that benefit this minister whatsoever. This is for the greater good of the population, and if you looked at the conflict of interest laws it very clearly states when it's in the interest of the population I am nowhere near those files.

Thank you.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: I can't believe he just said that. I can't believe you just said it.

You have to disclose when you travel for business. You did with CARP, you did it the labour congress. You didn't do it when you snuck away to London. You didn't do it. So you have to disclose it through the Conflict of Interest Commissioner because somebody else paid for you to go there.

Question to the minister: Did the total tally of your secret trip to London exceed the \$500 minimum that the conflict of interest states?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

Again, just for the clarity of the House, for those that are listening at home, there are two ways in which this happens. Some trips, we pay for it up front through the department. This happens for ministers, deputies and bureaucrats right throughout the system.

If you are being paid for by another source to go and speak, to present, to be part of a discussion, and are paid, it appears on our disclosures and then we're given the money after the fact. If in fact they pay for you up front, of course it's not put on disclosure because there are no taxpayers' dollars associated with it.

That's the only reason it doesn't appear on the disclosure. It has nothing to do with what the hon. member is speaking about.

Thank you.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

The minister knows that he has to disclose his trips through their own government policy or through the *Conflict of Interest Act*. There's one or the other and he has to disclose them.

What he's saying here is not the case. He absolutely has to disclose these trips as he did with CARP, as he did with the labour congress. That's why, because it's government policy. Either that or he accepted a free trip, which it appears that he did, and did not disclose it to the Conflict of Interest Commissioner.

Question again to the minister: Did your trip exceed \$500?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

The hon. member is trying to paint a picture of a trip being paid for by a third party that I personally had some stake in, that it was my trip. This is simply a business trip. Business development for the island of Prince Edward. This is what we do. We're on business trips to make sure that we can make this the greatest place in the world to live. That's what we're doing. We always are looking for ways to better finance education and health care on Prince Edward Island, and that's exactly what took place here.

Thank you very much.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

As the minister doesn't seem to want to answer it, let's figure it out for him. Between the flight, your hotel, the conference fees, the meals, your odd expenses that would come along with it, there's no question you racked up over \$500.

Question to the minister: At any time in the last two years did you file a disclosure statement with the Conflict of Interest Commissioner with regards to your secret London gaming junket?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

Again, let's be very clear, there is nothing secret about this trip. This is a very open business development trip. We're there trying to establish a gaming initiative on Prince Edward Island and this is the only reason that we're going there. There is nothing for this minister to be gained from it, and, of course, there's no conflict of interest. This is paid for by the gaming initiative of Prince Edward Island.

What we were trying to establish here was something very special that every province in this nation is trying to find a solution for. We're getting closer through a number of initiatives through Quebec and Ontario. Quebec has just released a major report, and they are suggesting that we do exactly what we were trying to achieve here on Prince Edward Island, and that is to bring in four or five of the most reputable firms, bring them in, regulate them, police them and tax them. Then, of course, we get the goodness of what's taking place from these good reputable corporations, as I said, such as PokerStars, that would transmit many millions of dollars into all of our coffers.

Thank you very much.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

Question to the minister: Do you feel like you're above the law?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

Very important that the hon. member brings this forward. That's exactly what we're trying to do is to bring these corporate giants inside the law of Canada and Prince Edward Island.

Very important that we do it for two reasons: one, we have to protect those who are playing on unregulated sites, and it's happening every minute of every day, so if we bring them inside and they're playing inside a regulated site, we can protect their interest, we can make sure they do not lose their money, we can regulate each and every bit of it, we can police their activity, and we can collect tax on every one of these transactions. That's very important.

As equally important is that we can take these millions of dollars and we can make sure that we can have the doctors that we're looking for, we can make sure that we can have the number of teachers that we think are appropriate.

Those are the important decisions of the day and that's what we should be talking about here in this House.

Thank you very much.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

It looks like this minister needs to get his house in order because his spin is writing cheques that, quite frankly, facts can't cash.

Simplex report re: gaming

Question to the minister: Have you read the Simplex report prepared for you as part of your online gaming gamble?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

Very clearly what we need to do here is to make sure that the innuendo is gone, that this is fully out here for everyone to see.

We had an established relationship with the Mi'kmaq Confederacy of Prince Edward Island to try to establish an online gaming initiative here on Prince Edward Island. We talked to many proponents to try to make this a reality.

Simplex International was commissioned by the Mi'kmaq Confederacy, as we talked about in this House before, to put forward a report on a platform which we would require to house the PokerStars of the world. Simplex International is already in that realm. They were in that realm.

So it's very important that we have the actual facts out here. Mi'kmaq Confederacy commissioned this report. It was part of what we were trying to establish. What the hon. member is mixing up is a company called CMT, Capital Markets Technologies, which has no affiliation with Simplex International whatsoever, no affiliation with our gaming initiative, and they have an order placed upon them for securities breach here with the commission on Prince Edward Island and now in Ontario.

The two of them are not mixed.

Thank you.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

Speaking of mixing up facts, what I'm talking about is a Simplex report that was prepared for you, and the actual facts are it was prepared for you.

On the front cover of the Simplex report, in the title, it states: Prepared for the Prince Edward Island Government.

Question to the minister. Do you stand by your statement that this was not your project?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Yes, Madam Speaker, very clearly and again, let's get the facts on the table very clearly.

This report is commissioned by the Mi'kmaq Confederacy of Prince Edward Island. We're not denying that we were part of this. Very clearly they approached myself and my former deputy minister of finance, Paul Jelley, in the first year of our first mandate. For three years we worked at this.

Simplex International put the Province of Prince Edward Island's name on the front of the cover of that report because that's where the initiative was taking place. Mi'kmaq Confederacy of Prince Edward Island has paid for that report and was commissioned by them. That's how this all took place. We talked about this a year ago in the House and the facts remain the same as they were then. It's exactly as we proposed.

Thank you.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

This is quite a hole the minister's digging for himself because on the front cover it says: Prepared for the Prince Edward Island Government. The inside cover of the Simplex report, it contains the wordmark of government and the other partners that were involved. Simplex as the creator of the report and the provincial government as the recipient of the report.

Question to the minister. Are you sticking by your story that you weren't the key player in this?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

As I've said many times in this House and in the media, I was part of this initiative. I'm not hiding anything here.

This is an initiative that is very important for Canada and Prince Edward Island both on a financial basis and a security basis for our

constituents. There are thousands of people that play online every day on unregulated sites. We must find a way to protect those people, and at the same time we can regulate it and police it. We can also tax it. I make no bones about the fact that we work very diligently to try to find a way in which to bring this gaming initiative to Prince Edward Island so that we could give a boost to education and health care in our province.

Thank you.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

I know the minister's probably not familiar with government policy on use of the provincial wordmark, and I'm going to tell him. The policy clearly states that the provincial wordmark may not be copied, reproduced, altered or distributed for use or otherwise used in whole or in part in any manner without the government's written permission.

Question to the minister: Did you authorize the provincial wordmark to be used in the Simplex report?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

Again, trying to make an issue out of something that doesn't exist.

Let's be very clear. This report was commissioned by the Mi'kmaq Confederacy of Prince Edward Island in connection with initiative that we were clearly associated with. I'm not denying any of that. Very clear. We worked for a long period of time at this, three full years to try to bring this to fruition, but unlike or much like every other province in this nation we haven't been able to find a way to bring this home.

Right now we have turned it over to our lottery corporations right across this country. Atlantic Lottery is talking to Ontario lottery as well as Loto-Québec. We're trying to find a solution. It is long enough that we have

been burying our heads in the sand with regards to this issue and we have to take a stand. We did all we could to make that a reality here in Prince Edward Island.

Thank you.

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

Daycare at Beach Grove Home

Ms. Casey: Madam Speaker, my question today is to the Minister of Education and Early Childhood Development.

Minister, a space has become available when the dialysis unit left the Beach Grove Home. Health PEI and the administration at Beach Grove Home have explored an innovative approach for learning by putting a daycare in this vacant space.

Would you update the House on this innovative, inter-generational project?

Speaker: The hon. Minister of Education and Early Childhood Development.

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

I am well aware of the request. We have, in our province, an excellent early years initiative program that came in in 2010 and we fund it very heavily, and it is meant for our young people to get, from the earliest days, the best start before we prepare them for kindergarten and for our school system.

Right now in the system we have 45 early year systems and we have 21 private centres as well. In the Charlottetown area at the present time there are approximately, I think, 49 to 50 empty spaces in those units. At the present time we do not see any need for another centre.

Thank you very much, Madam Speaker.

Speaker: A supplementary question, the hon. Member from Charlottetown-Lewis Point.

Ms. Casey: Minister, fewer children are growing up with grandparents, and emerging research shows there are great learning opportunities by pairing children and seniors

in nursing homes, and I'm aware that there are many early learning centres, but this is an innovative project.

In fact, research shows when a kindergarten is located in a seniors' home students standardized test scores in reading improve, and medication rates were lowered in seniors and their quality of life has improved.

Will this innovative project, which will provide revenue to an otherwise vacant space, receive a reconsideration from your department?

Speaker: The hon. Minister of Education and Early Childhood Development.

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

Again, I think it's a terrific idea, the inter-generational piece, and we will certainly look at that when the other spaces are filled.

We do not want to jeopardize the early years centres that are there at the present time. We fund them heavily, and if there's a draw away from them to the new centre we may jeopardize their operations. We can't do that. But we're interested in looking at this new concept, I think it's a fantastic idea, and when time and numbers warrant we'll certainly give it a second shot.

Thank you very much, Madam Speaker.

Speaker: The hon. Member from Charlottetown-Sherwood.

HST exemptions

Mr. Mitchell: Thank you, Madam Speaker.

My question today is to the Minister of Finance, Energy and Municipal Affairs as well.

Minister, when HST was implemented back in April of 2013 the provincial portion of that tax was exempted from home heating oil, children's clothing and books. At that time there was much discussion on looking at future exemptions as we move forward.

I'm just wondering, in the department, what work has been going on looking at new

exemptions maybe, and in particular, exemptions on electricity rates on Prince Edward Island?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

Indeed, that is a very good question for House discussion.

When we looked at the harmonization of the sales tax, it was very clearly to make sure –

Mr. LaVie: (Indistinct) good questions all day.

Speaker: Order, please!

Mr. Sheridan: – that we could level the playing field for business here on Prince Edward Island.

We talked at great length about what it would do for small business and the input tax credits that they would achieve, and it's come to fruition, clearly.

Last year we were third in the nation per capita in full-time job creation, 1,200-plus jobs created on Prince Edward Island, and a lot of them can be attributed to the harmonizing of the sales tax. So it has worked exactly as expected.

We have to, after two years, which will be spring of 2015, just a matter of short months away, to review what is paid for and exempted inside of harmonizing of the sales tax. The question from the hon. member is very significant.

One of the points, the shortfalls that were spoken about probably at the greatest length, was the electricity cost of domestic use. Domestic use is what we have to look at inside the department of finance. It is clearly one of our largest inspections on the harmonizing of the sales tax. I can tell the hon. member that we've done an awful lot of research, we do know what it costs now, and the full review will be going on during the budget process this winter.

Thank you very much.

Speaker: A supplementary question, the hon. Member from Charlottetown-Sherwood.

Mr. Mitchell: Yes, thank you, a supplementary to the same minister. Minister, could you maybe also ask your staff to review possible exemptions in regards to maybe gym and fitness memberships in light of recent reports on obesity and provincial diabetes, and as well as kind of a move of Islanders to get healthy as well?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

Quite a coincidence that the member would ask that question. I just was talking to the minister of health about this very issue about three weeks ago. We brought it to policy board, which is a sub-Cabinet committee that looks at this whole incidence of overweight Islanders. One of the issues that came up was the harmonization of the sales tax and was it having any impact on people buying gym memberships and such. We had quite a lengthy discussion about it. It will stay at the top of the conversation ladder inside that one debate and we will keep it in our conversations.

Thank you very much for the question.

Speaker: The hon. Leader of the Opposition.

Simplex report re: gaming (further)

Leader of the Opposition: Thank you, Madam Speaker.

Mr. LaVie: (Indistinct) real questions.

Leader of the Opposition: We know that the government wordmark was on the document and if, as the minister says here, the Mi'kmaq Confederacy was driving this, question to the minister: Why does the report state that it was prepared for the provincial government and contain the provincial government word mark?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

As I stated earlier, this is put together by an international company. When they're doing the work for the Province of Prince Edward Island, knowing full well that we're the one that would have to make the changes that are registered within, very easy that they're going to put the name there.

I'm not saying for a moment that we're not involved. Simplex International is a very reputable firm, one that provides platform services for a number of companies around this world, including some of the biggest banks. Not an issue whatsoever. When they put the name Prince Edward Island on the front of it, I don't have an issue with that at all.

But what I'm saying to the members here is that it was paid for, commissioned by, the Mi'kmaq Confederacy. We're part of a full contingent that was trying to have a joint project come forward and bring online gaming here to Prince Edward Island so that we could protect our constituents and put millions of dollars in the coffers of Prince Edward Island.

Thank you very much.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

Question again to the minister: If the Confederacy was in fact spearheading this project, can you tell the House why aren't they identified as the recipient of the report?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

Again, as I just said, very important that it's the Prince Edward Island government that would have to bring forward these changes that are suggested inside this report. This is an international firm knowing who they're dealing with fully, with a group from Prince Edward Island. They don't determine between the Mi'kmaq Confederacy, Prince

Edward Island government, and a number of consultants that have been working on this project.

With the name on the front of the report –

Some Hon. Members: (Indistinct).

Speaker: Order, please!

Mr. Sheridan: – it is insignificant and of no recourse. That is all that we're talking about in this case and we make no bones about that.

Thank you.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

The doubletalk is stunning. The doubletalk here is stunning. How could an international company not know the difference between a government of a province and a separate group? This minister is saying that an international company couldn't tell the difference. The doubletalk is completely ridiculous here.

If the Confederacy was spearheading this project, minister, why wouldn't their wordmark at least be contained in the report?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

Again, the allegations that are coming from the other side of the floor – I've clearly laid out for you who makes up this group. We had a full gaming initiative for –

Leader of the Opposition: (Indistinct).

Speaker: Order, please!

Mr. Sheridan: – three and a half years. The Mi'kmaq Confederacy came to myself and my late deputy minister, Paul Jelley, and proposed this project. I'm not saying they spearheaded any harder than the Province of Prince Edward Island did after the fact.

We're together as a full group and we were going to share revenues on this project.

There isn't anything that is hidden here. We did it very much in conjunction with the request from the Mi'kmaq Confederacy. I'm not saying that they spearheaded, as the Leader of the Opposition says. I'm saying that they were a full partner in this objective to ensure that we could protect Islanders and that we could bring millions of dollars to the coffers of Prince Edward Island to provide health care and education to our constituents.

Thank you.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

This minister did say the Confederacy was spearheading it. He said it was for them, that they were leading the way. This is what he told us.

Question to the minister: Yes or no, were you the driving force behind this project?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Madam Speaker, if I was the one that came up with the idea I would take all the credit for it.

This is not my idea. Did I work very diligently with the Confederacy on this? Absolutely. Hand in hand we worked at this for three and a half years trying to find a solution that has stayed away from anyone's solution across this nation and into the United States of America. This is something that we've all been struggling with for over 10 years.

When the Confederacy came to us with that idea we said this is something that is worthwhile. Where I first brought it to the finance ministers, it was in June of 2010 right here in our own province, and we talked about it at great length, and we talked about the billions of dollars that are going offshore. We talked about each of the provinces and how much they're losing.

This is an issue right across our country and yes, we worked at it diligently to find a solution. It did stay away from our final touch, but we've turned it over to our corporations to see if the lottery corporation can bring this thing home and make sure that we can protect the constituents of Canada and Prince Edward Island, as well as bring millions of dollars into the coffers of both of our constituencies.

Thank you.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

In that little soliloquy of his he said, first, he had nothing to do with it and then he had everything to do with it. In July of 2010 he had everything to do with it, so I don't know which it is. No, wait, I do know which it is.

Gaming file

Question to the minister: If this gaming file was such a good news story, why all the secrecy?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

There is no secrecy. Please let that be known to everyone that's in the House today and everyone that's listening.

This is something that every jurisdiction across Canada and in the United States has been trying to achieve for over 10 years. This is something that has gone on unchecked. They are located in the Isle of Man, in Gibraltar, in all other kinds of jurisdictions, and they play inside our land.

They come in, play unrestricted, unregulated, and they take the cash offshore. None of it is taxed, none of it is regulated, and it is time that it stopped. It is time for us all to put our collective minds together, find a solution, and make sure we can keep those dollars here for education and transportation and health care.

Thank you.

Speaker: The hon. Leader of the Opposition.

FEMA minister's London trip (further)

Leader of the Opposition: Thank you, Madam Speaker.

Question again to this minister: If this file was such a great idea, why did you try to skirt the disclosure policy around ministerial travel?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

Again, for the fifth time in this House today, there is nothing to be hidden here. There is nothing to be hidden on a disclosure. When a trip is not paid for by the taxpayers of Prince Edward Island – and in this case it's a gaming initiative that the Mi'kmaq Confederacy and the number of people that were working on this file – we had a gaming initiative. All of the expenses connected to that file – and I believe five of us went on that trip – all of it was paid for inside this initiative.

There is no personal gain for this individual, there's no gain for any of the individuals that went on this trip. All of it was for the greater good of the constituency of Prince Edward Island.

Thank you.

Speaker: The hon. Leader of the Opposition.

FEMA minister and Conflict of Interest Act (further)

Leader of the Opposition: Thank you, Madam Speaker.

Question again to the minister: If this was such a good news story, why did you flout your obligations under the *Conflict of Interest Act*?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

There is nothing to show to the Conflict of Interest Commissioner. Obviously this is doing business development for the Prince Edward Island government. There is nothing to hide here, there are no secrets. It is paid for inside the gaming initiative and we did everything we could to bring this initiative home to Prince Edward Island.

Thank you very much.

Speaker: Final question, the hon. Leader of the Opposition.

Gaming file and Mi'kmaq Confederacy

Leader of the Opposition: Thank you, Madam Speaker.

We heard quite a variety of stories out of this minister today and it's certainly interesting to hear his take on something where he finally takes credit for something that for so long he was trying to say it was only the Confederacy alone.

Question to the minister: If you were so proud of your actions on this file, why are you trying to use the Confederacy to hide your involvement?

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

Again, just to close this House today, let's be very clear on how this happened. The Mi'kmaq Confederacy came to myself and the late Paul Jelley to bring forward an idea. Together, hand in hand, we worked at an initiative for three and a half years. Proud of the fact that we tried, but I am disappointed that we failed, that we could not bring it home. But we're only one of many jurisdictions that have failed to do this.

We need to harness this industry, we need to make sure that we protect the constituencies of Prince Edward Island and Canada, and we have to make sure we regulate, police and tax this industry so that we can get the dollars that are going offshore today, that we can pay for health care, that we can pay for

education, and make sure that this Island continues to prosper under a great government.

Thank you very much.

Some Hon. Members: Hear, hear!

Speaker: End of Question Period.

Statements by Ministers

Speaker: The hon. Minister of Education and Early Childhood Development.

School Health Grant

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

This summer the Government of Prince Edward Island joined the Active at School Movement together with the Canadian Tire family of companies and go!PEI.

The shared goal of Active at School is to support Canadian children and youth in participating in one-hour of quality physical activity before, during or after school every single day.

As schools prepare students to thrive, achieve and succeed in life, part of that recipe for success is developing healthy habits. The Active at School partnership helped enhance our School Health Grant. The School Health Grant provides support to school communities to actively respond to health issues faced by their students.

The Canadian Tire has committed a \$250,000 multi-year investment to support physical activity initiatives within school communities through the school health grant. Our School Health Grant is available to all schools across the province, including private schools and alternative education sites.

First introduced in 2009, 73% of our schools have participated in the School Health Grant implementing 112 different projects. For example: Queen Charlotte Intermediate has offered yoga classes for students; O'Leary Elementary offered physical activity fun nights for students, teachers and parents.

I am pleased to announce that over 50 schools have already applied for the School Health Grant this year with more expected later this week.

The projects being considered are including physical activity equipment for new intramural programs, after school clubs such as yoga, curling and dance, family and community events and more. Many ideas were based on what students said they would like to play and what would get them more active.

It is by working together with our partners like Active at School, go!PEI, our school boards, students, educators and parents, that we can provide our students with the opportunities to make healthy habits that will serve them for a lifetime.

Thank you very much, Madam Speaker.

Some Hon. Members: Hear, hear!

Speaker: Thank you, minister.

Responding to the ministerial statement, the hon. Opposition House Leader.

Mr. Aylward: Thank you very much, Madam Speaker.

I'd like to congratulate a great Canadian corporation such as Canadian Tire for coming forward and providing funding. I just find it unfortunate that governments such as this have to rely on donations from corporations.

I recall growing up and going through the education system here on PEI and there was great programs in place. The school system here on PEI knew then the importance of physical activity and participation within the school system. Unfortunately, we have seen a decline in that.

Hopefully, with this grant these monies from this great corporation we will see some great results come forward. As we've said over and over again within this House – we've spoken with the minister of health, basically any minister across the floor, when we've talked and had debates on different issues, we talked about the importance of having a healthy community.

Anything that we can do to get our youth more active I think is a great thing.\

Thank you very much, Madam Speaker.

Speaker: The hon. Minister of Community Services and Seniors.

Learning and Caring for Ourselves

Ms. Docherty: Madam Speaker, I would like to take this opportunity to encourage Islanders over the age of 50, which includes many of us here, who may be listening or watching to attend the third Learning and Caring for Ourselves conference happening tomorrow in Montague.

The Learning and Caring for Ourselves conference is designed to provide individuals over 50 with an opportunity to get useful information that will help them with daily life, as well as planning for their future.

Topics that will be covered include: information on steps that one can take to reduce the risk of falling; what we need to know about driving after the age of 50; managing stress and building and maintaining healthy relationships; and tips from organizational experts on managing the 'stuff' in our life.

I know attendees will enjoy the speakers, and I hope that they take this opportunity to not only ask questions, but to be able to take away some useful tips from this informative day.

This event would not be possible without the dedication and hard work of the organizing committee, and I would like to acknowledge the PEI Seniors' Secretariat for their efforts in making this event possible.

Again, I encourage individuals to attend this informative event. Space is limited and lunch will be provided free of charge. For those who would like to attend the number to call is 866-770-0588 in order to register.

Thank you, Madam Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Fisheries, Aquaculture and Rural Development.

ICF Announcement in Georgetown

Mr. MacKinley: Thank you, Madam Speaker.

Later on this afternoon I'm going to be at Three Rivers Sportsplex in Georgetown to announce funding for three projects under the Island Community Fund at 2:30.

For the media that are in the gallery and they're listening today, go to Ronnie's roundabout and go straight to Georgetown so you'll know where it is. Don't turn right to Montague.

Speaker: (Indistinct) hon. member.

Mr. MacKinley: The Province of Prince Edward Island – what?

Speaker: (Indistinct) use proper names.

Mr. MacKinley: Ronnie. That's what they call it. I didn't have any last names. I just got that off Facebook. That's what they were calling it.

The Province of Prince Edward Island values our rural communities and places a priority on projects that will help residents maintain a high quality of life. The Island Community Fund is created to help community infrastructure which in turn builds stronger communities.

Since 2009, the Island Community Fund has invested, of taxpayers' money, \$20 million to support more than 400 projects across the province, with a total value of community money of \$47 million the volunteers or the community or the fire departments have put in in the Central Kings area alone.

I might allude to this is the Leader of the Opposition's riding, today's three announcements. Including three projects being announced, this government had invested almost 830,000 in 21 communities. In this particular community 21 different projects that involved a lot of hard work for our community volunteer fire departments which I've worked with, many meetings, with our community organizations.

I want to thank my community development officers in the area for attending many meetings and working with those residents.

The Province of Prince Edward Island is pleased to partner with our local community groups. Thank everyone for being there today.

I am hoping that the announcement today will total \$74,000 in provincial funding for three projects in Central Kings. The projects help support increased economic development, enhance public safety and ensures recreational opportunities are accessible and available to our young people and our seniors.

The town of Georgetown will receive \$49,700 for structural upgrades to Three Rivers Sportsplex. When I'm on my feet, I used to play with the Georgetown Eagles years ago.

The Central Kings Volunteer Fire Department will see \$15,000 to purchase new protective fire equipment so our volunteer firefighters or first responders get the protective gear.

The province – and it's very dear to my heart – the Provincial Plowing Match and Agricultural Fair Association Ltd. receives \$9,260 for a new administration building. I want to really thank the volunteers there. Over a three-day event, 7,000 people went through that Dundas plowing match.

These three projects have a total combined investment from government and the community of almost \$167,000. Since 2009, the Province of Prince Edward Island has invested almost \$830,000 in 21 projects in this particular area.

This highlights our government commitment through the Island Community Fund for continued development of our rural communities. Highlights the province's commitment to help out with many volunteers so Islanders can have a better way of life all across the province.

Thank you very much, Madam Speaker.

Some Hon. Members: Hear, hear!

Speaker: Responding to the minister's statement, the hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Speaker.

It's certainly with great pleasure I get to respond to this ministerial statement. I'm not 100% sure if the minister will invite me to speak at the announcement this afternoon. I'll go anyway to see. In case he doesn't, I'll talk about it here.

It is very important, the investment, and I do appreciate investment into these projects in my district because they are very important. The rink in Georgetown is one of the centrepieces to the community. It's a very busy spot and there are many local teams play there. Some of the rep teams from the area play there and they have quite a few of the old-timers' teams out of the Kings County Old Timers' League play there. It is a very important centrepiece in the community. It was important to get some work done so they can continue to operate.

The fire department in Central Kings, as everyone would appreciate, it's a rural fire department. They do a fantastic job. They do great work. They have great volunteers there. It's fantastic that there's money going to help them continue to do the great work that they do.

The plowing match in Dundas, which is near and dear to my heart, is something that I've attended every year since as far back as I can remember, which is pretty far, but not as far, perhaps, to some members of this House. It is a fantastic event. It's something that was a part of my family growing up and it's a part of my own children's childhood as well because we do attend it every year.

It's great to see the continued commitment. They have a great facility there in Dundas at the plowing match. They have a fantastic group of volunteers who come together and pull that off year over year, and it continues to grow. It continues to get bigger. I know this year, with the addition of the tractor pulls, there was a new event for Sunday that drew a very big crowd. It was well attended, and I think that it's fantastic to see an event that's been running for so long still have the popularity that it had years ago.

To the people out there who make that happen in their communities and who continue to work and push and volunteer,

you're doing a fantastic job. It's great to find partners through either municipalities or provincial or federal governments to help you keep doing the great work. I think kudos deserved to those groups out there that do, that are working hard in their communities to try to help communities survive and grow into the future.

Thank you, Madam Speaker.

Speaker: The hon. Minister of Health and Wellness.

Physician Appreciation

Mr. Currie: Madam Speaker, the College of Family Physicians of Canada has declared the week of November 10 to November 15 as Family Doctor week to acknowledge the outstanding contributions of Canadian family doctors.

I especially want to mention three family doctors here on Prince Edward Island who have recently received special recognition: Dr. Cyril Moyses, a family physician in Summerside, has been recognized by the College of Family Physicians of Canada for the year 2014; as well, Dr. Megan Armstrong and Dr. Shannon Curtis, family physicians in Charlottetown, were both honoured with awards of excellence.

As minister of health, I would like to recognize these physicians and all family physicians and specialists in our province for their dedication to their patients and the delivery of high quality health care.

Throughout the past few years we've recruited many new physicians, and in keeping with true Island hospitality various communities have been hosting receptions to help these new physicians feel welcomed into their communities.

In the same spirit, I'm honoured to designate Friday, November 28th, as Physician Appreciation Day in Prince Edward Island.

I encourage communities, health networks, hospitals and patients to make an effort on November 28th to find ways to say thank you to the physicians who are Islanders by birth and those who become Islanders by choice.

I would like to welcome to the public gallery this morning Heather Mullen from the Medical Society of Prince Edward Island, and thank her and the medical society for the great work they do.

Thank you very much.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Hermanville-Clearspring Wind Farm

Mr. Sheridan: Thank you very much, Madam Speaker.

I'd like to update the House on the ongoing success of the newest addition to our wind energy portfolio, the Hermanville-Clearspring wind development.

As any Islander or visitor knows, one natural resource that Prince Edward Island has in abundance is wind. Prince Edward Island has been working to harness the wind into clean, renewable, home-grown electricity.

Since its commissioning earlier this year, the Hermanville-Clearspring wind farm in Kings County is performing exactly as expected and will eventually produce 110 million kilowatt hours of emission-free electricity each year.

Begun in April 2013, the project was developed by the PEI Energy Corporation and completed for nearly \$5 million under its \$60 million budget

On June 19th, 2014, approximately 150 people attended an open house that introduced the project to the public with guided tours and information about the day-to-day operation of this facility.

This past September we learned that the Hermanville-Clearspring wind farm had earned the province national recognition as a Canada's Clean 16 leader in sustainability in clean technology, joining a select group of corporations and governments across the country.

Let us also not forget the role of the Hermanville-Clearspring community in the project.

Designed specifically with the community in mind, the wind farm will continue to benefit residents to the tune of \$350,000 each year from the Northside Windmill Enhancement Fund and payments to local landowners.

The Hermanville-Clearspring wind farm has put Prince Edward Island on the map as a world leader in producing electricity from wind.

Thanks to this cutting edge facility, approximately 27% of the power used at any given time in this province is wind power, and it's produced right here on Prince Edward Island.

I would like to once again thank the PEI Energy Corporation, our industry partners, and the community of Hermanville-Clearspring for their vision and dedication in making this historic project a reality for all Islanders.

Thank you very much, Madam Speaker.

Presenting and Receiving Petitions

Tabling of Documents

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Madam Speaker, by leave of the House, I beg leave to table the documents I referred to in Question Period today and I move, seconded by the Honourable Member for Souris-Elmira, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Speaker: The hon. Member for Morell-Mermaid.

Ms. Crane: Thank you, Madam Speaker.

Madam Speaker, by leave of the House, I beg leave to table questions for the Minister of Community Services and Seniors and the Minister of Health and Wellness, and I move, seconded by the Honourable Member for Tyne Valley-Linkletter, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Minister of Agriculture and Forestry and Deputy Premier.

Mr. Webster: Madam Speaker, by leave of the House, I beg leave to table a document entitled Farmland Financing Program, and I move, seconded by the Honourable Minister of Community Services and Seniors, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Member for Souris-Elmira.

Mr. LaVie: Madam Speaker, by leave of the House, I beg leave to table questions to the Minister of Community Services and Seniors and I move, seconded by the Honourable Leader of the Opposition, 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

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

Madam Speaker, I beg leave to introduce a bill to be intituled *Municipal Statutes Amendment Act 2014* and I move, seconded by the Honourable Minister of Environment, Labour and Justice and Attorney General, that the same be now received and read a first time.

Speaker: Shall it carry? Carried.

Clerk: *Municipal Statutes Amendment Act 2014*, Bill No. 27, read a first time.

Speaker: Brief overview, minister.

Mr. Sheridan: Thank you very much, Madam Speaker.

This is the bill that will bring forward the availability of our municipalities to optionally bring in cosmetic pesticide upgrades in their jurisdiction.

Thank you.

Speaker: Thank you, minister.

Government Motions

Orders of the Day (Government)

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Madam Speaker, I move, seconded by the hon. Minister of Environment, Labour and Justice and Attorney General, that the 14th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No.14, *Chartered Professional Accountants and Public Accounting Act*, Bill No. 15, in Committee.

Speaker: Mr. Minister.

Mr. Sheridan: Thank you very much, Madam Speaker.

Madam Speaker, I move seconded by the Honourable Minister of Environment, Labour and Justice and Attorney General, 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'll call upon the hon. Member from Tyne Valley-Linkletter to chair the Committee of the Whole House, and I'll call upon the hon. Minister of Environment, Labour and Justice and Attorney General to defend her legislation.

Chair (Biggar): The House is now in Committee of the Whole House to take into consideration a bill to be intituled *Chartered Professional Accountants and Public Accounting Act*.

Hon. members, we're on page 34. We had read that whole section. We just need to know: Shall it carry? Carried.

Top of page 35.

Ms. Sherry: Permission to bring Denise Lewis Fleming onto the floor.

Chair: I'm sorry, Madam Minister. Yes, the minister wishes to bring Denise –

Ms. Sherry: Lewis –

Chair: Lewis to the floor.

An Hon. Member: Granted.

Chair: Permission to proceed. Just getting right into business here today.

Ms. Sherry: (Indistinct).

Chair: Thank you.

The top of page 35 is Determination and Order.

Do you wish to have this read in full?

Mr. Aylward: Yes, please. Line by line.

Chair: 63. (1) On concluding a hearing, the discipline committee shall determine whether conduct of the respondent constitutes professional misconduct or professional incompetence.

(2) Where the discipline committee determines that conduct of a respondent constitutes professional misconduct or professional incompetence, the discipline committee may make one or more of the following orders, as applicable to an individual, persons forming a partnership or a corporation:

(a) an order directing the respondent to undergo additional education or training;

(b) an order directing the respondent to participate in counselling or a rehabilitative treatment program;

(c) an order reprimanding the respondent;

(d) an order imposing terms and conditions on the registration of the respondent or a license held by the respondent;

(e) an order suspending the registration of the respondent or a license held by the respondent for a specified period of time or until the occurrence of a specified future event;

(f) an order cancelling the registration of the respondent or a license held by the respondent;

(g) an order requiring the respondent to pay all or part of the costs incurred by the discipline committee to conduct the hearing;

(h) an order imposing a fine on the respondent in an amount permitted by the regulations;

(i) an order imposing any other sanction that the discipline committee considers to be appropriate.

Mr. Aylward: Chair?

Chair: Question by the hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Chair.

Chair: Go ahead.

Mr. Aylward: Thank you very much, Chair.

As we discussed the other day, the discipline committee would be made up of three individuals from the board –

Ms. Sherry: Yes.

Denise Lewis Fleming Director: No, not from the board.

Mr. Aylward: They're not from the board?

Denise Lewis Fleming Director: They would be three individuals from the membership.

Mr. Aylward: Three from the membership? Thank you.

The person that the hearing is being conducted towards, are they permitted to have legal representation at the hearing?

Denise Lewis Fleming Director: Yes.

Mr. Aylward: Okay. So then the discipline committee, would they have legal representation at the hearing? Or my other question would be, as you mentioned the other day that quite often there are cases where a member of this association would have the accountant credentials, plus in

several cases there are individuals that also have a law degree, would there be preference given to an individual of membership that would have a law degree as well to sit on this discipline committee?

Denise Lewis Fleming Director: I would say there would be a preference.

As in section 59(4), the investigation committee is the representative that comes before the discipline committee and they are entitled, under the act, to bring legal counsel with them to help inform and then the discipline committee, if they have any questions of process, could consult a lawyer. Yes.

Mr. Aylward: Okay, but there wouldn't be a lawyer as such at the hearing included within the discipline committee itself?

Denise Lewis Fleming Director: No.

Mr. Aylward: They would just seek legal advice after the fact before –

Denise Lewis Fleming Director: Should they be requiring any (Indistinct).

Mr. Aylward: – concluding a decision?

Denise Lewis Fleming Director: Yes.

Mr. Aylward: All right, thank you.

Chair: (3) Within the prescribed time period after the completion of a hearing, the discipline committee shall serve

(a) written notice of, and reasons for, the determination made under subsection (1), and a copy of any order made under subsection (2), on

(i) the respondent,

(ii) the complainant,

(iii) the investigation committee,

(iv) the Registrar, and

(v) the Board; and

(b) written notice of the right to appeal the determination made under subsection (1),

and any order made under subsection (2), on the respondent.

(4) An order of the discipline committee is in effect when it is served on the respondent and remains in effect pending an appeal unless the Supreme Court, on application, stays the order pending the appeal.

(5) Where the Board is satisfied that a respondent has failed to comply with an order of the investigation committee or the discipline committee, the Board may, without further hearing, make an order suspending the respondent's registration or a license held by the registrant subject to any terms and conditions that the Board considers appropriate.

Shall it carry?

Mr. Aylward: Chair?

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Chair.

In section 4 there, where it talks about an "order of the discipline committee is in effect when it is served on the respondent and remains in effect pending an appeal unless the Supreme Court" – so the person that the hearing is being heard for, they still have a legal right to have an appeal in the law courts?

Denise Lewis Fleming Director: Yes, and you will see it on page 36, there's a next section about dealing with appeals (Indistinct) orders.

Chair: This is a whole section on appeal.

Mr. Aylward: Thank you.

Chair: Shall that section carry? Carried.

Criminal Offence

64. (1) Where the investigation committee or the discipline committee has reasonable grounds to believe that the respondent whose conduct is the subject of an investigation or a hearing, as the case may be, may be guilty of a criminal offence, the committee

(a) may immediately suspend its investigation or hearing, as the case may be; and

(b) shall make a report of its findings to the Board, which shall in turn report those findings to law enforcement.

(2) Where the investigation committee or the discipline committee suspends an investigation or a hearing, as the case may be, under subsection (1), the committee may resume its investigation or hearing on the conclusion of the criminal matter.

Shall it carry? Carried.

Appeal

65. (1) A complainant may appeal the dismissal of a complaint by the investigation committee under clause 56(a) or 59(1)(a) to the Supreme Court within 30 days after being served with notice of the dismissal.

(2) A respondent may appeal

(a) an order of the Board made under subsection 53(1);

(b) a determination of the discipline committee made under subsection 63(1); or

(c) an order of the discipline committee made under subsection 63(2), to the Supreme Court within 30 days after being served with notice of the determination or a copy of the order.

(3) Notice of an appeal under subsection (1) or (2) shall be served on the Registrar.

(4) On hearing the appeal, the Supreme Court may

(a) confirm, revoke or vary the dismissal, determination or order appealed from;

(b) refer the matter, or any issue, back to the investigation committee or the discipline committee for further consideration; or

(c) provide any direction that it considers appropriate.

(5) The Supreme Court may make any order as to the costs of an appeal that it considers appropriate.

Shall it carry? Carried.

Notification and Publication

66. (1) The Board shall notify a respondent's employer of an order made respecting the respondent by the investigation committee or of a determination or order made respecting the respondent by the discipline committee.

(2) Where the investigation committee or the discipline committee

(a) suspends or cancels a respondent's registration or a license held by the respondent; or

(b) imposes terms and conditions on a respondent's registration or a license held by the respondent, the Board may publish a notice of the suspension, cancellation or terms and conditions in the manner that it considers appropriate to inform the public.

(3) Subject to any publication ban ordered by the discipline committee under subsection 62(4), the Board may publish the discipline committee's decision or a summary of the decision by any means.

Question, the hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Chair.

Just to summarize what's going on there. This gives permission to run an ad in the paper to say that this happened or do a media release if that were the case.

Denise Lewis Fleming Director: Yes.

Chair: Shall it carry? Carried.

PART VI – GENERAL

Do you wish that to continue to be read line by line?

Leader of the Opposition: (Indistinct)

Chair: Great, I'll have that done by noontime.

Leader of the Opposition: Possibly.

Chair: Possibly. (Indistinct).

Evidence

67. (1) A certificate respecting a matter dealt with by this Act that purports to be issued by the Registrar is admissible in evidence as proof of its contents without proof of the office or signature of the Registrar.

(2) A copy of a certificate respecting a matter dealt with by this Act that purports to be certified by the Registrar is admissible in evidence as proof of the original document without proof of the office or signature of the Registrar.

Shall it carry? Carried.

Limitation of Liability

68. No action or proceeding lies or shall be instituted for anything done, or omitted to be done, in good faith in the performance, or intended performance, of any duty or in the exercise, or intended exercise, of any power under this Act, the regulations or the bylaws against the following:

(a) the Minister;

(b) CPA PEI;

(c) the Board;

(d) the Registrar;

(e) an inspector;

(f) an investigator;

(g) the investigation committee;

(h) the discipline committee;

(i) a member of the Board, the investigation committee or the discipline committee;

(j) an employee of CPA PEI;

(k) any other person acting on behalf of CPA PEI under the authority of this Act.

Mr. Aylward: Chair?

Chair: Question, the hon. Member from Stratford-Kinlock first.

Mr. Aylward: Thank you, Chair.

If an individual brings a complaint against their accountant, CPA, and it goes to hearing, the evidence is shown and the investigative committee, and then it determines that there is no concrete evidence to move forward so then it wouldn't go to the discipline committee, but after the fact it came out that there was evidence actually concealed by the person that the complaint was brought against – is this saying that the complainant has no legal right to pursue any compensation down the road?

Denise Lewis Fleming Director: What this section says is that any of the individuals that are involved in the administration of this act from the board to the investigation committee's investigators, so long as they perform their duties in good faith and to the best of their abilities, then actions cannot be taken against them for undertaking those duties.

Mr. Aylward: Okay, Chair?

Chair: Go ahead, the hon. Member from Stratford-Kinlock.

Mr. Aylward: So would a complainant have to sign a document agreeing with that?

Denise Lewis Fleming Director: No.

Mr. Aylward: I'm wondering, then, how it could potentially hold up in the court of law if – let's say somebody owns a business. They employ or hire a firm to do their books only to find out after the fact that there was something going on. The investigative committee investigated it, but unfortunately, things were shuffled around to the extent where it really could not be 100% defined, and –

Denise Lewis Fleming Director: This act does not remove the public's ability to go to civil action. This is only about the professional conduct.

Mr. Aylward: Okay.

Denise Lewis Fleming Director: So they still have the opportunity to go and do whatever they are entitled to under civil law to resolve any issues. If an individual came forward and said there is additional evidence, they can bring it back to the registrar to have it reconsidered.

Mr. Aylward: Okay, Chair?

Chair: Go ahead, the hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you. So then if they did go to civil law and then it was determined in civil law that there was wrongdoing done, then it would come back and would it have to go through the investigative committee as well if the said individual was found guilty of an offence, or would it go directly to the discipline committee because now they have been found guilty of a charge within civil law?

Denise Lewis Fleming Director: The process is laid out, is it would start with the investigation committee.

Mr. Aylward: It would go back to investigation again?

Denise Lewis Fleming Director: Ultimately it always starts (Indistinct).

Mr. Aylward: All right, thank you.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Just a quick question on the topic of good faith.

Really, this is limited in a court case. Is it meant to quicken one if a judge can determine that duties were performed in good faith?

Denise Lewis Fleming Director: Sorry, I missed your question.

Leader of the Opposition: This wouldn't limit anybody from going to court because, I mean, anybody can go to court over anything, but it may quicken the decision on the judge's behalf if good faith in the performance in the duties can be proven?

Denise Lewis Fleming Director: Correct.

Leader of the Opposition: That's the purpose?

Denise Lewis Fleming Director: Yes.

Leader of the Opposition: Okay, thank you.

Chair: Shall it carry? Carried.

Ms. Casey: Carry the bill.

Chair: Hon. members, before I continue I'm going to give way to the hon. Minister of Finance, Energy and Municipal Affairs for recognition of guests.

Mr. Sheridan: Thank you very much, Madam Speaker.

I would like to rise in the House today to welcome Cleve Myers with us in the gallery. Cleve Myers was the individual that has ushered this entire bill through the process with the three arms of the accounting branch here in Prince Edward Island, our CGAs, our CMAs, and our CAs.

Cleve, I would say that you've put thousands of hours into this effort, and I would like to thank you on behalf of the House. I would like to point out to the opposition that indeed the entire three branches of the accounting profession have worked diligently toward this legislation with the minister and her staff, and Denise sitting here has also helped usher it, worked in conjunction with Cleve. I think it is time that we recognize all of the due diligence that went into this preparation of this bill and recognize that all of the branches are satisfied with what this holds, and I'd love to see it pass.

Thank you very much.

Chair: Sure, certainly, the hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Chair.

Chair: Recognition.

Leader of the Opposition: I, too, would like to welcome Cleve Myers to the gallery here today to watch us debate this great bill that I know he did a lot of work on. I know I've been to a couple of events in the last month or so that Cleve's been at. I do go to the different accounting associations when they were separate to some of their events.

They know it's been talked about over and over again. I do know quite well how important it is and how much work that they

put into it. Because of that, I think it's important that Members of the Legislative Assembly put an equal amount of work into it to show the accounting community on Prince Edward Island how important we actually think their work is, and we're going to read it line by line. We're going to ask questions out of respect for the great work that people like Cleve put into this. We're not going to stand in the way of this bill passing. We're very proud to be a part of it, as well should Cleve and the group of people that did work with it.

We think it's a fantastic piece of work. We think it is owed due service in the House.

Thank you, Madam Chair.

Some Hon. Members: Hear, hear!

Chair: Just continue on, on page 38, again, under Service.

69.(1) Any notice, order or other document required to be served on a person under this Act, the regulations or the bylaws is deemed to be sufficiently served

(a) upon a copy being personally served on the person to whom it is directed;

(b) upon a copy being sent by facsimile or other electronic means to the person to whom it is directed and an acknowledgement of receipt being received;

(c) five days after a copy is sent by registered mail addressed to the person to whom it is directed at the last known address for that person; or

(d) in the case of a registrant, five days after a copy is sent by registered mail addressed to the registrant at the business address shown in the records of the Registrar.

(2) Where the person to be served is a corporation, service on a director, officer or recognized agent of the corporation in accordance with subsection (1) is deemed to be service on the corporation for the purposes of this Act.

I think that's a typo, but I'll just continue on.

(3) Service of any document on the Board may be made by service on the Registrar.

(4) Where it is impractical for any reason to serve an order in a manner referred to in subsection (1), an application may be made, without notice, to the Supreme Court for an order for substituted service and the court may make such an order providing for the steps to be taken to bring the matter to the attention of the person to be served.

Shall it carry? Carried.

Prohibitions

70. No registrant shall

(a) act in violation of any terms or conditions on the registration of the registrant or a license held by the registrant; or

(b) do anything requiring authorization by registration or a license under the Act while the registration of the registrant or a license held by the registrant, as the case may be, is suspended.

Shall it carry? Carried.

71. No person shall knowingly give false information in any application under this Act, or in any statement or report required under this Act, the regulations or the bylaws.

Shall it carry?

Mr. Aylward: Chair?

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you. I'm just wondering. If somebody did, in fact, give false information to either the investigative committee or the discipline committee, would it be incumbent upon those committees to report that to the legal authorities?

Denise Lewis Fleming Director: They can, depending upon – they could, yes.

Mr. Aylward: But not necessarily?

Denise Lewis Fleming Director: No, they would be able to assess –

Mr. Aylward: It's not mandatory that they would have to. Okay.

Denise Lewis Fleming Director: Yes.

Mr. Aylward: Great. Thank you.

Chair: Shall it carry? Carried.

Offences and Penalties

72. Every person who contravenes this Act, the regulations or an order made under this Act or the regulations is guilty of an offence and, where a penalty has not already been provided, is liable on summary conviction to

(a) a fine not exceeding \$50,000;

(b) imprisonment for a term not exceeding six months; or

(c) both clauses (a) and (b).

Shall it carry? Carried.

73. (1) Every officer, director or agent of a corporation who directs, authorizes, assents to, acquiesces in, or participates in the commission of an offence by that corporation is also guilty of the offence and, where a penalty has not already been provided, is liable on summary conviction to

(a) a fine not exceeding \$50,000;

(b) imprisonment for a term not exceeding six months; or

(c) both clauses (a) and (b).

(2) Subsection (1) applies whether or not the corporation has been prosecuted or convicted of the offence.

Shall it carry? Carried.

74. No prosecution for an offence under this Act or the regulations shall be commenced after two years from the date when the offence is alleged to have been committed.

Leader of the Opposition: Question.

Chair: Question, the hon. Leader of the Opposition.

Leader of the Opposition: Just a question. Why limit the prosecution period?

Denise Lewis Fleming Director: In order to obtain a reasonable time frame for which you can still collect evidence.

Leader of the Opposition: Okay.

Denise Lewis Fleming Director: To assert that it happened.

Leader of the Opposition: Okay, thanks.

Chair: Shall it carry? Carried.

Injunction

75. Where a person does, or threatens or attempts to do, anything that contravenes this Act or the regulations, the Supreme Court may, on the application of the Board, grant an injunction restraining the person from committing or continuing the contravention.

Shall it carry? Carried.

Regulations

76. Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations

(a) prescribing the practical experience requirements for registration as a member;

(b) prescribing the examination an individual is required to pass for registration as a member;

(c) prescribing continuing professional education requirements for members;

(d) respecting the reinstatement of a registration suspended or cancelled pursuant to section 22;

(e) prescribing the education requirements a member shall complete for a license;

(f) prescribing the practical experience requirements a member shall meet for a license;

(g) prescribing other requirements for registration, a license or the renewal of a license;

(h) prescribing the amount of public liability insurance, or the equivalent value of assets, a licensee is required to be covered by;

(i) respecting the circumstances in which a licensee may rely on assets instead of public liability insurance;

(j) requiring a former licensee to continue to be covered by public liability insurance, or the equivalent value of assets, for a specified period of time;

(k) exempting a type of licensee, or a licensee performing certain activities in certain circumstances, from the requirement for coverage by public liability insurance or the equivalent value of assets;

(l) prescribing the time period within which a licensee shall provide to the Board proof of holding public liability insurance or the equivalent value of assets;

(m) respecting the reinstatement of a license pursuant to subsection 35(6);

(n) prescribing time periods within which certain actions must be completed in the complaints and discipline process under Part V;

(o) respecting the maximum amount of a fine that may be imposed on a respondent by the discipline committee by order;

(p) providing for any transitional matters the Board considers necessary or advisable to facilitate the implementation of this Act; and

(q) defining any word or expression used but not defined in this Act.

Shall it carry? Carried.

PART VII - TRANSITIONAL PROVISIONS

Leader of the Opposition: You can skip to (Indistinct).

Chair: Okay, that –

Leader of the Opposition: (Indistinct).

Chair: Shall section 77 carry? Carried.

Initial Board

78. (1) Notwithstanding subsection 6(1), the initial Board shall consist of

(a) six persons who were members of the Council of the Institute on the day before the coming into force of this Act, appointed by the Council as it existed on the day before the coming into force of this Act;

(b) three persons who were members of the Board of Governors of the Association on the day before the coming into force of this Act, appointed by that Board as it existed on the day before the coming into force of this Act;

(c) two persons who were members of the Council of the Society on the day before the coming into force of this Act, appointed by the Council as it existed on the day before the coming into force of this Act; and

(d) at least one but not more than two public representatives who are not members of CPA PEI, nominated by the members of the Board appointed under clauses (a) to (c), appointed by the Minister.

(2) Notwithstanding subsection 6(2),

(a) in respect of the persons appointed under clause (1)(a),

(i) two shall be appointed for a six-year term,

(ii) two shall be appointed for a four-year term, and

(iii) two shall be appointed for a two-year term;

(b) in respect of the persons appointed under clause (1)(b),

(i) one shall be appointed for a six-year term,

(ii) one shall be appointed for a four-year term, and

(iii) one shall be appointed for a two-year term;

(c) in respect of the persons appointed under clause (1)(c),

(i) one shall be appointed for a six-year term, and

(ii) one shall be appointed for a four-year term; and

(d) in respect of the person or persons appointed under clause (1)(d), one or both shall be appointed for a two-year term.

Shall that carry? Carried.

Registrants and Licensees

79. (1) Every person who, immediately before the date this section comes into force, is

(a) an active member of the Association;

(b) a member of the Institute.

Some Hon. Members: (Indistinct)

Chair: Hon. Members, could I please have a little quieter conversation?

Thank you.

(a) an active member of the Association;

(b) a member of the Institute.

This is very important so we have to listen.

Mr. Brown: Okay.

Chair: Or

(c) a certified member of the Society

is deemed to be registered as a member of CPA PEI, until he or she ceases to be registered as a member under this Act.

Leader of the Opposition: Just a question on that.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you. Because we know there's three different groups coming together, is everybody of those three groups automatically a member of this group when the act passes?

Denise Lewis Fleming Director: Yes, that's what this says.

Leader of the Opposition: Right out of the hop everybody is and then the act comes – for anybody new after that (Indistinct) (Indistinct).

Denise Lewis Fleming Director: Have to make an application, correct.

Leader of the Opposition: Thank you.

Chair: Want me to carry that section?

An Hon. Member: (Indistinct)

Chair: Shall this section carry? Carried.

Legacy Designations

80. (1) In this section, a reference to a designation includes a reference to the equivalent of the designation in a language other than English.

(2) No person shall use the following designations, except as required or permitted under this section:

(a) “Chartered Accountant” or “CA”;

(b) “Fellow Chartered Accountant” or “FCA”;

(c) “Certified General Accountant” or “CGA”;

(d) “Fellow Certified General Accountant” or “FCGA”;

(e) “Certified Management Accountant” or “CMA”;

(f) “Fellow Certified Management Accountant” or “FCMA”.

(3) If a member uses the designation “Chartered Professional Accountant”, “CPA”, “Fellow Chartered Professional Accountant” or “FCPA” and the member was, immediately before the date this section comes into force, a member, but not a fellow, of the Institute

(a) the member shall use the designation “Chartered Accountant” or “CA” in conjunction with the use of the designation “Chartered Professional Accountant”, “CPA”, “Fellow Chartered Professional Accountant” or “FCPA”, as the case may be,

for a prescribed period of time after this Act comes into force; and

(b) the member may use the designation “Chartered Accountant” or “CA” in conjunction with the use of the designation “Chartered Professional Accountant”, “CPA”, “Fellow Chartered Professional Accountant” or “FCPA”, as the case may be, at any time after the period specified in clause (a).

(4) If a member uses the designation “Fellow Chartered Professional Accountant” or “FCPA” and the member was, immediately before the date this section comes into force, a fellow of the Institute

(a) the member shall use the designation “Fellow Chartered Accountant” or “FCA”, in conjunction with the use of the designation “Fellow Chartered Professional Accountant” or “FCPA”, as the case may be, for a prescribed period of time after this Act comes into force; and

(b) the member may use the designation “Fellow Chartered Accountant” or “FCA”, in conjunction with the use of the designation “Fellow Chartered Professional Accountant” or “FCPA”, as the case may be, at any time after the period specified in clause (a).

(5) If a member uses the designation “Chartered Professional Accountant”, “CPA”, “Fellow Chartered Professional Accountant” or “FCPA” and the member was, immediately before the date this section comes into force, an active member, but not a fellow, of the Association

(a) the member shall use the designation “Certified General Accountant” or “CGA” in conjunction with the use of the designation “Chartered Professional Accountant”, “CPA”, “Fellow Chartered Professional Accountant” or “FCPA”, as the case may be, for a prescribed period of time after this Act comes into force; and

(b) the member may use the designation “Certified General Accountant” or “CGA” in conjunction with the use of the designation “Chartered Professional Accountant”, “CPA”, “Fellow Chartered Professional Accountant” or “FCPA”, as the

case may be, at any time after the period specified in clause (a).

(6) If a member uses the designation “Fellow Chartered Professional Accountant” or “FCPA” and the member was, immediately before the date this section comes into force, a fellow of the Association

(a) the member shall use the designation “Fellow Certified General Accountant” or “FCGA” in conjunction with the use of the designation “Fellow Chartered Professional Accountant” or “FCPA”, as the case may be, for a prescribed period of time after this Act comes into force; and

(b) the member may use the designation “Fellow Certified General Accountant” or “FCGA” in conjunction with the use of the designation “Fellow Chartered Professional Accountant” or “FCPA”, as the case may be, at any time after the period specified in clause (a).

(7) If a member uses the designation “Chartered Professional Accountant”, “CPA”, “Fellow Chartered Professional Accountant” or “FCPA” and the member was, immediately before the date this section comes into force, a certified member, but not a fellow, of the Society

(a) the member shall use the designation “Certified Management Accountant” or “CMA” in conjunction with the use of the designation “Chartered Professional Accountant”, “CPA”, “Fellow Chartered Professional Accountant” or “FCPA”, as the case may be, for a prescribed period of time after this Act comes into force; and

(b) the member may use the designation “Certified Management Accountant” or “CMA” in conjunction with the use of the designation “Chartered Professional Accountant”, “CPA”, “Fellow Chartered Professional Accountant” or “FCPA”, as the case may be, at any time after the period specified in clause (a).

(8) If a member uses the designation “Fellow Chartered Professional Accountant” or “FCPA” and the member was, immediately before the date this section comes into force, a fellow of the Society

(a) the member shall use the designation “Fellow Certified Management Accountant” or “FCMA” in conjunction with the use of the designation “Fellow Chartered Professional Accountant” or “FCPA”, as the case may be, for a prescribed period of time after this Act comes into force; and

(b) the member may use the designation “Fellow Certified Management Accountant” or “FCMA” in conjunction with the use of the designation “Fellow Chartered Professional Accountant” or “FCPA”, as the case may be at any time after the period specified in clause (a).

Leader of the Opposition: Question.

Chair: Question, the hon. Leader of the Opposition.

Leader of the Opposition: In this section what we’re dealing with is there’s a whole bunch of different designations that come with the three groups and the act is basically laying out what will become of those designations and what they’ll be afterwards? Is that the –

Ms. Sherry: (Indistinct) go ahead.

Denise Lewis Fleming Director: It’s referred to as tagging. What this section lays out is individuals who are formally of any one particular group, how they can use their former designation in conjunction with the new CPA designation.

Leader of the Opposition: Okay, good.

Chair: Shall that section carry? Carried.

Ms. Casey: Carry the bill.

An Hon. Member: Carry the bill.

Chair: Are you ready to carry the bill?

Leader of the Opposition: We have four pages left.

Chair: A lot of them are definitions, so – perhaps I’ll just read this last section then? Shall I?

Leader of the Opposition: (Indistinct) 20 minutes and we’ll be done.

Chair: Applications and Proceedings

81. (1) An application to become an active member of the Association, a member of the Institute or a certified member of the Society made under the bylaws of the Association, Institute or Society, as the case may be, but not concluded before the date this section comes into force, shall be dealt with as an application for registration under this Act.

(2) An application for membership in a category of membership other than one referred to in subsection (1), made under the bylaws of the Association or the Society, but not included before the date this section comes into force –

Mr. Aylward: Chair? Sorry, Chair.

Chair: Could I just finish this line?

Mr. Aylward: Go ahead, Chair.

Chair: Please?

Shall be dealt with as an application for membership under the bylaws of CPA PEI.

Thank you.

The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Chair.

Just a slight correction in the third line down –

Chair: Did I read it wrong?

Mr. Aylward: But not concluded. I believe you said: but not included.

Chair: Oh, I'm sorry. I'll just re-read that whole section.

Mr. Aylward: Thank you very much.

Chair: 81. (1) An application to become an active member of the Association, a member of the Institute or a certified member of the Society made under the bylaws of the Association, Institute or Society, as the case may be, but not concluded before the date this section comes into force, shall be dealt with as an application for registration under this Act.

Mr. Aylward: Chair?

Chair: Question, the hon. Member from Stratford-Kinlock.

Mr. Aylward: I believe it says with an application for membership, not registration.

Chair: Dealt with as an application for registration under this act.

Mr. Aylward: Chair, my copy says –

Chair: Oh, you wanted me to read section 2. Where are looking at?

Mr. Aylward: I thought we were in section 2.

Chair: Eighty-one – I'm sorry, I re-read 81.1.

Mr. Aylward: Okay.

Chair: I'll continue then and read the whole thing.

(2) An application for membership in a category of membership other than one referred to in subsection (1), made under the bylaws of the Association or the Society, but not concluded before the date this section comes into force, shall be dealt with as an application for membership under the bylaws of CPA PEI.

Questions?

Ms. Sherry: Carried.

Chair: Shall it carry? Carried.

Top of page 46, members.

82. A complaint made, or a discipline proceeding commenced, under the bylaws of the Association, the Institute or the Society, but not concluded before the date this section comes into force, shall be concluded under the applicable bylaws as if this Act has not come into force.

Question?

Shall it carry? Carried.

Mr. Aylward: Chair? Sorry. I'm not trying to be nit-picky, but it actually says: as if the act had – not has not.

Chair: Excuse me, yeah.

Mr. Aylward: I just want to make sure that the recorded –

Chair: It is written in here so –

Mr. Aylward: – Hansard is correct.

Chair: – even – I may have misspoke. It is in the act. You're correct.

Mr. Aylward: Thank you, Chair.

Chair: Shall it carry? Carried.

83. Where a complaint made after this Act comes into force relates to conduct that occurred in whole or in part before this Act came into force, in respect of which no complaint was made or discipline proceeding commenced before this Act came into force, the complaint shall be dealt with pursuant to this Act.

Shall it carry? Carried.

Dissolution of Legacy Organizations

84. (1) The Association, the Institute and the Society are hereby dissolved.

(2) Any assets and liabilities of the Association, the Institute or the Society are transferred and vest in CPA PEI.

(3) All agreements entered into by the Association, the Institute or the Society are assigned to CPA PEI.

(4) No action, appeal, application or other proceeding being carried on or power or remedy being exercised with respect to the operations of the Association, the Institute or the Society is to be discontinued or abated on account of this Act, but may be continued in the name of CPA PEI, which has the same rights, is subject to the same liabilities and shall pay or receive the same costs as if the action, appeal, application or other proceedings had been commenced or defended in the name of CPA PEI.

Questions?

Shall it carry? Carried.

I know.

Part VIII – Consequential Amendments, Repeal and Commencement

This is part of this act.

Do you wish every part of that to be read or shall you carry that section?

Ms. Sherry: It's definitions, really, and housekeeping issues pertaining to what we've already read. The next parts are all sort of housekeeping definitions that apply to the act from beginning to end so those things have been changed in the act.

Chair: Shall it carry? Carried.

Mr. Sheridan: Madam Chair?

Chair: Leader of the –

Ms. Sherry: It's done.

Chair: I'm not done yet.

Mr. Sheridan: Okay. We don't have any more time on that, Chair.

Leader of the Opposition: (Indistinct) three sentences.

Mr. Sheridan: If you pass the bill now –

Ms. Sherry: Three sentences.

Mr. Sheridan: – we'll pass it.

Leader of the Opposition: Three sentences.

Mr. Sheridan: We'll pass it.

Chair: Do you want to pull the bill?

Some Hon. Members: (Indistinct).

Mr. Sheridan: Can you pass the bill now if we're passing the bill?

Ms. Sherry: Yes, three sentences.

Leader of the Opposition: Three sentences.

Mr. Sheridan: Pass the bill now, otherwise –

Leader of the Opposition: Three sentences.

Mr. Sheridan: – we'll have to pull it off the floor.

Leader of the Opposition: Pull it off the floor, then. Three sentences or pull it off the floor.

Some Hon. Members: (Indistinct).

Chair: I'll just finish reading the bill.

Leader of the Opposition: I know you have a lot going on in your personal life, but three sentences.

Chair: I will finish reading the bill.

Ms. Sherry: Can we be respectful here in the House?

Chair: Could we just finish the bill, please?

Leader of the Opposition: I'd love that. That's what I'm trying to do.

Chair: Under Repeal, just finishing up that section.

93. *An Act to Incorporate the Society of Industrial Accountants of Prince Edward Island* S.P.E.I. 1951, Cap. 34 is repealed.

Shall it carry? Carried.

94. *The Public Accounting and Auditing Act* R.S.P.E.I. 1988, Cap. P-28 is repealed.

And the final statement is the Commencement, number 95.

Ms. Sherry: Commencement.

Chair: Commencement

95. This Act comes into a force – into force – on a date that may be fixed by proclamation of the Lieutenant Governor in Council.

Shall it carry? Carried.

Shall the bill carry? Carried.

Good job, members, good job.

Madam Minister.

Ms. Sherry: I move the title.

Chair: An act, *Chartered Professional Accountants and Public Accounting Act*.

Ms. Sherry: I move the enacting clause.

Chair: Shall it carry? Carried.

Ms. Sherry: 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.

Madam Minister.

Ms. Sherry: Madam Chair, I move the Speaker take the chair and the Chair report that the bill agree to without amendment.

Chair: Shall it carry? Carried.

Madam Speaker, as Chair of Committee of the Whole House having had under consideration a bill to be intituled *Chartered Professional Accountants and Public Accounting 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.

Leader of the Opposition: Standing (Indistinct).

Speaker: A recorded division has been requested, hon. members.

Please ring the bells.

[The bells were rung]

Speaker: (Indistinct) Confederation here this afternoon, and also the Symons Lecture is part of the Assembly here this evening, so if you want to clean out your desks or anything that it's in there that you'd like to (Indistinct).

Some Hon. Members: (Indistinct)

Speaker: Recorded division on Bill No. 15, *Chartered Professional Accountants and*

Public Accounting Act. This is in the second reading.

Those members of the House not supporting the second reading of this bill please rise at this time.

Those supporting, please stand at this time.

Clerk: The hon. Minister of Fisheries, Aquaculture and Rural Development, the hon. Minister of Community Services and Seniors, the hon. Minister of Finance, Energy and Municipal Affairs, the hon. Government House Leader, the hon. Minister of Health and Wellness, the hon. Minister of Tourism and Culture, the hon. Minister of Transportation and Infrastructure Renewal, the hon. Minister of Education and Early Childhood Development, the hon. Minister of Environment, Labour and Justice and Attorney General, the hon. Member for Alberton-Roseville, the hon. Member from West Royalty-Springvale, the hon. Member from Tracadie-Hillsborough Park, the hon. Member from Belfast-Murray River, the hon. Leader of the Opposition, the hon. Opposition House Leader, the hon. Member from Tyne Valley-Linkletter, the hon. Member from Charlottetown-Sherwood, the hon. Member from Tignish-Palmer Road, the hon. Member from Charlottetown-Victoria Park and the hon. Member from Souris-Elmira.

Speaker: Second reading has passed.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

Madam Speaker, I move, seconded by the hon. Minister of Fisheries, Aquaculture and Rural Development, that the 20th order of the day be now read.

Shall it carry? Carried.

Clerk: Order No. 20, *An Act to Amend the Fisheries Act*, Bill No. 21, ordered for second reading.

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

Madam Speaker, I move, seconded by the Honourable Minister of Fisheries, Aquaculture and Rural Development, that the said bill be now read a second time.

Speaker: Shall it carry? Carried.

Clerk: *An Act to Amend the Fisheries Act*, Bill No. 21, read a second time.

Speaker: The hon. Minister of Finance, Energy and Municipal Affairs.

Mr. Sheridan: Thank you very much, Madam Speaker.

Madam Speaker, I move, seconded by the Honourable Minister of Fisheries, Aquaculture and Rural Development, 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'll call upon the hon. Member from Tracadie-Hillsborough Park to Chair the Committee of the Whole House.

I will call upon the hon. minister to come and defend his bill.

Some Hon. Members: (Indistinct).

Chair (Biggar): The House is now in a Committee of the Whole House to take into consideration a bill to be intitled *An Act to Amend the Fisheries Act*.

Minister, do you have anyone to take to the floor?

Mr. MacKinley: I would like to take on my director of marine services. It will be the first time he's been on the floor. He's been in the office for probably about a little over a year on the new job, Bob Creed.

Chair: Permission to take Mr. Creed to the floor?

Some Hon. Members: Agreed

Chair: Welcome, Mr. Creed, to the floor of the Legislature.

Minister, do you have anything to say before the bill progresses?

Mr. MacKinley: Basically what this is is a follow-up from the Maritime Panel Report.

The fishers have voted 69.4% in favour of check-off levy. This is the section where it will give the minister the power. We license buyers right now. This will give us the power under the regulations in order to take a cent, a check-off for the first buyer on the wharf. For instance, if the processor is buying direct, it'll be on the processor. If there's buyers on the wharf, it'll be off the buyers on the wharf. We'll be able to do this with no more red tape. We'd just be able to make regulations to the license that already is in effect.

Chair: Is it the pleasure of the committee that the bill be now read clause by clause?

Leader of the Opposition: Can I ask a question just about the minister's statements?

Chair: Okay, before I begin.

The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Chair.

Minister, I know when this came up in the House in Question Period you told the House that you didn't need to change any legislation, that it was all there in the *Natural Products Marketing Act*. What happened to that act?

Mr. MacKinley: Number one, *Natural Products Marketing Act*. Whoever your researcher is –

Leader of the Opposition: It's you. I was relying on you, unfortunately. Unfortunately I was relying on you.

Chair: One at a time here.

Mr. MacKinley: The *Natural Products Marketing Act* – fisheries, you got to be a fisher, a bona fide fisher. It's covered under (Indistinct) or at sea.

The PEI Fishing Association will be holding a vote to see whether the fishers – they

support the levy there. It's nothing to do with this. This is a whole new different act that we already had there. If they go under the *Natural Products Marketing Act* the fishers won't have to look for anymore (Indistinct) fishers in the province to collect it. They'll have the powers to do it.

I believe the Member from Tracadie-Hillsborough Park tried to get this through quite a few years ago. It didn't go through and we have yet to get that vote yet. They're going to have annual meetings across the province, our port and harbour meetings, and they're going to (Indistinct). What this act here –

An Hon. Member: (Indistinct).

Mr. MacKinley: – is for – right today, somebody comes in to buy lobsters on a wharf, whether you're a processor, to buy direct or you've got to have a license to buy lobster or if you're a buyer on the wharf, you've got to have a license. We have that, that's already there, but this just makes it legal that we can add another – we can put a word in it including a fee at the wharf, just the \$0.1 per pound fee to be collected on the wharf.

This is just what they call housekeeping even though there's a lot of legislation in there and if I could ask my director –

Mr. LaVie: Housekeeping?

Mr. MacKinley: - there's very little of it that – I'll give you the sections –

Mr. Brown: (Indistinct).

Chair: And I'll just start. Anything else?

Mr. MacKinley: If you look from J –

Leader of the Opposition: I need to follow off it.

Mr. MacKinley: If you go to J –

Mr. Brown: J?

Mr. MacKinley: On number 2 –

Chair: We're going to read the clause, hon. member, anyway.

Mr. MacKinley: And if you go to – oh he asked me a question, do we want to –

Chair: No, that's fine. Continue.

Mr. Brown: J? What page are we on?

Mr. MacKinley: And go to S, go down to the bottom, S. That section is what the new (Indistinct) –

Mr. Brown: J, S?

Mr. MacKinley: The rest has already been there.

Chair: Okay, good. Great.

An Hon. Member: I can't find J or S.

Chair: Anything else?

Leader of the Opposition: Yeah –

Chair: Before we begin?

Leader of the Opposition: Yeah, yeah. There is.

This is an amendment to the *Fisheries Act* and the one that you had when you were questioned by the Member from Souris-Elmira, and I believe what he was saying at that time was: Is there something you need to do to get your house in order so this can happen? You said: No, everything is contained in the natural products act.

An Hon. Member: Yeah.

Leader of the Opposition: So this is the *Fisheries Act* that's being amended here today, so it wasn't under the natural products act. Was it just because you were uninformed or is this something that's new to everyone?

Mr. MacKinley: No, this is a minor regulation, as you know, that we'll be making in Cabinet any Thursday – every Tuesday the Cabinet meets and it gives me the power to bring the regulations of Cabinet. We do it all the time.

The fishers association, they can fall under the *Natural Product Marketing Act*. Under the *Natural Product Marketing Act* there's nothing there for processors or buyers to fall

under that particular act. That could be – authority could come from the *Natural Product Marketing Act*, but I'm not going to get into that argument right now.

This gives me the power to get this through to bring regulations to Cabinet to add this to the license. Because every time you have a license and there's an agreement in the license, you add to that. You've got to have regulations to cover it through Cabinet or Executive Council. So this is a minor housekeeping –

Leader of the Opposition: He can go first, I have another one (Indistinct).

Mr. MacKinley: – minor housekeeping thing and –

Chair: Okay?

Mr. MacKinley: Oh, I'm good. Yeah.

Chair: The hon. Member from Charlottetown-Victoria Park.

Mr. Brown: Thank you, Madam Speaker.

First of all Mr. Minister, this is a great piece of legislation and it's a tremendous move forward for the fishing industry on Prince Edward Island. It's something that was needed a long time ago when you see many other commodities in Prince Edward Island using the same levy fee to promote their products, especially the oyster industry. I was quite surprised at a committee meeting how much the oyster industry puts into its own promotion. Maybe that's why the oysters on Prince Edward Island are so well accepted worldwide.

Minister, a short question: Now that the fishermen voted on it and this change is (Indistinct), what happens next under the natural product act? Will they make a marketing division under that?

Mr. MacKinley: No –

Mr. Brown: Where will the money go?

Mr. MacKinley: What will happen – the fishers have yet to decide whether they're going to go. They decided they want to collect their levy, and as I said in the House before, it goes under the *Natural Product*

Marketing Act. They don't have the authority without bringing new legislation to the floor.

But that's not for the processors. This is where we get the processors – if you go back two years ago there wasn't even a processing organization. We've got Dennis King now organizing that for them and the association has an organization. This gives us the power to be able to add regulations for the \$0.1 per pound from the buyer on the wharf –

Mr. Brown: But nowhere in here does it say where that money goes.

Mr. MacKinley: That money will go – if –

Mr. Brown: I just made that up (Indistinct).

Mr. MacKinley: - New Brunswick, and they assure me they'll be doing it, New Brunswick –

Mr. Brown: It's going to New Brunswick?

Mr. MacKinley: If you'd listen. New Brunswick and Nova Scotia haven't got any of their things (Indistinct) legislation tabled, they said they'd table it in the spring. Then (Indistinct) the maritime panel recommendation that New Brunswick, PEI and Nova Scotia form it, and it's used for generic marketing of lobster and also for intelligence. That will be decided by the PEI Fishermen's Association, processors association, and the other ones in Atlantic Canada.

So we're not there now. If, for instance, they decided that they're not ready, this money will be collected and the processors association will have that to (Indistinct) I'll let my director explain how that would work.

Could you explain how that would work?

Chair: (Indistinct).

Mr. MacKinley: If you're looking at –

Mr. Brown: You don't want (Indistinct).

Mr. MacKinley: Negative and we don't even know.

Mr. Brown: (Indistinct).

Chair: Do you want a further explanation?

Mr. Brown: I want to know where the money's going. That's all I want to know.

Mr. MacKinley: (Indistinct).

Mr. Brown: When we set a levy on it – hundreds of thousands –

Mr. MacKinley: This is the levy going to –

Mr. Brown: Will it go to the fishermen's association, or the processors association? That's all.

Mr. MacKinley: This cent a pound here –

Mr. Brown: Yeah.

Mr. MacKinley: It's for the processors.

Mr. Brown: For the processors, so the money would go to the –

Mr. MacKinley: The fishermen have already got a cent – a cent a pound to the processors and a cent a pound from the fishers. So let's put it this way, you get a boom truck, you get two boom trucks and one boom truck is owned by one gentleman and he's registered under that company. Then one's owned by another company. So they're two separate entities. So you got the fishing association, the PEI Fishermen's Association –

Mr. Brown: Okay, sorry, minister, keep going.

Chair: Okay, can we just let the minister explain?

Mr. MacKinley: Yeah. The fishing association, if they go with the *Natural Productions Marketing Act* –

Mr. Brown: Okay.

Mr. MacKinley: – and if they decide to turn that down, then we'll have to look at how we're going to collect it for them.

But in this case, we've already got agreement from the processing association, and this is the way they agreed to go. We

had a meeting here just a little while ago and this week I'll (Indistinct). This money will come in and then the money – how's it going to be held, can you tell them that?

Chair: Just, we have (Indistinct).

Mr. Brown: That's (Indistinct).

Mr. MacKinley: Okay, so just –

Chair: (Indistinct).

Mr. MacKinley: All right, good.

Mr. Brown: Thank you.

Chair: We have the hon. Leader of the Opposition and then the hon. Member for Belfast-Murray River.

Leader of the Opposition: Thanks. So just back to the *Natural Productions Marketing Act* because you did tell the House that everything was in place for this.

The report was out and I was over to Amherst that day, as was the Member for Souris-Elmira, to hear the results of the report that the panel had recommended. Because there were these recommendations and the levy was one of them – and it wasn't just the fishermen's association levy, it was the processors who were kind of on the table there at the time too. What we had suggested in the spring session is: Do you have legislation that needs to be changed? You said: No, it's all in the *Natural Productions Marketing Act*. I'm wondering why wasn't the research done before the spring session so that you could have been better prepared for this?

Mr. MacKinley: What you don't understand is *Natural Productions Marketing Act* has nothing to do with this piece of legislation here.

Leader of the Opposition: No, it has to do with what you've told the House.

Mr. MacKinley: This is the processors, no it's for the processors. There's two separate (Indistinct).

Chair: Do you have questions on the bill?

Leader of the Opposition: I know it's separate.

Mr. MacKinley: It's two separate – yeah, ask questions on the bill.

Mr. LaVie: It is on the bill.

Mr. MacKinley: No, that's not on the bill. That's from the *Natural Productions Marketing Act* –

Mr. LaVie: You don't want to answer.

Mr. MacKinley: It has nothing to do with this particular piece of (Indistinct) –

Leader of the Opposition: That's my point though, and you told the House it did.

Mr. MacKinley: I never. I said that the fishermen to collect the money, not for the processors to collect the money.

Leader of the Opposition: You said everything's there –

Mr. MacKinley: (Indistinct), listen.

Leader of the Opposition: You said everything's there, I'm already.

Mr. MacKinley: It's quite simple for the change regulations in Cabinet to put this in. This is a minor piece of legislation. Maybe I made a mistake. I should have my director and my deputy down and brief your caucus – (Indistinct).

Leader of the Opposition: All I wanted was for you to make a mistake, that's good. You made a mistake, you did it.

Mr. MacKinley: I didn't make a mistake.

Chair: Okay, okay.

Leader of the Opposition: Well, you just said you did.

Mr. MacKinley: I made a mistake by not having you guys briefed.

Leader of the Opposition: No, you made a mistake in the House when you told the House the wrong information.

Mr. MacKinley: No, no, I didn't make a mistake at all.

Leader of the Opposition: You did.

Mr. MacKinley: No, I didn't.

Mr. LaVie: You admitted it.

Mr. MacKinley: No, I made a mistake by not having you guys briefed.

Leader of the Opposition: You were uninformed.

Mr. MacKinley: No, I was informed. You're the one that's uninformed.

Chair: No arguing, please, members.

Mr. Brown: No arguing in this place.

Chair: Order, please!

Mr. MacKinley: (Indistinct).

Chair: Can we please get back to concentrating on questions on –

Mr. MacKinley: The bill.

Leader of the Opposition: Okay.

Chair: – the bill, the fisheries act?

Leader of the Opposition: I have a question.

Mr. MacKinley: All right.

Chair: Thank you.

The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Chair.

Setting aside the arguing over whether or not you were informed – which I don't think you were – could you tell the House today if you plan on fronting the money to the – to wherever the money's going that's going to be collected this spring so that the work can begin right away?

Mr. MacKinley: The answer's no to that.

Leader of the Opposition: No. Why?

Mr. MacKinley: For the processing?

Leader of the Opposition: Well, the cent a levy – there's going to be a one-cent levy –

Mr. MacKinley: Cent a levy. We're talking with the processors now –

Leader of the Opposition: Yeah.

Mr. MacKinley: Well, we shouldn't even say that. The buyer on the wharf.

Leader of the Opposition: Yeah.

Mr. MacKinley: Fishing doesn't start until May. Other provinces aren't going to have their legislation in until May. So, when fishers go out we'll be all ready to go with everything in place in May, if the fishers go with the national product marketing council, and I'm sorry about mentioning that, because it doesn't concern this bill.

Why would you front the money when these processors aren't even going to start buying lobsters until May when the season opens, unless you think the season's going to open this winter or something?

Leader of the Opposition: No. I guess what I'm suggesting is you have a pretty good idea of what landings are, year over year you have numbers, so you have in the general vicinity, you know what kind of money there is going to be out there.

There's some major things happening prior to the fishing season opening. One of them is the Boston seafood show, which is huge, and it gives the opportunity for whoever it is that's going to be creating and marketing lobster an opportunity to do it for this year, which could help increase the price for the fishers this year. That's why I'm suggesting it.

Mr. MacKinley: The answer's no. We'll wait until the fishing season starts.

Chair: The hon. Member from Belfast-Murray River, keeping in mind we're asking questions on this bill.

Mr. McGeoghegan: Yes, okay.

The big change to this bill from what I see is allowing the government to collect the one

cent from the buyers at the first point of sale on the wharf. I see in here where it talks about peddlers' licences. What about fishermen that are going to peddle their own lobsters? Will they be charged two cents a pound?

Mr. MacKinley: Number one is that the government will not be collecting it.

Mr. McGeoghegan: So who –

Mr. MacKinley: The buyers will be collecting, an entity will be collecting –

Mr. McGeoghegan: The buyers are going to collect money from themselves?

Mr. MacKinley: The buyers are going to collect the money and turn it into an entity that the association will set up.

Mr. McGeoghegan: Okay.

Chair: Members, maybe, since we're starting to ask questions about things that are in the bill, the bill has not even been read, perhaps I'll read that, okay, and then we'll continue.

Mr. McGeoghegan: Okay.

Chair: And I'll come back to you, hon. member.

Mr. McGeoghegan: That'd be great, appreciate it.

Chair: 1. Section 1 of the *Fisheries Act* R.S.P.E.I. 1988, Cap. F-13.01 is amended

(a) in clause (g), by the deletion of the words "this Act" and the substitution of the words "the regulations"; and

(b) in clause (i), by the insertion of the words "promotion," after the words "advertising,".

Shall it carry?

Leader of the Opposition: I do have a question on it.

Chair: On this section? On that part there?

Leader of the Opposition: Yes.

Chair: Go ahead.

Leader of the Opposition: What's the purpose of deleting the words this act and substituting the words regulations? You're going to take all of the work out of the act and put it into Cabinet's hands?

Mr. MacKinley: What we're doing is just putting this section, adding this section here, (j) to (f), and that'll be in Cabinet's hands to make regulations in order to add to the licence.

Leader of the Opposition: I guess a follow-up question to that is: Why not just take the power of the act away and give it all to Cabinet if you don't want legislation?

Mr. MacKinley: No, we're just adding, we're making regulations. A lot of Cabinet you put an act through, and then in that act you can make regulations. Government has the power to make regulations.

Leader of the Opposition: But this act, obviously, didn't have that, because you had to add that.

Mr. MacKinley: No, we never had it, because this is the first time in history that this has been done that the processors, the fishers, have gotten together in the Province of Prince Edward Island, and the processors have agreed to this. If you're going to be buying lobsters, then we license the buyers, we license the peddlers, because this is not a peddler's licence, this is a buyer's licence, and we license the buyers, and this'll be added to the regulations of the buyers licence.

Leader of the Opposition: Okay, I have another question.

Chair: Another question, the hon. Leader of the Opposition.

Leader of the Opposition: Thank you. What's the purpose of inserting the word promotion after the word advertising?

Mr. MacKinley: You can answer that.

Chair: Mr. Creed?

Bob Creed Director: The definition of marketing is defined in the act. In

discussions with the industry they wanted to add the word promotion. They feel it properly describes the activities that we'll be doing through the levy, promotion on generic lobsters.

Leader of the Opposition: So it's a more accurate word for what's going to be done with the money versus advertising?

Bob Creed Director: Correct.

Chair: So that section carried.

Mr. MacKinley: Just to clarify, this is not the fishing association wanted this change, this was the processing association. We're not even dealing with the fishing association.

Chair: 2. The Act is amended by the repeal of the headings immediately before section 4.

Leader of the Opposition: Question, the hon. Leader of the Opposition.

Leader of the Opposition: What's being repealed there?

Chair: What part's being repealed there?

Mr. Creed.

Bob Creed Director: It's a housekeeping matter. Previously it referred to Part I Administration, and the advice is that our act is very brief and doesn't need to have part one, part two, kind of stuff in the act.

Chair: Shall it carry? Carried.

3. The headings immediately before section 7 of the Act and section 7 of the Act are repealed.

Question, the hon. Leader of the Opposition.

Leader of the Opposition: Again, it's the same question. I wonder what are the headings and what was section 7?

Chair: Mr. Creed, go ahead.

Bob Creed Director: The administrative manner again, we're moving wording that was previously contained under section 7,

now under section 9, under the Lieutenant Governor in Council.

Leader of the Opposition: I understand that it takes away the powers from the minister to make any changes to the regulation because instead it's going to be put into the hands of Cabinet. Is that what's going on there?

Mr. MacKinley: The minister's got to take the Cabinet – I'll let him finish that.

Bob Creed Director: The alignment under section 9 is under advice from the Legislative Council office for us to ensure that the legislation is properly set up under the Lieutenant Governor in Council.

Leader of the Opposition: But the explanatory note says that: "repeals Part II, which granted the Minister the authority to make regulations on certain matters, with the approval of the Lieutenant Governor in Council."

The minister of fishers no longer has the act to make regulations pertaining to this act once this act is passed and all the power goes to Cabinet instead?

Mr. MacKinley: No, how it works is, the minister doesn't have the power to make regulations. The minister has the power to make regulations to Cabinet. Cabinet decides whether the regulations pass or not, in Cabinet, legislation and the Lieutenant Governor in Council. That's how it works. That's the way the legislation works.

Leader of the Opposition: I guess the only reason I ask is that the explanatory notes, as I said: "repeals Part II, which granted the Minister the authority to make regulations on certain matters..." You no longer have any power to make any regulations in the *Fisheries Act* like you once did?

Mr. MacKinley: Could you explain that to him, Bob?

Bob Creed Director: The advice the department received was that it is proper alignment for the ability to make regulations. As the minister has commented, the Lieutenant Governor in Council has the authority to make regulations through the Executive Council. The minister will have

the ability to bring forward regulations put in that process, as all other legislation in government.

Leader of the Opposition: Another question, Madam Chair.

Chair: Under a different section or this section?

Leader of the Opposition: No, right here.

Chair: Go ahead.

The hon. Leader of the Opposition.

Leader of the Opposition: Just the outward appearance of this is that the minister of fisheries, who we know has very little control of fisheries because it's a federal issue, has even less after this bill passes. As I understand it, all those decisions now reside with council, as per this act and the regulations that we talked about in 1(a), that now resides with Cabinet versus where this act today as it stands unpassed, the minister has the power to make regulations on certain matters.

Why do you want to give yourself less power in a file that you have very (Indistinct)?

Mr. MacKinley: The way the *Legislative Assembly Act* works is ministers can't make regulations on their own, they got to go to Executive Council to be approved, then they got to be advertised in the *Royal Gazette* for when they're approved.

All my years sitting here, I have never seen the minister make regulations on his own (Indistinct). I stand to be corrected, but that's why you have a Cabinet. You got to take your regulations to Cabinet, then you got to explain to Cabinet why you want to do it and for what reason.

Like this bill I got here had to go to Cabinet in order to be approved. Had to go to the operations committee, then it goes to Cabinet. The same as, where if you looked – like, for instance, I'll explain the Island Community Fund which I'm going to be announcing later today. If you look at it I can go up to \$150,000. After that I got to go to Cabinet to get more authority to do it. That's just safeguards in the legislation that

you have people looking after besides just one person. It was always that way. It was just that way for years.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Madam Chair.

I appreciate what the minister is saying, however, I believe in this case he's wrong because the act as prescribed today gives you the authority to make regulations inside your own department. You're repealing that.

I'm wondering: Why would you put a bill on the floor that would give you less power as a minister?

Mr. MacKinley: If that was under the legislative advice we got, if that was true, we wouldn't have to come here to the floor at all. I just could have made the regulations and put them through.

When I'm in a democracy that we work in, this is democracy, we make regulations, I've got to go to Cabinet or whoever the minister is or whatever it is – it could be any one of the ministers coming through with new regulations, the department of agriculture or whatever, has got to go to Cabinet and then it's got to go to the House to get approval if it's under an act to make it Royal Assent, basically that's – am I (Indistinct) –

Mr. LaVie: (Indistinct) Cabinet approval?

Chair: Okay?

Leader of the Opposition: Question again.

Chair: One more, the hon. Leader of the Opposition.

Leader of the Opposition: I appreciate what you're saying. I'm not questioning what you're saying.

What I'm saying is that the act, as it's laid out now, gives you the power. Up until today I wouldn't have thought you would be the kind of guy to give away the power for your department. I thought that you relished the control of it and I wonder: Is it because you don't have the confidence in yourself to make decisions when it comes to the fishery?

Mr. MacKinley: I'm not even going to bother answering that question because –

Leader of the Opposition: I think you just did then.

Mr. MacKinley: No, I'm not going to bother answering it because, I mean, I'm dealing with an opposition that is not up on legislation and how it works.

So if I could get my director, Bob, to answer that for you?

Bob Creed Director: The change we're talking about here is a realignment of the legislation, and it's simply moving the authority to make regulations under Lieutenant Governor in Council, as all other legislation is based. So it's for the proper alignment.

Leader of the Opposition: One more question, Madam Chair, and then we'll move on.

Chair: Sure, the hon. Leader of the Opposition.

Leader of the Opposition: Thank you. I know, and I do, I get the purpose of it, and I understand quite well, actually, legislation, and I understand quite well the explanatory note, and what the explanatory note says is that the minister doesn't want to have control anymore.

I guess my question to the minister is quite simply this: Why do you not want to have the authority in your department anymore?

Mr. MacKinley: When this goes to Executive Council and the minister has the authority to enforce the regulations. Right now we could come out and say we're going to charge a levy, but if it's challenged in court or something I would have nothing to stand on. You've got to Royal Assent it and it's got to go through that and that's why we're here.

Chair: Shall it carry? Carried.

4. The Act is amended by the repeal of the headings immediately before section 8.

Any questions?

Shall it carry? Carried.

5. Section 9 of the Act is repealed and the following substituted:

9. The Lieutenant Governor in Council may make regulations

(a) requiring a license for prescribed activities involving handling fish for gain, including buying, processing or peddling fish;

(b) authorizing the Minister to issue licenses for prescribed activities involving handling fish for gain, including buying, processing or peddling fish, in relation to one or more species of fish specified on the license;

(c) setting out the types or classes of license that the Minister may issue;

(d) respecting the application process for a license;

(e) prescribing the requirements to obtain a license;

(f) requiring the payment of fees for a license and prescribing those fees;

(g) prescribing the form of a license and the information to be included on a license;

(h) setting out terms or imposing conditions on a license;

(i) authorizing the Minister to set out terms or impose conditions on a license –

Mr. LaVie: Question, question.

Chair: I'll just finished reading through and I'll come back to you?

(j) authorizing the Minister to impose, as a condition on a license, a levy on buyers holding a license to buy a prescribed species of fish, payable on purchases of the prescribed species of fish at the first point of sale, to be used for the purposes of marketing the prescribed species of fish;

(k) requiring the Minister to give notice to buyers, within a prescribed time period preceding the opening day of a fishery season for the prescribed species, of his or her intention to impose the levy;

- (l) prescribing the amount of the levy;
- (m) respecting the collection and remittance of the levy;
- (n) respecting the determination of the amount to be remitted by a licensee to whom the levy applies;
- (o) authorizing the Minister to enter into an agreement with a person or entity for
- (i) the collection of the levy, or
- (ii) the development and implementation of a marketing plan for the prescribed species of fish using the proceeds of the levy;
- (p) prescribing criteria that a person or entity shall meet before the Minister may enter into an agreement respecting the levy with the person or entity;
- (q) prescribing matters to be included in an agreement respecting the levy;
- (r) respecting the collection, use and disclosure of information related to the levy by the Minister;
- (s) respecting the resolution of disputes related to the calculation, remittance or collection of the levy;
- (t) respecting the disposition of the balance of the proceeds of the levy on the dissolution or expiry of an agreement respecting the levy or on the cessation of the imposition and collection of the levy;
- (u) prescribing the maximum number of licenses for a prescribed activity involving the handling fish for gain, including for a specified species of fish, or of a type or class of license that the Minister may issue during a prescribed time period;
- (v) respecting the construction, expansion or replacement of a processing establishment;
- (w) prescribing the species of fish that may be bought, processed, peddled or otherwise handled for gain under a license;
- (x) setting out the activities authorized by a license;
- (y) requiring licensees to keep records or prepare reports and provide such records or reports to the Minister;
- (z) respecting the expiry of a license;
- (aa) respecting the transfer or assignment of a license;
- (bb) prescribing circumstances in which the Minister may refuse to issue, suspend or cancel a license;
- (cc) respecting rights of appeal and an appeal process;
- (dd) providing that the contravention of a provision of the regulations constitutes an offence and prescribing penalties for such contravention;
- (ee) respecting the collection, use or disclosure of information under this Act by the Minister;
- (ff) prescribing amounts, terms and conditions of grants and payments under any program established under this Act;
- (gg) defining any word or expression not defined in this Act;
- (hh) in respect of any other matter in order to give full effect to the objects of this Act.
- Now I did ask the hon. Member for Belfast-Murray River to hold off until all that was read, then I have the hon. Member for Souris-Elmira.
- Going now to the hon. Member for Belfast-Murray River and then Charlottetown –
- Mr. Brown:** I've only got a little tiny question.
- Chair:** – Victoria Park after Souris Elmira.
- What section does your question pertain to, hon. member.
- Mr. McGeoghegan:** Section 9(t).
- Chair:** 9 (t), okay.
- Mr. McGeoghegan:** Just wondering if maybe the director could explain that a little more to –

Chair: The balance of the proceeds of the levy on the dissolution or expiry of an agreement respecting the levy or on the cessation of the imposition and collection of the levy. Is that the section?

Mr. McGeoghegan: Yeah.

Chair: Okay.

Mr. MacKinley: Which one is that (Indistinct)?

Chair: Right here, (t), right there.

Okay, Mr. Creed –

Mr. MacKinley: No –

Chair: Are you going to explain that, minister?

Mr. MacKinley: Well, he asked –

Mr. McGeoghegan: Either or, yeah.

Mr. MacKinley: – the minister and I decide –

Chair: No, and he –

Mr. MacKinley: (Indistinct).

Chair: Are you going to explain it, though?

Mr. MacKinley: Let me just read it here for a second and then I'll decide.

An Hon. Member: (Indistinct).

Chair: No. Just give the minister a chance to look that over, please.

Mr. LaVie: Take your time.

An Hon. Member: (Indistinct).

Mr. McGeoghegan: I think it means if the buyers get in an argument and they want to dissolve the agreement, then somebody has to do something with the money that's left over, basically.

Bob Creed Director: Essentially it speaks to a regulation that will be created that would basically allow for if the levy ceased to be collected and there was proceeds currently being held by the entity, that it

could be dissolved and dispersed in (Indistinct) in advance.

Mr. McGeoghegan: Okay. I guess to go along with that, I've had a lot of calls on what the money – how it's going to be collected and where it's going to be spent. I think that's a little premature so far, because we don't seem to know that, but I guess the way it is right now, the buyers are going to have their own group set up to do their marketing and then the fishermen are going to have a group set up to do marketing for their levy.

It's going to be two separate groups, is there, to do levies?

Mr. MacKinley: Basically, what it's going to be –

Mr. McGeoghegan: To spend the levy money?

Mr. MacKinley: The levy money, the buyers were going to designate somebody, correct –

Bob Creed Director: Yes.

Mr. MacKinley: – to collect the levy. We're going to designate somebody for the fish processors association to the levy to be collected, and then I'll not get into the other national product marketing council act because we're not dealing with that now.

Then when that's done – I'll have my director explain how that would work, but basically what it is, we'll have an entity to collect the levy, and then this levy – we're looking ahead because Nova Scotia and them are talking to us, but that board for generic marketing. For what do you call that there intelligence or something like on the markets to find out what's going on?

Mr. McGeoghegan: Right.

Mr. MacKinley: It could be used for that. That's where that money will go, but that's down the road until New Brunswick and Nova Scotia catch up with us.

Mr. McGeoghegan: Yeah, because they might not catch up. So in that case –

Mr. MacKinley: Well, we don't know that, but we know you might not get home today either. Like, nobody knows this stuff.

Mr. McGeoghegan: No.

Mr. MacKinley: Or we might make (Indistinct) and there could be a storm.

Chair: Question?

Mr. MacKinley: We can't deal for mighs. We have to look at what we can do and the best we can.

Mr. McGeoghegan: So another question I've been asked lately is what if the PEIFA and the fishermen of PEI decide not to go with *Natural Products Marketing Act*. How is the levy money, now that the vote is yes –

Mr. MacKinley: If they don't go with that we would have to get legislation drawn up for the spring session because we're not going to know that answer before then, and we'll have to sit down with them and figure out how we're going to collect it.

It's basically being able to come in with a piece of legislation and it's going to be a lot bigger than this. This legislation was already for the buyers licence. You could hook it up to – we have legislation where the fishing association, how would they collect that? They could do it through the fuel tank for a bit, could they?

Bob Creed Director: I'm not certain.

Mr. MacKinley: No, he's not certain either. The natural products marketing council would be a simple way. It gives them all the power and they can decide what to do when the legislation's already there. But if they decide that they don't want to go that way, well then, we don't know that. We have to look at the vote. We've got a 69.4% vote in favour of the levy.

Mr. McGeoghegan: Yeah.

Mr. MacKinley: So, it's premature for me to even speculate and that until they start attending to the meetings, the harbour authority meetings they have at port authorities around the province, and just see what the feedback is.

Mr. McGeoghegan: I guess the big question that's being asked of me: Are fishermen going to have some say in how that money is spent?

Mr. MacKinley: Yeah, its association, depends how the association and what it does.

Mr. McGeoghegan: That's right.

Mr. MacKinley: Same as politics. If the association listens to you or not, the association will – I mean, you're getting into a whole – you're into the fishing thing. It's nothing to do with this bill here at all.

Chair: Carry this section?

We have another question.

The hon. Member from Souris-Elmira.

Mr. MacKinley: Yeah, don't forget him.

Mr. LaVie: Madam Chair, the question was on the floor before the –

Mr. MacKinley: It's good. We know it.

Chair: Go ahead.

Mr. LaVie: Minister, can you read section 9(a) again?

Chair: 9(a), I'll read that again.

9. The Lieutenant Governor in Council may make regulations

(a) requiring a license for prescribed activities involving handling fish for gain, including buying, processing or peddling fish;

Question?

Mr. LaVie: Yes.

Some Hon. Members: (Indistinct).

An Hon. Member: Call the hour.

Chair: The hour has been called.

Mr. MacKinley: Extend the hour.

Mr. Gallant: Extend the hour. We should (Indistinct) this bill.

Chair: We need unanimous consent to extend the hour.

Do we have consent?

Some Hon. Members: (Indistinct).

Chair: We do not have consent.

Minister, please, minister, go ahead.

You don't have to stand, members.

Go ahead, minister.

Mr. MacKinley: Madam Speaker, I move that the Speaker take the chair, and the Chair report progress and beg leave to sit again.

Chair: Shall it carry? Carried.

Madam Speaker, as Chair of Committee of the Whole House having had under consideration a bill to be intituled *An Act to Amend the Fisheries Act*, I beg leave to report that the committee has made some progress and begs leave to sit again. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

I'll call upon the hon. Government House Leader.

Mr. Gallant: Thank you, Madam Speaker.

I move, seconded by the hon. Member for Tignish-Palmer Road, that this House adjourn until Tuesday, November 25th, at 2:00 p.m.

Speaker: Shall it carry? Carried.

Have a good weekend, everyone.

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