

Public Consultation Submission Amendments to the Emergency Measures Act – Bill 37

I have been following with interest the debates in the Legislative Assembly and the discussions at the Health and Social Development committee meetings further to Motion 75 concerning Bill 37 and its 2 amendments.

As an Islander I do not support this Bill to amend the Emergency Measures Act. It is a significant over reach by government.

The proposal to move powers to amend or vary any/all provincial laws from the legislative assembly to Executive Council during a state of emergency (SoM) and for 90 days following the end of the SoM is unnecessary.

To quote the Minister of Justice and Public Safety on June 12,
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“This is a tremendous debate. I know this is not a popular – Emergency Measures Acts are never popular. They are for a purpose. They are for a purpose and at the end of the day, it’s to save lives in emergencies. I’ll just end with that.”

Given this clear statement, and using it as the basic principle and lens to view the amendments – after listening carefully to each Department at the Standing Committee deliberations, there was no demonstrated need to permit moving this very broad power to Cabinet and out of the hands of the Islands elected representatives. As some have reported – a significant over reach.

Further, during the Departmental presentations, generally it became clear that the barriers to carrying out their mandates during the current SoE was related to timing of various meetings and reporting requirements, not “matters of saving lives during an emergency.”

After 3 months of the current SoE – all departments have been able to adjust their operations and provide basic services to Islanders to accommodate any significant needs.

During a SoE it is not expected that Departments will continue normal operations, but rather provide “essential services”.

Further, in my view, the amendments to the Public Health Act are adequate to ensure the health and safety of Islanders.

As an Islander, I expect Legislators to be available – either in person, or virtually – to be able to consider any amendments to laws, even during a SoE. That is their mandate and responsibility to Islanders who have elected them to represent their interests.

In summary I do not support Bill 37 or its amendments. It goes against our system of democracy and should be taken off the floor of the Legislature.

If, at a time in the future, the Bill was rewritten and clearly identified the few statutes that might need to be amended or varied by Cabinet during a SoE to save lives, for a limited time until the legislative

assembly consider amendments to a particular law (7 days), I would consider supporting that kind of a Bill with very strict details on what is considered essential services, and saving lives.

I support Ministers advancing any Bills that would amend existing laws to remove timelines from Statutes and move them to Regulations, so that government could be nimble and react quickly to such issues. By doing so, it would not amend or vary the intent of any provincial laws.

Finally, I am expecting that all Ministers and their Departments will review their statutes on an ongoing basis, and propose changes to modernize the Acts through the legislative assembly.

Thank you for the opportunity to submit my views.

Donna MacDonald