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PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY

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Speaker: Hon. Kathleen M. Casey

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Matters of Privilege and Recognition of  
Guests

**Speaker:** The hon. Premier.

**Premier Ghiz:** Thank you very much, Madam Speaker.

I'd like to welcome everyone to the public gallery today. First of all, I'd like to say hello to someone that I know quite well who's home recovering from a heart attack right now. He had a massive heart attack, and that is Paul Horne. I'd like to wish Paul all the best on behalf of all Members of the Legislature Assembly.

It's beautiful weather that we're having out. I understand down in eastern Prince Edward Island some of our farmers are starting to get some of their crops in the ground. In the rest of the Island hopefully they will be getting started fairly soon. I know our fishers are getting ready to set on April 30<sup>th</sup>, I believe, and a lot of them are working on their traps now. So I'd like to wish all of our farmers and fishers a very good season ahead, and let's hope that prices are high.

Thank you very much, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Leader of the Opposition.

**Leader of the Opposition:** Thank you, Madam Speaker.

I'd like to rise, too, and acknowledge what a beautiful day it is today. It's so great to see some of the ministers on the other side wearing blue shirts and blue ties. I hope that's an indication of good things to come.

We have some guests in the gallery. We have some journalism students from Holland College as well as we have David Hutton with us from Ottawa, who is here helping opposition out with our public disclosure act. We also have Sylvia Poirier, the president of our party, here with us today, as well as Eddie Lund and some of the other regular people.

Also want to say hello to the member that's not with us today from Tracadie-Hillsborough Park. We were speaking with him earlier today and we're glad to hear that he's not in too much pain. We'll make sure we ask the questions for the fishers' community for him since he's not here to hold his own government accountable.

Finally, I want to say hello to my own sister Bev who's home recuperating with a broken wrist.

Thank you.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Alberton-Roseville.

**Mr. Murphy:** Thank you, Madam Speaker.

I'd like to welcome all the guests in the gallery today. We have a westerner up there, Elmer Perry, a good Liberal from District 26. Say hello to Elmer. I'd also like to say hello to my mom and all the other folks in District 26 and across Prince Edward Island that may be watching on EastLink. I hope you enjoy the proceedings today.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

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

**Mr. Webster:** Madam Speaker, I, too, would like to rise and welcome all those visiting in the gallery today.

It's certainly a beautiful day again today and it seems like an early spring. The tillers of the land, some of them are active now and will be active in the next week or two. I do wish them all the best in their endeavours for the upcoming season. Hopefully there will be prosperity in the reap from the planting of crops and so on again this season.

I'd also like to say hello to my mother-in-law, Florence MacDougall, who resides in the Crapaud Villa. She is feeling well these days and that's great news for the family.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Charlottetown-Sherwood.

**Mr. Mitchell:** Thank you, Madam Speaker.

It's a real pleasure to rise and welcome everybody to the gallery today. Eddie Lund, a regular fixture up there, is with us again today as some other familiar faces are with us.

I, too, would like to say hello to everybody out in the community of Sherwood. I know on the weekend as I took a walk through the community lots of people were out doing their yard work and getting ready for the spring, and even some lawnmowers were starting up.

But I'd like to also wish my sister Judy Hughes a happy 60<sup>th</sup> birthday today. Judy does a tremendous amount of work for me within the district. So happy birthday, Judy.

Thank you.

**Some Hon. Members:** Hear, hear!

**Speaker:** Hon. members, I'd like to draw your attention to the Speaker's Gallery.

Today we have our Legislative Assembly co-op student, Sarah MacDonald, with us. She's going to graduate from UPEI this spring. She's majoring in philosophy with a double minor in history and political science. She currently lives in Charlottetown. We wish her all the best, and hopefully she'll enjoy the proceedings, and wish her all the best in her future endeavours.

**Some Hon. Members:** Hear, hear!

#### Statements by Members

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

#### **Recognizing Heather Moyse**

**Mr. Greenan:** Madam Speaker, as a member for Summerside-St. Eleanors, I stand in the House today to acknowledge and honour a wonderful young Islander who stood proudly on the world stage this winter.

On Wednesday, February 24<sup>th</sup>, thousands of Islanders were on the edge of their seats awaiting the fourth and final run of the women's bobsled at the 2010 Winter Olympics. Fifty-three point two-three seconds later, Prince Edward Island had its second Olympic gold medal winner.

**Some Hon. Members:** Hear, hear!

**Mr. Greenan:** Heather Moyse, who hails from the great small city of Summerside. Heather and her driver, Kaillie Humphries, led from their first run to the final one, obliterating start and track records as they went.

Heather Moyse is not only a superb athlete. She's a kind, compassionate and loyal human being. For those of us who had the privilege of watching Heather grow up, we can well understand how she became the person she is today. With the support of her parents Sharon and Cyril, and her siblings Heidi and Walter, it's no wonder she is the Heather we have all grown to love and admire. Heather is currently in Calgary with the Canadian women's rugby team in preparation for the world rugby cup in England this summer.

I know the members of this House and all Islanders join me in extending congratulations to our golden girl, Heather Moyse, for bringing such a wonderful honour to herself and sharing it with our One Island Community.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from O'Leary-Inverness.

### **PEI Potato Museum expansion**

**Mr. Henderson:** Thank you, Madam Speaker.

I am pleased to rise today to talk about the newest addition to PEI's potato capital, O'Leary, the expansion of the PEI potato museum. This 7,200-square foot building addition will display antique farm machinery. The museum will focus on machinery that was manufactured here on Prince Edward Island. This investment in West Prince will allow residents and tourists alike the opportunity to see the machinery that many collectors have lovingly restored.

Both Willy Dunbar and Dr. Roy Montgomery, among others, are graciously donating some of their equipment that they

have in their collections. In fact, Dr. Roy Montgomery has one of the most extensive private collections of antique farm machinery in Canada. One of his prized items, and the oldest machine that the museum will have, is an 1852 threshing machine that is in working order. The machines created back then were marvels of engineering as the designers had to be very inventive in their designs.

I must commend the PEI Antique Farm Machinery Association and the PEI Potato Museum for undertaking this project. I'm sure this addition will only add to the PEI Potato Museum's visitation, which currently boasts the second-highest visitation of tourism operations in West Prince. I am proud that this undertaking is occurring in O'Leary-Inverness and look forward to visiting this facility once it is completed.

Thank you.

**Some Hon. Members:** Hear, hear!

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

### **Recognition of DeltaWare Systems**

**Mr. M. Currie:** Thank you, Madam Speaker.

I'm very pleased today to rise in the House and recognize a very famous IT company here in Charlottetown, an outstanding company called DeltaWare Systems, which has just been sold. I had the privilege as the previous minister of economic development to work very close with these very aggressive, innovative entrepreneurs, and they've done a fantastic job of developing a company that employs in excess of over 100 people. They've done a fantastic job and they've also been excellent corporate citizens for this province.

I want to wish Ed Lawlor, Mike Hennessey and Vince McKenna all the luck with their new venture at Maximus.

**Some Hon. Members:** Hear, hear!

Responses to Questions Taken As Notice

Questions by Members

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

**Cornwall bypass land**

**Mr. M. Currie:** Thank you, Madam Speaker.

My first question is for the minister of transportation and public works. It's long been known that you have been holding out selling your land for the Cornwall bypass because you were waiting for a big price. Will you tell the House today if you have sold your land for the bypass?

**Speaker:** The hon. Premier.

**Premier Ghiz:** Thank you very much, Madam Speaker.

As the hon. Member from Georgetown-St. Peters knows, before he even asks that question, I'm handling the file on the Cornwall bypass. We know that the hon. Member from Georgetown-St. Peters not only once but twice filed conflict of interest complaints against the hon. minister of transportation and public works. Both times were denied.

Obviously we are continuing to progress with negotiations with the federal government for the Cornwall bypass, and we know that the Cornwall bypass initiative was started under the previous government. We know that there was a plebiscite in the community of Cornwall and we'll continue

to work diligently on this file.

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

**Mr. M. Currie:** Thank you, Madam Speaker.

If the Premier is in charge of this file now, can the Premier please tell me if you have negotiated an option to purchase the remaining pieces of property from the minister of transportation and public works?

**Speaker:** The hon. Premier.

**Premier Ghiz:** Thank you very much, Madam Speaker.

We obviously have not finalized anything as we're still working on negotiations with the federal government with regards to the Cornwall bypass. I know that there has been another route looked into as well that is perhaps a little less cost, but the community in Cornwall says, as of now, that they have some issues with that, and we'll continue to work on this file.

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

**Mr. M. Currie:** Madam Speaker, I'm a little surprised because if they're in Ottawa negotiating for funding for a project, you'd think they'd have the cost estimates all done.

So I'm just - you have done no negotiations for the final pieces of land with the minister of transportation? No option to purchase anything on this property?

**Speaker:** The hon. Premier.

**Premier Ghiz:** Thank you very much, Madam Speaker.

Again, this file has been worked on I believe since 2001. No, even prior to that, 1999 I think it goes back to when it is. We know that there is still some land to acquire. I'm not sure, we may have acquired it. I'll check into it for the hon. member. But again, we do not have the final dollars in place yet for the Cornwall bypass to continue. I encourage the hon. Member from Georgetown-St. Peters to lobby his Conservative colleagues in Ottawa for the importance of this. We hope that we'll have an announcement at some point, but as of now we do not.

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

**Mr. M. Currie:** Madam Speaker, a question to the Premier, then.

Since you're in charge of the file, can you please tell us from what account in the department of transportation you'll be accessing the money to pay for this land when you purchase?

**Speaker:** The hon. Premier.

**Premier Ghiz:** The same pot as you would have used when you were in power.

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

**Mr. M. Currie:** Madam Speaker, it's my understanding that the minister of transportation is the only one that can access this file.

So you have removed the minister from all access to this file?

**Speaker:** The hon. Premier.

**Premier Ghiz:** Yes.

**Speaker:** The hon. Member from

Georgetown-St. Peters.

**Mr. M. Currie:** Could you please tell us, Premier, then, how many meetings you've had with your federal officials over funding for this project and who you met with?

**Speaker:** The hon. Premier.

**Premier Ghiz:** Thank you very much, Madam Speaker.

I've met with Gail Shea on it numerous times. I've also talked with Minister Ashfield on it. Numerous meetings. We know that from the official level it's something where there's been meetings numerous times on it.

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

**Mr. M. Currie:** Madam Speaker, I'm wondering if the Premier is going to reveal here today who is actually going to sit down with the minister and negotiate a price.

Can you tell us who in government is going to sit down and buy the final parcels of land to complete the Cornwall bypass?

**Speaker:** The hon. Premier.

**Premier Ghiz:** Our department.

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

**Mr. M. Currie:** The Premier's office, is that what you mean? The Premier's office? Or are you going to buy the land from the minister, or are you going to have the department of transportation buy the land from the minister that he's the minister of?

**Speaker:** The hon. Premier.

**Premier Ghiz:** Thank you very much,

Madam Speaker.

Obviously the government will be dealing with that. Everything - it would be placed in blind trust and the minister would have no knowledge of that information whatsoever, and the minister who is responsible for that file at the end of the day is myself.

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

**Mr. M. Currie:** So you'll be the one that will be sitting down with the minister to actually buy the land?

**Speaker:** The hon. Premier.

**Premier Ghiz:** (Indistinct). I feel like saying, Madam Speaker, and I will say: What do you think?

Of course not. Obviously the minister will not be participating in that as he is a minister of the Crown. That is placed in blind trust. We know that he is also not handling the file either. It would be no different than how when the former minister of transportation and public works would have handled files in terms of purchasing a property. At the end of the day, none of our politicians are sitting down with the people right across the table from them negotiating a price. We have assessments that go and do that, get fair market value, and we come back and we either approve it or we don't. That approval process will come back to myself, Madam Speaker.

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

### **Cornwall bypass potential route**

**Mr. M. Currie:** Seeing, Madam Speaker, that the Premier is in charge of this file, and he did announce a couple of weeks ago that you have changed to a new, cheaper route,

could you please describe to Islanders what that new route looks like?

**Speaker:** The hon. Premier.

**Premier Ghiz:** Thank you very much, Madam Speaker.

The new route is a route that I guess engineers within the department of transportation and public works have been looking at as an option if the federal government does not step up to the plate with the amount of money that we need for the first option. As a government that does its due diligence, we're just making sure we cover off all angles.

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

**Mr. M. Currie:** Madam Speaker, I'm going to have to ask the question again because what we want to hear is: Explain to us what the route is now that you've drawn out, and will you bring a map back?

**Speaker:** The hon. Premier.

**Mr. M. Currie:** Describe, describe your route.

**Premier Ghiz:** Thank you very much, Madam Speaker.

I'll come back with the map if we are able to disclose it in the Legislature.

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

**Mr. M. Currie:** Madam Speaker, it's my understanding that the new route will involve going through more land of the minister's.

Is that true?

**Speaker:** The hon. Premier.

**Premier Ghiz:** I have no idea, Madam Speaker.

When we look at these routes - perhaps when the most political minister in the history of the province of transportation and public works who was responsible for firing 800 people -

**Some Hon. Members:** Oh, oh!

**Premier Ghiz:** - was doing deals he would go through and look and see: Okay, who owns this parcel, who owns that parcel? I don't do that. I have no idea. For all I know, the Member from Georgetown-St. Peters would own the land, and quite frankly I wouldn't care if he did.

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

**Mr. M. Currie:** Madam Speaker, that was a fantastic answer for a guy that says he's in charge of the file, and he gets up and he says he has no idea what the new route is, and he was on t.v. explaining that there was a new route.

I just want to know if that new route that you've changed now to go through Cornwall is going to involve buying more land from the minister of transportation. You said you were in charge of the file. Get up and tell us.

**Speaker:** The hon. Premier.

**Premier Ghiz:** Thank you very much, Madam Speaker.

Obviously -

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

**Premier Ghiz:** - the new route. I was not on t.v. explaining it, so the member's already

mixed up there. What the issue is is how much money is going to be available through the Atlantic Gateway? If there's an amount of money that does not provide enough for the province to be able to build the Cornwall bypass to the specifics that the community of Cornwall is looking at, our engineers and architects within the department of transportation and public works looked at an alternative route so that we would be able to help out the community of Cornwall. If the community of Cornwall is not interested at the end of the day, and we don't get the dollars we want, obviously that money will move towards another project.

I suggest that the hon. Member from Georgetown-St. Peters sit down with his Conservative federal counterparts, if he wants to, and lobby them so that we can get the amount of money that we need to do the Cornwall bypass.

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

**Mr. M. Currie:** Madam Speaker, it's clear, I guess, that the Premier is not in charge of this file because if he were he'd indicate to us at what time did you decide that you were going to change the route and cancel the bridge and then move and go through this other route.

When did you make that decision to do that?

**Speaker:** The hon. Premier.

**Premier Ghiz:** We haven't made that decision.

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

**Mr. M. Currie:** Madam Speaker, the government of the day has already gone out to the town of Cornwall and has displayed to

them a second, cheaper route.

So you're in charge of the file, you must have made that decision to do that. Is that true?

**Speaker:** The hon. Premier.

**Premier Ghiz:** I allowed our bureaucrats to go out and look for any options necessary with the amount of dollars that we can receive from the federal government. We're hoping that we'll be able to come out with the option number one, Madam Speaker, if the federal government steps up to the plate with the amount of dollars that we need.

If they don't, I thought it was only courteous, as one of our larger and fastest growing municipalities in the province, to give them other options in case the federal government did not step up. But I hope that the hon. Member from Georgetown-St. Peters, whenever he's talking to his Conservative colleagues, that he lobbies on behalf of the Cornwall bypass.

**Some Hon. Members:** Hear, hear!

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

### **Cornwall bypass and involvement of minister**

**Mr. M. Currie:** Madam Speaker, the Premier has been a big promoter of this project for the last three years, the minister of transportation has been a big promoter for the last three years.

It involves buying land in the minister's riding. It involves buying land from him. What I want to know from the Premier, if you can stand up here today and tell us, with a straight face, that the minister is not involved in this project one iota.

**Speaker:** The hon. Premier.

**Premier Ghiz:** (Indistinct), Madam Speaker.

To point things out on how ridiculous and really down in the dirt or trash that the hon. Member from Georgetown-St. Peters really is here, it was he who designed, when he was in power, the original route.

So I'm not exactly sure where he's going here, but obviously he's not concerned with good policy discussions. He's concerned with dirt, Madam Speaker.

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

**Mr. M. Currie:** Madam Speaker, all the Premier ever indicated to Islanders was he was going to be open and transparent.

Everything wants to be done in behind closed doors and under the cover of darkness, but all I wanted was some proper answers.

### **Money removed from capital budget**

A question then to the minister. Maybe the minister of transportation can answer this. It's my understanding that there's been \$3 million removed from the capital budget to buy land. Can you tell me if that decision has been made?

**Speaker:** The hon. Premier.

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

I'm not exactly sure if money has been removed to buy land. If it's been removed to buy land, in relation to the Cornwall bypass, obviously that would fall under my jurisdiction, or if it's been removed to buy other land across the province I'll allow the

minister of transportation and public works to answer that question.

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

### **Process behind purchase of land**

**Mr. M. Currie:** Madam Speaker, maybe the Premier then could - he's got no process in place here, it seems, to buy the land.

Maybe he's prepared to put a panel in place of two or three qualified individuals that buy land and be open and transparent and show what the price of the land is and get it bought. Instead of trying to this in behind closed doors, maybe you can come up with a process that will do that so all Islanders would feel comfortable, instead of doing it behind closed doors.

**Speaker:** The hon. Premier.

**Premier Ghiz:** I'm not sure, Madam Speaker.

First he was accusing me of sitting down and negotiating with landowners. Now he's saying that it's being done behind closed doors, but somebody should be doing it. It's the same process. We have -

**Mr. M. Currie:** (Indistinct) file.

**Premier Ghiz:** - assessment people within our department that go out - absolutely I'm in charge of the file, but I'm not going to go out and interfere when it comes to purchasing land.

We know that the hon. Member from Georgetown-St. Peters, when he was in power, that's what he did. We don't do that. We allow our bureaucrats to go through a fair assessment process, and they'll come to us with a number. If that number fits within our budget, we'll approve it.

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

**Mr. M. Currie:** A question to the Premier then: Premier, will you bring back to the House, then, an option to purchase this property from the minister and resolve it once and for all then, and we'll settle it. Why don't you do that?

**Speaker:** The hon. Premier.

**Premier Ghiz:** The hon. member can come look at any files he wants. He used to work on this file himself. I'll table anything that I'm able to table in the Legislature, Madam Speaker.

Obviously I can't disclose private information. But everything is done above board. It's been the same process as when the minister was there. There's been no interference whatsoever, and I'm not really sure where his line of questioning is pointing to.

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

**Mr. M. Currie:** Madam Speaker, all we're wanting is that this process be open and transparent.

That's what the Premier always indicated he was going to do. All we're asking for, if there is a need to purchase this property, then do it in an open and transparent manner and provide Islanders, the taxpayers that are going to pay for it, with an option to purchase the property. That's all. Why don't you do that?

**Speaker:** The hon. Premier.

**Premier Ghiz:** It will be done the same way we handle every other piece of property in the province, Madam Speaker.

**Speaker:** The hon. Member from Montague-Kilmuir.

### Lobster prices

**Mr. Bagnall:** Thank you, Madam Speaker.

My first question today will be to the minister of fisheries. Mr. Minister, as you are aware, the lobster industry on Prince Edward Island is extremely important to our economy, and the fishermen depend on fair prices in order to sustain their businesses. In the last number of years, Mr. Minister, we've seen prices paid for lobster off the province higher than what's being paid to our Island lobster fishers. Can you tell me Mr. Minister, what is your government doing to ensure our Island fishermen receive fair prices?

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

**Mr. LeClair:** Madam Speaker, fair prices is a good statement to make as far as all the primary sectors are going.

We want all of our primary sectors to get a fair price for what they produce. The fishery is no different. Lobster, certainly we're looking at all the aspects and all the innuendos that are happening across the Maritimes and across the States and everywhere else, as far as price goes, and it's all over the place. With the dollar the way it is and the markets the way they are right now, the economy, prices are low.

We are working with the PEIFA and all the associations, the processors' association as well, to look at the best value for the product that comes ashore. We certainly are working towards getting the best value for it.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Montague-Kilmuir.

**Mr. Bagnall:** Thank you, Madam Speaker.

To the same minister. Mr. Minister, the fishing season's getting very close, only a few days away. Island fishermen still have no idea what the price is going to be, and they still have no idea, Mr. Minister, what your government is doing to help them.

Mr. Minister, what action will your government take this month to ensure that Island fishermen receive fair pay for their catch?

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

**Mr. LeClair:** Madam Speaker, like I said, we were talking with industry and looking at prices across the board, right across from the States, Canada, in the world.

We've had marketing initiatives throughout China, across Canada. We've put a number of initiatives in in the past year. This spring is no different than other springs when usually the price is set when the lobster starts to come to shore.

The issues are a little different this year. We don't have the amount of popsicles in storage and things like that. The product, processors have been telling me, has moved very well. We don't have those issues. So I am looking forward to - I'm looking forward, and hopefully we'll have a better price when lobsters come ashore.

**Speaker:** The hon. Member from Montague-Kilmuir.

**Mr. Bagnall:** Thank you, Madam Speaker.

To the same minister. There are several government members working in

government today. Have they brought this issue to you, Mr. Minister, with ideas of how to increase the price of lobster and recognize the importance that fishermen get a good price for their catch? Have they brought this issue to your attention?

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

**Mr. LeClair:** Yes, Madam Speaker, they have brought the issue.

I talk to our MLAs in government on a regular basis, very regular. They certainly don't need to channel it through the opposition to tell me what's going on in the industry, and I certainly hear it across the Island from fishers themselves.

As you may not have noticed, when we came in government we dedicated a department to the fishery. We started that off, made a special department dedicated to fisheries. When you were in this department it was agriculture and fisheries. We have our own fisheries portfolio right now. The reason for that is so we could concentrate more on the fishery and more on the industry. It's very important to Prince Edward Island.

Some of the things that some of my MLAs have brought forward to us, since we made this department, like the Future Fisher Program we put in, the rationalization program that we have completed by the end of March -

**Some Hon. Members:** Hear, hear!

**Mr. LeClair:** We have \$4 million into product development and marketing. We changed the peddlers' license, something that you couldn't do, and I don't know why. It was such a simple thing to do.

**Some Hon. Members:** (Indistinct).

**Mr. LeClair:** We changed the criteria for buyers' licenses on the wharf. Basically, everything that the fishing industry asked for, we've accomplished.

**Some Hon. Members:** Hear, hear!

**Mr. LeClair:** We have \$27 million into a low-interest loan program that was asked for for years.

**Mr. Bagnall:** Could you repeat that, hon. -

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

**Mr. LeClair:** Certainly I'll repeat that. Twenty-seven million dollars into a low-interest loan program for fishers to allow them to fish.

**Some Hon. Members:** Hear, hear!

**Mr. LeClair:** All these initiatives have been brought forward by our MLAs and by the fishing industry, and with a dedicated department to the fishery we've accomplished them all.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Montague-Kilmuir.

**Mr. Bagnall:** Thank you, Madam Speaker.

I guess I would start off on that one, yes, when I was minister of agriculture and fisheries lobster fishermen on Prince Edward Island were getting 5.50 and \$4.50 or 4.75 a pound.

**Some Hon. Members:** Oh, oh!

**Mr. Bagnall:** Under your leadership, under your capable leadership, they've gone from 5.50 to \$3.00 a pound. So you've done a great job, minister.

So minister, you can talk about all you've done in the past. What are you going to do for the lobster fishermen today that are suffering for price? What are you going to do to help these guys get a better price? Are you going to sit on your thumb and do nothing? Tell us what you're going to do.

You talk to the PEIFA. They're the fishermen themselves that are looking. They can't do nothing for price. They're a great lobby group, they're a great organization that works hard for the industry, but they don't buy the lobster. What have you done to increase the price for lobster fishing in this province?

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

**Mr. LeClair:** Madam Speaker, we've done numerous things, and I don't want to keep repeating them, but I can assure you one thing.

**Some Hon. Members:** (Indistinct).

**An Hon. Member:** Please do.

**Mr. LeClair:** The price that you had when you were fisheries minister, I assure you, that you had nothing to do with it.

**An Hon. Member:** Hear, hear!

**Mr. LeClair:** That wasn't a price that was set by you, I can assure you that.

All the initiatives we've done - and we've put a lot of money into marketing. We went across Canada in a marketing initiative and it was very well received and we are getting sale for our products and recognition across Canada, across the United States, into China last fall. All these initiatives we were doing to increase the price. We're not doing it for our benefit, but for the benefit of the fishery. It is working. All the programs I talked to

you about a minute ago are all for the long term. This will be for a long-term viable industry.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Montague-Kilmuir.

**Mr. Bagnall:** Thank you.

This question to go to the Premier. Mr. Premier, some of your MLAs took a proposal to you that wanted to do a private member's bill and they asked if they could bring a private member's bill forward, and you said no. They were looking at trying to receive fair prices with everybody in the region.

Why did you turn down your private members and why did you go against the fishermen? Why wouldn't you support them and bring a bill in so they would get fair prices?

**Speaker:** The hon. Premier.

**Premier Ghiz:** Thank you very much, Madam Speaker.

Our MLAs come to me all the time with ideas. They come to me and they say: The previous government would not introduce a low-interest loan program. Can you please introduce a low-interest loan program? I say: Absolutely. Let's put \$27 million into a low-interest loan program.

**Some Hon. Members:** Hear, hear!

**Premier Ghiz:** They say: The previous government wouldn't let them have peddlers' licenses. Can you please introduce peddlers' licenses? I say: Absolutely, let's introduce peddlers' licenses.

**Some Hon. Members:** Hear, hear!

**Premier Ghiz:** They say: The previous government enacted a 30-day moratorium for buyers. Will you please reduce that down to three days so we can get more buyers on the wharf? I said: Absolutely.

**Some Hon. Members:** Hear, hear!

**Premier Ghiz:** Madam Speaker, they've been asking on the south side for a rationalization program for the last number of years.

The previous government said: No, we can't do it, we need the feds to do it. We took a leadership position and we initiated a rationalization program and now it is in place.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Montague-Kilmuir.

**Mr. Bagnall:** Thank you. The Premier is very good at getting up and talking about everything but the question.

The question was asked that his private members came to him and wanted to bring in a private member's bill so that our Island, all Island, fishermen would get the same price that the processors were paying as in Nova Scotia and New Brunswick, and he turned them down. Why would you turn that down, Premier? Why wouldn't you support the fishermen?

**Speaker:** The hon. Premier.

**Premier Ghiz:** I do support the fishermen, Madam Speaker, and I don't turn down any members.

We work together. That's how we came up with the low-interest loan program, with the rationalization program, with the peddlers' license, with getting rid of the moratorium,

with the Future Fishers Program, with a trade mission to China, with working with our other provinces, with them going to the Boston Seafood Show.

We work with the fishers of this province to make sure that we can get the best possible price. There is a world-wide recession going on. You can be like the previous government and say: No, I can't do that. Or you can be like our government and say: Yes, we can do it. That's exactly what we are doing, and that's what we will do into the future.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Charlottetown-Sherwood.

#### **Changes at raceways**

**Mr. Mitchell:** Thank you, Madam Speaker.

My question today is directed to the Minister of Finance and Municipal Affairs. Mr. Minister, recently changes were announced as to the restructuring of operations at both Charlottetown Driving Park and Summerside Raceway Red Shores locations.

Mr. Minister, in discussion with those in the industry, some are unclear about the necessity of these changes. So I'm wondering, Mr. Minister, can you please explain these organizational changes today and break them down a bit?

**Speaker:** The hon. Minister of Finance and Municipal Affairs.

**Mr. Sheridan:** Sorry about that, Madam Speaker.

Be very pleased to explain to you the need for what we have done. Over the last number of years the former administration

did bring forward harness racing in PEI that would try to address some of the issues in the harness racing business here on Prince Edward Island. It was a very strong attempt to do this, and they salvaged the industry as we watch what's happening in the sister provinces across the water. They are going by the wayside.

This industry needed another kick and that's exactly what we did after very thorough consultation with the industry. So the biggest accomplishment that we have done is that we have been able to hive off the whole operation both at the Red Shores CDPEC and Red Shores at Summerside away from Atlantic Lotteries' entire corporation. They have formed a simple entity that is going to operate here on PEI which will be a cost centre which will allow us to maintain and make this a profitable entity unto itself.

The biggest thing that we have achieved with this is that we're going to have the people that are making the decision on racing right at the table making decisions around one single entity. So that on the three pillars of racing, dining and gaming, they'll all be around one table and working together.

Harness Racing PEI as itself was not broken, but the process was. They were operating inside of silos and knocking each other's heads as they were trying to go forward. We have now hired one marketing person for the entire entity. That's Lee Drake, who has extensive background in harness racing, and he will be taking their issues right to the table, as well will be the new manager of racing and the new operations director that will be hired, both of which we hope to be very strong Islanders that will bring this industry to what it can be to all Islanders.

Thank you very much.

**Speaker:** The hon. Member from Charlottetown-Sherwood.

**Mr. Mitchell:** Thank you, Madam Speaker.

Minister, what, if any, will be the effect on those good folks in the industry as well as those employed now at both these historic locations?

**An Hon. Member:** Good question.

**Speaker:** The hon. Minister of Finance and Municipal Affairs.

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

It is indeed a very good question. The biggest thing that we have to achieve at the track is we have to make it sustainable to have a horse and to actually be in this industry. That is a very tough job when we have declining numbers at the track, declining bets, and the dollars are just not there to make a return on investment when you are looking to get into the horse game. We're looking at the total revamping how this is taking place. Marketing initiatives, you'd be following them in the paper and on the news. Lee Drake is doing a tremendous job along with the rest of his marketing group over there to change the way we're trying to bring it to Islanders.

It's a great night of entertainment to bring a group of friends to go to the Top of the Park and enjoy the dining and racing and gaming component of this entire entity.

What we're looking at is we have a very different entertainment package that we can sell to the region. We're the only group left that can put this forward and that will achieve greater returns for our horsemen.

As to the people that work at both entities, unless we continue to make these two places

thrive they would be going home. But under this new initiative we hope that we will only get bigger and better and to make it a viable industry into the future.

Thank you very much.

**Speaker:** The hon. Member from O'Leary-Inverness.

### Coroner services in West Prince

**Mr. Henderson:** Thank you, Madam Speaker.

My question is to the hon. Minister of Education and Early Childhood Development and Attorney General. Over the past 30 years Dr. Roy Montgomery provided coroner services to the West Prince region. To my knowledge, since January 1<sup>st</sup>, there's only one person west of Charlottetown, and that person is based out of Summerside providing those services. This has been a very large inconvenience to the funeral arrangers in the West Prince region.

Will the department select someone that will replace Dr. Montgomery to provide these essential services in the West Prince region?

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

**Mr. D. Currie:** Thank you, Madam Speaker.

That is a good question by the hon. Member from O'Leary-Inverness. I have been just informed that Dr. Roy Montgomery has resigned from his position as coroner in the western part of the province by our chief coroner Dr. Charlie Trainor. We were pleased to announce that we have just brought in Dr. Trevor Jain to supply coroner

services in the Queens County area.

But I want to reassure the hon. Member from O'Leary-Inverness that we will be working closely with physicians. Under the *Coroners Act* the service has to be provided by a physician, so we'll be starting discussions with Dr. Charlie Trainor to look at other alternatives and other physicians who may be interested in providing the service in West Prince.

Thank you, Madam Speaker.

**Speaker:** The hon. Member from O'Leary-Inverness.

**Mr. Henderson:** Supplementary, Madam Speaker, to the same minister.

Could another physician in the O'Leary region be selected to do this? Is it even possible to have someone other than a physician that might be on staff at Community Hospital to be able to provide those services?

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

**Mr. D. Currie:** Thank you, Madam Speaker.

As of now, under the *Coroners Act*, a physician is designated to provide those services across our province. My department right now is looking at reviewing the act to look at what other jurisdictions are doing to provide that service. There are other models across Canada that we are reviewing, but immediately we'll be working very closely with Dr. Charlie Trainor to address the needs of the community of West Prince. I'll be more than willing to work with the MLAs in the west to make sure that happens as soon as possible.

Thank you, Madam Speaker.

**Speaker:** The hon. Member from Montague-Kilmuir.

**Lobster prices (further)**

**Mr. Bagnall:** Thank you. My question is to the hon. Minister of Innovation and Advanced Learning.

Minister, you were a fisherman and you were the previous minister of fisheries. You were in Cabinet. Have you taken a bill to Cabinet asking government if they will make sure that our fishermen are paid the same price as other fishermen in other regions? Have you done that for the fishermen?

**Speaker:** The hon. Minister of Innovation and Advanced Learning.

**Mr. Campbell:** Thank you very much, Madam Speaker.

As the Minister of Fisheries, Aquaculture and Rural Development indicated, the price of lobsters is of great concern to this government. As he and the Premier have both indicated, we have gone to great lengths to make investments in the fishery to try and improve the situation, not only in the short term but to make a long-term viable fishery here in this province.

This government has invested more in the fishery - and I know, as a former fisherman, I know what the previous government invested in the fishery - this government has invested more into the fishery in this province than any government in the history of Prince Edward Island, something we're very proud of.

**Some Hon. Members:** Hear, hear!

**Mr. Campbell:** We're going to continue to

work with the industry, Madam Speaker, to make sure that our fishery is sustainable not only in the short term, but that we have a vibrant, viable fishery into the future for our young fishermen who are coming along as well.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Montague-Kilmuir.

**Mr. Bagnall:** Thank you. I take it from that non-answer that you didn't take the fishermen's ploy to the Premier and to Cabinet.

Premier, do you realize that the fishermen of today are right now contemplating and taking their catches off-province to sell - processing - because they can get more money? Do you realize what that's going to do to your economy? Will you stand up today and say that you will bring in some regulations there to make sure that our Island fishermen get paid the proper price? Will you stand up to be accountable?

**Speaker:** The hon. Premier.

**Premier Ghiz:** Thank you very much, Madam Speaker.

We believe in the free market. I don't know why, when the Member from Montague-Kilmuir was minister, he didn't bring in legislation and bring in the price of \$10 a pound. If it was that easy, that's what he should have done, or perhaps he can bring it in now. We know that we have co-ops in the province that run great facilities like Royal Star. I'm not sure if they would really want legislative pricing.

We brought in measures in this province - peddler's licence - brought in new buyers'

rules to allow them, brought in low-interest loan programs, brought in rationalization programs. We've done our part to make sure that we've been listening to the fishermen. Now we've gone out, we've partnered with them on trade missions to different regions to look for new markets, and we hope that we're going to see a higher price on the wharves come this spring.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Montague-Kilmuir.

**Mr. Bagnall:** So I take it, Mr. Premier, you will do nothing to help the fishermen this year to make sure that they get a better price. You will not stand up for them. You are hiding behind anything that's happened in the past and talk about everything. We're talking about next month's - the price of lobster on Prince Edward Island. You have a chance. You're the leader. Don't try to pass the buck on opposition or anybody else. You're the leader. You're the head person in this province. You can stand up and support the fishing industry to make sure that they get a fair price. Will you do that?

**Speaker:** The hon. Premier.

**Premier Ghiz:** That is exactly what we were doing, Madam Speaker.

If the Member from Montague-Kilmuir, perhaps the future Leader of the Opposition, has any ideas on what he wants to do, he can feel free to bring forward legislation and we'll debate it here in the House.

**Speaker:** The hon. Member from Montague-Kilmuir.

### **Two-tier minimum wage**

**Mr. Bagnall:** Thank you, Madam Speaker.

My question now will be for the Minister of Community Services, Seniors and Labour. Madam Minister, you recall during the fall session that your government passed legislation endorsing two-tier minimum wage in this province, which you voted for, by the way.

I'm sure you've see and heard public, in the newspapers and in the media, the outcry over bringing in two-tier wage. Minister, will you take it upon yourself to repeal that section of the act immediately without waiting for whatever? Will you do that now?

**Speaker:** The hon. Minister of Community Services, Seniors and Labour.

**Ms. Sherry:** Thank you, Madam Speaker.

In the last session of the Legislature the *Employment Standards Act* was on the floor of the House. At that time there was a recommendation came forward saying that they were going to review the enabling legislation at committee. We are going to wait until the report comes back to the House from the committee and we will have further discussion on that at that time.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Montague-Kilmuir.

**Mr. Bagnall:** Madam Minister, as you know this is an important issue for Islanders across the province.

You're a new minister. You should show some leadership. The previous minister ducked and hid and put it to a committee so she wouldn't have to make a decision. What I'm asking you today is show some leadership. Show some leadership here and say that you will take that out. You've heard

from Islanders across the province. We know what Islanders want. They want it taken out. We don't want you ducking and hiding like the previous minister. Stand up and be accountable. Will you stand up today and say that you will repeal that section immediately?

**Speaker:** The hon. Minister of Community Services, Seniors and Labour.

**Ms. Sherry:** Thank you, Madam Speaker.

I certainly do respect the process of this government, and I certainly do respect the opinions and positions of all Islanders. I respect the process. I do believe that this issue went before a committee of the Legislature. They will be bringing the recommendations to the floor of this House and at that time there will be a response to the people of Prince Edward Island.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Montague-Kilmuir.

**Mr. Bagnall:** Thank you, Madam Minister.

As you know, we're getting into processing season, we're getting into the tourism season, and we have restaurant operators that are going to be opening for seasonal business. Minister, will you stand up and tell them today that you're going to look after that problem on two-tier minimum wage, that you know it's wrong and you can't support it? Will you stand up and tell them you will take that out of the act and for them not to worry because you're going to treat them like equals, not like the previous minister? That you're going to treat them equally and you will repeal that section? Will you stand up and do that today?

**Speaker:** The hon. Minister of Community Services, Seniors and Labour.

**Ms. Sherry:** Thank you, Madam Speaker.

Like I've mentioned on a couple of occasions already this afternoon, there is a process in place. The committee has had a process for the general public to come forward. I understand that there was quite a large turnout for the hearings and I certainly am waiting for what the results of that committee's report will be. The people of Prince Edward Island are first and foremost, as the minister responsible for labour. I respect the process, and again I will say, I will wait until that report comes back to this House.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Montague-Kilmuir.

**Mr. Bagnall:** Thank you, Madam Speaker.

One more question. You're saying that you're waiting for the report of the committees before you make your decision. Will you take the committee's response, whatever it might be? Will you follow that report? If they tell you that no, you got to keep minimum wage, will you keep it? If they tell you you can't, will you take it out? Will you enact the report? As a minister, will you stand up and say that you will follow the direction of the committee?

**Speaker:** The hon. Minister of Community Services, Seniors and Labour.

**Some Hon. Members:** (Indistinct).

**Speaker:** Order, please!

**Ms. Sherry:** Thank you, Madam Speaker.

Again, I will say, we will take into consideration the report from the legislative committee and we will review what those recommendations may be, and then a decision will come forward. We certainly will take the consideration of the people of Prince Edward Island.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from Montague-Kilmuir, final question.

**Mr. Bagnall:** Madam Minister, I'm disappointed. I thought you would come in and you would take some leadership. We know the previous minister wouldn't. We know the previous minister tried to hide it through, tried to push it through, finally put it to committee. When it was brought as an issue she tried to hide away by putting it out to committee.

I'm asking you: Will you stand up and be accountable today? Will you stand up and say: I don't believe in two-tier minimum wage, I will not let that take place in this province?

**Speaker:** The hon. Minister of Community Services, Seniors and Labour.

**Ms. Sherry:** Madam Speaker, I don't know whether there's an issue here of not being able to hear the response, but I will say it again clearly on the floor of this House, that I will take into consideration the views of the people of Prince Edward Island and we will make our decisions based on what those recommendations will be from the committee.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

### Statements by Ministers

**Speaker:** The hon. Minister of Environment, Energy and Forestry.

### **Energy audit**

**Mr. Brown:** Madam Speaker, I am pleased to announce today that homeowners will no longer need to pay for the energy audits to qualify for grants or loans under the PEI Office of Energy Efficiency.

**Some Hon. Members:** Hear, hear!

**Mr. Brown:** Last week, the federal government cut the funding for the ecoEnergy Retrofit program -

**Some Hon. Members:** Shame, shame!

**Mr. Brown:** - that offered energy audits to homeowners to reduce their energy cost. Each audit cost \$500. It is disappointing that the federal government doesn't see the value in continuing this most important program. It is a well known fact that the cheapest energy is the energy you save.

The provincial and federal government program worked well together to leverage money for homeowners to upgrade their homes.

Energy audits were the first step in qualifying for energy efficiency loans and grants. We are dropping that requirement because we are committed to encouraging Islanders to reduce their energy consumption. And we know from the audits that have been done to date what must be done in order to reduce your energy.

We will continue to offer the best practices for Islanders to become more energy conscious. All provincial incentive program will continue with no changes.

**Some Hon. Members:** Hear, hear!

**Mr. Brown:** The PEI Office of Energy Efficiency has been very successful in helping homeowners make changes to reduce their energy consumption. Since the office opened two years ago, more than 4,000 energy audits were done. Eight hundred loans were processed, totalling \$5 million. Eight hundred and sixty-five grants were processed, totalling \$650,000. The average homeowner received \$2,500 in grants. The average energy savings for these homeowners was \$1,200 a year.

These programs not only helped people save money, they were good for the environment by reducing greenhouse gases.

The PEI Office of Energy Efficiency will be at the Provincial Home Show this weekend with information on all that is available in the program. I encourage Islanders to visit the booth to find out what steps they can take to reduce their energy costs and how government can help.

A complete list of eligible upgrades is available at the government website, Madam Speaker.

Thank you very much.

**Some Hon. Members:** Hear, hear!

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

### **Removal of weight restrictions**

**Mr. MacKinley:** Madam Speaker, thank you very much.

I'm very pleased to rise in the House here today, this afternoon, to announce that effective 12 p.m. today weight restrictions are removed on all Island roads.

**Some Hon. Members:** Hear, hear!

**Mr. MacKinley:** The weight restrictions were put on to save our many roads that haven't seen a lot of asphalt in a lot of years. What happens is they break up and then it comes in about 200 to 300,000 to fix these particular roads.

I also want to thank the trucking industry for their cooperation and compliance over the past month-and-a-half. They've been very patient with our department and myself. I want to especially thank the potato farmers out there that have phoned me and even brought me up to speed on some of the roads that should have been posted that weren't. I think because they tell me that because there's so much paving going on in the rural areas that they're really cooperating with us, and I appreciate it very much.

Thank you very much.

**Some Hon. Members:** Hear, hear!

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

### **Professional Development Day**

**Mr. D. Currie:** Madam Speaker, I rise today to remind you and my fellow House members that tomorrow is a professional development day for teachers in our public school system.

The PD day was originally scheduled for last fall. However, in order to carry out the H1N1 immunization program on schedule, teachers were asked to proceed with a regular instructional day, and reschedule their PD agenda for this spring.

Professional development is essential for improved instruction and student achievement. We know that the quality of

our education system depends a great deal on the quality of instruction offered by teachers. Professional development days offer an excellent opportunity for teachers to come together to share and learn from each other. As teachers and administrators gather tomorrow to improve their knowledge and skills, build collaborative networks, and renew their focus on learning, I want to acknowledge their commitment to student achievement and quality teaching and learning.

During this PD day, one of Canada's outstanding educators, recognized as an international leader in the education field, will be speaking to school administrators.

Dr. Avis Glaze is recognized for her work in leadership development, student achievement, school and system improvement, character development, and outcome equity for all students. Dr. Glaze believes all children can learn with the proper supports and effective teaching. She has much to offer in the area of system-wide improvement and growth. We are very fortunate to be able to bring her expertise to our educational community.

Teachers and administrators are partners in learning, and play an important role in strengthening our educational system. One of our priorities in the Department of Education and Early Childhood Development is to engage teachers and all education partners to work with me to initiate effective, positive change for a stronger system of learning for the future.

I am pleased to be able to support opportunities for our educators to strengthen skills.

Thank you, Madam Speaker.

**Speaker:** The hon. Minister of Health and Wellness.

### **April is Cancer Month**

**Ms. Bertram:** Thank you, Madam Speaker.

April is Cancer Month, and people across our province, our nation, and the globe are combating cancer. An estimated 171,000 Canadians were diagnosed with cancer in 2009.

Here on Prince Edward Island we have many wonderful organizations who are working diligently to help in cancer awareness. They provide information and resources, they maintain research endeavours, advocate for programs and policies, and provide support for patients and their families.

Today I'd like to take a moment and recognize organizations in our province who are dedicated to supporting the fight against cancer. Organizations including the Provincial Cancer Treatment Centre, the Canadian Cancer Society, the Canadian Breast Cancer Foundation, PEI Prostate Cancer Support Group, Prince Edward Island Breast Cancer Information Partnership, provincial cancer screening programs, our Cancer Registry, and the PEI Cancer Control Strategy Committee, just to name a few.

Our government is pleased to have officially opened the expanded PEI Cancer Treatment Centre, a \$4.1 million dollar investment, including a new linear accelerator. We have on staff at the Cancer Treatment Centre 14.5 radiation therapists, two radiation oncologists, three medical oncologists, three oncology associates, a mechanical technologist, six medical secretaries, five medical physicists, eight point five registered nurses, a social worker, a dietician, a spiritual care worker and a nurse practitioner. We are currently working on a cancer patient navigator program to help support individuals faced with this disease.

The Province of PEI also signed an MOU on wait times guarantees for radiation therapy, and this MOU guarantees treatment within 8 weeks of patient being ready to treat.

There have been nine cancer drugs that have been added to the PEI drug formulary since 2007 at an investment of \$1.5 million. In February of last year our government announced a modernization to our drug program, and we are continuing to work to fulfill that commitment. We currently have a program in our drug formulary dedicated to high cost.

We have also put into place smoking laws to help protect Islanders' health and we are working on our colorectal cancer screening program to help with early detection.

Is the work finished? No. Are we working to improve our system and improve the lives of Islanders faced by this disease? Yes.

Cancer is a disease that is affecting and touching many families across PEI, either directly or indirectly. I am proud to stand here in this Legislature and recognize April as Cancer Month, recognize the organizations and all the work that has been done, and work to be realized, within our one Island health care system.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

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

#### **Funding for new recreational facilities**

**Mr. LeClair:** Thank you, Madam Speaker.

I was pleased to join my federal colleagues this morning in Fort Augustus to announce funding of \$50,000 for new recreational facilities in Georgetown and Fort Augustus.

The new funding will be used to purchase slides, climber and walking bridges for the Georgetown Elementary School playground. It will buy new swings and equipment for the Fort Augustus playground, and nets for the soccer field. It will also allow for needed upgrades to Fort Augustus Lions Club.

The projects are made possible through the provincial Island Community Fund and the federal Recreational Infrastructure Canada Fund.

These investments are very much in line with the goals of our Rural Action Plan which is about making our rural communities better places to live and work.

With a focus on recreation, both projects will provide Islanders with more opportunities to socialize and be physically active which contributes to good health and well being.

Our support is made possible through our Island Community Fund which is providing more than \$27 million over six years for strategic investments in our Island communities.

This government believes in the potential of rural communities.

As minister with responsibility for rural development I am pleased that my department has responsibility for the Island Community Fund. It's an excellent support for the many partnerships we have developed with rural communities to identify and act upon developmental opportunities and enable them to thrive and grow.

Thank you very much, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Minister of Innovation

and Advanced Learning.

**Mr. Campbell:** Thank you very much, Madam Speaker.

With your indulgence while I'm up, might I recognize somebody who's joined us in the gallery before I start my minister statement?

**Speaker:** Carry on.

**Mr. Campbell:** I'd like to welcome someone who's joined us just recently in the gallery, Mr. Brendan Duffy who anyone who's been down around the government complex would recognize as Duff. Duff delivered the mail for a long time down at the government complex and recently retired. Duff, it's great to see you here today and I hope you're enjoying your retirement.

**Some Hon. Members:** Hear, hear!

### **Chandler's Cabinets and Millwork expansion**

**Mr. Campbell:** Madam Speaker, I rise to congratulate another company for expanding in Prince Edward Island.

Earlier today, myself, the hon. Member from Charlottetown-Sherwood, and the hon. Member from West Royalty-Springvale, who's also the local MLA, had the opportunity to tour Chandlers Cabinets and Millwork, which is now located at the West Royalty Industrial Park.

As an Island-owned and operated company, Chandlers is an industry leader, not only in PEI but around Atlantic Canada and the United States. Our government is pleased to partner with business leaders such as Joe Corcoran and Mark Steele. The Government of Prince Edward Island is providing support to help the company move into its new facility and purchase new equipment.

As a result of the expansion, Chandlers has created a 25,000-square foot manufacturing department. The investment is creating jobs and diversifying the economy in Prince Edward Island. The company employs upwards of 75 skilled workers that can produce anything from a simple desk to a mid- to large-scale millwork project.

Mr. Steele told us this morning they've hired 20 new full-time employees, 15 part-time employees, and are now advertising for 12 more full-time employees.

**Some Hon. Members:** Hear, hear!

**Mr. Campbell:** These employees, Madam Speaker, are using the latest technologies in machinery from kitchen cabinets to hospital labs.

Chandlers delivers a top-notch product and quality service. The company has shipped cabinets and millwork across the province, Atlantic Canada, Boston and the New England region and they're now looking at expanding their markets into the Caribbean, and we wish them all the best in that endeavour.

I'm thrilled to see this work taking place right here at home on PEI. Governments and industry are working together to strengthen the economy. Government is investing in business development activities across Prince Edward Island.

As the Minister of Innovation and Advanced Learning, I believe in supporting local businesses. Projects that lead to job creation for Islanders will continue to be an important part of our government's economic development strategy.

I am honoured to extend a sincere thank you to Joe Corcoran and Mark Steele and the management and staff at Chandlers Cabinets and Millwork. These business leaders are

investing in their company to meet growing demand. They're showing confidence in their employees, the Island workforce, and the Island economy.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** I will now give way to the hon. Member from Vernon River-Stratford for recognition.

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

I'd like to recognize those in the gallery, Duff and Eddie and all others, but especially the young lady who served us here as Page. Did a super job. Sarah. She also served here in the summer in the youth parliament. So I know she's here today critiquing the work of the Pages and our present Table officers. I really want to welcome Sarah here today.

**Some Hon. Members:** Hear, hear!

Presenting and Receiving Petitions

Tabling of Documents

Reports by Committees

#### Introduction of Government Bills

**Speaker:** The hon. Premier.

**Premier Ghiz:** Thank you very much.

Madam Speaker, I beg leave to introduce a bill to be intituled *Government Reorganization Act*, and I move, seconded by the Honourable Minister of Finance and Municipal Affairs, that the same be now received and read a first time.

**Speaker:** Shall it carry? Carried.

**Clerk:** *Government Reorganization Act*, Bill No. 35, read a first time.

**Speaker:** Hon. Premier, brief explanation?

**Premier Ghiz:** Thank you. This bill basically just provides legislative updates with regard to the January Cabinet shuffle, different departments that are now in place.

**Speaker:** The hon. Minister of Finance and Municipal Affairs.

**Mr. Sheridan:** Thank you very much. Madam Speaker, I beg leave to introduce a bill to be intituled *Statistics Act*, and I move, seconded by the Honourable Government House Leader, that the same be now received and read a first time.

**Speaker:** Shall it carry? Carried.

**Clerk:** *Statistics Act*, Bill No. 36, read a first time.

**Speaker:** Hon. Minister of Finance and Municipal Affairs, a brief explanation.

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

This is a bill that will allow us to provide for the establishment of a bill of statistics and the enactment around that employee-wise, and all that it will bring forward. Many of these portions of sections inside this bill will speak to what it can do for our rural areas, and it will be part of our Rural Action Plan.

Thank you very much.

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

**Mr. D. Currie:** Madam Speaker, I beg leave to introduce a bill to be intituled *Gift Cards Act*, and I move, seconded by the

Honourable Minister of Finance and Municipal Affairs, that the same be now received and read a first time.

**Speaker:** Shall it carry? Carried.

**Clerk:** *Gift Cards Act*, Bill No. 27, read a first time.

**Speaker:** Minister, a brief explanation?

**Mr. D. Currie:** This legislation will require clear disclosure of terms and conditions on gift cards and will also prohibit expiry dates and service fees. Gift cards are an increasingly popular option for consumers and this new legislation will help ensure that Islanders will receive the full purchase value of the cards. Consumer protection.

**Speaker:** The hon. Minister of Health and Wellness.

**Ms. Bertram:** Thank you, Madam Speaker.

Madam Speaker, I beg leave to introduce a bill to be intituled *An Act to Amend the Hospital and Diagnostic Services Insurance Act*, and I move, seconded by the Honourable Minister of Environment, Energy and Forestry, that the same be now received and read a first time.

**Speaker:** Shall it carry? Carried.

**Clerk:** *An Act to Amend the Hospital and Diagnostic Services Insurance Act*, Bill No. 32, read a first time.

**Speaker:** Minister, a brief explanation?

**Ms. Bertram:** Thank you, Madam Speaker.

This act's amendments and its regulations establish a plan of hospital care insurance in the province in compliance with the *Canadian Health Act*. The proposed amendments to this act are mainly

housekeeping in nature, meant to improve drafting language and ensure the act corresponds with the health government system under Health PEI and the Department of Health and Wellness and amendments to the regulations under the act or plan as well.

**Speaker:** Motions Other Than Government.

The hon. Member from Montague-Kilmuir.

**Mr. Bagnall:** Thank you, Madam Speaker.

I move, seconded by the hon. Leader of the Opposition, that order No. 10 be now called.

**Speaker:** I called motions. That would be under -

**Mr. Bagnall:** Oh, okay.

#### Orders Other Than Government

**Speaker:** Now it's your turn.

The hon. Member from Montague-Kilmuir.

**Mr. Bagnall:** Thank you, Madam Speaker.

I move, seconded by the hon. Leader of the Opposition, that Order No. 10 be now read.

**Speaker:** Shall it carry? Carried.

**Clerk:** Order No. 10, *Public Interest Disclosure Act*, Bill No. 100, ordered for second reading.

**Speaker:** The hon. Member from Montague-Kilmuir.

**Mr. Bagnall:** Madam Speaker, I move, seconded by the Honourable Leader of the Opposition, that the said bill be now read a second time.

**Speaker:** Shall it carry? Carried.

**Clerk:** *Public Interest Disclosure Act*, Bill No. 100, read a second time.

**Speaker:** The hon. Member from Montague-Kilmuir.

**Mr. Bagnall:** Thank you. Madam Speaker.

I move, seconded by the Honourable Leader of the Opposition, 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'd call upon the Deputy Speaker to come down and chair the Committee of the Whole House.

**Chair (Biggar):** The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *Public Interest Disclosure Act*, Bill No. 100.

Hon. Leader of the Opposition, would you like to make a brief statement about the bill?

**Leader of the Opposition:** Yes, I would.

First off, I want to mention that often in this Legislature we talk about past practice, we talk about opportunities that, you know, perhaps there should be more checks and balances, especially in government, to ensure that there is one taxpayer for us all in the province.

This afternoon we have an opportunity here on the floor of the House to actually prove to the people of PEI there are opportunities that government and opposition can actually work for the better good of all the people in the province.

This public disclosure act is before us this afternoon. We strongly believe, in opposition, it's one of the most important

pieces of legislation to be brought before our Legislature. Our *Public Interest Disclosure Act* was introduced in the Legislature, as you know, this past fall sitting. This afternoon we want to make it very clear to all concerned that the legislation is not about embarrassing any government. It's about doing the right thing. It's non-partisan. It's a piece of legislation that we believe will truly lead to better government for all of Prince Edward Island.

It's also legislation that's long overdo. We believe that it's about ensuring that no worker in our government, in any government for that matter, finds themselves in a position of having to turn a blind eye or being afraid to speak up when they witness events of wrongdoing because they're afraid they're going to lose their job.

More importantly, it's about restoring confidence in the integrity of our government and its members. This legislation will help us to ensure transparency, accountability, financial responsibility, and ethical conduct, are no longer just catchphrases but are actually fundamental pillars that will strengthen and enhance the public's trust in our government, our political system, and all its institutions.

But this is not something that the three members of opposition can do on our own. We need the help and support of the Premier, of all the Cabinet members, as well as all the MLAs in the room. We believe that this legislation upholds the principles of good government. We can all aspire to this. All of us in the provincial Legislature have been elected to serve all the people in the province. This is an opportunity to uphold the integrity and respect of the Legislature, its members and our public servants.

We've been entrusted with a very great duty, and I believe that this legislation will

go a long way to ensure better government for all Islanders. I believe that all our MLAs, no matter what political stripes, aspire to these principles, that we all understand that it's time to actually do the right thing. We'll be asking for unanimous support of our legislation this afternoon.

This legislation can serve as a model for other provinces in Canada, and perhaps even the world. This bill is being brought forward today to debate based on the advice of experts in the field, some of whom are on Capitol Hill today assisting the United States legislature in their deliberations for what's commonly referred to as whistle-blower legislation.

Just to let you know how important the work is here, both the U.S. partner that's called GAP - and I'll talk about them in a little while - but also we have with us David Hutton who's the executive director of FAIR. FAIR is what's known as the Federal Accountability Initiative Reform. This is a not-for-profit group that have expertise in legislation like this, but also in terms of providing support to people that find themselves in need of legislation like this.

For the past several months we've been lucky enough for them to work with us free of charge, at no cost to any taxpayer dollar here in the province, as well as to their sister organization. We had also sent our bill to our union representatives and we also received feedback from them as well.

FAIR is a very respected Canadian charity. It's been advocating for whistle-blowers for more than a decade. FAIR's mission is to protect whistle-blowers who protect the public interest. FAIR promotes integrity, accountability within government by empowering employees to speak out without fear of reprisal when they encounter wrongdoing. Our aim is to support legislation and management practices that

will provide effective protection for whistle-blowers and hence occupational free speech in the workplace.

It was founded in 1998 by Joanna Gualtieri. FAIR is a registered Canadian charity run by volunteers. The executive director is David Hutton, and FAIR, when they did the assessment of this particular Bill 100, they came out with a loud and clear statement that says: This bill is an excellent initiative and worthy of unqualified support.

FAIR has conducted a detailed assessment of Bill 100 with assistance from Tom Devine. Tom is the legal director of the sister organization in the United States of America, the Government Accountability Project, GAP. Mr. Devine is the world's leading authority on whistle-blower law. The methodology they used to assess the provision of the bill was against international best practices for whistle-blower legislation protection. The standard that they chose to use in this case was GAP's checklist of 20 requirements. Our legislation earns a pass grade for 15 out of the 16 requirements that are applicable because the other four don't matter in this case.

**Chair:** Perhaps we can move into the act.

**Leader of the Opposition:** Before we move into the act, I'd like to ask the permission of the House to bring David Hutton on the floor, who's the expert who provided support to us on this bill. Can we have -

**Chair:** Is it agreed? Agreed.

**Leader of the Opposition:** Thank you.

**Chair:** Okay, we'll just give the Pages a moment to set up. Come ahead, though.

Is it the pleasure of the Legislature that the act now be read clause by clause?

**Premier Ghiz:** No, let's ask some questions.

**Chair:** Ask questions? Okay. Certainly.

**Leader of the Opposition:** Just before you ask some questions, Dave'd like to make a comment, just a little bit about himself.

**Some Hon. Members:** (Indistinct).

**Chair:** It's the House that decided whether we go clause by clause, hon. member, but you can ask questions off of each clause. Okay?

The House has decided not to go clause by clause, but if anybody has a question, certainly we'll get to them.

Hon. member, are you ready to proceed?

**Leader of the Opposition:** Yes.

**Chair:** Okay.

**Leader of the Opposition:** Who had the first question?

**Chair:** The hon. Minister of Finance and Municipal Affairs.

**Mr. Sheridan:** Thank you very much, Madam Chair.

My first question is for the hon. Leader of the Opposition. I'd like to first agree with what you were saying to the point that it is important that there's legislation in place inside the government to control and enable any employees to make sure that they're very free and fair to go forward to those inside government to report any wrongdoings that you talk about.

The issue that I have is that, as the overseer of the Public Service Commission, and all the research that I've been able to come

across in the time between your introduction of the bill on the floor last fall and this time, is that there is a significant amount of legislation in place at this time.

I guess my first question is: Could you please, by all the extensive research that you've done, tell us here in the House the difference between what your bill would achieve and allow for employees of the government versus legislation that is in place here in Prince Edward Island now?

**Leader of the Opposition:** Sure. Perhaps what I'll do is I'll start and then I'll turn to my advisor to add anything.

I know one of the questions this morning when we did our original briefing was: Why wouldn't the *Human Rights Act* protect staff and workers? As people know, the *Human Rights Act* is mostly to protect people from discrimination, discrimination whether it's political discrimination, etc. This particular act protects workers and gives them the legal vehicle that if, for example, they have to, they can actually go to a court and get their settlement so that they can receive financial compensation as well as their job back. It's stronger legislation.

The other part, too, is in cases where legislation like this has been put in place it often acts as a deterrent, so it actually saves governments money, not with the fact that so many people rush to come forward, but with the fact that the legislation's actually in place.

Maybe, David, I'll let you add to that, please.

**David Hutton Advisor:** Yes, it's a very good question.

I think what members need to recognize is that whistle-blowers, without legislation specifically designed to protect them, are

really taking a suicidal step in terms of their career by stepping forward. That's what all our experience shows. Even in the jurisdictions that have the strongest legislation in place it's still a very dangerous thing to do. Even in those jurisdictions only 20% or so of whistle-blowers actually win their cases for reprisal in the court. Most of them fail. Of those who win their cases, about 50% lose their jobs in any case.

Those are in the jurisdictions that have the strongest legislation. So you can imagine that unless there is purpose-built legislation to provide for this situation, they really have no chance at all.

**Chair:** Anything further?

**Mr. Sheridan:** Thank you, Madam Chair.

Just to follow up to that question - and I agree fully with what you're saying - what the issue is here, we're not talking about a *Human Rights Act* that we're talking about at all, but inside our province we have our FOIPP, our *Freedom of Information and Protection of Privacy Act*, as well as our *Occupational Health and Safety Act* and the *Child Protection Act* and even our *Public Health Act*, all of which enables our employees to go forward internally and make sure that they have the strength and the rights to go to those in authority in their departments and achieve these same goals.

I'm standing with what you're saying. I believe inside our legislation that we have exactly that. In fact, our employees feel that they have the right to go forward and do just that. I just need to know what inside your legislation would ever change or make it more efficient or stronger legislation.

**Leader of the Opposition:** Sure. Basically what you're describing is many internal processes that are put in place. Often where whistle-blowers get to the point where they

have to feel that they have a need to come forward is more in the areas of cases of (Indistinct) corruption. It's more in the cases where maybe there's more than one person involved.

When you're referring to the child welfare act, etc. certainly someone can go to their boss if it's over a supervision issue. We have even the employment assistant plan available for staff if it has to do with work place incidences that are more on an employee-employer relationship issue from employment.

This particular act is actually dealing with the notion that when you're dealing with such large amounts of money in government it's important to have tools available that protects government and puts the checks and balances. Perhaps I'll ask David to talk about a study that was done by PricewaterhouseCoopers in Washington, I believe, that actually addressed that very issue.

**Chair:** Just for your information, that's for recording, so if you can keep your voice up so members can hear.

**David Hutton Advisor:** Okay, (Indistinct), good. I hope you can all hear me.

The study that is referred to here was done by PricewaterhouseCoopers in 2007. It surveyed internationally more than 5,000 executives of organizations. What they discovered was - they were looking at incidences of white collar crime and fraud. What they discovered was that of the frauds that had been uncovered, the employee tipoffs were by far the most effective way of uncovering those. More than 43% of all the frauds uncovered were uncovered through employee information and that was way ahead of every other measure that organizations used such as internal order audit, risk management and so on.

So it is recognized to be the single most effective way of combatting corruption and wrongdoing in organizations.

**Leader of the Opposition:** Just one more comment to that. I'm sure everybody in the Legislature is familiar with what happened in Nova Scotia where a number of politicians abused their constituency allowances, and it raised an issue of trust in the public in terms of how does that happen. Also there was a case in Newfoundland that involved not only MLAs but also senior bureaucrats.

Again, members of the general public, I know each of us deal with our own constituents, as well as some of us are lucky enough to go Island-wide. A number of Islanders often say to me things like: How can those things happen?

I know we often, as politicians, use the word that we believe in open, transparent and accountable government. This is just another tool that helps with that.

**Mr. Sheridan:** Another question, Madam Chair.

**Chair:** Followup question?

**Mr. Sheridan:** Sure, yeah.

**Chair:** Okay. Then I'll go to the Minister of Innovation and Advanced Learning.

**Mr. Sheridan:** I don't disagree with that, and that's very important. Both of the cases that you speak about were both found by the Auditor General, but that's great. We don't disagree with the fact that this is a very important process.

What I'm saying, after extensive research on our end, is that the legislation that we have in place now actually is better than some of the legislation that has been introduced in

other jurisdictions and we're getting very strong results here in the Province of Prince Edward Island. What I find is that our existing legislation actually may be stronger than what you're proposing in yours.

As my original question asked, could you please point out something that is in your bill that is not inside our existing legislation that would make any employee of the Prince Edward Island government more comfortable?

**Leader of the Opposition:** A simple answer to that is we have no legislation on whistle-blowing legislation right now. This is the only act to date for Prince Edward Island that covers and protects an individual employee who sees wrongdoing and has to feel that if you can't deal with it anymore - because it's something that happens. Again, it's not, as you referred to, the child welfare act, you referred to a number of provincial acts that have more to do with employee-employer work relationships under normal circumstances, maybe difference of opinions, etc.

In this case, this act actually has to do with putting the checks and balances in place for open, transparent, accountable government, but also for protection for the people that work. Again, whether or not people understand what it must be like for someone that is working in an environment that they really find is not appropriate, that there is a lot of stress on, a lot of pressure that they're asked to do things that aren't normal practices. They really want to believe in the system. It's really difficult. What this act will do is hopefully give them the confidence that they're able to come forward, as well as act as a deterrent from this time forward when you get to pass this act today as a deterrent that it doesn't happen in the future either.

Do you want to add to that, David?

**David Hutton Advisor:** Yeah, I should. I can't speak to the legislation you're referring to. I haven't looked at it. But just based on experience I'd be very skeptical that any of this would do the job. Simply because we know from experience that even purpose-written legislation, it's quite hard to do the job adequately.

The situation that occurs when you have a whistle-blower is that an individual who may be a fairly low-level employee in many cases finds themselves up against, basically, the resources of an entire government department or a corporation. It's just a tremendously unequal battle. There are high stakes because there may be people in positions of power who stand to be exposed. It's a David-and-Goliath situation and it's taken some years of experience in other jurisdictions to build legislation strong enough to deal with that situation.

So just based on experience I'd be very skeptical that you've have anything in place just now that would do the job.

**Mr. Sheridan:** My last comment on that -

**Chair:** Sure.

**Mr. Sheridan:** - and I don't need an answer to it and I'll allow the others to move on -

**Chair:** And I can come back to anything else.

**Mr. Sheridan:** - sure - it's just that I have to strongly disagree with that. (Indistinct), with due respect, that you haven't looked at our legislation that is in place before coming on the floor to talk to us about a new piece of legislation.

I just have to say to you that with the new legislation that is in place in the federal government they're having many more difficulties and acts or pronouncements by

employees that say that the law is not strong enough for them, as opposed to what we have here under our FOIPP and the *Occupational Health and Safety Act*.

What has happened very clearly here, it is enabling our employees to come forward in a very clear and healthy way and it has provided great protection for our employees across PEI for many years. That's my only point of reference here now.

Thank you.

**Chair:** The hon. Minister of Innovation and Advanced Learning.

**Mr. Campbell:** Thank you.

My question is also for the hon. Leader of the Opposition. I see that the proposed legislation would apply to the University of Prince Edward Island, Holland College, Collège Acadie Î.-P.-É. I'm just wondering may be if you could summarize for me what their reaction, what their feedback was to the proposed legislation.

**Leader of the Opposition:** Actually, we did not consult with the University of Prince Edward Island or the other two institutions. That's why in December when we introduced the bill, if you remember at the time there was a lot of media attention and we have sent it out as many other ways as possible to make sure people were aware of the bill.

One thing I should comment is when you try and introduce whistle-blower legislation sometimes you get reactions from employers or from people in power of authority to be a little bit defensive as to - legislation like this is actually protection for the person that's going to be in a position that they can challenge somebody when something is going on in the workplace that's not really right.

So again, this piece of legislation is being brought forward for two reasons. One is I'm sure every MLA in the House really wants to show to people that we believe in practising open and transparent and accountable government, as well as reassure any employee out there that there is a tool in place to protect them today and in the future.

**Chair:** Anything further?

**Mr. Campbell:** Yeah, just so I'm clear. So there was no consultation with either Holland College, UPEI or Collège Acadie Î.-P.-É..

**Leader of the Opposition:** On this particular bill, no. I am sure that they would be aware of other legislation federally. There's legislation like this similar in New Brunswick, and it was a private member's bill that was trying to be brought in in Saskatchewan, as well as Manitoba.

Again, it's a good piece of legislation, and I know, each of us in this House, often we hear the Premier talk about past practices, often we hear about things that happen. The Auditor General brings out reports, and yes, our Public Accounts committee, for example, should have the authority to review them and to have witnesses. However, we know that that hasn't been happening in practice. This is another tool that's put in place to allow people to come forward.

After all, the kinds of information they're bringing forward is information to protect the taxpayer, and to actually ensure that the checks and balances are put in place to protect them as best as possible.

**Chair:** Any other comments?

**Mr. Campbell:** Okay, thank you.

**Chair:** I believe we're going first, if we

may, to the hon. Minister of Education and Early Childhood Development and Attorney General.

**Mr. D. Currie:** Thank you very much.

Dave Hutton, I'd like to welcome you to the province, and hopefully you get a chance to stay around for a few days anyway.

Dave, just a couple things. As the Attorney General, I've had the opportunity to be briefed on this, because I find the legislation somewhat intriguing. One of the things that, you know, being in government now for three years, doing some jurisdictional scans in respect to what other jurisdictions are doing, I've found those briefings very interesting.

Could you just give us sort of just an overview, sort of a quick cross-Canada perspective of what provinces - because I know we're looking at public interest disclosures, we're looking at labour standards acts. Other jurisdictions vary in respect to how they manage the disclosures. Can you give us just a little background on -

**David Hutton Advisor:** I'll give you what I can, and it's somewhat limited.

Our focus has mostly been on the federal level. On the belief that if the feds would set the pace then everyone else will follow. We've have limited success in that area. There's a history going back to 1993 of promised legislation and so on, and inadequate legislation being introduced and so on. So we currently are lagging in Canada at the federal level.

We have a system now. It's simply not working. We're in the process right now of looking across the provinces and seeing what they have in place. That work's not complete. All I could really say at the moment is that we don't, at present, see a

standout province, in terms of good practice.

If you look a bit wider, we looked at other jurisdictions. In the USA they have been working in this area for more than 30 years, and in fact our sister organization, GAP, is more than 30 years old. They have a big melting pot, they have obviously many jurisdictions. GAP has also done work with the World Bank, with the United Nations. So there's a lot of work been done in the US, which is very informative.

What you see, really, is generally legislative branch putting in place increasingly well-designed and stronger legislation and the executive branch trying to tear it down and find ways around it. That process is going on to this day.

One of the best jurisdictions nationally is the UK. They have in place legislation that's fairly simple. It's based on the foundation of some good labour legislation and the tribunal that works quite well, and they're one of the internationally recognized jurisdictions, and widely copied. They've been copied by New Zealand and South Africa, Ghana.

So, I don't know if I'm answering your question.

**Mr. D. Currie:** Yeah, no. I think I'm getting - I'm just intrigued by the range and the differences and the lack of consistencies.

Most importantly, obviously at the federal level there's been pressure to look at bringing legislation and that hasn't happened yet either, is that correct?

**David Hutton Advisor:** I'm sorry?

**Mr. D. Currie:** Is that correct that the federal government hasn't got a standard disclosure piece of legislation in respect to -

**David Hutton Advisor:** Our federal government has legislation in place. It's called the *Public Servants Disclosure Protection Act* and it's been in place for about three years.

**Mr. D. Currie:** Okay.

**David Hutton Advisor:** We criticized it. We and others criticized it heavily when it was introduced. The Senate tried to improve it. Those amendments were rejected. So what we have in place is a very flawed system and it's really not working at all.

**Mr. D. Currie:** Okay. Just one more question. During this briefing it was brought to my attention that the Province of Saskatchewan - the Saskatchewan Party in 2004 brought this legislation forward as a private member's bill, and I understand that this bill is almost verbatim. Is it very similar in respect to wording? Is it similar to - is that correct?

**Leader of the Opposition:** Actually, parts of it are from the Saskatchewan private member's bill, most are from Manitoba's and from New Brunswick.

The other part, to the minister, we have an opportunity here to actually be a leader. We heard David speak about other jurisdictions and other areas that haven't been as progressive, as probably we could be here. So this afternoon we could demonstrate to many provinces real leadership on two fronts. We have government and opposition working together. If there are some questions on individual areas that government want to challenge us on, we're open to that, but at the end of the day we'd have a good piece of legislation that other provinces would actually be looking at us, for a change, to borrow words from.

**Mr. D. Currie:** Yeah, because I know that as I ask more questions on the discussion -

when it was brought in by the Saskatchewan Party, I believe that was the party, as a private member's bill in 2004, that when the Saskatchewan Party took power in 2005 things changed. Then they brought - they changed that bill to bring it in under the labour standards act, is that correct? Can you give me some depth on that, just so I understand?

**Leader of the Opposition:** I don't know what happens in terms of Saskatchewan -

**Mr. D. Currie:** Yeah. I was kind of intrigued why they would -

**Leader of the Opposition:** - but to the hon. minister, I think that's why it's important when you're in opposition, or when you're in government, when you use words, that you have meaning behind them. Rest assured that this piece of legislation, if we get it passed this afternoon, is a tool for from today on and in the future. It's there to protect the taxpayer, the public of PEI, and the employee.

**Mr. D. Currie:** If I could ask one more question. I know that we had talked about the college and the university. What impact does this have? As the minister of education I have to ask the question: What impact would this have on school boards, PEITFs, principals' associations? Is there any relevance to this act across the education profession?

**Leader of the Opposition:** This act has relevance right across the board. Again, it provides a level of accountability, a level of integrity.

For example, we are lucky on Prince Edward Island because we have not had scandals - like again, I use Newfoundland, Nova Scotia, some other jurisdictions, such as the Gomery scandal. This gives us an opportunity to put in place legislation that protects the public and protects the

employee. Once again, in the act, it talks about definitions. It talks about cases when an issue would come forward. It talks about the fact that - again, maybe I should ask David to describe the situation and what happens when most - in cases when a whistle-blower decides to come forward, the profile of who that person is, and the fact that they tend to be your better employees, maybe you could comment on that a little bit.

**David Hutton Advisor:** Yes, thank you.

Yeah. This is important, because there's a myth out there that whistle-blowers tend to be disgruntled employees, attention seekers, unstable people, and that's totally wrong.

**Premier Ghiz:** (Indistinct) your opinion.

**David Hutton Advisor:** What's that?

**Premier Ghiz:** We've all dealt with people like that.

**David Hutton Advisor:** The research on this shows that whistle-blowers tend to be high performers. They tend to be people who have a lot of success. Decades of stellar performance evaluations. But they find themselves in a situation where they're confronted with some wrongdoing. Perhaps they're being asked to falsify or self-censor their work, in terms of an audit, a scientific report, perhaps they're being asked to approve transactions that they believe are improper. Perhaps being asked to look the other way and pretend that nothing's going on when they know there is. What they do is they basically go up through their line management, very diligently and carefully, in the belief that someone at a higher level would want to have this stopped. They'll go right to their senior management, ultimately.

Unfortunately, what typically happens is that allegations are not properly

investigated, that the wrongdoers are able to pre-empt them and tell stories about them, minimize their allegations, and discredit them. So it doesn't get properly investigated, and when that happens then they end up pursuing other routes, going to external bodies, by auditors, their MLA perhaps. If still nothing happens, remember by this time they're under severe reprisals so they're getting pretty desperate. Then they may go to the media.

If you have good legislation in place you can nip things in the bud and you can deal with things while they're still manageable and containable and not end up having to explain them to the public and the media when it's gotten out of hand.

**Chair:** Thank you.

The hon. Member from O'Leary-Inverness.

**Mr. Henderson:** Thank you very much. I had the opportunity to be over at your press conference there. I have this question that I already asked, but I just didn't have very much of a chance to read through the legislation and some of the wording. But my question at that time was: In the legislation, is there any particular protection for those false accusations or those vexatious accusations? Because that's my big concern. You get a lot of people that can make any statement at all and then you're basically convicted before you have a chance for a fair trial, as the saying goes.

I'd like to, maybe, put it on the public record what your response to that would be and if the wording is in that legislation to protect that.

**Chair:** Is this to the opposition leader?

**Mr. Henderson:** Well, I would go to the opposition leader and she can take it from there.

**Leader of the Opposition:** Maybe before David answers the question, if anybody's visual in the room, picture a huge bees' nest full of bees that are ready to sting. What we're talking about is the poor employer that has the courage to put their hand inside. Go ahead.

**David Hutton Adviser:** Okay. That's an analogy. It's a very good question and one everyone here must be interested in because you're the public profile and you're very vulnerable in that sense. You know, false allegations are made.

I think the main deterrent here is that even with the best possible legislation in place, like I said, it's still nearly suicidal to go this route because you're putting yourself out there against the entire resources of your organization. You can imagine, especially in a small jurisdiction like this, very easily for someone to blackball them, never be able to work in the province again. The reprisals that people suffer are vicious and calculated and often result in mental harm. They lose their jobs. They lose their families. They lose their homes. So to make a false accusation would be - it's a very high price to pay personally for -

**Leader of the Opposition:** It's also -

**Mr. Henderson:** I guess my point would be if it is a false accusation, there should be a high price to pay.

**David Hutton Adviser:** The law does not protect people who make false accusations.

**Leader of the Opposition:** In section 11 of the act it says: "No employee shall bring or make any allegation knowing it to be frivolous or vexatious." It is covered in the act.

**Chair:** The hon. Premier.

**Premier Ghiz:** There's no reprisal. I read that too. So it's meaningless.

**Leader of the Opposition:** No, actually it's not, because, as you know, when bills are put in place there are regulations that come after and the first step is -

**Premier Ghiz:** Do you have a copy of those regulations?

**Leader of the Opposition:** In terms of, again, our first part, Premier, with your indulgence, is to have the discussion and pass the act. Rest assured, if the act is passed we'll have the regulations to go with it.

**Premier Ghiz:** You don't have them.

**David Hutton Adviser:** Could I add one other thing? I'd like to add to add one other thing, and that is that if you look at experience here, this fear comes from a sense that this could happen. It's a prediction. If you look at what's actually happened in all the dozens of jurisdictions that have introduced this, this has not happened. You know?

So if I challenge you to go and show me a case where this has happened, you're going to find it very difficult. If you look in the GAAP principles, they list many of the alleged - other jurisdictions and laws that have been introduced that deal with each principle. When you go through the jurisdictions, they all have maybe five, 10, 20 years of experience. This has not happened.

**Chair:** I'm going to go to the hon. Minister of Environment, Energy and Forestry.

**Mr. Brown:** Thank you, Madam Chair.

I have been a civil servant for a number of years and I can assure this House, Madam Chair, and every member of this House,

every civil servant I have ever worked with made their views, opinions and worked their way through this system.

This bill is making civil servants look bad. You're insinuating in your bill that wrongdoing is going on in the civil service, and I can assure you no wrongdoing's going on in the civil service the 15 years I worked there. None of my colleagues, none of my fellow employees, broke any laws. You know yourself. You worked at health and social services. Have you seen in your 25 years any wrongdoing, any breaking of any laws?

**Mr. MacKinley:** That's right.

**Leader of the Opposition:** Actually, I'd love to answer that, Mr. Minister.

**Mr. Brown:** Go ahead.

**Mr. MacKinley:** Go ahead.

**Mr. Brown:** You have the privilege of the Legislature.

**Leader of the Opposition:** I do. Basically what we're suggesting -

**Mr. MacKinley:** You have no facts, though -

**Leader of the Opposition:** Absolutely facts.

**Mr. MacKinley:** - just the privilege. (Indistinct).

**Leader of the Opposition:** Today is April 8<sup>th</sup>. It's 2010. What we're talking about is a tool to help protect the public of Prince Edward Island as well as the individual employee that may be put in a position from time to time to do things that they may not think is ethical -

**Premier Ghiz:** Give us an example.

**Mr. MacKinley:** (Indistinct).

**Leader of the Opposition:** In terms of - absolutely, there's a good example. Mr. Neil Stewart that works in the department under innovation minister. It's interesting, the night that we had the conversation that we had the conversation. I want to be clear in terms of what I brought up. In section 3.69 now that's actually in the Auditor General's report that refers to some wrongdoing supposedly by administrations in regard to the PNP and actually got never dealt with.

There have been incidents, as you're aware of, when we have public accounts - as you know, no witnesses are allowed to be brought forward. Information is constantly brought to -

**Premier Ghiz:** There's been witnesses.

**Leader of the Opposition:** - people's attention - not at public accounts -

**Premier Ghiz:** Yes, there has.

**Leader of the Opposition:** Not in terms of the issue that's in front of public accounts -

**Premier Ghiz:** Not in terms of people you've attacked before. We have to protect bureaucrats from you.

**Leader of the Opposition:** In terms of -

**Mr. MacKinley:** You take him out to the park, you threaten him with an RCMP investigation -

**Leader of the Opposition:** Actually -

**Mr. MacKinley:** - a highly respected civil servant - if that's not a threat, I don't know what is (Indistinct).

**Chair:** Hon. member -

**Mr. MacKinley:** I'd like to ask the gentleman sitting beside you, would you consider that a threat if you were highly regarded civil servant and all of a sudden the Leader of the Opposition picked you up after night, took you out to Victoria Park where the seals and everything swim around, and looked at you and said: Listen, I took you out here because I want you to tell me stuff because the RCMP are going to have an investigation, I want you to come clean with me first? Do you not consider that a threat?

**Leader of the Opposition:** In terms of -

**Mr. MacKinley:** No, I'm asking him. He's on the floor to answer questions.

**Leader of the Opposition:** Absolutely. He's asking and I have the floor right now.

**Mr. MacKinley:** No, I'm asking him.

**Leader of the Opposition:** Actually I'll turn the floor to David eventually -

**Mr. MacKinley:** Madam Chair, I'm asking the gentleman here.

What's the sense of having the gentleman here - I'll go through the Chair. What's having the gentleman here? I put a question for him. Answer the question, then.

**Chair:** I guess it'll be to his discretion if he wants to answer the question.

**David Hutton Adviser:** I have no knowledge of the situation you're talking about. It sounds quite strange, but, you know, I (Indistinct) -

**Mr. MacKinley:** Oh! Sounds quite strange. Well, do you want to get briefed a little more on it?

**Some Hon. Members:** (Indistinct).

**Leader of the Opposition:** In terms of -

**Mr. MacKinley:** Sounds a little - well, this is the lady that's on here now that took a gentleman out, picked him up, phoned him up after hours, drove him to the park - whatever she would drive him to Victoria Park for - and then threatened the gentleman by saying there's an RCMP investigation. Here's a very highly credible civil servant and there for all sides. Would you not consider that being a threat if you were there?

**David Hutton Adviser:** I can't answer that.

**Leader of the Opposition:** Okay -

**Mr. MacKinley:** You can't answer it?

**Leader of the Opposition:** In terms of -

**Mr. MacKinley:** What do you mean you can't answer it? You just can't answer it because she told you not to answer it. I saw her.

**Chair:** We'll go to the mover.

**Leader of the Opposition:** Actually, I'm going to answer this in terms of - again, let's remind the House that in October of 2008, at Public Accounts, we had the then-minister, who's the present Minister of Environment, Energy and Forestry, in front of Public Accounts to discuss the famous Provincial Nominee Program.

At the time, because he was told we would have him back, but as you know, whether it was the fall Public Accounts or the spring Public Accounts, every time opposition brings a motion to have senior bureaucrats, have ministers, deputy minister, appear to talk about the fact - when you have deputy ministers involved in PNP and take money

and dollars, etc., leaves a lot of questions in people's minds.

So if this government really believed in open and transparent government, no one would have to go to the extent of - 5:00, most of us are still working. You in government may choose not to work at 5:00 but that's your prerogative.

**Mr. MacKinley:** This was after five, this is after night -

**Leader of the Opposition:** The question again comes back to the fact -

**Mr. MacKinley:** - and held him out there, too.

**Leader of the Opposition:** - in terms of this particular bill is to protect employees and the public.

Again, I go challenge the Minister of Environment, Energy and Forestry, if he wants some examples, again, we'll go back to the fact that the general public has the right to have protection and know that the checks and balances are put in place, that if there is ever any wrongdoing, that people actually are going to be held accountable for that.

**Speaker:** The hon. Minister of Environment, Energy and Forestry.

**Mr. Brown:** We know that any civil servant can go to the Auditor General with any allegations and the Auditor General will investigate them. That was done with the minister of transportation. Somebody went within the department and said: I believe wrongdoing was done. An investigation was done, the Auditor General came back with a report that said nothing was wrong. So he did his investigation properly

So are we saying now the Auditor General's

no good in investigating these things?

**Mr. MacKinley:** No, nobody's any good unless you agree with her.

**Mr. Brown:** What's wrong with the Auditor General doing investigations here? It's under the act right now, it's under the legislation right now.

**Mr. Bagnall:** (Indistinct) conflict of interest, not the Auditor General.

**Mr. Brown:** No -

**Mr. MacKinley:** It's not even the same (Indistinct) thing.

**Mr. Brown:** No, no.

**Mr. MacKinley:** (Indistinct).

**Mr. Brown:** No, no. We're talking here about fraud, we're talking here

**An Hon. Member:** We're talking (Indistinct).

**Mr. Brown:** - about mismanagement.

**An Hon. Member:** Allegations.

**Mr. Bagnall:** You're wrong in what you're saying (Indistinct).

**Mr. Brown:** Hold it, now. What do you mean? There was an allegation that people were stealing sand or something.

**Mr. MacKinley:** There was an allegation made that people were overweight and they were charged with being overweight loads, and it turned out it wasn't true (Indistinct) Auditor General -

**Mr. Brown:** That was investigated by the Auditor General.

**Mr. MacKinley:** Give all the tickets and everything.

**Mr. Bagnall:** (Indistinct) follow up?

**Mr. Brown:** What?

**Mr. Bagnall:** (Indistinct) follow up?

**Mr. Brown:** Yes, he followed up. He interviewed everybody. The Auditor General has that power. He has public inquiry power. He has oath power. So what's wrong with the current system that anybody can go to the Auditor General and say: I think there's wrongdoing going here?

**Leader of the Opposition:** Exactly. When a number of people went to the Auditor General, some immigrant people - you remember the people that you locked out of the office and called the police on? When they went to the Auditor General and that was reviewed -

**Mr. Brown:** They're not whistle-blowers, they don't work for government.

**Leader of the Opposition:** - again, it came back to the Public Accounts Committee and were stifled there. But that's about, again, another area that we really would like to push an open, transparent, accountable. But this is about this piece of legislation.

**Chair:** Okay.

**Mr. Brown:** No, no. I've just got one more question.

**Some Hon. Members:** (Indistinct).

**Chair:** Follow up question.

**Mr. MacKinley:** This is getting interesting.

**Mr. Brown:** Now -

**Chair:** I believe David has a response -

**Mr. MacKinley:** Do you want to answer my question first I had asked you?

**David Hutton Advisor:** There are two points here. One is, of course, to your earlier point, the vast majority of public servants are honest. This bill is to protect them, and they know that, and the public knows that.

The second thing is that we mentioned the Auditor General. The situation you described is common, and this is what will happen to the people that went to the Auditor General. Without this sort of protection, as soon as those people become known, they can be harassed out of their job, they can be blacklisted, all kinds of nasty things can happen to them, and all of that cannot be stopped. There's nothing to protect them.

**Mr. Brown:** (Indistinct). What about if a person makes a false allegation about somebody, what about his life? Or her life? Like you just said, these are high performance people that sometimes - I worked in government. You sit around a table, you discuss policies, you discuss issues. Okay? You don't get your way 100% of the time. Okay?

So then that person says: I didn't get my way 100% of the time, I believe what I'm doing is right, so therefore that person's wrong, I'm going to charge an allegation against that person. So then your civil service becomes nothing but just a witch-hunt of each other. You know, to say: If you don't do what I'm telling you to do, I'll file a complaint against you, and I can whistle-blow on you because I have no recourse, I'm protected.

**David Hutton Advisor:** So, what I'd ask you is: Do you have any empirical evidence that that has ever happened anywhere? In

jurisdictions where (Indistinct) introduced this legislation?

**Mr. Brown:** You're insinuating that it's happening all the time in your legislation. You're insinuating that that's happening all the time and that's why we need this protection.

**Mr. MacKinley:** You got no proof of it.

**Mr. Brown:** I just want to ask one other thing, then. Are you aware, Leader of the Opposition, that we do have a fraud awareness policy?

**Mr. MacKinley:** No, she wouldn't be. (Indistinct).

**Leader of the Opposition:** Again, what I am aware of is this bill that's on the floor of the House is actually put on the floor with the intent that we have an opportunity as government and as opposition members to actually introduce a piece of legislation that can protect taxpayers and also individual employees.

Again, as David had discussed earlier, it's in very rare cases when this does happen, that someone has to come forward.

The other part, too, what the Legislature does, actually protects the employee in case that - as people become defensive, if people start calling people disgruntled employees, as their harassment, etc., starts - it enables the employee to protect themselves in a small workplace such as PEI in order to either maintain their employment or to have reprisal against what's happened.

**Mr. Brown:** But we do have a fraud awareness policy on the books and every civil servant -

**Premier Ghiz:** Did you review it? (Indistinct)?

**Mr. Brown:** Have you reviewed our fraud awareness policy? Okay, then I'll table it and show you it. I just want to quote, I want to quote from it:

Government employees are expected to report to their supervisors all suspected or known cases of fraud as soon as the employee becomes aware of the incident, be it internal or external. Failure of an employee to report such incident promptly can be considered as employee misconduct and may result in dismissal.

This is a very strong piece of law here. It says you have an obligation to report this.

**Mr. MacKinley:** Yes, you have an obligation.

**Mr. Brown:** Your whistle-blower legislation doesn't obligate a person to report it. This was tabled in 1994, so I would argue that we've had -

**David Hutton Advisor:** But it doesn't deal with the issue of protection. It doesn't deal with the issue of protection at all. All it does is it gives someone an obligation to come forward whereupon then they can be subject to all the harassment, the blackballing -

**Premier Ghiz:** How does this take away the harassment?

**Mr. Brown:** How does this -

**Premier Ghiz:** How does your bill take away the harassment?

**David Hutton Advisor:** It makes it dangerous to harass people. It (Indistinct) -

**Some Hon. Member:** (Indistinct).

**Premier Ghiz:** No, no, but how does it do it specifically? Tell us how it does it.

**David Hutton Advisor:** It allows the whistle-blower to go to a tribunal and present evidence of harassment, and it allows, if there's a reasonable -

**Premier Ghiz:** So you're looking for a tribunal is what you're looking for.

**David Hutton Advisor:** The whistle-blower obviously has to go to a tribunal type of process -

**Premier Ghiz:** So that's what you're looking for. So if we put a tribunal in this, that'll be good?

**David Hutton Advisor:** I'm sorry?

**Premier Ghiz:** If we put a tribunal in this that'll be good?

**David Hutton Advisor:** It's already there, or they can go to the civil courts. They have a choice.

**Mr. Sheridan:** It's exactly the same way right now. (Indistinct) the same, yes.

**Premier Ghiz:** But we can do that now, though

**Mr. Sheridan:** Grievance is exactly (Indistinct).

**Premier Ghiz:** Because we have the unions and we have the grievance process.

**David Hutton Advisor:** At present you do not have the ability to prove reprisal. Because one of the most important parts of the legislation is that if the whistle-blower can show that there's some reasonable belief that the actions being taken against them are connected with them having made a disclosure, then the onus switches onto the employer to show that there is not harassment.

**An Hon. Member:** Yes.

**David Hutton Advisor:** That's one of the most important parts of the legislation, and without that it's impossible for any employee to prove -

**Premier Ghiz:** Our people argue that we have that now.

**Mr. MacKinley:** We have that now.

**Premier Ghiz:** Are you a lawyer, too? You must be.

**David Hutton Advisor:** No, no.

**Premier Ghiz:** But we've had our, like, PSC lawyers look at it, and they say - I'll quote: It can be stated that legislation whistle-blowers is unnecessary as internal disclosure of information to authorized department personnel is already permitted. It goes on: And encouraged. Then it says: It could also be stated that the current grievance process could handle any allegations of disciplinary action.

**David Hutton Advisor:** Well, that's just - I'm sorry, but that's nonsense. The grievance process -

**Premier Ghiz:** But you're not a lawyer, and a lawyer wrote that.

**Some Hon. Members:** (Indistinct).

**David Hutton Advisor:** The grievance process requires you to go to the same people to disclose - to make the disclosure to the same people that are conducting the reprisals in many cases.

This has been thrown out at the federal level, and so a grievance process -

**Premier Ghiz:** How many people work for your organization?

**David Hutton Advisor:** We're a volunteer-run organization.

**Premier Ghiz:** How many lawyers do you have working for you?

**David Hutton Advisor:** If you want to challenge our credibility -

**Premier Ghiz:** No, I'm not. I'm just wondering. We have a right here to know exactly what we're dealing with.

**David Hutton Advisor:** We're a volunteer organization -

**Premier Ghiz:** I commend you for being involved. It's good that we have people like you involved.

**David Hutton Advisor:** Sure, (Indistinct). We have very slim resources. I would say that one of our main assets is the relationship we have with the Government Accountability Project. We have been around for - to talk about the kind of things we have done - we've been around since 1998. We have submitted at private members' legislation at a federal level, we have commented, we have given testimony to Parliament about legislation that is going through the process.

So we're absolutely recognized in Canada as being an authority in this area. Plus we draw on the resources of GAP, which is the leading whistle-blower organization in the world, and most people would agree. We've been around for more than 13 years.

**Chair:** I'm going to go to, first - I have three or four people waiting.

The hon. Minister of Education and Early Childhood Development and Attorney General.

**Mr. D. Currie:** Thank you.

Just a question to the Leader of the Opposition. Going back to my original question on Bill 100, which is your private member's bill. Looking at this and sort of going through and looking at this bill number 201 that was tabled by the Saskatchewan Party, they're very similar. They're almost identical.

So I guess what I'd like to do is - and I've gone through and I guess I'm just intrigued. The Saskatchewan Party brought this in as a private member's bill and a year later they disbanded it and moved on to the labour relation act. So I'm just a little kind of unclear about that.

But what I'd like to do is I'd like to table the Saskatchewan bill if that's - do I have the ability to table that right now?

**Chair:** Does somebody want to -

**Mr. D. Currie:** Can I table that?

I guess with that question - I'm just going to table that - I guess it comes back to, if you look at section 1(d) under public institution -

**Chair:** No, no, no. Excuse me.

**Leader of the Opposition:** Just one second, minister.

**Mr. D. Currie:** This is the second question. The question on public institution. It includes university, college, institute, board of education or any other educational institution, sorry. I guess it goes back to the question on consultation.

I'd ask the Leader of the Opposition. You indicated you didn't have a chance to consult with the university or the college. Have the boards or the superintendents - have you had a chance to discuss this or the impact on this with the boards, as they are a separate from -

**Leader of the Opposition:** First, to address your questions as to Saskatchewan or whether it's Manitoba's legislation or whether it's some of the legislation that's actually in the New Brunswick act.

You, as the Office of Attorney General, would recognize that any time Prince Edward Island brings in any legislation, part of the process is that you actually take a look and borrow where other jurisdictions has done a good job, right?

Your second point about the Saskatchewan Party when they were in opposition, they brought forth the bill and now that they're in government they chose to do something else. I would imagine it's because they found a way, maybe because they were in government - like you are right now - to do something that was in the best interest of the employees and of the people of their province.

The third question that I believe you asked, in terms of a public institution, again, this bill is to protect employees, right? So, often what happens to the employee, if they were put in a position where there was something going on - and we're not talking about if you were my supervisor and you asked me to go do a job and I wasn't really sure that I should do that job. We're actually talking about when something big happens and an employee's put in a position where they really do not want to do that particular job any more. Perhaps they're sent home to think about it, perhaps they're given a lot of extra work. But all of a sudden for that particular person work has become very stressful. Again, all they're interested in doing is doing their job on a daily basis and protecting the taxpayer, in this case of PEI, and to keep some integrity.

What this bill does - and again, I would refer to the example of PricewaterhouseCoopers, that when the bill was enacted like this in

Washington where up until that time there was some issues going on in that particular jurisdiction that I'll ask David to elaborate on, once the bill was put in place the result was over the next number of years the behaviour decreased. So it's just one of those tools that - it's a statement that government's standing up and saying: Look we are open, transparent and accountable, and we do have the legislation in place to protect our employees.

**Chair:** Do you want to (Indistinct) follow up?

**Mr. D. Currie:** Just one comment. I guess concern or I guess - I appreciate the feedback from the Leader of the Opposition on the questions. I guess with the University of Prince Edward Island and Holland College and the three boards that we have here across the province, I would be interested in looking at some sort of what their - have they been briefed on it, what's their feeling on it, how does it impact them? I just would be a little more comfortable on that because they are - I see them as some pretty key stakeholders here in this.

**Leader of the Opposition:** They are absolutely key stakeholders, and again, so are all the employees that work in every one of those institutions. Again, just like when you used to be the minister of health and social services and seniors - and the minister of finance mentioned the child welfare act. Again, this is a tool to protect employees, right?

**Mr. D. Currie:** Yeah.

**Leader of the Opposition:** If we were looking at the child welfare act, for example, although there is a number of stakeholders, the legislation was put in place for the protection of the better good of everybody. In this case of this, this is to protect the employee.

**Mr. D. Currie:** Just one final comment.

**Chair:** I'm moving to the hon. Member from Stratford-Kinlock.

**Mr. D. Currie:** Okay.

**Chair:** Minister, did you want to have a follow up?

**Mr. D. Currie:** Yeah, just a final comment. I've had the opportunity as the minister to be in health and social services and seniors and now I'm in education and early childhood education and Attorney General.

My three and a half years has been just outstanding to see the commitment and work by the Public Service Commission in this province and the dedication. If you look at the challenge in the department of health with H1N1 and the commitment and the professionalism, I've got nothing but tremendous praise towards the public service in the Province of Prince Edward Island.

I just want to finish up by saying that.

**Chair:** Thank you.

The hon. Member from Stratford-Kinlock.

**Ms. Dunsford:** Thank you, Madam Chair.

Just a couple of comments and questions, if I could. I appreciate, Mr. Hutton, you being here and sharing your knowledge.

I'm not satisfied for a few reasons. I'll go back to the hon. minister of finances's initial comments about being able to be a little more specific about - other than just saying protection versus the ability to do something. I'm not satisfied that there is a difference.

Mr. Hutton, you did mention that the federal

legislation is flawed. You used the word flawed. I guess a question around that would be to break down - or if you could share with us where the breakdown occurs in the flawed legislation, and then let us know if what we have here is flawed in the same way.

Also, just a comment around bringing a bill forward without the type of consultation that the hon. Leader of the Opposition herself expects from all members here when they bring a bill forward. Not consulting with the main stakeholders in this bill. I understand, Mr. Hutton explained it: If you do that people are going to get defensive. Well, too bad.

UPEI and Holland College are incredible institutions here on PEI, and to not consult with them I find just to be a little bit - just because you think they're going to be defensive, perhaps there's a reason that for them: If you're coming in to tell us that you don't trust the way we resolve our own issues, that's one thing. If you're coming in with something better, that's what I'm trying to get at. I'll go back to the original questions by the hon. finance minister.

If you could be specific, give us some examples about where the breakdown - and I'll use the federal legislation as an example. Where does the breakdown occur at the federal level and let us know in real terms. I want to know what those examples are. We're talking about people's lives, we're talking about - this is real. I understand what you're saying and I agree with the principle. But give us some hard core examples about why this is different and where the breakdown occurs and how we can make it better if it's not good enough. That's what I want to know. I'll be satisfied when I get those answers.

**Leader of the Opposition:** Just before David speaks, a couple of quick things.

In Newfoundland, when the minister got charged with the breach of trust and the senior bureaucrat was involved because of wrongdoing around constituency allowances, and the person actually got charged and put in handcuffs and went to jail over it; in Nova Scotia, as recently as the fall, there has been wrongdoing of misuse and abuse of constituency allowances from members apparently from three parties.

Again, this piece of legislation is an important piece to protect from here on forward to make sure again that the person is protected. (Indistinct) -

**Ms. Dunsford:** I agree with the principle. I agree with the principle. So we don't have to go over that.

**Leader of the Opposition:** I think that that's the big part (Indistinct).

**Ms. Dunsford:** I want to know examples.

**Leader of the Opposition:** - it's so important for. Go ahead, David.

**David Hutton Advisor:** It would take quite some time to work through all of the different loopholes and so on in the federal legislation

**Ms. Dunsford:** Just a few examples.

**David Hutton Advisor:** I'll hit some high points or some low points, if you like.

One of the problems - and we touched on this already - is the onus to prove that there's been reprisal. Unless the law is well written it's virtually impossible for the employee to do that. Because the employer has all the information. It's an impossible burden of proof. The federal law does not deal with this properly. Your law does.

**Ms. Dunsford:** Ours does?

**Leader of the Opposition:** This law here.

**David Hutton Advisor:** Yes, it has -

**Ms. Dunsford:** What about what we have now? Does it or does it not deal with that now?

**Leader of the Opposition:** This bill that's on the floor here.

**Ms. Dunsford:** No, I'm asking about what we have currently in our various forms of legislation.

**David Hutton Advisor:** In this bill is a clause whereby if the employee can show that there's a reasonable probability (Indistinct) -

**Ms. Dunsford:** Sorry to interrupt. Could you or the Leader of the Opposition answer the question of whether or not what we have currently - not your bill - but what we have currently addresses what you're talking about?

**David Hutton Advisor:** Your current raft of legislation without this bill?

**Leader of the Opposition:** Yes, that's what she's asking.

**Ms. Dunsford:** That's correct.

**David Hutton Advisor:** As I've already indicated, I haven't studied that legislation -

**Ms. Dunsford:** Okay. So you don't know.

**An Hon. Member:** He doesn't know what we have but he knows what we need.

**Ms. Dunsford:** That's okay, I'm not, you know - I just - I do - I am asking. Sorry, I'm curious. I do want to know whether or not we do -

**Leader of the Opposition:** We have no legislation in the province that protects employees for whistle-blowing incidences. This is the only bill.

**Ms. Dunsford:** Do we have legislation that protects employees -

**Leader of the Opposition:** No, we don't.

**Ms. Dunsford:** - from telling superiors what's going on?

**Leader of the Opposition:** What if the superior is involved? No, we don't.

**Chair:** Okay.

**Ms. Dunsford:** We don't, okay.

**Chair:** The hon. Minister of Finance and Municipal Affairs.

I'm sorry. Did you have anything else?

**Ms. Dunsford:** Well, I don't. I didn't really get my - I was looking for some concrete examples from the federal -

**David Hutton Advisor:** Well, I can give you that.

**Ms. Dunsford:** Right. Just real things, real things.

**David Hutton Advisor:** Right, okay.

Well, first off, start with right at the beginning, the definition of wrongdoing. It looks very impressive but it excludes a lot of things that ought to - that the common ordinary person, citizen, would view as wrongdoing because it's a closed list. So for example, if you take the sponsorship scandal, that wouldn't qualify, because the rules that were broken were treasury board guidelines and those are not explicitly on the list. So that's an example. You draw the

circle of wrongdoing too narrowly and too tightly so that a lot of stuff escapes. That'd be one example.

The inability of the whistle-blower to prove reprisal. That's a gaping hole.

**Ms. Dunsford:** The legislation used the sponsorship scandal, when was that piece of legislation brought in? Because there is a new one that's only three years old.

**Mr. Bagnall:** We know why you don't want (Indistinct).

**David Hutton Advisor:** The current federal legislation is three years old. The sponsorship scandal -

**Ms. Dunsford:** Right. So, does the sponsorship scandal apply to that new legislation or not?

**David Hutton Advisor:** The sponsorship scandal occurred before the legislation was brought in.

**Ms. Dunsford:** Correct. So -

**David Hutton Advisor:** What I'm saying is -

**Ms. Dunsford:** - where's the breakdown with the new legislation that you talked about being flawed?

**David Hutton Advisor:** I'm giving you the example, a real example, that the sponsorship scandal, if it occurred today, would not fall (Indistinct) -

**Ms. Dunsford:** Under the new federal -

**David Hutton Advisor:** Under this new federal law.

**Ms. Dunsford:** Understood.

**David Hutton Advisor:** Another example is the - we talked about the impossibility of proving reprisal.

Another example is that the assistance - when you get into the courts it can be a very uneven battle. The federal legislation allows the integrity commission to give it legal assistance, up to a limit of \$1,500, which is derisory. Because whistle-blowers who go to court end up being up against government lawyers who will spend millions of dollars to - the founder of our organization has just settled her case with the federal government. The government dragged it out for almost 12 years, and you can imagine how much money that cost the taxpayer.

**Ms. Dunsford:** The federal government can afford to.

**Mr. Brown:** But under your legislation could we still drag it out for 12 years, too? (Indistinct).

**David Hutton Advisor:** That's probably a fair observation.

**Mr. Brown:** (Indistinct) it's a fair observation.

**David Hutton Advisor:** You can't force this. But it's still a much better -

**Mr. Brown:** I like the discussion, I like what's going on, but I just want to reiterate here too - you say we have no protection for employees, that whistle-blow here.

**Leader of the Opposition:** On whistle-blower legislation.

**Mr. Brown:** No, no. I've got it right here:

On the fraud protection policy that's been in place since 1994, the Deputy Attorney General and the departments involved shall take every reasonable measure to protect the

identity and reputation of both the person reporting an offence or impropriety, and that the person against whom the allegation shall take prompt action should an employee complain of harassments as a result of making a legitimate complaint.

It's in our law right now.

**Premier Ghiz:** You can do it anonymous, too.

**Mr. Brown:** Yeah. So we have it here that the - so what we're saying now, the Deputy Attorney General, you're saying - if an employee now says: I said something, and my employee - or my employer - my supervisor is taking reprisals against me -

**Premier Ghiz:** They didn't know we had this.

**Mr. Brown:** So I go to the Deputy Attorney General, who is the chief law enforcement officer of PEI, the Deputy Attorney General is. They oversee all the laws of PEI and protect the laws of PEI. Shall take prompt action should an employee complain of an harassment as such of making a legitimate report.

So, what's wrong with that?

**David Hutton Advisor:** What are the penalties for those who commit the reprisals? There's nothing there to say that harassing someone, bullying them, drumming up a pretext to fire them, that that is improper activity and can be punished.

**Mr. Brown:** No. Take prompt action.

**David Hutton Advisor:** Yeah, ask someone to take prompt action. But if that isn't done properly -

**Premier Ghiz:** So what does yours say, (Indistinct)?

**Mr. Brown:** So you're saying the Deputy Attorney General of this province would be involved in improperly doing things in this province. The Deputy Attorney General would be improper in doing his investigation into those things. He would go to an employee and say: I think you have harassed this person that complained against you.

You're saying that the Deputy Attorney General would be a part of covering this up?

**David Hutton Advisor:** You're talking about the investigation of the wrongdoing. We're talking here about -

**Mr. Sheridan:** No, no. He's not talking about the wrongdoing.

**Mr. Brown:** No, no.

**Mr. Sheridan:** He's talking about the reporting and getting harassed by (Indistinct).

**Mr. Brown:** If I report something to somebody, my supervisors, and I'm harassed, this policy says, I can go to the Deputy Attorney General, make a complaint that says: I'm being harassed by my supervisor because I made a complaint. The Deputy Attorney General says: Okay, I'll look into it.

So you're insinuating that he's not going to look into it?

**David Hutton Advisor:** No, I'm saying what is the legal process there to make sure that that happens? Let's suppose that whatever reason that the authorities were not able to protect this person from being reprisaled, where is their remedy? Where can they go to have the people who took the reprisals brought to justice?

**Mr. Brown:** The Deputy Attorney General.

That's the top law enforcement officer. So we're saying he or she's not in a position to do anything?

**Chair:** Okay, hon. members -

**Premier Ghiz:** We're agreeing with you. We're just saying we have it in place now.

**Mr. Brown:** I agree, we have stronger legislation.

**Chair:** The hon. Minister of Finance and Municipal Affairs.

**Mr. Sheridan:** I've got a few points here that we'd like to go through.

First of all, I just want to clarify on the issue that the Minister of Education and Early Childhood Development and Attorney General spoke about with regard to the Saskatchewan bill. I went through it at length, and it is verbatim. I don't know if you've had a chance to review that, Mr. Hutton, or not. But it is, with exception of two or three lines, it's verbatim.

My only reason for bringing this back up here on the floor of this House is the fact that, yes, PEI must use existing successful legislation from other provinces. That's what we're talking about here, and I agree with you 100%. The problem with this was the Saskatchewan Party introduced this when they were in opposition. When they came to power they realized they had existing legislation on their books that allowed them to improve that process and go forward. They banned the thought of exactly what you're putting on the floor.

I don't think, Mr. Hutton, have you had a chance to - you didn't have any input on this bill that the Leader of the Opposition introduced last fall.

**David Hutton Advisor:** No.

**Mr. Sheridan:** Okay. All right, so I'll move away from that.

What's happened is it's an unsuccessful piece of legislation. It is verbatim to that Saskatchewan law that was not passed, was not enacted when they came to power, because they knew it was flawed. They knew what they had in place on the books was better.

Second point that I want to make on that one - and I don't need to hear any more on the Saskatchewan piece. I'd love to hear, if you have another point, on the consultation portion that we've been talking about here now. I just have a quick question with regard to Federation of Municipalities. Did you consult with the Federation of Municipalities, or any municipality, when you involved them in your piece of legislation?

**Leader of the Opposition:** Our piece of legislation is put in place to protect the employee. It's a piece of legislation that is a tool that actually will allow all governments - municipal governments, our provincial government - especially our provincial government and opposition - to show some leadership here, and to put a tool in place -

**Mr. Sheridan:** Perfect.

**Leader of the Opposition:** When people say that they're going to provide open, transparent, and accountable government, it's another tool.

**Mr. Sheridan:** Great. That's great. So you did not consult with the federation or the municipalities at all. You have not consulted with Holland College or UPEI. You have not consulted with PEITF or the school boards. You are all about protecting the employees, which is a perfect segue into my last point.

Mr. Hutton, you have not read the piece of legislation that is there. You have not had any involvement in writing that piece of legislation that the Leader of the Opposition has put on the floor. But you have read it, and you are -

**David Hutton Advisor:** We've studied it very carefully.

**Mr. Sheridan:** Okay, so you have covered that very well.

What the hon. Leader of the Opposition has said is the most important part is taking care of the employee and giving them their rights. Here on Prince Edward Island elected officials, politicians, are held in quite high esteem compared to other jurisdiction in Canada and around the world. What happens with that, Mr. Hutton, is that the political office carries a number of responsibilities, and when that happens public service respect those offices of responsibility and therefore they should be protected against those politicians. Do you agree with that?

**David Hutton Advisor:** I'm not sure that I understand your question.

**Mr. Sheridan:** Okay, so here's the scenario that I'll give you so it's very clear to you. I want to know this: Is this employee protected anywhere inside this proposed bill.

Here's the scenario. We have a very high-standing bureaucrat that is a director inside a department of the government. Very highly held position, has been in place for over 20 years, has served under many governments. Gets a phone call from a politician, asks this employee to come out after hours, will not come to their office, thinks that they should go to a spot where it would not be construed as being part of government issue. Asks them to go out and speak to them. Then tells them that they have a piece of information that they may be withholding illegal

information, and that they may be charged under the RCMP code of misconduct. That if they will tell them that information that they will be better off and safer under the laws of the land if they will blow the whistle on the existing administration. We have information that shows that your hands may be dirty in this case as well and I will get you off if you tell me what I want to know.

Now, in my mind - in my mind - I find that the most difficult position that an employee could ever be put in. So we're not only protecting an employee when he sees wrongdoing going on in a department in that fashion, but when a politician comes to them and puts that kind of undue pressure on them, that calls into question their ethical responsibilities inside a department and to their total regard for what they're attempting to do inside of business of the government, and asking them to do exactly that.

Do you have anything inside that piece of legislation that would protect that employee against that very happenstance?

**David Hutton Advisor:** The protection is against reprisals, so there's no way you can protect people from being put in situations that are difficult. The protection is there for someone who blows a whistle and then finds that there are severe negative consequences for them.

**Mr. Sheridan:** So there's nothing in this legislation that would protect this individual?

**David Hutton Advisor:** You can't protect people from being put in difficult situations and having to make difficult (Indistinct) -

**Mr. Sheridan:** Does it protect the individual in that case if that scenario ever occurred?

**David Hutton Advisor:** It protects the

individual from any reprisals that they might suffer if they make a disclosure. That's what it does. And that's what the intent of it is.

**Mr. Sheridan:** And so anywhere inside this legislation, does it protect that individual?

**David Hutton Adviser:** The case you're talking about?

**Mr. Sheridan:** Yes.

**David Hutton Adviser:** You keep asking if it protects him. Against what? Against being put in that situation? I've said no. It protects them from negative consequences. It protects them from reprisals if they do the right thing.

**Mr. Sheridan:** Okay. Is there anything in that bill that would make sure that a politician that ever pulled off this inexcusable act would have to face the same issues that would happen inside any other grievance process that we would see?

**Leader of the Opposition:** Just a couple of comments.

The incident that you're referring to with Neil Stewart, if we had witnesses allowed at Public Accounts and in term of if Mr. Stewart's ever allowed to come to public accounts, maybe we can have a good discussion of actually what happened that late afternoon.

The other part, it's interesting. This piece of the legislation, again, is a good piece of legislation. It's meant to help protect employees. Again I use that visual example of a bees' nest or whatever. How many -

**Mr. Sheridan:** You have to explain that one for us. That one's gone over our head.

**Leader of the Opposition:** In terms of, if you picture a bees nest - for example, the

Auditor General has done an exceptionally good job of reviewing a number of reports as of late, especially the Provincial Nominee Program.

**Mr. Sheridan:** Yes.

**Leader of the Opposition:** In that particular program the Auditor General's identified where a deputy minister, where a former director - Mr. Stewart, who we're referring to - actually broke rules and did things that they shouldn't.

So again, picture that bees' nest where all kinds of strange things are occurring when, again, government are doing things outside of federal provincial agreements. You name it. What this piece of legislation is about is to protect that person who, out of the interest of the integrity of the job, out of the interest of the general public, in terms of protection of the taxpayer, etc., wants to come forward with real valid, good information. What this legislation will allow is protection for people to actually bring information forward, no matter whether it's the Provincial Nominee Program, whether it's a program in the future. It's protection. It's another tool of government.

**Chair:** Go ahead, Mr. Hutton.

**David Hutton Adviser:** I'd just like to respond to your comment about the Saskatchewan legislation. As you said, we haven't studied and (Indistinct) Bill 100 is very similar to it. You describe it as failed legislation. From the remarks you just made, it sounds as if it was legislation that was never tested, which would be a more accurate description, I think.

**Mr. Sheridan:** But if it was good legislation and the Saskatchewan Party introduced it in one year, won the next election and went in and they thought it was great legislation, why would they not enact it?

They didn't even consider it because once they got to government, just as we do - and I don't blame the hon. Leader of the Opposition, because she didn't have the ability to go to all of the information that we have, look at our existing legislation, look at our existing Treasury Board policies - she did not have the opportunity or took the time to go and do the research to see what was there.

So the Saskatchewan Party went into power. They looked at their proposed legislation. They saw the flaws that are in it, because it's a terribly flawed piece of legislation. It gives no strength for recourse for employees going forward any stronger than what we have now. The same grievance process is in place inside your new legislation. They don't even have - it tells us of going through the court system again for the years and years that could happen now under the existing system. It is no improvement. It's a terribly flawed piece of legislation, and Saskatchewan proved that for us because they didn't even take it and enact it in their own province when, a year later, they got into power.

They took a look, had their lawyers look at it and said: We got to tell you something, folks. When you brought that forward to the House last year we were sitting on the other side of the fence. We've done all our homework. You have existing legislation that is very strong and impactful and you don't have to do that. So here's what you do. You just put forward the existing legislation and you'll be very safe and your employees will be in a very good place. You don't need to enact a piece of legislation that is as flawed as what they had proposed out in Saskatchewan, and the same thing that we're looking at on the floor of this Legislature today.

If Saskatchewan didn't test it, why did they not test it, Mr. Hutton?

**Leader of the Opposition:** Saskatchewan is responsible, I guess, for what happens in Saskatchewan. We're responsible for what happens here in PEI.

**Chair:** The hon. Minister of Innovation and Advanced Learning.

**Mr. Campbell:** I'd like to go back to my comments, and I guess the hon. Member from Stratford-Kinlock had questions as well, around our universities and colleges.

You indicated when I asked the question first that you were reluctant, I guess, to bring the legislation forward or consult with the institutions because you felt that sometimes people in supervisory positions are defensive. Would that be correct?

**Leader of the Opposition:** I don't - if that's how you interpreted what was said, I think what we mentioned is this piece of legislation is put in place to protect the employee. No matter whether it's the university, no matter whether it's provincial government. It's put in place to protect the employee so it's from that viewpoint that the legislation's written.

**Mr. Campbell:** I understand that, but you mentioned something along the lines of someone possibly being defensive.

**Leader of the Opposition:** I don't know. Basically, again, it's a tool. It's a piece of legislation to protect employees and it's also an important tool for government and for the general public because, again, it demonstrates when people use the words open, transparent and accountable government. It's just another tool to be able to ensure that.

**Mr. Campbell:** I understand your rationale behind the bill.

**Leader of the Opposition:** Thank you.

**Mr. Campbell:** No question but I just - again, maybe you could explain or I guess we could read it in the Hansard later on there.

**Leader of the Opposition:** Feel free to - you can certainly read it or we could send for a staff person to try and get it for you right now. But basically, it doesn't matter who the employer is. The bill is for protection for the employee. That's why it's called the public disclosure act.

**Mr. Campbell:** I guess then, why the reluctance to consult with our public education institutions prior to putting the legislation on the floor?

**Leader of the Opposition:** We were quite comfortable in terms of trying to bring the act in using the person that writes legislation for us. As she reviewed on our behalf other jurisdictions, including Saskatchewan, Manitoba and New Brunswick, as well as having the free services of FAIR, and through FAIR the free services of GAP, again, in other jurisdictions where legislation like this has often been proposed, usually the reluctance sometimes is on behalf of employers.

For us, we're comfortable that this is a good piece of legislation. It's in front of you this afternoon, and again, I think it's a great opportunity for the government of PEI and opposition to actually show some leadership and work together on the bill and hopefully pass it.

**Chair:** The hon. Minister of Environment, Energy and Forestry.

**Mr. Brown:** When I was in opposition we reviewed legislation across the country and brought legislation forward, and it was always a good discussion, and I thank you for bringing this forward today.

But I just want to make sure that - I think we have very strong policies in place right now which we basically - your legislation says may come forward, or can come forward. The policies that are in place now say: If you see fraud, if you see wrongdoing, it is an obligation of the employee to come forward. Your act says: If you want to come forward you can come forward. I think your bill is lessening what we have in place now. That's my opinion.

So what happens right now? So the employee says: I don't agree with what's being done in the department right now. So the employee, in your bill, goes to the supervisor? Or directly to the courts?

**Leader of the Opposition:** It depends on - would you explain to us in the example what you mean that the employee thinks they're not happy with that example? Could you be more specific?

**Mr. Brown:** Let's say there's a policy being done that says we're going to spend \$3 million building a new cancer unit at the hospital. Some employee says: I think that's a waste of taxpayers' money. Under your law it says the employee thinks it's a waste of taxpayers' money, and the policy has been made, the decision is made, government decisions have to be made, and employees have to follow the decisions that have been made. You're basically saying in this legislation if a guy is digging out on a road crew and he says: I don't want to do that because I don't think we should be digging that hole, and the guy says: Well, I think you should be. Well, no, that's reprisals. What protection is in this bill for the person that the allegation is made against?

**David Hutton Advisor:** You're raising two points there. One is you're describing a situation where someone has a disagreement over policy. That's not what this is supposed

to deal with. This is supposed to deal with a situation where there's wrongdoing, and the person feels compelled to report that.

The main purpose of the bill is not to deal with how the allegations are reported and investigated and so on, but it's assumed that you have good processes in place to deal with that, which you've described to us. It's to protect the whistle-blower from reprisals.

**Mr. Brown:** So what's your definition of wrongdoing?

**David Hutton Advisor:** The definition is in the act there. It's quite broad, but it does not cover situations where there is simply a disagreement over policy.

**Mr. Brown:** Mismanagement of public money. So you're saying mismanagement of public money. I, as an employee, think you're mismanaging public money if you spend it in this way, and then, because I think you're doing wrong here - we are the policymakers. The Legislature is the policymakers and the lawmakers. We take our advice and we make our decisions, and they move forward.

**David Hutton Advisor:** I think that we need to stay focused on the fact that this bill is to deal with reprisals taken against people. You can have all kinds of disagreements about what should be done, you can have people being - certain positions where they feel that policy's not going in the right direction, and people may want to object to that. They may be entitled to. What this bill is focused on is where someone discloses a wrongdoing, and they then suffer reprisals, then they have a remedy. That's something that's missing at the moment, I believe.

**Mr. Brown:** So if somebody sees a wrongdoing in this bill, what's the procedure? So I'm an employee. I'm saying I think my fellow employee is doing

something wrong here. So what is the procedure in this (Indistinct)?

**David Hutton Advisor:** (Indistinct) coming back to what they do if they see a wrongdoing. The issue is what happens after.

**Leader of the Opposition:** After that.

**Mr. Brown:** No, no, but what's the procedure now? Like, you're -

**David Hutton Advisor:** (Indistinct).

**Leader of the Opposition:** Some of the areas that you referred to earlier, say, for example, if there was a wrongdoing of significant events and they go to their supervisor or whatever, and their supervisor decides: Well, you know, I'm not sure, maybe I'll send this person home. Maybe this person, you know, a way to get him or her to be quiet about this issue is we'll give them lots of extra work. We'll just keep piling on work in areas that maybe they have no competencies in, but it's more about the stressful environment that may take place.

After that, usually what happens when a person is put in a circumstance like this is often they may decide that it's tough for them, they may end up going off on sick leave, etc. Or in some cases it gets to the point where they've actually lost their job. What this does is allow for them to use the court system to go back to get reprisal and fairness back into the system to protect them.

**Mr. Brown:** So, an employee right now, your act says, I go to the -

**Leader of the Opposition:** This is for wrongdoing.

**Mr. Brown:** Yes. I go to the Auditor

General, or I go to the Deputy Attorney General, and I say: I think there's wrongdoing. That is investigated. The Deputy Attorney General or the Auditor General comes back and says: There's nothing to this allegation.

Can the person still be protected when they go public and say: I don't care what the Auditor General said, I don't care what the Attorney General said, I believe there's wrongdoing here and I want headlines in the local paper that such-and-such a person broke the law, I believe broke the law? Does it protect? Like it says here, disclose. We cannot do reprisals against a person that discloses, threatens to disclose, or about to disclose to a supervisor, an agency of government, a public body, a public institution or an independent officer of the Legislative Assembly.

Once they go public with it, and the government comes back or the person comes back and says: This has been fully investigated, and we find nothing wrong, the person is still guilty in many persons' eyes. Wouldn't you say?

**David Hutton Advisor:** You're talking about the public official?

**Mr. Brown:** Yes. No, no. We're trying to make this is a public official. This act will apply to every civil servant. So me, I go public against my boss, and say: My boss, the director of such and such, broke the law, I believe he broke the law. But I went through all the proper channels of disclosing it and I believe in my heart that he still broke the law, that all these officials -

**An Hon. Member:** Goes to the media.

**Mr. Brown:** - goes to the media, and says -

**David Hutton Advisor:** Well, what you -

**Mr. Brown:** - he's still wrong.

**David Hutton Advisor:** What you described would be - they would be at risk of being prosecuted just under the normal law for a frivolous or a malicious libel, or whatever.

**Leader of the Opposition:** Slander.

**David Hutton Advisor:** Slander. Yes. It doesn't protect -

**Mr. Brown:** No.

**David Hutton Advisor:** There's no protection for people who (Indistinct).

**Mr. Brown:** There is protection under law right now.

**David Hutton Advisor:** There's protection for people who make a disclosure in good faith and who suffer reprisals. That's the point. If they suffer reprisals, then the law (Indistinct) -

**Mr. Brown:** But I agree with that side of the equation, but -

**Leader of the Opposition:** We look forward to your support, then.

**Mr. Brown:** - this is a major piece. You vilify someone. The person is up in the - you know: This guy, I believe this person created fraud. His children have to go to school tomorrow. The stigma is put on that person for the rest of his life, and the person that made the allegation, albeit may be disgruntled with the boss that says: I should have had the boss's decision, I didn't get it, so this person's doing wrong, now I'm going to get him, or her.

What protection's there for that? His or her life's ruined. His family's life is ruined because it's headlines in the paper.

**David Hutton Advisor:** You're describing a hypothetical situation -

**Some Hon. Members:** Oh, oh!

**David Hutton Advisor:** - that does not occur due to this sort of legislation.

**Mr. Brown:** So you're saying an employee that goes to the paper and says - this is a hypothetical situation - an employee that runs to the paper and says: I believe wrongdoing was done, gets the headlines. That's a hypothetical situation. That never happened. You would believe him?

**David Hutton Advisor:** What I'm saying is whether it happens or not it's not affected by this legislation because that person wouldn't have protection, if that sounds like a libel, it doesn't sound like, you know, an appropriate disclosure.

**Chair:** I have two on this side waiting, and I have Montague-Kilmuir waiting.

I'm going to move first to the hon. Minister of Community Services, Seniors and Labour.

**Ms. Sherry:** Thank you, Madam Chair.

Just a simple question. Can you define wrongdoing?

**David Hutton Advisor:** There is a definition there which is quite good.

**Chair:** Could you read - maybe we can find that for the Legislature. Want me to read that, hon. members?

**Mr. Brown:** Yeah, read the definition (Indistinct).

**Chair:** We'll take a moment and we'll find it and I'll read it for the Legislature as soon as I find it here.

Do you know where it is, hon. member, in the legislation? Is it in the legislation? I'll read it if you don't mind. Did you find the section?

**David Hutton Advisor:** The most relevant part is -

**Chair:** Okay, I'm just going to go to 2(d) on page 2, hon. members:

“discloses, threatens to disclose or is about to disclose to a supervisor, to an agency of government, a public body, public institution or to an independent officer of the Legislative Assembly any information regarding financial mismanagement of public money or other similar wrongdoing.”

**Ms. Sherry:** That still doesn't define wrongdoing.

**Mr. Campbell:** Just point out which section has the definition of wrongdoing.

**Chair:** It just says under (f):

“objects to, opposes or refuses to participate in any activity, policy or practice which the employee reasonably believes

“(I) is in violation of a law, rule, enactment or regulation promulgated pursuant to law or an enactment,

“(ii) is fraudulent or criminal,

“(iii) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare, or protection of the environment, or

“(iv) involves financial mismanagement of public money or other similar wrongdoing.”

Does that answer your question, hon. member?

**Ms. Sherry:** Not really, Madam Chair.

It's still not a definition of the word wrongdoing, and I think we need to establish what that word means in the context. Because we're using it quite a few times but nobody really understands or can give us the proper meaning of the word. It's causing a lot of gray area, I think.

**Chair:** Okay, perhaps we can get further clarification.

The hon. Minister of Innovation and Advanced Learning.

**Mr. Campbell:** Your legislation suggests it's to protect employees from reprisal from supervisors, okay, right? Partially. It's to protect the employee against reprisal by a supervisor, and I know there are other governing bodies. So what happens, say, in government, and it's not uncommon when your supervisor changes. Is that new supervisor exempt from that or can they bring reprisal then? I'm not clear as to whether when you have a new supervisor whether then that reprisal can be brought on. Does this guard against that?

**David Hutton Advisor:** Are you saying that the new supervisors somehow be exempt from any -

**Mr. Campbell:** No, I'm asking. Does this clearly define that if a new supervisor comes into place that that employee with respect to that situation is still protected from reprisal by their supervisor? Although - if somebody who may not even have been involved in the situation. Again, in government it's not uncommon, supervisors change on a regular basis. People move around in public service. I'm just wondering, if a new supervisor comes in place does the employee remain protected from reprisal by their supervisor when that person was not involved in the situation to begin with?

**David Hutton Advisor:** I would say yes. Provided that the issue revolves around the disclosure. What this law doesn't attempt to do is prevent anyone from every being harassed and bullied in the workplace. Because that does go on. It's not that uncommon. This law is not designed to prevent that.

What it's designed is to take those cases where someone that's been targeted because they made a disclosure of wrongdoing, if that makes them a whistle-blower, and then we want to make sure that they don't have these tools of reprisal used against them.

So if there's a connection with the disclosure in some way, then anyone who takes reprisals against them is vulnerable to action under the act.

**Mr. Campbell:** So in a situation, if the supervisor changes - and again, I realize it's a hypothetical situation. A new supervisor comes in and says to the employee: Basically, you're fired, you're going home, right? That employee should be protected, right? That can't happen without just cause under the system we already have in place, right? So what makes this different? You have to establish just cause.

**David Hutton Advisor:** Perhaps the person could be protected anyway just through normal labour law. But the additional protection here is (Indistinct) employee, regardless of who the supervisor (Indistinct) or not, if the employee can show that there's some connection with the fact that they made a disclosure, that they be blacklisted or somehow the organization's attitude towards them is changed, and now their job prospects are nil, if you can make that connection it doesn't really matter.

The court will make the ultimate decision on this, but my judgement would be that it really doesn't matter about changes of

management and so on.

**Mr. Campbell:** You mentioned earlier about a tribunal. Who do you propose would make up this tribunal?

**David Hutton Advisor:** The law as it stands gives access to the courts. I misspoke there.

One of our suggestions of improving actually made by the union is that the courts can be very expensive and many people will not be able to afford them. So let's offer them access to a labour tribunal which already exists and give them a much less costly, onerous way of trying to get a remedy. So that's one of the ways in which we feel that the law could be improved.

**Mr. Brown:** (Indistinct) I've seen employees in government put grievances against supervisors and I've seen it go right - like, I was part of the union and we went to grievance procedures and we won it on grievance procedures against employees trying to do away with other employees.

**Chair:** Do you have anything further?

**Leader of the Opposition:** I just thought maybe David, there's an example that I think might help - and I'm trying to think of the example that you gave me in regards to the staff overseas (Indistinct) extravagant accommodation fees. If you give that example. Because I think what the minister's referring to is more of a labour issue.

**David Hutton Advisor:** The issue of what the unions can do and where the grievance process is acceptable, the problem is - there are a number of problems in here. One is that the union may represent the person who's made the disclosure. They may also represent the people that are harassing them. (Indistinct) problem right there.

The other problem is that the grievance process, normally you're going up through the line management with the support of your union. So you're really taking your concern in many cases to the very people that are orchestrating the reprisal. The reprisals are most commonly orchestrated by a direct or reasonably near superior. So your own line management is conducting the reprisals. The grievance process is not the appropriate way to go in that situation.

In fact, that position has been accepted at a federal level. Our founder spent four years baffling the government over jurisdiction. Government lawyers claimed that she should use the grievance process and that was overturned on appeal.

**Chair:** The hon. Member from Montague-Kilmuir, and then I have another person waiting.

**Mr. Bagnall:** No problem. So looking at this bill, member, that you've brought forward, are you happy with this bill the way it is?

**Leader of the Opposition:** I'd like to just introduce one amendment to the bill.

**Mr. Bagnall:** To which section would you like an amendment?

**Leader of the Opposition:** The section that I'd like to amend is actually in the bill, section 4.

I would actually replace it with, the anonymity -

**Mr. Bagnall:** Do you have a copy of that?

**Leader of the Opposition:** Yes, I do.

**Chair:** Hon. members, there's been - are you moving an amendment?

**Leader of the Opposition:** Yes I am, sorry.

**Chair:** Hon. members, the mover of the bill is proposing an amendment. Could I have a copy of that? That on page -

**Mr. Bagnall:** Could I see a copy, too? Are there extra copies?

**Chair:** Could the - I'll just have the Pages -

**Premier Ghiz:** Let's just vote on the bill.

**Leader of the Opposition:** We want to move this amendment and then we can vote.

**Mr. Bagnall:** Got to wait until this is done now.

**Chair:** We have an amendment on the floor at the moment we have to deal with, hon. members.

Page 3, section 4.

That the act be amended in subsection 6(2) -

**Leader of the Opposition:** (Indistinct) wait now.

**Chair:** Okay.

**Leader of the Opposition:** This is the one.

**Chair:** Sorry. Is that the one that's being handed out, hon. member?

**Leader of the Opposition:** That should be the one. I just want to make sure this (Indistinct).

**Chair:** Making sure we're handing out the (Indistinct).

**Leader of the Opposition:** Okay, we're not? Sorry.

**Chair:** Just take a moment, hon. members.

**Leader of the Opposition:** Can I go back to my desk?

**Chair:** Sure. Pass that file, please, to the member.

I believe the member is passing out the correct amendment that should have gone out to you. It's moved that:

Section 4. The anonymity of any employee who provides information or identifying information, testifies or makes a disclosure pursuant to section 2 shall be maintained, except where required by law.

That is what the new proposal is. In exchange for the wording: "The anonymity of any employee who provides information, testifies or makes a disclosure pursuant to section 2 shall be maintained, where circumstances warrant."

Hon. members, we have an amendment.

**Mr. Bagnall:** Can I ask a question on that?

**Chair:** Any questions?

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

**Chair:** You can speak to the amendment.

**Mr. Bagnall:** Thank you.

I guess what I'm trying to find out on this amendment is, what's this change mean, from what was actually in the bill to the amendment now? What is this going to actually do to the bill?

**Leader of the Opposition:** Sure. This amendment actually replaces the anonymity provision of the bill. The identity of the employee who provides information, testifies and makes a disclosure is protected and expanded to include protection for identifying information.

When David referred to - when we did consult with CUPE they brought this particular item to our attention. Any employee's identity is also protected, except where required by law, as opposed to where circumstances warrant.

**Mr. Bagnall:** Okay, so does this strengthen it, or does this weaken it?

**Leader of the Opposition:** It strengthens it.

**Mr. Bagnall:** To what extent? So how do you mean it strengthens it?

**Leader of the Opposition:** It -

**Mr. Bagnall:** Can you give me an example of how it would strengthen it?

**Leader of the Opposition:** Sure.

**David Hutton Advisor:** Yeah, I'll try and talk to that. The issue here is that the current bill - the one thing we saw - we would describe as a loophole is that it does not provide guaranteed protection for the anonymity of the whistle-blower. What this amendment does is it essentially guarantees their anonymity.

**Chair:** Any further questions on the amendment?

**Premier Ghiz:** Sorry, I'll speak to the amendment.

**Speaker:** The hon. Premier.

**Premier Ghiz:** Thank you very much.

I've taken the time today to listen to all of the arguments made, and obviously - no offence - I know the Leader of the Opposition rushed this through. Copied it mainly from Saskatchewan, probably 93% of it. They got into power. They didn't even use their own legislation. She didn't know

about the legislation, or advisor, that we have in place as a government whether or not we're talking about numerous things - the *Freedom of Information and Protection of Privacy Act*, the *Occupational Health and Safety Act*, the *Child Protection Act*, the *Public Health Act* - not to mention didn't even know that there was a fraud awareness and reporting act under the guidance of the Office of the Attorney General, which is the highest office, highest cop, in the province.

So I'm not sure why we're introducing amendments here. It's unfortunate. We do think that this is a good idea, but we just think that it's already in place, and in fact we already have stronger regulations in place that are already there.

I commend David - I think it's David - for the work he's doing. Like he mentioned himself, he didn't even review what we had in place, so it's impossible for him to know if it's not good if we haven't even put in place. So it's impossible to vote on amendments here when in fact the legislation is flawed. We've looked into it. No offence, the Leader of the Opposition doesn't have the resources that government has. We looked into it, it's very flawed legislation in terms of - from legalities - from the lawyers that looked at it. So it's hard for us to approve an amendment when we can't even approve a legislation, because the legislation is fundamentally flawed.

I suggest to the Leader of the Opposition, maybe she should go back and review everything that's in place within the province - this is just a suggestion to her - approve everything that's in place within the province. She didn't know about the fraud awareness and reporting, she wasn't sure about all the other provisions we have in place, and if she wants to introduce some amendments to what we already have in place - if she thinks that there are some discrepancies there - we'll be more than

happy to look at that.

I suggest that she does it before - and this is just me saying it, because I know you would ask me the exact same questions if I was sitting in your place and there was legislation pertaining to UPEI, Holland College, the school boards, that we go consult them and tell them about it. You would make us go back and consult them before you would approve it in the House as well.

Thank you.

**Chair:** Any further members wish to speak to the amendment?

All those in favour of the amendment?

**Leader of the Opposition:** Standing vote?

**An Hon. Member:** It's just the amendment.

**Chair:** It's just for the amendment.

**Leader of the Opposition:** Okay, sure.

**Chair:** All those in favour of the amendment say 'yea'.

**Leader of the Opposition:** Yea!

**Chair:** All those against?

**Some Hon. Members:** Nay!

**Chair:** The amendment is denied.

We're back to the bill, hon. members.

**Leader of the Opposition:** Standing vote, please.

**Mr. Bagnall:** We're going to vote on the bill?

**Leader of the Opposition:** Standing vote.

**Chair:** Standing vote has been called hon. - no, I'm sorry. Not in committee, I'm sorry.

Shall the bill carry?

**Leader of the Opposition:** Yes.

**Some Hon. Members:** No.

**Chair:** The bill has failed.

**Some Hon. Members:** (Indistinct).

**Leader of the Opposition:** Madam Chair, I move the Speaker take the chair and the Chair report the bill not recommended.

**Chair:** Shall it carry? Carried.

Madam Speaker, as Chair of a Committee of the Whole House having had under consideration a bill to be intituled *Public Interest Disclosure Act*, I beg leave to report that the committee has gone through the said bill and does not recommend same to the Legislative Assembly. I move the report of the committee be adopted.

**Speaker:** Shall it carry?

**Mr. Bagnall:** (Indistinct) standing count, please?

**Speaker:** Hon. member?

**Mr. Bagnall:** I'd like a standing count.

**Speaker:** Sure.

Hon. members, a recorded division has been requested on this.

I would request that the Sergeant-at-Arms ring the bells to call the members.

[The bells were rung]

**Mr. MacKinley:** One of your members

even left. Not even staying to help you.  
(Indistinct) He snuck out there a little while ago in a cloud of darkness.

**An Hon. Member:** Madam Speaker, our members are all here.

**Speaker:** Thank you.

**Mr. Bagnall:** We're all set (Indistinct).

**Speaker:** I would ask all members voting against the report to please rise.

**An Hon. Member:** Is that what we're doing (Indistinct)?

**Some Hon. Members:** (Indistinct).

**Speaker:** Sorry.

**Premier Ghiz:** Again the report is -

**Speaker:** The vote is on the report of the Committee of the Whole that the report not be adopted. Right?

**Clerk:** Madam Speaker, if I might?

**Speaker:** Yes, thank you.

**Clerk:** The vote is on the report from the Committee of the Whole House that the bill not be recommended.

**Mr. Brown:** They're voting against the report.

**Mr. MacKinley:** They're voting against their own report.

**Speaker:** All those voting against the recommendation of the report, please rise.

All those voting on the report please rise.

**An Hon. Member:** In favour?

**An Hon. Member:** In favour of?

**Speaker:** In favour of the report.

**Clerk:** The hon. Minister of Transportation and Infrastructure Renewal; the hon. Minister of Health and Wellness; the hon. Minister of Environment, Energy and Forestry; the hon. Premier; the hon. Minister of Finance and Municipal Affairs; the hon. Government House Leader; the hon. Minister of Education and Early Childhood Development and Attorney General; the hon. Member from Kellys Cross-Cumberland; the hon. Minister of Tourism and Culture; the hon. Minister of Fisheries, Aquaculture and Rural Development; the hon. Minister of Agriculture and Deputy Premier; the hon. Minister of Community Services, Seniors and Labour; the hon. Minister of Innovation and Advanced Learning; the hon. Member from Stratford-Kinlock; the hon. Member from Alberton-Roseville; the hon. Member from O'Leary-Inverness; the hon. Member from West Royalty-Springvale; the hon. Member from Belfast-Murray River; the hon. Member from Tyne Valley-Linkletter; the hon. Member from Vernon River-Stratford; the hon. Member from Summerside-St. Eleanors; and the hon. Member from Charlottetown-Sherwood.

**Speaker:** All those voting against the report, please rise.

**Clerk:** The hon. Leader of the Opposition and the hon. Opposition House Leader.

**Speaker:** The 'ayes' have it.

We now have a recess till 7:00 p.m. this evening.

**The Legislature recessed until 7:00 p.m.**

**Speaker:** I'm going to give the floor to the

hon. Member from Tyne Valley-Linkletter.

**Ms. Biggar:** Thank you, Madam Speaker.

I'd like to welcome two of my constituents. Kent England and his daughter Allyson from Grand River are here visiting this evening.

Thank you.

**Some Hon. Members:** Hear, hear!

Government Motions

Orders of the Day (Government)

**Mr. Campbell:** Madam Speaker, I move, seconded by the hon. Minister of Education and Early Childhood Development and Attorney General, that the 4<sup>th</sup> order of the day be now read.

**Speaker:** Shall it carry? Carried.

**Clerk:** Order No. 4, *An Act to Amend the Legal Profession Act*, Bill No. 29, ordered for second reading.

**Speaker:** The hon. Minister of Innovation and Advanced Learning.

**Mr. Campbell:** Madam Speaker, I move, seconded by the Honourable Minister of Education and Early Childhood Development and Attorney General, that the said bill be now read a second time.

**Speaker:** Shall it carry? Carried.

**Clerk:** *An Act to Amend the Legal Profession Act*, Bill No. 29, read a second time.

**Speaker:** The hon. Minister of Innovation and Advanced Learning.

**Mr. Campbell:** Madam Speaker, I move, seconded by the Honourable Minister of Education and Early Childhood Development 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 on the hon. Member from Alberton-Roseville to chair the Committee of the Whole House.

**Chair (Murphy):** The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *An Act to Amend the Legal Profession Act*.

**Mr. Bagnall:** Minister, we reviewed this bill in depth, the long bill it is. The three lines of it. We've reviewed and actually we agreed that this is a good move and we'll pass the bill without amendment.

**Chair:** Shall the bill carry? Carried.

**Mr. D. Currie:** I move the title.

**Chair:** *An Act to Amend the Legal Profession Act*

Shall it carry? Carried.

**Mr. D. Currie:** I move the enacting clause.

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

Shall it carry? Carried.

**Mr. D. Currie:** Mr. Chair, I move the Speaker take the chair and the Chair report the bill agreed to without amendment.

**Chair:** Shall it carry? Carried.

Madam Speaker, as Chair of a Committee of the Whole House having had under consideration a bill to be intituled *An Act to Amend the Legal Profession Act*, I beg leave to report that the committee has gone through the said bill and has agreed to same without amendment. I move that the report of the committee be adopted.

**Speaker:** Shall it carry? Carried.

The hon. Minister of Finance and Municipal Affairs.

**Mr. Sheridan:** Thank you very much.

Madam Speaker, I move, seconded by the Honourable Minister of Education and Early Childhood Development and Attorney General, that the 3<sup>rd</sup> order of the day be now read.

**Clerk:** Order No. 3, *Highway Traffic (Roadside Suspension) Amendment Act*, Bill No. 25, ordered for second reading.

**Speaker:** The hon. Minister of Finance and Municipal Affairs.

**Mr. Sheridan:** Madam Speaker, I move, seconded by the Honourable Minister of Education and Early Childhood Development and Attorney General, that the said bill be now read a second time.

**Speaker:** Shall it carry? Carried.

**Clerk:** *Highway Traffic (Roadside Suspension) Amendment Act*, Bill No. 25, read a second time.

**Speaker:** The hon. Minister of Finance and Municipal Affairs.

**Mr. Sheridan:** Thank you very much.

Madam Speaker, I move, seconded by the Honourable Minister of Education and Early

Childhood Development 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 call on the hon. Member from Charlottetown-Sherwood to chair the Committee of the Whole House.

**Chair (Mitchell):** The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *Highway Traffic (Roadside Suspension) Amendment Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

**Mr. Bagnall:** Maybe the minister, before we do that, if he gives us a good enough explanation on it we may not have to read it clause by clause, line by line.

**Mr. MacKinley:** Probably should take on my assistant here, Mr. Macdonald.

**Premier Ghiz:** No, you don't need your assistant.

**Mr. MacKinley:** No, in case I'm wrong. I think this is correcting an error that was made before and he could explain.

Permission to take Mr. MacDonald.

**Mr. Bagnall:** We've got no problem. I think John's got all the answers. I know that. Thank gracious somebody does. Thank goodness somebody does.

**Mr. MacKinley:** John, is this not correct? This is correcting an error? I just want to make sure.

**Mr. Bagnall:** What error is it correcting?

**Mr. MacKinley:** Could you explain that to him? It was just left out in one of the bills.

**John MacDonald Director:** Last fall in the session we brought forth a bill to amend the *Highway Traffic Act* where we made amendments to the impaired driving legislation, and it was a comprehensive bill at that time.

What that left out was the refusal clause for a 24-hour driver license suspension. That clause had been in the previous 10 years and it just inadvertently got missed in the drafting, and when we recognized that it was missing it was just a little late so we need now to put it back in.

**Mr. Bagnall:** Okay. So what is that? You have to have a reading of under .05 for the 24 hours? Is that what you're telling me?

**John MacDonald Director:** That's correct, .05 or greater.

**Mr. Bagnall:** Greater or under?

**John MacDonald Director:** No, .05 and greater. What you will end up suffering is a 24-hour driver's license suspension.

**Mr. Bagnall:** That's from .05 up to .08?

**John MacDonald Director:** Actually, it's from .05 to infinity, really.

**Mr. Bagnall:** So you're going to lose your license regardless over .05 for 24 hours and then if you're convicted of more, then that's over and above.

**John MacDonald Director:** That's correct.

**Mr. MacKinley:** We changed the legislation also here seven days. If you blow over .5 you lose your license for seven days. Basically, I think what happened here was we missed a refusal. Somebody refused, is that not correct?

**John MacDonald Director:** That's correct.

**Mr. MacKinley:** If somebody refused - like if you blew .5, .6 -

**Mr. Bagnall:** We're all right with that, we understand that.

**Chair:** The hon. Member from Georgetown-St. Peters.

**Mr. M. Currie:** Minister, if you're caught and they take your license for seven days, but it's four months before you go to court, do you get your license back after seven days?

**Mr. MacKinley:** You don't get charged because it's .05, you're not charged. We just suspend your license for seven days. So you're not charged, there's no charge.

**Mr. M. Currie:** So if you're caught for impaired, do you lose your license on the spot or do you wait till you go to court?

**John MacDonald Director:** Well no, there is a couple of things that play here.

**Mr. MacKinley:** There is a couple of things that play.

**John MacDonald Director:** You can lose your license for an immediate 24 hours and the idea behind that is to get the drinking driver off the road immediately. Then what you can suffer is what's called a 90-day administrative driving prohibition. Now that's been in effect for 10-plus years and that kicks in seven days after that you're stopped. So you have kind of seven days to get your affairs in order. So then you automatically have your driver's license suspended for 90 days. Then the next step will be if you end up going to court.

**Mr. M. Currie:** So if the court system is slow getting there do you get your license back after 90 days?

**John MacDonald Director:** After 90 days, that's correct.

**Mr. M. Currie:** Okay.

**Mr. MacKinley:** Until you go to court. You would lose your license if you blow over .08, which I hear is closer to .09 or 10. Because they have to be 110% sure or something.

**An Hon. Member:** Carried.

**Chair:** So we're ready to carry the bill?

**Some Hon. Members:** Yes.

**Chair:** Shall it carry? Carried.

**Mr. Bagnall:** That's a good change.

**Mr. MacKinley:** All good things come from highways.

I move the title.

**Chair:** *Highway Traffic (Roadside Suspension) Amendment Act.*

Shall it carry? Carried.

**Mr. MacKinley:** I move the enacting clause.

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

Shall it carry? Carried.

**Mr. MacKinley:** Mr. Chair, I move the Speaker take the chair and the Chair report the bill agreed to without amendment.

**Chair:** Shall it carry? Carried.

Madam Speaker, as Chair of a Committee of

the Whole House having had under consideration a bill to be intituled *Highway Traffic (Roadside Suspension) Amendment Act*, I beg leave to report that the committee has gone through the said bill and has agreed to same without amendment. I move that the report of the committee be adopted.

**Speaker:** Shall it carry? Carried.

I'm going to give the floor to the hon. Member from O'Leary-Inverness for recognition.

**Mr. Henderson:** Thank you, Madam Speaker.

I want to recognize a good friend and a good supporter of the good people of O'Leary-Inverness. Mr. Ronnie MacWilliams is up in the gallery there today. Ronnie always likes to take an opportunity to come down to visit the Legislature when he gets a chance. His dedication to our community and our party and our cause is unsurpassed. So welcome, Ronnie. I'll be up to see you a little bit later on.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Minister of Finance and Municipal Affairs.

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

Madam Speaker, I move, seconded by the hon. Minister of Education and Early Childhood Development and Attorney General, that the 5<sup>th</sup> order of the day be now read.

**Speaker:** Shall it carry? Carried.

**Clerk:** Order No. 5, *An Act to Amend the Crown Proceedings Act*, Bill No. 28, ordered for second reading.

**Speaker:** The hon. Minister of Finance and Municipal Affairs.

**Mr. Sheridan:** Madam Speaker, I move, seconded by the Honourable Minister of Education and Early Childhood Development and Attorney General, that the said bill be now read a second time.

**Speaker:** Shall it carry? Carried.

**Clerk:** *An Act to Amend the Crown Proceedings Act*, Bill No. 28, read a second time.

**Speaker:** The hon. Minister of Finance and Municipal Affairs.

**Mr. Sheridan:** Madam Speaker, I move, seconded by the Honourable Minister of Education and Early Childhood Development 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 call on the hon. Member from O'Leary-Inverness to chair the Committee of the Whole House.

**Chair (Henderson):** The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *An Act to Amend the Crown Proceedings Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

**Leader of the Opposition:** No, just give a brief explanation of the bill.

**Mr. D. Currie:** This amendment to the *Crown Proceedings Act* is necessary to fulfill Prince Edward Island's obligations under the agreement on internal trade. As a party of the agreement Prince Edward Island has until June 2010 to enact this provision.

It will ensure that any order or monetary penalty or tariff costs made under the agreement on internal trade against the province may be enforced in the same manner as an order for the payment of money or cost made by PEI's superior courts. All parties to the agreement on internal trade are in the process of enacting the proposed legislation with their own Crown proceedings legislation.

**Chair:** Any questions?

The hon. Leader of the Opposition.

**Leader of the Opposition:** Last year I believe it was the Minister of Innovation and Advanced Learning that attended a meeting up north in regards to a change in a trade agreement that affected agriculture. How does that affect that particular -

**Chair:** Is it the pleasure of the Legislature to ask Jessie Frost-Wicks to come forward?

**Leader of the Opposition:** Sure.

**Mr. D. Currie:** Jessie Frost-Wicks.

**Leader of the Opposition:** Jessie, last year the Minister of Innovation and Advanced Learning represented PEI and the Department of Agriculture, or one of his staff did, at a conference or meeting up in - I believe it might have been in the Yukon or Yellowknife?

**Mr. Campbell:** Yes it was, Yukon.

**Leader of the Opposition:** It made some drastic changes in terms of agriculture. I'm just curious in terms of this internal trade agreement. How does it impact on agriculture? Internal trade (Indistinct) big time.

**Jessie Frost-Wicks Solicitor:** The agreement on internal trade may well -

unfortunately, I'm not in a very good position to speak to that agreement.

**Leader of the Opposition:** Okay. Do you want the minister of agriculture to help you or the minister of innovation?

**Premier Ghiz:** It's a different bill. (Indistinct) my understanding (Indistinct) the two parts of internal trade. I know the part you're talking about with regards to the supply management that they were worried about.

This here has to do with the trades across the country. So that, for example, if you're a teacher in Prince Edward Island then you're a teacher in BC, or you're a nurse. That's this part of it.

**Chair:** The hon. Leader of the Opposition.

**Leader of the Opposition:** Okay, so is this similar to some of the legislation that you may be bringing on the labour mobility act and accreditation? Okay.

Do you want to give an example of how this is going to help if you were, say, a physician and you came from another country and you wanted to get your credentialing done here and then it was valid across Canada and other jurisdictions?

**Jessie Frost-Wicks Solicitor:** That is an example.

**Leader of the Opposition:** Okay.

**Jessie Frost-Wicks Solicitor:** Again, that's not really related to the *Crown Proceedings Act*, which is the aspect that I've actually worked on. (Indistinct).

**Leader of the Opposition:** Okay, tell us what that is then.

**Mr. D. Currie:** Maybe you can just give an

overview of the act so we can get some clarity.

**Jessie Frost-Wicks Solicitor:** Okay, certainly. What this bill focuses on, if I can just clarify what this bill is, in January 2009 the tenth protocol to the agreement on internal trade was signed.

Part of that tenth protocol provided that within 18 months, which would be June of 2010, all of the jurisdictions who have signed on to the agreement on internal trade would enact mechanisms which would enable the enforceability of the provisions of the agreement on internal trade.

So what we have done with the *Crown Proceedings Act* is basically just add a provision that says if there is an order for tariff costs made because of non-compliance, or if there is an order for monetary penalty, a certified copy of that order can be filed with the Supreme Court and it's enforceable as if it were an order of the court.

**Leader of the Opposition:** All right, thank you.

**Chair:** Any other questions from the Legislature?

**Leader of the Opposition:** No, that's fine.

**Chair:** Shall it carry? Carried.

**Mr. D. Currie:** I move the title.

**Chair:** *An Act to Amend the Crown Proceedings Act.*

Shall it carry? Carried.

**Mr. D. Currie:** I move the enacting clause.

**Chair:** Shall it carry? Carried.

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

Shall it carry? Carried.

**Mr. D. Currie:** Madam Chair, I move the Speaker take the chair and the Chair report the bill agreed to without amendment.

**Chair:** Shall it carry? Carried.

Madam Speaker, as Chair of a Committee of the Whole House having had under consideration a bill to be intituled *An Act to Amend the Crown Proceedings Act*, I beg leave to report that the committee has gone through the said bill and has agreed to same without amendment. I move that the report of the committee be adopted.

**Speaker:** Shall it carry? Carried.

The hon. Minister of Transportation and Infrastructure Renewal.

**Mr. MacKinley:** With your indulgence, I'd like to recognize Mr. and Mrs. George Murphy from my riding in the gallery. Great to see you're in here tonight. Of course, my good friend Ronnie from up west is still here. You still having those hot dog parties? Also, I can't really see who's up here so -

**Some Hon. Members:** Benny MacEachern.

**Mr. MacKinley:** Benny MacEachern, a long-time friend of my wife's. I don't know what's going on there. He seems to be on the phone a lot to her. Other than that, he's a great fellow.

**Speaker:** Thank you, minister.

The hon. Minister of Finance and Municipal Affairs.

**Mr. Sheridan:** Thank you, Madam Speaker.

I move, seconded by the hon. Minister of Transportation and Infrastructure Renewal, that the 2<sup>nd</sup> order of the day be now read.

**Speaker:** Shall it carry? Carried.

**Clerk:** Order No. 2, *An Act to Amend the Roads Act*, Bill No. 26, ordered for second reading.

**Speaker:** The hon. Minister of Finance and Municipal Affairs.

**Mr. Sheridan:** Madam Speaker, I move, seconded by the Honourable Minister of Transportation and Infrastructure Renewal, that the said bill be now read a second time.

**Clerk:** *An Act to Amend the Roads Act*, Bill No. 26, read a second time.

**Speaker:** The hon. Minister of Finance and Municipal Affairs.

**Mr. Sheridan:** Madam Speaker, I move, seconded by the Honourable Minister of Transportation and Infrastructure Renewal, 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.

**Speaker:** Call on the hon. Member from Summerside-St. Eleanors to chair the Committee of the Whole House.

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

**An Hon. Member:** First time.

**Chair (Greenan):** Welcome, minister.

The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *An Act to Amend the*

*Roads Act.* Is it the pleasure of the committee that the bill be now read clause by clause?

**Mr. M. Currie:** No.

**Chair:** Okay.

**Mr. M. Currie:** We're all right. We've just got some questions.

In regards, minister -

**Chair:** The hon. Member from Georgetown-St. Peters.

**Mr. M. Currie:** Who's the senior surveyor now? The chief surveyor for the province.

**Mr. MacKinley:** That's more than I could tell you, but there is a chief surveyor. There's somebody new that just got appointed not too long ago.

**Mr. M. Currie:** Yes, because Serge Bernard's gone.

**Mr. MacKinley:** Is gone. And we had an awful hard job to replace him, I can tell you that. I wouldn't like to say the name exactly unless I had it in front of me in case I'm wrong.

**Mr. M. Currie:** Can you just give us a brief overview of -

**Mr. MacKinley:** Basically what this is doing is roads that were established before August 10<sup>th</sup>, 1985, we've had some trouble determining the width on that, especially getting larger trucks into subdivisions that are on government roads or whatever.

Basically what this does is establish that the minimum width of a highway laid out or constructed prior to August 10<sup>th</sup>, 1985, shall be 66 feet unless the chief surveyor for the province determines otherwise. That's

currently there, what the act is. So basically what it does is it makes it a lot easier when they're doing surveys on these roads to determine the width.

**Mr. M. Currie:** Minister, you have a lot of areas in the province, and I know that the previous government has struggled with it. There's a lot of people that had cottages at one time, and they were surveyed out as 30 foot right-of-ways, or whatever, and now they're full time homes. I know, talking to Serge years ago, that that has to be implemented to 66 foot and it has to be then built to government standards and turned over to government before they would accept the roads into it.

Is this the intent of this, to change some of those cottage properties that are down there that are 30 foot? Or 33?

**Mr. MacKinley:** If the government doesn't own the cottages it's a private road.

**Mr. M. Currie:** Yes, I understand that.

**Mr. MacKinley:** So I don't think now that this would fall under that. But this is where the government has a seasonal road, or the government has some roads that are in dispute in how wide a particular road is, could be five or six feet, this means that they determine it 66 feet.

**Mr. M. Currie:** All government roads in this province are now 66 feet.

**Mr. MacKinley:** Unless the chief surveyor of the province determines otherwise.

**Mr. M. Currie:** Agreed.

**Chair:** Shall the bill carry?

**Mr. M. Currie:** Yes.

**An Hon. Member:** Yes.

**Mr. MacKinley:** I move the title.

*Act, Bill. No. 30, ordered for 2<sup>nd</sup> reading.*

**Chair:** *An Act to Amend the Roads Act.*

**Speaker:** The hon. Minister of Finance and Municipal Affairs.

Shall it carry? Carried.

**Mr. MacKinley:** I move the enacting clause.

**Mr. Sheridan:** I move, seconded by the Honourable Minister of Transportation and Infrastructure Renewal, that the said bill be now read a second time.

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

**Speaker:** Shall it carry? Carried.

Shall it carry? Carried.

**Clerk:** *Highway Traffic (Nitrous Oxide Fuel Systems) Amendment Act, Bill No. 30, read a second time.*

**Mr. MacKinley:** Mr. Chair, I move the Speaker take the chair and that the Chair report the bill agreed to without amendment.

**Speaker:** The hon. Minister of Finance and Municipal Affairs.

**Chair:** Shall it carry? Carried.

**Mr. Sheridan:** Madam Speaker, I move, seconded by the Honourable Minister of Transportation and Infrastructure Renewal, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

Madam Speaker, as Chair of a Committee of the Whole House having had under consideration a bill to be intituled *An Act to Amend the Roads Act*, I beg leave to report that the committee has gone through the said bill and has agreed to same without amendment. I move that the report of the committee be adopted.

**Speaker:** Shall it carry? Carried.

**Speaker:** Shall it carry? Carried.

I'll call on the hon. Member from Belfast-Murray River to chair the Committee of the Whole House.

The hon. Minister of Finance and Municipal Affairs.

**Chair (McGeoghegan):** The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *Highway Traffic (Nitrous Oxide Fuel Systems) Amendment Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

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

**Mr. MacKinley:** Could I have my -

Madam Speaker, I move, seconded by the hon. Minister of Transportation and Infrastructure Renewal, that the 6<sup>th</sup> order of the day be now read.

**An Hon. Member:** Sure.

**Speaker:** Shall it carry? Carried.

**Mr. MacKinley:** - assistant on the floor?

**Clerk:** Order No. 6, *Highway Traffic (Nitrous Oxide Fuel Systems) Amendment*

**Chair (McGeoghegan):** 1. The *Highway Traffic Act R.S.P.E.I. 1988, Cap. H-5*, is

amended by this Act.

2. The Act is amended by the addition of the following after section 231:

231.1(1) No person shall drive or permit to be driven on a highway a motor vehicle manufactured, or modified after its manufacture, such that nitrous oxide may be delivered into the fuel mixture in the fuel system of the motor vehicle unless

(a) where the part of the fuel system that may connect to a canister, bottle, tank or pressure vessel capable of containing nitrous oxide is located outside of the passenger compartment,

(I) that part of the fuel system can be clearly seen by looking at the interior or exterior of the motor vehicle, and

(ii) there is no canister, bottle, tank or pressure vessel connected to that part of the fuel system; and

(b) where that part of the fuel system that may connect to a canister, bottle, tank or pressure vessel capable of containing nitrous oxide is located inside the passenger compartment, either

(I) there is no canister, bottle, tank or pressure vessel capable of containing nitrous oxide in the passenger compartment, or

(ii) that part of the fuel system is completely disconnected from the part of the fuel system that connects to the engine, and

(A) the disconnection can be clearly seen by looking at the interior or exterior of the motor vehicle, and

(B) the disconnected part of the fuel system cannot, from inside the passenger compartment, be reconnected to the part of the fuel system that connects to the engine.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not more than \$2,000.

**Mr. M. Currie:** Minister, I was only aware that nitrous oxide was used for those in racing engines. Are you saying that there's nitrous oxide now being found in street cars, just ordinary cars driving?

**Mr. MacKinley:** I'll let the gentleman from highway safety who is (Indistinct) .

**John MacDonald Director:** Yes, hon. member. We've had several reports from police agencies in the province that tell us now there are some street vehicles that have what they call a NOS system, or a nitrous oxide system. The thing is, with a nitrous oxide system it can deliver - it's actually laughing gas, is what nitrous oxide is. But when it's in a liquid form and stored in a tank and when mixed with fuels such as gasoline, it can deliver upwards of 3,000 additional horsepower

**Mr. M. Currie:** Three hundred.

**John MacDonald Director:** Some of you may -

**Mr. M. Currie:** Three hundred.

**John MacDonald Director:** No, 3,000.

**An Hon. Member:** Excuse me. You should put some of that in your tank.

**John MacDonald Director:** That's what the research tells us.

There was a movie not all that long ago, some of you may recall, it was called *The Fast and the Furious*.

**An Hon. Member:** I never saw it.

**John MacDonald Director:** Nitrous oxide, obviously, was being used in those vehicles, and the way that they can tell is that there's a blue flame that will actually come out of the exhaust on the vehicle. What happens with the nitrous oxide is that the vehicle has to be moving, and then a switch is flipped. The nitrous oxide gets injected in, and the vehicle takes off, but what the danger is, is that the operator can lose control.

It's not street legal. It's not recommended. It's banned in the Province of Ontario, it's banned in Nova Scotia. Most other Canadian jurisdictions are currently looking at putting a ban in place in their highway traffic act.

**Premier Ghiz:** Do we have many people trying to use it here?

**John MacDonald Director:** No. We've had I think three reports in the last year, but those systems do exist.

Now, we haven't really seen them in an accident. However, they are legal if you operate, for instance, on a drag strip or on a race track. So the danger becomes that a dual purpose vehicle, where you may want to use it on a drag strip, but then you get out on the street and may want to try something, and that's where we want to prevent with this particular bill.

**Mr. MacKinley:** We want to be able to charge them too, because right now you can't charge them. So we've found three or four, but guess how many - if there's a charge there. So we want to make sure that the roads are safe, because -

**An Hon. Member:** Did you ever get that appointment?

**Chair:** The hon. Member from Charlottetown-Sherwood.

**Mr. Mitchell:** Yeah, Mr. MacDonald, just

so (Indistinct) because you just made mention of that.

I know there are vehicles that are both - you know they're street - they drive out to the drag strip and then they race this, and do use this nitrous oxide. If, in fact, they have those installed, and I believe they're just in the trunk of the cars mostly - not exposed to the outside of the vehicle as this says - so as long - if they're coming back from the drag strip on a racing Monday night, as long as it's disconnected but in it's clip in the rear of the trunk, that's legal. Is that correct?

**John MacDonald Director:** That's correct.

**Mr. MacKinley:** As long as it's not hooked up to a fuel system.

**John MacDonald Director:** That's right. That's not a problem, provided it's not connected directly to the fuel system.

**Mr. Mitchell:** Even though it's unforeseen from the outside of the vehicle. There's not breakage of the law there.

**John MacDonald Director:** And it can't be in the compartment of the vehicle where the driver has access to be able to flip the switch, and inject it into the fuel system.

**Mr. M. Currie:** I think there's a shut-off on the tank (Indistinct) the member is indicating that's in the trunk. If that is shut off.

**An Hon. Member:** (Indistinct) valve.

**Mr. M. Currie:** There's a high pressure line that runs and goes into either the intake manifold or into the bottom of the carburetor, and if that's the case, I know the switch delivers it, but if the valve is shut off at the tank in the trunk, is it still allowed in the vehicle? Do you have to disassemble all that?

**Mr. MacKinley:** I would think it would have to be disassembled from (Indistinct)

**An Hon. Member:** Common sense.

**Mr. MacKinley:** Tell you it would be disassembled. You're not going to have it with a valve. You shut the valve off. If somebody at 300 horsepower trying to - somebody caught them with it, if they could hold the car on the road, they'd probably stop and shut the valve off themselves. That's how I'd fix it.

**Mr. Mitchell:** How are these people going to be informed of this? (Indistinct) how would they know?

**Mr. MacKinley:** We give a few tickets out. There's going to be nothing like the cell phones. The word - PEI is not that big a spot - there's only 148,000 people here.

**Mr. Mitchell:** There's not special - they don't run any special permits as a dual vehicle, I guess?

**John MacDonald Director:** No.

**Mr. MacKinley:** No.

**John MacDonald Director:** Now I don't want to fearmonger here and say that it's rampant out there. We don't believe it's rampant at all. Like I say, we're only aware of three or four situations that have been reported to us. In terms of getting the message out, just the fact that we're making updates to the *Highway Traffic Act*, we have motor vehicle inspection officers that are visiting the stations all the time, and there's always talk and buzz out there. That's another excellent way of getting the message out about nitrous oxide as well.

**Mr. MacKinley:** Another way to do it, we might ask permission from the drag strips to put a sign up there saying it's no longer

allowed on the road.

**Mr. Mitchell:** That'd be a good idea. That'd be an excellent idea, actually.

**Mr. MacKinley:** If we're allowed, but that's private property. We just can't go on - but we're not going to start putting it up on the side of the road.

**Mr. Mitchell:** It's something that should be done for those people.

**Mr. MacKinley:** We don't want the road cluttered with signs either. That falls under tourism or something. So we might consider putting a sign up there if they agree to let us. I think there's only one drag strip on the Island anyway, isn't there?

**Mr. Mitchell:** That's right. I think that would be a really good thing to do, because I know for a fact that they do -

**Mr. MacKinley:** Yeah, and let people know. Especially if they're coming in from New Brunswick or something.

**Mr. M. Currie:** There's a lot of them come over here to drag race. Can I just (Indistinct)

-

**Mr., MacKinley:** We just don't want the drag racing going on (Indistinct).

**Chair:** The hon. Member from Georgetown-St. Peters.

**Mr. M. Currie:** - minister on that. So if there's a canister in the trunk and there's a fuel line runs from the canister to the intake manifold in the engine, you're saying with this legislation that that line that feeds the nitrous oxide into the engine has to be completely disconnected to be in correspondence with this act.

**Mr. MacKinley:** I would think. Now,

common sense might tell you that if the tank is shut off, and the line's disconnected from the tank -

**John MacDonald Director:** It has to be disconnected.

**Mr. MacKinley:** Yeah. You've got your tank in your trunk.

**An Hon. Member:** Yes.

**Mr. MacKinley:** So you shut the tank off like a propane tank, and disconnect the line from that tank in the trunk, that would probably be all right.

**An Hon. Member:** You're okay

**Mr. M. Currie:** Is that in here?

**John MacDonald Director:** Well, it has to be disconnected from the fuel system, though.

**Mr. MacKinley:** We'll be making that under regulations?

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

**Mr. MacKinley:** No, we'll make it under regulations.

**Mr. Brown:** Common sense -

**Mr. M. Currie:** That would be all right.

**An Hon. Member:** Exactly, they're not going to bother. As long as they know it's disconnected.

**Mr. MacKinley:** We're not going to ask them to rip the whole engine out of their car.

**Mr. M. Currie:** Okay, I agree with that.

**Chair:** All right, the hon. Premier.

**Premier Ghiz:** Just a point of recognition

I want to take this opportunity to recognize Wayne Phalen, who's here tonight to the gallery, and also recognize two-thirds of the minister of environment's support group. We have Scott, who is in charge of spiritual guidance, and we also have Bruce, who is in charge of the minister's colouring of his hair.

**Some Hon. Members:** (Indistinct).

**Premier Ghiz:** Of course, the one-third that would be missing would be Mait, who would be his counsellor. So I'd like to take this opportunity to welcome two-thirds of the team here this evening.

**Some Hon. Members:** Hear, hear!

**Chair:** Shall it carry? Carried.

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

**Mr. MacKinley:** Don't take a stroke. Don't take a stroke there, minister of environment.

**An Hon. Member:** Carried.

**Chair:** Carried?

**An Hon. Member:** Now, we have to read this.

**Chair:** Shall the bill carry? Carried.

**Mr. MacKinley:** I move the title.

**Chair:** *Highway Traffic (Nitrous Oxide Fuel Systems) Amendment Act.*

Shall it carry? Carried.

**Mr. MacKinley:** I move the enacting clause.

**Chair:** Be it enacted by the Lieutenant-

Governor and the Legislative Assembly of the Province of Prince Edward Island as follows.

Shall it carry? Carried.

**Mr. MacKinley:** I move the Speaker take the chair and that the Chair report the bill agreed to without amendment.

**Chair:** Shall it carry? Carried.

Madam Speaker, as Chair of a Committee of the Whole House having had under consideration a bill to be intituled *Highway Traffic (Nitrous Oxide Fuel Systems) Amendment Act*, I beg leave to report that the Committee has gone through the said bill and has agreed to same without amendment. I move the report of the committee be adopted.

**Speaker:** Shall it carry? Carried.

The hon. Minister of Finance and Municipal Affairs.

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

I move, seconded by the hon. Minister of Transportation and Infrastructure Renewal, that the 8<sup>th</sup> order of the day be now read.

**Speaker:** Shall it carry? Carried.

**Clerk:** Order No. 8, *An Act to Amend the Highway Traffic Act (No. 2)*, Bill No. 31, ordered for second reading.

**Speaker:** The hon. Minister of Finance and Municipal Affairs.

**Mr. Sheridan:** Madam Speaker, I move, seconded by the Honourable Minister of Transportation and Infrastructure Renewal, that the said bill be now read a second time.

**Speaker:** Shall it carry?

**An Hon. Member:** Carried.

**Speaker:** Shall it carry? Carried.

**Clerk:** *An Act to Amend the Highway Traffic Act (No. 2)*, Bill No. 31, read a second reading.

**Speaker:** The hon. Minister of Finance and Municipal Affairs.

**Mr. Sheridan:** Madam Speaker, I move, seconded by the Honourable Minister of Transportation and Infrastructure Renewal, 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 call on the hon. Member from Tyne Valley-Linkletter to chair the Committee of the Whole House.

**Chair (Biggar):** The hon. Minister of Transportation and Infrastructure Renewal.

The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *An Act to Amend the Highway Traffic Act (No. 2)*. Is it the pleasure of the committee that the bill be now read clause by clause?

**Mr. M. Currie:** Agreed.

**Chair:** Would the Legislature like the bill read clause by clause?

**Mr. M. Currie:** (Indistinct) agreed.

**An Hon. Member:** No, thank you.

**An Hon. Member:** All he has to do is (Indistinct).

**Chair:** No, okay.

Shall the bill carry?

**Some Hon. Members:** Carried.

**Mr. M. Currie:** No, no! Hold on now!

**An Hon. Member:** Ramming it through.

**Mr. M. Currie:** I said I had questions.

**Mr. MacKinley:** You got questions.

**Mr. M. Currie:** Yeah, I (Indistinct) saying it twice. I'd like it to be read clause by clause.

**Mr. MacKinley:** (Indistinct) good, read it clause by clause.

**Chair:** The rest of the House did not want the bill read clause by clause.

**Mr. MacKinley:** No, but we (Indistinct) -

**Mr. M. Currie:** You have to have full (Indistinct) -

**Mr. MacKinley:** The chairperson wants it read clause by clause.

**Some Hon. Members:** (Indistinct).

**Chair:** You're okay with that? Okay.

**Mr. M. Currie:** You're going to ram things through. That's what you're going to do.

**Mr. MacKinley:** It was (Indistinct) explain it to him too.

**Chair:** Hon. minister, perhaps you'll give us a brief explanation of the bill.

**Mr. MacKinley:** Well, he wants it read clause by clause but basically what it is -

**Chair:** Would you like an explanation first, hon. member, or shall we just go right into reading it?

**Mr. M. Currie:** Read it.

**Chair:** Okay.

1. Subsection 6.1(2) of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5 is amended by the deletion of the words "and liable on summary conviction to a fine not exceeding \$500".

Questions on that, hon. Member from Georgetown-St. Peters?

**Mr. M. Currie:** The minister shall explain that.

**Mr. MacKinley:** Well, basically what that means is there's no cap on it. It removes the maximum fine. In other words there's no maximum fine so the fine's going to be left up to the judge.

**Chair:** Shall it carry? Carried.

2. Section 68 of the Act is amended

(a) by the deletion of the words "he holds a driver's license authorizing him to drive a motor vehicle of that class that has been issued to him" and the substitution of the words "the person holds a driver's license authorizing the person to drive a motor vehicle of that class that has been issued to the person"; and

(b) by the deletion of the words "or been suspended or cancelled".

**Mr. MacKinley:** You got any questions on that?

**Mr. M. Currie:** Go ahead, minister, explain that.

**Mr. MacKinley:** Just basically what that is is bringing it into general neutral language in this section and removes the reference to he and puts it into a person, he or she. We could have went he or she but it moves that section and just calls it a person.

**Chair:** Moving on to number three.

3. The Schedule to the Act is amended

(a) by the addition of the following before the entry relating to subsection 10(1.1):

6.1(2)(a) Presenting false documents to obtain photographic identification 200 1000

6.1(2)(b) Permitting another to use photo identification issued to the first person 200 1000

6.1(2)(c) Using photo identification for purposes of making false representation 200 1000

6.1(2)(d) Defacing or altering photo identification 200 1000

6.1(2)(e) Possessing defaced or altered photo identification 200 1000

Any questions, hon. members?

The hon. Minister of Environment, Energy and Forestry.

**Mr. Brown:** So if I went out to motor vehicle - if I lost my license and I went out there and I said I was my brother and they took my picture, that's what they mean there?

**Mr. MacKinley:** That could be - find out where that would be. The second clause documents to attain (Indistinct) - you don't look like your brother so they would know you.

**Mr. MacKinley:** Okay.

**Mr. MacKinley:** You know, all the people like your name around town.

**Chair:** The hon. Member from Charlottetown-Sherwood.

**Mr. Mitchell:** In regard to those amounts, are those increased amounts?

**Mr. MacKinley:** Pardon?

**Mr. Mitchell:** Are those amounts increased?

**Mr. MacKinley:** Yes.

**Mr. Mitchell:** From?

**Mr. MacKinley:** Well, 200 to a 1000. In other words, you could be fined - if you go in and you're pretending to be another person using a photo ID that has been altered or you can go - a judge can decide to charge you 200 or 1,000.

**Mr. Mitchell:** So the 200 exists today then, under the old legislation?

**Mr. Mitchell:** I'm not quite sure what the minimum probably was, 50 or 75. We're charging more because this is a serious offence. Driving without being licensed to drive or with a license that is expired or invalid is 100 to 500. So I would imagine if you had a license it would be up to the court. If your license expired by six months or something and you're caught, it would probably be 100. But if you were driving when your license is suspended it's probably 500. That's up to courts.

**Chair:** The hon. Member from Georgetown-St. Peters.

**Mr. M. Currie:** Does this same act apply then to those that are trying to get into the

bars with false IDs?

**Mr. MacKinley:** I don't think so but I'll have to ask my -

**Mr. M. Currie:** Well, saying false documents to obtain photographic identification.

**Mr. MacKinley:** Does it? Could you come on for a second?

**Chair:** Permission to bring on Mr. MacDonald.

**Mr. M. Currie:** Yes, yes.  
So was this part missed last year when you came in with that bill that brought in a whole sweeping review of fines?

**Mr. MacKinley:** I don't know. He could explain it to you.

**Mr. M. Currie:** Increased the fines by \$7 million or something.

**Mr. MacKinley:** No. Actually, does this affect somebody going to the bar and have false ID?

**John MacDonald Director:** Yes. It could.

**Mr. MacKinley:** It could? But we don't charge them, do we? We don't have the jurisdiction.

**Mr. M. Currie:** The liquor commission gets a whole bunch of them -

**John MacDonald Director:** That's correct.

**Mr. M. Currie:** - that are turned in that are seized at doors and if that implies - so the little girl that goes up and tries to get in the bar now, she's going to be charged \$1000.

**Chair:** Or the person.

**Mr. MacKinley:** The little person. Don't use the word -

**Chair:** The person.

**Mr. MacKinley:** The person that goes up to the bar -

**Mr. M. Currie:** That's right.

**Mr. MacKinley:** Don't refer to females as drinkers. Everybody drinks, males or females. You should use the language.

**Mr. M. Currie:** So you're going to charge them \$1000 now.

**John MacDonald Director:** Perhaps I could clarify.

**Mr. MacKinley:** That's up to the judge.

**John MacDonald Director:** What you see there, 6.1(2)(a) through (e), those are not new. They've been in the *Highway Traffic Act* for 10 years at least.

**Mr. M. Currie:** Thousand dollar fine?

**John MacDonald Director:** What is new is the fine structure.

**Mr. M. Currie:** You guys are sticking it to the people, I'll tell you.

**John MacDonald Director:** It used to be 500 for a first offence and then it was wide open. In other words, if you were taken in front of the judge could go extremely high.

**Mr. M. Currie:** How many did you charge last year under this section?

**John MacDonald Director:** I don't know if there's been any, to be quite honest with you.

**Mr. M. Currie:** Now the one that you got

down there, number 68. I would like to see that reversed. Instead of some guy that doesn't have a license any more, you allow him only \$500 to be driving. You can look at the court docket any week and there's a whole slew of them. You're going to fine some person \$1000 that's going to go into a club with an ID that's six months' old.

**Mr. MacKinley:** Do you want make an amendment to that? Let him explain it first. I'm quite prepared to take amendments.

**John MacDonald Director:** Presenting a false document to obtain photo identification in those particular sections there - what has been happening over the last number of years is that we're getting folks coming to PEI from elsewhere and they're only here for short periods of time and what have you. It's almost like identity theft. They're trying to assume another identity. We've caught several trying to do that sort of thing and we, of course, turn it over to the local police and the RCMP. We let them do the investigation and so on and so forth.

The penalties that were in place were just not modern, if I could say that, I guess, because we amended the schedule for the *Highway Traffic Act* last fall and these provisions were not in the schedule. So now we're putting them into the schedule. We're asking you folks to put it in the schedule now and we'll be going that way in the future.

So actually, for a first offence, an out-of-court settlement would be \$200. You didn't have that provision. You don't have that provision today.

**Mr. M. Currie:** So do you think that those fines there are satisfactory and you think that the ones for those people that continue to drive without a license -

**Mr. MacKinley:** It's not he thinks. It's

what we think in here.

**Mr. M. Currie:** Pardon?

**Mr. MacKinley:** It's what we think in here. It's not what the director thinks. We're the Members of the Legislative Assembly.

**Mr. M. Currie:** I think if you made them all the same, that'd be fine.

**Mr. MacKinley:** Well then, if you want to make an amendment, I sort of agree with you myself. Driving without being licensed to drive should be 1000 or with a license that expired I could see 100. Anybody's license could be expired. But if went to 1000 it gives the judge room there. So if you'd like to make amendment to that -

**John MacDonald Director:** I'd be careful with 68. That's the charging offence that police use. If you inadvertently allow your driver's license to expire and they have to stop you, and you say: Oh yeah, my license, and you pull it out and they check it and say: That was expired three months ago, or six months ago.

**Mr. MacKinley:** Yeah, but it's 100.

**Mr. M. Currie:** But they usually give you a warning. Tomorrow morning you go and get your license, which you do. That's fine.

**John MacDonald Director:** But you can get an over-zealous officer that just doesn't go that route. He says: You broke the law and he writes the charge.

**Mr. MacKinley:** Well, I don't know - 1000. Somebody driving without a license -

**Mr. M. Currie:** Repeat offenders driving without a license should be \$1000.

**Some Hon. Members:** (Indistinct).

**Mr. M. Currie:** Who's talking here?

**Chair:** The hon. Member from Georgetown-St. Peters.

**Mr. MacKinley:** No, but the hundred bucks is here.

**John MacDonald Director:** (Indistinct). The thing it, that's the one that's always -

**Mr. MacKinley:** Why don't we go to the 1000 (Indistinct)?

**Mr. M. Currie:** Do I have the floor?

**Chair:** Yes, you do.

**Mr. MacKinley:** Are you making an amendment?

**Mr. M. Currie:** No. What I would like to see, minister, is those that are repeated offenders and driving with their license that is suspended, or an invalid licence, it should be 100 to 1000.

**Ms. Bertram:** (Indistinct).

**Mr. M. Currie:** Repeat offenders.

**Chair:** No, but he's also changing the whole intent. Not the intent. He's adding words to the -

**Mr. MacKinley:** Listen, would you settle for this? Driving without being licensed to drive or with a license that is expired or valid is \$100 to 1000. Not repeated, just if you're driving then it's up to the court. A \$100 is out of settlement court, correct?

**John MacDonald Director:** That's correct.

**Mr. MacKinley:** It's up to the judge.

**Chair:** Hon. member, I think you were adding some words to this.

**Mr. MacKinley:** He's saying the second time.

**Mr. M. Currie:** What I wanted was an amendment that would indicate that those repeated offenders that were driving without a valid driver's license, the fine would now go to \$1000.

**Chair:** So that's your amendment.

**Mr. M. Currie:** That's my amendment.

**Chair:** Hon. members, if I could have your attention.

There is an amendment on the floor to the bill.

Excuse me, hon. member, I'm just going to explain the amendment.

Hon. Member from Georgetown-St. Peters has an amendment where he would like to see the fine for driving without being licensed to drive or with a license that is expired or invalid - I believe - were you adding the word 'repeated'?

**Mr. M. Currie:** Repeat offenders.

**Chair:** Repeat offenders.

**Mr. MacKinley:** We can go along with that.

**Chair:** So, hon. member, can I ask you just to clarify something for the Legislature?

Okay, the hon. Premier first.

**Premier Ghiz:** What does our bureaucrat think about this?

**John MacDonald Director:** First of all, what I have to clarify, this is not someone who has a suspended license or cancelled license. In other words, they just forgot to (Indistinct) a long time. What we're

proposing is -

**Premier Ghiz:** Everybody has been that (Indistinct).

**John MacDonald Director:** A lot of people have been in that situation and we're saying - or you can have the other situation where an individual has never been licensed.

**Premier Ghiz:** Has what, sorry?

**John MacDonald Director:** Never had a driver's license, but they're out driving anyway. The police use that particular section. Now if they catch that individual more than once they can - the second or the third or the fourth time, they don't have to put the fine amount in on the ticket. When they don't do that that means the person has to appear in court. When they appear in court then the judge can issue the maximum.

**Mr. MacKinley:** So what happens if you lost your license?

**John MacDonald Director:** (Indistinct) you and I inadvertently forgot your driver's license, that's going to be a repeat offender who perhaps never had a driver's license and he just gets a beater and just continues to drive.

**Premier Ghiz:** Most likely if I - it's happened to me before, I get a warning and they say: Listen, show up within the next 24 hours, get it done and -

**Mr. MacKinley:** And that's what happens.

**Premier Ghiz:** So we should be okay with this (Indistinct).

**Mr. MacKinley:** Yeah, I'm okay with that.

**Chair:** The hon. Minister of Health and Wellness.

**Ms. Bertram:** (Indistinct) two examples. So I want to know if I'm a driver and - I'm a driver as one example, am the driver and I have no license. I have no license whatsoever and I'm driving a motor vehicle. What's the fine? If I get stopped by the RCMP, what's my fine?

**Mr. MacKinley:** For you, \$100.

**Ms. Bertram:** But shouldn't that be seen as something different, like versus someone that maybe has a valid driver's license and has -

**Mr. MacKinley:** I got a question for you then. If I could ask this question, John. (Indistinct) the question is this.

**Chair:** Can we answer this question first?

**Mr. MacKinley:** Well, this is another question that could help answer that.

**Ms. Bertram:** There is that one and the other option was, if you -

**Mr. MacKinley:** I'm on the floor and I answer the questions (Indistinct).

**Chair:** (Indistinct) go ahead and answer then, hon. minister.

**Mr. MacKinley:** My question would be to this - to John. My question is - her question is this.

**Chair:** He's answering her question.

**Mr. MacKinley:** Your fine would be \$100. But my question to go back to you then, or John here is: What would happen if your driver's license was suspended? Say your driver's license was suspended for drunk driving or for - that's a different section.

**Premier Ghiz:** (Indistinct) this is only for the (Indistinct) - it's for the 15-year-old

maybe who might get caught.

**Mr. MacKinley:** No, I don't think we'd find many people would be driving - would we have many people on the road driving without a license that never had a license?

**Ms. Bertram:** (Indistinct) out there right now, there are a lot of people that are driving without a driver's license.

**Mr. MacKinley:** Yes, that never had one.

**Ms. Bertram:** But shouldn't they be under another section?

**John MacDonald Director:** It depends on how hard you want to (Indistinct) individual, I guess. Someone who is older and doesn't have a driver's license, there's usually a reason behind why they don't have a driver's license. A high fine is not really going to change the behaviour there. Sometimes we find it's a literacy issue.

**Ms. Bertram:** True.

**John MacDonald Director:** They never come to us (Indistinct) we'd find out about that and then we can deal with it once we know what it is and help them out. So I don't know (Indistinct) people who inadvertently allow their licenses to expire (Indistinct).

**Ms. Bertram:** (Indistinct) someone whose license has been taken away maybe for a medical reason or something like that. God forbid that happens, but they do, and they have no license. Sometimes they'll just pay the fine. They just want to drive. I'm just thinking of the public's -

**John MacDonald Director:** Have that scenario for sure.

**Chair:** Further discussion?

The hon. Member from Georgetown-St. Peters.

**Mr. M. Currie:** (Indistinct) or John, there. So those people that are repeat offenders for driving without a valid license, that's covered under another section of this act?

**John MacDonald Director:** No, it's covered there. What's covered under another section, if you're driving when your license is suspended or cancelled or an infraction, the penalty there for that is a minimum 200, and that's actually being doubled, that's 400.

**Chair:** The hon. Premier.

**Premier Ghiz:** This is for you. If you forget your birthday (Indistinct) forget to do it.

**Mr. M. Currie:** I understand that. But you just said - tell me, if those repeat offenders get caught now, how much is the fine for them?

**John MacDonald Director:** First offense as it is being proposed here is \$100, okay?

**Mr. M. Currie:** Yeah.

**John MacDonald Director:** Now a second offense, if it's the same officer and he recognizes the fact that he stopped you before and charges you for that offense, what he will not do is fill in the amount on the ticket and take you into court and want to get the judge to give you the maximum fine that he can give. In this case -

**Mr. M. Currie:** That's 500.

**John MacDonald Director:** - it will be \$500.

**Mr. M. Currie:** Okay now, we got that straightened out here. Now those repeat offenders that continue to drive when they

have infractions, what is the minimum and the maximum fine?

**John MacDonald Director:** Well, that's just what it is. I mean -

**Mr. MacKinley:** One hundred to 500.

**John MacDonald Director:** - if it happens again -

**Mr. M. Currie:** The same for that.

**John MacDonald Director:** If it happens again -

**Mr. M. Currie:** Five hundred dollars.

**John MacDonald Director:** - if it happens again, it's going to be \$500.

**Mr. M. Currie:** Why are you charging people 1,000 for making a false identification? Why don't you charge these guys that are on the road -

**John MacDonald Director:** A false identification is fraud, it's identity theft, and lots of bad things could occur there.

**An Hon. Member:** Misrepresentation.

**John MacDonald Director:** Exactly.

**Chair:** Any further discussion on the amendment?

All those against the amendment say 'nay'.

**Some Hon. Members:** Nay!

**Chair:** All those in favour of the amendment say 'aye'.

The amendment has failed unanimously.

Shall the bill carry?

**Some Hon. Members:** Carried.

**Mr. MacKinley:** I move the title.

**Chair:** *An Act to Amend the Highway Traffic Act (No. 2).*

Shall it carry? Carried.

**Mr. MacKinley:** 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.

Thank you, hon. minister.

**Mr. MacKinley:** No, just wait now.

Madam Chair, I move the Speaker take the chair and the Chair report the bill agreed to without amendment.

**Chair:** Thank you, hon. minister.

Shall it carry? Carried.

Madam Speaker, as Chair of a Committee of the Whole House having had under consideration a bill to be intituled *An Act to Amend the Highway Traffic Act (No. 2)*, I beg leave to report that the committee has gone through the said bill and has agreed to same without amendment. I move that the report of the committee be adopted.

**Speaker:** Shall it carry? Carried.

#### Government Motions

**Speaker:** The hon. Minister of Finance and Municipal Affairs.

**Mr. Sheridan:** Madam Speaker, I move,

seconded by the Honourable Minister of Health and Wellness, that Motion No. 10 be now read.

**Speaker:** Shall it carry? Carried.

**Clerk:** That's been read, Madam Speaker, and the debate has been adjourned with the (Indistinct).

**Speaker:** Thank you.

Hon. members, the debate is underway and we will go to the hon. Member from Montague-Kilmuir to continue.

**Mr. Bagnall:** Can I have that podium?

**Some Hon. Members:** (Indistinct).

**Mr. Bagnall:** Yes, Madam Speaker, we were talking about Canada Games that were taking place in August 15<sup>th</sup> to the 29<sup>th</sup>.

I have to give our volunteers on Prince Edward Island a big round of applause because the volunteers in this province again stepped up and did a fantastic job.

**Some Hon. Members:** Hear, hear!

**Mr. Bagnall:** We had a large number of athletes. To my knowledge, everything went off like clockwork. So the volunteers did do a good job. I ended up taking in quite a few events during the Canada Games. I spent a couple of days in Summerside while I was up in West Prince and I also took in the stuff here on this end of the Island.

Along with the Canada Games, for me it was a great time that - it was the first real events that were taking place in our new wellness centre in Montague. We had ladies' wrestling, and I can tell you that we had actually a gold and silver medal won in Montague from our athletes there. They did just a superb job. As we know, with Canada

Games, it takes a lot of work and a lot of preparation for our athletes to get ready for an event such as this. We look at our coaches who probably have spent four years with the individual athletes getting them prepared for the events, and PEI did well, PEI athletes accounted themselves really well.

I took in a few of the sports. Some of the ones that I attended, I was very impressed with the quality of our athletes and the sportsmanship and the great entertainment they supplied for everybody. Our rugby team played exceptionally well, did well, and they are to be congratulated for a great performance. Our wrestlers did well, also. Kurt McCormack with the broad jump got a medal for us and did well. We did really well that way.

But the legacy of the Canada Games will be there for years and years to come, and if anybody happened to be watching Compass tonight, they were showing our new track at UPEI, just a phenomenal facility that will be there forever for athletes to improve and to develop on. The soccer complex there is second to none, also.

I look to Montague, our soccer complex down there. That was put together, when it was being built, with the Canada Games in mind that was going to be taking place. So that was built, although not right at that time, but it was built for that purpose. Our new wellness centre, because the Canada Games were coming there, we tapped into some funding for that, too. So it did help a lot in the province.

When you get facilities put together for Canada Games, what you have is the everlasting facilities that are in place for our athletes to move. Forever to keep improving. You need good facilities for our athletes to perform, and we need good coaches. We did have that, and we're very

pleased with the results.

The number of tourists and the number of people that came to PEI, it was great, because we had a great chance to showcase our province and our facilities, and people were very impressed right straight from one coast to the other, of how a small province, and how 140,000 people, could put on a show or a competition that was second to any class anywhere in the world. So we did the Canada Games. The team, the organization committees, the volunteers, everyone has to be commended.

We finished with one gold, one silver and a bronze, which is good for PEI. It's only a stepping stone, because I think now we'll continue to improve. Coaching has improved so much over the last number of years in sports events, in track, in all of the events that eventually Prince Edward Island will be successful, more successful than what we have been here. We have world-class athletes here, and a lot of athletes don't even try out for these events.

Just to give you an example, I look at - and it's not Canada Games, I look at provincial teams. In ringette, for instance, 14 and under, I have a granddaughter that plays on the provincial team, but there's about half a team out there that should be on the team that wouldn't even try out, really good athletes that could make our team so much stronger. I think a lot of athletes say: I'm not going to put that commitment or that amount of time, but they have the natural ability and it's just not brought out in them. I think that the more recognition that we get for our athletes and how well they do makes quite a difference. It's all attitude. It's attitude to get people involved, it's attitude to get a winning perspective, it's attitude to think: I can play, or I can do as well as any other athlete in the country. If you can get that attitude instilled in people it makes it great.

Canada Games were held in 1967. I think that was PEI's first gold medal that we ever received at the Canada Games, and it was won by a boy from Charlottetown at that time, Bill MacKinnon. Later he moved to Montague, he spent as many years in Montague and I think now he's moved back to Charlottetown, but he won the 100-yard dash in 1967 and beat some pretty good athletes at that time. He had a really good career in track and then went on to university and did well there also.

So, it's a long time between medals, but today we had more teams participated, more athletes participated, and we will continue to do that. The last time we had the Canada Games here in Prince Edward Island was back in, I think, 1991. It was the winter games. At that time we had some good teams but didn't fare quite as well as what we had hoped for. I actually had a daughter play in the 1991 Canada Games as a ringette player. At that time they had a Maritime division and then they had the Canadian, so the winner from the Maritime division went on in the next round. Actually PEI won the Maritime division and then lost a couple of real heartbreakers in other games. They played quite well and it was a good team.

The benefits of the games will be everlasting. We hope that people will come back to Prince Edward Island that were here as athletes or as spectators that will come back again and help our tourism industry. My understanding, our tourism numbers for last year, or for this last year, were better than a lot of areas in the province than in Atlantic Canada -

**Premier Ghiz:** Don't be talking positive over there, okay?

**Ms. Biggar:** (Indistinct) credit.

**Mr. Bagnall:** I'll give credit where it's due. I said I think last spring in the House that if

we don't have an increase in tourism numbers this year, or last year, then we're doing something drastically wrong. With all the events and tourism things that were going on, we should have had an increase in numbers.

But, I like to think that the province will continue to support Canada Games in the future. I think that amateur sport today is what we should be looking at and what we should be promoting across the country. Sport is about participation and inclusion and enjoyment.

Therefore, I urge that the Government of Prince Edward Island commit to provide a dynamic and an inclusive sports and recreation environment for the province for the future. All Islanders need to experience the benefits of involvement of sports and recreation.

I encourage that whatever we have to do, to do this. Obesity is for people overweight and we're probably as high a numbers as there is in Canada and I think that recreation - we need to bring more recreation, more promotion for the future of our athletes or for our people and to get more families involved in the recreation (Indistinct).

So in closing, once again I'd like to congratulate all of the participants for a great Canada Games, all the coaches, all the volunteers and all of the municipalities and towns that did development in our communities to make these games a success.

Madam Speaker, speaking of an individual that took in some games, I would say that we have to be very pleased with the success of the Canada Games and I congratulate all of the ones that made it possible.

Thank you.

**Some Hon. Members:** Hear, hear!

**Speaker:** Are there any other members that would like to speak to the motion before I go to the mover to close debate?

The hon. Minister of Finance and Municipal Affairs.

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

I couldn't let this go by without having a few comments with regards to the Canada Games and how it continues to put Prince Edward Island on the map. Heather Moyse was one of the athletes that took part in the Canada Games in the past and has gone on now to Olympic glory, as you know, and has again shown what Prince Edward Island can do per capita with regards to our athletes. They continue to perform at a very high level in the NHL, on the different fronts right across, all athletes.

So I think it's so very important that we see the goodness in what we do and we support Canada Games and we support young athletes and we put money toward their efforts. It is so critical to show them what it does for us.

When you look across Prince Edward Island and the infrastructure that has been left behind from the Canada Games, you just have to go as far as Summerside and look at what has been left behind as a legacy. You go now - it has just been put forward that there is a new BMX track that is going to go in and accompanying all of the different facilities that have been left behind, we see an unbelievably wonderful soccer field that is there, great set of volleyball courts that will be there for eons to come. All of the different spots right across Prince Edward Island that took advantage of the infrastructure influx that came along with the Canada Games.

I think now that we probably have the pre-

eminent track and field facilities at UPEI and that just continues to inspire young athletes to be at their very best and make sure that they would (Indistinct) compete on a regional and national level.

The hon. Member from Montague-Kilmuir spoke earlier about the volunteers that came forward for PEI again this effort. It's just amazing how Prince Edward Islanders continue to do that whenever one of these events are brought to our shores, and it's just amazing that from a small population that we have here on PEI to see the numbers that are brought out and have to volunteer.

When you look at it, it's almost 10% of our population that comes out and actually volunteers for these efforts right across the Island, and that's pretty amazing when you put it in perspective across the rest of the nation when they put on events. That kind of thing just makes you proud to be an Islander.

So I just wanted to stand and applaud all of the efforts that went on, from the minister that saw it through to fruition - the Minister of Health and Wellness now did an amazing job of the ambassadorship that she played as we brought these games to these shores. Joe Spriet was the anchorman continuing to work night and day for what turned in to probably a six-year effort for him. When we see those kind of efforts and those kinds of commitments, it's what shows why we're offered these kind of games time and time again.

Madam Speaker, I'd just like to thank everybody that was involved in the games, those that have put their life and souls behind the efforts, it's been quite an effort, and we'd like to take our hats off to them.

Thank you very much.

**Some Hon. Members:** Hear, hear!

**Speaker:** Are there any other members who would like to speak to the motion before I go to the mover to close debate?

The hon. Minister of Innovation and Advanced Learning.

**Mr. Campbell:** Thank you very much, Madam Speaker.

Like my colleagues in the House here, it's a pleasure to rise and speak to the legacy that was the Canada Games here this past summer on Prince Edward Island. Of course the hon. Member from Montague-Kilmuir mentioned the successes of Island athletes achieving a gold, a silver and a bronze. I guess I'm proud and pleased to say that the bronze medal came to the first district. Kurt McCormack who is attending university in the US.

**Mr. M. Currie:** North Dakota.

**Mr. Campbell:** North Dakota, yeah. I believe the hon. Member from Georgetown-St. Peters was down there recently. I hope he checked in with Mr. McCormack. Tremendous young fellow. He was home over Christmas. I had the opportunity to present him an award on behalf of the community for his success in the Canada Games. He's also set some provincial and national records. Had a lot of success with track meets in the US while competing for his university down in North Dakota.

I visited him at his home before he left in the fall and he showed me the board, I guess, when you run down. When you're doing the triple jump your last step is onto the board and when you achieve the bronze medal, being from PEI, at the venue they pull the board up with of course all the spike marks in it from all the athletes jumping. They gave it to him as a memento of his bronze medal achievement. So that's something that he really treasures and he's

pretty pleased and proud to show that off when I visited him at his home there as well.

Of course, the legacy of Canada Games here on Prince Edward Island lasts a long time. We don't have to go any further than out to the UPEI campus to see all the infrastructure that was added. Places like Slemon Park, places like Montague. There is a lot of great infrastructure that we were able to participate in to put on these games. I think PEI has really shown the country that we're small but we're mighty. I think all reports are that everybody felt that this was probably one of the best hosted Canada Games that this country has ever seen. For our small province to be able to achieve that, it's really a credit to the mass of volunteers that took part.

I had the opportunity to get a cab ride with a cab driver that was transporting some folks around that were here for Canada Games. He talked about the great spirit and great fellowship that the games brought to Prince Edward Island. I guess PEI is certainly unique because of our small size. We had the opportunity to host the games right across the province which is something that probably only Prince Edward Island could accomplish because of our size. So it meant a lot to communities right across Prince Edward Island and to rural Prince Edward Island. I know there was some upgrades in my own district as well to the ball fields because of Canada Games coming to Prince Edward Island. That's something that we all should be very proud of.

The achievements of this province can't be understated. If we thanked the mass of volunteers every day it wouldn't be enough because it's a major undertaking to put on a production like this. We saw the athletes being hosted at Slemon Park and the food preparation that's involved to feed that many people. Of course, we had unseasonably warm temperatures, I guess, at

Slemon Park. I think some of the athletes were on the news in the evening talking about the extreme heat there in the athletes' village. Still, they were upbeat and they were well looked after and well treated while they were here.

Again, I want to congratulate everyone that played a role with respect to Canada Games, in particular the athletes. I think really the athletes, they really serve as inspiration to our younger people that are growing up. They are a true testament to the fact that if you work hard you believe you can achieve your dreams. As the hon. provincial treasurer mentioned, Heather Moyle is a great example of people who got their start here in the province and participated in the Canada Games and went on to excel and to become elite athletes. It's great to see that.

For a small province we have a lot to be proud of with respect to athletics. We have people like Brad Richards who's on pace this year to set a new record for points in a season with the Dallas Stars. It's a real credit to the athletic programs and the dedication and the coaching and the hours of volunteer time that are put in.

So again, a big thank you to all Islanders, especially those who volunteered their time to make this one of the most successful events that this province has ever seen.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** The hon. Member from O'Leary-Inverness.

**Mr. Henderson:** Thank you, Madam Speaker.

I, too, want to rise to give my comments towards this particular motion and support this motion and I also want to put a little bit

of a twist to it, a little different than how O'Leary-Inverness' role in the Canada Games played an important and integral part in the success in the Canada Games.

I, too, was a volunteer at the Canada Games, myself. I try to say - one of the moments that I found was most - almost moving - was when the Canada Games started. The opening ceremonies at Slemon Park, one of our very own, The Grass Mountain Hobos, Josh Ellis was the individual who was singing "O Canada." I can still remember the closeup on the video screen and Josh belting out "O Canada" with all the enthusiasm and vigour that he can do.

**An Hon. Member:** Hear, hear!

**Mr. Henderson:** So that was a very worthwhile moment for O'Leary-Inverness in its own point. Anyway, like I said before, I decided to participate and become a volunteer in the Canada Games. My role, I was considered a media liaison for women's softball, so, softball events in West Prince. My role, I guess, was any time the media showed up, I was supposed to be able to provide access to the players for interviews and make all those arrangements for them, and try to make sure that they didn't interfere with some of the audience when they were taking pictures, and also to get them information on who the particular players of interest might be during the game.

So it was a bit of a process to go through to become an accredited volunteer, but I did, and I got my shirt and all those types of shirt and jacket, pins, so it was kind of an honour to participate in such a worthwhile event.

The first game that I participated in I was in Alberton, actually. The game was Nova Scotia against PEI.. Nova Scotia actually had one of the premier pitchers in women's softball. A girl by the name of Holly Denny. I think she was from the Eskasoni reserve up

in Cape Breton. She was 15 years old, which is probably a little young for most of the girls there, but she had an unbelievable arm, and to watch her - she was really intimidating to watch her pitch.

I know they were - I'd heard some stories. This is where I would get this information and convey it to the media, but I think there were some competitions - even Canadian softball competitions - and they would fly her in to pitch a particular game and then fly her back home . She was that phenomenal. Like I said, when you saw her pitch it would be intimidating. I know when PEI was up at the plate, you'd see some balls coming in, and they almost had a rise to them when they came in. You wouldn't want to get a little bit of tin music from one of her pitches, I could tell you that.

Anyway, the next game after that, our PEI team put up a good effort, but anyway they lost to Nova Scotia. The next game was actually in O'Leary-Inverness, and it was the first time that an official game was held on the new softball field, Ellis Field. We put a large amount of dollars from the community and the province and the federal government into creating that new field.

I guess the first game was Ontario versus Saskatchewan, and I think the highlight on that game was that there was a girl from Ontario got the first official hit on the field. Once again, that was a night of interest for the media, and they would pick that particular girl to come out and have her interviewed. She was rather amazed that there was - the notoriety and significance of her hit. It actually was the winning run in the end. I think they won two nothing or something, Ontario.

The other part I found that was quite of interest and pride for me, personally, as the MLA for O'Leary-Inverness, and as a volunteer, but how some of the girls on both

teams had commented on the calibre of the field in O'Leary. They said they've played at fields all over North America, and that field was second to none to any of the fields. One of the biggest differences of it - it actually has a clay infield, which minimizes injuries and whatnot. But the advantage that I see for PEI, with clay infield is that our red clay is sort of a little bit unique to what any other place in the world - so to see a red infield kind of was a little bit interesting in its own right. So anyway, we will commend that we have one of the best fields in Prince Edward Island for female softball for sure.

Anyway, another comment that was made as well was that - I happened to be talking to a girl - she was from Ajax, Ontario, and she was on the female team for Ontario. She had received a full scholarship, a softball scholarship, at Miami University in Ohio, and she made, once again, the comment - at that facility, it's the national training facility for the US softball, and they have 39 fields in one complex in the Miami University of Ohio. She said: And they're all as good a fields as this too. So she said: You really have a great high end field here.

Anyway, the next game was Nova Scotia at Ontario, and the final game was Saskatchewan at Alberta. But anyway, like I said, in all events we had really good turnouts at all games, and everybody was pretty proud to participate.

I certainly want to take the opportunity to commend a lot of the other volunteers that participated at Ellis Field in O'Leary. One of them was Dale Harris, and he was in charge of the infield, and probably an individual that wouldn't have had a lot of experience in putting together a high calibre softball field, but he learned and did a tremendous job. Like I say, for those people to make those comments, he was pretty proud of that.

Jason Greenan was another individual who helped with the field. Heather Bulger and James Crossman all participated. I also want to comment, some of - the rec director in O'Leary, Tylan Robinson, did a lot of duties in the organization, as well as some of the students that helped out with the recreation department in O'Leary, Mike MacIsaac and Samantha Ellis. I think Samantha Ellis is the rec director in Cornwall now, actually.

Anyway, the other highlight that I wanted to bring to the attention of the Legislature, was just a little bit of the - some of the participants representing team Prince Edward Island that were from O'Leary-Inverness. We had Hillary Harris, she was represented in the women's volleyball; we had Brandon Boyce, he was on men's volleyball; Matthew Sweet was men's volleyball; and I had Krista Locke-Ellis, who was a coach for the PEI rowing team.

One of the things that I think as a government we do help out is the West Prince Sports Council. The West Prince Sports Council promotes all athleticism, and one of the main things that it does is it provides - I think we provide like a \$200 subsidy to elite athletes that are on provincial teams, so that helps cushion the blow for parents and individuals that have to travel a little farther, because most of those teams tend to be based out of Charlottetown or Summerside. So if you're from O'Leary, imagine going to practice and train maybe three or four days a week the cost of gas mileage and things like that tend to be prohibitive, so the West Prince Sports Council provides that. The West Prince Sports Council also put together a great sendoff to the athletes to wish them well and participated as good as they could. That was held at the Mill River Resort. It was great to see all those athletes and the enthusiasm that they had.

The other thing I want to mention - I

certainly want to commend the then-minister of community affairs. She certainly was a gracious host at a number of the events. I did get the opportunity to be invited to one of the events at New Glasgow, and also at one of the events in Summerside. A number of the other jurisdictions, other sports ministers from other parts of Canada, all commented that they really enjoyed their stay here in Prince Edward Island and felt that we did a real great job for a small province, to do that.

With that, the other thing that we are left in O'Leary-Inverness with one of the legacies of the Canada Games and that is our new sports field. I think the community is well behind the sports field. We're in the process of now actually making it a lighted sports field and it will be the only field west of Lennox Island that has a lighted field. I know Lennox Island has a few problems with their lights. But we figure that it's going to be a great asset to our community, and I see that there are also economic opportunities there with all of the sports fields that we have in West Prince. We need to get together and try to host other tournaments and events. The spinoffs to our communities and our businesses will be very much appreciated. So I encourage the province to help encourage that as well, and the West Prince Sports Council to help raise the awareness of what we can do together.

The other couple of things that happened in O'Leary, there were also some cultural exhibits. One of them, we had a rock concert actually at the O'Leary sports centre. And O'Leary area is well-known for its quilts. I think there's the O'Leary quilting guild, I think our deputy clerk there is well aware - she always buys her quilting supplies in O'Leary. I saw that on TV one of the nights they sort of showed all of the things that can be done in the quilting profession.

So with that, it gives me great pleasure to

support the Legislature here in offering congratulations to the 2009 Canada Games Host Society and all participating Canada Games sponsors, volunteers and supporters for their continued success. I was certainly very proud to be part of our Canada Games here on Prince Edward Island.

With that, Madam Speaker, I thank you.

**Speaker:** Thank you.

**Some Hon. Members:** Hear, hear!

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

**Mr. Greenan:** Thank you, Madam Speaker.

It gives me great pleasure to stand in the House and support this motion. The last time the Canada Games were in the province it was in the winter, I believe February, and we had two young sons, and we left it up to them to decide whether we'd stay on the Island and attend the Canada Games or go south. We went south, and therefore we were remiss in not attending the last Canada Games.

So our children have left the nest, and my wife decided that we would take approximately 40 hours of our time over the two weeks and we donated it to volunteering in Summerside for various activities.

We were at the basketball at Credit Union Place, beach volleyball and soccer at Credit Union Place. I did some softball at VIV field in Summerside and I, for some reason, decided that I would do breakfast at Slemon Park. That meant that I was up at 4:30 a.m., three mornings, heading out, getting ready and heading out to the site at Slemon Park and I had a shift there from 5:30 to 11:00 a.m. So those were interesting hours, trying to get I think about 11, no, 1,500 people fed in that timeframe. It was indeed a wonderful

experience.

Also, we ourselves during that time frame took in some events in Charlottetown, track and field and volleyball, and one of the gems of the whole experience was to discover the Southwest River and the rowing regatta down there. It was a phenomenal site, and unless you have a cottage in that area, you don't know that that exists. The crowds out there were phenomenal. I believe there were a couple of windy days when they weren't able to race, but they were certainly very well-attended events.

Being the Member for Summerside-St. Eleanors, and Credit Union Place is smack in the middle of my district, I'm very proud of the legacy that the Canada Games has left to the city of Summerside. It's great to have had this event here on the Island last summer, and certainly my hat goes off to those who were on the host committee that worked many hours prior to the games, during the games, and of course, after the games. Also to the sponsors who were there for our teams and for the province. Certainly the athletes from all across the country that came to the province and had a wonderful time. And, of course, the volunteers and the people who came out to watch the games. It was a great event and I'm very pleased to have been there, to participate and to volunteer.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** Are there any other members who would like to speak to the motion before I go to the mover to close debate?

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

**Mr. LeClair:** Thank you, Madam Speaker.

I would like to rise also in support of this motion.

I think the 2009 Canada Games were a huge success across Prince Edward Island. With the rural development strategy and the theme of One Island Community, when we have an event like this it certainly puts together and shows the country just what we're made of across Prince Edward Island. All the infrastructure that was put in place and revitalized and brought into play across the Island will be there for years to come for everyone to use in all of our communities across PEI.

In an event like this, it's a showcase for us to show just how important volunteerism is in a small community like PEI. You've got 140,000 people, and 6,000 volunteers show up to take part in these games and to work in all the areas that, night and day, it takes to put on an event like this.

I've got to commend the minister of community and cultural affairs, the host games society and sponsors, volunteers and all the supporters for the great success they had with this event. Certainly with rural development, it goes a long ways to show everyone in Prince Edward Island that we're not just an urban area but rural PEI is a great part of what we're made of here in Prince Edward Island. It shows all visitors that PEI is a beautiful spot. Certainly it's talked about, I'm sure. When people go back to their home towns and their own homes, they talk about PEI and they certainly will return, so it's great for our economy and it's great for PEI.

So I just want to commend everyone involved and thank them for having the games here. It was a great success.

Thank you.

**Some Hon. Members:** Hear, hear!

**Speaker:** Are there any other members who would like to speak to the motion before I go to the mover to close debate?

The hon. Premier, to close debate on the motion.

**Premier Ghiz:** Thank you, Madam Speaker.

I'm glad to hear all the great words with regards to our Canada Games. What a pleasure it was to have the opportunity to be Premier of the province when we had the opportunity to host the summer games, I believe our first summer games, the first time ever that a Canada Games was held on a province-wide basis right here in Prince Edward Island. To think that we put on an incredible two weeks here in Prince Edward Island, great competition, great friendship, great sport.

I think a lot of the credit goes, as was mentioned before, to our volunteers, to the host society, but I know that the minister of sport for the province was front and centre at every event. I joke with her all the time that she's not that athletic, but she is, and she probably burned her shoes that week because she was at every possible event going on and she did a great job in representing our province. I think that it's phenomenal that here we are a province of 140,000 people, and we have to put on the same level of games as if Ontario hosts a Canada Games. You know, 140,000 is the size of a small town in Ontario, but we were able to put on a games I think that surpasses what they can do with their 13 million people. As was mentioned, having 6,000 volunteers was absolutely unbelievable.

We went into the games with the opening ceremonies at Credit Union Place in Summerside, an incredible show. The excitement was unbelievable. From there, of course, as anybody can remember, that two weeks of weather was probably some of the

best weather we've experienced here in Prince Edward Island in quite a while. So we're looking forward to celebrating that into the future. We'll celebrate it even more, and hopefully someday we'll have an opportunity to host the games again.

On behalf of myself, and I'm sure all members of the Legislative Assembly, I want to, in my final words, take this opportunity to thank the volunteers, the coaches, the athletes, the host society, the minister and her department, everyone involved for doing a fantastic job and showcasing Prince Edward Island last summer during the Canada Games.

Thank you, Madam Speaker.

**Some Hon. Members:** Hear, hear!

**Speaker:** Thank you.

Hon. members, you've heard the debate on the motion. Are you ready for the question?

**Some Hon. Members:** (Indistinct).

**Speaker:** All in favour of the motion signify by saying "yea."

**Some Hon. Members:** Yea!

**Speaker:** Contrary-minded.

Motion is carried and it is unanimous.

**Some Hon. Members:** Hear, hear!

The hon. Minister of Finance and Municipal Affairs.

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

I move, seconded by the Honourable Minister of Transportation and Infrastructure Renewal, that Motion No. 12

be now read.

**Speaker:** Shall it carry?

**Clerk:** Motion No. 12.

The hon. Minister of Transportation and Infrastructure Renewal moves, seconded by the hon. Government House Leader, the following motion:

**WHEREAS** the province's capital budget for 2009, combined with support from local municipalities and the federal government, resulted in the largest one year investment in transportation infrastructure in the province's history, totaling \$57 million;

**AND WHEREAS**, the province's capital budget funded new schools, new school expansions, new manors, new health centres and other new construction;

**AND WHEREAS**, the province depends on members of the Island's construction industry to deliver new road infrastructure and new construction;

**AND WHEREAS**, the members of the Island's construction industry deliver quality work;

**AND WHEREAS**, the province couldn't complete its goals without a strong partnership with the Island's construction industry;

**THEREFORE BE IT RESOLVED** that this government extend sincere thanks to the members of Prince Edward Island's construction industry for their hard work and dedication to quality during the 2009 construction season.

**Speaker:** Thank you.

I'll now go to the hon. Minister of Transportation and Infrastructure Renewal

to open debate on the motion.

Minister, do you require the podium?

**Mr. MacKinley:** No.

It gives me great pleasure to stand here today to recognize the work of our construction workers, the many people involved in the engineer department, and the many workers in the Province of Prince Edward Island for the amount of work that we did last year. We had an all-time record of roads and bridges and this year we're even doing more. The budget's higher.

Some people have told me they haven't seen paving - this is back in the Alec Campbell days when it was rural renewal and they were paving into rural Prince Edward Island, where there's a lot of mud roads. Now what we've got is a lot of neglect where the previous government let the road break up. People are still blaming somebody for breaking the roads. Well, listen, when the road's 40, 50 years old, you can't blame anybody for breaking it up because everything needs to be serviced after a while and maintenance.

We made great strides in our department through the tendering procedure. The previous government chose to fill their own friends' pockets than put it on the roads. We choose to put it in the roads. You know what? Their friends are even saying they're voting Liberal now because they even got a chance to do it to tender on these projects. We have filled their pockets. The member from down there, the minister of destruction, when he was there, of our highway system, the department, if you want to get into that, call private eyes, private cops. Investigators spent near \$1 million investigating the department. The only fellow they found out that was wrong was himself. That's millions and millions of dollars in foolish, (Indistinct) hunts.

So you know what? It hurts them over there to hear the truth. It hurts them to see the road work being done. It really hurts them to see all the road work being done from one end of Prince Edward Island to the other end of Prince Edward Island. They must be embarrassed when they go out around and people look at them and their (Indistinct) say: Why didn't you guys do it than just looking after a chosen few?

Somebody said the Liberals and the Conservatives - the difference was there's not that much difference between them. But I was in Montague today and they said: You know what? You guys don't mind everybody getting a piece of it. With the other bunch, there was only a chosen few, chosen few friends of the Tories. That was right down to the heart of the Conservatives in today was right in Montague coffee shop and that's what people were telling me.

**Premier Ghiz:** There's no heart left in the Conservatives.

**Mr. MacKinley:** Well, there mightn't be much left. It was pretty weak when I was there.

**Premier Ghiz:** It's on life support.

**Ms. Biggar:** Defibrillator.

**Mr. MacKinley:** One of the strong Tories came in there while I was there and there was only about two people that piped up and said they were Tories. They said I ruined their day because they don't come to town as much now because they hate travelling those good Liberal roads.

Look at Pooles Corner intersection. The previous minister - I think it was job creation because he re-built it three times. He still hasn't gotten it right. Three jobs and never had a (Indistinct). That's what the previous minister did. Three times. When I

was there as critic in that department, you didn't have to go do any research. It just flowed in. You know what, Madam Speaker?

**Mr. Brown:** He didn't need whistle-blower legislation.

**Mr. MacKinley:** He didn't need whistle-blower legislation, no. All you had to do was see the mess that was created. But you know, Madam Speaker, with our investment, PEI - Canada, if you look at it - is the number one spot, they tell me, in the world. This is done with our leaders' foresight and the help of our federal government. Money's been a little small but it was still help. We're looking for more money because Ontario just got another big amount of funds announced, Dalton McGuinty, for road construction for this year again.

So we'll be looking to see if these colleagues over here and the former minister of highways can deliver. Because the word is, around Tignish area, there's not that much being delivered up there except for some Liberals delivering the paint shop. The former sign shop was up there. Robert Morrissey, a former colleague of mine, put a new sign shop up there. New paint shops going up there.

Listen, that end of the Island, paving roads from one end to the other, all they could do was close down a bunch of the fish plants. Just close the fish plants down up there. Try to close everything down they possibly could. We're trying to turn that around and we've done a great job in two and a half years. I will say that.

Even the mayor appreciates us being up there. The mayor appreciates us being there. He basically said that the other bunch, when they were in, he said: I supported them for years but I don't know why because they didn't do anything. He said: Everything

went somewhere else. But anyway, we're going to try to make it fair across the province.

If you look at Charlottetown, you look at Cornwall, you look at Stratford and other Island communities. Look at Souris. I believe Souris is something like about 6.6 million going there between Rollo Bay and - it's hard to believe. It's hard to believe. Everybody thought down there that Lawrence was still the power in Ottawa but I said: No, it's the minister from that area that's taking the money down there.

**Some Hon. Members:** Hear, hear!

**Mr. MacKinley:** Even the member there from Montague-Kilmuir, the amount of pavement going into his riding, that road, unbelievable. Gravel roads down there to get into places. Yes. He keeps after the pavement. You know, the guy there from up west, Mr. MacWilliams, he knows what it was like under the Tory long miserable years under them. Everybody can tell you this, whether it was my great-grandfather, my grandfather. I heard some people talking the other day that when the federal Tories are in power it's hard times in agriculture. That's a lot of people are talking that way. If, for some reason, I don't know what it is - it's always gloom and doom under the federal Tories.

But anyway, Madam Speaker, our capital budget for new schools, a new wing in Cornwall, Westwood, Stratford, Montague -

**Premier Ghiz:** Tell us a little bit about Montague. What's that school like?

**Mr. M. Currie:** Square box.

**Mr. MacKinley:** Yeah, it might be a square box, but I'll tell you this. It's rated one of the top schools in Canada. But you wouldn't know that was.

**Some Hon. Members:** Hear, hear!

**Mr. MacKinley:** Because you had your head buried in the sand. You were too busy signing deals, giving land away to Americans, and then we had to go back and buy it back, the Sally's Beach. You sold it and then we had to go buy it back. Oh my land alive. It's lucky that the minister of finance could kick a budget in the way he is with the mess that was there before him.

**Mr. M. Currie:** (Indistinct).

**Mr. MacKinley:** Who was that?

**Speaker:** Members, this is not Question Period.

Minister, continue. Stick to the motion.

**Mr. MacKinley:** I'll give him the motion. We're talking buildings. The building in Summerside - that's the building we bought to keep out of (Indistinct) of being broke down. We did that for the town of Summerside and the province. That was a Schurman's building on the waterfront.

**Mr. M. Currie:** Card-carrying Liberal.

**Premier Ghiz:** You don't even know them.

**Mr. MacKinley:** Most of the people that moved ahead and did something are card-carrying Liberals. I can't help that. Is that against the law to be a card-carrying Liberal? There are lots of Liberals out there don't even have cards and they're still Liberals.

How would you - that member there, he had a - check their blood almost and DNA before they qualified for anything. Eight million dollars he blew away on firing staff. Eight million dollars, along with our federal money bounced to 16 million because on some of these programs the feds are in at

50%, 42%. Whatever we get from them, we want to thank them. We're not like the previous government that condemned everything the federal government did because they were Liberal. We want to thank them.

We'll take their money down here in Prince Edward Island because Prince Edward Island is a part of Canada and what you got to remember, Tignish is a part of Prince Edward Island, Souris is a part of Prince Edward Island. It's just not all Charlottetown, Cornwall, Stratford or Summerside. We're right across the province and that One Island Community, and this government neglected the rural roads so bad it was almost embarrassing to go out there. It was embarrassing to travel. In two and a half years in government, we cleaned some of that mess up and we're continuing to do it.

**Some Hon. Members:** Hear, hear!

**Mr. MacKinley:** Getting back to schools. The former schools were built under the Premier's government - Bluefield, East Wiltshire, Donagh - no, that was Donagh. No, they built Donagh. The previous Liberal built the East Wiltshire and put the whole new Westwood school -

**Premier Ghiz:** We believe in education.

**Mr. MacKinley:** We believe in education. We believe in that so our children get the best possible education they can in the Province of Prince Edward Island. We have some of the best teachers in the province and we'll put them up against anybody.

What did this government do? Want to cut and slice from them. Yeah, that's what they did. They even cancelled - I think one of the Tory governments, I forget which one it was - even the dental program for (Indistinct). They even cancelled the dentist program.

Two-tiered dental care. You name it. They did it.

**Ms. Bertram:** Duck and hide over there.

**Premier Ghiz:** Duck and hide. Duck and hide.

**Mr. M. Currie:** Two-tiered minimum wage -

**Mr. MacKinley:** New school expansions. New manors, we're building. New health centres and other new construction across this province.

**An Hon. Member:** Call the hour.

**Speaker:** Hon. members, the hour has been called.

The hon. Government House Leader.

**Premier Ghiz:** He was just warming up.

**Mr. Gallant:** Thank you, Madam Speaker.

**Some Hon. Members:** (Indistinct).

**Speaker:** Order, please!

The hon. Government House Leader.

**Mr. Gallant:** Thank you, Madam Speaker.

I move, seconded by the hon. Member from Tyne Valley-Linkletter, that this House adjourn until tomorrow at 10:00 a.m.

**Speaker:** Shall it carry? Carried.

Have a great evening.

The Legislature adjourned