

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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The Legislature sat at 2:00 p.m.

Speaker's Ruling

Speaker: Hon. members, I am prepared to rule on the point of order raised by the Member from Kensington-Malpeque on November 17th, 2016.

Having reviewed the Hansard transcripts, the Rules of the Legislative Assembly, and the parliamentary authorities, I must conclude that there is no basis for a point of order in this matter.

Hon. members, I draw your attention to *House of Commons Procedure and Practice*, Second Edition, page 510:

“The Speaker ensures that replies adhere to the dictates of order, decorum and parliamentary language. The Speaker, however, is not responsible for the quality or content of replies to questions. In most instances, when a point of order or a question of privilege has been raised in regard to a response to an oral question, the Speaker has ruled that the matter is a disagreement among Members over the facts surrounding the issue. As such, these matters are more a question of debate and do not constitute a breach of the rules or of privilege.”

Thank you, hon. members.

Hon. members, I am also prepared to rule on the point of order raised by the Member from Georgetown-St. Peters on November 22nd, 2016.

The hon. member asserted that the Premier breached the rule of anticipation in response to an oral question from the Leader of the Third Party with regard to Motion 80, Democratic Renewal: A Clear Question and a Binding Vote.

Specifically, the Premier said: First we have to pass Motion 80.

Hon. members, I have reviewed the relevant Hansard transcript, the Rules of the Legislative Assembly, and the parliamentary authorities on this matter. I refer you to Beauchesne's citation §512(1): “The rule of anticipation, a rule which forbids discussion

of a matter standing on the *Order Paper* from being forestalled, is dependent upon the same principle as that which forbids the same question from being raised twice within the same session.”

I must conclude that there is no basis for a point of order in this case as an answer to an oral question does not prevent or obstruct the House from coming to a decision on a motion.

Thank you, hon. members.

Matters of Privilege and Recognition of Guests

Speaker: The hon. Premier.

Premier MacLauchlan: Thank you, Mr. Speaker, I was a little jumpy earlier.

Welcome, everyone, back to the Legislative Assembly and those in the gallery, those watching from home, especially my district, York-Oyster Bed.

A note: in the gallery we have two of our Pages who were with us last year, John Ployer and Matthew LeClair. Welcome back, glad you're back for more.

I want to recognize the staff and the board of directors and the hundreds, and thousands, indeed, of volunteers who make the success of the United Way across Prince Edward Island, and in particular local charitable organizations. The United Way helps Prince Edward Islanders to enjoy a dignified and healthy lifestyle and works with many community-based organizations. I had a chance to meet this morning with Andrea MacDonald, who is the new CEO of Prince Edward Island United Way as of June of this year. Welcome, Andrea, back to Prince Edward Island. She's one of many who are being repatriated.

I'd also like to welcome the visitors that are on Prince Edward Island today and tomorrow from Saint Vincent and the Grenadines: the hon. Saboto Caesar who is the minister of agriculture, industry, forestry, fisheries, and rural transformation – the Minister of Agriculture and Fisheries can recognize that some folks carry a load as heavy as yours; Consul General Fitzgerald Huggins; and Her Excellency Lou-Ann

Gilchrist who is the ambassador from Saint Vincent and the Grenadines to the American States.

Finally, I'd like to recognize and thank and congratulate a group of Islanders led by J.J. and Julie Chaisson who were part of a team that rescued a porpoise on the beach of Lower Rollo Bay yesterday and released the animal safely into the harbour at Souris wharf. A great piece of humanitarian initiative and great Islanders who didn't mind getting into those chilly waters to do some good.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Mr. Speaker.

I would like to welcome everybody in the gallery here and everybody watching on t.v. I would also like to give a very special hello – I hope they're watching – to Debbie's parents, my father-in-law. David and Rosie Wedge are celebrating 53 years of marriage today so all the best to David and Rosie. David and I do definitely get into some (Indistinct) debates back and forth on party stuff so we will leave that to another date.

I would also like to mention that this is an important weekend coming up and it has to do with the Rotary Youth Parliament that will be starting on the weekend. All the best to everybody that is going to be there, especially the three individuals from my district, which is quite impressive. I have Robert Larsen who is a Page in the House and will be the Premier; Hanna Larsen will be filling your job, Mr. Speaker; and a really good friend of mine, Rachael Green, will be the agriculture critic and good job for Rachael, so all the best to them.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you very much, Mr. Speaker.

I welcome everybody back and once again to a full gallery here. I welcome back John and Matthew, the Pages from last year. I see Brenda Oslawsky, Marie Burge, Carol Carragher, and a friend of mine, George Hunter, is with us today, and Peter Meggs in the back. Just a gallery full of friends and acquaintances. Nice to see you all and I hope you enjoy the sitting.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Mr. Dumville: Thank you, Mr. Speaker.

I would like to welcome everybody here to the gallery. Eddie is here and Terry Hogan is with us, and also I see Peter Meggs there, he is actively interested in politics.

I would also like to welcome Darragh Mogan who is retired from DVA, but he takes an active role in our district through the Ellen's Creek watershed, and I guess he is also a mean choir director too. I hear he is quite accomplished in that. He is also an official agent for the NDP here in Prince Edward Island so he's playing his role in the community and I thank him for that.

It is good to see you gentlemen here today.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Alberton-Roseville.

Mr. Murphy: Thank you, Mr. Speaker.

It's a pleasure to rise and welcome all the folks in the public gallery.

Jonathan and Matt. Matthew is a good constituent of the Alberton-Roseville district.

I would like to also say welcome to all those who may be watching at home in the

Alberton-Roseville area on the computer or the t.v.

While I'm on my feet, on a little bit of a sadder note, I would like to offer my condolences to the Kinch family up in Alberton on the passing of their loved one.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: Thank you, Mr. Speaker.

I would like to welcome everyone to the gallery, especially one of my young constituents. Spencer Noye is with us in the gallery today from Port Hill. Spencer was a student tour guide at the Green Park museum this summer, and I know they thoroughly enjoyed having him with them and that they were – that I think he had a pretty good summer, too, and going to school down here, and it's great to have our youth in the gallery.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Workforce and Advanced Learning.

Mr. R. Brown: Thank you, Mr. Speaker.

I want to welcome everybody to the gallery and everybody that is watching.

I had the opportunity this weekend to go to the Union of Public Sector Employees' convention at the Delta. A lot of good resolutions were discussed and a lot of good issues were discussed. But I want to say to the union of public sector employees and all public sector employees in Prince Edward Island, they do a great job serving the public and they deserve our thanks and gratitude because they are the ones that deliver the vital programs to Islanders.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Summerside-Wilmot.

Mr. Palmer: Thank you, Mr. Speaker. I would like to welcome everybody in the gallery today and everybody watching from home, and also a special recognition to Ellen Rankin watching from Summerside on this cold and prickly fall day.

Thank you.

Some Hon. Members: Hear, hear!

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

Ms. Compton: Thank you, Mr. Speaker.

It's a pleasure to rise again today in the House and welcome everyone here in the gallery, everyone watching home in District 4.

I'd like to point out that our representative from the Charlottetown Police today is Ashley MacIntyre, she is with us. We're in great hands today. Her family I've known forever, basically. I'd just like to point out that her grandfather, Vernon MacIntyre, was an MLA in this House, was elected, I think, in 1974 and passed away actually very tragically while he was a sitting member of the House. I'd just like to thank Ashley for her service and I think we all should give her recognition today.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Family and Human Services.

Ms. Mundy: Thank you, Mr. Speaker.

It gives me great pleasure to rise today as well and to recognize all those in the gallery. A special hello to Marie Burge, very committed and passionate advocate with her community, with whom I've shared many enlightening conversations, I will say, and I look forward to many more.

I'd also like to thank the residents of District 22 Summerside-St. Eleanors for all their support over the last few days. Their texts,

their emails, and their messages have meant a great deal to me.

I'd also like to give a shout-out to one of our District 22 members and supporters who has just published her second paper from her master's thesis. Her first one was a paper called: Thermal Imagery of Groundwater Seeps: Possibilities and Limitations. Her second one that just came out last week was entitled: Complexity of Hydro-geological Regime Around a Multi-disciplinary Field of Study. She so happens to be my daughter as well, Mr. Speaker.

Congratulations, Erin.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Mr. Speaker.

I just wanted to rise today and greet everyone who may be watching from District 18 Rustico-Emerald.

I especially wanted to say hello to Mark Gallant and Margaret Howard. Margaret's daughter Pauline has been in the Legislature a lot lately.

I also wanted to welcome everyone here in the gallery. Of course, Dennis Halliday over there, and we've got John and Matthew, of course, and Marie Burge. Good to see you all here today.

Finally, I wanted to say a hello to my in-laws who are in York-Oyster Bed, in the Premier's district, Myron and Anna Turner. Long-time owners of the Queen Street Meat Market. Hopefully they're watching today.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Stratford-Kinlock.

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

A pleasure for me to rise today, the same as my colleagues, and welcome everybody that's in the gallery here today to take in the proceedings.

Also, to those individuals that may be watching online or on EastLink, it's great to know that you're out there tuning in.

In particular, I'd like to recognize the constituents of mine at Andrew's of Stratford. I know that they enjoy watching, particularly Question Period, every day. I enjoy my frequent visits to that facility and to hear what they have to say and to take their advice to heart and bring it back here to the Legislature.

Just in closing, there are a few individuals in my district that are celebrating birthdays and I just want to reach out to them: Joey Kitson – of course, many know Joey for his musical talents; Chris Inman, he's a close friend of my son's; Kelly Barlow-Hughes; and Terry Kennedy.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

Mr. LaVie: Thank you, Mr. Speaker.

I would welcome everyone here today too, especially the press who do a wonderful job covering the Legislative Assembly to those in District 1.

Prior to coming in to town today I had the opportunity to go up to North Lake Harbour. North Lake is doing some work on their harbour up there and I wanted to go up and have a look and see how they were getting along. It's coming along great.

It's great to be able to work not only with our provincial government, but our federal government with these harbour authorities. When everybody works together projects do come together. When I see these applications going in – it's one thing I do do is make sure that these job applications or these work applications get approved. It's great to be able to work with our provincial and our federal counterparts.

What a great job Sheila Eastman and the port authority are doing up there in North Lake. This is probably the second, if not the third, major facelift of the North Lake Harbour in the last five years as I was elected. That's what happens when we all do work together, Mr. Speaker, things do get done.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Economic Development and Tourism.

Mr. MacDonald: Thank you, Mr. Speaker.

I'd like to say hello to everyone watching from home today and everyone in the galleries, as well, and recognize the youth parliament this weekend. I attended it last year, some of it, and it was very interesting, some of the debates.

I'd also like to recognize Peter Meggs who is a stalwart in our community of Cornwall and was boisterous to get the bypass built, and for safety and export reasons, through the town of Cornwall. We certainly appreciate that. In fact, I had the opportunity to run a 5K with Peter and just to want to let you know I did beat him.

North River Fire Department, yesterday on the way home, were putting up their Christmas lights. I just want all the people in my riding to check out their website. Not just the North River Fire Department, but the community of Cornwall. There are many activities for children over the next month. Many of them are free and if you can participate in it most certainly do.

One other thing. I've travelled the bypass all through the construction phases and I just want to shout-out to the flaggers. I don't know if I would want their job during that process, but they did a great job and kept everybody safe.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Statements by Members

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

Father Albin Arsenault

Mr. Perry: Thank you, Mr. Speaker.

I would like to acknowledge a great community leader in my district of Tignish-Palmer Road, Father Albin Arsenault.

In June Father Albin received the Price NSW 2016 Award for his contributions and work specific to history and Acadian heritage. His dedication to the preservation of heritage can be seen in the restorations projects that he has undertaken at St. Patrick's Church in Grand River, St. Simon and St. Jude church in Tignish, Saint-Jean-Baptiste in Miscouche, and the beautiful restoration on Palmer Road's Church of the Immaculate Conception.

Father Arsenault has said: It's a matter of being proud of our own heritage. It is a legacy of our ancestors, a way to respect them and it is our responsibility to preserve such a monument.

In this statement he was referring to the beautiful work that was done to the Palmer Road Catholic Church. This church project started in the fall of 2014. Part of this project saw the church restored to the original color of Milwaukee cream and ornate detailing was painted blue as a symbol to Mary. Many of the parishioners say they feel uplifted just walking up to the church.

Father Albin is also very active in the Acadian community with the Knights of Columbus, Acadian Historical Society of PEI, the Association of Acadian Museum of PEI, the Christian Education Center, and St. Thomas Aquinas Society, just to name a few.

May we all join in congratulating Father Albin on this award and bless you for the great work you do.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Evangeline-Miscouche.

Henry and Pierre Gallant

Mr. Gallant: Thank you, Mr. Speaker.

I would like to acknowledge Henri and Pierre Gallant of St. Raphael. They are the owners and operators of HMS Office Supplies who recently won the Innovator of the Year award at the 2016 Greater Summerside Chamber of Commerce, PEI Business Excellence Awards.

The store has been in the Gallant family for over 34 years, with Henri and his wife Gloria opening up HMS Office Supplies in December 1982 in Summerside. After their son Pierre joined the team they added an office furniture line and equipment division.

HMS is currently a very active member of the vibrant downtown community and takes pride in contributing to the growth and development of the area. HMS takes part in many downtown initiatives such as the recent Halloween coloring and costume contest.

They were also the recipients of PEI's first ever Lauriers 2014 national award in the Francophone retail category.

I am sure we can all agree that hard work and dedication are what make business families like the Gallants stand out, and it has been amazing to watch this company grow. The awards they have won are reflective of the hard work Henri and Pierre have put into it, along with their wives Gloria and Stephanie.

Congratulations for receiving this well-deserved prestigious award.

Félicitations pour cette prestigieuse distinction bien méritée.

Merci beaucoup.

Thank you very much.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Stratford-Kinlock.

Wall of Fame – Georgetown

Mr. Myers: Thank you, Mr. Speaker.

It's an honour of mine to recognize the 1st Annual Wall of Fame Cup held last month at the Three Rivers Sportsplex. Eighty people filled the Eagles Nest upstairs at the sportsplex to honour the memory of two individuals who contributed significantly to the cornerstone community facility.

The dinner paid tribute to the late Jimmy MacConnell and Lionel King and raised more than \$600 for the rink.

Scott Lavandier painted a mural of two lockers with hockey jerseys bearing the name of each of the inductees. The community hopes to add two lockers each year to create a permanent memorial in honour of those who have helped sustain the rink over the years.

A well-known storyteller and native of Georgetown, Dennis King, and his mother Cattie, accepted the award for the late Lionel King. Dennis also entertained the guests with old stories and memories of the sportsplex throughout the evening.

Brad MacConnell, the nephew of Jimmy MacConnell, paid tribute to his uncle with gracious stories of his uncle and his efforts he poured into the rink and his community.

Attendees were asked to nominate someone all through the night for the 2017 ballot at a cost of \$2 per ballot. The top three names put forward were Dennis Clory, the late Mike Steele, and the late Clarence MacSwain. People can vote on these nominees at the canteen for the remainder of the winter for \$1 a vote.

A special thanks to all the volunteers, who continue to make sure that the Three Rivers Sportsplex is open each year to serve their community.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Responses to Questions Taken as Notice

Speaker: The hon. Premier.

Premier's Office and Archives and Records Act (further)

Premier MacLauchlan: Mr. Speaker, yesterday the Member from Georgetown-St. Peters raised questions regarding the application of the *Archives and Records Act* to the Office of the Premier and to myself as Premier.

I'm pleased to assure the House that, as I indicated yesterday, the Office of the Premier is covered by the act. The Premier's office is clearly within the definition of a public body as defined by the *Archives and Records Act* and is therefore subject to the provisions of the act. As Premier, the Premier is head within the scope of the word "head" of a public body and therefore also subject to the provisions of the act.

The amendments to the *Archives and Records Act* that were introduced of November of last year and passed in December were really brought forward to include minor revisions and clarifications to the definitions of public body and head and, in particular, to make sure that the Legislative Counsel Office records are covered by the act.

Going back to 2001, when that legislation was first adopted, there was an exclusion – a mistake – for the Legislative Counsel Office. That was corrected. Everything else in those amendments was clarification or you might say cosmetic.

Nothing in those amendments excludes either the premier or the premier's office from the act. Indeed, in my role as Premier and as head of Executive Council, everything that involves records from myself or from my office is covered by the act.

Thank you, Mr. Speaker.

Questions by Members

Speaker: The hon. Leader of the Opposition.

Hillsborough Hospital replacement

Leader of the Opposition: Thank you, Mr. Speaker.

Last week we spoke about our idea for an infrastructure summit which government

rejected. We also spoke about government's decision to fast-track the Cornwall bypass.

Question to the transportation minister: What work has your department done to prepare plans to replace the aging Hillsborough Hospital with a modern mental health facility?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, the Hillsborough Hospital would fall under my department in the operation and administration of that facility.

As the hon. member would be aware, the Hillsborough Hospital upgrades and renovations have been in the capital budget, and we are looking at all alternatives and options to provide a safe and accessible facility to both patients and staff at that location.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Mr. Speaker.

Many people feel that the current Hillsborough Hospital is a safety risk for both patients and the staff who work there. That was one of the reasons why our party proposed replacing the Hillsborough Hospital with a modern mental health facility in the last election.

Question to the transportation minister: Do you consider the need to replace the Hillsborough Hospital to be one of the infrastructure priorities of this province?

Speaker: The hon. Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: Thank you, Mr. Speaker.

Hospitals do not qualify under the infrastructure replacement program.

Speaker: The hon. Leader of the Opposition.

Hillsborough Hospital capital budget funding

Leader of the Opposition: Thank you, Mr. Speaker.

In the capital budget approved by this House in November 2014 there was \$5 million set aside for the Hillsborough Hospital replacement, but in the capital budget last fall there wasn't any line item for this project.

Question to the transportation minister: Where did the \$5 million in the capital budget two years ago for the Hillsborough Hospital replacement go?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, our department acknowledges that the Hillsborough Hospital is need of improvement.

It is one of our major priorities, as our department, in looking for any facility upgrades. We have set aside money for planning and I think we'll be making an announcement shortly for a few upgrades that are going to address some of the issues around staff safety and patient safety and security at that facility in the near future, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Mr. Speaker.

Well, this government promised a new hospital.

Back to the transportation minister. We saw what happened in manor replacement projects in Montague and Tyne Valley. When the time came to rush out with a \$65 million Cornwall bypass, the \$10 million in a capital budget for those manors vanished and those projects were bumped to the end of the line.

Question to the transportation minister. You're in charge of transportation and infrastructure. What assurances do Islanders have that the Hillsborough Hospital replacement isn't the next capital budget project to get pushed to the back of the line

in favour of the \$65 million Cornwall bypass?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Thank you, Mr. Speaker.

Like I said before, whether it was manor replacements, there was money in the capital budget to replace our aging manors that had been neglected for many years. We've gone through that process and we will be upgrading our last two public manors in 2017-2018.

The Hillsborough Hospital is another one of those items that is on the capital budget and we'll be addressing those issues. We have money there for planning, but we're also looking at, as you might have realized – we've just released our mental health strategy. That is going to help look at other ways that we can address some of the issues pertaining to mental health in this province and providing a safe and – issues around dealing with those particular issues that Islanders are afflicted with, Mr. Speaker.

Speaker: The hon. Member from Stratford-Kinlock.

Child advocate

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

A question to the Minister of Family and Human Services. Minister, as you're fully aware, a workshop was held this past summer with over 100 frontline government workers to explain your new Hub model. An individual representing family violence prevention was quoted in the *Guardian* as indicating that the Hub model does not replace the need for a child advocate in Prince Edward Island.

Minister, why are you refusing to provide a child advocate here on Prince Edward Island?

Speaker: The hon. Minister of Family and Human Services.

Ms. Mundy: Thank you, Mr. Speaker.

As I spoke last night, my department does believe, and this government does believe, that all children deserve to feel safe, loved, secured, and safe from parental harm.

Protecting the best interests of children involves the community, it involves family, it involves individuals, it involves government, and it involves frontline workers. It involves everyone. It takes a village to raise a child.

I wouldn't say that this government is opposed to the idea of a child advocate. However, we have many services and many frontline services that we believe need to have the direct support to be able to come back to the child and to the family.

The bridge model is one of those supports. I think I explained the bridge model last night, but I would love to explain it again today.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Stratford-Kinlock.

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

This individual that I just quoted, she's been working in the department now for quite a few years. She's well-known as a respected and knowledgeable individual within child protection.

Again to the minister. Minister, this individual said that a child advocate would be even more important under this type of model as somebody who is tasked with the responsibility of certain means and rights would be essential to have at the table.

Minister, once again, why are you denying children the right to have a voice in the decisions that are made that affect their lives?

Speaker: The hon. Minister of Family and Human Services.

Ms. Mundy: Thank you, Mr. Speaker.

I am a parent and this does tug at our heartstrings. It tugs at everyone's heartstrings, Islanders' heartstrings. We do want the best for children on Prince Edward

Island. We want the best for families on Prince Edward Island.

We do believe our bridge model will help families on Prince Edward Island, and it's prudent to invest in those frontline services, such as the bridge model. Those are the things, those are the direct services that are going to help families and help children.

We have a number of programs. We have programs such as the Triple P Positive Parenting Program, the Period of PURPLE Crying, the Family Violence Prevention Programs, Parenting from Two Homes, Best Start Program, information sessions on custody and access, women's wellness programs, and strong family programs.

These are some of the programs that our department and our government has invested in that will help families.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Stratford-Kinlock.

Global Network contract

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

This minister speaks of the bridge, and yet according to your own documents, they state that the bridge program is being tasked by the Global Network who has received an untendered contract to the tune of \$73,000 to oversee the introduction of this new Hub model.

If you value your employees on the frontline here on Prince Edward Island that have been working with families, with children, for years and have the experience, why do you feel it necessary to bring an outside firm in, pay them \$73,000 for an untendered contract?

Speaker: The hon. Minister of Family and Human Services.

Ms. Mundy: Thank you, Mr. Speaker.

As Minister of Family and Human Services I take the protection of children very seriously.

Last night I spoke of an analogy of a small town that lives by a riverbank. If there was a dangerous crossing at the top of that riverbank and every year people were falling into that riverbank and ending up downstream, and that if the town got together and they invested in training and they invested in services that would help pull those people out of the water, eventually it would take a toll on them, and they would grow tired, and they would have compassion fatigue.

Then when somebody would finally say: What if we moved upstream? What if we moved up to where the dangerous crossing is and we repaired that crossing and made it safer for individuals to cross? Maybe they wouldn't end up in the water and end up downstream.

Our bridge model is that upstream model. Downstream, that is where a child advocate would come in, Mr. Speaker, after the fact.

Thank you so much.

Speaker: The hon. Member from Stratford-Kinlock.

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

This minister continues talk about a riverbank. Perhaps this minister wants to get out and drive around Prince Edward Island and realize that this is an Island. We're surrounded by water. We have many riverbanks all around the Island.

This is why we have been calling – we have demanded – for a child advocate to be introduced here on Prince Edward Island, the only province in all of Canada still without a child advocate. I applaud you for the measures that you are doing, but I implore you to go that extra mile and do what is actually necessary, and that is to institute a child advocate here on Prince Edward Island.

Child advocate (further)

Question to the minister: Who is protecting the rights of children in custody battles, in adoptions, in foster care, in social services? Who is speaking for them, Madam Minister?

Speaker: The hon. Minister of Family and Human Services.

Ms. Mundy: Thank you, Mr. Speaker.

Again, as the Minister of Family and Human Services, I take it very seriously, and my department takes it very seriously.

The bridge model has people that are frontline workers. We have people from the justice system, we have people from probations, we have people in the education system. We have frontline workers that are in my department. Housing, social services, child protection. These are all child advocates. They are there for the child.

If I recall, through our family law services, we will also provide a lawyer to speak on behalf of the child in a high conflict custody situation when that child's parents are going through very difficult transitions in life. We will provide a lawyer to speak for that child, Mr. Speaker.

Thank you.

Speaker: The hon. Member from Stratford-Kinlock.

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

Again, I want this minister to understand that these services have been in existence here on Prince Edward Island for many years. The inquest that was conducted just a couple of years ago into the tragic loss of Nash Campbell –

Ms. Biggar: (Indistinct).

Mr. Aylward: – identified that all of these separate silos were not communicating, they weren't working together.

I am hoping upon hope that the Hub model and the bridge program will help to bring them somewhat together, but a child advocate would be there to ensure, at an arm's length policy, that this office, this person, could ensure that all the departments that are supposed to be working as advocates for children would do so.

Care facilities under FHS minister

Follow up question for the minister:
Minister, how many care facilities are under your direct responsibility?

Speaker: The hon. Minister of Family and Human Services.

Ms. Mundy: Thank you, Mr. Speaker.

To go back to the jury's recommendation – and actually, I'm very glad to hear you, hon. member, say that you are hopeful because that gives me hope.

This will bring people out of their silos or perceived silos because they will be at what's called a situation table. They will meet a minimum of twice a week. They will be able to send out the help within 24-48 hours of an identified case.

Yes, we still are committed to the jury's intention, which was to give the child a strong voice when their parents were in a high conflict situation. We are still committed to that, and we'll do that through the chief health officer. She will have a yearly report in which she will report on the health and well-being of children. That will include domestic abuse and that will include children that are involved in high conflict child custody situations.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Stratford-Kinlock.

Tour of care facilities

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

Again to the minister: Minister, have you toured the various facilities that come under your direct ministerial order, such as group homes and other facilities?

Speaker: The hon. Minister of Family and Human Services.

Ms. Mundy: Thank you, Mr. Speaker.

Actually, yes I have, hon. member. It was actually a very moving experience. I got to meet some of the children when I was out there. I got to meet the staff that were there. The staff were very appreciative that the

minister did come out and see. We had long conversations and we chatted about the children that come into their care.

We chatted also about the excitement that they had about the training that they were receiving and how this new bridge model was going to help them. It was going to help them do the jobs that they wanted to do and it would help them with any of the compassion fatigue that they might be feeling.

It was a very moving tour and I did visit all of our group homes.

Thank you, Mr. Speaker.

Speaker: The hon. Member from Stratford-Kinlock.

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

I applaud the minister for going out and touring these facilities. I, too, have been contacted by many staff, and what they've asked me to relay to you is: Minister, go back out and tour those facilities again, but do it in a different way. Do not do it with a memo going out in advance stating that the minister will be coming to this group home on this day, that group home on this day.

I don't want to call them surprise visits, but I want you to go out and actually tour these facilities, unbeknown to anybody coming in, because the staff that I'm talking to – the frontline staff that I'm talking to – are telling me that you need to have your eyes opened to everything that's happening in these facilities.

Minister, will you commit to that here today?

Speaker: The Minister of Family and Human Services.

Ms. Mundy: Thank you, Mr. Speaker.

Again, I don't think that surprising staff is the way to do anything. These staff are good workers. They are in it for the right reason. Their hearts are in the right place. To show up unexpected to surprise them and hopefully catch them doing something, I just don't understand the rationale behind that.

We have wonderful staff that support wonderful and sometimes wounded children in these homes. They need to know when the minister's coming and they appreciate when the minister's coming, Mr. Speaker, and I thank them for the good work that they do.

Speaker: The hon. Member from Stratford-Kinlock.

Child advocate (further)

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

Next question is to the Premier, actually. Premier, one of the first actions that you took when coming to office was to introduce an Ethics and Integrity Commissioner. As we follow the egaming debacle it's not too hard to tell why this position was warranted.

Premier, it's obvious to Islanders that you're more concerned in protecting those involved in the egaming scandal than with protecting our most vulnerable citizens, our children.

I call on you today: Premier, when will you do the right thing and institute an office of child advocacy?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, going back to the early part of our mandate, we have identified a number of steps that are to be taken to offer a more fulsome protection to children and to build on the fine work of the people who are currently doing those jobs in various parts of government.

One of the steps that we identified last spring was to create a position for a children's lawyer, which responds to a point raised by the hon. member earlier, which will in fact be a frontline position working directly with children to offer legal counsel to children and be able to legally represent the voice of a child whose families are experiencing separation or divorce.

We have stipulated that that person also have skills in alternate dispute resolution. That's where we see an important step to be taken to offer frontline services. That position is being recruited for and will be going forward very shortly, Mr. Speaker.

Thank you.

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

Premier's office and *Archives and Records Act* (further)

Mr. Myers: Thank you, Mr. Speaker.

I did ask the Premier some pretty specific questions yesterday and he came back with somewhat of an answer here today. The bill still gives him a lot of wiggle room, though he'll probably never admit it, and he is the office of a political party leader which he had written into the legislation which now covers him. I think that Islanders are getting pretty sick of this dance that you're doing and it's time to come clean. I'm going to give you a chance today.

This bill was the very first bill that you had prepared for last fall sitting. The government had 48 bills in the spring and fall; 1 through 19 were passed in the spring.

Question to the Premier: Why was this bill your priority for the fall session?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, I'll be happy to clarify that section 1(2) of the bill that came forward last spring does indeed make it clear that the office of the political party leader or caucus is not a public body for purposes of the records legislation.

I would suppose that the hon. member would appreciate that having once served as party leader himself.

May I confirm that that exemption or that clarification that the party leader and the caucus office are not subject to the public *Archives and Records Act* was in the bill prior to last year and is still in the bill.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

Physician complaints process

Dr. Bevan-Baker: Thank you so much, Mr. Speaker.

Two thousand and fourteen Court of Appeal decision noted that under the current *Medical Act* the handling of complaints against physicians is unfair and can compromise the process. Islanders need to have confidence that if they raise concerns about the professional misconduct of a physician that there is a fair process through which their concerns can be addressed.

A question to the Minister of Health and Wellness: What measures have been taken to improve the complaints process regarding physicians?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, in this province we have what's called a *Regulated Health Professions Act*, and in that act professions like the medical society, like the nurses' association, some of those organizations that provide services for health care, they usually have, under their particular acts – it might be a college, in this particular case the medical society would have a college of physicians – and that's the process that complaints come to our department.

They can also then be reverted to the college of physicians for a review on a particular physician in this province.

Speaker: The hon. Leader of the Third Party, your first supplementary question.

2009 Medical Act

Dr. Bevan-Baker: Thank you, Mr. Speaker.

In his decision, Judge Jenkins also noted that a new *Medical Act* was passed in 2009 but never proclaimed. This act which was passed by this House would have improved the process for complaints. It's the *Medical Act* under which the complaints process falls, the complaints against physicians. But this act was never proclaimed into law.

Question to the Minister of Health and Wellness: Why has the 2009 *Medical Act* never been proclaimed into law?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, I'll probably take that question under advisement and get more detail.

But I can inform the House that in 2014 we did proclaim a *Regulated Health Professions Act* and that act is to allow organizations to self-regulate. There are many health professions in this province that are self-regulated. Complaints and referrals would go to them to do the proper disciplinary actions for their members, Mr. Speaker.

Speaker: The hon. Leader of the Third Party, your second supplementary question.

Dr. Bevan-Baker: Thank you, Mr. Speaker.

Again, we're not talking here about the *Regulated Health Professions Act*, we're talking about the 2009 *Medical Act* which had proposed to address two main issues: improving the certification process for foreign physicians coming to the Island, and improving the complaints process.

Bill 45, which we passed last fall, addressed the certification issue and that's now much better than it was, but not the complaints process.

New legislation re: physician complaints process

A question to the Minister of Health and Wellness: Does the minister plan to introduce new legislation to finally improve the complaints process here on Prince Edward Island?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Mr. Speaker, I have actually 41 particular acts that deal with the medical services and delivery of health care in this province.

I have to admit, I'm not as up to speed maybe on that one in particular – 2009 is a little bit before my time – but I will try to get some of that information back. I think it's very important that all our acts that we administer through our department, to make sure that everyone is following the proper

procedures within the legislation and the regulation. I want to make sure that Islanders get the highest quality of health care and that it's delivered in the most professional manner here in this province. If it's not, we want to take the appropriate action to make sure that it is.

Thank you, Mr. Speaker.

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

Status of registered health care professions act

Ms. Casey: Thank you, Mr. Speaker.

Today my question is directed to the Minister of Health and Wellness. Minister, your department has been working with the midwives association for over 15 years. A petition was tabled in the House yesterday to regulate and fund midwifery services on Prince Edward Island. Would you explain at what stage is the registered health care professions act and when can we expect it on the floor of the Legislature?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Thank you, Mr. Speaker.

From yesterday's rally this province is well aware that midwifery does seem to be a growing trend across Canada. As I mentioned in an earlier question there, we do have the *Regulated Health Professions Act* that was proclaimed in 2014, but unfortunately, the midwives, their association, do not have enough members to fall under that particular act and self-regulate.

We are in the process of drafting legislation called a registered health professions act and that will allow small professions – could be like podiatry or other smaller professions in this province – to come under that particular act and be regulated so they'll have the proper rules and procedures to follow.

I'm hopeful that as we're drafting that legislation now that that will be tabled either later this year or the spring, and I guess it's up to the Legislature here to determine where it goes from there, Mr. Speaker.

Speaker: The hon. Member from Charlottetown-Lewis Point, your first supplementary question.

Midwifery collaboration

Ms. Casey: Thank you, Mr. Speaker.

Minister, one concern, as you had just mentioned, was that there's not enough midwives in our province to self-regulate.

The Nova Scotia model has a multidisciplinary committee to regulate their midwives.

Do you see us collaborating with Nova Scotia as a way to implement midwifery services on Prince Edward Island as an option?

Speaker: The hon. Minister of Health and Wellness.

Mr. Henderson: Thank you, Mr. Speaker.

Yes, indeed. I mean, Nova Scotia went through a multidisciplinary process. We believe that a registered health professions act would be basically a similar comparable to that for those types of smaller professions.

But I do want to emphasize that in this province we do have options when it comes to the delivery of children in this province. We have about 1,400 or 1,500 a year. I think I'm pretty proud to say that we have nine OB/GYNs here in this province and we're at full complement. We also have nurse practitioners and family doctors that also play roles in counselling and preparing people for childbirth. We believe that the registered health profession act is the way to go and we'll be delivering that, and then it would be up to whether we see a role that the midwives, if they decide to want to go under that particular act, and what they role would play in the delivery of children in this province, Mr. Speaker.

Speaker: The hon. Member from Charlottetown-Brighton.

Prince Edward Home plan

Mr. J. Brown: Thank you, Mr. Speaker.

My question is to the Minister of Transportation, Infrastructure and Energy: Minister, could you inform this House about your department's plans for the old Prince Edward Home?

Speaker: The hon. Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: Thank you, Mr. Speaker.

The Prince Edward Home is a landmark in the waterfront on the Victoria Park area. At the present time it's still under the management of Health and Wellness and so we're looking at that particular building in conjunction with the, But the building is no longer being used and at this time there's no plan as to what it will be used for in the future.

Speaker: The hon. Member from Charlottetown-Brighton.

Mr. J. Brown: Thank you, Mr. Speaker.

Supplementary question to the same minister. Minister, can you advise the House as to the costs of maintaining the old Prince Edward Home at this time?

Speaker: The hon. Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: Thank you, Mr. Speaker.

Our department is responsible for the maintenance on the particular building. We've been maintaining the heat on it and that has been raised as a concern since it's been vacant. We have recently taken steps to shut off the majority of the heat in there except to retain the essential heating system that's necessary to run the equipment, to heat the Albin Arseneault building, and also the district heating system that's hooked up to it. We are cognizant of cost and we are taking steps to maintain it efficiently.

Speaker: The hon. Member from Charlottetown-Brighton, your second supplementary question.

Mr. J. Brown: Thank you, Mr. Speaker.

Madam Minister, this is the fourth time that I've asked you this series of questions in relation to this property. I'm wondering if

there's a timeline as to when we might expect some action or activity in relation to this property.

Some Hon. Members: (Indistinct).

Speaker: The hon. Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: Thank you, Mr. Speaker.

There's a process that takes place when a department vacates a building and it goes through interdepartmental as to if there's any other departments want it.

As I said, at the present time it still is under the Department of Health and Wellness, but we have had many ongoing conversations over the past number of years with the department, the city, and my department, because whatever happens with the property it is a big centerpiece in the Brighton area for the neighbours there, for users of Victoria Park, and for all those come into the city and pass that particular area.

Those discussions will continue with the Department of Health and Wellness, with the city, and with my department, and there's no concrete plan at this point.

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

Development and debate of legislation

Mr. Myers: Thank you, Mr. Speaker.

The government has a very clear policy or guidelines for developing legislation. As everyone knows, they meet in the summer and come up with a list of department legislation that they'd like to see. It goes to the priorities committee. The priorities committee is chaired by the Minister of Agriculture and Fisheries. The priorities committee has to approve to make this a priority. That's per your own guidelines.

Somewhere around September 16th Bill No. 20 was drafted and then it was sent to the priorities committee for approval. According to Cabinet minutes, the next time you actually met was September 29th. Coincidentally, on September 22nd the Auditor General sent you a letter asking for

a request for all your documents on egaming.

Question to the Premier: Why would Cabinet approve Bill No. 20, make it the very first bill that got debated in the House in the fall session, one that better protects the Premier, definitely gives him an enormous amount of wiggle room whether you could argue the schematics of it – people on Prince Edward Island know how you work when you have wiggle room. We saw last night what happens when you have wiggle room. It gives you an enormous amount of wiggle room.

How come that would happen one week after getting a request from the Auditor General for documentation from your office?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, the request for the amendment to the *Archives and Records Act* came through from the department in the normal course, and it came forward when it was discovered by Public Archives and Records Office, as well as by Legislative Counsel, that in the 2001 legislation when this was first brought in there was an exemption, or that the Legislative Counsel office was indicated as not being a public body.

The reason that that got into the legislation in the first place is that it was adopted from or modelled on the Nova Scotia legislation. In Nova Scotia legislative counsel is independent or is part of the legislature, and the legislative branch is not subject to the requirements of the *Archives and Records Act*, which is why the caucus and party leader offices are also indicated as not being a public body.

When that was discovered the department asked to have that amendment made and that's why it came forward. It has absolutely nothing to do with the work of the Auditor General pursuant to her mandate to review the egaming.

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

Mr. Myers: Thank you, Mr. Speaker.

I believe that the Premier gave himself an enormous amount of wiggle room here. I'm going to say we can debate this all day long, and I'm willing to, but I think any time you have wiggle room you always wiggle and Islanders are becoming quite sick of your wiggling.

Ten members of this Chamber approved removing the Premier's office from the *Archives and Records Act* or at least to give him the extra wiggle room that he needed to delete the records.

Question to the Premier: Why did your government need this extra wiggle room right after the Auditor General sent you a letter?

Speaker: The hon. Premier.

Premier MacLauchlan: Mr. Speaker, the *Archives and Records Act* applies principally to two entities or two groups of people.

One is a group described as a head in relation to a public body, which goes on to offer a series of definitions and ways of making it clear who those heads are, notably and primarily the member of the Executive Council who presides over or is responsible for the public body by order of the Lieutenant Governor in Council. As Premier and as minister in various roles, I'm a member of Executive Council and I'm a head, and fully subject to the *Archives and Records Act*. No wiggle room. Nor would I expect any.

In a second part, public body is well defined and it includes both the Premier's office and Executive Council. The part that I suppose must be what the member opposite is referring to is in section 1(2) it makes it clear that the office of a political party leader or caucus is not a subject and is not considered to be a public body, but that same language was in the legislation prior to the amendments brought forward last spring.

I just want to correct myself on one thing I said earlier. I said the member opposite had he been leader of his party. He's, in fact, been leader of his party twice.

Thank you, Mr. Speaker.

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

Mr. Myers: Thank you, Mr. Speaker.

I believe that the Premier gave himself an incredible amount of wiggle room by writing in the political party leader, which he is one.

We know what happens when the Premier has wiggle room. We saw it last night. The Premier will always use wiggle room when he has it. I'm not comfortable with the Premier having any wiggle room when it comes to egaming. I've been at the Public Accounts meetings. I know how they operate. I know how much goes on in there and how much protecting has gone on. This Premier doesn't need any wiggle room when it comes to the egaming file.

Question again to the Premier. You made this a priority. It was a very small housekeeping change by your account here today. You made this a priority. Priority number one dealt with here right away.

How do you expect Islanders to believe that you didn't do it to protect all of your cronies in this egaming scandal?

Speaker: The hon. Minister of Education, Early Learning and Culture.

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

As the minister responsible for record information and management I am very pleased and very proud to respond and update. I look forward next week to share the new five-year strategy of record information management.

But I'd like to also say that, to date, we've been reviewing the *Archives and Records Act* with the expectation that the revision will be ready for the spring sitting. We've developed a draft action plan, along with ITSS.

Steps have been taken to increase records management training for all government employees across government. Ten new record retention schedules were approved in October. We were exploring the adoption of the electronic records management system,

and hoping to pilot a system in the fall of 2017.

I want to acknowledge Jill MacMicken-Wilson who is doing an outstanding job as the provincial archivist, and is very pleased, and has embraced this responsibility in response to the Auditor General's report, Mr. Speaker.

Thank you.

Speaker: The hon. Member from Souris-Elmira, final question.

Record management responsibility during transition of premiers

Mr. LaVie: Thank you, Mr. Speaker.

To the Premier: Who was responsible for records management during the transition of the premier's office from Premier Ghiz to yourself?

Speaker: The hon. Minister of Education, Early Learning and Culture.

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

As I indicated, the leadership by our provincial archivist is doing – and her team is doing an outstanding job.

What we're seeing here is not only a response to the recommendations from the Auditor General's report – and I must add, I've been in government, at the Cabinet table for 10 years, and I take the recommendations and work of the Auditor General very seriously and have great respect for her office.

I also want to indicate that what we're dealing with here is we evolve into the modernization of record information keeping. We are basically responding to the new reality of paperless work environments. As I shared, we are also looking at a secondary records centre, is expected to open in 2017. Departments are conducting record information management assessments with a targeted completion date for December of 2016. Now, protocols were adopted in July 2016 to ensure compliance with record management policies prior to the removal of email accounts.

Mr. Speaker, we're very proud of the work that's going on in response to the Auditor General's reports as we modernize record information management strategies.

Thank you.

Statements by Ministers

Speaker: The hon. Premier.

Supervised Access and Exchange Programs

Premier MacLauchlan: Thank you, Mr. Speaker.

A new supervised access and exchange program will provide safe spaces for children of separated or divorced parents.

Most parental conflicts in these situations occur during the access or exchange of children, so providing a neutral, child-centred place for parents to make these exchanges is an important part of keeping Island children safe.

Supervised access is a type of visitation between a parent and their children that takes place with a trained independent service provider.

The visiting place has toys and games to help make the visit positive and focused on the child.

By comparison, supervised exchange occurs when a neutral third party collects the children from one parent and escorts the children to the access parent for their visit.

Supervised access and exchange services are both accessed through a court order.

Government is partnering with CHANCES and PEI Family Resources Centres to deliver this service.

This fall, approximately 100 service providers took part in training provided by the Department of Justice and Public Safety with support from service providers in Nova Scotia.

CHANCES is able to provide this service in municipalities across the province and in

environments where children and families feel welcome.

There are now 10 supervised access and exchange sites across Prince Edward Island. There is a French language site in Wellington. The Mi'kmaq Family Resource Centre in Charlottetown will provide services for First Nations families. The other sites will be in Charlottetown, Cornwall, O'Leary, Stratford, Montague, Summerside, Alberton, and Souris.

By supporting our most vulnerable populations, especially children, we can better ensure that present and future generations of Islanders can grow, develop and thrive as contributing members of our community.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Mr. Speaker.

This is good news for our Island children. Visiting places where safe exchanges of children in custody battles and between different parents are very important because, at the end of the day, we are trying to protect the child and make sure that the family stays together in some means of supporting the child.

Supervised exchange programs are necessary and they are a much valued resource for the province and everybody as a whole.

I say, again, at the end of the day, the safety of the child is of the upmost.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Mr. Speaker.

We all, in this House, wish we did not live in a society where these kinds of services

were required, but sadly the reality is that we do.

The government has a responsibility, as the Premier said, to look after the most vulnerable in our midst. When we have high conflict situations between parents – not always parents; caregivers of extended family members as well – we also have to remember it's not only the children who are vulnerable here. The other spouse or parent of the child or extended family member can also be in danger.

I'm alarmed at the number of calls that I get from family members distraught about just exactly the situations which require these kinds of services. It's always disturbing, and sometimes it's acutely alarming when you get those calls.

I'm glad the government is providing these services and this necessary thing.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: The hon. Minister of Agriculture and Fisheries.

Off Highway Vehicle Operation in PEI

Mr. McIsaac: Thank you, Mr. Speaker.

Industry and government have partnered to develop a new guidebook for off-highway vehicle usage in Prince Edward Island.

I'll be tabling a copy of the booklet, and I'll ask the Pages to circulate a copy to each of the members of the House.

This booklet has been developed in response to multiple instances of costly crop damage due to these vehicles on farms across the Island.

The Federation of Agriculture and the provincial government worked with PEI ATV Federation and the PEI Snowmobile Association to develop this tool for both users of the vehicles and the landowners.

The guide will educate off-highway vehicle owners and operators on the current laws and regulations governing their use so they

are not interfering with agricultural production on the Island.

Within the guide there is information around what documents are required to operate an off-highway vehicle, where you can and cannot drive the vehicle, consequences of breaking the law, information for property owners, and tips for the operator's safety.

The farming community is an integral part of our rural communities and our Island economy. Ensuring that crops are protected from damage and off-highway vehicle operators, that they know the law, is something that government certainly has been happy to support and collaborate on.

I want to recognize Robert Godfrey, executive director of the PEI Federation of Agriculture, for leading the way in this initiative.

We share the hope that this booklet will curb the amount of instances where farmers find themselves victims of crop damages.

I also want to acknowledge the off-highway vehicle community which has stepped in and helped design this educational guide.

The free booklet is available at all Access PEI locations, and at the PEI Federation of Agriculture here in Charlottetown.

The PEI Snowmobile Association and the PEI ATV Federation will both provide a copy to all trail pass holders this winter.

Once again, thank you to our partners for working together to balance the need to protect Island agriculture and our economy, along with the desire to enjoy the many year-round recreational opportunities Prince Edward Island has to offer.

Thank you very much, Mr. Speaker.

Speaker: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Mr. Speaker.

This book is a good initiative by government because ATV use in the province has been steadily growing over the last number of years. In some cases government has

ignored the impact that ATVs have on the landscape, in my mind, and acknowledging that we need to make guidelines in place to support people that use ATVs in a lawful manner.

I've seen it in the past where if these books would have been available to law enforcement, they would have been a great assistance. Because there are law enforcement people that come in from other provinces and they think that laws that apply over there automatically apply over here, but in some cases that is not the case because the laws are a little bit different.

ATVers need to have these booklets so that they can see what the proper rules are. They do point out good safety concerns, which is always a must, but also protect crops and fields. I think that's a big issue where the farmers wanted to work with the ATVers, and that's being seen by various groups across the Island in how they're developing trail systems which I've had actually the pleasure of riding on. It gets them away from the Confederation Trails and it gives them an option to go for it.

Thank you, Mr. Speaker.

Speaker: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Mr. Speaker.

PEI is in a uniquely awkward situation here because we have such a tiny amount of Crown land on which these individuals can lawfully and respectfully use their vehicles, unless they happen to own a thousand-acre estate somewhere. It's always going to be a problem.

I have had calls from farmers in my district and other landowners, really distraught again – that's twice I've used that word in my responses to ministers' statements – about the disrespectful and unlawful use of ATVs and snowmobiles on their properties. It's a terribly difficult thing to enforce.

I welcome this announcement. I'm glad there's better information. I trust that the ATV community and snowmobile community will abide by this and use this and respect the land laws that we have here on Prince Edward Island.

I also wonder whether this government might not provide some funding to these organizations in order that they could develop some trails in sanctioned areas so that they are not forced to go alongside roads or across people's property in order to reach the trails.

Thank you very much, Mr. Speaker.

Point of Order

Leader of the Opposition: Mr. Speaker, point of order.

I think that this needs to be addressed.

Yesterday the Speaker spoke on, during Question Period, when responses to questions by the opposition by the ministers and the time length, which was 45 seconds or 40 seconds.

This needs to be dealt with because today I counted over four instances where four different ministers talked in excess of 60 seconds.

I'm asking you to please take note of this and rule on it.

Thank you.

Speaker: Thank you, hon. leader. We will try and look after that.

The hon. Minister of Finance.

Economic Updates

Mr. Roach: Thank you, Mr. Speaker.

I am pleased to table Prince Edward Island's fall economic update and 2016-2017 second quarter fiscal update.

The Prince Edward Island economy has been resilient in light of the national and international context of the last number of years. The province has posted solid economic growth over the past decade, with GDP expanding by 1.3% in 2015. That is higher than the national expansion of 0.9%.

The average of private sector forecasts for the Island in 2016 is 1.3%.

Our government has set up an ambitious plan to build a diversified and growing economy and that plan is working.

Our population increased by 1.3% over 2015. That is the fastest growth in the Atlantic region and higher than the national average.

Average weekly earnings have increased 2.3%, the second highest in Canada. Total labour income growth grew by 4.2%, the fastest growth in the country.

The number of jobs on a year-to-year basis is 71,500, a decrease of 2.3% from 2015, reflecting a 2% decline in the labour force. There has been an increase in part-time employment. The participation rate remains amongst the highest in Canada.

Retail sales are up 5.8%, the fastest growth in the region. Housing starts are up by 19.3% and the value of manufacturing shipments is up by 2.4%.

Our primary industries are performing well. Farm cash receipts in the first quarter of this year are up by 3.5%, the value of lobster landings are up by 22%, and in tourism total overnight stays so far are up by 11%

Business and consumer confidence is among the highest in the country.

Mr. Speaker, Prince Edward Island is 'the Mighty Island.' That phrase captures our strong economic performance, demonstrating that small can be big.

Our second quarter fiscal update reflects our strong economic growth. The Second Quarter Forecast indicates that the deficit is lower than previously forecast by \$1.7 million.

The deficit is now forecast at \$7.9 million, an improvement from the budgeted deficit of \$9.6 million.

That improvement is largely a result of increases in provincial revenues, offset by necessary increases in health care and support to vulnerable Islanders.

We are working closely with all government departments to ensure we meet our budgetary objectives.

We are well on track to a balanced budget in the upcoming fiscal year.

Our strong economic growth and sound financial management demonstrates the strong leadership and fiscal accountability that Islanders expect from this government.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

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

Ms. Compton: Thank you, Mr. Speaker.

As with every story there are two sides, and I'd like to comment on –

Some Hon. Members: (Indistinct).

Ms. Compton: We can look at this positively. I'd like you to explain to the 4,300 Islanders that are out of work the comfort that what you're saying provides.

Most jurisdictions issue a quarterly report or maybe a midway fiscal year report. We're closing in on the eighth month of this fiscal year, we're halfway through the third quarter. I'm not entirely sure why the minister has waited so long to update Islanders on the fiscal happenings of this government, but I do have my suspicions.

As noted when the minister attempted to use the bond raters report as an update, absent of all the facts or details, at the beginning of the House, there are worrying signs. These bond raters issued their reports all the way back in August, and they highlighted the concerns over the levels of debt and the deficits continually run by this government.

PEI has recorded consecutive debts since 2007-2008 which have weakened the credit quality of this province due to the increase in debt arising from the accumulated deficits.

In 2006-2007, when the province last posted a consolidated surplus, net direct and indirect debt measured 122.4% of total revenue, which then peaked under this government at 175.2% in 2013-14.

The province had an original target of returning to a balanced budget by 2013-2014, although this has been frequently extended, including a further delay in the Budget of 2016.

A return to a balanced budget is promised for 2017-2018, and I'm very concerned on whether it's going to be on the backs of our students through education, on the backs of all the services that are offered through this province. So I will look for the fiscal responsibility of this government that was promised.

If achieved, if we have it, it'll result in 10 consecutive years of consolidated deficits, representing a cumulative total of \$439.5 million. At a minimum, \$440 million that this government has run up in 10 straight deficits, \$440 million that our children and our grandchildren are going to be on the hook for.

Moody's also stated that Prince Edward Island currently has the third-highest debt burden among Canadian provinces, estimated to have measured 170.0% of revenue as of March 31st, 2016.

DBRS notes that the province has budgeted for an 11.5% reduction in capital investment which represents return to a more typical level of capital investment following the years of federal infrastructure support. With the announcement of new federal infrastructure support and changes to existing programs that will enable the province to fully access existing programs, the decline in capital investment may not be as significant as planned.

The cost of the province's share of \$65 million dollar highway we're putting in Cornwall that is missing from the budget document – we have never seen it, I have never seen it – will impact the deficit of this province.

Last year the finance minister missed his budget target by close to \$8 million just in the budget book. That is 140% of what was budgeted, but we continue to be lacking the actually audited numbers for last year to know what the final figure is.

Fiscal year 2015-2016 ended nine months ago, and the minister continues to sit on the

audited financial statements of the province for this year. In fact, this Cabinet has approved five separate special warrants this fall for spending that they are putting in the 2015-2016 books.

It is so important, and has been the subject of numerous recommendations from the Auditor General, that this government be more timely with audited statements and makes them uniform in their presentations so Islanders and members of this House can better compare them and hold government to account.

In the absence of proper, audited figures from 2015-2016, we are also casting a glance on this current fiscal year, 2016-2017. In his budget the minister estimated a deficit of \$9.6 million. I would point out to Islanders that this government had their lending agencies approve the write-off and cancellation of over \$16 million of public money which Cabinet approved this month. We certainly expect that given these write-offs were recommended this year by the agencies and approved this year by Cabinet, that this \$16 million will affect this year's deficit.

While the minister continues to polish up his promises, I know and Islanders know that the truth with audited numbers could maybe just be a story. I don't know. Unfortunately, audited numbers are only released by this government well after the fact.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Speaker: I want to remind all hon. members that responses to ministerial statements shall be no longer than the statement.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party.

Dr. Bevan-Baker: Thank you, Mr. Speaker.

I understand I get half of that time when I do this.

When the minister started his statement there I thought I was in Moe's auction house or perhaps an Evangelical gathering, as you

could sense the excitement in the room rising with each statement. I thought at the end perhaps we were going to be greeted with the news that this province has a \$20 million surplus.

How disappointed I was to learn that we just have a slightly smaller deficit than we were already heading for, very (Indistinct) just the air went out of the room just like that.

Again, we have a budget which is not balanced. We've gone through another cycle in this province and we are yet again accumulating, we are adding to our accumulated provincial debt. As everybody knows in this room, the servicing of that debt accounts for the third-largest line item in our budget, over \$100 million, third only behind health and education. This is despite – the fact that we have yet another deficit on the way, I'm pretty confident I can say that – this is despite the fact that we raised the HST just very recently, a move which is going to be borne disproportionately by low-income Islanders.

I note that the hon. member brought up the Cornwall bypass, \$65 million, and one does wonder whether that money could have been invested elsewhere to actually stimulate the economy of Prince Edward Island rather than just provide a few very short-term construction jobs.

If we want sustainable prosperity here on Prince Edward Island we have to start looking in different areas. The loan structures that we have here of giving out a small number of very big loans has to change to become a very large number of small loans so that we can encourage entrepreneurship, particularly in rural Prince Edward Island to revive the communities there, to diversify our agriculture, to go into green energy, to do all of the things that can make sustained prosperity possible here on Prince Edward Island.

We are particularly vulnerable here as long as we rely on exports for our plan for the future. Look what's happening in the US just now. They're pulling out of international trade deals. If we are relying on foreign markets to be the future of the economy here on Prince Edward Island, we are, I would suggest, putting ourselves in a

very vulnerable position. We need to build strong local and regional economies.

It's always the next year we're going to get to a balanced budget. I wish I could believe that, but I just can't.

Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Presenting and Receiving Petitions

Tabling of Documents

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, by leave of the House, I beg leave to table Off-Highway Vehicle Operation in Prince Edward Island, A Practical Guide to Users and Landowners and I move, seconded by the Honourable Member from Evangeline-Miscouche, that the said document be now received and do lie on the Table.

I have supplied copies I would like to have the Pages distribute to the members.

Speaker: Shall it carry? Carried.

The hon. Leader of the Opposition.

Leader of the Opposition: Up and down a lot today.

Mr. Speaker, by leave of the House, I beg leave to table the province of PEI Five-Year Capital Plan for 2015-2016 and 2019-2020 and also the same for 2016-2017 to 2020-2021 and I move, seconded by the Honourable Member from Morell-Mermaid, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Minister of Finance.

Mr. Roach: Thank you, Mr. Speaker.

I spoke earlier of our second quarter forecast and I would now like to table that document and let it lie on the floor.

Speaker: Do we have a seconder?

Mr. Roach: I'm sorry, Mr. Speaker, I thought you were tabling documents.

Speaker: Yeah, we need a seconder.

Mr. Roach: Okay, sorry. I didn't get the right one.

Mr. Speaker, by Command of His Honour the Lieutenant Governor, I beg leave to table the Department of Finance Second Quarter Forecast for 2016-2017 and I move, seconded by the Honourable Minister of Workforce and Advanced Learning, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Minister of Finance.

Mr. Roach: Thank you, Mr. Speaker.

Mr. Speaker, by Command of His Honour the Lieutenant Governor, I beg leave to table the Highlights of the Prince Edward Island Economy Update 2016 and I move, seconded by the Honourable Minister of Workforce and Advanced Learning, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

Reports by Committees

Introduction of Government Bills

Speaker: The hon. Minister of Transportation, Infrastructure and Energy.

Ms. Biggar: Thank you, Mr. Speaker.

Mr. Speaker, I beg leave to introduce a bill to be intituled *An Act to Amend the Off-Highway Vehicle Act* and I move, seconded by the Honourable Minister of Agriculture and Fisheries, that the same be now received and read a first time.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: *An Act to Amend the Off-Highway Vehicle Act*, Bill No. 52, read a first time.

Speaker: Hon. minister, would you care to give us a brief explanation of this bill?

Ms. Biggar: Thank you, Mr. Speaker.

This is an amendment to the *Off-Highway Vehicle Act* in order to include our province's scenic heritage roads under the regulation making powers of the act.

These powers were first set in 1994, and at that time the category of scenic heritage roads did not exist. This will allow government to pass regulations to allow snowmobiles to use seasonal roads and now clarifies that the regulatory power extends to also letting us make regulations dealing with closed scenic heritage roads as well.

Speaker: The hon. Minister of Family and Human Services.

Ms. Mundy: Thank you, Mr. Speaker.

Mr. Speaker, I beg leave to introduce a bill to be intituled *An Act to Amend the Social Work Act* and I move, seconded by the Honourable Minister of Education, Early Learning and Culture, that the same be now received and read a first time.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: *An Act to Amend the Social Work Act*, Bill No. 47, read a first time.

Speaker: Hon. minister, would you care to give us a brief explanation of what this bill is about?

Ms. Mundy: Certainly would. Thank you.

An Act to Amend the Social Work Act will enable PEI social work registration board, which is the licensing and public protection body of social workers, to make bylaws and set fees by bylaws.

Presently, fees are prescribed in section 14 of the certification regulations of the *Social Work Act* and changes to fees must be approved by the Lieutenant Governor in Council. The board requested that the present amendment be made to the legislation to simplify the process of changing the fees paid by social workers in the future.

Speaker: The hon. Minister of Economic Development and Tourism.

Mr. MacDonald: Thank you, Mr. Speaker.

I beg leave to introduce a bill to be intituled *An Act to Amend the Innovation PEI Act* and I move, seconded by the Honourable Minister of Workforce and Advanced Learning, that the same be now received and read a first time.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: *An Act to Amend the Innovation PEI Act*, Bill No. 53, read a first time.

Speaker: Hon. minister, would you give us an explanation of what this bill means?

Mr. MacDonald: Thank you, Mr. Speaker.

The bill is intended to clarify the terms of appointment of Innovation PEI board members, ensuring all board members are reimbursed for their expenses reasonably incurred in carrying out their duties, and provides an allowance for private sector members of the board to be remunerated.

It also brings the act in line with other government entities in terms of its deadline for filing an annual report.

Thank you.

Speaker: The hon. Minister of Workforce and Advanced Learning

Mr. R. Brown: Thank you, Mr. Speaker.

Mr. Speaker, I beg leave to introduce a bill to be intituled *Private Training Schools Act* and I move, seconded by the Honourable Minister of Finance, that the same be now received and read a first time.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: *Private Training Schools Act*, Bill No. 48, read a first time.

Speaker: Hon. minister, could you give us an explanation as to what this bill means?

Mr. R. Brown: Thank you, Mr. Speaker.

It is a total update to the private training act. Some of the sections that are being updated

substantially are the update of dispute resolutions for students and the institution. Plus there's a section in there with a student protection fund that will protect students when a school shuts down and students are left with a debt.

Thank you, Mr. Speaker.

Orders of the Day (Government)

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Minister of Finance, that the 14th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: Order No. 14, *An Act to Amend the Civil Service Superannuation Act*, Bill No. 45, ordered for second reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Minister of Finance, that the said bill be now read a second time.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: *An Act to Amend the Civil Service Superannuation Act*, Bill No. 45, read a second time.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Minister of Finance, 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 ask the hon. member for Charlottetown-Brighton to come and Chair this bill, please.

Chair (J. Brown): 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 Civil Service Superannuation*

Act. Is it the pleasure of the committee that the bill be now read clause by clause?

Some Hon. Members: Yes.

Mr. Roach: I'd like to call a stranger to the floor.

An Hon. Member: Granted.

Mr. Aylward: Chair, yes, granted. Before you start going clause by clause, why don't we just have an overview (Indistinct).

Chair: You want to introduce the stranger?

Mr. Roach: He'll introduce himself.

Chair: Mr. Hogan, if I could get you to introduce yourself and provide the committee with an overview of your role.

Terry Hogan Manager: My name is Terry Hogan, I'm the manager of pension and benefits for the Province of Prince Edward Island.

Chair: Thank you.

Mr. Roach: With respect to the overview, thank you for that request.

This act would update the provisions dealing with the benefits that are payable after the death of a member or pensioner, as well as the transfer of funds and service between the fund and other registered pension plans. It would provide express authority for the collection of overpayments from the fund and incorporate other administrative charges.

This plan is administered by the Civil Service Superannuation Commission. The commission is comprised of five employer representatives: two UPSE representatives, one CUPE representative, one IUOE representative, one PEINU representative, and one retiree representative. All of the legislative amendments put forward in this bill were initiated and recommended by the Civil Service Superannuation Commission.

In summary, this bill amends the CSSA in the four following categories. In the event of a death or member:

first, updates the pension benefits payable to surviving spouses and dependents;

second, in the case where members wish to transfer funds or service from or to other pension plans, this updates the provisions respecting the transfer of these funds and service;

third, this provides express authority for the collection of overpayments from the fund, and;

fourthly, it incorporates a number of other minor administrative changes.

Chair: Thank you.

Clause by clause?

Leader of the Opposition: I have a question first on the (Indistinct).

Thanks, Chair.

Minister, thank you very much for the briefing the other day you provided to us, it was helpful.

I want to be clear on one point. In this brief you said the plan is administrated by the Civil Service Superannuation Commission and you represented these people.

I want to be very clear that all these unions were made aware of the changes that you're proposing, and all these unions and their representatives agreed to these changes.

Mr. Roach: Yes, and as I mentioned, all of those unions that I mentioned in the preamble, they all participated in this to bring it here.

Leader of the Opposition: Were there any concerns brought up –

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thanks, Chair. You're a stickler.

Was there any opposition of any suggestions brought forth by the unions that were not considered or brought into the changes?

Mr. Roach: This was a result of meetings and discussions and this was the end result

of those discussions brought forward unanimously.

Leader of the Opposition: Thank you very much.

Mr. Aylward: Chair?

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thanks very much.

Is this just if an employee from one union here in the province transferred to another union in the province they could transfer their pension and keep it up to date?

Mr. Roach: It does involve internally, perhaps, but it also – you can come from another province or you could come from the federal service. This allows you to carry your pension and your service with you.

Mr. Aylward: Okay, so –

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you very much, Chair.

What about in the case of an individual that was a provincial government employee and then they went to work for a corporation, say, something like Atlantic Lottery? Could they transfer their pension from the province into that entity or would it have to be kept separate?

Mr. Roach: It's only where there's an agreement between defined benefits plans, and we'd have to have a previous agreement. We don't deal with the private sector.

Mr. Aylward: Thank you, minister.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Chair.

Under 1(a) definition of dependent –

Chair: Just before we go there, Member from Stratford-Kinlock, the hon. Leader of the Third Party had a question on the preamble.

Mr. Aylward: Sure.

Dr. Bevan-Baker: Thank you, Chair.

I just wanted to reiterate, actually, the comments of the Leader of the Opposition, which is I really appreciated the opportunity to sit down with the minister and Mr. Hogan a couple of days ago to go through the bill, the highlights of the bill, explain to myself and the Leader of the Opposition where the potentially contentious issues were.

How the collaborative process with the unions created this amendment to the bill in the first place. How, for me, what a great idea that was because it's going to allow me to sit here and have a full understanding of what's going on, and some of the concerns I had previously were dealt with at that meeting.

I want to thank you for that.

Thanks, Chair.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: I just have a few questions, myself. I'm not necessarily looking to go clause by clause. I'm not sure –

Chair: Is it the pleasure of the committee to go clause by clause?

Some Hon. Members: No.

Chair: No, okay.

The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Chair.

My first question would have to do with 1(a), the amendment to the definition of the dependent. Where it states this also extends benefits payable for dependent children in post-secondary institutions from age 21-25 to match (Indistinct) superannuation treatment.

My question there would be: What if you had a child that, at the age of 18 or 17, completed high school, went into the job market, worked for three or four years and then decided that they wanted to pursue

post-secondary education? Would they still be eligible to fall under the definition here?

Mr. Roach: Yes, as long as when you come back they're under the age of 25. They're still eligible for that.

Mr. Aylward: Perfect, thank you.

Chair: Questions?

Mr. Trivers: Question.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

It's along the same lines of what the Member from Stratford-Kinlock was asking originally and it's regarding section 3, where the amendment deals with the transfer of funds and service between registered pension plans. You sort of addressed the transfer of funds and services to a private pension that was the Member from Stratford-Kinlock's question.

I was wondering if you could just give a brief overview of what the boundaries are of where you could transfer funds, and especially years of service. What unions would that apply to? What other jobs would that apply to? Is it federal government, provincial government?

Thank you.

Perhaps, I should have been at that briefing session, so I apologize.

Terry Hogan Manager: Currently, this pension plan in the civil service act pension plan has reciprocal transfer agreements with most other provinces except for Saskatchewan.

Saskatchewan is a DC pension plan. It's an RRSP plan and we can't transact with them for that reason. We transact with all the other provincial plans. We transact with the federal government. We have in the past with UPEI, Holland College, other entities like that. They're all defined benefit pension plans similar to the CSSA.

There is a host of rules and regulations about what will allow transfers to happen or not.

Obviously, there's a reconciliation that occurs. One plan offers up so much money for that amount of service that the employee that came to us. Our plan will calculate how much we need in our own world, with our own assumptions, for that particular service. If there's enough money offered up they get full service. If there isn't it gets prorated to protect the plans on both sides.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Is it safe to say, then, if there is a public institution that has a defined benefit pension plan, any sort of public entity, then it would be eligible to transfer the funds and service with reconciliation based on the specific agreements between the different institutions?

Terry Hogan Manager: It can only occur under two circumstances. The plans actually have to have existing agreements in place.

Mr. Trivers: Okay.

Terry Hogan Manager: Typically, there has to be an expectation of traffic back and forth. Otherwise, your only option is to do what we would call a one-off transfer that can be approved by the minister and under the approval of the actuary for the assumptions.

Typically, we don't have – there are many plans. We tend to only do them where there is high traffic because these things are very complicated and expensive to administer. If there is not an expectation of traffic we typically don't.

Mr. Trivers: Chair, just one more.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Just to be clear, you do have existing agreements with all other provinces except for Saskatchewan and the federal government across all their different departments, essentially?

Terry Hogan Manager: Oh, yes.

Mr. Trivers: Thank you, Chair.

Chair: Shall it carry?

The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Chair.

In the bill itself, page 5, I know it references it in here, too, 13.1(4): “The maximum number of dependent children who may receive payment under subsection (3) at one time is four, commencing with the oldest dependent child.”

I’m just wondering: Can you give an explanation as to why there would be a maximum of dependent children placed there?

Terry Hogan Manager: We won’t pay out more than 100% of the benefit that was payable to the member themselves. There is a spousal benefit of 60% and the dependent benefits are 10%.

Mr. Aylward: Ten per cent.

Terry Hogan Manager: It’s the 60 and the 40 is the maximum that we have at any given time. If a child ages out we’ll move on and pay that 10% to the next youngest child if there’s a fifth child (Indistinct).

Mr. Aylward: Thank you.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

Just following along the same line of questions I was talking about, asking about the defined benefit pension plans, the transfer of funds and service. Do you have agreements right now with municipality governments?

Terry Hogan Manager: Not currently. Some of these entities you get into other jurisdictions like British Columbia. The provincial government pension plan administers municipal plans. In the past this was a problem because this explicitly said only municipalities on PEI, which we – and some of these lapse. We don’t have any currently. But it opens up – if we wish to we can. This will give us much more scope than we’d ever probably use.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

Do you have an existing agreement with the Atlantic Lottery Corporation?

Terry Hogan Manager: No.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Do you have existing agreements with any Crown corporations at this time that you know of? Just an example of one off your head that you might have an agreement with?

Terry Hogan Manager: Unless they come under the auspices of a civil service pension plan. There would be Crowns, like, similar to our plan. We have Crowns in our plan. If we’re dealing with a civil plan in another jurisdiction that has Crowns in it we will deal (Indistinct) –

Some Hon. Members: (Indistinct).

Chair: Members, we could be quiet.

Thank you.

Mr. Aylward: Show a little respect.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

You mentioned that a one-off transfer is possible, and I would assume it’d be possible for a Crown corporation, for example, that has a similarly defined benefit pension plan.

Can you give an example of a case where you have seen that happen or where it might happen?

Terry Hogan Manager: The last that I can remember would have been a transfer between the province and Holland College’s pension plan. They have been rarely used. That’s probably the last one I remember.

Mr. Trivers: Okay.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

Now you mentioned that there is an agreement in place now with Holland College and UPEI, right?

Terry Hogan Manager: There was. They have left. Those plans have opted – of those plans. Holland College and UPEI, they sometimes are in force and sometimes they will bow out.

Mr. Trivers: So do they have a defined –

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Is there a defined benefit pension plan still at UPEI and Holland College?

Terry Hogan Manager: UPEI, yes. Holland College is now what we call more of a hybrid plan, and that introduces some of the problems when they move from pure DB plans.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

Do you foresee agreements being put in place again with UPEI and Holland College in the near future?

Terry Hogan Manager: UPEI chose to withdraw so I can't answer that. We've always historically dealt with both of them and we would if we could. There would be no reason not to, but both parties have to agree and there has been a lot of change in pension plans over the last few years. Transferring is becoming less and less attractive because there's too much change, and when you come to reconciling the monies and the service it's very complicated.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Would you say that more and more entities are moving towards the direct contribution model of pension and away from the distributed benefit? Is that where you're going with this?

Terry Hogan Manager: No. I think it would be more like you have entities like what happened in New Brunswick. That's a materially different benefit. So what happens is they change how much they'll offer up to transfer out. They tend to move to say: We'll only transfer up our liability, which could be materially less than what we'd want on the way in. So people look at that and say: I'm going to take too much of a hit on my service, I'm not interested. It typically is –

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: No, I'm done, sorry.

Chair: Shall the bill carry? Carried.

Mr. Roach: I move the title.

Chair: *An Act to Amend the Civil Service Superannuation Act.*

Mr. Roach: 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. Roach: Mr. Chair, I move the Speaker take the chair and the Chair report the bill agreed to without amendment.

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intitled *An Act to Amend the Civil Service Superannuation 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 Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Minister of Finance, that the 13th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: Order No. 13, *An Act to Amend the Teachers' Superannuation Act*, Bill No. 44, ordered for second reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Minister of Finance, that the said bill be now read a second time.

Clerk Assistant and Clerk of Committees: Order No. 13, *An Act to Amend the Teachers' Superannuation Act*, Bill No. 44, read a second time.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Minister of Finance, 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.

The hon. Member from West Royalty-Springvale.

Chair (Dumville): 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 Teachers' Superannuation Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

Mr. Aylward: Chair, if we could perhaps just have an overview first and then we will go from there.

Chair: Okay, hon. member. Would it be an occasion to bring a stranger on the floor?

Mr. Aylward: That would be great. Granted.

Chair: Mr. Hogan, if you could identify yourself?

Terry Hogan Manager: My name is Terry Hogan. I am the manager of pension and benefit for the Province of Prince Edward Island.

Chair: Minister, the floor is all yours.

Mr. Roach: Thank you, Chair.

This bill amends the *Teachers' Superannuation Act*. There are four key elements to it.

First: it is to update the pension provisions respecting benefits payable from the fund upon a death of a member or pensioner. Second: to update the provisions respecting transfer of funds and service between the fund and other registered pension plans. Third: to provide express authority for the collection of overpayments from the fund. And fourth: to incorporate a number of changes respecting the administration of pension benefits under the act.

Really, the provisions of this bill mirror those contained in the bill entitled *Civil Service Superannuation Act* which is what we just went through.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Chair.

Mr. Roach: I'll just provide a little bit more for you.

Mr. Aylward: Sure.

Chair: Sorry.

Mr. Roach: This plan is administrated by the Teachers' Superannuation Commission. The commission is comprised of four employer representatives, three teachers' federation representatives, and one retiree representative.

All of the legislative amendments put forward in this bill were initiated and recommended by the Teachers' Superannuation Commission.

In summary, this bill amends the TSA as follows – and I went through those earlier.

Mr. Aylward: Thank you.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Chair, again, similar to the last bill, I don't really have a requirement to go clause by clause.

I will have a couple of questions that I will put to through the Chair.

I believe the minister stated that this is essentially a mirror copy of the *Civil Service Superannuation Act* bill that we just went through?

Mr. Roach: Same amendments to cover the various – the dependents, the transfers and those sorts of things.

Mr. Aylward: Okay, Chair?

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: I wonder if you can direct me to the amendment that you spoke about. The fourth amendment, I believe, has to deal with overpayments.

Actually, I think I found it myself. It is page 8, 32.2. My question, there, Chair, would have to do with a situation that arose back just a couple of years ago where we had some retired teachers who somehow – we were never really able to correctly ascertain – received overpayments and they weren't aware at the time that they were receiving overpayments. They thought it was just their normal pension payout coming to them. But then a couple of years had lapsed and then all of a sudden it was caught. Then, of course, the province went looking for that money to be repaid or settled.

Can you explain what happened in that situation? Was that completely resolved?

Terry Hogan Manager: Typically, what we'll do is – and maybe a bit of background would – typical way that an overpayment occurs – they don't occur that often, but they do occur – is it goes back to that spousal benefits.

In today's world we pay everybody on direct deposit, and in our office we try to monitor for deaths, but if we're not made aware of a death we don't know that a spouse is actually only entitled to 60%. Periodically we'll do audits or we'll reach out to people

and try to check on their addresses and status.

Typically, it's a spouse who continued to receive a direct deposit, wasn't even aware that there was supposed to be a change. All they knew was that they were supposed to get a payment. When we find out that we have to try and recover. Typically what we do is we try to make an arrangement whereby – there are policies about we don't want to drive people into poverty or push them into hardship, but we try to make some arrangement where there's a payment plan. That can be – and the commissions are involved heavily in dealing with these and deciding what's a fair treatment to try to collect it. In some cases we know we may never collect it all before the person passes away.

Mr. Aylward: In the revision or the amendment to this bill, what has changed directly in there with regards to overpayments?

Terry Hogan Manager: It's been our policy to do this for many years, and we've always had a legal interpretation that the act tells us what we're allowed to pay you. If we pay more in excess of that, legally we have the obligation and the right to try to collect.

But typically people look to see where is it in your legislation that says you can collect overpayments. We basically said it'd be better to have it explicit in the legislation so we can point to it for people that are in the situation.

Mr. Aylward: Thank you, Chair.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

My question has to do with 26(5) on page 5, limitation on claims.

I'm just wondering how you came up with the number 10. In other words: "No person shall make a claim for payment under this section after the date that is the tenth anniversary of (a) the date of death of the member..."

The reason I bring this up is I do have a constituent in a different matter that has run into a limitation, and because of that limitation he's not allowed to make a claim. Really, it doesn't make a lot of sense. Like, there are valid reasons why that limitation was passed, and it's very frustrating for an individual in that case.

I'm just wondering, why 10 years? Why not 20? Why not 30? Why not 100?

Terry Hogan Manager: I think that it's important to understand here that this particular limitation is only for payments to estates that we can't transact with. It's not for individuals. This is limited to payments to estates.

If we have an estate that we cannot make a payment to for whatever reason, similar to the – and we used the *Public Trustee Act* as a bench when we looked at this. *Public Trustee Act* will reclaim the money after five years, but then they have another 10-year period for people to appeal and come forward.

In ours we've attempted to simplify and say: We'll give you 10 years for the estate to make the transaction, and if it can't at that point it goes to the rest of the fund. But it's not individuals, it's to estates only.

Mr. Trivers: What is the limitation for individuals? Or is there one?

Terry Hogan Manager: There is none.

Mr. Trivers: Okay, great.

Terry Hogan Manager: This is restricted just to where we can't pay out to an estate because somebody's passed away, there's no estate or no trustee to deal with –

Mr. Roach: We're trying to give you money.

Mr. Trivers: Right, no –

Mr. Roach: (Indistinct) we can't find the person.

Mr. Trivers: Right, I understand.

Mr. Roach: Or the estate.

Mr. Trivers: Again, I was just curious why you put any limit on that at all. Because sometimes estates, as you know, can drag on, especially if there are disagreements between family members and this sort of thing.

Terry Hogan Manager: It's simply we carry accounts payable for years that we can't clear off our books because we can't get an estate to pay to. We simply try to clean that up.

Mr. Trivers: Thank you.

Chair: Any other questions, hon. members?

Shall it carry? Carried.

Thank you.

Mr. Roach: I move the title.

Chair: *An Act to Amend the Teachers' Superannuation Act.*

Mr. Roach: 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. Roach: Mr. Chair, I move the Speaker take the chair and the Chair report the bill agreed to without amendment.

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intitled *An Act to Amend the Teachers' Superannuation 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 Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Minister of

Communities, Land and Environment, that the 5th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: *An Act to Amend the Unsightly Property Act*, Bill No. 35, in Committee.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Minister of Communities, Land and Environment, 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 will now ask the hon. member for Member from Summerside-Wilmot to come and chair this bill.

Chair (Palmer): The House is now in a Committee of the Whole House to take into consideration a bill to be intitled *An Act to Amend the Unsightly Property Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

Leader of the Opposition: Chair, if (Indistinct) an overview (Indistinct)

Mr. Mitchell: Yeah, I'll be happy to give an overview.

I'm really pleased to have this bill back on the floor of the Legislature today. We got it on the other night just briefly, and it's great to have another opportunity to present it.

While I'm doing an overview, if I could get permission to call a staff member to the floor.

An Hon. Member: Agreed.

Mr. Mitchell: The purpose of the amendments of this bill is, first of all, some housekeeping measures in regards to some items contained, such as particular definitions. We'll talk a little more about them as we move through.

Secondly, it is to modernize the act and bring it up to date and mirror some other modern legislation that we have on the go.

Thirdly, it will also provide for some new measures towards cost recovery that we didn't have in the past.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: If we could have it read line by line, Chair, and then when we get into section 1 I have a question for you.

Chair: Can you introduce yourself for the record?

Jim Young Director: Sure. Jim Young, director of environment.

Chair: 1. Section 1 of the *Unsightly Property Act* R.S.P.E.I. 1988, Cap. U-5, is amended

(a) by the repeal of clause (b) and the substitution of the following:

(b) "dilapidated building or structure" includes a building or structure, with or without structural deficiencies, that by virtue of a broken window, torn roofing or other defects is in a condition of substantial disrepair.

Question, the hon. Leader of the Opposition.

Leader of the Opposition: I'm wondering if that paragraph is not too vague, in that a building can be in disrepair but it can have no broken windows, no torn roofing or other defects, but it's still unsightly. If there shouldn't be something added in there about no power or no infrastructure or services going into it.

Mr. Mitchell: Hon. member, if you flip ahead, you'll see under (g.1) that probably addresses your concern.

The reason for the change that was there, previously it said was structurally sound. Of course, this is difficult for our inspectors to determine, they're not engineers, they are inspectors. To use the words "structurally sound" was something that was probably out of their ability to do so. To call it a dilapidated building or structure gives them a little more leeway.

But to your point, (g.1) will probably address some of those concerns. If we can move ahead down there we can (Indistinct).

Leader of the Opposition: With that, then, that suggested paragraph, how was that compared to other provinces, like New Brunswick and Nova Scotia?

Mr. Mitchell: That's a great question.

Jim Young Director: I'm not 100% sure how it compares exactly with Nova Scotia's and how it lines up with that. We just found it very difficult from our inspector's perspective, as the minister has pointed out, that to determine whether something is structurally sound or not. It needed to be clear that they're not responsible to determine that sort of thing. It gives them more leeway to determine whether something is dilapidated or not.

Leader of the Opposition: I guess it might be a little bit late now, but I'd like to see the suggestion that we do reference it to a comparison. I'd be interested to know what the comparison between New Brunswick and Nova Scotia is.

Mr. Mitchell: You know what, that's a good point. We can take a look at that. I have absolutely no idea who – would it be an engineer that would go determine that in New Brunswick or Nova Scotia? It's possible. They do have a stronger workforce in some of those areas than we perhaps have the funds (Indistinct).

Leader of the Opposition: I'll tell you what I know. I know that from dealing with bylaws in the town of Borden-Carleton when I was up there, unsightly properties were a big thing. The definitions were really skeptical on how you think about it or something like that, or the interpretation. When I look at this one I almost see the same type of –

Mr. Mitchell: Your point is well taken. We receive calls, 20 or 25 a year, whether it's long grass maybe. Is that designated as a dilapidated? Or a piece of siding blowing off. We want to be reasonable, too, when you drive up the driveway, it's exactly right. To put them in a position that they're really not – they don't have the qualifications to determine – we're just trying to give the

flexibility that they require out of this particular clause.

Leader of the Opposition: Thank you.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you very much, Chair.

I have a couple of questions I'd like to ask and I don't know necessarily, Chair, it's up to you, but I'm going to move around a little bit. I don't need it clause by clause.

Mr. Mitchell: That's fine. If that's in agreement with the rest of the House, I'm quite fine with that as well.

Mr. Aylward: Thank you.

How would this bill pertain to government-owned properties that would fall under the *Unsightly Property Act*?

Mr. Mitchell: There'd be no reason to hold it to any different esteem than a regular type of property, in my opinion. If it falls within the government areas by the province. There are municipalities that do their own regulation. If it falls within the provincial territory, it'd be something that should be held to the same regard as all other properties.

Mr. Aylward: I guess the reason I bring that up, I recall just a couple of years ago there was some government buildings located out behind the Hillsborough Hospital where health records were being stored. If you could classify anything as an unsightly property, dilapidated, holes in the roof, holes in the walls, holes in the floor, etc., no heating source, to me are some of the worst case scenarios.

We also have other buildings that are government properties – be it old schools, old manors, and things like that – that are in some of our communities and they're being covered with graffiti, the windows are being broken, and things like that. I guess if we, as government, are going to hold property owners accountable, we have to lead by example.

There was discussion here today – I believe four times now the hon. Member from

Charlottetown-Brighton has brought up the Prince Edward Home which is on a very valuable piece of property adjacent to Victoria Point. It's not quite at the point yet where I don't think we'd classify it as an unsightly property, but I, myself, have concerns that – are there break-ins happening there? What's happening in that building? Those kind of things.

Mr. Mitchell: Your points have been well made. As I referenced at the beginning, the one in particular falls under the city of Charlottetown which they do have their own provision for dealing with unsightly properties. We receive calls, I'll say not continuously but quite often, about properties. That's the part that we deal with. The ownership or the maintenance of these properties, even though they're government properties, did not fall under my department of course. They are within another department. If there was a concern that went to the municipality that's in charge, I wouldn't necessarily know that they sent an order to the department that handles that type of thing for any kind of a cleanup. I wouldn't necessarily know that. But I would know the ones that we deal with in the other provincial locations and regions that we deal with.

Mr. Aylward: Thank you, minister.

My next question – and the minister –

Chair: Can you hang on?

I had the hon. Member from Charlottetown-Brighton.

Mr. Aylward: Certainly.

Mr. J. Brown: Thank you, Chair.

Actually, the minister has, I think, clarified. I just wanted to confirm that within the boundaries of Charlottetown there is a bylaw that supersedes this act at the municipal level.

Mr. Mitchell: Any municipality that handles their own unsightly premise bylaw, they take care of those issues.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you, Chair.

That leads into my next question with regards to municipalities. I know the town of Stratford not that long ago was having to deal with a couple of unsightly properties within the town limits, and they were having difficulty enforcing the bylaw because at that time the full context of the (Indistinct) law wasn't there to support them. I'm just wondering: Does this bill now enable municipalities, does it give them the full power to deal with unsightly properties, or would that also be rolled into the new municipalities act?

Mr. Mitchell: It would be covered, I suppose, under the municipality act. They can address and make changes within their own bylaw's provisions to change or modernize or do anything that they need to do within the municipality.

I just checked to make sure. We periodically talk to municipalities if they need some clarity in the provisions that they have or assistance like that, but we don't financially help them to do cleanups or anything of that nature. They are handled within the confines of their own municipality.

The municipal government act, though, gives them all the required powers to make their own bylaws. They'll be even strengthened a little more when we get the new act out if they do, in fact, don't have as much teeth as they need to.

Mr. Aylward: Thank you.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Thank you, Chair.

I just wanted to start on page 1. I think maybe the Leader of the Opposition may have clarified some of this.

In (g.1) you have that third description:

“(iii) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure is not maintained.”

It's a fairly subjective call there. I guess I'm worried that because it's a subjective call

there could be problems there. Someone might say: Look, that's the way I like to keep the exterior of my house, and just because my neighbour likes theirs blue and I like mine to be stuffed up and red, you know. I'm just wondering if you could comment on that.

Mr. Mitchell: We periodically get calls of that nature. We try our best to be totally objective, of course, when you're going on those types of calls. There could be various reasons. Maybe the homeowner is sick, is injured from work, or something along that line. Although I've asked some staff to drive out and check out the situation and talk to the people. Sometimes it's just that little nudge that they need to kind of do a little bit of a spit and a shine that makes their neighbour happy.

We've had some success, we've had some that didn't turn out as successful as the neighbour liked. These are ongoing things and we deal with them and try our best to work with that landowner if there is something we can do to help them out. Every situation is a little different, a little unique, and you try to be cognizant of what's going on within the family unit, too.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: This is a new section, though, that defines what unsightly building or structure means.

Mr. Mitchell: It is a whole new definition.

Mr. Trivers: Yes, (g.1) is.

Mr. Mitchell: Yeah.

Mr. Trivers: Right now you're able to do exactly what you just said. You may get a complaint from a neighbour. It is very subjective, but you can go out and say: If you just make this tweak or that tweak your neighbour will be happy and everyone can live together.

I'm wondering why you need to put that in legislation specifically there. Why do you need that extra legislative teeth to say: The exterior finish is not maintained up to the standard of the neighbouring properties?

Mr. Mitchell: I think it just offers some more flexibility, I think that's the goal that you're trying to achieve there.

Jim, do you have anything specific that you'd like to –

Jim Young Director: It's more to do – and you got to remember in most cases we'll get 20 complaints a year from unsightly properties. When we work with people, maybe after sending a letter as the minister said, go to visit, we're down to four cases that we're actually dealing with. We do not go and force ever, heavy-handed. This is usually difficult situations you're getting into where there may not be any landowner present on PEI to address it, and we're trying to find people to address those cases. It can be very difficult.

It just gives us a little bit more flexibility, but to say it will ever be used – it's been an issue in the past where siding has been ripped right off. It's still structurally sound, the windows are in, but there's maybe no siding on the side of the house or something like that. How do we (Indistinct)?

Mr. Mitchell: Quite often it's very easy to drive into an uninhabited place that the people have just abandoned, took off, it's come off the foundation, varmints are running in and out (Indistinct). Those are easy to identify. Boom, check mark. It's the other ones that you got to work with and –

Mr. Aylward: My neighbour is not cutting his lawn. Do you get those?

Mr. Mitchell: Something like that. We get that.

Jim Young Director: (Indistinct) but they take care of it.

Mr. Mitchell: The 1981 Taurus sitting in the driveway all rusty, we get those. You just try to encourage them to go and –

Mr. Aylward: Something wrong with my car?

Mr. Mitchell: Oh sorry, do you still have that one?

It's a bit of a kind of go and identify what the situation is, and then deal with it accordingly.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Just to be clear. Maybe it's because I don't understand how the process works. You need this in legislation to give your inspectors the teeth they need to be able to approach that person and say: Look, it says in the legislation, that's why I'm coming to you.

Mr. Mitchell: Yeah, have a look at what their situation is.

Mr. Trivers: Under the current legislation your inspectors don't feel they can actually approach some of these cases.

Jim Young Director: Correct.

Mr. Trivers: That's correct.

Jim Young Director: Yeah.

Mr. Trivers: That does lead me to my next question, Chair.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: In many of these cases, as you allude to, sometimes it's cosmetic, it's not necessarily structural. Even when it is, oftentimes in my opinion, the local neighbourhood, the local community, even wants to help fix it up. It's a tough situation because they don't have the mandate or the ability to do that.

I'm wondering if on page 2, sections 3.2 and 3.1, where you talk about that third case where you've got the – you've got the owner, you've got the occupier and then you've got: a person who caused or contributed to the unsightly condition of the property.

I'm wondering if that might actually open the door for the community to come in and be that person who caused or contributed to that unsightly condition and say: Look, we're partly responsible, we want to come in and we want to help fix this up.

Mr. Mitchell: It's not to address that, and that's not something that we really want to be in the middle of. If neighbours want to help their neighbour – I know they drive up the driveway and suggest to help.

Let's be frank here. We know that maybe some person's norm is not your norm or my norm, so they don't really see it until it's brought to their attention. Then, typically, most of the time they will address it quite easily.

This particular definition has been a problem, though, with this "occupier" because in some occasions there are individuals there that are rent-to-own. They don't own the property.

Mr. Trivers: Right.

Mr. Mitchell: They don't have the title to the land, but they are the problem. It ends up having to deal with the landowner who's not at fault. This gives us the ability to deal with the occupier –

Mr. Trivers: Right.

Mr. Mitchell: – whether they're a renter, a rent-to-owner or whatever their case is. It eliminates that issue of the landowner just kind of being alerted to an expense that he had nothing to do with them, right?

Mr. Trivers: I guess what I'm really curious about is that 3(1)(c): "a person who caused or contributed to the unsightly condition of the property."

Can you give a couple of examples of where that might come into play?

Mr. Mitchell: A rent-to-owner that's –

Mr. Trivers: A rent-to-owner would be an occupier, right?

Mr. Mitchell: Yeah.

Jim Young Director: It would have to – sorry, minister.

Mr. Mitchell: You go ahead.

Jim Young Director: Previously it just said those two pieces. We added the other piece in so we could deal with the rent-to-own. It

was never clear there. We ran into a few cases like that, legally, where we had to further define it. This is just a further extension.

Mr. Trivers: Pardon me if I'm not – so, you've got the owner of the property, which is very clear; the occupier of the property, which I thought would include rent-to-own folks.

Jim Young Director: It didn't.

Mr. Trivers: That does not include rent-to-own folks, okay. So a person who "caused or contributed to the unsightly condition of the property." This is someone who might not be occupying the property now, but they were there before –

Jim Young Director: Exactly.

Mr. Trivers: – it allows you to go after them.

Mr. Mitchell: They (Indistinct) or (Indistinct) whatever.

Chair: Do the members still want to go clause by clause?

Mr. Trivers: I have another question if you want to continue.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I'm looking at, on page 2, section 4(2), and you're amending the deletion of the words "on the second day" and substitution of the words "on the fifth day." The reason for that is in the act itself you talk about the: Order shall be served on the person to be notified by personal delivery to the person, or by posting the order by registered mail with postage prepaid. That sort of thing.

I'm wondering if you guys have considered expanding the ways in which the order can be served. Also, later on in the act it talks about notifying the minister when you're appealing, this sort of thing. I'm thinking of modernizing the act and bringing it up to speed with modern technology. Does it always have to be a letter that's sent in the mail? Or if it's in writing can it be an email?

Mr. Mitchell: Just as Jim mentioned earlier, we deal with about 20 or so, but after we do that we're down to three or four. It's not a significant number.

Mr. Trivers: Okay.

Mr. Mitchell: If (Indistinct) mailing system with a letter in the mail when we have all the addressing that we have through methods, it's probably as effective as any. There's probably times where we do use a registered one, but for the most part it gets the job done, pretty well.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I have to admit I'm surprised that you deal with such a few numbers, which is a testament to Islanders and how well they keep their properties, which is great. But I have talked to some of my colleagues and say they may have three or four even within their district that are difficult to deal with.

I was wondering: What's the average amount of time it takes, typically, to turn around an unsightly property?

Mr. Mitchell: I don't know specifically the ones you're referencing there –

Mr. Trivers: No.

Mr. Mitchell: – but if there are, indeed, any places or anything within anybody's district, just let us know.

I periodically get calls that come into the department. We go have a look. Depending on the urgency of it there is a process. Jim can address that, 30-day process, that by the time they go – 30 days for them to react, and then stage two of the process to do notify, and if they don't then there's also a process of posting for cleanup, if we have to do it. It's laid out how it works.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Thank you, Chair.

What happens if, in the case where a person, a notice is given and there's no reply

whatsoever, you can't get a hold of the guy, period? Nothing whatsoever?

Mr. Mitchell: We have a little fund there that we used to cleanup and we cleanup probably three a year.

Leader of the Opposition: Okay, you can't get a hold of them. Should they not add maybe a clause in there where – do you post it on the property?

Mr. Mitchell: Yes.

Jim Young Director: Yes.

Leader of the Opposition: You do post it on the property.

Mr. Mitchell: Yes. Part of this will give us this cost recovery part that we don't have now, on the case that you speak about, but even with cost recovery – and we can find out if it's not immediately, eventually, who it is, then we have some wheels to go and try and recover that cost which we don't have now.

Like I say, we probably do three to four. That's all the funds we have. These are typically \$7,000- \$8,000 cleanups.

Leader of the Opposition: Oh, it can be very expensive, with foundation with that (Indistinct) I understand that.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I just wanted to clarify. In an incorporated area, like a municipality, does the *Unightly Property Act* still apply or is it the responsibility, then, of the municipality to look after unsightly properties within their boundaries?

Mr. Mitchell: There are 20 municipalities that have their own unsightly bylaws in place, so they would take care of their own in those areas.

Out of 73, that's still 50 that don't have that that we need to become responsible for. As we move forward with other areas of restructuring and that there may be more taking on that role, and for very good reasons why you'd want to.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Under the new municipal governance act are you planning to make it mandatory for municipalities to have an unsightly properties bylaw?

Mr. Mitchell: No –

Mr. Trivers: Because to me that would seem a good reason –

Mr. Mitchell: I think that would become part –

Mr. Trivers: – for –

Mr. Mitchell: – of the –

Mr. Trivers: – incorporate it –

Mr. Mitchell: – transition naturally.

Mr. Trivers: Okay.

Mr. Mitchell: Other municipalities that have things in place like that will be part of models that we use to say: Here's what this community's doing, these are its effective points, and look at these, and we'll try to help you get there, that type of thing. As we're doing with all aspects of this regionalization piecework.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: I'm just thinking, with the size target you have for municipalities under the new municipal governance act, it would be something that I'd suggest you do consider. If you put that in legislation it could help a lot, that's all.

Mr. Mitchell: Your point's well taken, but as I referenced many times, we're not on any fast track for that.

Mr. Trivers: No.

Mr. Mitchell: That's a slow process. It'll take a while. This will help the ones that either have it in place, if they want use any of the things that we're doing that are different. I'm not saying there is or there isn't. This will certainly give us some more

abilities to do what we need to do as a province.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: Minister, you mentioned that these changes actually allow you to do better cost recovery. I'm wondering if you could just give a brief overview just for better understanding of how payment for cleanup actually does work of unsightly properties.

Mr. Mitchell: If we issue an order the owner cleans it up at their expense.

Mr. Trivers: Right, and if the owner doesn't?

Mr. Mitchell: If the owner doesn't or we can't get the owner to do it or we can't find them, we clean it up. We do a tender process from three, I believe, is what we get, to say: What's the cost of doing that? There was one in Hunter River –

Mr. Trivers: Yeah.

Mr. Mitchell: – done just last year there. You're familiar with that.

We get the best price to do the teardown, clean it all up, make it look good for the neighbours, and then we're done at that point.

Now we can continue on to try to recover some of our \$7,000 to \$8,000, which is the typical price of these, and to get that back into the coffers.

Chair: The hon. Member from Rustico-Emerald.

Mr. Trivers: With this new legislation in place, is there any retroactivity? You can go back to past projects and trying to do some cost recovery. Or is this just going forward?

Mr. Mitchell: We're just planning on going forward. Retroactivity would be challenging. This is just go forward within a positive direction for recovery.

Mr. Trivers: Thank you.

Mr. Mitchell: Thanks.

Chair: Shall the bill carry? Carried.

An Act to Amend the Unsightly Property Act.

Shall it carry? Carried.

Mr. Mitchell: 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. Mitchell: Mr. Chair, I move the Speaker take the chair and the Chair report the bill agreed to without amendment.

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intituled *An Act to Amend the Unsightly Property 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 Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Minister of Health and Wellness, that the 9th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: Order No. 9, *An Act to Amend the Registered Nurses Act*, Bill No.39, ordered for second reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Minister of Health and Wellness, that the said bill be now read a second time.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: *An Act to Amend the Registered Nurses Act*, Bill No.39, read a second time.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Minister of Health and Wellness, 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 now ask the hon. Member from Alberton-Roseville to chair this bill.

Chair (Murphy): The House is now in a Committee of the Whole House to take into consideration a bill to be intitled *An Act to Amend the Registered Nurses Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

Leader of the Opposition: Just give us an overview there, Chair.

Mr. Henderson: This is basically a bill to clarify the roles between nurse practitioners and RNs so they know which duties each one would be more responsible for. Right now the roles are little more murkier, I guess. It's just to clarify that.

Leader of the Opposition: Chair, where did these recommendations come from? Was this from the nurse practitioners as a whole?

Mr. Henderson: Exactly. We have talked to the nursing professions and they have requested more – in fact, I met with them this morning, the nurses' union.

Leader of the Opposition: They were onside with these?

Mr. Henderson: Yeah.

Chair: The hon. Member from Georgetown-St. Peters.

Mr. Myers: Can you give us a little explanation? You said it was murky. What was the murkiness in it?

Mr. Henderson: We really didn't have definitions that determined what nurse practitioners are. This basically repeals the definitions for the practice of a nurse practitioner and the practice of a registered nurse, to make them more open and ensure practice is not unduly restricted by an exclusive definition.

I do have a stranger that I could bring on –

Mr. Myers: That'd be great.

Mr. Henderson: – that maybe could clarify those roles a bit more specifically.

I'd like to ask Nichola to come forward.

Chair: Please state your name for the record.

Nichola Hewitt Solicitor: Nichola Hewitt, solicitor with the Department of Health and Wellness.

Chair: Thank you.

Mr. Henderson: Maybe, Nichola, you could explain it to the hon. Member from Georgetown-St. Peters.

Nichola Hewitt Solicitor: Sure. When we were drafting the regulations for licensed practical nurses under the *Regulated Health Professions Act* it became apparent to us that the *Registered Nurses Act* – the wording was quite vague and it wasn't clear, the roles of the nurses weren't clearly defined. Specifically, the activities they are authorized to perform.

For example, under regulated health they would be authorized to provide injections. They would be authorized to dress wounds. They would be authorized, perhaps, to set sutures, to apply a cast, and that kind of stuff, but none of that appears in the *Registered Nurses Act*. This amendment will allow us to specifically provide what activities they are authorized to perform so it's sort of more harmonious with the other professions.

Mr. Henderson: Didn't she do that so well?

Mr. Myers: Yes, she did. Thankfully she was here.

Mr. Henderson: Needed the help.

Mr. Myers: Just trying to get some clarity around this. All of these things you're talking about are in the regs, though? So we don't have legislation that dictates what the job description is –

Nichola Hewitt Solicitor: What the intent is is once we've got these new definitions in the act, then the regs will be updated so it will say: these are the following activities a nurse may perform and these are the following additional activities that a nurse practitioner may perform.

Mr. Myers: Okay.

Mr. Henderson: This is the legislation here.

Nichola Hewitt Solicitor: It will say: administer a substance by inhalation, irrigation, nasally, optically, you know? It will be very specific what they are authorized to do because right now, really, when you read it you really don't know.

Mr. Myers: No.

Nichola Hewitt Solicitor: It will be consistent. This will bring us consistent with the other provinces that are under umbrella-type legislation. I think it will be consistent with BC, Alberta, Ontario, Quebec, Nova Scotia, Newfoundland – it will be more in keeping with – and that helps labour mobility too, right? So when somebody is transitioning, a nurse in BC will know what she is going to be authorized to perform if she transfers to PEI.

Mr. Myers: Okay. Just another quick question, then. Back a couple of years ago the scope of practice changed for all of the people in the system. Is that what happened through your regs? More people in different positions weren't able to do types of activities like giving needles and that type of thing.

Mr. Henderson: That was more LPNs and RNs and –

Mr. Myers: Yeah, but that falls into line with bringing this in line and making it line up so you can change your regs more easily. Do we anticipate another change in that? Is that what this is about?

Nichola Hewitt Solicitor: Is what, sorry?

Mr. Myers: Is this about being able to make those changes easier?

Nichola Hewitt Solicitor: It's just about – well, yeah, basically, because we're going to be consulting – going out to consult with the medical community just to make sure everybody's in agreement that these are the roles and responsibilities. Typically that type of stuff is spelt out in regulations. If you look across the country those are primarily in regulations.

Mr. Myers: So would we anticipate another change in the scope of practice of people working in the system?

Nichola Hewitt Solicitor: Not to my knowledge.

Mr. Henderson: Not immediately.

Nichola Hewitt Solicitor: Not to my knowledge.

Mr. Henderson: But who knows, as technology and things like that evolve. I mean, there could be changes. Medical procedures change, but right now nothing.

Nichola Hewitt Solicitor: Your scope and you're reserved to activities are limited by your training and education, right?

Mr. Myers: Right.

Nichola Hewitt Solicitor: So the minister's right. As new procedures develop, then your training and education will change and your scope will change. One example was in 2012 the federal government under the *Controlled Drugs and Substances Act* allowed nurse practitioners to prescribe narcotics. Before our nurse practitioners could prescribe narcotics they had to get the training and education in order to do that. That is one example of, down the road, will it change? Probably, but right now I am not aware of anything on the horizon.

Mr. Myers: Okay. I guess the reason I ask is both of you will be well aware that it costs (Indistinct) inside the system when it happened last time the duties were changing and there's less nurses in the system now than there was or RNs, registered nurses.

There was concern at the time, I recall, because we talked about it in the Legislature here so it has been since I was elected – about the change in the scope of practice and whether or not it would have impact on patient safety and those types of things.

Mr. Henderson: Yeah that's ultimately why we would have to do these things. Once again it is about patient safety and making sure that the patients are getting and allowing some of these professions to fulfill their full scope of practice as per their training, but I will take a little bit of a point, though, as far as RNs.

There's actually more RNs in the system. We do have some vacancies, but there are more RNs in the system now than there has been. But it is still about redefining those roles. That was part of the discussion with the nurses' union today, is that they feel pretty comfortable with the way we're going and they are taking on more roles and responsibilities. They are giving up some on the other end to maybe LPNs or as the system goes. But ultimately it is about more requirement delivering all of the services that we need to have administered and delivered here in the province.

Mr. Myers: Right. I guess just on the RN openings that you have, I don't think there's probably any shortage. I noticed a couple things that government does a really good job of. They post a nurse's position, makes sure it runs in the Saturday paper, and it gets cancelled on Monday. I've worked in government. I've seen the cancellation come through so it looks really good and then it allows you to say: We cancelled the positions and there's a shortage and not enough.

But if you talk to people in the system – and I'm sure that you have because you live in a rural area like I do where people spend a lot of time talking about their problems, which is great – you'll hear that there's a lot of 40% and some of them don't fit well to some – like, we have young people coming out and they're like: I have to go somewhere because I have this big student loan, I need to go to a place where I can have a full-time job and a 40% really doesn't cut it.

Mr. Henderson: That's a legitimate issue. That was part of the discussion today with

Mona O'Shea and the nurses' union. What's the right balance in how classified and the durations of these positions?

I've met and spoke with the UPEI graduating nurses and you get a bit of mixed message. Some like 80% positions, some like 100% positions. Within the system you need a fair bit of flexibility just in case there are people who get sick, there are maternity leaves, all those types of challenges. Ultimately, nurses are finding work. There's not a problem with finding work and getting pretty well all the work that they want, but we do have those little challenges of trying to find that right balance to how many positions should be full-time, how many should be part-time, and how that all works and evolves.

It's just something that we're working on and the nurses' union have given us some good feedback on what they would like to see. We're going to be looking at that and see if we can implement that in the department. But I think you could talk to different nurses and you might get a different opinion on what they think is the most appropriate. I'm saying I've had that mixed message from even the graduating classes.

Mr. Myers: Yeah, and I think that's probably a fair assessment from what I've heard as well.

I guess my question now would be: Is the nurses' union on board with this change?

Mr. Henderson: To my knowledge they are, yeah.

Nichola Hewitt Solicitor: We've not had any objections.

Mr. Myers: So did you consult it with them?

Nichola Hewitt Solicitor: Yes.

Mr. Henderson: I met with them this morning.

Chair: We have a question from the – sorry, go ahead.

Nichola Hewitt Solicitor: Sorry. We consulted with the association, the ARNPEI, as well, which is the regulator.

Chair: The hon. Minister of Workforce and Advanced Learning.

Mr. R. Brown: Thank you, Chair.

The Member from Georgetown-St. Peters indicated the advertisements in the paper and that. All the government external jobs are now posted on the Work PEI site so any nurses out there, any graduating nurses or student nurses, can register with Work PEI now and they'll be seeing all of the nurses jobs that are coming up and getting notice of them.

It's just another good move forward for the Department of Workforce and Advanced Learning.

Chair: The hon. Member from Georgetown-St. Peters.

Mr. Myers: That's great because CBC has a story up right now that says we have the highest unemployment we've ever had in the last 10 years. We certainly need to get people to work and –

Some Hon. Members: (Indistinct).

Ms. Biggar: Do you believe everything they say?

Some Hon. Members: (Indistinct).

Mr. Myers: If there's anything I can do to help you, I'll help you, but I've been trying to give you advice for five years and none of you seem to want to take it.

Chair: Shall it carry? Carried.

Mr. Henderson: I move the title.

Chair: *An Act to Amend the Registered Nurses Act.*

Shall it carry? Carried.

Mr. Henderson: 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. Henderson: Mr. Chair, I move the Speaker take the chair and the Chair report the bill agreed to without amendment.

Shall it carry? Carried.

Chair: Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intituled *An Act to Amend the Registered Nurses 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.

Mr. Murphy: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the hon. Minister of Health and Wellness, that the 7th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: Order No. 7, *An Act to Amend the Tobacco and Electronic Smoking Devices Sales and Access Act*, Bill No.37, ordered for second reading.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Minister of Health and Wellness, that the said bill be now read a second time.

Speaker: Shall it carry? Carried.

Clerk Assistant and Clerk of Committees: *An Act to Amend the Tobacco and Electronic Smoking Device Sales and Access Act*, Bill No. 37, read a second time.

Speaker: The hon. Minister of Agriculture and Fisheries.

Mr. McIsaac: Mr. Speaker, I move, seconded by the Honourable Minister of

Health and Wellness, 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 will ask the hon. Member from Tignish-Palmer Road to Chair the bill.

Chair (Perry): The House is now in a Committee of the Whole House to take into consideration a bill to be intitled *An Act to Amend the Tobacco and Electronic Smoking Devices Sales and Access Act*. Is it the pleasure of the committee that the bill be now read clause by clause?

Mr. Aylward: Chair, if we could just have an overview, please?

Mr. Henderson: Ultimately, this is just about a bill to change the fine structure, that we increase the fines for individuals who sell tobacco products to minors or sell them illegally or things of that nature, so we're significantly increasing the fines. I think it goes from \$250 to a \$2,000 offence.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: Question I would have to ask is: How many fines have been written in the past?

Mr. Henderson: I think you'd probably have to ask my stranger Nichola to come forward –

Ms. Biggar: Stranger (Indistinct).

Mr. Henderson: She's not a stranger, but technically she is.

Nichola Hewitt Legislative Specialist: Nichola Hewitt, solicitor to the Department of Health and Wellness.

Leader of the Opposition: So the question is: How many fines have been laid in the past?

Nichola Hewitt Legislative Specialist: Can I just restate something here? The first offence fine was always \$2,000. What we've done is we've inserted a minimum fine of \$250. That's the change. And we've inserted a minimum fine of \$500 for a second and

subsequent offence. We've put in minimums, that's what we've done.

I spoke with the chief public health officer this afternoon and, to the best of her knowledge, there have been more than five fines in the last five years, so it's not like a very frequently –

An Hon. Member: Call the hour.

An Hon. Member: No.

Mr. Aylward: Let's finish this bill.

Chair: Does the House wish to continue with this bill?

Some Hon. Members: Yes.

Leader of the Opposition: Okay, so we're putting in a minimum that's never been there before.

Nichola Hewitt Legislative Specialist: That's all we're doing is putting in two minimums: a minimum \$250 for the first offence, and a minimum of \$500 for the second and subsequent offence.

Leader of the Opposition: How many enforcement officers do we have that are actually enforcing this (Indistinct)?

Nichola Hewitt Legislative Specialist: I believe there are two or three. Two for sure, possibly a third.

Leader of the Opposition: Carry the bill.

Mr. Aylward: I have a question.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: Thank you very much.

These fines, they just go into general revenue for the province?

Nichola Hewitt Legislative Specialist: Yes.

Mr. Aylward: Would there ever be any consideration by government to maybe defer these fines to an organization such as the Canadian Cancer Society that could advocate and help with the smoking cessation programs?

Mr. Henderson: We are working on some smoking cessation programs. Hopefully it will be announced in the near future. But, I mean, I would also say the cancer society does get funding from our department.

An Hon. Member: That's a very good idea.

Mr. Henderson: (Indistinct) take that under consideration.

Chair: The hon. Member from Stratford-Kinlock.

Mr. Aylward: One last question. If an inspector goes into a retail outlet and observes a –

Nichola Hewitt Legislative Specialist: They send secret shoppers in.

Mr. Aylward: Okay, a secret shopper goes into a retail operation and witnesses a tobacco product being sold to a minor. Is it strictly that employee that's liable or the owner of the retail operation? Are they liable as well?

Nichola Hewitt Legislative Specialist: It's the operator of the facility.

Mr. Aylward: It's the licensee holder of the (Indistinct).

Nichola Hewitt Legislative Specialist: They are held responsible to train their employees, and the department has worked with them to develop policies and training programs.

Mr. Aylward: Perfect.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: I'm very familiar with that.

Chair: Shall it carry?

Leader of the Opposition: No. Question.

Chair: The hon. Leader of the Opposition.

Leader of the Opposition: With that, it's always been a bone of contention with me that the store owner – and the hon. member over there know the same thing, that the – how much discretion is used here? Because

me as a retailer in the past, I spent over, I think it was, \$10,000 to put software in place to ensure that any type of tobacco product was prompted before the sale was done. We then trained the staff and had them sign a policy book that they were not allowed to sell to minors, and they had to check the age under a required limit. I think it was 25.

The storeowner, as you would know, does everything they can to protect themselves but not have that done, but yet what happens is a minor will come in, knows the staff member, and they're caught, or that circumstance.

Why are we not holding –

An Hon. Member: Then they get fired.

Leader of the Opposition: You try that with human rights.

You see where I'm going with that?

Nichola Hewitt Legislative Specialist: Yes. Section 8 of the act provides that every person who contravenes a portion of this act. So it would be the person who was selling it. It would be the employee.

Ryan Neale was here when we passed the amendment last time, when we added e-cigarettes, electronic smoking devices. He indicated to the House at that time that they had adopted a policy of some kind of guidelines that they took from one of the other Maritime Provinces and that they've been working with their operators. I think we had that discussion with you, yeah.

Leader of the Opposition: That addresses that, yeah, that's great.

Nichola Hewitt Legislative Specialist: But it is every person, so it's not just the owners that are held responsible.

Leader of the Opposition: Thank you.

Chair: Shall it carry? Carried.

Mr. Henderson: I move the title.

Chair: *An Act to Amend the Tobacco and Electronic Smoking Device Sales and Access Act.*

Mr. Henderson: 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. Henderson: Mr. Chair, I move the Speaker take the chair and the Chair report the bill agreed to without amendment.

Chair: Shall it carry? Carried.

Mr. Speaker, as Chair of a Committee of the Whole House, having had under consideration a bill to be intituled *An Act to Amend the Tobacco and Electronic Smoking Device Sales and Access 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. Member from Evangeline-Miscouche.

Mr. Gallant: Thank you, Mr. Speaker.

I move, seconded by the hon. Member from Summerside-Wilmot, that this House adjourn until Thursday, November 24th, at 2:00 p.m.

Speaker: Shall it carry? Carried.

Have a good evening.

The Legislature adjourned until tomorrow, Thursday, at 2:00 p.m.